

# Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 27 July 2021 commencing at 7:00pm.

## Agenda

**Carl Cowie**  
**Chief Executive Officer**

Thursday 22 July 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**  
Sugarloaf Ward

**Cr Frances Eyre (Deputy Mayor)**  
Swipers Gully Ward

**Cr Geoff Paine**  
Wingrove Ward

## Nillumbik Shire Council

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**Council Meeting Agenda**

**27 July 2021**

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## **Nillumbik Shire Council**

### **Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 27 July 2021 commencing at 7:00pm**

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#### **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 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**

As Councillors, we are mindful of our civic responsibilities and obligations. We pledge to take them seriously, and to carry them out with diligence and integrity.

We know the decisions we take will affect the people and environment of Nillumbik, now and in the future. We undertake, therefore, to make sound and principled decisions of lasting value, in a spirit of fairness and for the good of all.

We also pledge to serve the needs and wellbeing of the community and the environment, in an open and honest manner and to the best of our abilities.

#### **4. Prayer**

A prayer will be read.

#### **5. Apologies**

##### **Recommendation**

**That** the apologies be noted.

#### **6. Presentations**

#### **7. Confirmation of minutes**

Confirmation of minutes of the Council Meeting held on Tuesday 29 June 2021.

##### **Recommendation**

**That** the minutes of the Council Meeting held on Tuesday 29 June 2021 be confirmed (**Attachment 1**).

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**8. Disclosure of conflicts of interest**

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

**9. Petitions**

Nil

**10. Questions from the gallery**

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11. Reports of Advisory Committees

AC.009/21 Advisory Committee Report - 27 July 2021

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**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 28 April 2021;
2. Youth Council Formal Advisory Committee Meeting held 7 June 2021; and
3. Panton Hill Bushland Reserve System User Group Advisory Committee Meeting held 17 June 2021.

**Attachments**

1. Advisory Committee Minutes reported 27 July 2021

**Recommendation**

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

**11. Reports of Advisory Committees**

**AC.009/21      Advisory Committee Report - 27 July 2021**

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**12. Officers' reports****CM.099/21 Draft Community Vision - Nillumbik 2040**

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

This report presents the Draft Community Vision – Nillumbik 2040 (the Draft Community Vision) for approval prior to exhibition for public consultation.

The Draft Community Vision (**Attachment 1**) is a requirement under section 88 of the *Local Government Act 2020* (the Act) and must be adopted by 31 October 2021. The document seeks to capture the essence of what is most valued about our community and the Shire, reflecting the collective aspirations of our community.

The information and community feedback gathered through the Our People, Our Place, Our Future community engagement program undertaken in February and March of this year has helped inform the development of the Draft Community Vision.

The Draft Community Vision will be used to inform future Council strategic planning, budgeting, service delivery and advocacy to ensure Council is acting in the best interests of the community, and is advocating to all levels of government and agencies.

As detailed in this report, community consultation is due to commence on 29 July 2021 through to 26 August 2021. Public submissions will close on 26 August 2021 and will be considered by the Planning and Consultation Committee on 14 September 2021. The finalised Community Vision – Nillumbik 2040 is due to be adopted at the Council Meeting on 26 October 2021.

<b>Recommendation</b>
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**That Council:**

1. Endorses the Draft Community Vision – Nillumbik 2040 (**Attachment 1**) for the purposes of public exhibition.
2. Invites written submissions on the Draft Community Vision – Nillumbik 2040 to Council by 26 August 2021.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 September 2021.
4. Notes that any person who makes a written submission in relation to the Draft Community Vision – Nillumbik 2040 and requests to be heard in support of the written submission, be heard at the September 2021 Planning and Consultation Committee meeting.

**Attachments**

1. Draft Community Vision - Nillumbik 2040

**12. Officers' reports****CM.099/21 Draft Community Vision - Nillumbik 2040**

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**Discussion**

1. The *Local Government Act 2020* (section 88) requires that a Council must develop, maintain and review a community vision with its community. A community vision should have an outlook of at least 10 years and describes the community's aspirations for the future of the Shire.
2. Council has developed a draft community vision, Community Vision – Nillumbik 2040, which is required under the Act to be adopted by 31 October 2021.
3. The Draft Community Vision has been informed by feedback gathered through the Our People, Our Place, Our Future community engagement program undertaken in February and March 2021. The findings of this community engagement are outlined the corresponding summary report which was presented to Council at the May 2021 Council Meeting. The document has also been developed through a series of workshops with Councillors.
4. The Draft Community Vision is presented across the four themes of:
  - Our People
  - Our Place
  - Our Future
  - Our Council
5. Each of these themes include aspirations, that expand on identified priority areas from the findings of the Our People, Our Place, Our Future community engagement. The aspiration statements are presented in the document alongside direct quotes from Our People, Our Place, Our Future participants, which reflect the community sentiment received from this engagement initiative.
6. Once adopted, the Draft Community Vision will form part of Council's strategic planning framework to ensure the community's long-term vision for the Shire is considered in Council's planning and decision making. The Draft Community Vision has already helped shape the Draft Council Plan 2021-2025. The public exhibition and consultation of the Draft Community Vision will run concurrently with the Draft Council Plan 2021-2025 and Draft Financial Plan 2021-2031.
7. A full graphic designed version of the Community Vision – Nillumbik 2040 will be prepared after the public consultation process is completed and the final document is confirmed and adopted by Council.

**Related Council decisions**

8. At the August 2019 Council Meeting, Council endorsed the project approach for a community vision document (then referred to as a Shire Plan).
9. In following this approach, a Research Paper was adopted at the December 2019 Council Meeting. This research paper provided a high-level overview of the issues and trends likely to impact Nillumbik in the future.

**12. Officers' reports**

**CM.099/21 Draft Community Vision - Nillumbik 2040**

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10. A Background Paper was then prepared and adopted by Council at the June 2020 Council Meeting. Building on the data and feedback gathered through the research and workshop processes, the paper explored the key challenges and opportunities for Nillumbik towards 2040.
11. At the February 2021 Future Nillumbik Committee Meeting, the Committee (under delegation from Council) endorsed the Our People, Our Place, Our Future community engagement program. This program was a major input into the development of a Draft Community Vision. At the conclusion of this program the Our People, Our Place, Our Future Summary Report was presented to the May 2021 Council Meeting.

**Council plans and policies**

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

**Options**

13. Endorse the Draft Community Vision – Nillumbik 2040 for public exhibition.

**Sustainability implications**

14. One of the four themes of the Draft Community Vision is 'Our Future'. This section includes sustainability, identifying it as a key focus area for the Shire over the next 20 years.

**Community engagement**

15. Through the Our People, Our Place, Our Future community engagement program that occurred in February and March 2021, feedback was received which helped inform the development of the Draft Community Vision. The Draft Community Vision has also been developed through a series of workshops with Councillors.
16. The Draft Community Vision is subject to public consultation prior to its final adoption by Council. Once the Draft Community Vision is endorsed by Council, it will be placed on public exhibition for a four week period (from 29 July –26 August) to provide the community an opportunity to provide feedback.
17. During this time, community members may make submissions to the Draft Community Vision and have the opportunity to speak to their submission at the Planning and Consultation Committee meeting in September 2021. The Draft Community Vision will be available for inspection at the Civic Centre and on Council's website (including the Participate Nillumbik page). Following the consideration of the submissions received, the Draft Community Vision will then be presented for adoption at the Council Meeting in October 2021.

**Innovation and continuous improvement**

18. Opportunities for innovation and continuous improvement will be identified through the achievement of the Community Vision, through various Council plans and strategies.

**Collaboration**

19. Partnerships and collaboration play an integral role in achieving the Draft Community Vision. Council will continue to work with other levels of government, agencies and the community in order to achieve the strategies within the plan.

**12. Officers' reports**

**CM.099/21 Draft Community Vision - Nillumbik 2040**

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20. Members of Council's Advisory Committees were invited to participate in reviewing the Draft Community Vision prior to the draft being finalised for public exhibition and consultation. Around one-third of this membership group attended one of three workshops to review and provided feedback on the document.

**Budget implications**

21. The Draft Community Vision is a high-level strategic document and does not make specific budget commitments.
22. The cost of preparing and exhibiting the Draft Community Vision is met from the operating budget.

**Relevant law**

23. Section 88 of the *Local Government Act 2020* applies to the development and adoption of a community vision.

**Regional, state and national plans and policies**

24. Not applicable.

**Conflicts of interest**

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

**Regional, state and national plans and policies**

26. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports****CM.100/21 Draft Council Plan 2021-2025****Distribution: Public****Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Yasmin Green, Strategy and Policy Advisor****Summary**

This report presents the Draft Council Plan 2021-2025 (the Draft Plan) for approval prior to exhibition for public consultation.

The Council Plan is the Council's primary strategic document for its four year term. The Draft Council Plan (**Attachment 1**) is a requirement under section 90 of the *Local Government Act 2020* (the Act) and must be adopted by 31 October 2021.

The Draft Council Plan identifies Council's objectives and strategies, along with indicators to monitor the achievement of the objectives and strategies. The information and community feedback gathered through the Our People, Our Place, Our Future community engagement program undertaken in February and March of this year has helped inform the development of the Plan. As required by the Act, the Council Plan also aligns with the draft Community Vision – Nillumbik 2040 document.

As detailed in this report, community consultation is due to commence on 29 July 2021 through to 26 August 2021. Public submissions will close on 26 August 2021 and will be considered by the Planning and Consultation Committee on 14 September 2021. The finalised Council Plan is due to be adopted at the Council Meeting on 26 October 2021.

**Recommendation****That Council:**

1. Endorses the Draft Council Plan 2021-2025 (**Attachment 1**) for the purposes of public exhibition.
2. Invites written submissions on the Draft Council Plan to Council by 26 August 2021.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 September 2021.
4. Notes that any person who makes a written submission in relation to the Draft Council Plan 2021-2025 and requests to be heard in support of the written submission, be heard at the September 2021 Planning and Consultation Committee meeting.

**Attachments**

1. Draft Council Plan 2021-2025

**12. Officers' reports**

**CM.100/21 Draft Council Plan 2021-2025**

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**Discussion**

1. The *Local Government Act 2020* (section 90) requires all Victorian councils to prepare a Council Plan for its four year term, and to complete this by 31 October in the year following a general election. The Council Plan must describe how the Council will work towards its community vision during its four-year term.
2. The information and community feedback gathered through the Our People, Our Place, Our Future community engagement program undertaken in February and March of this year has helped inform the development of the Draft Plan. The Draft Plan has also been developed through a series of workshops with Councillors.
3. The Draft Council Plan 2021-2025 identifies four themes for Nillumbik which are:
  - Community and connection
  - Place and space
  - Sustainable and resilient
  - Responsible and accountable.
4. An objective, a set of strategies and strategic indicators are included under each theme. Council services and key strategy and planning documents have also been included to show their alignment with the Draft Plan.
5. Council will operationalise the Council Plan annually through an Annual Action Plan, which will detail the specific actions committed to delivering each year to achieve the objectives and strategies across the four years. A progress report will be presented to Council and the community quarterly, and in the Annual Report at the end of each financial year.
6. A full graphic designed version of the Council Plan will be prepared after the public consultation process is completed and the final plan is confirmed and adopted by Council.
7. The preparation of the Draft Council Plan 2021-2025 is a key milestone for Council. It provides overall strategic direction for the Council's four year term. It is recommended that Council approve the Draft Plan for the purposes of community consultation.

**Related Council decisions**

8. Not applicable.

**Options**

9. Endorse the Draft Council Plan 2021-2025 for public exhibition.

**Council plans and policies**

10. 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**

11. One of the four themes of the Draft Council Plan includes sustainability, identifying it as a key focus area for Council across the duration of the Draft Plan.

