

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 28 February 2023 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 23 February 2023

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088

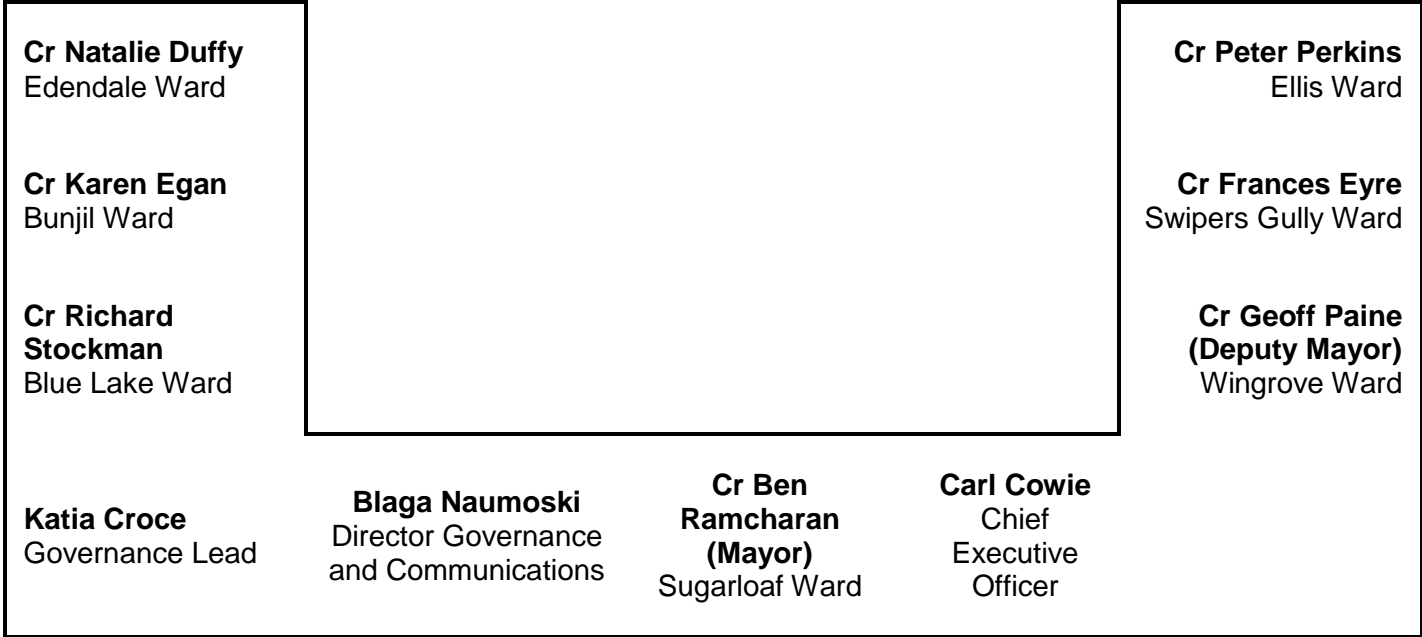
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Council Chamber Council Meeting seating plan



Nillumbik Shire Council

Contents

1.	Welcome by the Mayor	1
2.	Acknowledgement of Country by the Mayor	1
3.	Good Governance Pledge	1
4.	Prayer	1
5.	Apologies	1
6.	Presentations	2
7.	Confirmation of Minutes	3
8.	Disclosure of conflicts of interest	5
9.	Petitions	5
10.	Questions from the gallery	5
11.	Reports of Advisory Committees	7
AC.001/23	Advisory Committee Report - 28 February 2023	7
12.	Officers' reports	9
CM.001/23	Draft Budget 2023-2024	9
CM.002/23	Local Government Performance Reporting Framework - Mid-Year 2022-2023 Performance Report	13
CM.003/23	Review of the Meeting Procedure - Governance Rule	17
CM.004/23	Reconciliation Action Plan (RAP) Community Engagement Plan	23
CM.005/23	Loan Guarantor Diamond Creek Tennis Club	27
CM.006/23	Council Plan Quarterly Performance Report - 2022-2023 - Quarter 2	31
CM.007/23	Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge	35
CM.008/23	December Quarter Financial Report	41
CM.009/23	Informal Meetings of Councillors Records - 28 February 2023	45
13.	Notices of Motion	49
14.	Delegates' Reports	49
15.	Supplementary and urgent business	49
16.	Confidential reports	49
CM.010/23	CEO Employment Matters	49
17.	Close of Meeting	50

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Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 28 February 2023 commencing at 7:00pm

1. Welcome by the Mayor

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

2. Acknowledgement of Country by the Mayor

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

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

To accept apologies from any Councillors not in attendance at the meeting.

Recommendation

That the apologies be noted.

6. Presentations

Matilda Johnson (Wingrove Ward) receives \$150 as a contribution for being selected to represent Victoria at the 2022 School Sports Track and Field Championships in Queensland.

Zander Botha (Wingrove Ward) receives \$150 as a contribution for being selected to represent Victoria at the SSV Track and Field championship in Queensland.

Talise Botha (Wingrove Ward) receives \$150 as a contribution for being selected to represent Victoria at the SSV Track and Field championship in Queensland.

Renaë Lister (Edendale Ward) receives \$100 as a contribution for being selected to compete at the Victorian Metro swimming championships.

Luke Zeliff (Blue Lake Ward) receives \$200 as a contribution for being selected to represent Australia in speed skating at the 2023 Viking Race in the Netherlands.

Dyani Ananiev (Sugarloaf Ward) receives \$150 as a contribution for being selected to represent Victoria in basketball in the National Schools tournament in Queensland.

Nillumbik Shire Council wishes them every success with their future sporting pursuits.

7. Confirmation of Minutes

Confirmation of the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 13 December 2022.

Recommendation

That Council:

- 1 Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 13 December 2022 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.

Attachments

1. Minutes of Council Meeting held on Tuesday 13 December 2022
2. Minutes of Confidential Council Meeting held on Tuesday 13 December 2022 - *CONFIDENTIAL*

7. Confirmation of Minutes

COM.001/23 Confirmation of Minutes Council Meeting held Tuesday 13 December 2022

8. Disclosure of conflicts of interest

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

9. Petitions

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.001/23 Advisory Committee Report - 28 February 2023

Distribution: Public

Manager: Blaga Naumoski, Director Governance and Communications

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. Arts and Culture Advisory Committee meeting held 15 August 2022;
2. Positive Ageing Advisory Committee meeting held 4 November 2022;
3. Environment & Sustainability Advisory Committee meeting held 30 November 2022; and
4. Environment & Sustainability Advisory Committee meeting held 15 February 2023.

Attachments

1. Advisory Committee Meeting Minutes reported 28 February 2023

Recommendation

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

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12. Officers' reports**CM.001/23 Draft Budget 2023-2024****Distribution: Public****Manager: Vince Lombardi, Chief Financial Officer / Acting Director Operations and Infrastructure****Author: Melika Sukunda, Finance Manager****Summary**

This report presents the draft Budget 2023-2024 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, delivery of Council Plan actions and for the development and maintenance of infrastructure throughout the Shire.

Rates and charges

- The draft Budget proposes a 3.50 per cent increase to rates levied and an increase of 5.78 per cent to the waste management standard charge.

Capital Works

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

Strategic Resource Plan

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

Recommendation**That Council:**

1. Adopts the draft Budget 2023-2024 (**Attachment 1**) for the purposes of section 94 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council Meeting proposed to be held at 7:00 pm on 23 May 2023, the Budget 2023-2024 presented to this meeting.
3. Notes that any person who makes a written submission in relation to the draft Budget 2023-2024 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting to be held in the Council Chamber, Civic Centre, at 7:00 pm on Tuesday 11 April 2023.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under sections 94 and 96 of the *Local Government Act 2020*.

