

Council Meeting

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

Attachments

Carl Cowie
Chief Executive Officer

Thursday 23 February 2023

Distribution: Public

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Nillumbik Shire Council

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Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 13 December 2022 commenced at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 16 December 2022

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
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Council Meeting Minutes

13 December 2022

Nillumbik Shire Council

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Council Meeting Minutes

13 December 2022

Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 13 December 2022.
The meeting commenced at 7.00pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Director Governance and Communications
Corrienne Nichols	Director Community Services
Rosa Zouzoulas	Director Planning and Community Safety
Jeremy Livingston	Executive Manager Business Transformation and Performance
Heath Gillett	Manager Community Safety
Elisha Jansz	Community Safety Coordinator
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Acknowledgement of Country

Acknowledgement of Country was read by the Mayor, Cr Ben Ramcharan.

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Natalie Duffy.

4. Prayer

Prayer reader was an apology.

The Mayor, Cr Ben Ramcharan invited Councillors to say a prayer to themselves for a minute or a commitment regarding the importance of the work they are doing today, should they wish.

5. Apologies

Nil

6. Presentations

Nil

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7. Confirmation of Minutes

Confirmation of the minutes of the Council Meeting held on Tuesday 22 November 2022 and the Extraordinary Council Meeting held on Wednesday 23 November 2022.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Karen Egan

That Council confirms the minutes of the Council Meeting held on Tuesday 22 November 2022 and the minutes of the Extraordinary Council Meeting held on Wednesday 23 November 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Nil

9. Petitions

Nil

10. Questions from the gallery

Grant Brooker submitted the following questions:

Question 1

How & in what format will Nillumbik Shire provide residents with financial metrics [including revenues, expenditures, performance against budget etc] to support a decision to extend the Aligned Leisure contract to July 2027.

Response 1

The financial performance of the contract is reported in Council's financial report both on a quarterly basis and through the Annual Financial Report. The financial reports are presented to Council on a periodic basis at Council meetings during the year. The Financial Reports which contain the financial data pertinent to the contract are audited externally by the Victorian Auditor General's Office and are also presented to Council's Audit and Risk Committee during the year.

Question 2

Will the forecast budget referred to in dot point 19 be provided to User Groups of the Nillumbik Leisure facilities noting they will see both Council & Aligned Leisure" recoup lost income " until 2027

Response 2

The forecast budget information will form part of Council's annual budget. The annual Budget is reported periodically in the financial reports both on a quarterly basis and through the Annual Financial Report. The financial reports are presented to Council on a periodic basis at Council meetings during the year.

Council's Budget and management thereof is a matter for Council and officers, not Leisure Facility User Groups.

11. Reports of Advisory Committees

Nil

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12. Officers' reports

CM.118/22 Adoption of Nillumbik General Local Law 1

Distribution: Public

Manager: Rosa Zouzoulas, Director Planning and Community Safety

Author: Heath Gillett, Community Safety Manager

Summary

This report presents the Nillumbik General Local Law 1 (**Attachment 1**), Nillumbik General Local Law 1 Procedure and Protocol Manual (**Attachment 2**) and Nillumbik General Local Law 1 Community Impact Statement (**Attachment 3**) for adoption, following public consultation, receipt of submissions, refinements in response to submissions received and certification from a suitably qualified lawyer (**Attachment 4**).

The Nillumbik General Local Law 1 and associated documentation outlines Council's commitment to:

- Regulate activities, events, practices or behaviour in public places;
- Measure and monitor how the proposed Local Law contributes to supporting community safety;
- Undertake inspections to ensure compliance with permit conditions;
- Provide conditions for specified activities to protect the safety of the community;
- Update the Procedure and Protocol Manual to meet changing expectations of the community;
- Deliver proactive programs that educate the community on how to comply with the Local Law; and
- Ensure that enforcement action is transparent, consistent and proportionate to the alleged offence in each case.

The Nillumbik General Local Law 1 was prepared in accordance with State Government guidelines.

External lawyers have confirmed the proposed Nillumbik General Local Law 1 complies with all regulatory requirements.

The Nillumbik General Local Law 1 is informed by legislation, evidence, local context, strategic commitments, best practise and significant community consultation, including;

Phase 1 - Review of Local Law and Gap Analysis

- Public submissions received between 25 May 2021 – 16 July 2021

Phase 2 – Consultation of draft Local Law

- Written submissions received between 1 November 2021 – 5 December 2021
- Submission heard at Planning and Consultation Committee Meeting on 12 April 2022

Phase 3 – Public Exhibition of Draft Nillumbik General Local Law 1

- Written submissions received between 2 August 2022 – 6 September 2022
- Submission heard at Planning and Consultation Committee Meeting on 11 October 2022.

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12. Officers' reports

CM.118/22 Adoption of Nillumbik General Local Law 1

Recommendation

That Council having:

- a) Completed the statutory process under *Division 3 of Part 3 of the Local Government Act 2020* for the making of the proposed Nillumbik General Local Law 1 (**Attachment 1**);
 - b) Obtained a certificate from a suitably qualified lawyer stating that, in their opinion, the proposed Local Law is consistent with the local law requirements set out in *S72 of the Local Government Act 2020* (**Attachments 4**); and
 - c) Undertaken community engagement in accordance with Council's Community Engagement Policy and having considered all submissions that were received;
1. Adopts the Nillumbik General Local Law 1.
 2. Makes the Nillumbik General Local Law 1 to commence on 22 December 2022.
 3. Authorises the Chief Executive Officer to publish the Nillumbik General Local Law 1 in the Victorian Government Gazette and on Council's website stating the title, objectives and effect of the Local Law, and that a copy of the Local Law is available for inspection at the Council's offices and on the Council's website, in accordance with the requirements outlined in Sections 74(4) and 74(5) of the *Local Government Act 2020*.
 4. Revokes the following Local Laws on the 22 December 2022;
 - a. Amenity Local Law 2013;
 - b. Meeting Procedure Local Law 2017;
 - c. Prohibition of Fireworks Local Law 2019; and
 - d. Infrastructure Assets Local Law 2013;
 5. Adopts the Procedure and Protocol Manual (**Attachment 2**) and makes the document publicly available on Council's website.
 6. Notes the Community Impact Statement (**Attachment 3**) and makes the document publicly available on Council's website.
 7. Authorises the Director Planning and Community Safety to make any further minor changes to the Procedure and Protocol Manual and Impact Statement that may be necessary and are inconsequential in nature.
 8. Thanks all submitters of the Nillumbik General Local Law 1 project, and advises them of the resolution of Council.
 9. Requests Officers to undertake targeted consultation with all owners and occupiers in the Bend of Islands to inform them of the resolution of Council, providing them details of Nillumbik General Local Law 1, Part 10 Bend of Islands, and all requirements as outlined in the Nillumbik Procedure and Protocol Manual relevant to the Bend of Islands Local Law.
 10. Notes the Compliance Policy (**Attachment 5**).

Council Meeting Minutes

13 December 2022

12. Officers' reports

CM.118/22 Adoption of Nillumbik General Local Law 1

Motion

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council having:

- a) Completed the statutory process under *Division 3 of Part 3 of the Local Government Act 2020* for the making of the proposed Nillumbik General Local Law 1 (**Attachment 1**);
 - b) Obtained a certificate from a suitably qualified lawyer stating that, in their opinion, the proposed Local Law is consistent with the local law requirements set out in *S72 of the Local Government Act 2020* (**Attachments 4**); and
 - c) Undertaken community engagement in accordance with Council's Community Engagement Policy and having considered all submissions that were received;
1. Adopts the Nillumbik General Local Law 1 **subject to the following amendment to the Clause 4 to read "This Local Law comes into operation on 22 December 2022"**.
 2. Makes the Nillumbik General Local Law 1 to commence on 22 December 2022.
 3. Authorises the Chief Executive Officer to publish the Nillumbik General Local Law 1 in the Victorian Government Gazette and on Council's website stating the title, objectives and effect of the Local Law, and that a copy of the Local Law is available for inspection at the Council's offices and on the Council's website, in accordance with the requirements outlined in Sections 74(4) and 74(5) of the *Local Government Act 2020*.
 4. Revokes the following Local Laws on the 22 December 2022;
 - a. Amenity Local Law 2013;
 - b. Meeting Procedure Local Law 2017;
 - c. Prohibition of Fireworks Local Law 2019; and
 - d. Infrastructure Assets Local Law 2013;
 5. Adopts the Procedure and Protocol Manual (**Attachment 2**) and makes the document publicly available on Council's website, **subject to the following amendments to the Procedure and Protocol Manual**;
 - a. **Clause 30 - page 29 under Permit Conditions replace the first sentence with the following:**

If the land is within a Special Use Zone **Schedule 1 and Schedule 2** as defined in the Nillumbik Planning Scheme, no permit will be issued unless the provisions of **Clause 66** have been met.
 - b. **Clause 52 - page 53 under "Who requires a permit?" the sentence to read as follows:**

Thirty days from the date of commencement of Nillumbik General Local Law 1, persons wishing to remove, destroy, kill, damage or interfere with any substantial tree on private land.

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CM.118/22 Adoption of Nillumbik General Local Law 1

c. **Clause 66 - page 72 under Exemption, the sentence should read as follows:**

Property owners will have **three months** from the date of **commencement** of Nillumbik General Local Law 1 to provide proof of animal ownership and /or registration of animal.

d. **Clause 57 – page 46 under Criteria for consideration, the sentence should read as follows:**

Recreational vehicles are not permitted **in the area covered by Schedule 2** in the Special Use Zone, as identified by the Nillumbik Planning Scheme eg: Bend of Islands.

6. Notes the Community Impact Statement (**Attachment 3**) and makes the document publicly available on Council's website.
7. Authorises the Director Planning and Community Safety to make any further minor changes to the Procedure and Protocol Manual and Impact Statement that may be necessary and are inconsequential in nature.
8. Thanks all submitters of the Nillumbik General Local Law 1 project, and advises them of the resolution of Council.
9. Requests Officers to undertake targeted consultation with all owners and occupiers in the Bend of Islands to inform them of the resolution of Council, providing them details of Nillumbik General Local Law 1, Part 10 Bend of Islands, and all requirements as outlined in the Nillumbik Procedure and Protocol Manual relevant to the Bend of Islands Local Law.
10. Notes the Compliance Policy (**Attachment 5**).

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

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council having:

- a) Completed the statutory process under *Division 3 of Part 3 of the Local Government Act 2020* for the making of the proposed Nillumbik General Local Law 1 (**Attachment 1**);
 - b) Obtained a certificate from a suitably qualified lawyer stating that, in their opinion, the proposed Local Law is consistent with the local law requirements set out in *S72 of the Local Government Act 2020* (**Attachments 4**); and
 - c) Undertaken community engagement in accordance with Council's Community Engagement Policy and having considered all submissions that were received;
1. Adopts the Nillumbik General Local Law 1 subject to the following amendment to the Clause 4 to read "This Local Law comes into operation on 22 December 2022".
 2. Makes the Nillumbik General Local Law 1 to commence on 22 December 2022.

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12. Officers' reports

CM.118/22 Adoption of Nillumbik General Local Law 1

3. Authorises the Chief Executive Officer to publish the Nillumbik General Local Law 1 in the Victorian Government Gazette and on Council's website stating the title, objectives and effect of the Local Law, and that a copy of the Local Law is available for inspection at the Council's offices and on the Council's website, in accordance with the requirements outlined in Sections 74(4) and 74(5) of the *Local Government Act 2020*.
4. Revokes the following Local Laws on the 22 December 2022;
 - a. Amenity Local Law 2013;
 - b. Meeting Procedure Local Law 2017;
 - c. Prohibition of Fireworks Local Law 2019; and
 - d. Infrastructure Assets Local Law 2013;
5. Adopts the Procedure and Protocol Manual (**Attachment 2**) and makes the document publicly available on Council's website, subject to the following amendments to the Procedure and Policy Manual;
 - a. Clause 30 - page 29 under Permit Conditions replace the first sentence with the following:

If the land is within a Special Use Zone Schedule 1 and Schedule 2 as defined in the Nillumbik Planning Scheme, no permit will be issued unless the provisions of Clause 66 have been met.
 - b. Clause 52 - page 53 under "Who requires a permit?" the sentence to read as follows:

Thirty days from the date of commencement of Nillumbik General Local Law 1, persons wishing to remove, destroy, kill, damage or interfere with any substantial tree on private land.
 - c. Clause 66 - page 72 under Exemption, the sentence should read as follows:

Property owners will have three months from the date of commencement of Nillumbik General Local Law 1 to provide proof of animal ownership and /or registration of animal.
 - d. Clause 57 – page 46 under Criteria for consideration, the sentence should read as follows:

Recreational vehicles are not permitted in the area covered by Schedule 2 in the Special Use Zone, as identified by the Nillumbik Planning Scheme eg: Bend of Islands.
6. Notes the Community Impact Statement (**Attachment 3**) and makes the document publicly available on Council's website.
7. Authorises the Director Planning and Community Safety to make any further minor changes to the Procedure and Protocol Manual and Impact Statement that may be necessary and are inconsequential in nature.
8. Thanks all submitters of the Nillumbik General Local Law 1 project, and advises them of the resolution of Council.

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12. Officers' reports

CM.118/22 Adoption of Nillumbik General Local Law 1

9. Requests Officers to undertake targeted consultation with all owners and occupiers in the Bend of Islands to inform them of the resolution of Council, providing them details of Nillumbik General Local Law 1, Part 10 Bend of Islands, and all requirements as outlined in the Nillumbik Procedure and Protocol Manual relevant to the Bend of Islands Local Law.
10. Notes the Compliance Policy (**Attachment 5**).

CARRIED

Cr Peter Perkins called for a division:

For: Crs Natalie Duffy, Frances Eyre, Geoff Paine and Ben Ramcharan

Against: Crs Karen Egan, Peter Perkins and Richard Stockman

The Mayor, Cr Ben Ramcharan declared the Motion Carried

Heath Gillet, Manager Community Safety and Elisha Jansz, Community Safety Coordinator left the meeting at the conclusion of the above item at 7:24pm.

Council Meeting Minutes

13 December 2022

12. Officers' reports

CM.119/22 Nillumbik Customer First Strategy 2023-2026

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig King, Manager Customer Experience

Summary

This report presents the Nillumbik Customer First Strategy 2023-2026 (Strategy) (**Attachment 1**) for adoption.

This Strategy follows on from the completion of Council's first ever customer strategy – Nillumbik Customer First Strategy 2019-2022 – and defines the strategic direction of Council's customer focus to and for our community over the next four years.

The strategy has been informed by a significant volume of customer data and insights acquired over the past four years. This has provided rich information and insight to inform Council's customer experience focus areas over the next four years.

At a strategic level, the strategy maintains Council's existing customer vision and customer commitments (as outlined in the 2019-2022 strategy). At an operational level, the strategy focusses on three key focus areas around effective channel choice, data enhancement, and complaints and continuous improvement.

It is recommended that Council adopt the strategy, and that implementation commence in accordance with the listed activities outlined in the strategy's action plan.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Natalie Duffy

That Council adopts the Nillumbik Customer First Strategy 2023-2026 (Attachment 1**).**

CARRIED UNANIMOUSLY

Council Meeting Minutes

13 December 2022

12. Officers' reports

CM.119/22 Nillumbik Customer First Strategy 2023-2026

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12. Officers' reports

CM.120/22 Mutual Respect Charter

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig Commene, Risk and Safety Lead

Summary

This report is seeking Council endorsement of a Mutual Respect Charter (Charter) (**Attachment 1**).

Council has a zero-tolerance policy in relation to any harm, abuse, aggressive behaviour or threats directed towards Council or its staff.

As identified in recent quarterly Risk and Safety Reports presented to Council and its Audit and Risk Committee, there has been a growing number of incidents where interactions between members of our community and Council staff have not been respectful. From Council's viewpoint, this has an adverse impact on maintaining a safe workplace for its staff.

In looking at ways to address this trend, and mitigate the associated risks for Council staff, research and benchmarking with other Victorian councils has identified that this is a sector-wide trend that does not appear to be abating.

The City of Stonnington has developed a Mutual Respect Charter which has since been adopted by three other Victorian councils. The document has also been assessed by Council's Risk and Safety team as 'fit for purpose' for Nillumbik. Given the volume of Occupational Health and Safety (OHS) incident reports relating to abuse, aggressive behaviour and threats directed towards Nillumbik Council staff, it is recommended that Council also adopt this Charter.

The Mutual Respect Charter is based on the principle of mutual respect and co-operation between Council staff and members of our community (including our customers), and supports Council's obligations of providing a safe and respectful workplace. Importantly, this Charter proactively promotes appropriate, respectful behaviour, and it sets out the community's rights and responsibilities, as well as those of Council staff.

As the Charter is a document that Council can use to convey its expectations around interactions between Council and our community, both community and staff awareness is critical to its success. It is intended that the Charter will be published on Council's website and be placed in prominent and relevant locations across Council worksites to inform the community, as well as being a point of reference for Council staff to use where necessary.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That Council:

1. Adopts the Mutual Respect Charter (**Attachment 1**).
2. Thanks the City of Stonnington for their approval for Council to use and adopt their intellectual property regarding this 'first of its kind' document in the local government sector in Victoria, and it being a suitable 'fit for purpose' document in addressing similar Occupational Health and Safety issues experienced by both councils.

CARRIED UNANIMOUSLY

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CM.120/22 Mutual Respect Charter

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13 December 2022

12. Officers' reports

CM.121/22 Youth Hubs grant program 2022-23 application

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 to proceed with a grant submission under the Victorian Government's Youth Hubs grant program 2022-23. Grant submissions are due 5pm 14 December 2022.

Recommendation

That Council:

1. Endorses Officers to proceed with a submission under the Victorian Government's Youth Hubs grant program 2022-23 by 5pm 14 December 2022.
2. If successful, commits to funding the ongoing operational and staffing costs to operate the Youth Hub over at least the next three financial years 2023-24, 2024-25 and 2025-26.

Motion

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council:

1. Endorses Officers to proceed with a submission under the Victorian Government's Youth Hubs grant program 2022-23 by 5pm 14 December 2022.
2. If successful, commits to funding the ongoing operational and staffing costs to operate the Youth Hub over at least the next three financial years 2023-24, 2024-25 and 2025-26.
3. **Resolves to contribute additional funds towards the completion of the capital works from the 2023/24 capital expenditure budget for funding if the grant application is successful.**

Council Meeting Minutes

13 December 2022

12. Officers' reports

CM.121/22 Youth Hubs grant program 2022-23 application

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

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council:

1. Endorses Officers to proceed with a submission under the Victorian Government's Youth Hubs grant program 2022-23 by 5pm 14 December 2022.
2. If successful, commits to funding the ongoing operational and staffing costs to operate the Youth Hub over at least the next three financial years 2023-24, 2024-25 and 2025-26.
3. Resolves to contribute additional funds towards the completion of the capital works from the 2023/24 capital expenditure budget for funding if the grant application is successful.

CARRIED UNANIMOUSLY

Council Meeting Minutes

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12. Officers' reports

CM.122/22 MAV Regional Groupings Review Options Paper

Distribution: Public

Manager: Blaga Naumoski, Director Governance and Communications

Summary

The MAV Board has released a MAV Regional Groupings Options Paper (Options Paper) **Attachment 1** regarding the review of the MAV regional groupings of councils.

The Board is seeking written feedback from councils about the options by Wednesday 7 December 2022.

The MAV Board has appointed John Nevins, as the independent consultant to assist with this review.

John Nevins, MAV President and MAV CEO Kerry Thompson presented an overview of the Options Paper to Council at a Briefing of Councillors on 15 November 2022.

Although there was no formal requirement to obtain a resolution of Council in response to the Options Paper, Council prides itself on transparent governance and good democratic process, and therefore wishes to partake in considered discussion and formally resolve to note Nillumbik Shire Council's position on the Options Paper through a Council meeting.

This report notes that Council's preference is Metropolitan Regional Groupings Option 2 - - Metropolitan North East (MNE) as outlined in the Options Paper.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Frances Eyre

That Council notes that the Mayor wrote to the MAV advising that Councils preference is Option Two - Metropolitan North East (MNE) which includes Nillumbik, Banyule, Knox, Manningham, Maroondah and Yarra Ranges.

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.123/22 Audit and Risk Committee Meeting November 2022

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

In accordance with section 53 of the *Local Government Act 2020* and good governance principles, councils must have an Audit and Risk Committee.

As resolved at the 23 June 2020 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Council Meeting.

The Audit and Risk Committee met on 14 November 2022. The minutes for the meeting are shown in **Attachment 1**.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

That Council notes the minutes of the Audit and Risk Committee meeting held on 14 November 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.124/22 Quarterly Risk and Safety Report - September 2022

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig Commene, Risk and Safety Lead

Summary

This report provides a summary of Council's Risk and Safety Report for the quarter ending September 2022.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF). This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 14 November 2022.

The full confidential Risk and Safety Report for September 2022 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending September 2022.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

Council Meeting Minutes

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Council Meeting Minutes

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12. Officers' reports

CM.125/22 Pantan Hill Bushland Reserve System User Group Advisory Committee 2023-2025 endorsement

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

This report provides the outcome of the renewal process for membership of the 2023-2025 term of Council's Pantan Hill Bushland Reserve System (PHBRS) User Group Advisory Committee.

Terms of Reference are provided in **Attachment 1**.

Expressions of interest were sought from 5 September to 23 October 2022. Six applications were received and assessed by the evaluation panel against the selection criteria – **Attachment 2 (Confidential)**.

Council endorsement of six members is recommended with the new committee commencing in February 2023.

The committee may remain open to expressions of interest from suitably qualified applicants (as per the terms of reference) to increase member numbers and diversity of representation of the various user groups.

Recommendation

That Council:

1. Endorses the six recommended applicants listed for membership of the Pantan Hill Bushland Reserve System User Group Advisory Committee (refer **Attachment 2 (Confidential)**):
 - (a) Applicant 1 _____
 - (b) Applicant 2 _____
 - (c) Applicant 3 _____
 - (d) Applicant 4 _____
 - (e) Applicant 5 _____
 - (f) Applicant 6 _____
2. Acknowledges and thanks all community members who submitted applications for membership of the Pantan Hill Bushland Reserve System User Group Advisory Committee.
3. Resolves that the Evaluation Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Resolves that the successful applicants be named.

Council Meeting Minutes

13 December 2022

12. Officers' reports

CM.125/22 Pantan Hill Bushland Reserve System User Group Advisory Committee 2023-2025 endorsement

Motion

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the six recommended applicants listed for membership of the Pantan Hill Bushland Reserve System User Group Advisory Committee (refer **Attachment 2**) (**Confidential**):
 - (a) Applicant 1 _____
 - (b) Applicant 2 _____
 - (c) Applicant 3 _____
 - (d) Applicant 4 _____
 - (e) Applicant 5 _____
 - (f) Applicant 6 _____
2. Acknowledges and thanks all community members who submitted applications for membership of the Pantan Hill Bushland Reserve System User Group Advisory Committee.
3. Resolves that the Evaluation Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Resolves that the successful applicants be named.

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

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the six recommended applicants listed for membership of the Pantan Hill Bushland Reserve System User Group Advisory Committee (refer **Attachment 2**) (**Confidential**):
 - (a) Applicant 1 Janice Crosswhite
 - (b) Applicant 2 Lee Hartman
 - (c) Applicant 3 Cath Giles
 - (d) Applicant 4 Lydia Heap
 - (e) Applicant 5 Bob West
 - (f) Applicant 6 Mark Hood.

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CM.125/22 Panton Hill Bushland Reserve System User Group Advisory Committee 2023-2025 endorsement

2. Acknowledges and thanks all community members who submitted applications for membership of the Panton Hill Bushland Reserve System User Group Advisory Committee.
3. Resolves that the Evaluation Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Resolves that the successful applicants be named.

CARRIED UNANIMOUSLY

Council Meeting Minutes

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**CM.125/22 Panton Hill Bushland Reserve System User Group Advisory
Committee 2023-2025 endorsement**

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CM.126/22 Youth Council Advisory Committee Terms of Reference

Distribution: Public

Manager: Corrienne Nichols, Director Community Services

Author: Nichole Johnson, Manager Community Partnerships

Summary

At the 15 December 2020 Council Meeting, Council unanimously endorsed the establishment of the Nillumbik Youth Council, to act as an Advisory Committee of Council.

The Nillumbik Youth Council consists of young people aged 15-25 years old who are passionate about being involved in their community and represent the diverse views, ideas and needs of young people in the Nillumbik area.