**12. Officers' reports**

**CM.100/21 Draft Council Plan 2021-2025**

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**Community engagement**

12. Through the Our People, Our Place, Our Future community engagement program that occurred in February and March 2021, feedback was received which helped inform the development of the Draft Plan. The Draft Plan has also been developed through a series of workshops with Councillors.
13. The Draft Plan is subject to public consultation prior to its final adoption by Council. Once the Draft Plan is endorsed by Council, it will be placed on public exhibition for a four week period (from 29 July –26 August) to provide the community an opportunity to provide feedback.
14. During this time, community members may make submissions to the Draft Plan and have the opportunity to speak to their submission at the Planning and Consultation Committee meeting in September 2021. The Draft Plan will be available for inspection at the Civic Centre and on Council's website (including the Participate Nillumbik page). Following the consideration of the submissions received, the Draft Plan will then be presented for adoption at the Council Meeting in October 2021.

**Innovation and continuous improvement**

15. Opportunities for innovation and continuous improvement will be identified through the implementation of the Council Plan.

**Collaboration**

16. Partnerships and collaboration play an integral role in the implementation of the Draft Council Plan. Council will continue to work with other levels of government, agencies and the community in order to achieve the strategies within the plan.
17. Members of Council's Advisory Committees were invited to participate in reviewing the Draft Plan prior to the draft being finalised for public exhibition and consultation. Around one-third of this membership group attended one of three workshops to review and provided feedback on the plan.

**Budget implications**

18. The Draft Council Plan is a high-level strategic document and does not make specific budget commitments.
19. Each year, in line with the budget process, Council will produce an Annual Action Plan identifying how Council will work towards achieving the objectives and strategies of the Council Plan. Council priorities, strategies and plans, major projects, capital works, service improvements as well as other actions will be set out in the Annual Action Plan.
20. The cost of preparing and exhibiting the Draft Council Plan is met from the operating budget.

**Relevant law**

21. Section 90 of the *Local Government Act 2020* applies to the development and adoption of the Council Plan.

**Regional, state and national plans and policies**

21. Not applicable.

**12. Officers' reports**

**CM.100/21      Draft Council Plan 2021-2025**

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**Conflicts of interest**

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

**12. Officers' reports****CM.101/21      Draft Financial Plan 2021-2031****Distribution:    Public****Manager:        Vince Lombardi, Chief Financial Officer****Author:         Melika Sukunda, Finance Manager****Summary**

This report presents the Draft Financial Plan 2021-2031 (the Draft Plan) for Council approval prior to exhibition for public consultation. The Draft Financial Plan 2021-2031 is a requirement under section 91 of the *Local Government Act 2020* (the Act) and must be adopted by 31 October 2021.

The purpose of the Draft Plan is to demonstrate Council's financial sustainability in order to fund the aspirations of the Community Vision and the Council Plan.

This Draft Plan has been prepared in compliance with the *Local Government Act 2020*, the Department of Jobs, Precincts and Regions Financial Plan Better Practice Guide and Model and the Australian Accounting Standards Board standards.

The information and community feedback gathered through the Our People, Our Place, Our Future community engagement program has been considered throughout the development of the Draft Plan.

<b>Recommendation</b>
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**That Council:**

1. Endorses the draft Financial Plan 2021-2031 (**Attachment 1**) for the purposes of public exhibition.
2. Invites written submissions on the Draft Financial Plan to Council by 26 August 2021.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 September 2021.
4. Notes that any person who makes a written submission in relation to the Draft Financial Plan 2021-2025 and requests to be heard in support of the written submission, be heard at the September 2021 Planning and Consultation Committee meeting.

**Attachments**

1. Draft Financial Plan 2021-2031

**12. Officers' reports**

**CM.101/21 Draft Financial Plan 2021-2031**

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**Discussion**

1. Council is required to adopt the Draft Financial Plan 2021-2031 (**Attachment 1**) prior to 31 October in the year following a general election, under section 91 of the *Local Government Act 2020*. The Financial Plan has effect from 1 July in the year following a general election.
2. The scope of the Draft Plan is for the next ten year period, 2021-2031.
3. The Draft Plan provides the context through which the objectives of the Council Plan can be funded in order to achieve the Community Vision.
4. The Draft Plan includes financial statements outlining the financial resources required to give effect to the Council Plan and contains information about the decisions and assumptions that underpin the forecasts in the statements.

**Related Council decisions**

5. Not applicable.

**Options**

6. Endorse the Draft Financial Plan 2021-2031 for public exhibition.

**Council plans and policies**

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

**Sustainability implications**

8. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).
9. 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**

10. The Draft Plan is subject to public consultation prior to its final adoption by Council. Once the Draft Plan is endorsed by Council, it will be placed on public exhibition for a four week period (from 29 July –26 August) to provide the community an opportunity to provide feedback.
11. During this time, community members may make submissions to the Draft Plan and have the opportunity to speak to their submission at the Planning and Consultation Committee meeting in September 2021. The Draft Plan will be available for inspection at the Civic Centre and on Council's website (including the Participate Nillumbik page). Following the consideration of the submissions received, the Draft Plan will then be presented for adoption at the Council Meeting in October 2021.

**Innovation and continuous improvement**

12. Continuous improvement and innovation opportunities identified have been considered as part of the Draft Financial Plan.

**12. Officers' reports**

**CM.101/21 Draft Financial Plan 2021-2031**

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**Collaboration**

13. The Draft Financial Plan will be presented to the Audit and Risk Committee in August 2021.

**Budget implications**

14. The costs of preparing and exhibiting the Draft Plan are funded from operating budget allocations.

**Relevant law**

15. Section 91 of the *Local Government Act 2020* applies to the development and adoption of the Financial Plan.

**Regional, state and national plans and policies**

16. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.101/21      Draft Financial Plan 2021-2031**

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**12. Officers' reports****CM.102/21 Draft Nillumbik Health and Wellbeing Plan 2021 - 2025**

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**Distribution: Public****Manager: Corrienne Nichols, Executive Manager Communities****Author: Nichole Johnson, Manager Community Partnerships****Summary**

The development of the Municipal Public Health and Wellbeing Plan (MPHWP) is a legislative requirement under the Victorian *Public Health and Wellbeing Act 2008*. All Victorian councils must develop a MPHWP within 12 months of the election of a new Council.

The Draft Nillumbik Public Health and Wellbeing Plan 2021-2025 (the Draft Plan) is informed by: a review of available data on the health status of the Nillumbik community; a review of current local, state and national health planning context; consultation that has been completed with community, local partners, Councillors and staff, and a review of the Nillumbik Health and Wellbeing Plan 2017-2021.

The Draft Plan aims to 'protect, improve and promote public health and wellbeing within the municipality'. Annual implementation plans and progress reports will outline how the plan is operationalised and monitor progress throughout the life of the plan.

The purpose of this report is to present the Draft Plan to Council for endorsement for public exhibition from 29 July - 26 August 2021.

**Recommendation****That Council:**

1. Endorses the Draft Nillumbik Health and Wellbeing Plan 2021–2025 (**Attachment 1**) for the purposes of public exhibition.
2. Invites written submissions on the Draft Nillumbik Health and Wellbeing Plan 2021-2025 to Council by 26 August 2021.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 September 2021.
4. Notes that any person who makes a written submission in relation to the Draft Nillumbik Health and Wellbeing Plan 2021-2025 and requests to be heard in support of the written submission, be heard at the September 2021 Planning and Consultation Committee meeting.

**Attachments**

1. Draft Nillumbik Health and Wellbeing Plan 2021-2025
2. Nillumbik Community Profile 2021

**12. Officers' reports****CM.102/21 Draft Nillumbik Health and Wellbeing Plan 2021 - 2025**

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**Discussion**

1. It is a requirement of the Victorian *Public Health and Wellbeing Act 2008* that all Victorian councils prepare a MPHWP within 12 months of a new Council being elected.
2. As outlined in the Victorian *Public Health and Wellbeing Act 2008*, the process to develop the Draft Nillumbik Health and Wellbeing Plan 2021-2025 (**Attachment 1**) meets the legislative requirements in developing a MPHWP which include:
  - a) Examining data about local health status and health determinants (**Attachment 2** - Nillumbik Community Profile 2021)
  - b) Identifying strategies based on evidence for creating maximum health and wellbeing
  - c) Specifying measures to prevent family violence and respond to the needs of victims of family violence
  - d) Involving local community in the development and evaluation of the plan
  - e) Specifying how council will work with the Department and other agencies
  - f) Ensuring consistency with the council plan and municipal strategic statement
  - g) Having regard to the Victorian Public Health and Wellbeing Plan
  - h) Reviewing the Plan annually, and amending if needed
  - i) Considering climate change mitigation and adaptation.
3. The Draft Plan identifies a health and wellbeing vision informed by feedback sought from community members, partners, Councillors and staff.
4. The Draft Plan outlines our approach:
  - a) Working in partnership
  - b) Life stages
  - c) Access, equity and inclusion
  - d) Social determinants of health
  - e) Place-based.
5. The Draft Plan includes six priority areas. These priority areas were identified based on the available data related to the health and wellbeing status and health determinants of the Nillumbik community, extensive community engagement and to ensure alignment with *Victorian Public Health and Wellbeing Plan 2019-2023*. They include:
  - a) Social inclusion and connection
  - b) Community resilience
  - c) Gender equality and the prevention of violence against women
  - d) Physical activity
  - e) Food
  - f) Preventing harm from alcohol, tobacco and gambling.

**12. Officers' reports**

**CM.102/21 Draft Nillumbik Health and Wellbeing Plan 2021 - 2025**

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6. The Draft Plan includes information about legislative and strategic alignment with the Council Plan, Community Vision and Municipal Planning Strategy.
7. For this iteration of the Draft Plan, strategies related to Positive Ageing and Disability have been integrated. Specific actions related to these areas will be outlined in Annual Implementation Plans, which will align with existing commitments in the Ageing Well in Nillumbik Action Plan 2019 – 2023 and the Disability Action Plan 2020 - 2024.
8. The Draft Plan outlines the monitoring, evaluation and governance approach that will be used, including the development of annual progress reports.
9. Annual implementation plans will provide a greater level of detail of how the strategies within the Draft Plan will be delivered.

**Related Council decisions**

10. Not applicable.

**Options**

11. Endorse the Draft Nillumbik Health and Wellbeing Plan 2021-2025 for public exhibition.

**Council plans and policies**

12. 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.
13. Other Council plans and policies related to the Draft Plan include:
  - a. Ageing Well in Nillumbik Action Plan 2019 – 2022
  - b. Arts and Cultural Plan 2018 – 2022
  - c. Disability Action Plan 2020 - 2024
  - d. Climate Change Action Plan 2016 - 2020
  - e. Community Engagement Policy
  - f. Early Years Infrastructure Planning Principles
  - g. Economic Development Strategy
  - h. Gambling Harm Minimisation Policy
  - i. Green Wedge Management Plan 2019
  - j. Integrating Child, Youth and Family Strategy: Birth to 25 Years
  - k. Lifetime Play Strategy
  - l. Northern Regional Trails Strategy
  - m. Open Space Strategy
  - n. Reconciliation Charter
  - o. Recreation Strategy.

**12. Officers' reports**

**CM.102/21 Draft Nillumbik Health and Wellbeing Plan 2021 - 2025**

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**Sustainability implications**

14. The Draft Plan complements work being undertaken through the Nillumbik Climate Action Plan. The Climate Action Plan (currently in development), includes mitigation and adaptation strategies that will seek to deliver health co-benefits for our community.

**Community engagement**

15. It is a requirement to involve community in the development of a Municipal Public Health and Wellbeing Plan. The engagement process to inform the development of the Draft Plan involved three phases.
16. Phase 1 - The Our People Our Place Our Future integrated community engagement project was the first phase of consultation for the Draft Plan. This engagement process involved Council asking the community to identify what is important to them in relation to their wellbeing, neighbourhood and surrounds both now and into the future. The responses from this engagement helped inform the broader themes and priority areas of the Draft Plan.
17. Phase 2 - involved targeted conversations with service providers, partners and advisory committees. Consultation and engagement activities included:
- a) A health and wellbeing partnership forum (27 April 2021, 32 attendees, 15 external organisations)
  - b) Discussions within advisory committee meetings (March to May 2021, 6 groups meetings attended and 2 groups reached via email)
  - c) Two Councillor workshops (19 April and 16 June 2021)
  - d) An internal manager's and coordinators workshop (29 April 2021, 30 attendees)
  - e) Meetings and ongoing conversations with key partner agencies including Women's Health in the North, healthAbility and North East Healthy Communities.
18. Key responses and feedback from phase two engagement that have been considered in the draft plan include:
- a) Reduce the number of priorities areas and simplify the framework
  - b) Set out a realistic amount of work to complete
  - c) Update the language used so it is meaningful to the community and easy to understand for everyone
  - d) Ensure climate health is considered throughout the plan
  - e) Social inclusion and connection was consistently mentioned throughout all engagement activities as an integral part of health and wellbeing of individuals and the community as a whole
  - f) The natural environment and engagement in nature was often mentioned as playing a key role in individual and community health and wellbeing.