Attachments

1. Draft Budget 2023-2024

12. Officers' reports

CM.001/23 Draft Budget 2023-2024

Discussion

1. Council is required by the *Local Government Act 2020* to prepare a Budget for each financial year.
2. Adoption of the Budget is an important policy decision by Council in terms of resource allocation for services and projects in the coming year.
3. The draft Budget has been prepared for the purposes of public exhibition in accordance with statutory requirements.

Draft Budget 2023-2024

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

Property rates and charges

5. The draft Budget for 2023-2024 proposes a 3.50 percent increase in property rates, the maximum allowable set by the Minister under the Fair Go Rates System.
6. The waste management standard charge is proposed to be increased by 5.78 per cent, which is driven by service delivery costs and the requirement under the EPA to rehabilitate formal landfill sites.

Other fees and charges revenue

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

Operating expenditure

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

Major initiatives

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

Capital works

11. The draft Budget includes \$21.53 million of capital works projects, of which \$3.12 million will be funded by external grants.
12. A full list of capital works projects is included in the draft Budget document.

Loan Borrowings

13. New loan borrowings up to \$8 million are proposed in 2023-2024.
14. This includes \$5 million for the rehabilitation of the closed landfill sites in response to and in compliance with the requirements set out by the Environment Protection Authority.
15. \$2 million to fund specific capital works.
16. \$1 million will be set aside to enable Council to respond to potential Government grant funding opportunities.

12. Officers' reports

CM.001/23 Draft Budget 2023-2024

17. The Strategic Resource Plan provides a ten year forecast of Council's finances, using projections of expenditure and revenue which are based on a series of assumptions about Council's services and infrastructure. This information is then used to assess Council's long-term financial sustainability.

Related Council decisions

18. Adoption of the 2023-2024 Budget at the 23 May 2023 Council Meeting commencing 7:00pm.

Options

19. Adoption the draft 2023-2024 Budget for the purposes of sections 94 and 96 of the *Local Government Act 2020*.

Council plans and policies

20. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We continue to exercise sustainable and responsible financial management.

Access, Equity and Inclusion

21. A Gender Impact Assessment has been conducted and Gender Responsive Budgeting included within the guidelines as a priority consideration throughout the budget development process.

Sustainability implications

22. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).
23. These indicators comprise of both short term and longer term measures. The indicators are calculated and considered as part of the budget process.

Community engagement

24. Following Council's adoption of the draft Budget 2023-2024, public notice will be provided that allows the community the opportunity to lodge submissions. Public exhibition will be for 28 days, and the draft Budget will be available for inspection at the Civic Centre and on Council's website.
25. Public submissions in relation to the draft Budget will be considered at the Planning and Consultation Committee meeting on 11 April 2023.
26. Following the consideration of any submissions reviewed, the Budget will then be presented for adoption at the Council Meeting on 23 May 2023, whereby Council is then required to formally adopt the final Budget for 2023-2024.

Innovation and continuous improvement

27. Continuous improvement and innovation opportunities identified have been considered.

Collaboration

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

12. Officers' reports

CM.001/23 Draft Budget 2023-2024

Budget implications

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

Relevant law

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

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

Regional, state and national plans and policies

32. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.002/23 Local Government Performance Reporting Framework - Mid-Year 2022-2023 Performance Report

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 (for noting) the Local Government Performance Reporting Framework (LGPRF) mid-year service performance results for the 2022-2023 financial year.

The report measures Council's current performance against the expected range (based on LGPRF guidelines set by State Government) as well as comparing Council's current performance against the 2021-2022 end of financial year result.

This is the fourth time Council is completing a mid-year progress update on the LGPRF indicators, with the aim of the report to provide more frequent and current data to better monitor and more proactively address any issues or trends identified with Council's performance.

The report demonstrates that Council is performing well against the LGPRF framework, with one result exceeding the expected range based on Local Government Victoria guidelines. A large number of indicators have improved compared to previous reporting, and when comparing performance to similar councils.

Recommendation

That Council notes the Local Government Performance Reporting Framework (LGPRF) service performance results for the period from July to December 2022 (**Attachment 1**).

Attachments

1. 2022-2023 Mid Year LGPRF Performance Report

Discussion

1. The Local Government Performance Reporting Framework (LGPRF) is a mandatory reporting system introduced by the State Government in 2014 to ensure all Victorian councils are measuring and reporting on their performance in a consistent way.
2. The LGPRF is comprised of service performance, financial performance and sustainability measures, along with a governance and management checklist.
3. Key objectives of the LGPRF include councils having information to support strategic decision making and continuous improvement, and communities having information about Council performance and productivity.

12. Officers' reports**CM.002/23 Local Government Performance Reporting Framework - Mid-Year 2022-2023 Performance Report**

4. Results for the LGPRF measures are reported in Council's Annual Report each year. These financial year results are also publicly released on the Local Government Victoria page on the Department of Government Services website, which provides information on the sector and enables users to benchmark the relative performance of all or similar councils.

Related Council decisions

5. Not applicable.

Summary of results

6. **Attachment 1** demonstrates that Council is performing well against the LGPRF, with only one result outside the expected range based on Local Government Victoria guidelines. A large number of indicators are also improving over time.
7. Key results identified from the mid-year data include:
- Aquatic facilities – costs are up due to low membership numbers needing to be recovered post-COVID closures. Visits are however on the increase, returning towards pre-COVID levels;
 - Animal management – time taken to action requests is 2.2 days, better than for other similar councils (2.94 days), and 95.2% of animals were reclaimed from Council during the period, a significantly better result than similar councils;
 - Food safety – 100% of required food safety assessments were undertaken, while the time taken to action food complaints increased slightly (from 1.68 days to 1.78 days), but is still within the expected range for this measure;
 - Governance – Councillor attendance at Council meetings was maintained at 91.84%, slightly lower than for other similar councils;
 - Libraries – physical library book loans continue to increase in line with increased visitor numbers, representing a 117% increase in comparison with the same period in the previous year. Active borrowers have increased (198%) compared to the same period as last year, as visitation to the libraries reaches pre-pandemic levels;
 - Maternal and Child Health – Participation in the maternal and child health service continues to be steady, and is on par with other similar councils;
 - Roads – 95.1% of sealed local roads are maintained within required condition standards. This result was slightly lower than for other similar councils (96.9%);
 - Statutory planning – the time taken to decide statutory planning applications increased (from 100 days to 105 days) due to a number of staffing gaps within the team, as well as higher application numbers in the first half of the financial year;
 - Waste collection – the kerbside missed bin rate continues to decrease significantly following the outsourcing of the collection service at the commencement of the 2020-2021 year (from 13.32 to 6.97 to 4.13 bins missed per 10,000 households);

12. Officers' reports

CM.002/23 Local Government Performance Reporting Framework - Mid-Year 2022-2023 Performance Report

- The one result outside the expected range is the measure of kerbside waste diverted from landfill (75% result, expected range is 20-60%). This is a positive result, exceeding the expected range. More waste continues to be diverted from landfill than expected by the framework, well above the result for similar councils.

Council plans and policies

8. This report directly supports the achievement of Council Plan 2021-2025 strategy:
- We are forward-thinking, data-driven and evidence-led in our decision-making, always looking to identify new opportunities.