With the existing two year term for Youth Council ending in April 2023, the purpose of this report is to seek Council endorsement of the updated Terms of Reference 2023-25 and recruitment process to take place from 12 January 2023.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Natalie Duffy

That Council:

1. Thanks and acknowledges the outgoing members of the Youth Council 2021-23 for their advice and contribution to Council's work to represent the diverse views, ideas and needs of young people.
2. Endorses the revised Terms of Reference for the Nillumbik Youth Council Advisory Committee 2023-25 (**Attachment 1**).
3. Endorses the recruitment process for the 2023-25 Youth Council Advisory Committee to renew the committee by April 2023.
4. Instructs Officers to report nominations to the Youth Council Advisory Committee to Council for endorsement in March 2023.

CARRIED UNANIMOUSLY

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CM.127/22 Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership Endorsement

Distribution: Public

Manager: Corrienne Nichols, Director Community Services

Author: Cobie Vermeulen, Coordinator Living & Learning Nillumbik

Summary

Following the endorsement of the Terms of Reference for the Living & Learning Nillumbik (L&LN) Neighbourhood House Advisory Committee at Council Meeting on 24 May 2022, Council called for Expressions of Interest from community members.

The purpose of this report is to recommend six nominees (**Attachment 1 - Confidential**) to Council seeking formal endorsement.

Recommendation

That Council:

1. Endorses the six recommended applicants listed for appointment to the 2023-25 L&LN Neighbourhood House Advisory Committee (**Attachment 1 - Confidential**):
 - (a) Applicant 1 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (b) Applicant 2 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (c) Applicant 3 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (d) Applicant 4 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (e) Applicant 5 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (f) Applicant 6 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
2. Acknowledges and thanks all community members who submitted expressions of interest to the L&LN Neighbourhood House Advisory Committee.
3. Resolves that the Panel Recommendations (**Attachment 1**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

Motion

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

That Council:

1. Endorses the six recommended applicants listed for appointment to the 2023-25 L&LN Neighbourhood House Advisory Committee (**Attachment 1 - Confidential**):

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CM.127/22 Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership Endorsement

-
- (a) Applicant 1 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (b) Applicant 2 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (c) Applicant 3 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (d) Applicant 4 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (e) Applicant 5 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
 - (f) Applicant 6 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
2. Acknowledges and thanks all community members who submitted expressions of interest to the L&LN Neighbourhood House Advisory Committee.
 3. Resolves that the Panel Recommendations (**Attachment 1**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
 4. **Resolves that the successful applicants be named.**

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

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

That Council:

1. Endorses the six recommended applicants listed for appointment to the 2023-25 L&LN Neighbourhood House Advisory Committee (**Attachment 1 - Confidential**):
 - (a) Applicant 1 Deborah Donehue for their role as L&LN Neighbourhood House Advisory Committee member.
 - (b) Applicant 2 Sarah Doherty for their role as L&LN Neighbourhood House Advisory Committee member.
 - (c) Applicant 3 Bambi McLean for their role as L&LN Neighbourhood House Advisory Committee member.
 - (d) Applicant 4 Frank Filardo for their role as L&LN Neighbourhood House Advisory Committee member.
 - (e) Applicant 5 Sabi Bueler for their role as L&LN Neighbourhood House Advisory Committee member.

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CM.127/22 Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership Endorsement

- (f) Applicant 6 Deanna Finn for their role as L&LN Neighbourhood House Advisory Committee member.
- 2. Acknowledges and thanks all community members who submitted expressions of interest to the L&LN Neighbourhood House Advisory Committee.
- 3. Resolves that the Panel Recommendations (**Attachment 1**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
- 4. Resolves that the successful applicants be named.

CARRIED UNANIMOUSLY

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**CM.127/22 Living & Learning Nillumbik Neighbourhood House Advisory
Committee Membership Endorsement**

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CM.128/22 Positive Ageing Advisory Committee (PAAC) renewal

Distribution: Public

Manager: Corrienne Nichols, Director Community Services

Author: Narelle Hart, Manager Community Programs

Summary

The Positive Ageing Advisory Committee (PAAC) was established as a reference group in August 2012, and became formally endorsed as an advisory committee by Council in 2018. The current PAAC term ceases in April 2023.

The revised Terms of Reference, and process to renew the committee are presented to Council for endorsement.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council:

1. Acknowledges and thanks members of the Positive Ageing Advisory Committee for their advice and contribution to Council's work to create an age-friendly Nillumbik.
2. Endorses the revised terms of reference for the Positive Ageing Advisory Committee **(Attachment 1)**.
3. Endorses the process and timelines for seeking expressions of interest for the Positive Ageing Advisory Committee membership to renew the committee by May 2023.
4. Instructs officers to report nominations to the Positive Ageing Advisory Committee to Council for endorsement.

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.129/22 Leisure Facility Contract Renewal

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Rebecca Burton, Manager Recreation and Leisure

Summary

The contract for the management of Councils major leisure facilities was awarded to Aligned Leisure commencing 1 July 2020. These facilities include:

- Community Bank Stadium, (CBS)
- Diamond Creek Community Centre, (DCCC)
- Diamond Creek Outdoor Pool, (DCOP)
- Diamond Valley Sports and Fitness Centre, (DVSFC)
- Eltham Leisure Centre, (ELC).

The contract is for 12 years, which includes 3 extension periods, as below:

- Term 1 – 3 years
- Term 2 - 4 years
- Term 3 - 4years
- Term 4 - 1 year.

Aligned Leisure are seeking a first term extension as allowed under clause 2.3 *Contract Term and the Annexure of Contract 1819-110*.

The purpose of this report is to seek Council endorsement to enter into Term 2 of the Contract with Aligned Leisure. This term would be for four years commencing 1 July 2023 and ending 30 June 2027.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Richard Stockman

That Council approves a first term extension for Aligned Leisure under *Contract 1819-110* commencing 1 July 2023 and ending 30 June 2027.

CARRIED UNANIMOUSLY

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CM.130/22 Tender Report - Contract 2223-003 Supply and Delivery of two (2) Extra Cab Tipping Trucks

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Jeff Saker, Manager Operations Centre

Summary

This report recommends the contract to purchase of two (2) Extra Cab Tipping trucks, which were tendered for via 2223-003 Supply and Delivery of two (2) Extra Cab Tipping Trucks.

The purchase of these trucks is to replace two existing trucks that are due for replacement as part of Councils planned plant and equipment replacement program.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the preferred vehicle make and model to be purchased.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract to purchase exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **[\$[Redacted]]** (inclusive of GST) and enter into the following contract to purchase:
Number: 2223-003
Title: Supply and Delivery of two (2) Extra Cab Tipping Trucks
2. Authorises the Director Operations and Infrastructure to approve the purchase via Councils Purchase Order process.
3. Advises all tenderers accordingly.
4. 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*.
5. Resolves that the preferred tenderer be named and contract value awarded.

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **[\$[Redacted]]** (inclusive of GST) and enter into the following contract to purchase:
Number: 2223-003
Title: Supply and Delivery of two (2) Extra Cab Tipping Trucks

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CM.130/22 Tender Report - Contract 2223-003 Supply and Delivery of two (2) Extra Cab Tipping Trucks

-
2. Authorises the Director Operations and Infrastructure to approve the purchase via Councils Purchase Order process.
 3. Advises all tenderers accordingly.
 4. 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*.
 5. Resolves that the preferred tenderer be named and contract value awarded.

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That Council:

1. Accepts the tender submitted by the Hino Motor Sales Australia Pty Ltd for the sum of \$351,909.24 (inclusive of GST) and enter into the following contract to purchase:
Number: 2223-003
Title: Supply and Delivery of two (2) Extra Cab Tipping Trucks
2. Authorises the Director Operations and Infrastructure to approve the purchase via Councils Purchase Order process.
3. Advises all tenderers accordingly.
4. 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*.
5. Resolves that the preferred tenderer be named and contract value awarded.

CARRIED UNANIMOUSLY

Council Meeting Minutes

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CM.131/22 Tender Report - Contract 2223-013 Eltham Central Oval Car Park Construction

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Assets and Capital Works

Summary

This report recommends the awarding of contract 2223-013 for Eltham Central Oval Car Park Construction.

The contract is for the construction of new car park areas and access ring road around the Eltham Central Oval.

Works will include asphalt road pavement, kerb and channel, footpaths, underground drainage, raised road humps, line marking, signage and other associated works.

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 2223-013 for Eltham Central Oval Car Park Construction.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **[\$[Redacted]]** plus **[\$[Redacted]]** for contingency (inclusive of GST) and enter into the following contract.
Number: 2223-013
Title: Eltham Central Oval Car Park Construction
Term: 16 December 2022 to 31 March 2023
Options: Not applicable
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than 30% of the total contract value.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named and the contract value awarded.

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12. Officers' reports

CM.131/22 Tender Report - Contract 2223-013 Eltham Central Oval Car Park Construction

Motion

MOVED: Cr Natalie Duffy

SECONDED: Cr Geoff Paine

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **[\$[Redacted]]** plus **[\$[Redacted]]** for contingency (inclusive of GST) and enter into the following contract.

Number: 2223-013
Title: Eltham Central Oval Car Park Construction
Term: 16 December 2022 to 31 March 2023
Options: Not applicable
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than 30% of the total contract value.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named and the contract value awarded.

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

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Geoff Paine

That Council:

1. Accepts the tender submitted by the preferred tenderer MJ Construction Group Pty Ltd for the sum of \$891,883.30 plus \$162,160.60 for contingency (inclusive of GST) and enter into the following contract.

Number: 2223-013
Title: Eltham Central Oval Car Park Construction
Term: 16 December 2022 to 31 March 2023
Options: Not applicable

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CM.131/22 Tender Report - Contract 2223-013 Eltham Central Oval Car Park Construction

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than 30% of the total contract value.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named and the contract value awarded.

CARRIED UNANIMOUSLY

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12. Officers' reports

CM.131/22 Tender Report - Contract 2223-013 Eltham Central Oval Car Park Construction

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CM.132/22 Informal Meetings of Councillors Records - 13 December 2022

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 22 November 2022.

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

1. PCC Pre-Meet held 9 November 2022;
2. Councillor Briefing meeting held 15 November 2022;
3. Arts & Cultural Advisory Committee meeting held 21 November 2022;
4. Council Meeting Pre-Meet held 22 November 2022; and
5. Extraordinary Council Meeting Pre-Meet held 23 November 2022.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Frances Eyre

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

CARRIED UNANIMOUSLY

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13. Notices of Motion

NOM.003/22 Wurundjeri Woi-wurrung Welcome to Country at Council Meetings

Councillor Natalie Duffy moved the following Motion:

Motion

MOVED: Cr Natalie Duffy

That Council further demonstrate their commitment to Reconciliation and respect for Traditional Owners and commits to inviting Wurundjeri Woi-wurrung Elders to give a Welcome to Country at the first Council meeting of each incoming new Council and at the first Council meeting of each new calendar year or a date closest to the start of each new calendar year convenient to the Wurundjeri Woi-wurrung.

LAPSED FOR WANT OF A SECONDER

14. Delegates' Reports

Nil

15. Supplementary and urgent business

Nil

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.133/22 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).

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

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

CARRIED UNANIMOUSLY

Council Meeting Minutes

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The meeting was closed to members of the public at 8:17pm.

The meeting was re-opened to members of the public at 8:36pm.

17. Close of Meeting

The meeting closed at 8:36pm.

Confirmed: _____
Cr Ben Ramcharan, Mayor

Arts & Cultural Advisory Committee

Minutes



Date: Monday 15 August 2022

Time: 7 – 9 pm

Venue: In person Council Chambers & via Zoom (Hybrid). The meeting was recorded

Chair: Cr Geoff Paine (Chair)

Minute taker: Jade Zigenbine/Sarah Hammond

Attendees: **Councillors:** Cr Geoff Paine (Chair), Cr Natalie Duffy.
Committee Members: Liezl Shnookal, Cassie May, Sandra Miller, Dennis Coard, Leanne Ipsen, Rebecca Davies, Alli Spoor, Chris Cook, Elsa Ch'ng, Terrie Waddell, Mel Paine, Jean Verso, Chloe Mann.
Officers: Corrienne Nichols (Executive Manager Community Services), Nichole Johnson (Manager Community Partnerships), Sarah Hammond (Acting Coordinator Arts & Cultural Development), Angela Bailey (Curator and Collections Management Officer), Renee Cosgrave (Exhibitions Support Officer), Saleh Hadi (Arts Development Officer), Jodie Leahy (Family Support and Gender Equity Officer), Paul Fyffe (Senior Strategic Planner), Sean Diffey (Strategic Planner).

Apologies: Cr Peter Perkins, Hana Zreikat.

Order of business

1. Attendance

Attendance and apologies confirmed.

2. Acknowledgement of Country

Acknowledgement of Country was conducted by Cr Geoff Paine.

3. Welcome

The Chair welcomed everyone to the meeting.

4. Conflict of Interest and Informal Meeting of Councillors Record

No conflicts of interest.

ACTION: Sarah to submit Informal Meeting of Councillors Record to Governance.

5. Minutes of previous meeting

The minutes of the meeting held on 16 May 2022 were confirmed as a true and accurate recording of the meeting.

Moved: *Alli Spoor*

Seconded: Rebecca Davies

Carried

6. Recruitment of Coordinator Arts and Cultural Development

Nichole advised that Simon Doyle has moved to City of Kingston as their new Manager of Arts, Events and Libraries. The Coordinator role has been advertised and interviews are scheduled for this week. Sarah Hammond, Community Arts and Cultural Engagement Officer, is acting in the role during recruitment.

7. Matters Arising

7.1 New Members 2022–24 committee term

New members were welcomed and introductions were made. A summary of the committee member's expertise was distributed with the agenda for information.

7.2 2022–26 Arts and Culture Strategy Update

The draft Strategy was presented to the Planning and Consultative Committee (PCC) on 12 July, following public exhibition. There were no recommended amendments and community feedback was good.

The Year One Action Plan is being finalised and this will accompany the final Strategy when presented to Councillor Briefing on 6 September. The Strategy will be presented to Council for final adoption on 27 September.

Once endorsed, the Strategy can be launched. It is anticipated that this might be a soft launch. The Committee was invited to submit ideas.

The strategy design will be colourful and vibrant and will use images to reflect the text.

7.3 In person social event for Committee

The planned social event for the 2020-22 and 2021-23 Committees did not happen due to a very low attendance confirmations. All is in place for the event to go ahead on another date. A Friday night or a day time event on a weekend was suggested.

ACTION: Jade to find a new date and extend invitations.

7.4 Cultural Gift. Rick Amor, *The Path of Fire 2009–2021*, 2022 Oil on canvas, framed, 117cm x 162cm

This item was covered in the Curator and Collections Management Update.

7.5 Artist recommendations from Committee and promotion of the *Stay Connected* opportunities.

The Committee was reminded to send details of local artists, particularly artists who work in public art to Sal. The Committee was also reminded of the *Stay Connected* register and invited members to share this information with their networks. [Stay connected - Nillumbik Shire Council](#)

7.6 2022–23 History and Heritage Grants- Committee volunteers.

The History and Heritage Grants are open now until 31 August. These grants offer funding of up to \$600 for small projects or activities associated with history and

heritage. Three members of the committee have volunteered to be on the Selection Panel and will report on the successful applicants at the next committee meeting.

[History & Heritage Grants - Nillumbik Shire Council](#)

The Committee was reminded that it is one of the roles of committee members to promote all arts and cultural development opportunities to their networks.

8. Gender Equality and Access, Equity and Inclusion – Presentation by Jodie Leahy

Jodie shared a PowerPoint presentation with the committee. Copy presentation attached.

Items covered included:

- Introduction to Jodie and her role at Council as the Gender Equity Officer.
- Explanation of the Gender Equality Act 2020 and Council's obligations under this Act.
- Council's adoption of the Access, Equity and Inclusion Policy. The purpose of this policy is to create meaningful change and ensure access, equity and inclusion is imbedded into everything that we do. Gender impact assessments are a tool that we use to implement this policy.
- Explanation of Gender Impact Assessments and how they take place. So far Council has completed 31 Gender Impact Assessments. Some of the outcomes include data collection, what we do and don't know, information on who are we missing in terms of engagement, partnerships, easy English, Inclusive spaces, safety, accessible signage, reference groups inclusive of women and gender diverse people. Council staff are really engaged and want to ensure that we are more accessible and equitable and inclusive.

Renee then presented a real life example of a Gender Impact Assessment recently undertaken by Arts and Cultural Development. Copy presentation attached.

Items covered included:

- Gender Impact Assessment 2023 Exhibition Call-outs, Eltham Library Community Gallery.
- Key Learnings.
- Key Final Recommendations.

ACTION: Jodie to email a copy of her presentation to Sarah.

9. Eltham Library Community Gallery Program Update

Renee presented on the recent exhibitions and events at the Eltham Library Community Gallery space. Copy presentation attached.

- Chloe Vallance, *Sit, Walk, Wonder* exhibition, 25 June – 31 July 2022. *Creative Minds*, Nillumbik VCE Students exhibition, 5 August – 11 September 2022. [Eltham Library Community Gallery - Nillumbik Shire Council](#)

- Exhibition proposals are now open for the Eltham Library Community Gallery for the 2023 Exhibition Program. Applications close 31 August 2022. It is free to exhibit, and successful exhibitors will receive \$500 towards their exhibition in addition to receiving basic marketing and editorial support from the Exhibitions Support Officer. [Eltham Library Community Gallery - Nillumbik Shire Council](#)

ACTION: Renee will send an email to the ACAC with a request for them to share the opportunity with artists, curators and collectives.

- Committee members will be represented on the selection panel for the 2023 program.

ACTION: Renee will reach out to ACAC members to be part of the assessment and evaluation panel.

- Committee members were reminded that if they are going to apply to exhibit at ELCG for 2023, they cannot be on the assessment and evaluation panel.
- Renee advised that there are 7 available exhibition spots through the exhibition proposal process.

10. Neighbourhood Character Strategy – Presentation by Paul Fyffe and Sean Diffey from Strategic Planning.

Items covered:

- Explanation of what the Neighbourhood Character Strategy is.
- The phases of the project and current stage of the Strategy.
- Dates of community feedback and consultation for the draft Strategy – 29th August 2022 until 10 October 2022, 11:59pm.
- Final round of engagement scheduled for middle of 2023 prior to endorsement.

ACTION: Committee members to visit the Participate Nillumbik site for more information and to provide feedback. [Neighbourhood Character Strategy | Participate Nillumbik](#)

11. Curator and Collections Management Update

Copy presentation attached.

Items covered:

- **Rick Amor donation**

The Path of Fire 2009-2021, 22 Oil on canvas 117cm X 162cm Framed.

Angela advised that this painting explores the mount buffalo fires and Strathewen fires and is seen as a significant work. It relates to the impact of bushfire and living with the after effects in this Shire. The artist has offered it to Council through the Cultural Gift Program. Donations must all go through the acquisition process and will require sign off by members of the committee to ensure future care and management of the artwork.

- **Potential purchase and donation from the estate of Felix Borsari.**

Angela shared images of Felix's works: illustrations and screen prints. Felix was a local artist. His memory is honoured through Felix's Wildflower Walk. Felix's wildflowers have been re-produced on signage on this walk located near Panton

Hill but Council does not have the original artworks. The estate has now offered Council six of the original pastels works and two screen prints for purchase. There has also been an offer of donation of some of his other works that relate to the Shire. The estate will loan Council these artworks so that we can view them.

- **Curator Role**

It's the role of the curator to choose where to display artworks. There is a regular changeover of artworks through a multitude of exhibition spaces and Council tries to keep as much of the collection out of storage as possible. Current exhibition spaces that showcase the Nillumbik Art Collection include Council Civic Centre, Eltham Library, the Eltham Community Reception Centre, Hurstbridge Hub, and various other locations and buildings owned by Council. Angela advised that she has recently had a request from Edendale to show more of the collection there if possible. She noted that Edendale would be a significant place to showcase Felix Borsari's work. Angela reminded the Committee that there is a catalogue of the Collection that people can access.

- The 2023 Nillumbik Prize for Contemporary Art (NPCA)

The NPCA has been scheduled and planning is well underway. The call out for entries opens in mid-September. The exhibition will be mid-April until June 2023 at Montsalvat. [Nillumbik Prize for Contemporary Art - Nillumbik Shire Council](#)

- **Significance Assessment**

The significance assessment of Council's Art Collection (public art, visual art) is in its final stages. The arts team is working with a specialist consultant on this. Evaluations have also just been finalised for the Collection. There has been an approximate 20% increase across the collections which are a significant Council and community asset. The significance assessment is an operational document so will not be available to the committee or community. It is also a document used for insurance purposes.

ACTION: Angela to advise committee members of the opportunity to view Felix Borsari's artworks and to distribute information on the 2023 Nillumbik Prize for Contemporary Art to committee members.

12. Arts Development Update

Copy presentation attached.

Items covered included:

- Sal introduced himself and his role.

- **Public Art Projects:**

The Hurstbridge Mural. The Hands of Hurstbridge by Nicholas Currie. Recently completed.

Research Public Art Mural, located at the Research Gully reserve, corner of Research-Warrandyte Road and Main Road. Scheduled for completion late August 2022. Mural commissioned to local artist, Angharad Neal-Williams.

Eltham Gateway Project. Scheduled for completion February 2023. EOI process underway responding to Artist Brief. ACAC members to be involved in evaluation process.

Diamond Hill Pre-School. The Pre-School is scheduled for construction in June 2023. The artwork is a civil requirement and building completion is set for July 2024.

ACTION: Sal to approach members of ACAC for evaluation role in Gateway Project.

13. Community Arts and Cultural Engagement Update

- History and Heritage Grants
Applications opened on 1 August and close on 31 August. Committee members were requested to share the opportunity with their networks.
- A directory of local creatives and guidelines for engaging artists will be developed as part of the Year 1, Year 2 Action Plans. Discussion deferred for a future meeting.
- 2022-26 Arts and Culture Strategy will give us clear goals, objectives and outcomes. It shows us where we are, where we want to go, and how we are going to get there.
- Nillumbik Community Fund grant projects continue to be supported by the Community Arts and Cultural Engagement Officer.

14. Other Business

Members were invited to raise any other items for discussion or submit items for future agenda scheduling.


- Local Eltham Paper
This item was raised by Cr. Geoff Paine for general discussion at the beginning of the meeting.
- Piano at the Eltham Community Reception Centre.
Hana sent her apologies for tonight's meeting. **Action:** Discuss this item at the next meeting.
- Rotary Eltham art show coming up next month, and there will also be a Gala event. [Eltham Art Show - Rotary Club of Eltham | RCE](#)
- Children's book week next month.

15. Next meeting date and location

Monday, 21 November 2022, 7 – 9pm. In Person at Council Chamber and Hybrid via Zoom.

16. Close 9pm.

Gender Equality and Access, Equity and Inclusion

A photograph of two young Black women with curly hair, laughing joyfully outdoors. The woman on the right is wearing a black lace-up top. The background shows a sandy beach and a blue sky with clouds. A light blue speech bubble is overlaid on the left side of the image, containing text.

The Gender Equality Act is the first of its kind in Australia. This is an exciting opportunity to create real change in the Victorian community.

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COMMISSION FOR
GENDER EQUALITY
IN THE PUBLIC SECTOR

Gender impact assessments

Gender impact assessments help ensure our policies, programs and services benefit Victorians of all genders.