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19. Phase 3 – once the Draft Plan is endorsed by Council, it will be placed on public exhibition for a four week period (from 29 July - 26 August 2021) to provide the community and partners an opportunity to provide feedback. A specific consultation with Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation is scheduled during the public exhibition period. Submissions from the public will be considered and inform the final Nillumbik Health and Wellbeing Plan 2021-2025.

**Innovation and continuous improvement**

20. Not applicable.

**Collaboration**

21. Partnerships and collaboration play an integral role in the implementation, monitoring, reporting and evaluation of this plan. Council will continue to work with key partners in order to deliver on strategies within the plan, through the Health and Wellbeing Advisory Committee and other regional partnerships.
22. Internal collaboration across council teams is essential and will be supported by a Public Health and Wellbeing Plan Project Control Group.

**Budget implications**

23. The strategies stated within the Draft Plan, and subsequent actions which fall out of these, will be resourced through the existing operational budget. Where gaps exist in resources or new opportunities for initiatives are presented, additional budget or grant funding opportunities may be sought.

**Relevant law**

24. *The Public Health and Wellbeing Act 2008, Climate Change Act 2017, Gender Equality Act 2020 (as per inclusions in the plan) and the Disability Act 2006.*

**Regional, state and national plans and policies**

25. The following regional and state plans have been taken into account when developing the draft plan:
- a) Victorian Public Health and Wellbeing Plan 2019 – 2023
  - b) Victorian public health and wellbeing outcomes framework
  - c) Building a Respectful Community Strategy 2017–2021
  - d) Carrington Health and healthAbility Strategic Plan 2019 – 2024
  - e) North East Healthy Communities Strategic Directions
  - f) VicHealth Fair Foundations Framework.

**Conflicts of interest**

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

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**CM.102/21      Draft Nillumbik Health and Wellbeing Plan 2021 - 2025**

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**12. Officers' reports****CM.103/21 Council Plan Quarterly Performance Report - 2020-2021 - Quarter 4**

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**Distribution: Public****Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: James Hartigan, Business Performance Analyst****Summary**

The purpose of this report is to present the Council Plan Quarterly Performance Report for Council's consideration. The Council Plan Quarterly Performance Report (**Attachment 1**) provides the fourth and final update on delivery progress and performance of the 2020-2021 Annual Action Plan priority actions, which aligns to delivery of the final year of the Council Plan 2017-2021.

Of the 18 actions in the 2020-2021 Annual Action Plan, 4 actions are 'complete', 9 actions are 'on track' (ongoing items) and 5 actions have been 'rescheduled' for completion in the 2021-2022 financial year. The overall position reflected in the report suggests that Council has made solid progress in delivering on the priority actions of the Council Plan and significant outcomes for the community.

The entire year's performance against the delivery of the Council Plan will be published in the Annual Report 2020-2021, which will be presented to the community later in 2021.

**Recommendation**

**That** Council receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the fourth quarter of 2020-2021, being the period ending 30 June 2021.

**Attachments**

1. Council Plan - Performance Report: Quarter 4, 2020-2021

**Discussion**

1. The Council Plan 2017-2021 was developed following the general Council election in October 2016 and adopted by Council on 27 June 2017. The Council Plan 2017-2021 has five high-level strategic objectives of:
  - Engaged, connected communities – a place where communities and ideas thrive, underpinned by trust, confidence and continuous learning.
  - Active and creative people – active lifestyles and artistic expression are fostered through participation and innovation.
  - Safe and healthy environments – healthy and safe communities enjoy living in our iconic Green Wedge environment.
  - A prosperous economy – a strong local economy that supports business growth, jobs and community wealth.
  - Responsible leadership – collaborative and consultative leadership that builds trust and makes the best use of available resources to the benefit of all in the pursuit of excellence.

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2. The Annual Action Plan 2020-2021 contains 18 actions contributing to delivery of the Council Plan within the corresponding financial year. This report provides Council with an update on the progress delivery of those 18 actions, and documents how Council is performing and delivering on the final year of the Council Plan for the Nillumbik community.

**Commentary on the performance report**

3. Of the 18 actions in the 2020-2021 Annual Action Plan, 4 actions are 'complete', 9 actions are 'on track' (ongoing items) and 5 actions have been 'rescheduled' for completion in the 2021-2022 financial year (**Attachment 1**).
4. Some of the highlights of activities and deliverables achieved during the quarter (April to June 2021) include:
- a) Results from the 'Our People, Our Place, Our Future' community engagement program were compiled into a summary report and was presented to the May 2021 Council Meeting. A draft Community Vision has been developed and will be presented to Council at the July 2021 Council Meeting seeking endorsement to proceed to public exhibition and community feedback (Action 1);
  - b) In support of the Nillumbik Customer First Strategy, Council ranked first in local government (out of 50 councils) and tenth overall (195 organisations) in the independent Mystery Shopping benchmarking program. Council's overall satisfaction rating in the Customer Experience Survey (sampling recent customers who interacted with Council) also improved, up by 6% on last year's result (Action 2);
  - c) Council has updated its website to include relevant information about Reconciliation and our current Reconciliation Charter. Initial workshops have been held to inform the process for developing a Reconciliation Action Plan (Action 4);
  - d) The 2020-2021 financial year saw the delivery of 31 programs and 58 individual projects, with a total expenditure over \$33 million (Action 5);
  - e) Key programs under the Arts and Culture Plan were completed, including the Nillumbik Prize for Contemporary Art exhibition (Action 6);
  - f) The Minister for Planning has prepared and approved Amendment C135 to transfer the Nillumbik Planning Scheme into the new format, in line with State Government requirements (Action 8);
  - g) A \$250,000 grant was received from Safer Together (DELWP) to continue the Communities First Program in 2021-2022, facilitating community-led bushfire preparedness in Nillumbik's rural communities (Action 11);
  - h) Delivery of relevant actions under Council's Health and Wellbeing Plan, including the Healthy Sport voucher initiative with six local sports clubs, development of Council's Pandemic Recovery Plan, and the Digital Connectedness program to support older people in staying socially connected (Action 12);
  - i) Delivery of actions under the Economic Development Strategy, including the Women in Business Mentoring Program, the Northern Business Achievement Awards and the Hurstbridge Collab Project (Action 14);

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**CM.103/21 Council Plan Quarterly Performance Report - 2020-2021 - Quarter 4**

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- j) The Planning Service Plan has been implemented, further continuing the improvement of Council's digital processes in the planning services area (Action 15);
  - k) Nillumbik was named on the 2021 Australian Financial Review BOSS Magazine Best Places to Work List. Almost 1,000 organisations from Australia and New Zealand nominated for the awards across ten industries and Council ranked third in the Government, Education and Non-for-Profit industry list, and Council was the only local government organisation to be recognised (Action 18).
5. The following actions have been rescheduled for completion in the 2021-2022 financial year:
- a) The development of an Asset Plan, which will be the approach applied to ensure that community infrastructure responds to community needs (Action 3);
  - b) Consultation for the Performing Arts Plan will now form part of a Performing Arts Policy to be presented to Council for adoption with the next Arts and Culture Strategy in 2022 (Action 7);
  - c) Priority actions from the Green Wedge Management Plan have been assigned for 2021-2022 (Action 9);
  - d) Undertake research and mapping to capture the existing status of the shire's agriculture industry (Action 10);
  - e) The Wattle Glen Public Realm Framework Plan (Action 17).
6. The overall position as reflected in the report suggests that Council has made solid progress in delivering on the priority actions of the Council Plan and significant outcomes for the community.

**Related Council decisions**

7. The Annual Action Plan 2020-2021 was developed and endorsed at the Council Meeting held on 24 June 2020.

**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. Not applicable.

**Community engagement**

10. The Council Plan 2017-2021 was developed following a program of workshops and briefings with Councillors following the general Council election in October 2016, as well as a period of consultation with the community in May and June 2017. The Council Plan 2017-2021 was adopted by Council on 27 June 2017. The Annual Action Plan 2020-2021, reflecting the final year of delivery of this four year plan, was developed and endorsed at the Council Meeting held on 24 June 2020.

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**CM.103/21 Council Plan Quarterly Performance Report - 2020-2021 - Quarter 4**

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**Innovation and continuous improvement**

11. Not applicable

**Collaboration**

12. Not applicable.

**Budget implications**

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

**Relevant law**

14. Not applicable.

**Regional, state and national plans and policies**

15. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports****CM.104/21 Interim Financial Report - June 2021**

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

This report outlines Council's interim financial performance for the period ended 30 June 2021.

The June draft interim financial report is the fourth report presented to Council on the year-to-date performance against the adopted 2020-2021 Budget, which includes changes resulting from the Mid-Year Financial Review process.

Quarterly reports are presented to Council for the September, December and March quarters. However due to the timing and preparation of the Annual Report, an interim quarterly report is prepared for the June quarter. This is to comply with the provisions of the *Local Government Act 2020* which requires that a financial report be presented to Council every three months.

The interim financial report shows a draft net profit of \$18.660 million. This is a decrease of \$9.111 million compared to the Mid-Year Financial Review in December 2020, when a profit of \$27.771 million was forecast. This decrease is largely attributable to Australian Accounting Standard (AASB 1058) which requires grant income to be recognised when contractual obligations have been met rather than on receipt (\$12,858,000).

**Recommendation**

**That** Council receives and notes the Draft Interim Financial Report for the period ended 30 June 2021 (**Attachment 1**).

**Attachments**

1. Draft Interim Financial Report 30 June 2021

**Discussion**

1. With the end of the financial year at 30 June 2021, a draft result has been determined.
2. The reporting process compares actual performance to budgeted targets. It should be noted that this is only an interim report as the annual external financial audit is yet to be completed. The audited financial statements will be presented in August 2021.
3. There are two profitability measures referred to in this report; Net Profit and Net Surplus.
4. Net Profit: The periodic financial reports (monthly and quarterly) presented to Council report on the Net Profit. The Net Profit is a statutory accounting measure which is reported on in the Annual Report. This measure captures all of the financial activity for the year which includes both cash and non-cash items.

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## CM.104/21 Interim Financial Report - June 2021

5. Net Surplus: The Net Surplus captures Council's cash position at the end of financial year. This is an important measure as it provides insight into the cash used in operating activities during the year.
6. Council has ended the financial year in a better than expected position generating a strong Net Profit as per the table below:

	Mid-Year Budget Review (forecast position)	Year-to-date Actuals	Favourable / (Unfavourable) Variance
<b>Net Profit</b> (statutory accounting)	27,770,852	<b>18,660,221</b>	(9,110,651)
<b>Net Surplus/(Deficit)</b> (cash position)	(2,365,703)	<b>(127,443)</b>	2,238,270

**Draft Interim Income Statement**

7. The Draft Interim Income Statement (the statement) for the period ended 30 June 2021 is provided as **Attachment 1**. The statement details variances and commentary to the Mid-Year Financial Review.
8. The statement includes operating income and expenditure items generating a draft Net Profit for the year ended 30 June 2021.
9. The Net Profit figure is a statutory accounting measure which will be reported in the Annual Report. More broadly, a profit result contributes to Council achieving financial sustainability targets of a low risk assessment with the Victorian Auditor General's Office.
10. Council closed the period ended 30 June 2021 with a draft profit result of \$18.660 million. This represents an unfavourable variance of \$9.111 million compared to the forecast profit of \$27.770 million from Mid-Year Financial Review in December 2021 (highlighted in yellow in **Attachment 1**).
11. The unfavourable variance in the net profit result is largely driven by accounting standard AASB 1058 which requires grant income to be recognised when contractual obligations have been met rather than on receipt.
12. This change has resulted in the \$12.858 million of grant funding being carried forward to the next financial year.