Access, Equity and Inclusion

9. A Gender Impact Assessment has not been completed for this report. However, indicators measured in the report best reflect the principles outlined in the Access, Equity and Inclusion Policy where applicable.

Sustainability implications

10. Not applicable.

Community engagement

11. Annual results of Council's performance against the LGPRF measures are currently reported on the Local Government Victoria page on the Department of Government Services website, in addition to Council's Annual Report.

Innovation and continuous improvement

12. The primary aim of the mid-year data collection is to provide more frequent and current data to better monitor and address any issues or trends. The report measures Council's current performance against the expected range (based on LGPRF guidelines set by State Government) as well as comparing Council's current performance against the 2021-2022 end of financial year results.

Collaboration

13. Not applicable.

Budget implications

14. This report is part of Council's reporting obligations against the State Government's Local Government Performance Reporting Framework (LGPRF). Resources for the monitoring and preparation of this report are provided in existing operational budgets.

Relevant law

15. Not applicable.

Regional, state and national plans and policies

16. Not applicable.

Conflicts of interest

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

12. Officers' reports

**CM.002/23 Local Government Performance Reporting Framework - Mid-Year
2022-2023 Performance Report**

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12. Officers' reports

CM.003/23 Review of the Meeting Procedure - Governance Rule

File: FOL/20/282

Distribution: Public

Manager: Blaga Naumoski, Director Governance and Communications

Author: Katia Croce, Governance Lead

Summary

Council's existing Governance Rule - Meeting Procedure was prepared and adopted on 25 August 2020 as required under the *Local Government Act 2020* (the Act), after a period of public exhibition and community consultation was undertaken.

On 30 November 2021, the Regulatory Legislation Amendment (Reform) Bill 2021 was introduced into Parliament, foreshadowing that the previous emergency provisions that allowed councils to conduct online meeting would expire on 1 September 2022. The *Regulatory Legislation Amendment (Reform) Act 2022* passed in March 2022.

Councils are required to review and establish their Governance Rules to allow for online attendance and participation.

Council opted to expand the review to go beyond the inclusion of attendance at Council meetings by electronic means and cover more of the Governance Rules made in August 2020, as it aligns to our ongoing commitment to ensuring our decision-making processes are best-practice, contemporary and support Council's Access, Equity and Inclusion Policy.

The updated version has been informed by the experience of Council meetings and feedback during that time (staff and members of the community) and the Councillors.

A review of Council's Governance Rule – Meeting Procedures requires Council to undertake community consultation on any amendments.

The purpose of this report is to seek endorsement from Council of the draft Governance Rule – Meeting Procedures (**Meeting Procedures**) (**Attachment 2**) for public consultation.

Recommendation

That Council:

1. Endorses the draft Governance Rule – Meeting Procedures shown at **Attachment 2** for public consultation from 1 March 2023 to 30 March 2023 inclusive;
2. Invites written submissions regarding the proposed amendments outlined in the draft Governance Rule – Meeting Procedures by 30 March 2023;
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 13 June 2023; and
4. Notes that any person who makes a written submission in relation to the draft Governance Rule – Meeting Procedures and requests to be heard in support of the written submission, be heard at the June 2023 Planning and Consultation Committee meeting.

12. Officers' reports

CM.003/23 Review of the Meeting Procedure - Governance Rule

Attachments

1. Marked up version of Proposed Changes to the Meeting Procedures
2. Draft Meeting Procedures
3. Minister's Good Practice Guideline MGP3-3
4. Table Outlining Amended Clauses
5. Project Plan

Discussion

1. On 25 August 2020, Council adopted its Governance Rule – Meeting Procedures (**Meeting Procedures**) as required under the then new *Local Government Act 2020*.
2. On 30 November 2021, the Regulatory Legislation Amendment (Reform) Bill 2021 was introduced into Parliament, foreshadowing a change to *the Local Government Act 2020* that would require all Councils to alter their Governance Rules by the end of August 2022 to accommodate processes for the conduct of Council meetings by electronic means of communication.
3. The *Regulatory Legislation Amendment (Reform) Act 2022* passed in March 2022 replaced the existing temporary emergency provisions and the changes commenced on 2 September 2022 provide for attendance and participation in Council meetings and delegated committees by electronic means of communication.
4. The changes mean that section 60 of the Act now states:
 - 1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following —
 - a) the conduct of Council meetings (including holding Council meetings by electronic means of communication);
 - b) the conduct of meetings of delegated committees (including holding meetings of delegated committees by electronic means of communication);
 - ba) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication.
5. Other minor amendments:
 - widen the definition of being present at a meeting to include attendance by electronic means;
 - make permanent the temporary measures relating to the need to live stream any meeting that is held solely by electronic means;
 - extended temporary provisions to 1 September 2022.

12. Officers' reports

CM.003/23 Review of the Meeting Procedure - Governance Rule

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6. The Minister's Good Practice Guideline MGPG-3 (**Attachment 3**) issued under section 87 of the Act, took effect on 2 September 2022 and state that "Electronic meetings, commonly referred to as 'virtual meetings', could include meetings where all the participants attend in person, some person attend electronically i.e., 'hybrid' or where attendees across several meeting locations join electronically i.e. 'parallel'".
 7. The phrase "electronic means of communication" is not defined in the Act nor in the *Interpretation of Legislation Act 1984* so it has its ordinary dictionary meaning, which includes telephone calls.
 8. In recognition of the requirement to amend Council's Meeting Procedures (including the requirement to undertake a community engagement process as part of the process), together with the opportunity to reflect on the first 24 months of operation of the rules, in August last year, a decision was taken to conduct a thorough review of the Meeting Procedures.
 9. The Meeting Procedures review has been informed by the experience of Council meetings since the adoption of the current rules in mid-2020, and feedback from meeting participants during that time (staff and members of the community) and the Councillors. Benchmarking has been undertaken with interface councils, as well as with selected other councils on a number of key issues.
 10. The proposed changes have been marked up in red to highlight the changes made to the Meeting Procedures currently in operation (**Attachment 1**) and include:
 - making permanent the previously temporary provisions enabling the conduct of electronic Council meetings (which became necessary during the pandemic);
 - flexibility to enable members of the public to address Council meetings in a way tailored to the specific matter being considered, while ensuring there is a right to be heard on all matters before a decision is made;
 - review of the public question time provision to provide greater clarity;
 - changes to the notice of motion provisions to ensure enough time is provided for the admission of a notice of motion and clarify around appropriate formats of notice of motions. The proposed changes require Council to seek an officer report before making a change to a service level or committed to an expenditure that has not previously been budgeted for;
 - the introduction of the process for admission of delegate's reports;
 - clarifying the process for the receipt of petitions;
 - a number of administrative changes are also proposed (removal of some now redundant provisions, minor formatting and punctuation issues and renumbering of clauses throughout); and
 - clearer language and definitions.
 11. A table identifying the clauses that has been amended or included in the draft is found in **Attachment 4**.

12. Officers' reports**CM.003/23 Review of the Meeting Procedure - Governance Rule**

12. Importantly, the draft Meeting Procedures would regulate proceedings at Council meetings, and delegated committee meetings, for the following meeting types:

In person: all Councillors and attendees present in the Council Chamber.

Hybrid: a number of Councillors and attendees in the Council Chamber, with a Councillor or attendee(s) to join and participate via a video conferencing system.

Fully remote: Councillors and attendees join via video conferencing system.

13. The rules are proposed around requesting and approving attendance by electronic means. Recognising the importance of participating in the decision-making process in full public view, the proposed provisions pertaining to electronic meetings recommends that hybrid meetings will not proceed if more than one Councillor requests electronic participation, and introduces a process for holding wholly electronic meetings.