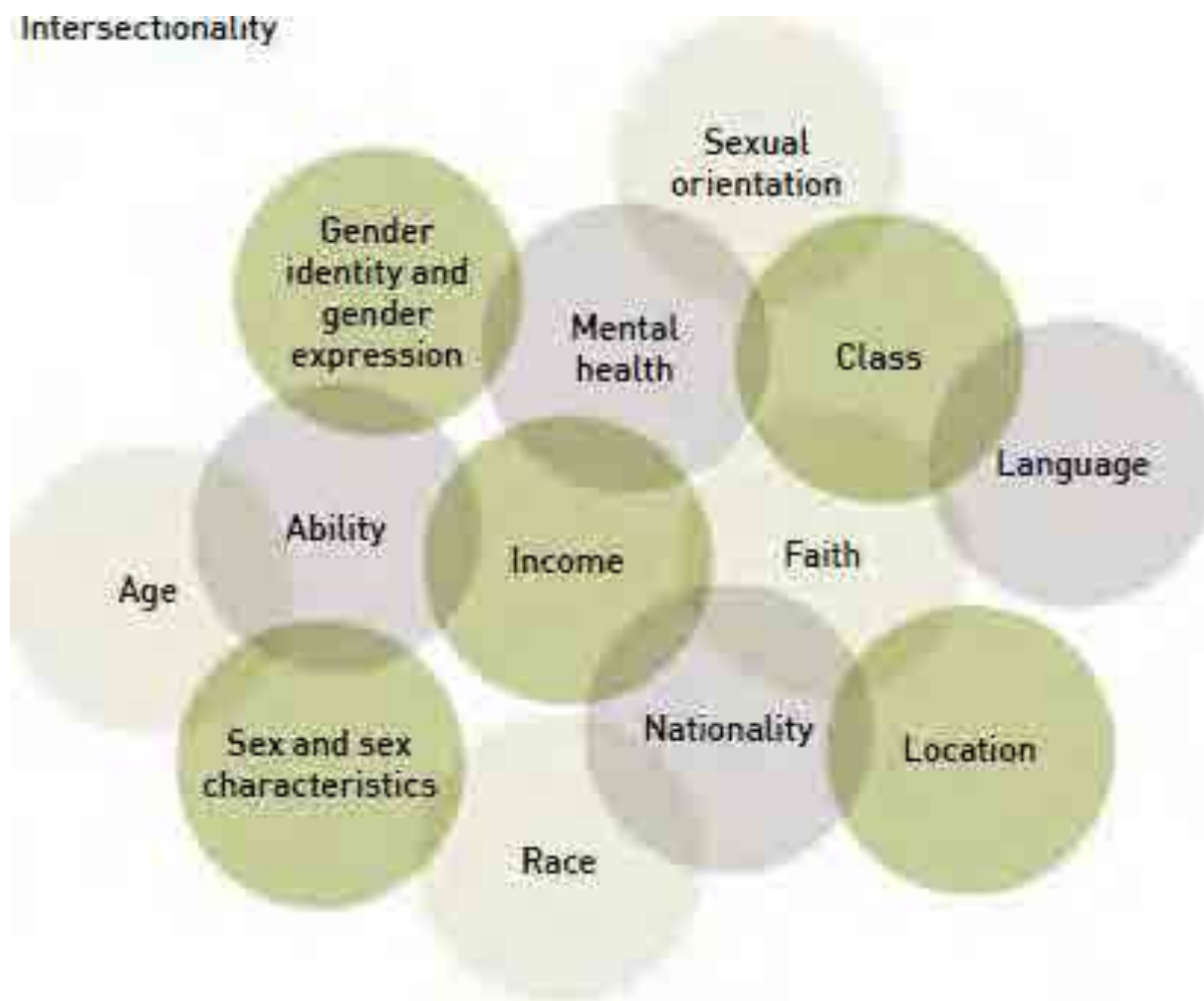
Workplace gender auditing

The Gender Equality Act 2020 requires organisations to regularly collect and report data through a workplace gender audit.



Gender Equality Action Plans

Defined entities are required to develop a Gender Equality Action Plan every 4 years to help achieve gender equality in their workplace.





GENDER IMPACT ASSESSMENT 101

Gender Impact Assessment is a process of critical reflection, to analyse and assess how proposed policies, programs and services might be experienced, or affect women, men and gender-diverse people differently.

Goals:

To broaden the focus of economic analysis to inspire different questions to be asked and issues to be raised.

To improve the accuracy of costings and projections in relation to uptake of programs or benefits.

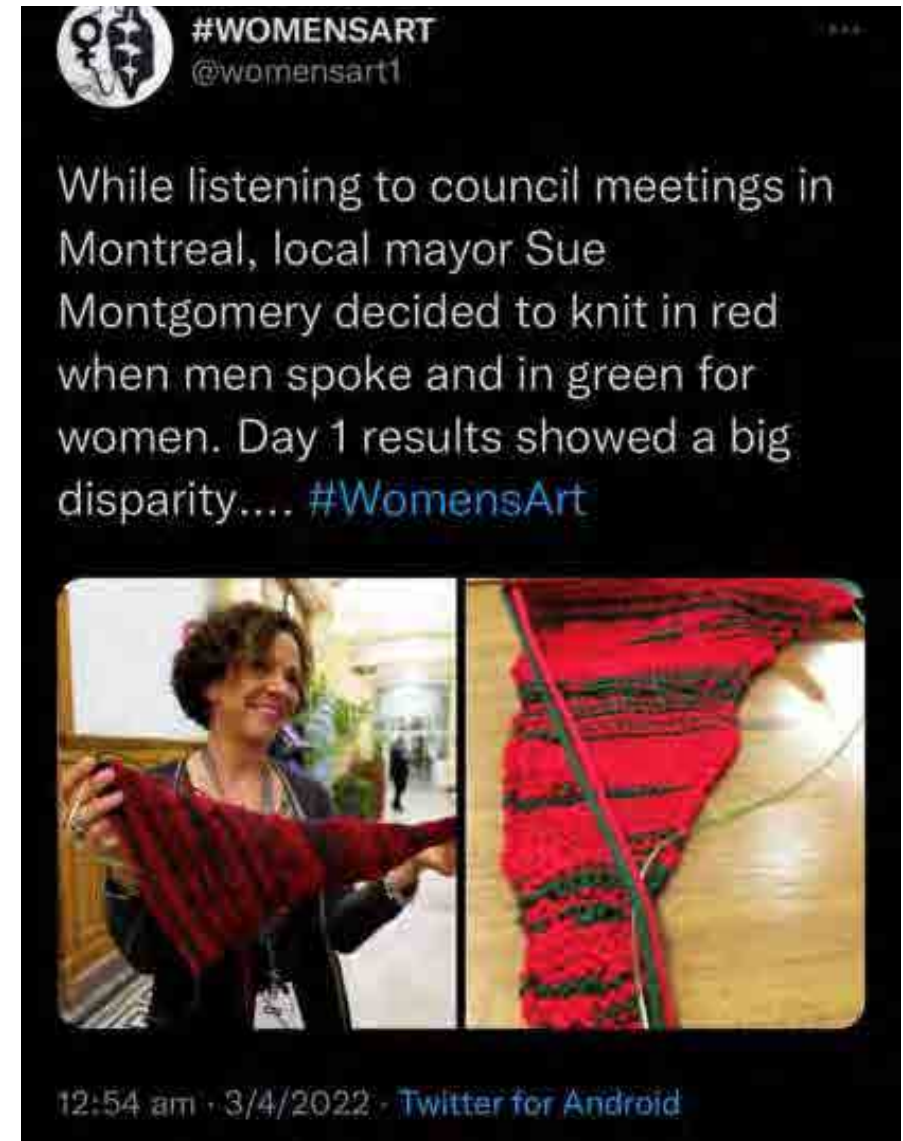
To systematically analyse whether outcomes are equitable.

To challenge assumptions.

31 GIAs completed so far and what are some of the outcomes...



- Data collection – what do/don't we know?
Gender disaggregated data
- Engagement - who are we missing?
- Partnerships eg Diamond Valley Roller Derby
- Easy English
- Inclusive spaces eg chill out space, Seniors activity equipment, progressive pride/trans lanyards, pronouns
- Safety
- Accessible signage
- Reference groups inclusive of women and gender diverse people – ensure they have equal time to speak



Gender Impact Assessment

2023 Exhibition call-outs

Eltham Library Community Gallery

- Arts & Cultural Development team will use this GIA to assist with programs with call-outs, entries etc.
- The GIA helped our team to review a program and create fairer outcomes to ensure access, equity and inclusion for all people.

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Key Learnings

- Email First Nations curators and artists
- Encourage St John of God, Diamond Valley Special School and Araluen to apply for these opportunities
- Identified that the ramp access at the gallery is challenging for a wheelchair, where user has to stop and start to view 2D artworks on the ramp.
- Identified that contemporary younger artists in their 20s are not highly engaged with our program. Discussed, how can we encourage participation and work with this group?
- Minus 18 posters (org for LGBTQAI+ youth) to be displayed near the Eltham Library Community Gallery

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Key Learnings

- Promotion to rural artists groups in rural areas of the shire
- Exhibitor in charge of their opening celebration – could be a barrier for exhibitors with low income

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Key Final Recommendations

- Collect demographic data from applicants
- Promotion – First Nations community, LGBTIQ+ community, Araluen, St John of God, Diamond Valley Special School, Wurundjeri Corporation, adverts 3KND First Nations radio (if applicable), Welcome to Eltham, Slovenian Club, Chinese Senior Citizens, Youth and Pride Groups, local Secondary Schools, rural artist groups, local general stores.
- Selection Scoring – allocate points to exhibitors living with disability, contemporary artists in their 20s, gender diverse artists, Aboriginal and Torres Strait Islander artists, CALD community.
- Connect exhibitions to cause days (NAIDOC week, Midsumma etc)
- Consider accessibility – events in daylight, larger labels

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Recent Exhibitions and Events

Eltham Library Community Gallery

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Chloe Vallance

Sit. Walk. Wonder
25 June – 31 July

Observational Studio-based drawings on plywood. Chloe's a local artist and is interested in depicting contemplative moments. Chloe's project was supported by the Artist in Own Residence Program.



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Nillumbik
The Green Wedge Shire

Creative Minds

**Nillumbik VCE Students
5 August – 11 Sept**



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Creative Minds: Nillumbik VCE Students

Clockwise: Stella Pullen; Matias Gruenberg; Latesha Vivado; Charlie Levan; Sav Robinson-Fletcher

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Exhibition Proposals – Now Open

Eltham Library Community Gallery
2023 Exhibition Program

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Potential Donations/purchases to the Visual Art Collection 15/08/2022 overview

- Rick Amor painting
- Felix Borsari – illustrations/screen-prints

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Rick Amor,

The Path of Fire 2009-2021, 2022

Oil on canvas

117cmx162cm

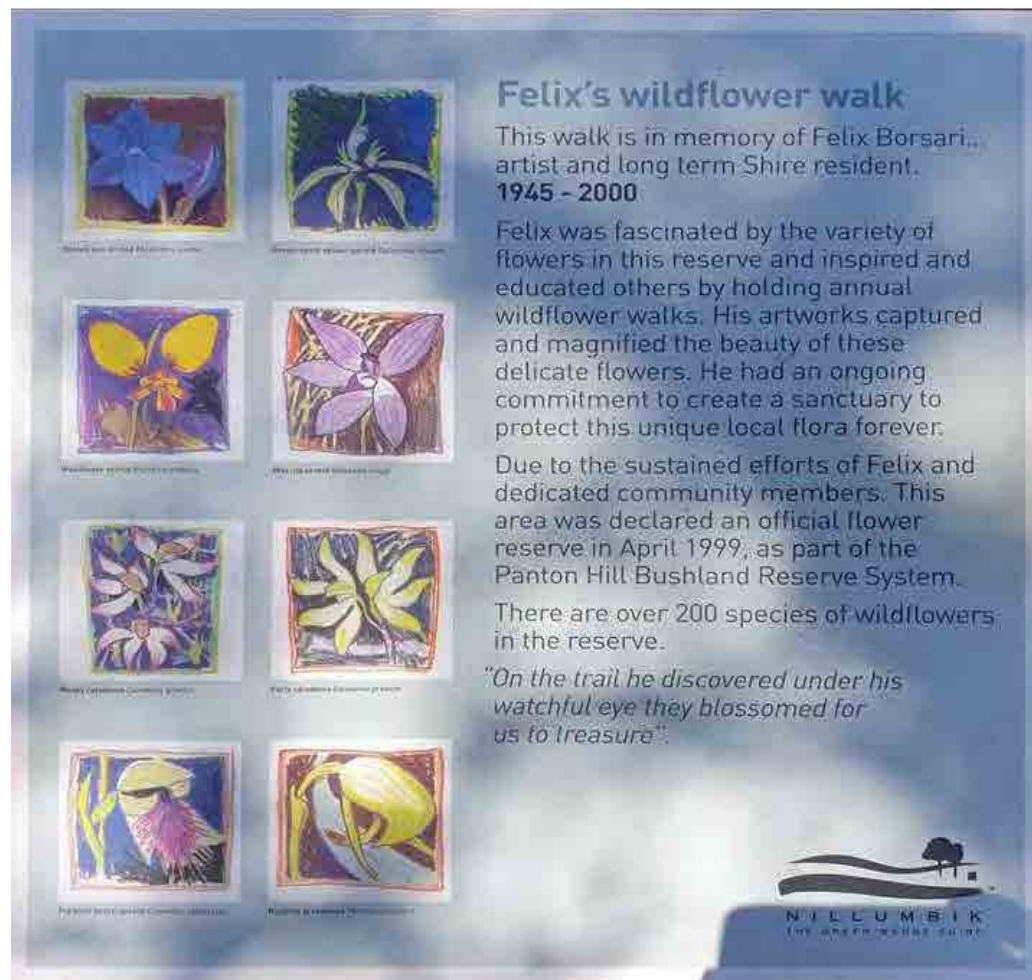
Framed

Offer of donation by the artist through
the Cultural Gifts program



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Felix Borsari

Purchase and donations from his estate



Rosella Spider Orchid Pastel 460mm x 545mm (framed) \$800



Waxlip Orchid Pastel 460mm x 545mm (framed) \$800



Rosella Spider Orchid Pastel
385mm x 480mm (framed) \$750



Wallflower Donkey Orchid Pastel
385mm x 482mm (framed) \$750



Leopard Orchid Pastel
360mm x 435mm (framed) \$650



Pink Caladenia Pastel
360mm x 440mm (framed) \$650



Tiger (Hornet) Orchid Serigraph 308mm x 368mm (framed) \$300



Tall Greenhood Orchid Serigraph print 308mm x 368mm (framed) \$300

Arts Development Updates

Sal Hadi

Arts Development Officer

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The Hurstbridge Mural

The project is part of a grant the State of Victoria “Outdoor Activation Program” for local Councils, to facilitate expanded outdoor activity at the local level.

- By Indigenous local artist Nicholas Currie.
- Project awarded 01 June 2022, following a presentation to project stakeholders by four artists
- Project Completion 20 July.



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The Green Wedge Shire

Hands Hurstbridge

Inspired by the artist's own experience growing up in Hurstbridge, and reflect on the community's sporting Heritage, while the hands is a tribute to the artist's own indigenous Heritage, and pays respect to the traditional owners of the land.



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The Green Wedge Shire



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Research Public Art Mural

Location: Research Gully Reserve

Corner of Research-Warrandyte road and Main Rd

- The Project is fully funded by operations and infrastructure department.
- 07 July Project was awarded to Local Artist Angharad Neal-Williams
- The concept was reviewed by relevant stakeholders, community groups including the Traders Group, and local CFA in Research.
- Pre-launch media campaign in collaboration with communication team.
- Scheduled for completion late Aug 2022.



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Image Date: 14 August 2022

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Nillumbik
The Green Wedge Shire

Eltham Gateway

Major Road Projects Victoria (MRPV) and Nillumbik Shire Council (NSC) are working in partnership and conjunction with local community groups

Other elements including walking path(s) and seating, removal of non-native introduced plants, Planting of native trees and shrubs, and signage.

Artwork value: \$130,000 (50% MRPV, 50% councils arts reserve funds) + \$20,000 for civil work.

Public Artwork Approach:

- Project that is strongly shaped by community response/feedback.
- Conceptual approach / brief development taking into consideration the outcome of the survey conducted by Southern Gateway Renewal Group.



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Main Road between Fitzsimons Lane and the Diamond Creek bridge



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Artist Brief Document:

- 25 page document reviewed by PCG members containing:
 - Project overview
 - Project outline
 - Site information
 - Payment schedule
 - Project timeline
 - Project evaluation/assessment criteria
 - Maintenance requirement
 - Proposed methodology
 - Insurance cover, public liability.
 - Site plans + images
 - Other technical criteria



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Project Assessment Panel:

- Project Control Group
 - Council infrastructure team
 - Southern Gateway Renewal Group
 - MRPV.
- Landlords / tenant (House 575 Main Rd)
- Representative(s) of ACAC
- Council's traffic and transport coordinator
- Open space team (maintenance review)



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Cultural

- Acknowledge the Wurundjeri Woi-Wurrung people
- Reflect identity, character and history of the local community
- Ability to interpret the landscape and surroundings of the site as per community requirement/feedback.
- Arts and Culture Strategy 2022-2026

Creative

- Strong visual impact
- A cohesive response to the site, and the surroundings
- Demonstrated capacity to create artwork that is innovative and engaging

Professional

- The artwork design must also comply with infrastructure geo technical requirements; such as soil stability
- design/fabrication proof of structural integrity.
- Traffic Compliance with Department of Transport and Nillumbik Council's Road Safety Audit guidelines.
- Consideration of view impact on adjacent property, by minimising effect on the existing visual perspective/experience of nearby properties.
- environmental consideration to natural surrounding such as flora, fauna, minimise impact on existing tree roots and wildlife, prevent sound and light rebound on road traffic and surrounding areas
- Capacity to work collaboratively with Council and other stakeholders including contractors
- Knowledge of the requirements of large scale monumental projects including risk management and project management
- More..

Assessment Criteria:

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Project Timeline:

Activity	Date/Month	Weeks	Responsibility
Proposal Submittal by Artists	12/09		Artist
Shortlisted artists Contacted	26/09	-	Council
Successful artist appointed	10/10	-	Council
Contract Signed	24/10	-	Council / Artist
Detailed design, structural and civil requirements, schedule	24/10 – 14/11	3 weeks	Artist
Approval of Design, schedule, civil requirement and risk assessment	14/11 – 28/11	2 weeks	Council
Final concept	28/11	-	Artist
Fabrication	05/12 – 30/01/2023	8 weeks	Artist
on-site civil work (foundation, drainage, electrical, Signage)	28/11 – 12/12	2 weeks	Council
Packing/Transport, Installation	30/01 – 13/02	1-2 week	Artist
Maintenance schedule & certificate of compliance provided	13/02	1 Day	Artist
Final inspection	13/02	1 Day	Council
Completion	14/02		

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Update: Diamond Hill Preschool

Project Value: \$36,000

- Currently with procurement process (design and construction).
- Construction scheduled for June 2023.
- Initiated engagement with Early Years - Community Services.
- Artwork civil requirement to engineering department (Electrical, drainage, and structural support)
- Building completion July 2024.



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The Green Wedge Shire



Thank You

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Positive Ageing Advisory Committee Minutes



Date: Friday 4 November 2022
Time: 12:00 pm – 2:20 pm
Venue: Council Chamber and via Zoom (Hybrid)
Chair: Cr Natalie Duffy
Present: *Committee Members:* Richard Kottek, Joy Ferguson, Jan Taylor, Sabi Buehler, Deanna Finn, Anne Fitzpatrick, Ray Carroll, Sandra Verdam, Tianjian Shen, Sue Riley
Council: Mayor Frances Eyre, CEO Carl Cowie, Narelle Hart, Fiona Vuong, Jade Zigenbine
Apologies: Philip Green, Janice Crosswhite

Order of business

1. Welcome

2. Acknowledgement of Country

Acknowledgement of Country was conducted by Cr Duffy.

Cr Duffy took a moment to acknowledge the tragic circumstances of Cassius Turvey, with a moment of reflection on the loss.

“Womin Jeka” is this month’s Wurundjeri word, which means ‘to come with purpose’.

3. Conflict of Interest and Informal Meeting of Councillors Record

No conflicts of interest declared.

4. Minutes of previous meeting & Outstanding Action Items

Minutes of the meeting held 7 October 2022 are confirmed as a true and accurate record of the meeting.

Moved: Anne

Seconded: Deanna

Carried

- Action table update:

Action Summary Table			
Action	Who	Due	Completed?
Invite Nillumbik Shire Council CEO	FV, Carl Cowie	By Dec 2022	Carl attended today’s meeting, his schedule permitting he can also attend December meeting.

to attend a PAAC meeting in the future			
Include Housing (specifically tiny housing and options for older people) as an item on a future agenda for discussion.	FV		<p>This item was scheduled for discussion at the November PAAC meeting</p> <p>Housing options for older people, specifically tiny housing and the housing strategy are to remain on the Action Table as not complete. Strategic Planning team (whose role is to plan and implement long term vision for land use, development, design and protect environment and heritage) do not have the resources to prepare for a PAAC meeting at the moment, however are happy to attend to talk generally about affordability, Green Wedge and Major Activity Centre Planning and State legislation when able.</p> <p>A new Housing Strategy is a Council Plan action – programmed to start mid to later next year (subject to resourcing).</p>
Find out when engagement on the Housing Strategy is to happen.	FV		
Invite a member of the communications team to the PAAC and discuss Communications at Council	FV	March 2023	Please consider what specific questions you would like answers and share with Fiona
Explore the establishment of a subcommittee for transport	FV, Transport team		<p>There is a Council Plan FY 22/23 Priority Action to “Develop a new Integrated Transport Strategy to guide transport planning, sustainable outcomes and advocacy”.</p> <p>Please email your expressions of interest to be part of this subcommittee to Fiona. Community members with interest in the matter also welcome to join.</p>
Provide more Seniors Festival booklets for distribution, review places of distribution of information	FV	Nov 2022	Item Deferred to December meeting for full Seniors Festival recap.
Send through suggestions of where else to provide information to residents	All members	Nov 2022	Suggestions sent to Fiona via email and shared in November PAAC meeting, has been included in internal master list of venues for distribution. Fiona to share list with PAAC for review.
Find out if Nillumbik has ‘Blessing of the Fleet’ and when	FV	Nov 2022	“Blessing of the fleet’ this has not happened at Nillumbik since Covid, however at the next Council meeting this month, there will be a ceremony in which they acknowledge the CFA and the fleet, Council is awarding

			<p>them certificates and a donation as appreciation of the work they do. Members of the public welcome to attend the Council meeting in person or online.</p> <p>It was decided that a letter from the PAAC be presented in recognition and that members of the PAAC sign the letter.</p>
Put Joan in touch with Arts and Culture around exhibiting her ISO Chook artwork	FV	Nov 2022	<p>Introduced Arts Development Officer (Exhibition Support) to Joan via email.</p> <p>Completed</p>
Set up meeting for PAAC at the Hurstbridge Hub to proposed TOR without Council officers	FV	10/10/2022	Completed

5. **Business arising**

Cr Duffy acknowledged the recent resignation of Iwona Trickett from Coordinator of Community Support Services, who has been at Nillumbik Council for 12 years in various roles in the aged and disability sector. PAAC members thanked Iwona for her service and wished her well.

Other recent changes within Communities team were acknowledged, including Annie Lee's resignation as Social Connections Officer, and Allira Haeusler as the new Community Development Officer, and Vanessa Veldman as the Panton Hill Neighbourhood House Coordinator.

6. **Meet and Greet- Nillumbik Shire Council CEO Carl Cowie.**

This was an opportunity for members of the PAAC to meet with CEO Carl Cowie and discuss the PAAC's work in the community around the ageing population and Council's vision for older people in the Shire.

Carl spoke of the high regard he holds for the PAAC members and their networks and work that they do to be advocates for Nillumbik Shire residents.

Discussion around the unique challenges for older people. One of those being Communication and how we all communicate differently via social media, with varying levels of digital literacy, and the importance of hard copy paper and flyers.

Discussion around intergenerational connections, with intergenerational programs having evidence based positive effects on communities. It was discussed that the intergenerational programs would assist in particular at the seniors citizens centre as there has been some vandalism recently and some members felt unsafe. Fiona made reference to new programs being developed with Maternal Child and Health and playgroups connecting with older people in the Shire.

Fiona invited interested PAAC members to 'Ageless Conversations', an intergenerational event as part of the 16 days of Activism campaign. This event will bring together youth that are passionate about Gender equity from St Helena College and older people in Nillumbik Shire can connect:

When: Thursday 1 December
Time: 11am – 12pm
Where: Hurstbridge Hub

What: To share insights and experiences of gender equity and respect throughout generations over morning tea. All welcome.
For more information, contact Fiona.

The Memory Care Café and now the Dementia Alliance was highlighted. The Memory Care Café has expanded to three sites. This program is not only of value to the people who have dementia but also their carers. It was highlighted that the carers valued the opportunity to link together with other carers. There was further discussion around the stigma of dementia and the broader community education that needs to be expanded.

Discussion about social media and possibly having a Facebook page to assist with communication in the shire. There are concerns that communication in printed form is not readily available in places. Discussed the difficulty in having easy communications that are up to date. Carl commended Tianjian for his interpretation of Council information into Mandarin for the Eltham Chinese Seniors.

There was discussion around transport, and the cost of community transport in the community.

There was discussion around housing. The lack of availability of appropriate, affordable and accessible housing particularly for single women over 55 was a concern for members. Discussed how being able to stay in the Shire where they have lived, and formed networks is desirable.

There was a question around the rate capping in the Shire and Carl acknowledged the impacts of rate capping on Council services and programs, as well as the ways Council is trying to mitigate these impacts.

The PAAC thanked Carl for his time and allowing them to ask questions and also inform him of the programs and connections that they have in the Shire.

ACTION: Confirm that Carl will be able to attend the next PAAC meeting in December.

7. Terms of reference review

The feedback that was provided around the terms of reference for the PAAC was received and added to the report that will go to Council for review at the meeting on 13 December 2022. This information will be presented Councillors will then consider the report and make a decision, they will also provide recommendations and have a final outcome which will be shared with the PAAC, with the endorsed TOR to begin with the next committee.

8. Other Business

Phillip has tendered his resignation from the PAAC, December will be his final meeting.

