

Council Meeting

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

Minutes

Carl Cowie
Chief Executive Officer

Friday 28 May 2021

Distribution: Public

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

Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 25 May 2021.
The meeting commenced at 7.00pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Acknowledgement of Country

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

Nillumbik Shire Council acknowledges the Wurundjeri Woi Wurrung 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 First Nations people present.

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Richard Stockman.

4. Prayer

A prayer was read by Fr. Steven Rigo, Parish Priest, Sacred Heart Parish, Diamond Creek; St Mary's Parish, Greensborough; St Thomas Parish, North Greensborough.

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 27 April 2021.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

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*.

CARRIED UNANIMOUSLY

7. Apologies

An apology was received from Cr Natalie Duffy.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Ben Ramcharan

That Cr Natalie Duffy's apology be noted.

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Mayor Cr Peter Perkins disclosed a general conflict of interest in CM.078/21 – Contract 2021 – 059 – Essential Safety Measures and Auditing – Council Facilities because he is employed by the parent company of one of the tenderers.

9. Petitions

Nil

10. Questions from the gallery

Gila Schnapp asked the following questions:

Question 1

Why was there not a separate engagement process whereby the new Municipal Planning Strategy was exhibited and submissions called for?

Response 1

The new Municipal Planning Strategy (MPS) will be prepared with alignment to a community engagement program that will be undertaken later this year.

Question 2

Can the public be heard on this new Strategy prior to its adoption in June 2021?

Response 2

Early community engagement on the MPS has been integrated with the 'Our People Our Place Our Future' work. Outcomes of the OPOPOF survey report along with the outcomes of the survey for the Climate Action Plan will form the basis for the draft that will be subject to consultation to be undertaken in August – October 2021.

A proposed amendment to Planning Scheme to implement a new MPS is anticipated in late 2021 / early 2022 where the amendment would be subject to full exhibition and notification (re-consultation).

Esther Caspi asked the following questions:

Question 1

In the draft revenue and rating plan currently on exhibition for submissions (due 30th May), there is the definition 'other land' under differential rates (p.4). 'Other land' however is not included in the proposed rating system- Type or class of land Rate in the dollar (p.5). Does Council have another agenda for this land, which I understand is all unoccupied, vacant land in all rural and conservation zones?

Response 1

No Esther, Council does not have another agenda for this land, the differential rating structure is as per the draft budget document.

Question 2

As the adoption of the new Community Engagement Policy coincided with 'Our People, Our Place, Our Future' could there please be further public consultation to inform and modify both the Council Plan and the new Municipal Planning Strategy prior to both drafts being exhibited, which I understand the MPS is replacing Nillumbik's current Municipal Strategic Statement MSS which refers to Nillumbik Council's Local planning scheme?

Response 2

Early community engagement on the MPS was integrated with the 'Our People Our Place Our Future' work. Outcomes of the OPOPOF survey report along with the outcomes of the survey for the Climate Action Plan will form the basis for the draft that will be subject to consultation to be undertaken in August – October 2021. No additional consultation is proposed to be undertaken between the recently completed Our People, Our Place, Our Future engagement, the Climate Action Plan engagement and the draft MPS.

A proposed amendment to Planning Scheme to implement a new MPS is anticipated in late 2021 / early 2022 where the amendment would be subject to full exhibition and notification (re-consultation), providing an additional round of consultation to the aforementioned engagement being undertaken to inform the amendment.

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.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

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

CARRIED UNANIMOUSLY

12. Reports of Special Committees

Nil

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

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Ben Ramcharan

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.

CARRIED UNANIMOUSLY

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 murrong) 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.

Council Resolution

MOVED: Cr Ben Ramcharan**SECONDED: Cr Frances Eyre**

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

CARRIED UNANIMOUSLY

13. Officers' reports

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.

13. Officers' reports

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

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

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.

13. Officers' reports

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

IV. Other Land

Any land which is not:

- Farm Land
- 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).

13. Officers' reports

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

5. Annual Service Charge

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

13. Officers' reports

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

- 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.

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.

13. Officers' reports

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

- 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.

CARRIED UNANIMOUSLY

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**.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Ben Ramcharan

That Council notes the minutes of the Audit and Risk Committee meeting held on 12 May 2021 **Attachment 1**.

CARRIED UNANIMOUSLY

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.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

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*.

CARRIED UNANIMOUSLY

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.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Ben Ramcharan

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

CARRIED UNANIMOUSLY

13. Officers' reports

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.

Council Resolution

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

CARRIED UNANIMOUSLY

13. Officers' reports

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

Distribution: Public

Manager: Katia Croce, Governance Lead

Author: Emma Christensen, Senior Governance Officer

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) require 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.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Frances Eyre

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

CARRIED UNANIMOUSLY

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.

Council Resolution

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

CARRIED UNANIMOUSLY

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
 Narelle Hart, Manager Community Programs**

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

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council:

1. Endorses all 13 nominees Diana Warrell, Rhonda Bain, Rhyllie De Graaf, Neville Coult, Aisling McCabe, David O'Connor, Laura Black, Alison Stanyer, Neil Allen, Helen Ryan, Inbar Niv, Lorna Macrae and Ned Wilson 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.

CARRIED UNANIMOUSLY

Mayor Cr Peter Perkins declared a direct General conflict of interest in CM.078/21 Tender Report - Contract 2021-059 Essential Safety Measures & Auditing - Council Facilities because he is employed by the parent company of one of the tenderers.

Mayor Cr Peter Perkins temporarily left the meeting prior to consideration of this item at 7:52pm.

Deputy Mayor, Cr Frances Eyre assumed the Chair

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.

13. Officers' reports

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

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*.
7. Resolves that the preferred tenderer be named.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Geoff Paine

That Council:

1. Accept the tender submitted by the preferred tenderer **Essential Safety Solutions (Aust) Pty Ltd** 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*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

Mayor Cr Peter Perkins returned to the meeting at the conclusion of this item at 7:56pm and assumed the Chair.

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 \$[Redacted] 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*.
7. Resolves that the preferred tenderer be named.

13. Officers' reports

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

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Karen Egan

That Council:

1. Accept the tender submitted by the **preferred tenderer Banyule City Council** for the sum of \$217,500 exl GST 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*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

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.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Karen Egan

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.

CARRIED UNANIMOUSLY

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

MOVED: Cr Ben Ramcharan
SECONDED: Cr Richard Stockman

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.

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

Council Resolution

MOVED: Cr Ben Ramcharan
SECONDED: Cr Richard Stockman

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.

CARRIED UNANIMOUSLY

15. Delegates' Reports

Nil

16. Supplementary and urgent business

Nil

17. Confidential reports

18. Close of Meeting

The meeting closed at 8:06pm.

Confirmed: _____
Cr Peter Perkins, Mayor