14. Various existing rules have also been changed to manage remote attendance, including:

- how the Chair should manage a situation if a member attending electronically cannot hear proceedings, or cannot be seen or heard, but a quorum is present; and
- how to close a meeting for an agenda item that is confidential or how to ensure that a Councillor with a declared conflict of interest is unable to hear a discussion are other aspects that need controls.

15. The above changes do not necessitate any changes to existing audio visual equipment in the Council Chamber. Any requests or improvements to such equipment will be brought back to Council for consideration at a future time.

Related Council decisions

16. Not Applicable.

Options

17. Council may choose to:

- a) Option 1 – endorse the draft Meeting Procedures (**Attachment 2**) with no changes for public consultation to commence 1 March 2023.
- b) Option 2 – defer the endorsement of the draft Meeting Procedures to make further amendments, whereby officers will return for a subsequent briefing addressing the changes on any matters proposed prior to seeking endorsement to make the draft Meeting Procedures public at a future Council meeting. This option will result in an extension to the timelines as presented in the Project Plan – (**Attachment 5**).

Council plans and policies

18. This report directly supports the achievement of the Council Plan 2021-2025 strategy:

- We act in the best interests of our community.

12. Officers' reports**CM.003/23 Review of the Meeting Procedure - Governance Rule**

Access, Equity and Inclusion

19. As this report relates to the development or review of a policy, program or service that has a direct and significant impact on the public, the *Gender Equality Act 2020* requires that a Gender Impact Assessment (GIA) be undertaken.
20. A GIA has been conducted and has identified potential gender inequality implications and recommendations, including:
 - Removal of gendered references from the proposed Rules, with these replaced by neutral references or titles (for example, removing reference to the Mayor as 'Mr Mayor' or 'Madam Mayor').
 - Inclusion of participation by electronic means will improve accessibility to Council and delegated committee meetings for Councillors or members of delegated committees who may have caregiving responsibilities.
21. This report does not impact negatively on any rights identified in *the Charter of Human Rights and Responsibilities Act 2006* (VIC).

Sustainability implications

22. There are no sustainable implications arising from the recommendation contained in this report.

Community engagement

23. The Minister's guideline is not written in such a prescriptive way that it could be easily "adopted" into the Governance Rules as envisaged under section 60(5) of the Act and so be exempt from the need for a process of community engagement.
24. This means that Council must use a process of community engagement in making these changes to the existing Governance Rules.
25. Section 60(4) of the *Local Government Act 2020* requires councils to undertake a process of community engagement when developing or amending its Rules. See attached project plan for details on the community engagement (**Attachment 5**).

Innovation and continuous improvement

26. The development of the Meeting Procedures will facilitate improvements in the experience of meetings.

Collaboration

27. Knowledge has been shared informally between several councils as to both the process and content of changing the Governance Rules to support Council in allowing for online attendance and participation in meetings on an ongoing basis.

Budget implications

28. There are no budget impacts of this report, with no proposed changes to the audio visual equipment in the Council Chamber and the impact on staff resourcing largely officer time associated with undertaking the community engagement program and preparing the subsequent reports for Council. These impacts are allowed for within the relevant staff work plans.

12. Officers' reports

CM.003/23 Review of the Meeting Procedure - Governance Rule

Relevant law

29. Section 60 of the *Local Government Act 2020* and the Ministerial Best Practice Guideline issued under section 87 of that Act; as well as *the Regulatory Legislation Amendment (Reform) Act 2022* are applicable to the consideration of this matter.
30. Council's Community Engagement Policy and guidelines have been referenced and will be followed in the preparation of this review.
31. In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
32. It is considered that the subject matter does not raise any human rights issues.

Regional, state and national plans and policies

33. Not applicable.

Conflicts of interest

34. The *Local Government Act 2020* requires members of Council staff and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
35. The officers 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.004/23 Reconciliation Action Plan (RAP) Community Engagement Plan

Distribution: Public

Manager: Corrienne Nichols, Director Community Services

Author: Nichole Johnson, Manager Community Partnerships

Summary

The purpose of this report is to seek Council endorsement of the Reconciliation Action Plan (RAP) Community Engagement Plan (**Attachment 1**).

The proposed period of Phase 2 Community Engagement for the Nillumbik *Reflect* RAP is 7 weeks; from Monday 6 March 2023 – Sunday 23 April 2023.

This Community Engagement Plan forms *Phase 2* of the Nillumbik Reconciliation Action Plan (RAP) Framework (**Attachment 2**), and will lead to the development of a draft RAP document (*Phase 3*).

Recommendation

That Council endorses the Reconciliation Action Plan (RAP) Community Engagement Plan (**Attachment 1**).

Attachments

1. Reconciliation Action Plan (RAP) Community Engagement Plan
2. Reconciliation Action Plan (RAP) Framework
3. Participate Nillumbik Survey Questions
4. Reconciliation Action Plan (RAP) Consultation Information Sheet

Discussion

1. In line with the Council Plan 2021-2025, Nillumbik Shire Council is committed to developing a Reconciliation Action Plan (RAP). A RAP is a formal commitment to support First Nations peoples' rights, culture, heritage, needs and aspirations.
2. Following the Cultural Reflections Survey conducted in 2020, it was recommended that Nillumbik Shire Council develop a *Reflect* RAP. This type of RAP has a 12 month lifespan and outlines steps to prepare the organisation for reconciliation initiatives in future RAPs.
3. Nillumbik Council's *Reflect* RAP will outline the shared approach Council will take to progress reconciliation and work alongside First Nations people in all Council services.
4. The Nillumbik *Reflect* RAP will be formally endorsed by Reconciliation Australia and published on the Reconciliation Australia website.
5. The development of the Nillumbik *Reflect* RAP requires significant community engagement and consultation with Traditional Owners, Aboriginal and Torres Strait Islander people, reconciliation partners, community members and Council staff to ensure it reflects the needs and interests of our local community.

12. Officers' reports

CM.004/23 Reconciliation Action Plan (RAP) Community Engagement Plan

6. The RAP Community Engagement Plan (**Attachment 1**) has been developed in consultation with Indigenous Employment Partners (IEP) and outlines Council's proposed approach to undertake community consultation on the RAP actions and deliverables.
7. This Community Engagement Plan forms *Phase 2* of the Nillumbik Reconciliation Action Plan (RAP) Framework (**Attachment 2**), and will lead to the development of a draft RAP document (*Phase 3*).

Related Council decisions

8. The Council Plan 2021-2015 was adopted by Council on 26 October 2021.

Options

9. Councillors were presented with a draft RAP Community Engagement Plan at a Councillor Briefing on 6 December 2022 and were given the opportunity to provide feedback.
10. Amendments have been made to the RAP Community Engagement Plan (**Attachment 1**) to reflect Councillor feedback.
11. Council Officers now seek endorsement of the RAP Community Engagement Plan (**Attachment 1**), with a view to commence community engagement on Monday 6 March 2023.

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We actively work towards reconciliation and the process of healing with the Wurundjeri Woi-wurrung people and recognise them as the Traditional Owners of the land and waterways of Nillumbik.

Access, Equity and Inclusion

13. A Gender Impact Assessment (GIA) was completed by Council's Gender Equity and Aboriginal Partnerships Officer. Recommendations include:
 - a) Council officers facilitating RAP community engagement to wear First Nations ally badges
 - b) Ensure promotion of RAP community engagement is in 'Easy English' and 'Plain Language' formats
 - c) Facilitate a consultation session in Nillumbik early years settings to encourage children to participate in RAP development
 - d) Collaborate with Koorie Education Support Officers (KESO) in local schools network to encourage children and young people to participate in RAP development.