**Draft Net Deficit**

13. The final line of the statement details the draft net deficit for the period ended 30 June 2021.
14. The draft net deficit reflects the overall operating performance of the business for the 12 month period. It excludes items which are of a non-cash nature or capital related.
15. At the Mid-Year Financial Review in December 2021, Council forecast a deficit of (\$2,365,703) as detailed in **Attachment 1**.
16. There has been a favourable movement of \$2.238 million which has resulted in a draft net deficit for the period ended 30 June 2021 of (\$127,433) (**Attachment 1**).

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**CM.104/21 Interim Financial Report - June 2021**

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**Related Council decisions**

17. The annual Financial Report will be presented to Council at the August 2021 Council Meeting.

**Options**

18. Receives and note the Draft Interim Financial Report for the period ended 30 June 2021.

**Council plans and policies**

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

**Sustainability implications**

20. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).
21. 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**

22. Not applicable.

**Innovation and continuous improvement**

23. Not applicable.

**Collaboration**

24. Not applicable.

**Budget implications**

25. This is a standard reporting item to Council, the associated costs for which are included in the current Budget.

**Relevant law**

26. *Local Government Act 1989*
27. *Local Government Act 2020*
28. Australian Accounting Standards Board standards.

**Regional, state and national plans and policies**

29. Not applicable.

**Conflicts of interest**

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

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**CM.104/21 Interim Financial Report - June 2021**

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CM.105/21 Municipal Planning Strategy Engagement

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**Distribution:** Public

**Manager:** Rosa Zouzoulas, Executive Manager Planning and Community Safety

**Author:** Leigh Northwood, Strategic Planning Lead

**Summary**

This report outlines 'Phase 2' of community consultation, for 4 weeks through August/September 2021, for Council's Municipal Planning Strategy (MPS).

The MPS provides an overview of important local planning issues and sets out the vision and strategic directions for future land use and development for the municipality.

The proposed consultation will build on broad feedback received already from the recent Our People, Our Place, Our Future (OPOPOF) consultation and Climate Action Plan (CAP) Survey, which is referred to as 'Phase 1' of community consultation.

**Recommendation**

**That Council:**

1. Endorses Phase 2 of public consultation to occur over 4 weeks from 23 August to 19 September 2021, as outlined in this report for the Municipal Planning Strategy of the Nillumbik Planning Scheme.
2. Notes that following Phase 2 of public consultation, the next scheduled milestones for the project include:
  - a) The November 2021 meeting of Council's Planning and Consultation Committee will consider the outcomes of the Phase 2 of public consultation.
  - b) The February 2022 Council Meeting will consider a draft of the Municipal Planning Strategy and a recommendation that it be endorsed for Phase 3 community consultation.

**Attachments**

Nil

**Discussion**

1. The Municipal Planning Strategy (MPS) is a concise expression of the overarching strategic policy directions of a municipality. It provides for the planning scheme's policy foundation, based on the municipality's location and regional context, history, assets, strengths, key attributes and influences. The MPS supports, but does not form part of, the Planning Policy Framework (PPF). The PPF and MPS work together to form the strategic basis of a planning scheme.
2. The MPS will need community input to set the vision and key themes so a three phase community engagement approach has been planned. Council has engaged with GHD to provide an analysis of the current MPS that will form the basis of further questions for the community as part of Phase 2 engagement. Key stakeholders include, but are not limited to, internal Council teams, external advisory committees and organisations, and Our People, Our Place, Our Future (OPOPOF) submitters.

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## CM.105/21 Municipal Planning Strategy Engagement

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3. This analysis includes consideration of the outcomes of Phase 1, and identification of gaps between Phase 1 community consultation outcomes/themes and what the MPS currently seeks to achieve e.g. an identified gap is climate action.
  4. The following program approach has been endorsed by Council on 9 February 2021. The program includes the following phases:
    - **Phase 1** – OPOPOF Community engagement program including Shire-wide survey being used to inform the MPS (February to April 2021). The Climate Action Plan survey will also be used to inform the MPS, this survey is already complete.
    - **Phase 2** – MPS Stakeholder engagement on the current MPS including 4 week survey, 4 x community workshops (3 in person and 1 virtual) and associated communications (**August to September 2021**)
    - **Phase 3** – updated Draft MPS (close the loop). Recommended changes to the MPS from Phase 2 engagement will be brought to Council for its consideration and subject to approval, changes would be made to the draft MPS. Testing of the updated Draft MPS would then be undertaken through another 4 week engagement period to check 'have we got this right' (**February – March 2022**). Feedback received would be incorporated and brought to Council again for adoption.
    - Subject to Council's adoption, Council will be asked to seek authorisation from the Minister to prepare and exhibit an amendment to the Nillumbik Planning Scheme to insert the updated MPS (**June 2022**). It should be noted that as part of the amendment process the proposed MPS would be exhibited to the community with submissions called as part of the formal notification period pursuant to the *Planning & Environment Act 1987* – essentially a fourth community engagement phase.
  5. As stated above, Nillumbik Shire Council has undertaken a significant Shire-wide engagement program through OPOPOF that will inform preparation of key strategic documents including the new Council Plan, Nillumbik 2040, the Municipal Health and Wellbeing Plan and an updated Municipal Planning Strategy (MPS). The updating of the MPS will also have regard to the Draft Council Plan, Draft Municipal Health and Wellbeing Plan and Draft Nillumbik 2040.
  6. A COVIDSafe plan has been developed for the community workshops conducted in Phase 2. The COVIDSafe plan must demonstrate:
    - actions to help prevent the introduction of COVID-19 to in the workplace;
    - the type of face mask or personal protective equipment (PPE) required for the workforce;
    - how the Project Team will prepare for, and respond to, a suspected or confirmed case of COVID-19 in the workplace; and
    - how the Project Team will meet all the requirements set out by the Victorian Government.

**12. Officers' reports****CM.105/21      Municipal Planning Strategy Engagement**

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Phase 2 Community Consultation

7. The proposed Phase 2 of consultation for the MPS project will explore, with the community and other stakeholders, issues and opportunities that the MPS can and should respond to. The key elements of the proposed consultation are as follows:
- The consultation will be conducted over 4 weeks from 23 August to 19 September.
  - There will be an on-line survey for the community to complete. The survey will specifically seek to elicit what the community sees as the issues, gaps and opportunities for the MPS.
  - Four facilitated community workshops, where interested community members will be asked to register to attend, will be held to explore issues, gaps and themes with community members and other stakeholders.
  - Officers will hold targeted discussions with particular sections of the community such as the Environment and Sustainability Advisory Committee, Inclusion Advisory Committee, Positive Ageing Advisory Committee, Youth Advisory Committee and the Wurrundjeri Woi Wurrung (among others).
  - Support and notification of the consultation period will be provided through Participate Nillumbik, Nillumbik News and Council's social media outlets (e.g. Facebook).
  - Direct emails will be sent to key stakeholders and as well as OPOPOF submitters.

Phase 2 Output

8. A consultation Summary Report will be produced based on the outcome of the four facilitated meetings and survey responses identifying recommendations. This will inform recommended changes to the MPS which will undertake another round of consultation in Phase 3. Changes to the MPS may include, but not be limited to, additional or removal of themes, key influences or maps.

Community Engagement Policy – February 2021

9. The proposed community consultation meets the Community Engagement Policy's core engagement objectives including:
- **Transparent:** Effective two-way communication with clear and relevant information.
  - **Time:** Fair and reasonable opportunity for the community to give input.
  - **Keep it simple:** Easy to understand language and less jargon.
  - **Opportunity:** Multiple options to participate in the engagement process.
10. The Community Engagement Plan for the MPS aims for community consultation to be inclusive, provide enough time (4 weeks over two phases excluding OPOPOF timelines), be easy to understand, be transparent and provide multiple options for engaging. Council's internal teams have already been engaged and key internal groups are identified for engagement.

**12. Officers' reports**

**CM.105/21 Municipal Planning Strategy Engagement**

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**Related Council decisions**

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

**Options**

12. There is the option to vary the structure and elements of the proposed consultation in response to the officer recommendation to this Council Meeting to commence the consultation.
13. If Councillors have feedback or suggestions regarding the proposed consultation, it is asked that they provide this to Rosa Zouzoulas, Executive Manager Planning and Community Safety, at their earliest convenience.

**Council plans and policies**

14. 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**

15. The project 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 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.
16. The application of updated and improved local policy content in the MPS 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.
17. The new MPS is also predicted to address issues and key influences such as climate change and traditional owners of the land which are not addressed in the current MSS. The project will help modernise the outdated overarching vision for the municipality within Nillumbik Planning Scheme.

**Community engagement**

18. Phase 1 makes up the first phase of the project where the Nillumbik community was engaged through the OPOPOF program and CAP survey to help inform Council's large strategic work including the MPS.
19. Phase 2 aims to present the community with an analysis of key themes that would inform changes the current MPS (from Phase 1 outcomes) and seek to identify other issues or gaps inherent to the MPS that the community believe are important.

**12. Officers' reports**

**CM.105/21 Municipal Planning Strategy Engagement**

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20. Phase 3 will present the first draft of the MPS and ask the community and key stakeholders 'have we got it right'.
21. Subject to Council adopting an amended MPS, an amendment process would be undertaken to insert the new MPS into the Nillumbik Planning Scheme where the MPS would undergo another Exhibition process and the community would have another opportunity to express their views – essentially a fourth phase of consultation.

**Innovation and continuous improvement**

22. The project 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**

23. The project proposes significant collaboration across relevant Council units.

**Budget implications**

24. Besides engaging with GHD to conduct parts of Phase 1 and 2, the project will be prepared predominantly 'in-house'. The budget allocated for GHD's work was \$20,000 for 2020/2021 financial year.
25. Phase 3 of the project and the subsequent amendment preparation will be provided for within the Strategic Planning amendments budget (2021/2022 financial year).

**Relevant law**

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

**Regional, state and national plans and policies**

27. By updating the MPS with input from the community this will clarify 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**

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

**12. Officers' reports**

**CM.105/21      Municipal Planning Strategy Engagement**

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**12. Officers' reports****CM.106/21 Nillumbik Planning Scheme Amendment C131 - Earthworks in the Greenwedge**

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

Council recently exhibited Amendment C131 (the Amendment) to the Nillumbik Planning Scheme, which seeks to amend the schedule(s) to the Green Wedge Zone and Rural Conservation Zone to require a planning permit trigger for earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill on land within those specified zones.

The Amendment is intended to assist Council to manage large earthworks and the placement of fill within the Green Wedge and Rural Conservation Zones, by allowing Council to assess and mitigate future risks and fill activities that have the potential to create significant environmental and amenity impacts in the Shire.

This report outlines the exhibition undertaken for this Amendment and summarises the submissions received to the exhibition of the Amendment.

The Amendment was placed on exhibition pursuant to the requirements of the *Planning and Environment Act 1987* (the Act), from 22 April to 3 June 2021. Council received ten (10) submissions in total.

Submitters were invited to attend the 13 July 2021 Planning & Consultative Committee Meeting (PCC) to speak to their submissions.

Where a submission raises an issue regarding the proposed amendment that cannot be resolved, the Act sets out the process for the Amendment. In accordance with Section 22 of the Act, Council must consider all submissions received. Section 23 of the Act, requires that Council after considering the submissions which request a change to the Amendment, that the planning authority, (Council), must:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to an independent planning panel be appointed under Part 8 by the Minister for Planning; or
- (c) abandon the amendment or part of the amendment.

This report will recommend that Council resolve to refer unresolved submissions to an independent Planning Panel and ask the Minister for Planning to appoint the Panel in accordance with Part 8 of the Act.