9. Next Meeting

At the next meeting in December, first item on agenda will be a status update on the programs and ideas that came from the planning day (which was deferred from this meeting).

Carl also stated that he may have availability to attend the December PAAC meeting.

When: Friday 2 December 2022, Time: 12pm- 2pm, Where: Council Chamber and Zoom

Environment & Sustainability Advisory Committee (ESAC) Minutes



Date: Wednesday 30 November 2022

Time: 7.00pm – 9.00pm

Venue: Council Chambers

Chair: Lisa Pittle

Minute taker: Laura Nix

Order of Business

1	Welcome and Acknowledgement of Country Present: Lisa Pittle, Kirsten Reedy, Laura Nix, Warren Tomlinson, Alan Thatcher, John Huf, Kahn Franke, Vasundhara Kandpal, Kate McCracken, Sue Rosenhain Doug Evans, Lynlee Tozer, Fieke Van Der Kamp, Andrew McMahon Apologies: Anne-Marie King, Cr Ramcharan, Cr Paine, Malcolm Cock Absent: -	Chair
2	Conflict of interest Conflict of interest provisions are contained in section 80C of the <i>Local Government Act 1989</i> , the Councillor's Governance Code, the Employee Code of Conduct and the Volunteer Handbook No conflicts of interest were declared	Chair
3	Minutes of previous meeting The minutes of the previous meeting were confirmed as a true and accurate record of the meeting Moved: John Huf Seconded: Kahn Franke	Chair
4	Outstanding Action Items	Chair
5	Urban canopy working group update Working group paper circulated with the agenda. Discussions on biodiversity-sensitive urban design; urban canopy to achieve climate adaptation vs biodiversity outcomes; and urban canopy data sources and expertise. Action 1: Circulate a copy of the recent urban canopy motion moved by Cr Duffy, which was passed unanimously by all councillors. Action 2: Schedule a meeting with a strategic planner to discuss urban canopy matters with the working group	ESAC working group rep (Alan)
6	Biodiversity working group update The working group met on 9 November 2022 and discussed how/what ESAC would like to provide advice on during the development of the biodiversity strategy. These include its structure, community engagement, logic, evidence, process and timeline, and background document content.	ESAC working group rep (Doug)

	<p>A working group led facilitated session was held, exploring what biodiversity means to different ESAC members and the elements of Nillumbik's biodiversity.</p> <p>Discussion on planning matters and how they relate to biodiversity conservation and relevance to the Biodiversity Strategy.</p>	
7	<p>Single-use plastic ban update</p> <p>Rescheduled to next meeting.</p>	Lisa
8	<p>Other business</p> <ul style="list-style-type: none"> Request for an update on the status on the Northern Region Trails Strategy. Taken on notice. Action 3. Provide an update on the NRTS at the next ESAC meeting. Observation that there are considerable weeds on private and public land in the Shire. Members to send agenda requests to Laura or Kirsten two weeks prior to meeting. 	Chair
9	Next meeting – Wednesday 15 February 2023	
	<p>Attachments to the minutes - Refer google drive Meeting 30 November 2022 - Google Drive</p> <ol style="list-style-type: none"> Urban tree canopy working group update, November 2022 Biodiversity Strategy Working Group - Notes from meeting held at Edendale Farm, Wednesday 9 November 2022 Copy of the recent urban canopy motion presented by Cr Duffy at the October 2022 Council meeting 	

End 9.05pm

Table of Open Actions

Meeting date	Action	Owner/s	Status	Comment
30 November 2022	Circulate a copy of the recent urban canopy motion from Cr Duffy, which was passed unanimously by all councillors.	Officers	Complete	Provided as part of these minutes
30 November 2022	Schedule a meeting with a strategic planner to discuss urban canopy matters	Officers	Open	
30 November 2022	Provide an update on the Northern Region Trail Strategy at the next ESAC meeting	Officers	Open	
19 October 2022	Urban canopy working group to prepare a list of the matters that they would like to discuss with a strategic planner, and provide it to Kirsten/Lisa.	Alan	Complete	Provided on 21 November
17 August 2022	Provide ESAC with an update on the Green Wedge Management Plan	Officers	Open	Rescheduled to February 2023

ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE

MEETING 30 NOVEMBER 2022

URBAN TREE CANOPY WORKING GROUP

Following on from the October ESAC meeting, the ESAC chair asked that the Urban Tree Canopy Working Group identify in dot point format what we specifically want to discuss with the Planning Section and send them to Lisa/Kirsten to arrange a meeting.

The following points initially relate to **Future land use planning and development and the urban tree canopy in residential areas** and focus on the building of new dwellings, most often following subdivision.

A major issue of concern is that the current definition of garden area for residential areas under the State's the current Victoria Planning Provisions (VPPs) will inevitably result in the loss of tree canopy in new housing development and an increased heat island deleterious impact from global warming for people in urban areas.

Clarification of the interpretation of the 'Minimum percentage of a lot set aside as garden area' as defined for the NRZ in the planning scheme.

Clause 32.09-4 prescribes a minimum garden area as follows: 25% for lot size 400-500 sqm; 30% for above 500-650 sqm; and, 35% above 650 sqm. A 'garden' in the VPP is defined as including (inter alia) a pergola, unroofed terraces, patios and decks.

The reality would seem that most of the garden area could be taken up with structures commonly found in gardens found in new housing such as patios and decks. These areas can be considerable given the trend for indoor/outdoor living. This would leave little or no open soil space for planting canopy trees.

Clarification of garden area as defined under ResCode.

Standards A5 and B8 set the limits the proportion of any lot can be built on, to provide for outdoor space for residents, and to protect the amenity and character of neighbourhoods and specify that the site area covered by buildings should not exceed: the maximum site coverage specified in the schedule to the zone, or if no maximum site coverage is specified in the schedule to the zone, 60 per cent. Outdoor paving, driveways, footpaths or building eaves are considered part of the outdoor space. The diagram in ResCode shows examples of applying the standard that show provision of trees but would appear to be unduly optimistic given that there is no limit on the areas that can be covered by driveways and paving.

So it appears that it would be possible under these ResCode standards to have little or no actual garden bed, or at the very least highly fragmented garden areas

Existing planning controls

What planning controls are currently available to Council that could better help secure existing canopy trees, and require the planting of new canopy trees along with the provision of sufficient space and soil to enable them to grow to their expected height and breadth dimensions at maturity?

To what degree are local planning policies constrained by State level planning policies understanding that local policies cannot contradict State policies? Is this evidenced in appeals by proponents to VCAT against council decisions on planning permit applications regarding native vegetation removal?

Capacity to advocate for the concept of Biodiversity Sensitive Urban Design as proposed by RMIT.

In ResCode Standards A6 and B9 *Permeability* limits the amount of hard surfaces that can surround a new development that requires that at least 20 percent of the site should be covered by permeable surfaces. These are surfaces that can absorb water such as garden beds, lawn and other unsealed surfaces. This can include that such surfaces as driveways, footpaths and outdoor entertaining areas provided the areas used for their construction are pervious.

Would it be feasible to, as with Water Sensitive Urban Design where there is a minimum area of permeable surfaces, to seek to apply a minimum area of contiguous open soil for a garden bed under application of a Biodiversity Sensitive Urban Design requirements? This could bring together both the issues of urban canopy and biodiversity.

Future strategic directions

Broadening out the discussion from residential development to the whole urban area, what does Council want to achieve with its overall canopy cover into the future?" Is there a canopy cover target they'd like to achieve? How does that compare to the current canopy cover? In what locations (i.e. by different land uses) will the desired future canopy cover need to be to achieve the targets – e.g. how much on public land and how much on private land? And then, how can the planning scheme help achieve this? What form of tree cover is needed for biological thermal insulation?

A major initiative in this direction is the *Living Melbourne – Our metropolitan Urban Forest* released in 2019 by 'The Nature Conservancy and Resilient Melbourne and endorsed by all but one of the municipalities in the Greater Melbourne Metropolitan Area, the State Government through DELP and a range of major instrumentalities. The issue of the heat island impact is dealt with in some detail and the other many benefits of urban vegetation. This Strategy sets targets for tree canopy and for canopy and shrubs for regions for 2030, 2040 and 2050. (p 50).

Municipal councils are increasing developing Urban Forestry Strategies that are starting to address the issue of future strategic directions and Nillumbik Council has recently supported a motion to this effect.

We would like to discuss with planners what they see as the key strategic directions for future use and development (the planning scheme) to maintain the urban tree canopy.

Treecover data

The area of concern is probably the same as mapped for the Neighbourhood Character Strategy.

We need information on treecover in urban areas by land use. The zones of focus for this project broadly speaking the land uses are represented in the Nillumbik Planning Scheme by residential zones, industrial zones, and commercial zones, as well as public land zones in urban areas.

It is evident that RMIT has data on treecover trends and a question is what access does Nillumbik Council have to RMIT data and what would it cost to produce as an analysis both in map and tabular form of the treecover data by land use?

DELP hold a wide range of data on native vegetation and that would be useful to access.

Opportunity for collaboration with RMIT

In 2019 a report was released entitled *Urban Vegetation Cover Change in Melbourne 2014-2018* it shows the extent tree cover loss in local government municipalities in the Greater Melbourne Metropolitan Region that includes Nillumbik relating to residential areas, parklands, streets and other. (p 39).

The principal organisation was the Centre for Urban Research, RMIT University and was done in conjunction with University of Western Australia and CSIRO. The lead author was Joe Hurley an Associate Professor with the Sustainability and Urban Planning Program and a member of the Centre for Urban Research.

This opens up the question of the opportunities to work with RMIT using their existing research data and exploring potential for post graduate research focussing on thermal mapping for urban Nillumbik. (see example of thermal heat mapping done for the Frankston municipality below).

Alan Thatcher
Convenor
21.11.22

City of Frankston – Thermal Heat Mapping

2.2.3 Thermal Heat Mapping

Satellite thermal imagery taken on 1st January 2018 shows areas across the Municipality that absorb more urban heat than others (coloured red). The Land Surface Temperatures (LST) in these red areas are up to 12 degrees Celsius hotter than non-urban areas which correlates with the tree canopy data. Many of the hotspots occur in residential areas that are characterised by few trees and dark roofs as seen in the aerial image of Carrum Downs.

Frankston Thermal Hotspots

Avg LST difference from non urban baseline

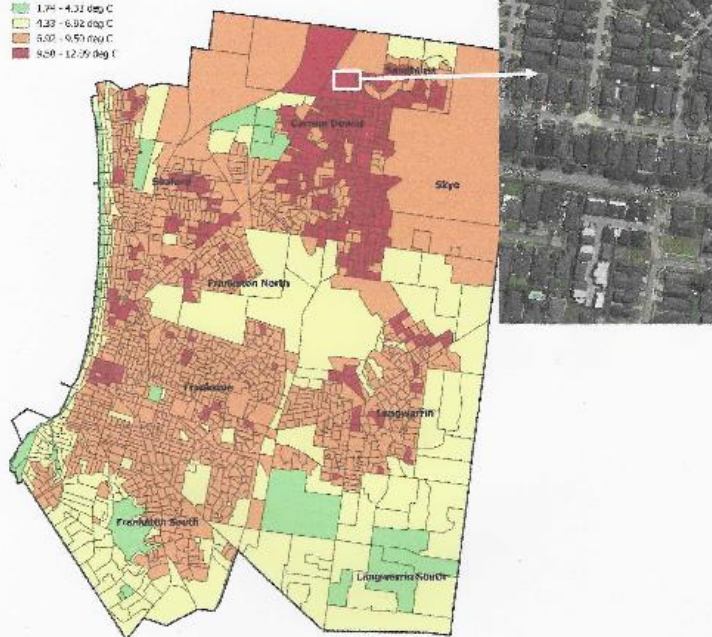


Image 8. Satellite thermal imagery detailing Average Land Surface Temperatures above or below non-urban baseline land surface temperatures. Areas in red are the hottest (up to 12 degrees hotter than non-urban areas). Source: DCLWP, Heat Urban Heat, 2019, Spatial Data, 2019.

Nillumbik Environment and Sustainability Advisory Committee

Biodiversity Strategy Working Group

Notes from meeting held at Edendale Farm, Wednesday 9th November 2022

Present:

Sue Rosenhain, Kahn Franke, Malcolm Cock, Andrew McMahon, Vasundhara Kandpal, Anne-Marie King, Doug Evans, Lynlee Tozer (late)

The group agreed it best to focus its scrutiny and advice on key elements and steps in the development of the biodiversity strategy:

- **The structure of the strategy.** The '[Open Standards for the Practice of Conservation](#)' process (aka Conservation Action Planning or Conservation Standards) that was used by the Nillumbik Landcare Network in 2014/15 to work with reps from eight Landcare Groups, Nillumbik Council, Port Phillip and Westernport CMA, Parks Victoria, Trust for Nature, Melbourne Water, Bush Heritage Australia and the Department of Environment and Primary Industries to develop the strategic document "[Caring for our Rural Landscape](#)" provides a sound structure to use as a guide.
- **Community 'touch points'** – ie key milestones in the development of the strategy that are seen as important for seeking ESAC, Biodiversity Strategy Working Group, and wider community input and views on
- **The logic** - ie does it make sense?
- **The evidence** – ie is it there? Is it sound? Does it support the strategic directions being proposed?
- **The strategy development process and timeline** – is it logical? Is it adequate? Is it appropriately paced?
- **The background document/s** – Does it/do they provide a suitable clear and accurate reflection of the current situation of biodiversity in Maroondah? Does it/do they provide a clear picture of the major pressures at play on Nillumbik's biodiversity, and the primary causes/sources of these pressures?

Given that the consultant will not be appointed until after the next ESAC meeting the group would like to take a proactive approach and start discussion around the high-level assets (priority 'conservation targets') and the broad outcomes to be achieved for these.

The group would like to dedicate at least half (one hour) of the ESAC meeting planned for 30th November to this discussion.

It is understood that there is some uncertainty about whether or not this ESAC meeting will proceed (dependent on Councillor availability), so in the event that it does not go ahead, the group would still like to use this time to have the discussion amongst ESAC members and Council officers would also be welcome. The group would like Council to make a meeting space available at the Council offices for the time scheduled for the ESAC meeting should the ESAC meeting not go ahead.

Caring for our rural landscape



**Strategic actions for landholders, community groups and agencies
caring for Nillumbik's rural landscape**

Purpose

This document has been written for all those who have management responsibilities for private and public land and water in rural Nillumbik.

It is built on the premise that we are all stewards of our shared landscape, from individual rural landholders to the Landcare groups they form, from Nillumbik Shire Council to agencies such as Parks Victoria and Melbourne Water, there are actions for us all, and if collectively achieved, will make Nillumbik's rural landscape healthier and more resilient into the future.

The development of this document has been led by the Nillumbik Landcare Network. Derived from the draft Nillumbik Landcare Network Strategic Plan that was developed through a series of facilitated Conservation Action Planning (CAP) workshops in 2015, it has been shaped by rural landholders representing eight Landcare groups from across Nillumbik, and representatives from Nillumbik Shire Council, Melbourne Water, Parks Victoria, Trust for Nature, Bush Heritage Australia, VicRoads, Department of Environment and Primary Industries, Port Phillip and Westernport Catchment Management Authority, Yarra Ranges Landcare Network and Middle Yarra Landcare Network, who all contributed their knowledge and expertise.

Here we present an easy-to-read version of the actions developed through these workshops.

We are on Wurundjeri land

We acknowledge the Wurundjeri people as the Traditional Owners of Nillumbik and recognise their continuing connection to Country, waters and culture. We pay our respects to all Wurundjeri elders, past, present and emerging. We acknowledge their stewardship of the land, which stretches back many thousands of years.

The area of the current Shire of Nillumbik is land of the Wurundjeri-willam clan of the Woiwurrung speaking people. The Wurundjeri People take their name from the Woiwurrung language word 'wurun' meaning the Manna Gum (*Eucalyptus viminalis*) found along 'Birrarung' (Yarra River), and 'djeri', the grub which is found in or near the tree. Wurundjeri are the 'Witchetty Grub People' and their ancestors have lived on this land for millennia. Wurundjeri People and members of other Kulin (Victorian) tribes were forcefully displaced from these traditional lands around 1830.

Many parts of Nillumbik, including most waterways, are significant for Wurundjeri People and numerous sites are included on the Aboriginal Cultural Heritage Register.

From the Wurundjeri website: <https://www.wurundjeri.com.au/>

For the Wurundjeri community the natural world is also a cultural world; therefore the Wurundjeri people have a special interest in preserving not just their cultural objects, but the natural landscapes of cultural importance. The acknowledgement of broader attributes of the landscape as cultural values that require protection (encompassing, among other things, a variety of landforms, ecological niches and habitats as well as continuing cultural practices and archaeological material) is essential to the identity and wellbeing of the Wurundjeri people.

How to use this document

The Conservation Action Planning identified eight local 'assets' on which to focus our actions, and for the purposes of this document, they have been reduced to five by combining notable plant or animal species or groups with their relevant habitat.

The five assets are:

- Culture of community custodianship of land
- Dry forests and woodlands
- Wet and damp forests
- Waterways and wetlands
- Cleared rural land

This document describes each asset, why it is important, what it looks like when healthy, and the threats it faces and what we can do about them. While for the purposes of the Conservation Action Plan these are considered as assets, they should also be understood as ecosystems, made up of many interdependent elements including plants, animals, insects, fungi, microorganisms, soil and also their interaction with man-made systems. They should also not be considered in isolation. The boundaries between each asset is indistinct and they are strong interactions between each.

This is a guide only. All people and organisations with responsibility for stewardship of land in Nillumbik are encouraged to use the information in this document to assist their management planning. When deciding what actions you can take, you will need to determine what your priorities are at the scale you are working at in your land management. This applies to assets, threats and actions and will ensure you are having the impact most important to you.

The steps

1. Decide which asset(s) on your land are your highest priority to make or keep healthy.
2. Set yourself a practical goal for what you want to achieve, and how you will tell when you have reached this point. A good guide will be the description of what the asset looks like when it is healthy.
3. Identify the threats that you can have an impact on: which are most likely to prevent you achieving your goal/s and which are possible to address.
4. Decide on the most important actions, and determine if they are achievable.
5. Set yourself a practical timeline for undertaking these actions; actions that will reduce the impact of each threat.
6. Ask for advice and help from others (your local Landcare group, Nillumbik Shire Council, and/or Melbourne Water) if you are unsure of the priorities or the actions to take.
7. Then go for it!

Climate change

Climate change is considered a threat to all the assets, but the impacts of climate change have not been listed separately under each asset in the following pages.

Analysis of this region from the *Climate Change in Australia* website shows that the Nillumbik Shire (and around Melbourne more broadly) will be significantly affected by a warming climate. Using two emissions scenarios (Moderate and High) the models project that we will see a rise in annual temperatures, including an increase in the summer maximum, and a decline in rainfall, with winter and spring rainfall declining disproportionately (see the table below for more details). This will impact on the species that make up our vegetation communities and further impact our creeks and rivers. The creeks, rivers and wetlands will be of even greater importance in providing refuges for species needing wetter and cooler environments.

In terms of vegetation communities we are likely to see some deaths of vulnerable tree species (which is already happening in some areas with *Eucalyptus obliqua* – Messmate - dying on slopes and ridges) and a move to drier environments such as grassy woodlands.

The most important actions that we can take to maximize the resilience of our natural environment to these climate changes are to:

- protect and enhance existing native habitats,
- reconnect isolated patches of bush by planting linking corridors of appropriate native species,
- improve the health of the land by reducing the impacts of the other identified threats – weeds, feral pest animals, erosion, habitat loss etc, and
- reduce extraction of water from rivers and creeks.

Projections for rainfall and temperature for two emissions scenarios for the Port Phillip and Western Port region [Moderate (RCP 4.5) and High (RCP 8.5) for 2040 and 2060].

<https://www.climatechangeinaustralia.gov.au/en/climate-projections/climate-futures-tool/>

Time frame	Emissions scenario	Number of GCMs* that agree (maximum consensus)	Average projected increase in mean annual temperature	Average projected increase in mean summer temperature	Average projected decrease in annual rainfall	Average projected decrease in Spring rainfall
By 2040	Moderate (RCP 4.5)	18 of 31 (58%)	+ 0.5 – +1.5°C	+1.1 °C	- 2.9 %	- 5.7 %
By 2040	High (RCP8.5)	17 of 33 (52%)	+ 1.2 °C	+1.4 °C	- 4.2%	- 7.5%
By 2060	Moderate (RCP 4.5)	10 of 31 (32%)	+ 1.3 °C	+ 1.6 °C	- 4.9%	- 10.9%
By 2060	High (RCP8.5)	17 of 33 (52%)	+ 2.0 °C	+ 2.2 °C	- 6.6%	- 12.5%

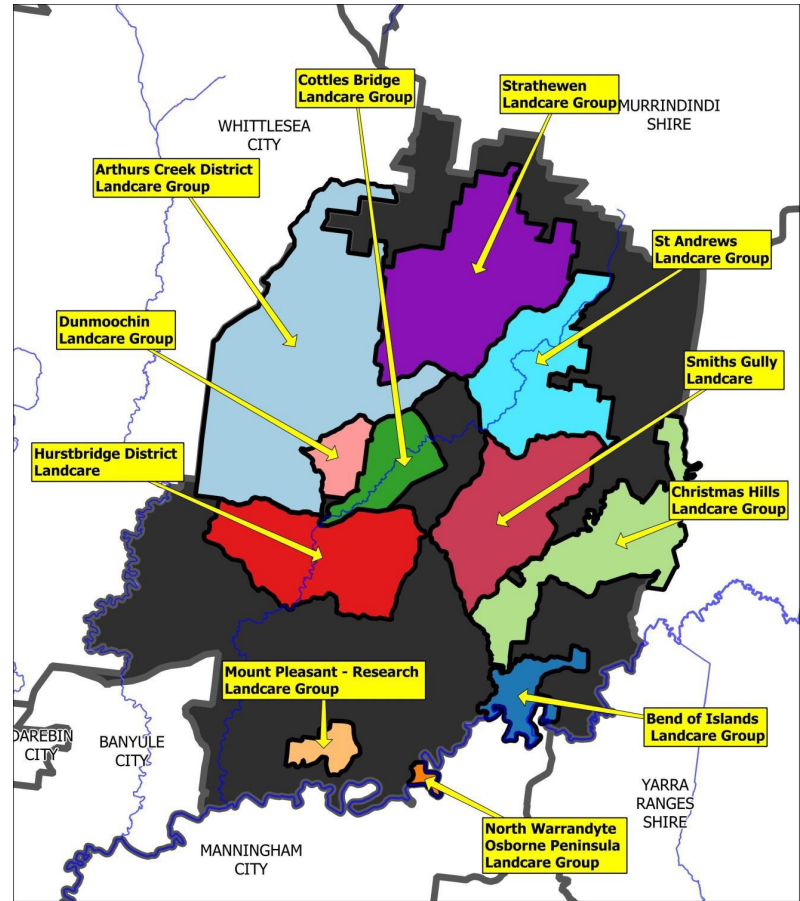
Moderate consensus between Global Climate Models	
Low consensus between Global Climate Models	

NB: Future climate projections are based on Global Climate Models (GCMs)*

The Nillumbik Landcare Network

The Nillumbik Landcare Network is comprised of 11 Landcare Groups operating within the Nillumbik Shire, and pursues the following vision: *Private land is managed to protect and improve both the biodiversity and agricultural values of Nillumbik.*

It achieves this by supporting its member groups to effectively engage with their respective landholders to promote and support well-informed land management decision-making and cooperative action.



Review

This document is based on strategic planning work undertaken by the Nillumbik Landcare Network in 2018 using a Conservation Action Planning process. It is based on the ecological and land-use conditions at that time. As these conditions and threats to our rural landscape change over time, it is recommended that the CAP process and this document be reviewed on a regular basis.

This document is due for review by the Nillumbik Landcare Network and partner agencies in 2025.

Culture of community stewardship of land

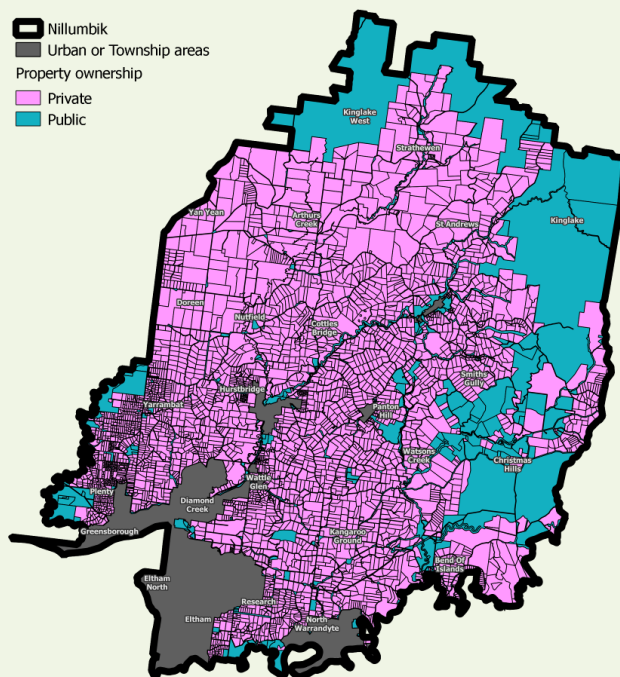


The Wurundjeri people, as Traditional Owners of the land in Nillumbik, have a long history of living on and nurturing it, having sustained a culture of community stewardship stretching back thousands of years.