Sustainability implications

14. Not applicable.

12. Officers' reports

CM.004/23 Reconciliation Action Plan (RAP) Community Engagement Plan

Community engagement

15. This Community Engagement Plan forms *Phase 2* of the Nillumbik Reconciliation Action Plan (RAP) Framework (**Attachment 2**), and will lead to the development of a draft RAP document (*Phase 3*).
16. The proposed period of Phase 2 Community Engagement for the Nillumbik *Reflect* RAP is 7 weeks; from Monday 6 March 2023 – Sunday 23 April 2023.
17. Throughout this period Council staff will engage with key internal and external stakeholders, as identified in (**Attachment 1**), as well as the broader Nillumbik community.
18. Methods of engagement/consultation will include:
 - a) Online survey questions via *Participate Nillumbik* website (**Attachment 3**)
 - b) Social media posts linking to *Participate Nillumbik* website
 - c) Virtual and in-person consultation sessions
 - d) Monthly workshops with Traditional Owners (Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation)
 - e) Attendance at key Council events throughout the engagement period
19. IEP have developed a Consultation Information Sheet (**Attachment 4**) which will be utilised to guide discussions and provide structure to the above engagement methods.

Innovation and continuous improvement

20. Opportunities for innovation and continuous improvement will be identified through the implementation of the Nillumbik *Reflect* RAP.

Collaboration

21. The draft RAP Community Engagement Plan has been developed in consultation with Indigenous Employment Partners (IEP). IEP were a 100% Indigenous owned and managed enterprise who were engaged as consultants by the Nillumbik Shire Council to support the development of the RAP. Note that IEP has ceased operation effective as of November 2022.

Budget implications

22. Costs associated with the delivery of the RAP Community Engagement Plan have been accounted for within the operational budget.

Relevant law

23. Not applicable.

Regional, state and national plans and policies

24. Not applicable.

Conflicts of interest

25. 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.004/23 Reconciliation Action Plan (RAP) Community Engagement Plan

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12. Officers' reports

CM.005/23 Loan Guarantor Diamond Creek Tennis Club

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer / Acting Director Operations and Infrastructure

Author: Rebecca Burton, Manager Recreation and Leisure

Summary

This report considers a request from the Diamond Creek Tennis Club (DCTC), operating from a Council-owned facility at 28 Phipps Crescent, Diamond Creek.

The Club has approached Council requesting that Council act as loan guarantor for a \$200,000 loan covering the club's contribution to the upgrading of the facility.

Council have estimated that total costs for the upgrading of the facility will be \$500,000. Local Labor Party Leader, Vicki Ward, has committed \$300,000.

Recommendation

That Council:

1. Acts as loan guarantor for the DCTC for a maximum of \$200,000 to be used within the scope of the project.
2. Provides a letter to the bank confirming Council's intention to guarantee a loan to DCTC for \$200,000.
3. Affixes the common seal of Nillumbik Shire Council to the necessary loan guarantee documentation.
4. Notes that any potential future redraw request must be endorsed through a Council resolution.

Attachments

Nil

Discussion

1. DCTC is a tenant of 28 Phipps Crescent, Diamond Creek.
2. DCTC was founded over 100 years ago, is a non-for-profit organisation and currently has 115 members.
3. DCTC's ability to grow as a club is limited by an ageing facility. DCTC is seeking to undertake facility upgrades for courts 3, 4, 5 and 6 with quotes suggesting works will be to the value of \$500,000.
4. Council has confirmed the \$300,000 commitment from Sports Recreation Victoria to upgrading DCTC.
5. At a recent meeting with Council on 7 December 2022, DCTC Committee agreed that the club would contribute up to \$200,000 towards upgrading the facility.
6. DCTC will apply for a bank loan of up to \$200,000 with the provision that Council is loan guarantor.

12. Officers' reports

CM.005/23 Loan Guarantor Diamond Creek Tennis Club

7. To ensure DCTC pays the loan within the approved time period, DCTC will provide the following information over the life of the loan:
 - a) Quarterly loan statements from the Bank to demonstrate that the loan repayments are being made as scheduled
 - b) Annual cash flow reports and projections to ensure Council is informed of any possible adverse financial projections
 - c) Business plan forecasting memberships, programs and services.
8. A council resolution is required to authorise the use of Common Seal of Nillumbik Shire Council to be affixed to the loan guarantee documents, upon approval of the loan.

Related Council decisions

9. Not applicable.

Options

10. A bank loan is the only identified option for DCTC to pay the substantive portion of their contribution to upgrading the facilities.
11. Providing DCTC with a loan guarantee enables DCTC to meet their contribution commitment.

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We work with our local partners, government and non-government agencies to respond to health and wellbeing priorities in Nillumbik

Access, Equity and Inclusion

13. Not applicable.

Sustainability implications

14. DCTC have recently installed LED court lighting on Courts 1 & 2. The intent is for installation of LED lighting to be included in this project for courts 3, 4, 5 and 6. However, this may be removed from the scope if project cost extends beyond the estimated budget of \$500k.

Community engagement

15. Not applicable.

Innovation and continuous improvement

16. Not applicable.

Collaboration

17. The DCTC have worked and will continue to work closely with Council throughout the project. To date, they have been an excellent community partner for Council.

Budget implications

18. There is no direct impact on Council's annual budget.

12. Officers' reports

CM.005/23 Loan Guarantor Diamond Creek Tennis Club

- 19. The total of all Council loan guarantees is reflected in the annual report as a contingent liability to the extent of Councils' potential exposure.
- 20. Council will only guarantee a loan over Council's own asset.

Relevant law

- 21. Not applicable.

Regional, state and national plans and policies

- 22. Not applicable.

Conflicts of interest

- 23. 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.005/23 Loan Guarantor Diamond Creek Tennis Club

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12. Officers' reports**CM.006/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 2**

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 (**Attachment 1**) for noting.

These reporting updates are received by Council on a quarterly basis to demonstrate in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

The Council Plan Quarterly Performance Report provides the second update on delivery progress and performance of the 2022-2023 Annual Action Plan actions, which align to delivery of the second year of the Council Plan 2021-2025.

Of the 22 actions designated for quarterly reporting in the 2022-2023 Annual Action Plan, 19 actions are currently 'on track', two actions are experiencing minor issues and one action is completed.

The overall position reflected in the report suggests that Council continues to make solid progress in delivering on key actions of the Council Plan and significant outcomes for the community.

All 46 actions identified in the Annual Action Plan 2022-2023 will have final updates provided in the corresponding report for the fourth quarter, and will also be published in the Annual Report 2022-2023 when presented to the community later in 2023.

Recommendation

That Council receives and notes the Council Plan Quarterly Performance Report (**Attachment 1**) for the second quarter of 2022-2023.

Attachments

1. Council Plan Quarterly Performance Report - 2022-2023 - Quarter 2

Discussion

1. The Council Plan 2021-2025 was developed throughout 2021 and adopted by Council in October 2021. The Council Plan 2021-2025 has four high-level strategic themes:
 - Community and Connection – to encourage inclusion and participation to support health and wellbeing and ensure that all our residents have equitable access to services, programs, events and initiatives.
 - Place and Space – to protect, enhance, maintain, plan and design places and spaces that strengthen identity, reinforce character, improve accessibility, encourage social connection and enjoyment, support biodiversity and respect the environment.