**12. Officers' reports****CM.106/21 Nillumbik Planning Scheme Amendment C131 - Earthworks in the Greenwedge**

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**Recommendation****That Council:**

1. Notes the submissions to Amendment C131 to the Nillumbik Planning Scheme.
2. Requests the Minister for Planning appoint an independent planning panel to consider Amendment C131 pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.
3. Requests that Officers notify submitters to the proposed Amendment C131 of the Committee's resolution.
4. Requests that Officers provide an update on Participate Nillumbik in regard to next stages for Amendment C131.

**Attachments**

1. Communications Schedule for Amendment C131
2. Redacted Amendment C131 Summary of Submissions
3. Redacted Compiled C131 Submissions

**Discussion**

1. There is currently no one provision in Planning Schemes to regulate the deposit of clean fill on land particularly in the peri-urban areas of Melbourne. Earthworks are currently unregulated in areas that are not subject to environmental specific planning controls (e.g. the Environmental Significance Overlay) and have a range of potentially negative environmental, amenity and landscape impacts.
2. Amendment C131 (the Amendment) amends the schedule to the Green Wedge Zone and the Rural Conservation Zone (Schedules 1 to 5) to require a planning permit trigger for earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill on land within those specified zones.
3. The Amendment will assist Council to manage large earthworks and the placement of fill within the Green Wedge and Rural Conservation Zones allowing Council to assess and mitigate the future risks and fill activities which are having significant environmental and amenity impacts in the Shire.
4. Amendment C130 was requested to the Minister for Planning (the Minister) by Council in July 2020 to ask the Minister to utilise his powers of intervention under Section 20(4) of the *Planning and Environment Act 1987* (the Act) to implement interim controls to modify the schedule to the Green Wedge Zone and the Rural Conservation Zone (Schedules 1 – 5) by inserting a permit trigger for *Earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill to all land*. At the same time Council sought authorisation from the Minister to undertake an amendment process for Amendment C131 pursuant to Section 8A of the Act to prepare and exhibit a permanent control to achieve the same outcome.

**12. Officers' reports****CM.106/21 Nillumbik Planning Scheme Amendment C131 - Earthworks in the Greenwedge**

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5. On 15 December, Council received correspondence from the Minister advising refusal of Councils request to approve Amendment C130 (interim controls) noting the Minister did not consider that the proposed amendment meets the tests under 20(4) for exemption from the requirements of sections 17, 18 and 19 of the Act.
  6. The Minister further noted that Department of Environment, Land, Water and Planning (DELWP) had commenced consultation on its *Planning for Melbourne's Green Wedges and Agricultural Land* and considered that the overarching issue of 'soil importation, large-scale earthworks and associated land uses' should be properly considered through that work, and that it would be premature for him to intervene at that time.
  7. Officers note that as part of its adopted submission to the *Planning for Melbourne's Green Wedges and Agricultural Land* consultation, Council have identified the issue of illegal clean fill dumping in our Green Wedge and identified the need for a State-wide approach to appropriately deal with this significant planning issue. Latest advice from DELWP in regard to the outcomes and recommended reforms from this consultation is that results are due to be released in July 2021.
  8. Although authorisation was not granted for Amendment C130, authorisation for the preparation of Amendment C131 (permanent control) was given by the Minister on 15 December 2020 pursuant to an earlier Council resolution to request such in July 2020.
  9. Given Council elections in late 2020, Council lodged an exemption request pursuant to Section 4(1) of the Act with the Minister, to the requirement to prepare and give notice of an amendment within 40 business days after authorisation. This request was approved on 22 December 2020.
  10. Subsequent to the outcome of the 2020 Council elections, the new Council resolved at its March 2021 meeting to reaffirm its intention to regulate earthworks in the Green Wedge and to reaffirm its request to the Minister to authorise preparation and exhibition of Amendment C131.

**Notification of Amendment**

11. There are situations in which a planning authority may be exempted from all or part of the normal notice requirements for an amendment pursuant to Section 19(1A) of the Act. A planning authority is not required to give notice of an amendment to the owners and occupiers of affected land that it believes may be materially affected by an amendment if the number of owners or occupiers makes it impractical to notify them all individually. In this situation, the planning authority must take reasonable steps to ensure public knowledge of the amendment. Such steps might include extra display notices in local newspapers, news items or a sign on the site proposed for development.
12. Given the large number of owner/occupiers in Nillumbik's Green Wedge (approx. 15,000), in resolving to seek the Ministers approval for authorisation at its meeting in March 2021, Council applied for an exemption from direct notification to owners/occupiers of land effected by the Amendment, pursuant to Section 19(1A) of the Act.

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13. DELWP provided advice on 1 April 2021 noting that the exemption met the requirements of Section 19(1B) of the Act to apply the exemption at Section 19 (1A) of the Act in their view. The agreed notification methods used are discussed in more detail below.

Exhibition

14. The Amendment was on exhibition from 22 April 2021 to 3 June 2021.
15. In lieu of the exemption from sending out direct mail out notifications, it was ensured that sufficient notifications were published through other avenues. Notifications included:
- Letters to Prescribed Ministers
  - Letters, as instructed by DELWP, to Victorian Farmers Federation, Deputy Secretary Water Catchments, DELWP, EPA and Green Wedge Coalition.
  - Media Release article
  - Herald Sun article
  - Government Gazette publication
  - Participate Website
  - Warrandyte Diary article
  - The Local Paper article
  - Social media posts
  - Nillumbik News article.
16. Please refer to **Attachment 1** for the communications schedule with dates and copies of the notifications.

Submissions

17. Council received ten (10) submissions, two of which were received after the exhibition closing date. Please see **Attachment 2** for a redacted Summary of Submissions and **Attachment 3** for the redacted Compiled C131 Submissions that will be published on Participate Nillumbik.
18. Eight (8) of the submissions received were in support of the Amendment with two (2) submissions opposed to the amendment.
19. The supporting submissions generally encourage Council's efforts to regulate earthworks in the Green Wedge with two of them requesting that the threshold of 100 cubic metres be reduced.
20. One of the objecting submissions suggest that Council needs to do further strategic work to justify its proposal to reasonably preserve existing rights, provide certainty and resolve ambiguity. The other opposing submission outlines a similar issue around having freedom to conduct earthworks within their private property.

**12. Officers' reports****CM.106/21 Nillumbik Planning Scheme Amendment C131 - Earthworks in the Greenwedge**

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21. Key themes that derive from the ten (10) submissions received by Council include:
- the appropriateness of the proposed volume of fill that will trigger a planning permit; and
  - the environmental, safety and amenity impact of earthworks.
22. Some supporting submissions suggest that the 100 cubic metres of fill threshold to be too high and Council should consider decreasing the permit trigger to 50 cubic metres. Opposing submissions highlight the desire for landowners to be able to do small scale works on their own property.

**Council Officer Response**

23. The intent of the Amendment is to focus on larger scale, unregulated land filling within the Green Wedge. The proposed 'threshold' of 100 cubic metres of fill is considered an appropriate figure that allows for environmental impacts to be assessed and managed, while minimising impacts on land owners undertaking routine agricultural and land maintenance functions.
24. An example of where this has been implemented is at Hume City Council where Hume Planning Scheme Amendment C143 introduced a permit requirement for earthworks involving the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill. This Amendment was approved by the Minister for Planning and its gazettal publish date was 16 October 2014. The associated Panel Report for Hume's amendment C143 identified that *'the use of the words "receipt", "importation", "stockpiling" or "placement" have been chosen because they capture the nature of the practice of unregulated land filling and set it apart from that of genuine and routine farming activities, which are considered to be of a much smaller scale'*.
25. A future Planning Panel process will further explore the appropriateness of the 100 cubic metres permit trigger, however the Panel report for the Hume amendment was clear to identify that there was *a need to strike a balance between a permit requirement that would capture unregulated land filling, but not routine farming activities'* and in the deliberations of the Panel appointed for Hume amendment C143, the 100 cubic metre threshold was considered appropriate.

**Related Council decisions**

26. Council resolved at its 28 July 2020 Ordinary Council Meeting, among other matters:
- *Council does not support disposal of clean fill on land zoned Green Wedge or Rural Conservation unless it is for a direct agricultural purpose, with a volume less than 100 cubic metres and requests officers commence the preparation of a planning scheme amendment to achieve this outcome similar to that currently operating in the Hume Planning Scheme.*
  - *Council immediately request the Planning Minister to introduce into the schedule for Green Wedges Zone and Rural Conservation Zone a 100 cubic metre limit of clean fill.*

12. Officers' reports

**CM.106/21 Nillumbik Planning Scheme Amendment C131 - Earthworks in the Greenwedge**

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27. At Council's meeting of 25 August 2020, Council (among other matters) resolved to 'advocate to the Minister for Planning and request a meeting at the earliest date for the immediate approval and gazettal of Council's Planning Scheme Amendment made through Section 20(4) of the Planning and Environment Act 1987'.
28. At its 23 March 2021 Council Meeting, Council resolved to:
- *Reconfirm its intention to regulate earthworks in the Green Wedge by requesting the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, to authorise the preparation and exhibition of Amendment C131nill to the Nillumbik Shire Planning Scheme.*
  - *Exempt itself from direct notification to owners/occupiers pursuant to Section 19(1A) of the Planning and Environment Act 1987, and notification of Amendment C131nill should be provided via the following means:*
    - a. *On the Participate Nillumbik website;*
    - b. *Through social media posts and at least one media release; and*
    - c. *Advertisement in one metropolitan newspaper (the Age or the Herald Sun).*

**Options**

29. As part of considering the submissions received, Council may consider the following options:
- a) Requests the Minister for Planning to appoint an independent Planning Panel to consider the submissions received for Amendment C131 in accordance with Section 23(1)(b) of the Planning and Environment Act 1987; or
  - b) Resolve to abandon the Amendment.

**Appointment of a Panel and Pre-Panel Dates**

30. Early in the statutory amendment process, a Council must agree to potential future dates for a Panel process to be convened following exhibition of an amendment. The purpose of setting these dates, known as "Pre-Panel dates", is to avoid delays between the exhibition of an amendment and the conducting of a Panel. The Pre-Panel dates for Amendment C131 are as follows:
- Directions Hearing – in the week commencing 30 August 2021
  - Panel Hearing – in the week commencing 27 September 2021
31. If Council resolves to request the appointment of a planning panel to consider Amendment C131, officers will write immediately to the Minister for Planning to make this request and it is expected that a Panel will then be appointed to run in accordance with, or close to, the Pre-Panel dates.

**Council plans and policies**

32. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Prepare and develop an improved and holistic approach to strategic planning.

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CM.106/21 Nillumbik Planning Scheme Amendment C131 - Earthworks in the Greenwedge

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**Sustainability implications**

33. The Amendment will provide a basis for addressing the potential environmental, amenity and landscape impacts of earthworks and the importation of fill within Nillumbik's Green Wedge.

**Community engagement**

34. Pursuant to the Act, Amendment C131 was publicly exhibited from 22 April 2021 to 3 June 2021. See above in regard to notification and exhibition.

**Innovation and continuous improvement**

35. Approval of Amendment C131 would improve Council's ability to manage the impacts of illegal clean fill dumping on the Green Wedge through the Nillumbik Planning Scheme.

**Collaboration**

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

**Budget implications**

37. Previous budget implications around direct mail notification was addressed by the lodgement of exemption request made under section 19(1A) of the Act.
38. Planning scheme amendment budget allocation 20/21 and 21/22 financial years.

**Relevant law**

39. *Planning and Environment Act 1987 (the Act)*.

**Regional, state and national plans and policies**

40. The Amendment is consistent with State policy **Clause 11.01-1R Green wedges – Metropolitan Melbourne** where the objective of this clause is to protect the green wedges of Metropolitan Melbourne from inappropriate development.
41. The Amendment is also consistent with State policy **Clause 12 Environmental and Landscape Values** where in seeking to control the impacts of fill in rural areas, the Amendment advances the objectives of this policy where Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.
42. The Amendment is particularly aligned to the objectives of State policy **Clause 13 Environmental Risks and Amenity**, with particular regard that Planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts. With the green wedge covering 91 percent of the Shire, land filling is an environmental, health and safety issue. This type of activity is largely unregulated and can have negative impacts to the environment, landscape and amenity of the green wedge areas.