People who have a culture of land stewardship seek to understand and take responsibility for the land, its soils, waterways, native plants and animals. They recognise that, while they may hold title to the land or have responsibility for managing it, they are in fact temporary stewards only and have the responsibility to protect the land and its values to pass on to future generations. Nature and agriculture can thrive in these communities.

What a healthy Culture of community stewardship of land looks like

They acknowledge and respect the Traditional Owners of the land, and seek to learn new perspectives from tens of thousands of years of Aboriginal knowledge. They support the Traditional Owners to realise Aboriginal aspirations for Country and culture.



What we are trying to protect and strengthen

Culture of community stewardship of land

The threats to a Culture of community stewardship of land

Land managers with a limited connection to, and sense of stewardship of, land and nature

Land managers may find it hard to make a connection with land and nature, or feel a commitment to land stewardship if the opportunities to access information and support are infrequent, unwelcoming, and don't fit easily into their lives. If information is not locally relevant, or is communicated in a way that conflicts with their aspirations they may not feel land stewardship is relevant to them.

Communities with a limited capacity to support the development of a culture of the stewardship of land

Communities may find it hard to develop and support a culture of community stewardship of land when they lack the opportunity to connect with others. They may also feel underskilled in group facilitation, leadership and social development.

Limited connection to community

Land managers may find it hard to build local connections when the opportunities to meet and socialise with neighbours are infrequent, unwelcoming, or don't fit easily into their lives due to work, family and other commitments. They may also find it hard to connect with others if they feel their aspirations for their land are not understood or respected.

Communities without a shared sense of purpose

Land managers may find it hard to see how they can be part of, and contribute to, stewardship of land and nature if their community doesn't have a shared sense of purpose and direction for the place they share.

Limited connection to Traditional Owners and culture

Land managers may not wish to connect with Traditional Owners and their culture if opportunities to meet Wurundjeri people and learn from them are infrequent, seen as intimidating or irrelevant, or don't fit easily into their lives.

What we can do to strengthen it and keep it healthy

→ Create opportunities for people to learn about land and nature and develop their sense of stewardship

Provide diverse, welcoming, accessible and regular opportunities for land owners and managers to access information and learn together about soil, water, flora and fauna, how they function, what makes them healthy, and how this can significantly improve human wellbeing.

→ Create opportunities for people to understand each other's aspirations

Design community engagement activities, including with Traditional Owners, to bring people together to find common ground such as the place they share, to find common interests and learn together to build understanding and respect for each other's aspirations, differences and constraints. Offer opportunities for people to build their community development skills.

→ Develop and strengthen the skills, knowledge and leadership capacity of people in the community

Provide opportunities for people to develop skills in leadership, group facilitation and community development in order to strengthen existing environmental groups and support the development of new groups where there are gaps.

→ Create opportunities for people to meet their neighbours

Provide diverse, welcoming and regular opportunities for land owners and managers to meet, socialise and learn together through information and training days, and social events.

→ Create opportunities for communities to find common goals

Design community engagement activities that enable land owners and managers to share the aspirations they have for their land and their place, and find common goals and directions they are willing to contribute to.

→ Create opportunities for people to learn about Wurundjeri culture

Provide diverse, welcoming and regular opportunities for land owners and managers to meet and learn about Wurundjeri culture and knowledge, and to explore ways they can support Wurundjeri people to reconnect to Country and traditional practices.



What we are trying to protect

Dry Forests & Woodlands



Nillumbik
Landcare
Network



Dry forests and woodlands dominate the remnant vegetation on the drier slopes and ridges in Nillumbik. They have an open to closed canopy of gums that includes scattered large old trees. The mid-storey of small trees and shrubs is open to sparse, but can be more dense on lower slopes. The under-storey is a mix of grasses, lilies, orchids and herbs, which grow among fallen leaves, branches and rotting logs. Dry forests and woodlands include the rich variety of indigenous flora and fauna that they provide habitat for.

The approximate area of Dry forest and woodland in Nillumbik is 21,000 ha of which 15,000 ha is on private land.

Why dry forests and woodlands are important

Dry forests and woodlands create the bushland character of Nillumbik, and contribute to the forested highlands that are such a feature of eastern Melbourne. They are extensive, occur on both public and private land and connect Kinglake National Park to the Yarra River and Warrandyte State Park. This landscape 'connectivity' is vital to maintaining a healthy environment, keeping the natural systems operating well and providing pathways for animals in an otherwise fragmented landscape.

Dry forests and woodlands provide essential habitat for myriad native animals and plants, including rare and threatened species.

What a healthy dry forest or woodland looks like

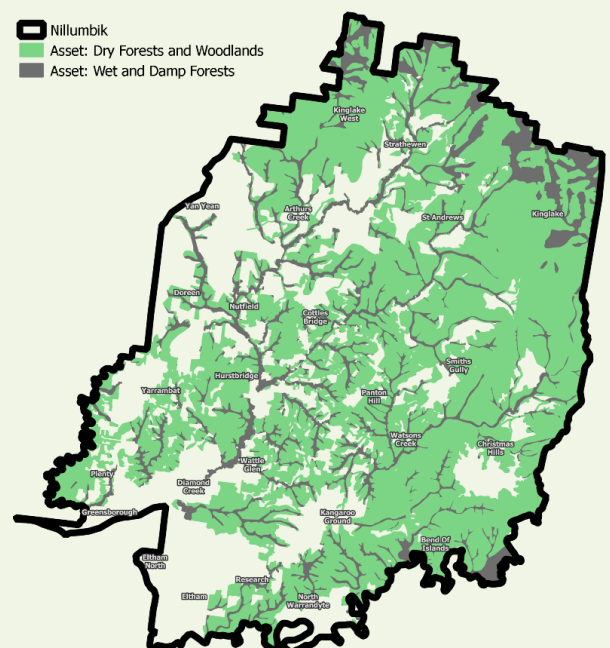
Healthy dry forests and woodlands have trees of different ages, including big old trees with numerous hollows. Fallen branches and rotting logs create feeding places and shelter for a rich diversity of native birds and animals. The shrub layer is sparse and its native peas, heaths and wattles are not stunted from over-browsing by deer or wallabies.

The under-storey is mostly tussock grasses interspersed with native herbs and orchids. It has few or no weeds. Leaf litter protects the soil and creates foraging areas for ground-dwelling animals. In spring, these forests and woodlands are full of wild-flowers, insects, bird song and nesting activity. A rich variety of animals including rarer species such as the Spot-tailed Quoll, Brush-tailed Phascogale, Common and White-footed Dunnart, Spotted Quail-thrush, Powerful Owl, Speckled Warbler, Swift Parrot, Tree Goanna and Southern Toadlet may be found.

More common species include Agile Antechinus, Swamp Wallaby, Echidna, Wombat, Common and Blotched Blue-tongue lizards and a diversity of woodland birds.

There are also rare and threatened plants that occur in these forests and woodlands, including Round-leaf Pomaderris, Clover Glycine, Red Ironbark and Matted Flax-lily, as well as many common, rare and threatened orchids.

Healthy Dry forests and woodlands are large in extent and well connected with surrounding remnant vegetation, facilitating movement of plants and animals across the landscape.



What we are protecting

Dry Forests & Woodlands



Nillumbik
Landcare
Network

The threats to our Dry forests and woodlands

Lack of knowledge, skills and resources

Land owners are often keen to care for their land but do not have enough knowledge to feel confident in doing so, or they lack the resources such as time or money to tackle major works.

Incremental land clearing and disturbance

The total area and quality of dry forests and woodlands is gradually being reduced as a result of legal and illegal clearing and damage to understorey. This can break up the forest's connectivity leading to increased isolation of flora and fauna populations, and also exposes the soil to compaction and erosion, enabling weed invasion. Excessive removal of dead trees and logs for firewood removes important habitat elements.

Invasion by woody weeds

Woody weeds such as Sweet Pittosporum, Bluebell Creeper, Boneseed, Blackberry and Cootamundra Wattle invade and dominate the mid-storey, altering the habitat structure and shading out the native under-storey.

Shortage of tree hollows for animals that need them

Past tree harvesting has reduced the number of hollow-bearing trees. Many remaining trees are less than 80 years old and too young to produce hollows, with many of the existing old hollow-bearing trees occurring along roadsides where they risk removal from road widening and maintenance work.

Damage by pest animals and stock

Introduced Sambar deer are increasing in number and grazing heavily on native shrubs. They damage soil and creek lines by trampling them and creating wallows. Wallabies and rabbits are also over-abundant and browse heavily on native shrubs and orchids. Stock such as cattle, sheep and horses with unrestricted access damage native vegetation and compact the soil.

Predation by foxes and cats

Foxes and cats prey on small native animals, particularly those that spend a lot of time on the ground.

Invasion by grassy and herbaceous weeds

Introduced grasses and weedy herbs and climbers alter the open tussock structure of the understorey, and can out-compete native species and eliminate foraging sites for ground-dwelling animals and birds.

What we can do to keep them healthy

Build skills, share information and provide resources

Equip land owners with the knowledge and skills to manage woody and grassy weeds, and provide information on rare and threatened species, and pest animal management.

Prevent further clearing and restore connectivity

Increase community understanding of the consequences of clearing and damaging native vegetation. Use regulatory tools such as planning controls and perpetual covenants to prevent further loss and degradation of forests and woodlands. Use natural regeneration and revegetation to restore habitat along key corridor routes. Encourage the responsible sourcing of firewood or alternative fuels.

Minimise the impact of woody weeds

Focus control efforts for woody weeds in the highest quality areas of dry forest and woodland. Prioritise other areas as resources allow. Enhance and utilise the regulatory framework and incentives to support weed control efforts.

Protect and supplement tree hollows

Protect large hollow-bearing trees including on roadsides. Establish methods to compare the availability of tree hollows and the numbers needed by hollow-dependent species. Supplement natural hollows with nest boxes and/or chain-saw hollows designed for rare and threatened species. Trial methods for accelerating the development of tree hollows.

Minimise the impact of pest animals and stock

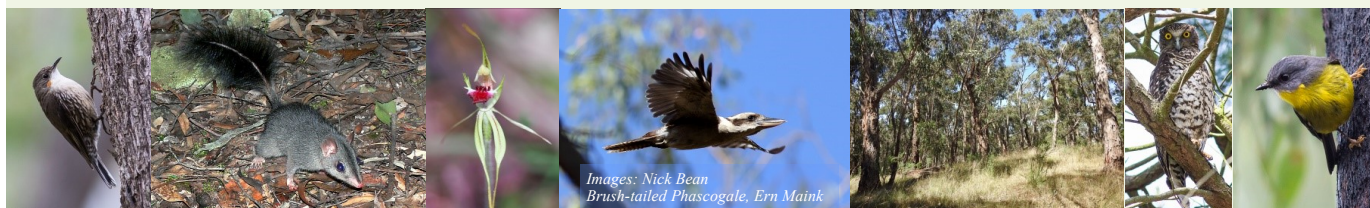
Take a collaborative approach across public and private land for the management of deer and rabbits. Use exclusion fencing to protect significant sites, especially where wattles, heaths, native peas and orchids are found, or can be replanted. Use fencing to restrict stock access.

Reduce predation pressure from foxes and cats

Target fox control programs to breeding and dispersal times for rare animals and ground-dwelling birds. Increase community understanding of the threats cats pose to native animals, and provide training in the use of cat traps.

Minimise the impact of grassy and herbaceous weeds

Focus control efforts on patches of high value understorey such as orchid-rich areas or critical habitat for ground-dwelling fauna. Trial ecological and traditional burning to restore the health of the understorey.



Images: Nick Bean
Brush-tailed Phascogale, Ern Maink

What we are trying to protect

Wet & Damp Forests



Nillumbik
Landcare
Network



Wet and damp forests are largely confined to protected areas in gullies, riparian zones, and southern slopes of hills in Nillumbik. They are characterised by a canopy of eucalypts up to 40m tall over a medium to tall dense shrub layer, with a ground layer of herbs, grasses and sedges. The ground layer also features a variety of moisture-loving ferns, including the occasional tree ferns. The ground layer also features fallen leaves, branches and rotting logs. Wet and damp forests and woodlands include the rich variety of indigenous flora and fauna that they provide habitat for.

The approximate area of Wet and damp forest in Nillumbik is 7,200 ha of which about 4,900 ha is on private land.

Why Wet and damp forests are important

Wet and damp forests provide the cooler and moister refuges of the forested areas of Nillumbik. Together with the Dry forests and woodlands, they occur on both public and private land and connect Kinglake National Park to the Yarra River and Warrendyte State Park. This landscape 'connectivity' is vital to maintaining a healthy environment, keeping the natural systems operating well and providing pathways for animals in an otherwise fragmented landscape.

Wet and damp forests provide essential habitat for a wide variety of native animals and plants, including rare and threatened species. In a changed climate it is expected that the wet and damp forests will function as a critical refuge for many species that will no longer be able to persist within the drier areas.

Wet and damp forests play an essential role in the provision of clean water flowing into our waterways, and also contribute to soil health and air quality.

What healthy wet and damp forests looks like

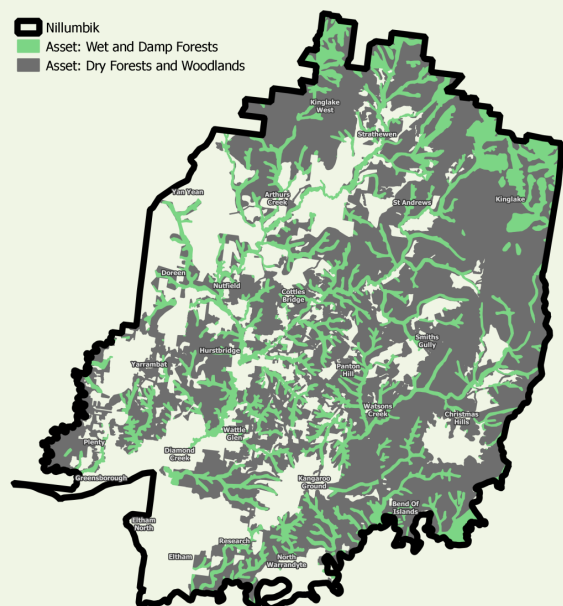
Healthy wet and damp forests have trees of different ages, including big old trees with numerous, and sometimes large, hollows. Fallen branches and rotting logs create feeding places and shelter for a rich diversity of invertebrates, native birds and animals. The shrub layer can be dense and features wattles, daisy bushes, bursaria, and currant bush.

The ground layer is typically dense with a diversity of grasses, sedges and ferns with few or no weeds. Leaf litter is thick on the ground providing rich invertebrate habitat and foraging areas for ground-dwelling animals. The cool, damp conditions also support a rich array of mosses and fungi species.

A variety of animals including rarer species such as the Superb Lyrebird, Powerful Owl, Eastern Whipbird, Long-nosed Bandicoot and White-footed Dunnart may be found.

More common species include the Common Wombat, Southern Bush Rat, Agile Antechinus, Swamp Wallaby, Sacred Kingfisher and King Parrot. A variety of frog species may be found.

Wet and damp forests are usually adjacent to the Dry forests and woodlands. Healthy Wet and damp forests are large in extent and well connected with surrounding native vegetation and waterways, facilitating the movement of plants and animals across the landscape.



What we are protecting

Wet & Damp Forests



Nillumbik
Landcare
Network

The threats to our Wet and damp forests

Lack of knowledge, skills and resources

Land owners are often keen to care for their land but may not have enough knowledge to feel confident in doing so, or they lack resources such as time or money to tackle major works.

Incremental land clearing and disturbance

The total area and quality of dry forests and woodlands is gradually being reduced as a result of legal and illegal clearing and damage to understorey. This can break up the forest's connectivity leading to increased isolation of flora and fauna populations, and also expose the soil to compaction and erosion, enabling weed invasion. Excessive removal of dead trees and logs for firewood removes important habitat elements.

Invasion by woody weeds

Woody weeds such as Sweet Pittosporum, Bluebell Creeper, Boneseed, Blackberry and Cootamundra Wattle invade and dominate the mid-storey, altering the habitat structure and shading out the native under-storey.

Shortage of tree hollows for animals that need them

Past tree harvesting has reduced the number of hollow-bearing trees. Many remaining trees are less than 80 years old and too young to produce hollows, with many of the existing old hollow-bearing trees occurring along roadsides where they risk removal from road widening and maintenance work.

Damage by pest animals

Introduced Sambar deer graze heavily on native vegetation - especially shrubs, and cause significant damage to trees by rubbing on them. They damage soil and creek lines by trampling and creating wallows. Deer are a significant threat to the rare Southern Toadlet due to trampling of their breeding sites. Wallabies and rabbits are also over-abundant and browse heavily on native shrubs and orchids.

Predation by foxes and cats

Foxes and cats prey on small native animals, particularly those that spend a lot of time on the ground.

Invasion by grassy and herbaceous weeds

Introduced grasses and weedy herbs and bulbs can out-compete native species and reduce the diversity of forest floor species and habitat for ground-dwelling animals and birds.

What we can do to keep them healthy

Build skills, share information and provide resources

→ Equip land owners with the knowledge and skills to manage woody and grassy weeds, and provide information on rare and threatened species, and pest animal management.

Prevent further clearing and restore connectivity

→ Increase community understanding of the consequences of clearing and damaging native vegetation. Use regulatory tools such as planning controls and perpetual covenants to prevent further loss and degradation of forests and woodlands. Use natural regeneration and revegetation to restore habitat along key corridor routes. Encourage the responsible sourcing of firewood or alternative fuels.

Minimise the impact of woody weeds

→ Focus control efforts for woody weeds in the highest quality areas of Wet and damp forest. Prioritise other areas as resources allow. Develop and utilise regulatory tools (eg local laws) and incentives to support weed control efforts by the community.

Protect and supplement tree hollows

→ Protect large hollow-bearing trees including on roadsides. Establish methods to compare the availability of tree hollows and the numbers needed by hollow-dependent species. Supplement natural hollows with nest boxes designed for rare and threatened species. Trial methods for accelerating development of tree hollows.

Minimise the impact of pest animals

→ Take a collaborative approach across public and private land for the management of pest animals such as deer and rabbits. Use exclusion fencing to protect significant or sensitive sites such as Southern Toadlet breeding sites and where wattles, heaths, native peas and orchids are found.

Reduce predation pressure from foxes and cats

→ Target fox control programs to breeding and dispersal times for rare animals and ground-dwelling birds. Increase community understanding of the threats cats pose to native animals, and provide training in the use of cat traps.

Minimise the impact of grassy and herbaceous weeds

→ Focus control efforts on patches of high value understorey such as orchid-rich areas or critical habitat for ground-dwelling fauna. Trial ecological and traditional burning to restore the health of the understorey.



What we are trying to protect

Cleared rural land



Nillumbik
Landcare
Network



Cleared rural land is characteristic of land outside the urban area, containing farms, native vegetation and open space. It has existed in the Nillumbik area since the first settlers cleared land for agriculture and orchards, timber for construction, fuel wood for bakery ovens and steam boilers, and for gold mining infrastructure.

Cleared rural land has been largely cleared of native vegetation, and may be used for commercial farming (grazing, orchards, vineyards, market gardens, etc.), hobby farming (alpaca, sheep, etc.) or rural lifestyle (rural living, horses and pet livestock).

The approximate area of Cleared Rural Land in Nillumbik is 10,300 hectares.

Why Cleared rural land is important

Cleared rural land is important as much of it is good quality agricultural land, that is currently being used for agriculture, or has potential for future agricultural uses. Its proximity to Melbourne means it can play a key role as part of Melbourne's 'food bowl' as a source of locally grown food.

In conjunction with the waterways and remnant forests it provides an attractive rural landscape conducive to agricultural and nature-based tourism, and also provides many people with the opportunity to live a rural lifestyle.

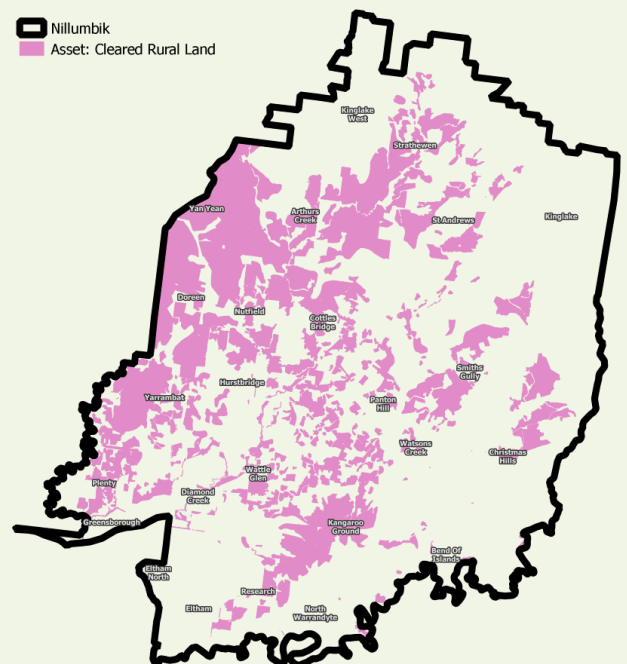
Cleared rural land can also contain patches of native vegetation and large old paddock trees important as habitat. The condition of cleared rural land can also affect the quality of adjoining natural assets.

What healthy Cleared rural land looks like

Healthy cleared rural land has mixed lot sizes that optimise its future potential for agriculture or horticulture. Healthy cleared rural land supports land uses that incorporate protection of environmental assets such as waterways, patches of remnant vegetation and large old trees within and adjacent to it.

Healthy cleared rural land has good ground cover made up primarily of perennial pasture species and native grasses. It incorporates things like insectaries and biodiverse shelterbelts and farm dams, and is free of erosion, salination, and invasive weed species.

It is used and managed sustainably within the capability of the land, and infrastructure is well maintained including fencing, dams, and watering points.



What we are trying to protect

Cleared rural land



Nillumbik
Landcare
Network

The threats to our cleared rural land

Land parcel size:

When lot sizes of cleared rural land become too small or are used for purposes such as residential or industrial, they irreversibly lose their potential to be used for agricultural purposes into the future.

Incremental urbanisation:

There is economic pressure to convert cleared rural land residential land uses. This threatens the viability of agriculture through increasing land values, eroding the confidence of people to invest in agriculture and introduction of neighbouring land uses incompatible with agriculture.

Lack of knowledge, skills and resources:

Land owners are often keen to use and manage their land sustainably but may not have enough knowledge to feel confident in doing so, or they lack resources such as time or money to tackle major works.

Invasion by pest plant species:

Invasive weed species can displace good pasture species, be unpalatable or toxic to domestic stock and spread into neighbouring land and native habitat.

Overgrazing:

Overgrazing by domestic stock results in degradation of healthy pastures, opens soil to wind and water erosion, and creates opportunities for invasive weed species to establish.

Inappropriate soil management:

Practices that disturb the soil such as ploughing, ripping and tilling exposes the soil to wind and water erosion, reduces soil structure and fertility and creates opportunities for invasive weed species to establish.

Impacts on native vegetation and waterways:

Land uses that don't incorporate measures to protect and complement environmental assets such as native vegetation and waterways on and off the cleared rural land will degrade the local natural resource base and the benefits derived from them (e.g. clean water, weed suppression, beneficial insects and birds).

What is needed to keep it healthy

→ Prevent/minimize lot subdivisions

Identify, map, and use regulatory tools such as planning scheme zones, to prevent further fragmentation of cleared rural land with good agricultural potential. Take advantage of all opportunities to consolidate small lots into larger lots.

→ Minimise the encroachment of urban areas

Use advocacy and regulatory tools such as the planning scheme to prevent any movement of the Urban Growth Boundary into cleared rural land.

Build skills, share information and provide resources

- Equip land owners with the knowledge and skills to use and manage their land sustainably, by providing information on land capability, property planning, weed management, erosion control, and protection of adjoining habitat.