12. Officers' reports**CM.006/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 2**

- Sustainable and Resilient – to manage and adapt to changing circumstances that affect our community to ensure it remains sustainable and resilient, both now and into the future.
 - Responsible and Accountable – to facilitate the best possible outcomes for our community, by demonstrating strong leadership and working actively to achieve the community's objectives.
2. The Annual Action Plan 2022-2023, adopted by Council in May 2022, contains 46 actions contributing to delivery of the Council Plan within the corresponding financial year. Of those 46 actions, 22 are identified for quarterly reporting, while the remainder of the actions will be subject to an update in the corresponding report in the final quarter of this financial year.
 3. Of the 22 actions designated for quarterly reporting in the 2022-2023 Annual Action Plan, 19 actions are currently 'on track', two actions are experiencing minor issues and one action is completed.
 4. Some of the highlights of activities and deliverables achieved during the reporting period (October to December 2022) included:
 - a) Council has prepared a Community Engagement Plan for undertaking community consultation on the Reconciliation Action Plan (RAP), which will be presented to Council for endorsement in February 2023;
 - b) Key actions completed in the Nillumbik Health & Wellbeing Plan included delivery of International Day of People with a Disability grants; facilitation of Children's Week; delivery of the Spring Outdoors campaign, delivery of the Nillumbik Mental Health advocacy campaign, and delivery of the 16 Days of Activism against Gender-based Violence campaign;
 - c) The end of year report for the Year 1 implementation plan on the Youth Strategy has been finalised. The Year 2 implementation plan is now being developed and will also be presented to EMT and Council in early 2023;
 - d) A Council briefing on the outcomes of Phase 3 engagement on the Municipal Planning Strategy has been undertaken, with community submissions also heard at a Planning and Consultative Committee meeting in November 2022;
 - e) A Request for Tender and preliminary evaluation of submissions has been undertaken for review of the Biodiversity Strategy and will be completed next quarter;
 - f) The Northern Region Trails Strategy and action plan and concept plans for a BMX facility in the Shire were completed as part of the Recreation and Leisure Strategy;
 - g) Actions continue to be completed as part of the Arts and Culture Strategy, including public art projects at Eltham Gateway and Eltham North Adventure Playground, and developing a new exhibition agreement (2023-2026) at Montsalvat;

12. Officers' reports**CM.006/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 2**

- h) Phase 2 engagement on the Neighbourhood Character Strategy has been completed, with outcomes from the engagement process and findings to be provided to Council in early 2023;
 - i) Council adopted the proposed Strategic Plan for the Diamond Creek Community Facilities Master Plan. Master Plan programming is now subject to funding;
 - j) The contract to prepare a draft Integrated Transport Strategy was awarded in October 2022, with a site meeting with consultants completed in November 2022. Workshops with Council officers and State Government transport agencies were also completed in December 2022;
 - k) All-staff training and implementation plans have been developed and rolled out to embed climate action in roles and business plans as part of the Climate Action Plan. A draft Net Zero Roadmap has also been developed to inform 2023-2024 budget and long term financial planning, with a final report to be provided to Councillors next quarter;
 - l) The Home Based Business Expo, the Business Friendly Councils Approvals Pilot and the Shop in our Shire Christmas campaign were successfully delivered as part of Council's Economic Development Strategy;
 - m) Council continued to advocate on key issues in the State Election campaign, attending and promoting election commitments and major advocacy campaigns across the Shire;
 - n) All identified actions in the Bushfire Mitigation Action Plan remain on track, with significant progress made in creating a community focused approach to bushfire response through the Communities First project;
 - o) The Nillumbik General Local Law 1 and Procedure and Protocol Manual were adopted and endorsed by Council at the December 2022 Council Meeting;
 - p) Development of the next iteration of the Nillumbik Customer First Strategy continued throughout the quarter, informed by a comprehensive analysis of customer data over the past four years. The draft strategy was presented to and adopted by Council at the December 2022 Council Meeting;
 - q) Delivery of Council's capital works program continued, with a large number of programs and projects scheduled for the 2022-2023 financial year well underway, including the Kangaroo Ground Landfill rehabilitation, Andrew Park Pocket Park, Coventry Oval Lighting upgrade and Graysharps Road Open Space Plan implementation.
5. The overall position as reflected in the report suggests that Council continues to make solid progress in delivering on the key actions supporting the Council Plan.
6. Reporting updates will continue to be received by Council on a quarterly basis that demonstrates in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

Related Council decisions

7. In concert with the adoption of the 2022-2023 Council Budget, the Annual Action Plan 2022-2023 was adopted at the May 2022 Council Meeting.

12. Officers' reports

CM.006/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 2

Council plans and policies

8. This report directly supports the achievement of Council Plan 2021-2025 strategy:
- We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

Access, Equity and Inclusion

9. A Gender Impact Assessment has not been completed for this report. However, actions developed in the Performance Report best reflect the principles outlined in the Access, Equity and Inclusion Policy where applicable.

Sustainability implications

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

Community engagement

11. 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 Council Plan 2021-2025. The Council Plan was also developed and refined through a series of workshops with Councillors following the general election in November 2020.
12. The Council Plan was subject to a four-week public consultation process across July and August 2021, with refinements made following the receipt of submissions. The Council Plan was subsequently adopted by Council in October 2021.
13. The Annual Action Plan 2022-2023, reflecting the second year of delivery of the four-year Council Plan, was also adopted at the May 2022 Council Meeting.

Innovation and continuous improvement

14. Not applicable.

Collaboration

15. Not applicable.

Budget implications

16. This report is part of Council's monitoring of the Council Plan 2021-2025. The resources for the monitoring and the preparation of this report are accommodated within existing operational budgets.

Relevant law

17. Not applicable.

Regional, state and national plans and policies

18. Not applicable.

Conflicts of interest

19. 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.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge****Distribution: Public****Manager: Rosa Zouzoulas, Director Planning and Community Safety****Author: Jamie-Louise Neilson, Planning Business Support Coordinator
Renae Ahern, Manager Planning Services****Summary**

This report is to inform Councillors about a planning application that has been made to the Minister for Planning, and which the Minister has sought public submissions, for a proposed new school to be located at 1075 Heidelberg-Kinglake Road, Hurstbridge.

Council Officers have responded to the Minister for Planning's request for submissions to the public notice period, and have objected to the proposal.

Recommendation**That Council:**

1. Notes that Council officers have objected to Planning Application PA2101369, currently being considered by the Minister for Planning, for the use of the land for an Education Centre (Primary and Secondary school) at 1075 Heidelberg –Kinglake Road, Hurstbridge on the following areas of concern:
 - a) The application has not provided enough information to make a fully informed assessment and determination of the proposal.
 - b) The application has not detailed how the proposal will address the Bushfire Management Overlay or how the risk to both life and property will be minimised.
 - c) Details regarding student numbers and hours of operation are unknown.
 - d) A full set of development plans and details of any proposed buildings and works have not been provided. This includes details of any proposed works to existing buildings, any proposed new buildings or structures, play equipment, sports courts or ovals.
 - e) An arborist report has not been provided, as such no assessment can be made on any of the vegetation proposed for removal.
 - f) A Cultural Heritage Management Plan has not been provided. Pursuant to the *Planning and Environment Act 1987*, a planning permit cannot be issued without an approved Cultural Heritage Management Plan.
 - g) The application is considered to be inconsistent with the Municipal Planning Strategy and Planning Policy Framework contained within the Nillumbik Planning Scheme.
 - h) The application is considered to be inconsistent with the purpose, objectives and decision guidelines of the Rural Conservation Zone (Schedule 3).