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**Conflicts of interest**

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

**12. Officers' reports****CM.107/21 Committee of Management for Crown Land at 728 Main Road Eltham**

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**Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Natalie Campion, Coordinator Property****Summary**

Council manages two adjoining parcels of Crown Land located at 728 and 730 Main Road, Eltham. These parcels are depicted in **Attachment 1 – Plan of Land**.

Together, the land is known locally as the Eltham Justice Precinct. It is the site of the historic Old Eltham Court House, former Police Residence, Police Stables and some sundry modern and period replica structures.

Whilst Council manage the land and maintain the buildings on behalf of the Crown (Department of Environment, Land, Water and Planning, DELWP), there is an inconsistency in the management arrangement between the two parcels.

Council is the appointed Committee of Management (CoM) for 730 Main Road, whilst 728 Main Road, Eltham is leased to Council under a 21 year agreement, which was negotiated with Parks Victoria who managed the land on behalf of the Crown until the mid-2000s.

The 21 year lease for 728 Main Road Eltham expired on 30 June 2021.

DELWP have requested Council consider being appointed Committee of Management (CoM) for on-going management of the land, rather than entering into a further long-term lease.

<b>Recommendation</b>
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**That** Council formally requests from Department of Environment, Land, Water and Planning to be appointed Committee of Management for Crown land at 728 Main Road, Eltham being Crown Allotment 1, Section 4, Parish of Nillumbik, Certificate of Title Volume 11371 Folio 540.

**Attachments**

1. Plan of Land

**Discussion**

1. The subject land (the land) located at 728 Main Road Eltham is reserved under the *Crown Land (Reserves) Act 1978*, and is owned by the Crown. The Department of Environment, Land, Water and Planning (DELWP) acts for the Crown.
2. The land is identified as Crown Allotment 1, Section 4, Parish of Nillumbik, Certificate of Title Volume 11371 Folio 540 (Estate Leasehold).
3. Under Section 134 of the *Lease Land Act 1958*, Council entered into a 21-year lease agreement in 2000 that was authorised by Parks Victoria. This lease expired on 30 June 2021.
4. The buildings at 728 and 730 Main Road are predominantly tenanted (no formal tenancy arrangement) by the Eltham District Historic Society Incorporated (EDHS),

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who utilise the old Eltham Court House to operate educational tours of the historic building and utilise the old Police Residence as an administrative and visitor information centre.

5. DELWP have proposed that rather than entering into a further long term lease, that if Council wish to have ongoing management of the land, a more appropriate agreement is for it to be appointed as Committee of Management (CoM).
6. From a management perspective, there is little difference for Council between a lease agreement and being the appointed CoM. In both cases:
  - a) audit, maintenance and renewal works and associated funding will be Council's responsibility, with DELWP only providing grant opportunities for project works.
  - b) any major work requires consultation and approval by DELWP.
7. The only significant difference is Council can choose to not renew or enter into a new lease agreement where an existing lease has expired, whereas once Council is appointed the CoM of a certain parcel of land, it is generally more difficult to extract itself from the agreement.

**Related Council decisions**

8. Not applicable.

**Options**

9. Council has an option not to seek further involvement with management of the land, and can decline DELWP's offer/request that it be nominated as the CoM.
10. Given DELWP do not fund ongoing maintenance works for land and buildings that it owns, if Council chose this option there would be a reduction in Council's maintenance and renewal budget. However, maintenance and renewal costs would then need to be borne by EDHS who rely on Council support for this. This would very likely impact EDHS' tenancy of the Old Police Residence and Replica Police Station, as well as the state of Nillumbik's historic buildings.
11. By agreeing to be nominated CoM of the Land, there will be no changes to the present management of the land and buildings, as Council has been responsible for the past 21 years under the lease agreement.

**Council plans and policies**

12. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure that community services, programs and facilities are inclusive and respond to current and emerging needs.
  - Ensure responsible and efficient management of Council's financial resources.

**Sustainability implications**

13. EDHS are a community based not for profit organisation. If Council are appointed CoM of the land, it will support the ongoing community based work of the group by offering certainty of tenancy.

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**Community engagement**

14. Council Property staff have discussed the matter with the President of the Eltham District Historical Society Incorporated (EDHS).
15. The EDHS executive committee have confirmed that they have no concerns if Council become the CoM for the Land, as Council officers have advised there will not be any changes to their ongoing occupancy arrangements, which EDHS are wishing to continue.

**Innovation and continuous improvement**

16. Not applicable.

**Collaboration**

17. Council has been approached by DELWP to be appointed CoM for the land.
18. Council and DELWP staff have been collaborating on the matter.

**Budget implications**

19. There are no cost to Council for the process of being appointed CoM. DELWP will manage the appointment process once Council formally confirms its decision.
20. Council already undertakes regular audit, maintenance and renewal works to the premises as a condition of the existing lease. These works are funded through operational and capital works budgets.
21. A recent structural audit of the Police Stables building (to the rear of the land) has identified a need to rectify a structural problem with the buildings footings and brickwork. Further investigation as to rectification methodology and cost will be completed if Council proceeds with nominating to become CoM. A high level estimate of the repair cost is \$20,000.

**Relevant law**

22. Council would be appointed CoM pursuant to *Section 14 (2) of the Crown Land (Reserves) Act 1978*.

**Regional, state and national plans and policies**

23. If Council becomes CoM for the Land and wishes to have tenancy agreements in place it must comply with DELWP's Leasing Policy for Crown land in Victoria 2018, Crown Land Leasing Guidelines 2012 and Crown Land Licence requirements.

**Conflicts of interest**

24. All 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.

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**12. Officers' reports****OB.122/21 Flagpole Proposal at Civic Centre**

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**Distribution:** Internal use only**Manager:** Corrienne Nichols, Executive Manager Communities**Author:** Nichole Johnson, Manager Community Partnerships**Summary**

As part of Council's ongoing commitment to Access, Equity and Inclusion, Officers are seeking Council endorsement for the installation of additional flag poles in the Shire to sit alongside the Australian Flag and the Australian Aboriginal Flag.

Benchmarking across neighbouring Local Government Areas (LGAs) indicates that other Councils have at least three or four flagpoles at the front of their Council Office Buildings and at a minimum fly the Australia, Aboriginal and Torres Strait islander flags.

Five options with accompanying budget implications are presented within this report.

<b>Recommendation</b>
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**That** Council endorses

**Option 5** installation of two additional new flagpoles at the Eltham Community & Reception Centre (budget estimate \$18,000-\$19,000).

**Attachments**

1. Benchmarking against neighbouring Councils
2. Flagpole examples and locations
3. Flag raising schedule

**Discussion**

1. The 'Proposal for third flagpole at Civic Centre' report presented to Council at a Councillor Briefing on 6 April 2021 outlined:
  - a. an opportunity to fly the Torres Strait Islander Flag alongside the Australian Flag and the Aboriginal Flag;
  - b. Council's ongoing commitment to Access, Equity and Inclusion will be supported through installation of new flagpoles at the Civic Centre;
  - c. a simple way for Council to recognise and raise awareness, is to perform a flag raising ceremony on significant days such as International Day Against Homophobia, Biphobia, Interphobia & Transphobia (IDAHOBIT); and
  - d. the addition of a number of flagpoles could be used to signify important awareness days in the year.
2. This report provides further details to the report provided at a Councillor Briefing on 6 April and 1 June 2021 and provides additional information requested by Council about benchmarking against neighbouring Councils and additional options for flagpole installation.

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**Related Council decisions**

3. Not applicable.

**Options**

- 4. Benchmarking across neighbouring LGAs indicates that other Councils have at least three or four flagpoles at the front of their Council Office Buildings and at a minimum fly the Australia, Aboriginal and Torres Strait islander flags (see **Attachment 1**).
- 5. Nillumbik’s neighbouring five northern LGAs of Whittlesea, Banyule, Moreland, Yarra and Darebin City Councils all raise the rainbow flag and transgender flag on days of significance.
- 6. Officers are seeking Council endorsement for the purchase and installation of additional flagpoles and present the following options to Council:

Option	Options for consideration
1	<p><u>Purchase and installation of one additional flagpole at Civic Centre</u></p> <p>Under this option, the Torres Strait Islander flag could be flown permanently and would be taken down on occasions to raise the rainbow flag and transgender flag.</p> <p>Feedback was sought from Wurundjeri Woi-wurrung cultural consultation meeting held on 8 April 2021. Feedback highlighted that Torres Strait Islander People might think it is disrespectful to lower the flag and raise another, stating: ‘it is good enough one day but not another’. Their recommendation to Council was in favour of four flagpoles to resolve this issue and to allow flags for other cause days be raised without any disrespect.</p> <p>Budget estimate <b>\$12,000 - \$13,000.</b></p>
2	<p><u>Purchase and installation of two additional flagpoles at Civic Centre</u></p> <p>Under this option, the two existing flagpoles would remain and continue to fly the Australian flag and the Aboriginal flag. Two additional flagpoles would be installed so the Torres Strait Islander flag could be flown permanently on one flagpole and the other can be used to raise the rainbow flag and transgender flag.</p> <p>Budget estimate <b>\$18,000 - \$19,000.</b></p>

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OB.122/21 Flagpole Proposal at Civic Centre

Option	Options for consideration
3	<p><u>Replace current poles and purchase and install four new flagpoles at Civic Centre</u></p> <p>The existing flagpoles at Civic Centre, with the tilt down bases are no longer manufactured (see <b>Attachment 2A</b> for existing flagpoles and <b>Attachment 2B</b> for an example of the new style flagpole installed at Monash City Council in white colours, ours will be installed in silver anodised). Replacement flagpoles will be the same height (11m) as the existing flagpoles. There is no additional cost for installation of 12m flagpoles. However, they will look different and therefore Council may consider to replace the existing flagpoles and purchase and install four new flagpoles for Civic Centre.</p> <p>Under this option the four new flagpoles would carry the following flags:</p> <ul style="list-style-type: none"> <li>• Flagpole 1: Australian Flag</li> <li>• Flagpole 2: Aboriginal Flag</li> <li>• Flagpole 3: Torres Strait Islander flag</li> <li>• Flagpole 4: Rainbow flag and Transgender flag</li> </ul> <p>Budget estimate <b>\$27,000 - \$28,000.</b></p>
4	<p><u>Purchase and installation of one additional flagpole and one wall-mounted flagpole at Civic Centre</u></p> <p>Under this option the three flagpoles would carry the following flags:</p> <ul style="list-style-type: none"> <li>• Flagpole 1: Australian Flag</li> <li>• Flagpole 2: Aboriginal Flag</li> <li>• Flagpole 3: Torres Strait Islander flag</li> </ul> <p>An additional fourth wall-mounted flagpole could be mounted on the right of the entrance to the Civic Centre (see <b>Attachment 2C</b> for image of Civic Centre entrance and <b>Attachment 2D</b> for example of wall-mounted flags) and used for special occasions. Limitations with this option include suitability of entrance to host flag raising ceremonies and appropriateness of flying a significant occasion flag in isolation of other flags.</p> <p>Budget estimate <b>\$17,000 - \$18,000</b></p>

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Option	Options for consideration
5	<p><u>Purchase and installation of two additional flagpoles at the Eltham Community and Reception Centre (ECRC)</u></p> <p>Under this option the two existing and two new flagpoles would carry the following flags:</p> <ul style="list-style-type: none"> <li>• Flagpole 1: Australian Flag</li> <li>• Flagpole 2: Aboriginal Flag</li> <li>• Flagpole 3: Torres Strait Islander flag</li> <li>• Flagpole 4: Rainbow flag and Transgender flag</li> </ul> <p>An additional two flagpoles (proposed to be placed on either side of the existing flagpoles) would allow Council to host flag raising ceremonies outside at the ECRC (see <b>Attachment 2E</b> for image of existing ECRC flagpoles and <b>Attachment 2F</b> for placement of additional new flagpoles which will also be 8m in height).</p> <p>This option would allow Council to host flag raising ceremonies outside at the ECRC. A limitation of installing flagpoles at ECRC is the flagpoles are not visible for passing traffic, there is less foot traffic and it is not aligned with best practice from neighbouring Councils which demonstrate a civic commitment to cause days by flying the Torres Strait Islander flag at civic offices and additional flags on cause days.</p> <p>Budget estimate <b>\$18,000 - \$19,000</b></p>

7. The Flag Raising Schedule (**Attachment 3**) highlights that these flags may be lowered and raised on appropriately recognised days of significance as outlined in the schedule.
8. Requests for additional flags may be raised on occasions by Councillors, Officers or Community. In order to initiate a new flag to be raised on any particular cause day, Officers or other community members and organisations would be required to put forward a request to Council for any additional flag to be flown on the additional flagpole at the Civic Centre. This will ensure that only appropriately recognised flags are flown on approved occasions as determined by Council.
9. Following feedback from Councillors, Council officers recommend:
 

**Option 5** – the procurement and installation of two new flagpoles at Eltham Community & Reception Centre. This option would allow Council to host flag raising ceremonies outside at the ECRC. A limitation of installing flagpoles at ECRC is the flagpoles are not visible for passing traffic, there is less foot traffic and it is not aligned with best practice from neighbouring Councils which demonstrate a civic commitment to cause days by flying the Torres Strait Islander flag at civic offices and additional flags on cause days.
10. The proposed locations for the flagpoles are indicative. The final location will be determined by a few factors, the most important of which are underground services

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**OB.122/21 Flagpole Proposal at Civic Centre**

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and if required, the relocation of the rock seating (for Option 5). The final locations will be determined after further investigation.