Minimise the impact of invasive weed species

- Focus control efforts on key invasive weeds such as Serrated Tussock, Chilean Needle Grass, Paterson's Curse, Cape Weed, St. Johns Wort, Blackberry, and Gorse. Coordinate slashing and other roadside management to prevent spreading of weed seeds. Provide education and regulation for road work contractors to prevent introduction of weeds through practices such as cleaning of machinery, and sourcing of road materials. Provide education to land owners on weed free fodder.

→ Support adoption of sustainable grazing practices

Provide information to land owners on stocking rates, paddock layout, appropriate grazing regimes & pasture species selection. Link rebates & other incentives to the adoption of best practice.

→ Support sustainable soil management practices

Provide information to relevant land owners on no till practices, direct drill seeding and stubble retention. Link rebates and other incentives to the adoption of best practice.

→ Protect native vegetation and waterways

Provide information to land owners on practices that protect environmental assets, e.g. stock exclusion fencing, off-stream watering and paddock tree protection. Provide information to landowners on complementary practices, e.g. insectaries, biodiverse shelterbelts and farm dams.



What we are trying to protect

Waterways and wetlands



Nillumbik
Landcare
Network



Waterways and wetlands include the creeks, drainage lines, ephemeral wetlands and swamps found in the valleys and floodplains in Nillumbik.

All the main waterways in Nillumbik rise in Kinglake National Park. Diamond Creek, Arthurs Creek and Watsons Creek form the main channels and each has many small feeder tributaries. This creek system is a major source of water for the Yarra River and, with the Plenty River, forms the southern and parts of the western boundary of the Shire.

Many swamps and wetlands were converted to pasture in the past, but a few natural swamps remain and others have been recreated.

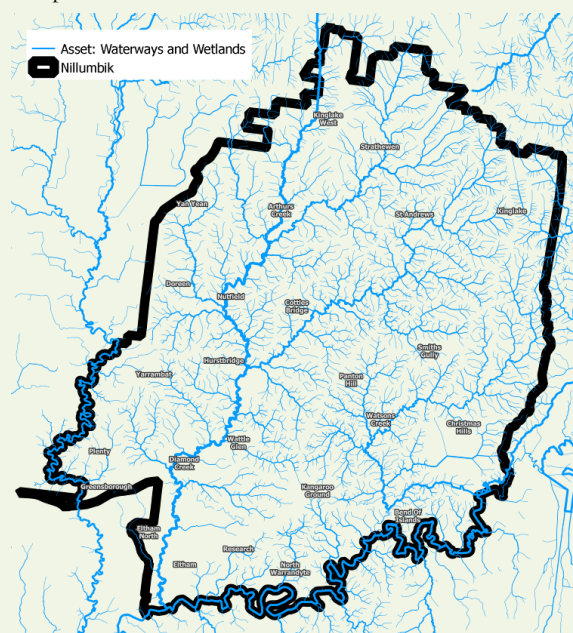
Why waterways and wetlands are important

Waterways act as arteries through our landscape carrying life-giving water from the slopes of the Kinglake Range to the Yarra River. Wetlands, including swamps and bogs, support myriad plants and animals, and provide essential habitat and refuges for wildlife, particularly in dry times. Wurundjeri Traditional Owners have a strong spiritual connection to Nillumbik's waterways and wetlands. Our local community depends today on waterways and wetlands for stock water and irrigation, and for many they are important places to walk, relax and enjoy nature. Sugarloaf Reservoir in Christmas Hills supplies the northern, western and central suburbs of Melbourne with high-quality drinking water. The condition of Nillumbik's waterways is an indicator of the health of their catchments and our broader natural environment.

What healthy waterways and wetlands look like

Healthy creeks and wetlands have clear to tannin-stained water, and a natural flow regime that includes regular flooding and drying. Healthy creeks run between stable banks, under the shade of gums, native shrubs, rushes, ferns and grasses. In deeper, slow-moving water, submerged rocks and logs, and aquatic plants like Water Ribbon create shelter and food for native fish and other animals, including the larval stage of many insects. Stream-side vegetation adds leaf litter and organic debris to the system, providing energy supporting the aquatic food webs. Platypus and Rakali feed in the creek or along the banks. Native blackfish, galaxias, short-finned eels, and native crayfish abound in the creek itself, and can migrate up and down the stream as needed.

Healthy wetlands have a range of water depths and are fringed by native vegetation. Shallower parts naturally dry out in summer and deeper parts supports a mix of emergent water plants. There is abundant food, shelter and breeding areas for native tortoises, frogs, native fish and water bugs. Ducks, grebes, cormorants, herons and egrets feed on the frogs and aquatic animals. Dragonflies and damselflies dance across the water in warmer months, and bats and swallows skim the surface to drink. In the evening flocks of birds descend to drink. The rare Southern Toadlet favours small, ephemeral ponds, while the Growling Grass Frog prefers deeper wetlands.



What we are protecting

Waterways and wetlands



Nillumbik
Landcare
Network

The threats to our waterways and wetlands

Lack of knowledge, skills and resources

Land owners lucky enough to have waterways or wetlands on their land may not be aware of the importance of protecting fringing native vegetation, keeping stock out of creek-lines and removing trees such as willows and other weeds.

Farm dams and water extraction

Damming and extraction of water (including groundwater) reduces water volume and flows, leading to higher water temperatures and less oxygen in the water, thus reducing the creek's capacity to sustain life. It also reduces the availability of deeper water habitat needed by larger animals such as native fish, crayfish and platypus.

Clearing or lack of streamside vegetation

Streams exposed due to insufficient stream-side vegetation suffer elevated water temperatures and reduced oxygen levels, adversely affecting aquatic species. The risk of bank instability and erosion is also higher and fewer leaves and woody debris are shed into the water depriving aquatic species of food and shelter.

Sedimentation

During rainfall soil runs into waterways and wetlands from unsealed roads and areas disturbed by earthworks, overgrazing and clearing. This smothers water-based plants and clouds the water creating a light and oxygen poor environment unsuitable to many plants and animals.

Nutrient runoff

Application of fertilizers in excess of crop or pasture needs and excessive stocking on adjacent land can see high nutrient loads foul water and cause deoxygenation and toxic algal blooms.

Access of hard-hooved stock and pest animals

If hard hooved animals such as cattle, sheep and Sambar deer are able to directly access streams or wetlands to drink they trample stream banks and stream-side vegetation. Sambar deer also create mud wallows and graze heavily on native shrubs, particularly along the creek corridors.

Invasion by woody, herbaceous and aquatic weeds

The roots of woody weeds such as Willow and Poplar clog the stream bed. Their soft leaves rot quickly in the water reducing available oxygen. Weeds in the riparian zone such as Blackberry, Angled Onion, Watsonia, and Wandering Tradescantia outcompete native species and reduce habitat quality. Aquatic weeds such as Parrots Feather and Water Hyacinth can choke out wetlands and deeper pools in streams.

What we can do to keep them healthy

→ Build skills, share information and provide resources

Equip land owners with the knowledge and skills to protect stream banks and control weed species. Provide incentives and support for riparian revegetation, stock-exclusion fencing and off-stream troughs for stock watering.

Reduce extraction and manage the impact of dams

Increase community understanding about the consequences of over extraction of water and the impact of farm dams.

→ Monitor and regulate commercial extraction and building of new dams. Provide financial incentives for the removal of dams that are no longer needed.

Protect and/or replace streamside vegetation

Replant indigenous species along and beyond the creek banks to restore a wide corridor of streamside vegetation.

→ Use fences to protect the plantings where stock are present. Farm dams vegetated with wetland species can provide good habitat for a number of wetland species.

→ Reduce sediment and nutrient runoff and protect creeks from storm runoff

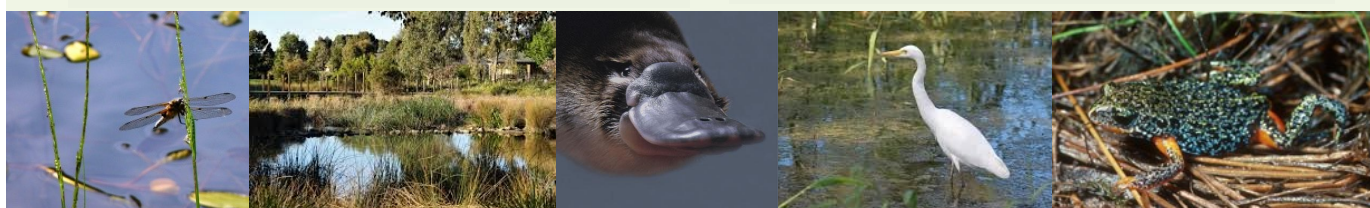
Revegetate stream banks with indigenous riparian species to create a wide vegetation corridor that can trap silt and nutrients before they reach the creek or wetland. Plant indigenous shrubs and grasses thickly alongside unsealed tracks and roads that are near creeks and wetlands to trap or divert storm water and its load of silt. On adjacent farmland, maintain good groundcover and use nutrient budgeting to apply only the amount of fertilizer needed.

Prevent stock and deer access

→ Use exclusion fencing and off-stream watering points to water stock, and use fencing to block strategic routes and access points for deer. Take a collaborative approach across public and private land to managing deer numbers and impact.

Minimise the impact of woody weeds

→ Focus control efforts for woody and herbaceous weeds where they threaten the higher quality reaches of the creek system, especially the upper reaches of the catchment. Aim to eradicate any new invasions of aquatic weeds and prioritise other areas as resources allow. Use education to support weed control by property owners, and regulation to help manage weed issues on unoccupied properties.



**Attachment 3 Notice of Motion on urban canopy presented at the 25
October Council meeting**

NOM.003/22 Nillumbik Urban Tree Strategy

Cr Natalie Duffy advised of her intention to move the following:

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Ben Ramcharan

That Council:

1. Notes that Nillumbik Shire Council is a Green Wedge Shire set up to provide "Lungs for Melbourne".
2. Notes and appreciates that the recently adopted Nillumbik Climate Action Plan supports the council plan action to "investigate measures to enhance Nillumbik's urban tree canopy".
3. Requests that this is considered alongside the review of the Biodiversity Strategy
4. Requests that the following matters are explored and considered as part of the process:
 - a) Creation of a Nillumbik Urban Forest Strategy to set the actions we will take as a Council to increase tree canopy in the urban areas of Nillumbik
 - b) Creation of a Significant Tree Register
 - c) Annual reporting of street tree & park plantings
5. Considers work done by other local Councils who already have adopted an Urban Tree Strategy such as Whitehorse, Banyule, Moonee Valley and others.

CARRIED UNANIMOUSLY

Environment & Sustainability Advisory Committee (ESAC) Minutes



Date: Wednesday 15 February 2023

Time: 7.00pm – 9.00pm

Venue: Council Chambers

Chair: Cr Geoff Paine

Minute taker: Lisa Pittle

Order of Business

1	Welcome and Acknowledgement of Country Present: Cr Paine, Cr Ramcharan (on phone from 7pm, arrived in person 7.20pm), Lisa Pittle, Kirsten Reedy, Michael Ioannides, John Huf, Kahn Franke, Vasundhara Kandpal, Sue Rosenhain, Doug Evans, Lynlee Tozer, Andrew McMahon, Anne-Marie King, Malcolm Cock Apologies: Kate McCracken, Alan Thatcher Absent: Fieke Van Der Kamp	Chair
2	Conflict of interest Conflict of interest provisions are contained in section 80C of the <i>Local Government Act 1989</i> , the Councillor's Governance Code, the Employee Code of Conduct and the Volunteer Handbook. No conflicts of interest were declared.	Chair
3	Minutes of previous meeting The minutes of the previous meeting were confirmed as a true and accurate record of the meeting. Moved: Kahn Franke Seconded: John Huf	Chair
4	Outstanding Action Items	Chair
5	Update on the status of the Northern Region Trails Strategy Refer attachment 1 powerpoint presentation – google drive The committee had a range of specific and general comments: <ul style="list-style-type: none"> • Lack of space for a carpark at the end of Marshalls Lane. • Consultation on strategy development – an ESAC member made a submission and did not receive a response. • NTRS does not reference other Council strategies, how can these trails be considered when there is no environmental or heritage assessment; not gelling with other existing Council policies; loss of vegetation if constructed. 	Michael Ioannides, Coordinator Recreation & Open Space, Leisure Facilities

	<ul style="list-style-type: none"> • NTRS challengeable under EPBC, FFG Act, cultural heritage, offset requirements; loss of native vegetation on roadsides and so on. • Concept plan more than a strategy – many of the trails would not be able to built based on the existing legislation. • How were the routes chosen, what were the criteria, how were routes assessed for putting a trail through, how have they been assessed for a 3.5m wide shared trail. What type of trail is proposed? • Are these new trails or were they earmarked in previous documents. Kinglake and Maroondah Aqueduct trails have been mooted for a long time. • May be more of an issue in Nillumbik as more constrained by vegetation/cultural matters. • This version of the NTRS has an updated proposal for Maroondah includes 'missing links'. • Want Council to look at the realistic prospect of the trails being successful. <p>Recommendation</p> <p>ESAC unanimously recommends that the trails in the NRTS need to be thoroughly assessed against local, state and federal legislation and policy before Council commits to them.</p>	
6	<p>Single use plastic ban update</p> <p>Refer attachment 2 powerpoint presentation – google drive</p> <p>Comments that people are still observing single use plastics.</p> <p>Discussion on the importance of the circular economy approach – avoidance, materials recovery and reprocessing.</p> <p>Options for soft plastics following the cessation of Redcycle.</p> <p>Victorian government bin standards proposes to include bundled soft plastics at a future date. Currently landfilled.</p>	Lisa
7	<p>Urban Canopy Working Group update</p> <p>Refer attachment 3 working group notes – google drive</p> <p>John Huf provided an overview of the meeting with members of the working group (Alan, John, Vasu) with a Strategic Planner and Statutory Planner.</p> <ul style="list-style-type: none"> • Application of local law • Neighborhood Character Strategy • Proactive Council programs – supporting community groups Landcare, Friends, Gardens for Wildlife <p>Most of the urban canopy loss is on private land.</p> <p>Ensuring that tree contractors are aware of the local law.</p> <p>Earthworks contractors should also be made aware as they advertise to clear blocks especially in the rural area.</p> <p>Planning scheme is only activated when there is a permit trigger – how can it play a better role in protecting trees on private land.</p> <p>Multiple exemptions result in canopy loss.</p>	John Huf provided update

	<p>Controls already in place and are not being enforced – using a carrot approach rather than a stick. Stick approach - fines, requiring remediation, legal action. When people see stick not being applied, then people see that they can 'get away with it'.</p> <p>Potential to make example of specific cases and advertise the outcome as a deterrent.</p> <p>Need to promote valuing and incentivising – eg you get a percentage rate reduction for every tree on your property.</p>	
8	<p>Biodiversity Strategy update</p> <p>Failed initial procurement – no submissions received that met the level of quality required across all categories of work.</p> <p>Rescoped to 3 packages of work</p> <ul style="list-style-type: none"> • Biodiversity (and urban canopy) baseline consultant <ul style="list-style-type: none"> ◦ Consultant in place by 17 April • Planning consultant (and urban canopy) • Consultation and engagement consultant <p>Can arrange an out of session meeting with ESAC once the consultant on board.</p>	Kirsten
9	<p>ESAC suggestions on environmental and sustainability education / outreach priorities</p> <p>Seeking:</p> <ul style="list-style-type: none"> - Topic ideas and potential presenters for future workshops / events that could be delivered by Council or other community groups. (e.g. during Spring Outdoors, bioblitz, World Environment Day, climate action etc) - Environment/land management/sustainability key messages that could be delivered by Council or others and associated communications channels <p>If you bring a laptop you can input ideas directly onto the electronic whiteboard – during (or in advance) of the meeting. Link below: https://jamboard.google.com/d/1AHE6OfqW5Fu6LNec8NyLSp7hrJVC9Oq9hTxarc46DkY/edit?usp=sharing</p> <p>Meeting discussion:</p> <p>Environmental page in Council publications</p> <p>Report on expenditure on roadside weed control</p> <p>Education about weeds – Council to be more proactive with landowners about weeds</p> <p>Opportunities to get the message out – eg Noisy Miners</p> <p>Council has provided Blackberry Field Day and Rabbit Field Days</p> <p>Promotion of Land for Wildlife</p> <p>Use of poisons for insect and rodent control and impact on wildlife – put it in a positive way – provide safe ways to control pests</p> <p>Celebration of what we do have in Nillumbik - Bioblitz and City Nature Challenge using iNaturalist platform</p> <p>Better use of town fairs council tent to promote weed education and control</p>	Kirsten

	<p>Use the events for consultation around the biodiversity strategy as a conversation/feedback session</p> <p>Bend of Isles – prepared 40 property management plans – running two workshops for BOI residents</p> <p>Bees – native bees</p> <p>Dead heading agapanthus – don't let them seed</p> <p>The link to the jamboard will remain open for ESAC members to contribute.</p> <p>ESAC members can provide suggestions for presenters or experts on topics</p>	
8	<p>Other business</p> <ul style="list-style-type: none"> • Potential for an ESAC member to be on the assessment panel for our Community support grants – to have an environmental lens • Update on activity provided with the agenda • Open Farm Day at Edendale • Action – report on roadside weeds, what weeds are targeted, how are priorities set, budget, how do we communicate with private landowners about weeds 	Chair
9	Next meeting – Wednesday 19 April 2023	
	<p>Attachments to the minutes - Refer google drive</p> <ol style="list-style-type: none"> 1. Northern Regional Trails Strategy presentation 2. Soft plastics ban presentation 3. Urban canopy working group notes 15 February 2023 	

End 9.26pm

Table of Open Actions

Meeting date	Action	Owner/s	Status	Comment
15 February 2023	Provide ESAC recommendation on the Northern Regional Trails Strategy to Council	Officers	Open	
15 February 2023	Report on roadside weeds including what weeds are targeted, how priorities are set, how we communicate with private landowners about weeds	Officers	Open	
17 August 2022	Provide ESAC with an update on the Green Wedge Management Plan	Officers	Open	Email update to be provided in February 2023

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NORTHERN TRAILS 2022

Northern Regional Trails Strategy Review and Update



Overview:

- The Northern Regional Trails Strategy 2022 is a strategy that has been prepared to inform the planning and development of trails across the region for the next 10 years and beyond.
- The strategy was a collaborative project between the six member Councils; Banyule, Darebin, Hume, Merri-bek, Nillumbik and Whittlesea Councils.
- The Northern Regional Trails Strategy 2022 supersedes the 2016 Strategy.
- The original strategy successfully leveraged approximately \$11 million of State Government funding to deliver key priority projects.

Consultation:

- Community consultation, led by Banyule Council, across all six council areas was undertaken between 8 August and 28 September 2022.
- In total 923 surveys were completed with 90.77% of the respondents living in northern metropolitan Melbourne;
- Gender was well represented with 49.56% of respondents being male, 47.16% being female, 2.30% preferring not to say and 0.98% identifying as other;
- All age cohorts, with the exception of those under 15 years of age, completed the survey. The cohort with the highest representation were 40 – 49 years (25.79%), 30 – 39 years (24.59%) and 50 – 59 years (19.78%).
- Those identifying as having a disability represented 4.05% of respondents.



Key themes:

- Overall the commentary and feedback received was supportive.
- The top three themes for the region were:
 - User safety
 - Connectivity
 - Supportive of the strategy/encourage quick delivery



Projects:

There were 27 trails identified to be assessed, or have the potential to be, regional trails. These trails were documented, and individually mapped in this strategy, along with descriptions of the trails and the recommended trail improvement projects for each.

Of the 27 regional trails, eight were either non-existent or have a substantial potential for expansion. They are;

- Jacksons Creek Trail
- Somerton Road Trail
- Merri Creek Trail
- Plenty River Trail
- Maroondah Aqueduct Trail
- Kinglake Way Trail
- Craigieburn Line Shared Path
- Amaroo Pipe Track



Nillumbik Projects

The top ten priority trail improvement projects within the municipality of Nillumbik are:

No.	Trail action item	Project description
1	Maroondah Aqueduct_01	Construct new section of trail connecting the Plenty River Trail near Lear Court, east along the aqueduct across Diamond Creek Road to the Diamond Creek Trail at Allendale Road.
2	Maroondah Aqueduct_02	Construct a new section of trail from Carters Lane joining Ashmore Road onto Skyline Road, while ensuring minimal impact to the Warrandyte - Kinglake Nature Conservation Reserve
3	KinglakeWay_01	Establish a new trail from Hurstbridge to Arthurs Creek
4	GreenWedge_01	Construct a new section of trail east from the Diamond Creek Trail at Wattle Glen Station along Watery Gully Creek to existing trail on Watery Gully Road
5	Maroondah Aqueduct_03	Construct new section of trail from Warrandyte Kinglake Road, north along Westering, Ridge and Muir Roads to Skyline Road
6	GreenWedge_04	Construct an extension of the trail from the intersection of Clintons Road and Spanish Gully Road to the Marshalls Road car park within the Kinglake National Park
7	Maroondah Aqueduct_04	Extend the trail west from Godber Road to connect to the Diamond Creek Trail
8	Hurstbridge RailTrail_04	Construct a new section of trail along the Hurstbridge rail line from the Plenty River Trail to the Diamond Creek Trail
9	YarraTrail_07	Construct shared use trail from the Mullum Mullum Creek Trail to the Warrandyte State Park.
10	DiamondCreek_02	Construct new section of trail from Graysharps Road to Fergusons Paddock



Council Endorsement:

- **The Nillumbik Recreation and Leisure unit will be presenting this strategy to Councillors 28th March to seek endorsement.**
- **Darebin City Council was the first of the 6 Councils to endorse the document in December 2022..**



Single use plastics ban

ESAC 15 February 2023

Single-use plastics...



Make up a third of our litter

They're costly to clean up and difficult to recycle.



Are used briefly

Some items are only used for minutes before being disposed.



Harm the environment

They can be ingested by wildlife and can become microplastics, which harm wildlife and contaminate our food supply.

Single-use plastics banned from 1 February 2023...



Drinking straws | cutlery | plates | drink stirrers | EPS food & drink containers | cotton bud sticks

Single-use plastics are not reusable

Reusable plastics are items that have been manufactured:

- to be used for the same purpose on multiple occasions; and
- with a warranty, or other written representation, of at least one year

What types of items are banned?



All forms of plastic are bad for the environment when littered

- Conventional, compostable, biodegradable plastics are banned
- This includes items with composting certificates
- Ask your supplier to confirm in writing that the items do not contain any form of plastic polymer





What to use instead

Consider the following instead:

- **Avoid** – do these items need to be supplied at all?
- **Reuse** – preference reusables that can be collected for washing and reuse (such as ceramic, metal, or bamboo)
- **Single-use alternatives** – responsibly sourced paper, wood or bamboo



Exemptions

	Cutlery for mental health service provider or premises, or correctional, police or youth justice facilities for the purpose of preventing any physical harm or injury
	Drinking straws for people who need them due to disability or for medical reasons
	Cotton bud sticks for testing carried out for scientific, medical, forensic or law enforcement purposes.
	Before 1 Jan 2026, integrated items included within or attached to pre-packaged portions of food or beverages

You cannot sell, supply or provide banned items after 1 February 2023

	Take steps to comply with the ban <ul style="list-style-type: none">• Remove all banned single-use plastic items
	Consider Your Options <ul style="list-style-type: none">• Think about how you can avoid use, increase reusability, reduce waste• Talk to your supplier and confirm in writing that new items don't contain plastic
	Inform your team and community <ul style="list-style-type: none">• Businesses & organisations can attend a free information session• Display signage to help your communities understand the changes

Compliance and enforcement

- It is an offence to:
 - Sell, supply or provide banned single use plastic items in Victoria
 - Provide false or misleading information on the composition of banned items
 - Except for specific exemptions
- EPA is responsible for enforcement
- An education-first approach will be taken
- Penalties are associated and fines can be issued

Nillumbik Council action

- In December 2022 and January 2023 visits to local businesses to raise awareness
- Internal communication with hospitality staff, leisure centres, facilities, sports clubs

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ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE

MEETING 15 FEBRUARY 2023

URBAN TREE CANOPY WORKING GROUP

Following on from the November ESAC meeting, a meeting was held with the strategic and statutory planners from Nillumbik Council to discuss the matters that initially relate to **future land use planning and development and the urban tree canopy in residential areas** with and focus on the building of new dwellings, most often following subdivision.

A meeting organised by Lisa was held on 2 February 2023 and those attending were Lisa Pittle, Kirsten Reedy, Leigh North (Manager, Strategic Planning), Jack Edwards (Manager, Statutory Planning), Vasundhara Kandpal, John Huff, and Alan Thatcher.

DEFINITION OF 'GARDEN AREA'

Context

A major issue of concern is that the current definition of garden area for residential areas under the State's the current Victoria Planning Provisions (VPPs) will inevitably result in the loss of tree canopy in new housing development and an increased heat island deleterious impact from global warming for people in urban areas.