12. Officers' reports

CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge

- i) The application is considered to be inconsistent with the purpose, objectives and decision guidelines of the Environmental Significance Overlay (Schedule 4).
2. Notes that officers will inform Councillors of the decision once the Minister for Planning has determined the application.

Attachments

1. Notice of planning application
2. Advertised document - Site Plan
3. Advertised document - Updated Site Plans
4. Advertised document - Biodiversity Assessment
5. Advertised document - Buildings solutions letter
6. Advertised document - Stormwater solutions letter
7. Advertised document - Traffic Impact Assessment

Back Ground

1. Council received notice that an application had been made to the Minister for Planning for the property at 1075 Heidelberg Kinglake Road, Hurstbridge, for the use of the land for an Education Centre (Primary and Secondary school) on 18 October 2021.
2. Council officers provided a referral response to the Minister for Planning on 29 October 2021, outlining initial concerns with the application and the lack of information that had been provided with the application.
3. Council subsequently received notice that the planning application (Application no. PA2101369) was being advertised pursuant to section 52 of the *Planning and Environment Act 1987* on 20 December 2022.
4. The Department of Transport and Planning have advertised the following documents for the application:
 - a) A site plan;
 - b) A biodiversity assessment;
 - c) A stormwater solution letter;
 - d) A building solutions letter; and
 - e) A Traffic Impact Assessment.
5. Council officers provided a formal objection to the application on 12 January 2023 on the following grounds:
 - a) There is a significant lack of information that limits the ability for a full planning assessment to be made on the application;

12. Officers' reports**CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge**

- b) The proposal is considered to be inconsistent with the purpose of the Rural Conservation Zone (Schedule 3);
 - c) The proposal is considered to be inconsistent with the purpose of the Bushfire Management Overlay and Clause 13.02 (Bushfire) of the Nillumbik Planning Scheme and doesn't demonstrate how the risk to life and property will be minimised in the event of a bushfire;
 - d) The proposal is considered to be inconsistent with the Municipal Planning Strategy and the Planning Policy Framework of the Nillumbik Planning Scheme;
 - e) An approved Cultural Heritage Management Plan has not been provided and pursuant to the Planning and Environment Act 1987, a planning permit cannot be issued without an approved Cultural Heritage Management Plan; and
 - f) The proposal is considered to be inconsistent with the provisions of Clause 52.17 Native Vegetation of the Nillumbik Planning Scheme.
6. Other concerns raised by officers during the public notice period related to the lack of information submitted with the application. No detail regarding numbers of students, numbers of staff or the proposed operating hours have been included in the advertised material. Further, development plans, a Bushfire Management Statement, a Bushfire Management Plan and an arborist assessment were not included in the available advertised documents. As such, a detailed assessment of the proposal is unable to be undertaken and vegetation and site impacts remain unknown.

Site Details

- 7. The site is located in the Green Wedge, outside of the Urban Growth Boundary.
- 8. The site area is effectively flat with a gentle down slope to the north toward Diamond Creek, and abuts the Diamond Creek Corridor with the central northern portion of the parcel of land extending over the creek and into the adjacent bushland. The Diamond Creek dissects the site to the rear of the property.
- 9. The site is irregular in shape. It has a 505 metre frontage to Heidelberg-Kinglake Road, and has a total area of 6.63 hectares.
- 10. The site is currently being used as a restaurant, function centre and nursery with the business known as "Bridges". The site includes four buildings associated with the business and a large car parking area (both formal and informal) located centrally along the south eastern boundary along Heidelberg-Kinglake Road, as well as many other smaller impermanent nurse structures scattered throughout this section of the site.
- 11. A large dwelling with outbuildings is located in the south-western section of the site with its own separate driveway access.
- 12. The site is heavily vegetated along the northern/north-western boundary which abuts the Diamond Creek. The remainder of the site contains varied vegetation and open areas, especially around the dwelling and the buildings associated with the business and in the north-eastern portion of the property.
- 13. The site is located 1.43 kilometres from the Hurstbridge Railway Station.

Planning Controls

12. Officers' reports

CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge

14. The site is zoned Rural Conservation Zone (Schedule 3). Pursuant to the zone a planning permit is required for the use of the land for a school (both Primary and Secondary), as well as to construct a building or construct or carry out any works associated with a school.
15. The site is affected by the Bushfire Management Overlay and is considered to be Bushfire Prone Land pursuant to the Building Regulations.
16. Approximately 40% of the land is affected by the Land Subject to Inundation Overlay due to the site's frontage along Diamond Creek, which is known to flood in high rainfall events. A planning permit is required for all buildings and works where affected by this overlay.
17. Approximately 25% of the site is affected by the Environmental Significance Overlay (Schedule 4), which pertains to the protection of waterways. A planning permit is required to construct a building or to construct or carry out works as well as to remove, destroy or lop vegetation.
18. As the land is greater than 4,000 square metres in area, the provisions of Clause 52.17 (Native Vegetation) apply to the proposal and a planning permit is required to remove, destroy or lop any native vegetation. Any native vegetation approved to be removed must be appropriately offset.
19. Heidelberg-Kinglake Road abuts the site along the south-eastern boundary and is zoned Transport Zone 2 (Principal Road Network).
20. The site is deemed a site of potential Cultural Heritage Sensitivity due to its proximity to the Diamond Creek.

The Proposal

21. The proposal includes the following:
 - a) Use of the land for a school (both Primary and Secondary) and buildings and works associated with the use of the land for a school.
 - b) No details have been provided in relation to the number of students proposed or the hours of operation
 - c) Utilising and upgrading the existing buildings on site (no plans have been provided to Council).
 - d) Utilising the existing vehicle crossovers and car parking areas.
 - e) Removal of 0.269 hectares of native vegetation and three large trees.
 - f) Connection to the reticulated sewerage network.
 - g) Connection to the existing stormwater system which flows directly into Diamond Creek.

12. Officers' reports**CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge**

Internal referral advice

22. The application has been referred internally to many Council departments for comment. The following is a summary of the responses received:

a) Building Services

Strongly objects to the proposal as school buildings are not supported in Bushfire Prone Areas. It is noted that any school buildings would need to meet the requirements of the building regulations and that no plans have been provided.

b) Environmental Health

The site is sewered. Should a permit issue, an amenity control condition is recommended regarding noise from school bells and PA systems.

c) Infrastructure Development

Melbourne Water is the drainage authority for the site. Council officers have not seen any comments from Melbourne Water in regards to this application.

d) Traffic and Transport

Outstanding questions remain regarding the Traffic Impact Assessment provided primarily in relation to the access arrangements and any impact on Heidelberg-Kinglake Road. The site's parking facilities are considered to be adequate. Any issues are likely to be resolvable.

e) Environmental Planning

Strongly objects to the proposal.

The applicant has misapplied the '10/30' rule to the development and as this is not an application for accommodation, the vegetation loss has likely been underestimated.

No details have been provided in relation to any vegetation impacts from proposed play spaces and play equipment. Trees in high use areas may pose a safety risk; removal of high risk trees needs to be considered.

New and ongoing disturbance will impact on the existing habitat values of the site.

The site has both pest and animal species issues evident. A Land Management Plan should be provided which addresses these concerns.

Defendable space will extend over the waterway which may impact bank stabilisation and water quality.

f) Strategic Planning

Strongly objects to the proposal as the proposal is considered to be inconsistent with the purpose requirements and decision guidelines of the Rural Conservation Zone, particularly the objective of Schedule 3 to the zone, as well as to the Environmental Significance Overlay (Schedule 4), both of which seek to limit vegetation removal and impacts on conservation and biodiversity.