**Council plans and policies**

11. This report directly supports the achievement of Council Plan 2017-2021 strategies:
- Strengthen the focus on social inclusion, building social capital and connection within communities.
  - Ensure that the provision of community infrastructure responds to community needs.
  - Ensure the LGBTI community is included and engaged in initiatives that are supported by Council.
  - To develop a reconciliation plan between Council and the Wurundjeri Woi Wurrung community as traditional owners, and strengthen practices to ensure the ongoing support of Aboriginal and Torres Strait Islander people.

**Sustainability implications**

12. Not applicable.

**Community engagement**

13. This initiative represents the implementation of Council Plan actions (as outlined above). These actions were developed in consultation with the community.

**Innovation and continuous improvement**

14. The installation of additional flagpoles at Civic Centre supports continuous improvement towards Councils commitment to access, equity an inclusion.

**Collaboration**

15. Not applicable.

**Budget implications**

16. There is no operational budget for the purchase of additional flagpoles in the 2021/2022 budget. The cost of installation could be met by deferring building renewal and upgrade work of similar value.
17. The budget estimates provided above under item 6 are based on quotes obtained from three suppliers. Additional quotes will be obtained in line with Councils procurement policy, following Council endorsement of one of the above five options.

**Relevant law**

18. Not applicable.

**Regional, state and national plans and policies**

19. The information presented in this report aligns to that outlined in the Australian Government Flag Protocols for the appropriate use and the flying of the flag (**Attachment 4**).

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**OB.122/21      Flagpole Proposal at Civic Centre**

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20. This report also supports Council's responsibility to the *Victorian Charter of Human Rights and Responsibilities Act 2006* (The Charter), which sets out the basic rights, freedoms and responsibilities for all people in Victoria. The Charter aims to improve service delivery and ensure transparent decision making by promoting a human rights culture across state and local government departments and agencies, and people delivering services on behalf of government across Victoria.

**Conflicts of interest**

21. 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.

**12. Officers' reports****CM.108/21 Inclusive Sports Pavilion Plan**

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**Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Heath Gillett, Manager Recreation and Leisure****Summary**

This report presents to Council for noting an Inclusive Sports Pavilion Framework (ISPF), (**Attachment 1**) which has prepared by a consultant for Council as part of a grant with Sports and Recreation Victoria. Formal acknowledgement of the framework is required under the grant funding agreement for acquittal of this project by Sport and Recreation Victoria (SRV).

The objective of this framework is to inform the renewal and upgrade of existing sport pavilions, to ensure inclusiveness and accessibility at Nillumbik sport and recreation facilities are appropriately considered.

This piece of work will inform another key document (equity and inclusion), to be implemented as part of suite of frameworks supporting the current draft Recreation and Leisure Strategy 2021-30.

<b>Recommendation</b>
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**That** Council formally notes the Inclusive Sport Pavilion Framework presented in **Attachment 1**

**Attachments**

1. Inclusive Sports Pavilion Framework

**Discussion**

1. In 2017/2018 financial year Council successfully received funding through SRV of \$21,000 for the development of an Inclusive Sports Pavilion Framework.
2. The scope of the project was to specifically review Council pavilions and align future grants with State Government strategies and policies in relation to inclusiveness to strengthen our bids.
3. Alignment would happen through developing a strategic direction for the upgrade and development of inclusive sporting facilities with a prioritised framework for upgrade, renewal and new development.
4. Many Victorians experience barriers to being physically active, especially those from underrepresented groups such as people with a disability and older adults.
5. Insufficient levels of physical activity can contribute to inequities in other areas of physical and mental health, including an increased prevalence of conditions such as cardiovascular disease, type 2 diabetes and mental illness.
6. Investing in systematic changes to the physical and built environment, including improved access to sport and recreation facilities, is one of the ways we can remove barriers and promote physical activity participation in the wider community.

**12. Officers' reports**

**CM.108/21 Inclusive Sports Pavilion Plan**

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7. The principles will assist Council in decision making for future asset renewal and accessible sporting infrastructure design across the municipality.
8. The report has been approved by SRV which will strengthen our applications as it aligns with both State Government and SRV objectives.
9. Over the past 12 months officers have worked closely with SRV staff to finalise the framework and taking it to Council is the last milestone to acquit the grant.
10. The framework has undergone thorough internal review including assessment and alignment with Councils Disability action framework.
11. Councillors are required to note the report to acquit this outstanding funding agreement through SRV, who is a significant source and relationship point for external grants.
12. The attached framework will inform one for the first key frameworks (equity and inclusion), to be implemented as part of suite of documents supporting the Recreation and Leisure Strategy 2021-30, closely aligning with key principle two; equity and inclusion

**Related Council decisions**

13. N/A

**Options**

14. Council acknowledge and note the ISPF as required for project acquittal

**Council plans and policies**

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

**Sustainability implications**

16. N/A.

**Community engagement**

17. Results of a Sports Club Development survey undertaken by Council staff in demonstrate there is a total of 3,153 women and girls, 50 Indigenous Australians, 390 CALD individuals, 103 people with disability and 573 older adults participating in organised community sport across Nillumbik.
18. In a self-assessment of performance in providing an inclusive sport participation opportunities, 52 Nillumbik sporting clubs rated themselves at an average score of 2.9 out of a maximum performance of 5, suggesting the opportunity for improvement in this area.
19. The framework has undergone internal review including assessment and alignment with Council's Disability Action Plan.
20. The future framework which will include all facilities go through rigorous community consultation, especially with clubs as the key stakeholder group and will be educated on its content and purpose.

**12. Officers' reports**

**CM.108/21 Inclusive Sports Pavilion Plan**

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**Innovation and continuous improvement**

21. The framework enables Council to be proactive in its pursuit of external grant funding, while remaining adaptable to social changes and community expectations.

**Collaboration**

22. Crucial to this framework has been the close collaboration with key Government stakeholder, namely Sport and Recreation Victoria. Officers have been in ongoing discussions around the framework over the past twelve months to ensure the scope is consistent with the original grant brief.

**Budget implications**

23. N/A.

**Relevant law**

24. Disability Discrimination Act 1992.

**Regional, state and national plans and policies**

25. Regional, state and national frameworks including:
- a. Active Victoria (SRV)
  - b. Vichealth Physical Activity Strategy
  - c. Vicsport Strategic Framework.

**Conflicts of interest**

26. 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.

**12. Officers' reports**

**CM.108/21      Inclusive Sports Pavilion Plan**

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## 12. Officers' reports

## CM.109/21 Instrument of Delegation to the Chief Executive Officer

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**Distribution:** Public

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

**Author:** Katia Croce, Governance Lead

### Summary

The current Instrument of Delegation of powers, duties and functions to the Chief Executive Officer (CEO) was approved by Council on 25 August 2020.

The *Local Government Act 2020* (the Act) provides for each Council to establish a delegation of power. The Act also requires Council to review the delegation within one year of each general election. This report meets Councils obligations under the Act.

The delegation of powers is considered essential to enable day-to-day decisions to be made to ensure the operations of Council are enacted efficiently and effectively. Delegations are standard practice across all Councils. Delegations should be regularly updated to reflect any legislative changes and or a more appropriate level of accountability.

The review of the Instrument of Delegation to the Chief Executive Officer in this instance does not recommend any changes apart from minor formatting changes to recognise the most recent review date.

### Recommendation

**That** Council:

1. In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Nillumbik Shire Council (Council) resolves that:
  - a) There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, **(Attachment 1)** subject to the conditions and limitations specified in that Instrument.
  - b) The instrument comes into force immediately the common seal of Council is affixed to the instrument.
  - c) On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
  - d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

### Attachments

1. Instrument of Delegation to the Chief Executive Officer

**12. Officers' reports****CM.109/21 Instrument of Delegation to the Chief Executive Officer**

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**Discussion**

1. The Instrument of Delegation to the CEO which flows from section 11(1) is a broad, 'by exception' delegation. This means that Council's powers, duties and functions, under any legislation, are delegated by the Instrument, excepting those matters specifically excluded from delegation by the Instrument.
2. Council subscribes to a service provided by Maddocks lawyers in which recommended delegation updates are provided.
3. The delegation of powers is considered essential to enable day-to-day decisions to be made to ensure the operations of Council are enacted efficiently and effectively. Delegations are standard practice across all Councils. Delegations should be regularly updated to reflect any legislative changes and or a more appropriate level of accountability.
4. The Council is a legal entity composed of its members (i.e. the Councillors). Because it is not a "natural person", the Council can act in only one of two ways: by resolution; or through others acting on their behalf.
5. Where the latter is to occur, the authority to act needs to be formalised through written 'Instruments of Delegation'. The Act and other legislation make express provision for the appointment of delegates to act on behalf of the Council.
6. The Act requires that Council review and update the instruments of delegation to the CEO. In turn, the CEO will review and update various Instruments of Delegation by the CEO to other officers.

**Related Council decisions**

7. Council Meeting – 25 August 2020 (Instrument of Delegation to the CEO)

**Options**

8. The Instrument of Delegation to the Chief Executive Officer (**Attachment 1**) has been reviewed to ensure it remains consistent with current legislation and business practices.
9. The current Instrument of Delegation from Council to the Chief has been in force since 25 August 2020. No change is proposed to the level of delegation provided to the Chief Executive Officer.

**Council plans and policies**

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

**Sustainability implications**

11. This report seeks to update the current Council to CEO delegation, therefore there would be no change to the existing sustainability impacts.

**Community engagement**

12. Not applicable.

**12. Officers' reports**

**CM.109/21 Instrument of Delegation to the Chief Executive Officer**

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**Innovation and continuous improvement**

13. Not applicable.

**Collaboration**

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

**Budget implications**

15. The regular updates of Council's Instruments of Delegation are an administrative function, the cost of which is included within Council's operational budget.

**Relevant law**

16. The power to delegate is given by section 11 of the *Local Government Act 2020*, and by the various Acts and regulations.

17. As legislation is amended from time to time, all councils are required to update delegations conferred on various positions within the organisation by Council, to ensure officers are operating and enforcing under the current legislation.

18. Consistent with Council's obligations under the *Local Government Act 2020* and Council's Public Transparency Policy, clean versions of the instruments will be published on Council's website.

**Regional, state and national plans and policies**

19. Not applicable.

**Conflicts of interest**

20. 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.