In the Neighbourhood Residential Zone (for example) Clause 32.09-4 prescribes a minimum garden area as follows: 25% for lot size 400-500 sqm; 30% for above 500-650 sqm; and, 35% above 650 sqm. A 'garden' in the VPP is defined as including (inter alia) a pergola, unroofed terraces, patios and decks.

In ResCode standards A5 and B8 set the limits the proportion of any lot can be built on, to provide for outdoor space for residents, and to protect the amenity and character of neighbourhoods and specify that the site area covered by buildings should not exceed: the maximum site coverage specified in the schedule to the zone, or if no maximum site coverage is specified in the schedule to the zone, 60 per cent. Outdoor paving, driveways, footpaths or building eaves are considered part of the outdoor space. The diagram in ResCode shows examples of applying the standard that show provision of trees but would appear to be unduly optimistic given that there is no limit on the areas that can be covered by driveways and paving.

So the reality in both these cases would seem that most of the garden area could be taken up with structures commonly found in gardens found in new housing such as patios and decks leaving little or no effective open soil for planting canopy trees.

Discussion at the meeting

In the discussion it was confirmed that the existing controls are minimal state planning policy that do not provide for the provision of open soil to enable planting of canopy trees.

However, if the need for a planning is triggered (e.g. by being in a Significant Landscape Overlay) then the council planners require a landscape plan that does provide the opportunity to both protect existing canopy trees and requiring adequate garden beds (open soil) for planting. How often the latter is addressed is unknown and would require further discussion with the statutory planners. In addition, it is important to remember that many dwelling only require a building permit under ResCode provisions where there is no planning trigger.

However at the Local Policy level there are a couple of really significant Nillumbik Council initiatives that could lead to significant improvements in this situation.

These are addressed in response to our question about what planning controls are currently available to Council that could better help secure existing canopy trees, and require the planting of new canopy trees along with the provision of sufficient space and soil to enable them to grow to their expected height and breadth dimensions at maturity.

We also asked to what degree are local planning policies are constrained by State level planning policies understanding that local policies cannot contradict State policies?

LOCAL NILLUMBIK INITIATIVES

This addressed what planning controls are currently available to council that could better secure existing canopy trees, and require the planting of new canopy trees along with the provision of sufficient space and open soil to enable them to grow to their expected height and width at maturity. The other issue is that the trees should be on the north and west sides of a dwelling to be effective in providing the shading from the sun.

There are two really significant advances being made by Nillumbik Council that could help both protect existing canopy trees and work towards the provision of open soil for planting of canopy trees.

Nillumbik General Local Law 1

The power to make this Local Law comes under the Local Government Act 2020 and Domestic Animals Act 1994. It is important to emphasise this because it is separate from the planning scheme. This version 1.1.3 was effective from 22 December 2022.

Part 6 (52) specific refers to 'Protection of amenity trees'. A copy of this section is provided in Attachment 1.

Under clause 52 a person must not, without a permit, on private land: a) remove, destroy, damage, interfere with or kill a substantial tree or; b) direct, authorise, or allow another person to remove, destroy, damage, interfere with or kill a substantial tree¹.

It is important to understand that exemptions apply including (i). in the bushfire prone area (BPA) or bushfire management overlay (BMO) under the planning scheme; or (ii). outside the urban growth boundary as depicted in the Map at schedule 1 of this local law.;

According to discussion at the meeting significant areas of urban land is covered by a BMO or BPA and a map is to be provided by the Council to define these areas.

Neighbourhood Character

The Nillumbik Council strategic planners are currently preparing a new Neighbourhood Character Strategy. The process is well advanced and a third phase is scheduled to take place in early-mid 2023 that will involve community consultation on the proposed changes to the final draft strategy based on the public feedback to the initial draft received earlier.

The policy developed through the Neighbourhood Character Strategy and eventually adopted through an approved amendment to the Nillumbik Planning Scheme Neighbourhood, has power over and above the minimal state policy requirements as discussed earlier.

Canopy tree cover is one of the key issues encompassed in this strategy.

In the final stage, scheduled for mid-late 2023 the Council will consider adopting the Nillumbik Neighbourhood Character Strategy (potentially with further changes) and commence a planning scheme amendment process to implement the Strategy. The amendment process in the case of broad issues of this nature will normally take quite some time with further public exhibition of the proposed amendment, consideration of any objections and probably a planning panel mean that it is likely the proposed amendment may not be approved as a change to the planning scheme until 2024/25.

This strategy and its implementation through an amendment to the planning scheme is likely to have considerable benefits for the protection of existing canopy trees and new plantings.

OTHER MATTERS

Time did not allow the discussion of the other questions raised in November. They were:

- Capacity to advocate for the concept of Biodiversity Sensitive Urban Design as proposed by RMIT.
- Future strategic directions
- Targets
- Treecover data

¹ This is a tree with a 50cm circumference or greater including a total circumference of all trunks at 1 metre above ground level when the tree is multi-stemmed.

- Opportunity for collaboration with RMIT

WHERE TO FROM HERE?

In the first instance, it is difficult to see how the Working Group can move further until there is at least some structure and process that nests the relationship between the two major initiatives in the Council's 2022/23 budget being:

- New Biodiversity Strategy
- Investigation of measures to enhance the urban tree strategy.

We have also been made us aware of a Regional Greening for the Northern metro region in which Nillumbik is involved with other councils in that region.

In addition, the Nillumbik Council meeting of 25 October 2022 the Council adopted a motion that support that *Creation of a Nillumbik Urban Forestry Strategy to set the action that we will take as Council to increase the tree canopy in the urban areas of Nillumbik* be explored and considered.

The working group would like to work with the Council to identify the inter-relationships between the funded initiatives and the Regional Greening project and proposed Urban Forestry Strategy.

ULTIMATE OBJECTIVE

The measures required to enhance urban tree canopy cover will involve a combination of regulation (e.g. planning scheme, local laws) and programs to encourage existing residents (e.g. Gardens for Wildlife etc) . This also emphasises the linkage between the new biodiversity strategy and tree canopy cover The initial emphasis on regulation is because the consolidation of residential development within the urban growth boundary and the resultant increased dwelling densities is a major pressure on the future of tree canopy in urban Nillumbik.

Regardless of the process and relationships between the different strategies mentioned above, , the ultimate aim is to enhance the canopy tree cover to protect Nillumbik from an increasing 'heat island affect' resulting in a warmer and less healthy urban environment.

Two major objectives are to:

- Maximise the retention of the existing tree canopy cover, and
- Achieve urban design for dwellings that mandate adequate contiguous open soil for establishing new tree canopy cover on the north and/or west sides of residential dwellings.

Alan Thatcher
Convenor
5.02.23

NILLUMBIK LOCAL LAWS 1 (Version 1.1.3)

52. Protection of amenity trees

- 1) A person must not, without a permit, on private land:
 - a) remove, destroy, damage, interfere with or kill a substantial tree;
 - b) direct, authorise, or allow another person to remove, destroy, damage, interfere with or kill a substantial tree.
- 2) Sub-clause (1) does not apply to:
 - a) a person whose actions are authorised under a Planning Permit issued under the Planning Scheme;
 - b) the removal, destruction or damage of, or interference with a substantial tree which is located:
 - i. in the bushfire prone area or bushfire management overlay under the planning scheme; or
 - ii. outside the urban growth boundary as depicted in the Map at schedule 1 of this local law.;
 - c) a person whose actions are required by any other legislation or by any other statutory authority or this Local Law;
 - d) a person acting in accordance with an instruction or direction from an Authorised Officer; or
 - e) a substantial tree to which an exemption applies under the Procedure and Protocol Manual
- 3) If a substantial tree is interfered with contrary to sub-clause (1), the owner of the private land on which the substantial tree is located is guilty of an offence, whether the person who contravened sub-clause (1) is identified or prosecuted.
- 4) A person must not, without a permit, remove, destroy, damage, interfere with or kill any part of a substantial tree that overhangs into the private land of that person other than in accordance with clause 52.

Draft Budget

2023-2024



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Budget influences

Financial sustainability is an ongoing challenge faced by Nillumbik. This involves the management of short-term budget influences within the context of longer-term challenges.

Council manages its finances through an annual budget, which identifies the expected revenue and expenditure for each year. The budget is the means by which Council makes a formal commitment of resources to provide funding for services and projects.

A long-term perspective is provided by the budget projections and forecast, which forms part of the Council Plan. This provides a 10 year forecast of revenues and expenditures based on a series of assumptions. It identifies the resources necessary to implement the Council Plan over coming years.

Nillumbik Shire in context

Nillumbik is an outer-metropolitan municipality located on the urban fringe of Melbourne. While small by metropolitan standards, Nillumbik is a medium-sized municipality in comparison to all Victorian councils.

Nillumbik comprises 432 square kilometres. It contains a relatively small urban area, where land use is predominantly residential. Ninety percent of the shire is rural land located outside the Urban Growth Boundary, where land is used mainly for farming, conservation or rural residential purposes. Commercial and industrial land activity in the shire is very limited. Major activity centres at Eltham and Diamond Creek provide mainly retail services to local markets. Housing is mainly detached dwellings with relatively high numbers of residents per household. Providing a consistent level of service to communities in the rural parts of Nillumbik involves additional costs to Council.

Council owns infrastructure assets with a valuation of \$916 million. Apart from land, these assets comprise more than \$49 million in buildings and around \$370 million in other infrastructure such as roads, bridges, drains and footpaths. Funding the annual cost for renewal of these existing assets is an important responsibility for Council, in addition to meeting community demand for new or improved assets.

Introduction

The 2023-2024 Budget has been prepared in conjunction with the Council Plan.

In compliance with the Fair Go Rates System (FGRS) Council is applying a 3.50 percent increase to rates for the 2023-2024 year.

Council proposes an increase of 5.78 percent to the domestic waste service standard charge for the 2023-2024 financial year. This is being driven by two elements; the ongoing responsibility Council has to rehabilitate the former landfill site at Kangaroo Ground which is a statutory requirement under the Environment Protection Authority Victoria; and a significant increase in the disposal costs in recycling and general waste.

Council has acknowledged the multiple threats facing all communities and ecosystems as a result of climate change and continues to commit to a climate emergency response as part of the Council Plan. Priority actions, specifically implementing the Climate Action Plan has been included in the 2023-2024 budget.

An extensive capital works program of \$21.53 million is proposed for 2023-24 including \$3.12 million in grant-funded works.

Key projects include:

- Kangaroo Ground landfill rehabilitation \$5.8 million
- Road and carpark renewal \$1.74 million
- Diamond creek netball courts roof \$1.7 million
- Buildings renewal (including public toilets) \$1.54 million
- Road upgrades \$1.4 million
- Hurstbridge outdoor netball courts \$0.54 million
- Diamond Creek and Panton Hill tennis renewal \$0.4 million

This program could be further expanded as a result of successful grant applications during this financial year.

The Budget forecasts an operating surplus of \$4.65 million on an accrual accounting basis. The decrease when compared to the 2022-2023 forecast is largely attributable to the reduction on one-off capital grant income.

Financial Snapshot

Key Statistics	2022-23 Forecast \$'000	2023-24 Budget \$'000
Total operating income	123,345	106,488
Total operating expenditure	104,134	101,843
Comprehensive operating surplus	19,211	4,645
Capital works program	45,505	21,526
Funding the capital works program		
Council cash	24,102	10,407
Borrowings	-	8,000
Grants	20,152	3,119
Contributions	1,236	-
Budgeted expenditure by strategic objective	Budget \$'000	% of Budget
Community and connection	14,125	15.25
Place and Space	40,898	44.14
Sustainable and resilient	15,492	16.72
Responsible and accountable	22,131	23.90

Strategic Resource Plan

Budget preparation has been informed by the budget projections, which identifies the resources required to implement the Council Plan.

A copy of Council's projected performance against the Victorian Auditor-General's measures of financial sustainability is included in the budget document.

Service deliverables have been maintained at current levels, while the cost of delivery has increased largely due to external and market forces.

The budget projections forecast that Council will achieve an operating surplus each year on an accrual accounting basis.

The budget also forecasts a substantial capital works program of \$78 million over the next five years. This is proposed to be funded from a combination of grants, contributions and operating revenue.

The Budget is based on a series of assumptions which include:

- No real-terms growth in service capacity.
- No further cost shifting by State and Commonwealth governments.

The Budget will continue to be reviewed on an annual basis to address any issues arising from changes to the underlying assumptions.

Process

The draft Budget is exhibited for public consultation from 2 March 2023 to 30 March 2023. Members of the community are able to view the draft Budget on Council's website and at Council's offices. Written submissions can be made until 30 March 2023 and will be considered by Council in April, prior to finalisation and adoption of the Budget. Submissions can be made via Council's website or lodged in person at Council offices.

Budget processes

Under the *Local Government Act 2020 (the Act)*, Council is required to prepare and adopt an annual budget for each financial year. The Budget is required to include certain information about the rates and charges that Council intends to levy as well as a range of other information required by the Local Government (Planning and Reporting) Regulations 2020 (the Regulations) which support the Act.

The 2023-2024 Budget is for the year 1 July 2023 to 30 June 2024 and is prepared in accordance with the Act and Regulations. The Budget includes financial statements being a:

- Comprehensive Income Statement;
- Balance Sheet;
- Statement of Changes in Equity;
- Statement of Cash Flows; and;
- Statement of Capital Works.

These statements have been prepared for the year ending 30 June 2024 and are consistent with the annual financial statements which are prepared in accordance with the Australian Accounting Standards and the Local Government Model Accounts. The Budget includes detailed information about the rates and charges to be levied, the capital works program to be undertaken and other financial information which Council requires in order to make an informed decision about the adoption of the Budget.

A proposed budget is prepared in accordance with the Act and submitted to Council in February for approval in principle. Council is then required to give public notice that it intends to adopt the Budget.

Twenty-eight days notice is given for the intention to adopt the proposed budget and to make the Budget available for inspection at its offices and on its website. A person has a right to make a submission on any proposal contained in the Budget and any submission must be considered before adoption of the Budget by Council.

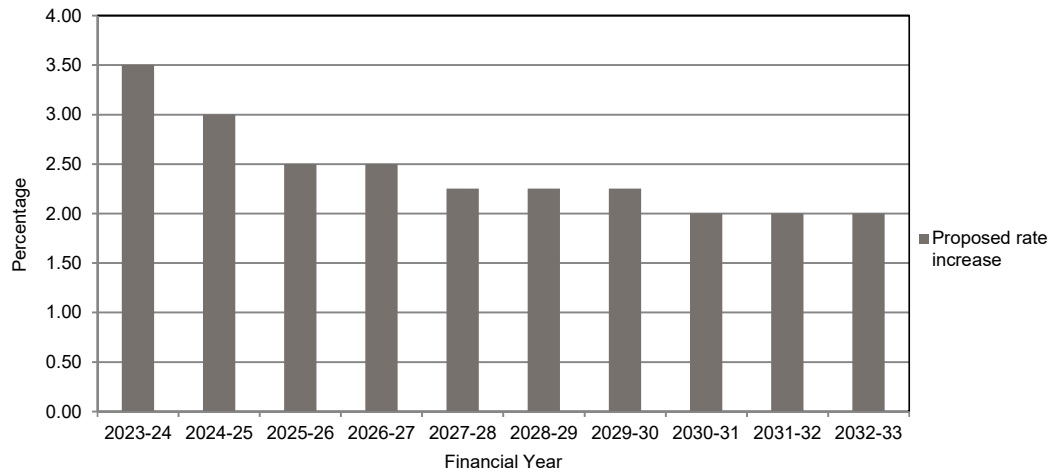
The final step is for Council to adopt the Budget after receiving and considering any submissions from interested parties. The Budget is required to be adopted by 30 June. The key dates for the Budget process are summarised below:

Budget process	Timing
1. Officers update Council's long term financial projections	December 2022 - February 2023
2. Officers prepare draft operating and capital budgets	December 2022 - February 2023
3. Council considers draft budgets at briefings of Councillors	February 2023 - March 2023
4. Proposed budget submitted to Council for approval	28 February 2023
5. Public notice advising intention to adopt Budget	2 March 2023
6. Community engagement process undertaken	2 March 2023 - 30 March 2023
7. Submissions period closes	30 March 2023
8. Submissions considered by Planning and Consultation Committee	11 April 2023
9. Budget submissions presented to Council	23 May 2023
10. Budget presented to Council for adoption	23 May 2023

Budget Trends and Summary

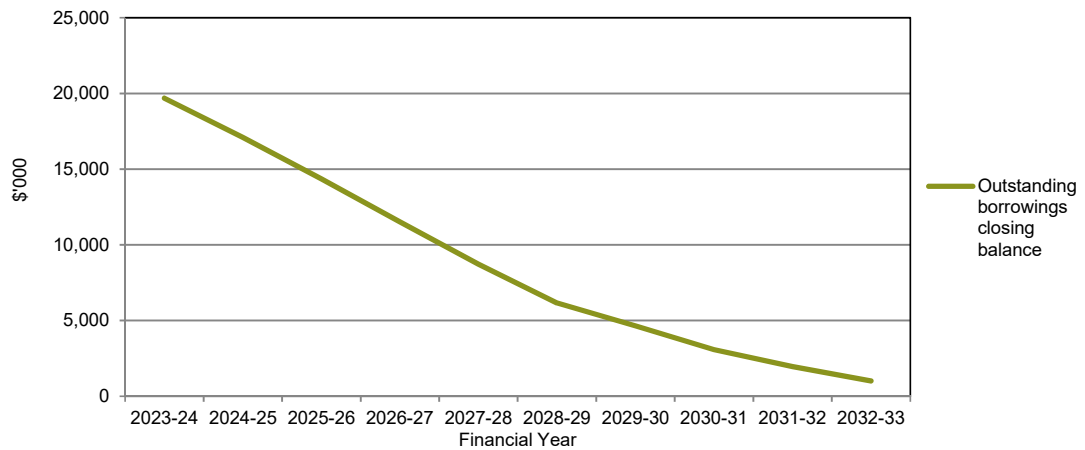
Council has prepared the Budget for the 2023-24 financial year which seeks to balance the demand for services and infrastructure. Key budget trends and outcomes information is provided below.

Rate trends



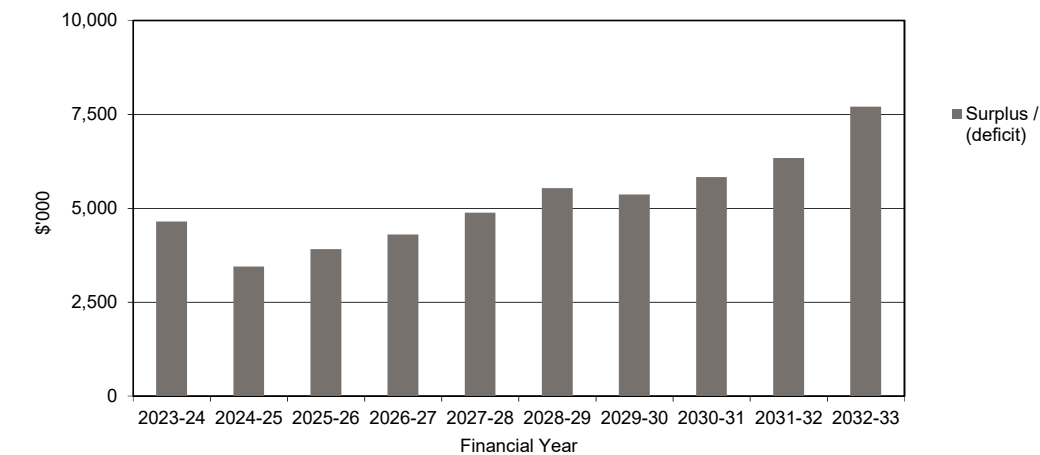
The graph above outlines Council's budgeted rate increase for 2023-24 which is in compliance with the rate cap. The rate cap will be 3.50 percent in 2023-24. 3.50 percent rate increase in 2022-2023, 3.00 percent in 2024-25, 2.50 percent in 2025-26 and 2026-27, 2.25 percent in 2027-28 through to 2029-30, followed by increases of 2.00 percent in each of the following years.

Borrowing trends and outcomes



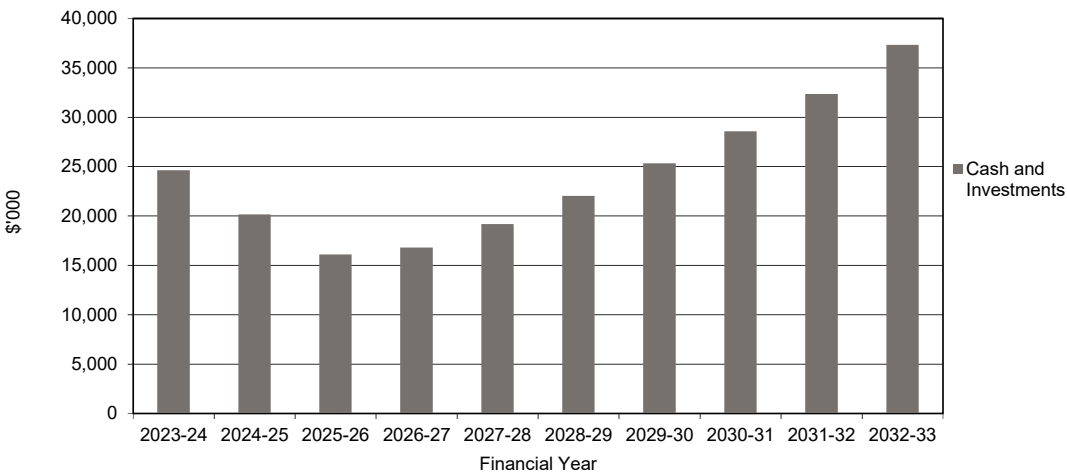
Council is proposing to take out up to eight million in new borrowings in 2023-2024 mainly for the rehabilitation of the closed landfill sites (five million) which is in response to and in compliance with the requirements set out by the Environment Protection Authority. Two million to fund specific capital works and one million will be set aside to enable Council to respond to potential Government grant funding opportunities. The graph above outlines Council's existing loan borrowings with the declining trend reflective of current repayment schedules. Borrowings remain within the Auditor-General's low risk range.

Operating result



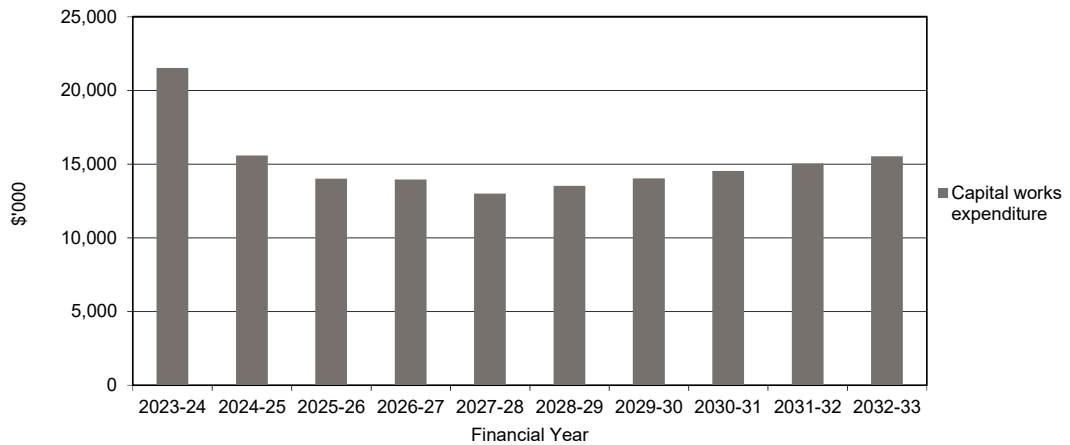
The expected operating result for the 2023-24 year is a surplus of \$4.65 million. The above graph projects surpluses to be achieved over the projected 10 years providing capacity for capital investment and debt reduction. The fluctuations are driven by the anticipated receipt of one-off capital grant funding.

Cash and investments



Cash and investments shown in the above graph are illustrating a positive cash position for Council as at 30 June each year through which Council is able to meet operating obligations. The balances of cash held are represented by amounts held for specific purposes including developer contributions and statutory obligations such as landfill rehabilitation.