12. Officers' reports

CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge

The proposal will result in a substantial increase to the number of people on site in a high bushfire risk environment and the proposal has not addressed these policy and safety concerns.

Policies applicable to the site do not encourage or promote this proposed use and development, and is in conflict with State policy which seeks to protect the Green Wedge and limit the treat to life and property from bushfire.

The proposed removal of vegetation to create defensible space around the existing buildings is inconsistent with Council's adopted Green Wedge Management Plan, State and local planning policy, the purpose of the Rural Conservation Zone (Schedule 3) and the Environmental Significance Overlay (Schedule 4)

Council plans and policies

23. This report directly supports the achievement of the Council Plan 2021-2025 strategy:

- We act in the best interests of our community.

Access, Equity and Inclusion

24. Not applicable in this instance.

Sustainability implications

25. Not applicable in this instance.

Community engagement

26. The Minister for Planning has placed the application on public notice seeking comments from the public, Council and other relevant State Government departments.

Innovation and continuous improvement

27. Not applicable.

Collaboration

28. Not applicable.

Budget implications

29. Council officers have prepared the response to the Minister for Planning and no consultants have been required or engaged.

Relevant law

30. A response to the Minister for Planning has been provided in accordance with the *Planning and Environment Act 1987*.

Regional, state and national plans and policies

31. Not applicable.

Conflicts of interest

32. Officers involved with this application do not have any conflicts.

12. Officers' reports**CM.008/23 December Quarter Financial Report**

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer / Acting Director Operations and Infrastructure****Author: Melika Sukunda, Finance Manager****Summary**

This report outlines Council's financial performance and financial position for the period ended 31 December 2022.

The Income Statement shows an overall favourable year to date (YTD) variance of \$5.2 million representing 10.91 percent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$5.2 million and higher than budgeted operating expenses of \$33,246.

Council's overall financial position at the end of this quarter is sound.

The Chief Executive Officer has reviewed the quarterly report and the mid-year forecast and has determined that a revised budget is not required.

Recommendation

That Council receives and notes the Financial Report for the period ended 31 December 2022 (**Attachment 1**).

Attachments

1. Quarterly Finance Report December 2022

Discussion

1. In May 2022, Council adopted the 2022-2023 Budget.
2. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works and investments, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year.

Income statement

5. Council closed the period ending 30 December 2022 with a favourable YTD variance of \$5.2 million based on operating revenue and costs. This represents 10.91 percent of the YTD Budget.

12. Officers' reports**CM.008/23 December Quarter Financial Report**

6. The overall variance is made up of the following:
- Income – \$5.2 million (5.4 percent) favourable variance. This includes new/additional grant funding \$5.5 million, interest income \$264,706 and developer contributions \$142,195, offset by a reduction in user fees (\$1.1 million) largely resulting from a reduction in membership uptake after COVID along with a reduction in swimming lessons due to teacher shortages as detailed on pages 6 of **Attachment 1**.
 - Expenditure – \$33,246 (0.08 percent) unfavourable, mainly attributed to reduced employee benefits expenditure \$679,694 due to current vacancies, materials and related costs \$556,282 and external contracts expenditure \$538,061, offset by lower operational expenditure associated with the leisure facilities. Additional details on variances are detailed on page 7 of **Attachment 1**.

Balance sheet

7. The balance sheet reflects Council's financial position at 31 December 2022 and is prepared in compliance with the Australian Accounting Standards.
8. Council's balance sheet as detailed on page 4 of **Attachment 1** continues to show a strong net position. This is represented by \$1.02 billion of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$50.5 million, which results in net assets of \$970.2 million.

Statement of cash flows

9. The statement of cash flows as detailed on page 5 of **Attachment 1** captures Council's actual cash transactions for the period.
10. Council is showing a cash position of \$9.3 million after all cash transactions for the period to date.
11. The \$9.3 million does not include \$40.5 million held in investments for a period of 90 days or greater as detailed on page 9 of **Attachment 1**.

Capital works

12. The capital works report detailing YTD spend by asset class is detailed on page 9 of **Attachment 1**.
13. This shows an unfavourable variance of (\$525,926) million relative to YTD budget, largely driven by new (unbudgeted) additional works and commitments raised for upcoming works.

Related Council decisions

14. Council adopted the 2022-2023 Budget at the Council Meeting held on 24 May 2022.

Options

15. The detailed Financial Report for the period ended 31 December 2022 is provided in **Attachment 1**. This report is an analysis of Council's financial performance and financial position as at 31 December 2022. The report also includes an analysis of budget variances.

12. Officers' reports

CM.008/23 December Quarter Financial Report

Council plans and policies

16. This report directly supports the achievement of Council Plan 2021-2025 strategy:
- Ensure responsible and efficient management of Council's financial resources.

Access, Equity and Inclusion

17. A Gender Impact Assessment has been conducted on the budget process and Gender Responsive Budgeting included within the guidelines as a priority consideration throughout the development of the draft 2023-2024 budget.

Sustainability implications

18. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO). These indicators comprise of both short term and longer term measures. This is monitored through the annual external audit and presented to the Audit and Risk Committee.
19. The quarterly financial statements are used as an ongoing mechanism to monitor Council's financial position during the year.

Community engagement

20. The budget was subject to public exhibition prior to its final adoption by Council.

Innovation and continuous improvement

21. Not applicable.

Collaboration

22. Not applicable.

Budget implications

23. The Chief Executive Officer has reviewed the quarterly report and the mid-year forecast and has determined that a revised budget is not required.
24. This is a standard reporting item to Council, the associated costs for which are included in the current budget.

Relevant law

25. *Local Government Act 2020*, section 101 Financial Management Principles.
26. *Local Government Act 2020*, section 97 Quarterly Budget Report
27. Australian Account Standards.

Regional, state and national plans and policies

28. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.008/23 December Quarter Financial Report

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12. Officers' reports**CM.009/23 Informal Meetings of Councillors Records - 28 February 2023**

Distribution: Public**Manager: Blaga Naumoski, Director Governance and Communications****Author: Katia Croce, Governance Lead****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 Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 13 December 2022.

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

1. Positive Ageing Advisory Committee meeting held 2 December 2022;
2. Councillor Briefing meeting held 6 December 2022;
3. CEO Employment Matters Advisory Committee - sub-committee meeting held 24 January 2023;
4. CEO Employment Matters Advisory Committee - sub-committee meeting held 3 February 2023;
5. Positive Ageing Advisory Committee meeting held 3 February 2023;
6. Councillor Briefing meeting held 7 February 2023;
7. PCC Pre-Meet held 14 February 2023.

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 - 28 February 2023

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.

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

12. Officers' reports

CM.009/23 Informal Meetings of Councillors Records - 28 February 2023

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 at the last Council Meeting.

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 the Council Plan 2021-2025 strategy:
 - We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

Access, Equity and Inclusion

9. A Gender Impact Assessment has not been completed for this report.

Sustainability implications

10. None required.

Community engagement

11. Not applicable.

Innovation and continuous improvement

12. Not applicable.

12. Officers' reports

CM.009/23 Informal Meetings of Councillors Records - 28 February 2023

Collaboration

13. None required.

Budget implications

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

Relevant law

15. *Local Government Act 2020.*

Regional, state and national plans and policies

16. None applicable.

Conflicts of interest

17. 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.009/23 Informal Meetings of Councillors Records - 28 February 2023

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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.010/23 CEO Employment Matters

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