**12. Officers' reports**

**CM.109/21 Instrument of Delegation to the Chief Executive Officer**

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**12. Officers' reports****CM.110/21 Instrument of Sub-Delegation to Members of Council Staff Under the Environment Protection Act 2017**

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

Council is empowered under various legislation to undertake duties and functions in accordance with that legislation. To undertake these duties and functions, it is necessary for Council to delegate relevant powers to the administration of the Council.

It is also necessary for Council to delegate some of its other functions to the administration for reasons of efficiency and to prevent Council from having to make many operational decisions at Council meetings.

The S18 Instrument of Sub-Delegation is a new Instrument introduced as a result of legislative changes to the *Environment Protection Act 2017* which commenced on 1 July 2021.

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

**Recommendation**

**That** Council, in the exercise of the power conferred by section 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Nillumbik Shire Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Sub-Delegation to members of Council staff (**Attachment 1**), the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**Attachments**

1. Instrument of Sub-Delegation to members to Council staff under the Environment Protection Act 2017

**12. Officers' reports**

**CM.110/21 Instrument of Sub-Delegation to Members of Council Staff Under the Environment Protection Act 2017**

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**Discussion**

1. The powers conferred by legislation enables Council, by Instrument of Delegation, to delegate to a member of Council staff any power, duty or function of Council under the Act or any other Act, other than certain specified powers.
2. The delegations are necessary to enable the Chief Executive Officer and Council staff to carry out the day-to-day management of Council's operations.
3. Council subscribes to a service provided by Maddocks lawyers in which half-yearly recommended updates to Instruments of Delegations are provided to reflect legislative changes.
4. This Instrument of Delegation is a new Instrument which Council needs to adopt as result of changes to the *Environment Protection Act 2017*.

**Related Council decisions**

5. Not applicable.

**Options**

6. Under the *Local Government Act 2020*, one of Council's objectives is to delegate decision-making to appropriate levels within the organisation.
7. The S18 Instrument of Sub-Delegation to Members of Council Staff comprises those delegations which only Council can delegate directly to staff, unlike, other matters which the Chief Executive Officer can sub-delegate to Council staff.

**Council plans and policies**

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

**Sustainability implications**

9. Not applicable.

**Community engagement**

10. Internal consultations have been conducted to ensure that the amendments are consistent with day-to-day work at Council.

**Innovation and continuous improvement**

11. Not applicable.

**Collaboration**

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

**Budget implications**

13. The regular updates of Council's Instruments of Delegation and Authorisation are an administrative function, the cost of which is included in Council's operational budget.

**12. Officers' reports**

**CM.110/21 Instrument of Sub-Delegation to Members of Council Staff Under the Environment Protection Act 2017**

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**Relevant law**

14. The power to delegate is given by section 11 of the *Local Government Act 2020*, and by the various Acts and regulations.
15. This Instrument of Delegation is required to be made as a result of legislative change to the *Environment Protection Act 2017*.
16. As legislation is amended from time to time, all councils are required to update delegations conferred on various positions within the organisation by Council, to ensure officers are operating and enforcing under the current legislation.
17. Consistent with Council's obligations under the *Local Government Act 2020* and Council's Public Transparency Policy, clean versions of the instruments will be published on Council's website.

**Regional, state and national plans and policies**

18. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.110/21      Instrument of Sub-Delegation to Members of Council Staff Under the  
Environment Protection Act 2017**

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## 12. Officers' reports

## CM.111/21 Tender Report - Contract 1920-023 Pavement and Line Marking

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Lance Clark, Senior Procurement Specialist

### Summary

This report recommends the awarding of contract 1920-023 for the provision of Pavement and Line Marking Services. This contract replaces a previous contract.

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

The tender for services was via a collaborative tender run by a group of nine councils of which Nillumbik Shire Council was one.

Monash City Council was appointed to act as 'Agent' on behalf of the other eight councils.

The participating Councils in the tender process were Banyule City, City of Boroondara, Knox City, City of Manningham, Monash City, Nillumbik Shire, Whitehorse City & Shire of Yarra Ranges.

Each individual Council reserved the right to appoint an individual preferred supplier or a single preferred supplier for all Councils.

Each council undertook individual tender assessments of each shortlisted tenderer.

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 1920-023 for provision of Pavement and Line Marking 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 schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:  
Number: 1920-023  
Title: Pavement and Line Marking Services  
Term: 1 April 2020 to 30 March 2023  
Options: Term extensions up to two additional years.
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.

**12. Officers' reports**

**CM.111/21 Tender Report - Contract 1920-023 Pavement and Line Marking Services**

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4. Advises all tenderers accordingly.
5. 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*.

**Attachments**

1. Tender Evaluation Summary Report - *CONFIDENTIAL*

**Discussion**

1. Pavement and Line markings are used to convey messages to roadway users. They indicate which part of the road to use, traffic directions, provide information about conditions ahead, and indicate where passing is allowed.
2. The services provided in the Contract are for standard Council needs in relation to pavement and line marking requirements.
3. There are two key categories in the service delivery – Routine – planned and scheduled new or maintenance works and Reactive – urgent.
4. The new contract replaces a previous contract for same services which was also entered into via a collaborative tender process back in 2015.
5. The annualised cost for Pavement and Line Marking Services is approximately \$200,000 per year. Year on year costs vary, depending on the programmed and scheduled maintenance program.
6. Tenderers could nominate which Council they were tendering services for and for which category. Not all tenderers nominated to deliver both categories of services to all Councils.
7. Tenderers were required to provide a tendered schedule of rates.

**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 responsible and efficient management of Council's financial resources.

**Tender overview**

9. A public tender was issued and advertised in the Melbourne Age on Saturday 26 October 2019.
10. The period for tender submissions closed at 2pm on Friday 22 November 2019.
11. Tender was for a Scheduled of Rates for services.

12. Officers' reports

CM.111/21 Tender Report - Contract 1920-023 Pavement and Line Marking Services

12. The following tenders were received:

TENDERER
<b>Tenderer A – Preferred Tender</b>
Tenderer B
Tenderer C
Tenderer D
Tenderer E
Tenderer F

13. Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation.

14. The following tenders were evaluated as non-conforming or not sufficiently competitive and were subsequently set aside from further evaluation.

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer F	Only tendered to deliver actual products used in pavement and line marking. Deemed to be non-compliant in relation to tendered requirements.

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

Criteria	Weighting %
Price	60%
Capability (Quality/Technical) & Capacity (Resource)	25%
Environmental, Local and Social Sustainability	15%

16. 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.

17. As this was a collaborative tender, there was only 1 nominated scoring Tender Evaluation panel member from each of the participating councils along with the Senior Procurement officer from each council in advisory role.

12. Officers' reports

CM.111/21 Tender Report - Contract 1920-023 Pavement and Line Marking Services

Position Title	Business Unit	Scoring Member or Advisory Member
Contract Works Supervisor	Capital Works	Scoring
Senior Procurement Specialist	Corporate Services	Advisory

18. The final evaluation outcome was as follows. The table shows the breakdown of each Councils preferred tenderers. There were two tenderers that were not a preferred tenderer by any of the nine Councils.

TENDERER	Preferred supplier for other Councils
Tenderer A – Preferred Tender for Nillumbik	Council B & C
Tenderer B	Council D, E, F & G*
Tenderer C	Council H & G*

\* Council G elected to appoint two separate contractors for the different routine and reactive works requirements.

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*.

**Capability (Quality/Technical) & Capacity (Resource)**

21. The preferred tenderer for Nillumbik is a large company with significant skilled and experienced resources – further supported by sufficient plant and equipment to deliver against Councils requirements.
22. Preferred tenderer is over ten years in business and has contracts with other local council authorities evidencing their capability to work with Council to deliver against the required services.
23. Has in place the required insurances and operational processes and practices to comply with the Road Safety (Traffic Management) Regulations 2009, AS 1742.3 - 2009 Manual of Uniform Traffic Control Devices Part 3, and the Road Management Act 2004 Worksite Safety - Traffic Management Code of Practice (The Code) requirements.
24. Has in place ISO accredited Quality, Environment and Occupational Health and Safety systems.
25. Preferred tenderer is a pre-qualified contractor with VicRoads for Maintenance and General Works and Traffic Management Services.

**12. Officers' reports**

**CM.111/21 Tender Report - Contract 1920-023 Pavement and Line Marking Services**

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**Environmental, Local and Social Sustainability**

26. Preferred tenderer has in place:

- a) an Equal Opportunity Policy
- b) an Environmental Management Plan
- c) provides environment impact training for all staff and regularly undertakes reviews of sustainability targets/objectives
- d) environmental protection and compliance inspections along with site specific plans for major works/projects
- e) waste management procedures for any excess line marking waste. Any excess products that can be used for future works are stored and reused if possible.
- f) arrangements with and will continue to work with MEGT (Melbourne Eastern Group Training) and other not for profit organisations to deliver employment and training opportunities for persons within dis-advantaged groups
- g) other relationships/partnerships with Social Enterprise organisations as well as signs printing and manufacturing skills training for prisoners.

27. While the preferred tenderer main base of operations is situated outside of the Northern Council Alliance area, they do provide more than 30 plus full time employment for residents from within the groups of councils that participated in the collaborative tender process.

**Tender Interviews and Reference checks**

28. As the preferred tenderer is well known to Council, having delivered the same services to Council for the past five plus years, and as there has been no changes to the company structure, there were no tender interview undertaken by Nillumbik.

**Contingency and risks**

29. Considered risk is in relation to the contract is the capacity and ability to deliver against Councils service requirements when other councils are requesting for service and works at the same time. The preferred tenderer has the capacity – both in resources and plant and equipment to ensure that Councils service requirements are met and on time.

**Collaboration**

Tender was undertaken under collaborative arrangements by nine Councils. Monash City Council was appointed to act as 'Agent Council' on behalf of the other eight councils.

**12. Officers' reports**

**CM.111/21 Tender Report - Contract 1920-023 Pavement and Line Marking Services**

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**Budget implications**

- 30. Costs for the annual maintenance program are accounted for in the annual budget planning processes.
- 31. The tendered schedule of rates, are subject to an annualised rate increase based on CPI – All Groups Melbourne – based on the quarter results for the period immediately preceding the contract anniversary date.

**Stakeholder Consultation/communication**

- 32. Not applicable

**Innovation and continuous improvement**

- 33. Continues to undertake assessment of new products to the market – in particular those with environmental sustainability outcomes and will discuss with Councils nominated representative.

**Relevant law**

- 34. At the time of tendering, the tender process was within the requirements of Section 186 of the *Local Government Act 1989*.

**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.

12. Officers' reports

CM.112/21 CEO Employment Matters Committee

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**Distribution:** Public

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

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

**Summary**

This report is an overview of a separate confidential report to consider the Chief Executive Officer's (CEO's) performance plan 2020/2021.

**Recommendation**

**That** Council notes this report.

**Attachments**

Nil

**12. Officers' reports**

**CM.112/21 CEO Employment Matters Committee**

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**12. Officers' reports****CM.113/21 Informal Meetings of Councillors Records - 25 May 2021**

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**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 29 June 2021.

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

1. Climate Action Plan Development Meeting held 15 June 2021.
2. RTAC Meeting held 23 June 2021.
3. Inclusion Advisory Committee Meeting held 23 June 2021.
4. Pre-Meet to Council Meeting held 29 June 2021.
5. Councillor Briefing held 6 July 2021.
6. Councillor Briefing and Pre-meet to Planning and Consultation Committee Meeting held 13 July 2021.
7. Councillor Briefing 2 held 13 July 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 Records - 27 July 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.

**12. Officers' reports**

**CM.113/21 Informal Meetings of Councillors Records - 25 May 2021**

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**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:
  - 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.
  - 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 29 June 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.

**12. Officers' reports**

**CM.113/21 Informal Meetings of Councillors Records - 25 May 2021**

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**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.

**12. Officers' reports**

**CM.113/21 Informal Meetings of Councillors Records - 25 May 2021**

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

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

**CM.114/21 Tender Report - Contract 2021-034 Diamond Valley Library Upgrade Works Contract Variations**

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets pursuant to paragraph (g(i)) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

**CM.115/21 CEO Employment Matters Committee**

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

**Recommendation**

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

- 17. Close of Meeting