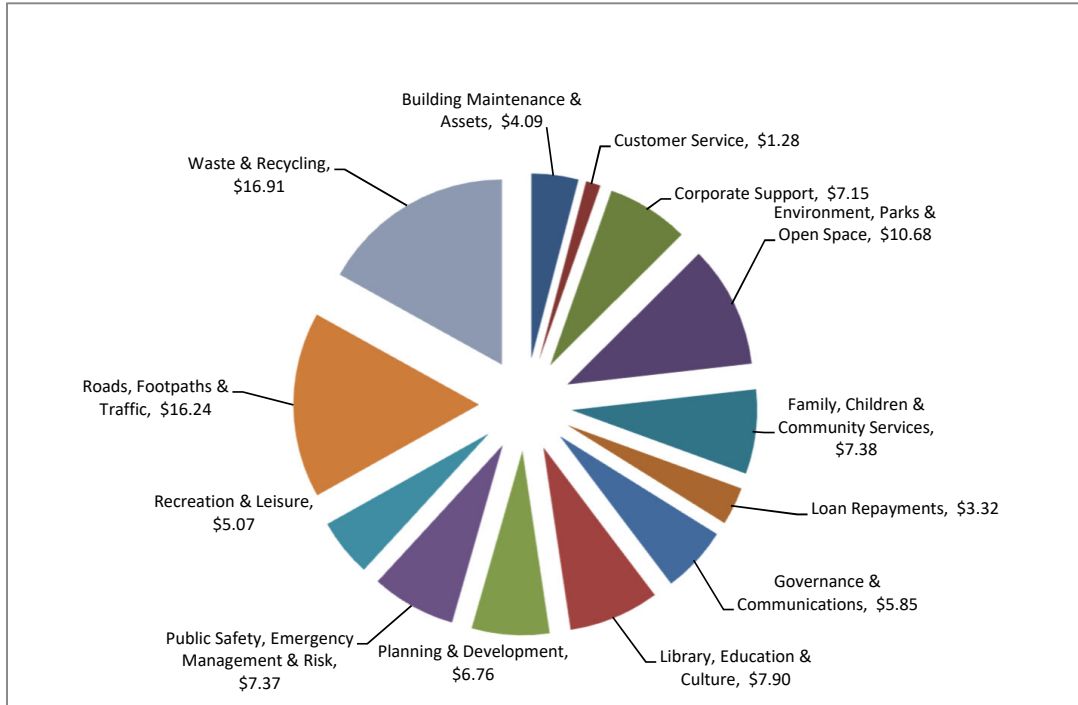
Capital works



The capital works program for 2023-24 will be \$21.53 million, of which \$10.13 million will be funded by Council cash, \$3.12 million from grants and \$8 million by borrowings. The capital expenditure program has been set and prioritised based on Council's assessment of the need for key projects. The 2023-24 program includes a number of projects as detailed in Section 4.5 of this document.

Council expenditure allocation

The chart below provides an indication of how Council allocates its expenditure across the main services to be delivered. It shows how much is allocated to each service area for every \$100.00 of rates that Council collects.

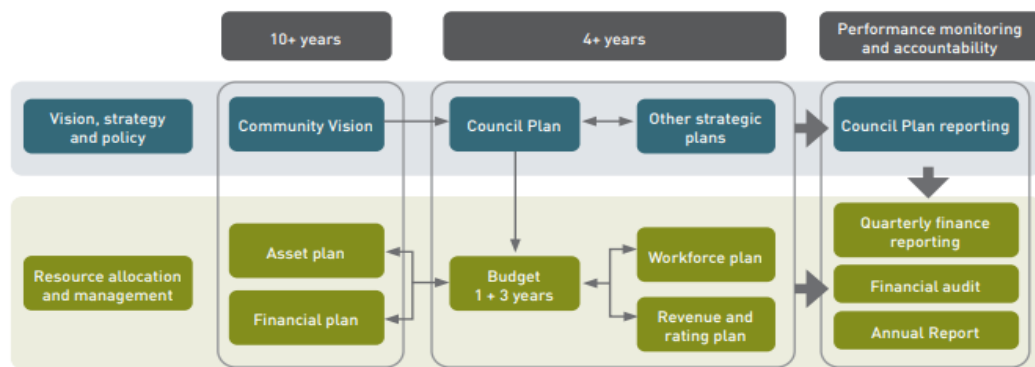


1. Link to the Integrated Planning and Reporting Framework

This section describes how the Budget links to the achievement of the Community Vision and Council Plan within an overall integrated planning and reporting framework. This framework guides the Council in identifying community needs and aspirations over the long term (Community Vision and Financial Plan), medium term (Council Plan, Workforce Plan, and Revenue and Rating Plan) and short term (Budget) and then holding itself accountable (Annual Report).

1.1 Legislative planning and accountability framework

The Budget is a rolling four-year plan that outlines the financial and non-financial resources that Council requires to achieve the strategic objectives described in the Council Plan. The diagram below depicts the integrated planning and reporting framework that applies to local government in Victoria. At each stage of the integrated planning and reporting framework there are opportunities for community and stakeholder input. This is important to ensure transparency and accountability to both residents and ratepayers.



The timing of each component of the integrated planning and reporting framework is critical to the successful achievement of the planned outcomes.

1.1.2 Key planning considerations

Service level planning

Councils have a legal obligation to provide some services, such as animal management, local roads, food safety and statutory planning. Some council services are not mandated, such as libraries, building permits and sporting facilities. Over time, the needs and expectations of communities can change. The Budget considers the services and initiatives which contribute to achieving the strategic objectives specified in the Council Plan.

The Council Plan includes strategic objectives, strategies, indicators and a budget which can be defined as follows:

- Strategic objectives – the outcomes Council wants to achieve within its four-year term
- Strategies – how Council will achieve each objective
- Indicators – how progress towards the objectives will be evaluated
- Budget – a four year budget outlining how the strategies will be financed and resourced

Each year, Council will produce an Annual Action Plan identifying how Council will work towards achieving the objectives in the Council Plan. Council prioritise major projects, capital works, service improvements as well as actions in response to Council strategies to be set out in the Annual Action Plan.

Progress against the Annual Action Plan will be detailed in Council's Annual Report, with major projects and service highlights reported to Council in a quarterly progress report.

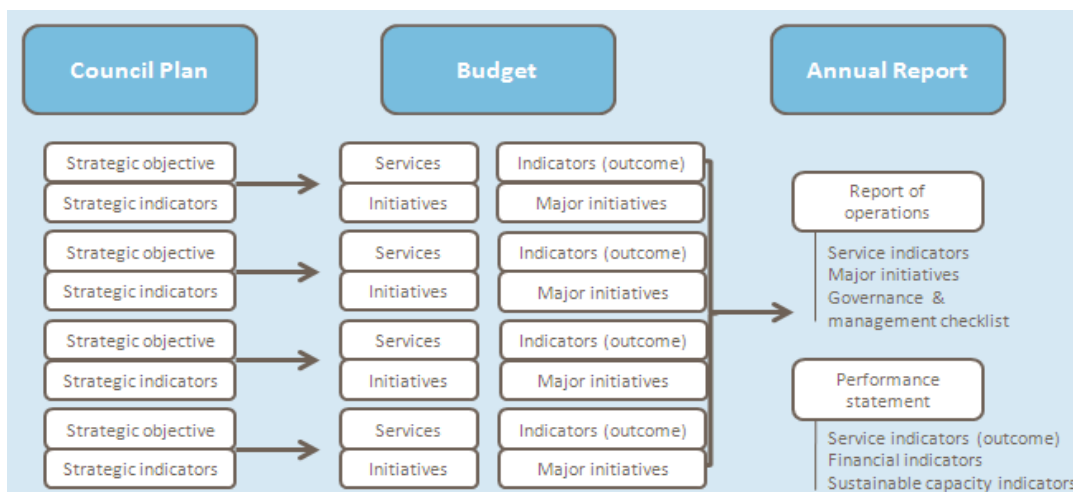
1.2 Strategic objectives

The Council delivers activities and initiatives under thirty major service categories as listed in the following pages. Each contributes to the achievement of one of the four strategic objectives as set out in the Council Plan for 2021-2025. The following table lists the four themes and strategic objectives as described in the Council Plan.

Theme	Strategic Objective
1. 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.
2. 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.
3. 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.
4. 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. Services, initiatives and service performance indicators

This section provides a description of the services and initiatives to be funded in the Budget (excluding capital works) for the 2023-2024 year and how these will contribute to achieving the strategic objectives specified in the Council Plan as set out in Section 1. It also describes a number of service performance indicators for key areas of Council's operations. Council is required by legislation to identify major initiatives, initiatives and service performance outcome indicators in the Budget and report against them in their Annual Report to support transparency and accountability. The relationship between these components of the Budget and the Council Plan, along with the link to reporting in the Annual Report, is shown below.



Source: Department of Jobs, Precincts and Regions

2.1 Theme - Community and Connection

Strategic Objective

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.

Services

Service Area	Description of services provided	Expenditure
		Revenue Net Cost \$'000
Community support services	Promotes and supports Nillumbik's ageing community with a focus on the overall health, wellbeing and independence of individuals, families and community groups.	2,251 <u>554</u> 1,695
Community development	Provides services for the whole community, such as festivals and events, grants for community groups, services and programs for youth, and community development.	1,793 <u>2</u> 1,791

Service Area	Description of services provided	Expenditure
		Revenue
		Net Cost \$'000
Disability, inclusion and volunteering	Drives systemic change, advocates, educates, and raises awareness about inclusion so that the needs of people with a disability, volunteers and their families/carers are considered across all Council activities. Also supports Council's volunteer program managers and their volunteers.	443 - 443
Early years	Provides support and training to families with young children and services delivering early years' education and care programs.	598 251 347
Library and community education	Provides facilities and programs for the whole community, including libraries, Living & Learning Nillumbik and Edendale Community Environment Farm.	6,523 1,421 5,104
Maternal and child health services	Provides services and programs for new babies and parents in the Shire, including maternal and child health and immunisation services.	1,765 611 1,154
School crossings	Provision of school crossing supervisors for school children across the Shire.	752 355 397

Major Initiatives

- 1) Establish a stand-alone Nillumbik Community Awards program
- 2) Allocation to support establishing a youth hub service offering
- 3) Funding to provide dedicated career and upskilling opportunities to support carers transition from caring responsibilities to employment (a carers hub)
- 4) Commit resources to and implement an expanded program of environmental volunteering
- 5) Implementation of *Reflect* Reconciliation Action Plan

Actions

- 1) Develop a Reflect Reconciliation Action Plan, and continue to work towards reconciliation with the Wurundjeri and other First Nations communities
- 2) Implement annual actions in the Nillumbik Health and Wellbeing Plan 2021-2025
- 3) Commit resources to and implement an expanded program of environmental volunteering
- 4) Continue to implement the Youth Strategy 2022-2026 in partnership with our Youth Council
- 5) Progress planning for a dedicated youth space within the Shire
- 6) Undertake community engagement to further understand community needs with respect to lifelong learning

Service Performance Outcome Indicators

Service	Indicator	Performance Measure	Computation	2021-22 Actual
Maternal and Child Health (MCH)	Participation	Participation in the MCH service (Percentage of children enrolled who participate in the MCH service)	[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x 100	80.08%

		Participation in the MCH service by Aboriginal children (Percentage of Aboriginal children enrolled who participate in the MCH service)	[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children who are enrolled in the MCH service] x 100	81.63%
Libraries	Participation	Active library members (Percentage of the municipal population that are active library members)	[Number of active library members / municipal population] x100	25.24%

2.2 Theme - Place and Space

Strategic Objective

To protect, 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.

Services

Service Area	Description of services provided	Expenditure Revenue Net Cost \$'000
Arts and culture	Responsible for the cultural vitality and community engagement in the arts across the Shire and to enable participation in the cultural life of the community and enjoyment of the arts by providing diverse and innovative opportunities for active lifestyles and artistic expression.	929 6 923
Building safety and regulation	Responsible for administration and enforcement of certain parts of the Building Act 1993 and Regulations.	1,110 537 573
Infrastructure design, construction and transport	Provides services for the whole community including: design for capital works projects; roads; bridges; drainage; landscape; traffic management; coordination of capital works; procurement and construction; engineering assessment of planning applications and approval of subdivision works; traffic control; road safety; advocacy on public transport and main roads and street lighting.	3,445 1,605 1,840
Leisure facilities and services	Responsible for the provision of leisure facilities and services for the whole community, including leisure centres, sportsgrounds, recreation trails and playgrounds.	14,066 13,365 701
Local laws and parking	Administers local laws, car parking regulation and amenity protection for the whole community.	896 608 288
Parks and reserves maintenance	Maintains parks, sportsgrounds, conservation reserves, street trees and roadsides across the Shire.	6,461 65 6,396
Property and asset management	Provides infrastructure, asset management and planning, building maintenance and fencing, and property, fleet, community centres and halls network management.	3,790 717 3,073

Road and drainage maintenance	Provides maintenance of local roads and bridges, pedestrian bridges, bus shelters, footpaths, trails and drains for the whole community. This service also incorporates Council's response to deceased animal collection, street cleaning and roadside litter collection.	5,352 1 5,351
Statutory planning	Responsible for processing of planning applications and subdivision applications, conducts planning investigations and promotes compliance with the Nillumbik Planning Scheme and permit conditions	3,700 1,055 2,645
Strategic planning	Provides land use planning and policy, planning scheme management, activity centre planning and heritage protection across the Shire.	1,150 - 1,150

Major Initiatives

- 1) Additional resourcing to support the implementation of place-making across the Shire
- 2) Allocation for a Heritage Amendment to the Nillumbik Planning Scheme
- 3) Develop a housing strategy for the Shire
- 4) Preparatory work for phase B of the Diamond Creek Community Facilities Masterplan
- 5) Complete the Wattle Glen Urban Design Framework

Actions

- 1) Implement annual actions in support of the Green Wedge Management Plan 2019
- 2) Complete and adopt the new Biodiversity Strategy, including investigation into measures to establish and enhance the urban tree canopy and protect wildlife
- 3) Continue to implement the Recreation and Leisure Strategy 2022-2030
- 4) Complete and adopt the new Neighbourhood Character Strategy
- 5) Continue to implement the adopted place-making framework to support shared outcomes between community and Council
- 6) Commence the development of a housing strategy for the Shire
- 7) Continue to develop a masterplan (phase B) for community facilities in Diamond Creek, including recreation and community precincts and buildings
- 8) Complete and adopt a new integrated transport strategy

Service Performance Outcome Indicators

Service	Indicator	Performance Measure	Computation	2021-22 Actual
Aquatic Facilities	Utilisation	Utilisation of aquatic facilities (Number of visits to aquatic facilities per head of municipal population)	Number of visits to aquatic facilities / Municipal population	5.2
Statutory planning	Decision making	Council planning decisions upheld at VCAT (Percentage of planning application decisions subject to review by VCAT that were not set aside)	[Number of VCAT decisions that did not set aside Council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100	64.00%

Roads	Satisfaction	Satisfaction with sealed local roads (Community satisfaction rating out of 100 with how Council has performed on the condition of sealed local roads)	Community satisfaction rating out of 100 with how Council has performed on the condition of sealed local roads.	60.00
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2.3 Theme - Sustainable and Resilient

Strategic Objective

To manage and adapt to changing circumstances that affect our community to ensure it remains sustainable and resilient, both now and into the future.

Services

Service Area	Description of services provided	Expenditure Revenue Net Cost \$'000
Environment and Conservation	Provides environment and conservation services and programs for the whole Nillumbik community, such as environmental planning and policy; education and events; water quality and conservation; biodiversity protection; land management advice and energy efficiency programs.	1,410 5 1,405
Recycling and Waste Services	Provides collection of household waste, recycling, green waste, hard waste, waste education and landfill rehabilitation for the whole community.	12,999 682 12,317
Tourism and business support	Focuses on growing the local economy through providing support to local business networks, traders associations and individual businesses; delivering business events and training and supporting tourism development and promotion for the Nillumbik region.	1,083 297 787

Major Initiatives

- 1) Continue delivery of the Economic Development Strategy
- 2) Establish a climate action hub at Edendale Community and Environment Farm

Actions

- 1) Continue to implement annual actions in the Climate Action Plan 2022-2032
- 2) Continue to deliver the solar farm project in Plenty
- 3) Continue to participate at a regional level around placement opportunities for electric vehicle charging stations, while exploring targeted placement opportunities for electric charging stations in the Shire
- 4) Develop a roadmap regarding ESD principles into the planning scheme, subject to the State Government's impending changes to the Victorian Planning Provisions and subsequent review of such changes
- 5) Continue to implement annual actions in the Economic Development Strategy 2020-2030

Service Performance Outcome Indicators

Service	Indicator	Performance Measure	Computation	2021-22 Actual
Waste collection	Waste diversion	Kerbside collection waste diverted from landfill (Percentage of garbage, recyclables and green organics collected from kerbside bins that is diverted from landfill)	[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100	72.70%

2.4 Theme - Responsible and Accountable

Strategic Objective

To facilitate the best possible outcomes for our community by demonstrating string leadership and working actively to achieve the community's objectives.

Services

Service Area	Description of services provided	Expenditure Revenue Net Cost \$'000
Animal Management	Works under the required legislative framework to protect the welfare of animals and the community. Manages animal regulation and municipal pound.	1,077 990 87
Business Transformation and Performance	Provides internal service delivery in performance reporting, strategy and planning expertise, occupational health and safety, risk management and insurance, and business transformation projects and initiatives.	2,393 5 2,388
Communications	Assists Council and staff to communicate its decisions, services, activities and events through print and electronic communication channels.	1,170 - 1,170
Customer Service	Provides frontline customer service and reception services, and is responsible for driving key changes in behaviour achieving customer experience improvements.	978 - 978
Emergency Management	Working in partnership with stakeholders and the community, contribute to the development of a disaster resilient community that is better able to prepare for, respond to and recover from emergency events.	1,490 - 1,490
Food Safety and Public Health	Provides services to the community in food safety and health premises regulation, septic tank regulation, public health protection and amenity and noise regulation.	845 306 539
Finance	Provides internal service delivery in finance, budgeting and procurement services, rates and property valuations.	5,510 3,244 2,266

Governance	Manages Council's overall governance matters, including coordination of council meetings, elections, civic functions and legislative requirements; legal services; records management; and Mayor and Councillor resources and support services.	3,292 - 3,292
Human Resources	Provides internal service delivery in the areas of recruitment and selection, staff learning and development and employee and industrial relations.	1,637 202 1,435
Information and Technology	Provides internal service delivery in information technology services and solutions, on-line services and telecommunications.	3,739 - 3,739

Major Initiatives

- 1) Arborist consultancy to support the new Local Laws

Actions

- 1) Continue to advocate on key issues in line with Council's Advocacy Plan
- 2) Commit resources in order to implement the new local law with respect to permit assessments for the removal of trees
- 3) Finalise and adopt a new Domestic Wastewater Management Plan to enable Council to effectively manage the risk associated with domestic wastewater across the Shire
- 4) Continue to implement the Communications Strategy 2022-2025
- 5) Implement the Nillumbik Customer First Strategy 2023-2026 through Council's operations

Service Performance Outcome Indicators

Service	Indicator	Performance Measure	Computation	2021-22 Actual
Animal management	Health and safety	Animal management prosecutions (Percentage of successful animal management prosecutions)	Number of successful animal management prosecutions / Total number of animal management prosecutions] x 100	2.00
Food safety	Health and safety	Critical and major non-compliance outcome notifications (Percentage of critical and major non-compliance outcome notifications that are followed up by Council)	[Number of critical non-compliance outcome notifications and major non-compliance outcome notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance outcome notifications about food premises] x100	94.40%

Governance	Satisfaction	Satisfaction with Council decisions (Community satisfaction rating out of 100 with how Council has performed in making decisions in the interests of the community)	Community satisfaction rating out of 100 with the performance of Council in making decisions in the interests of the community	62.60
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2.6 Performance statement

The service performance indicators detailed in the preceding pages will be reported on within the Performance Statement which is prepared at the end of the current financial year as required by the Act and included in the 2021-2022 Annual Report. The prescribed performance indicators contained in the Performance Statement are audited each year by the Victorian Auditor General Office (VAGO) who issues an audit opinion on the Performance Statement. The initiatives detailed in the preceding pages will be reported in the Annual Report in the form of a statement of progress in the Report of Operations.

2.7 Reconciliation with budgeted operating result

	Net Cost \$'000	Expenditure \$'000	Revenue \$'000
Community and connection	10,932	14,125	3,193
Place and Space	22,939	40,898	17,959
Sustainable and resilient	14,508	15,492	984
Responsible and accountable	17,384	22,131	4,747
Total services and initiatives	65,763	92,646	26,883

Add

Depreciation	12,305
Amortisation - right of use assets	381
Finance costs - leases	19
Written down value of assets sold	280

Subtract

Debt redemption	1,894
Transfer to and from reserves	1,696

Deficit before funding sources 75,157

Funding sources added back:

Net rates and charges	76,404
Capital funding sources	3,399

Operating (surplus)/deficit for the year (4,645)

3. Financial Statements

This section presents information in regard to the Financial Statements and Statement of Human Resources. The budget information for the year 2023-2024 has been supplemented with projections to 2032-2033.

This section includes the following financial statements prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The appendix includes the following budgeted information:

Comprehensive Income Statement
Balance Sheet
Statement of Changes in Equity
Statement of Cash Flows
Statement of Capital Works
Statement of Human Resources

Comprehensive Income Statement

For the five years ending 30 June 2028

	Notes	Forecast Budget	Budget	Projections			
		2022-23 \$'000	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
Income							
Rates and charges	4.1.1	74,055	77,084	80,421	82,441	84,589	86,596
Statutory fees and fines	4.1.2	2,023	2,041	2,107	2,170	2,235	2,297
User fees	4.1.3	17,568	17,063	17,702	18,303	18,759	19,264
Grants - operating	4.1.4	6,573	5,568	5,594	5,762	5,935	6,098
Grants - capital	4.1.4	20,152	3,119	740	740	740	740
Contributions - monetary	4.1.5	1,519	104	107	110	113	116
Contributions - non-monetary	4.1.5	-	-	-	-	-	-
Net gain/(loss) on disposal of property, infrastructure, plant and equipment		-	-	-	-	-	-
Fair value adjustments for investment property		-	-	-	-	-	-
Share of net profits/(losses) of associated and joint ventures		-	-	-	-	-	-
Other income	4.1.6	1,455	1,509	1,558	1,604	1,653	1,698
Total income		123,345	106,488	108,229	111,130	114,024	116,809
Expenses							
Employee costs	4.1.7	38,881	40,733	41,879	42,893	43,930	44,806
Materials and services	4.1.8	44,865	41,451	42,616	43,869	45,160	46,378
Depreciation and amortisation	4.1.9	12,251	12,305	12,392	12,495	12,603	12,667
Bad and doubtful debts		-	-	-	-	-	-
Amortisation - right of use assets	4.1.10	386	381	393	405	417	428
Borrowing costs		786	638	966	830	685	539
Finance costs - leases		19	19	20	20	21	21
Other expenses	4.1.11	6,946	6,316	6,519	6,710	6,906	7,092
Total expenses		104,134	101,843	104,785	107,222	109,722	111,931
Surplus / (deficit) for the year		19,211	4,645	3,444	3,908	4,302	4,878
Other comprehensive income							
Items that will not be reclassified to surplus or deficit in future periods							
Net asset revaluation increment /(decrement)		-	-	-	-	-	-
Share of other comprehensive income of associates and joint ventures		-	-	-	-	-	-
Items that may be reclassified to surplus or deficit in future periods		-	-	-	-	-	-
Total comprehensive result		19,211	4,645	3,444	3,908	4,302	4,878

Comprehensive Income Statement Forward Estimates

For the five years ending 30 June 2033

	Forward Estimates				
	2028-29	2029-30	2030-31	2031-32	2032-33
	\$'000	\$'000	\$'000	\$'000	\$'000
Income					
Rates and charges	88,692	90,012	92,004	94,080	96,210
Statutory fees and fines	2,360	2,425	2,485	2,548	2,611
User fees	19,783	20,327	20,835	21,356	21,890
Grants - operating	6,266	6,438	6,599	6,764	6,933
Grants - capital	740	750	750	750	750
Contributions - monetary	120	123	126	129	132
Contributions - non-monetary	-	-	-	-	-
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	-	-	-	-	-
Fair value adjustments for investment property	-	-	-	-	-
Share of net profits/(losses) of associated and joint ventures	-	-	-	-	-
Other income	1,745	1,793	1,838	1,883	1,931
Total income	119,706	121,868	124,637	127,510	130,457
Expenses					
Employee costs	45,701	46,613	47,543	48,492	49,460
Materials and services	47,630	48,917	50,118	51,350	51,762
Bad and doubtful debts	-	-	-	-	-
Depreciation and amortisation	12,696	12,727	12,783	12,842	12,897
Amortisation - right of use assets	440	452	464	475	487
Borrowing costs	400	295	217	143	84
Finance costs - leases	22	23	23	24	24
Other expenses	7,282	7,477	7,659	7,846	8,036
Total expenses	114,171	116,504	118,807	121,172	122,750
Surplus (deficit) for the year	5,535	5,364	5,830	6,338	7,707
Other comprehensive income					
Items that will not be reclassified to surplus or deficit in future periods					
Net asset revaluation increment /(decrement)	-	-	-	-	-
Share of other comprehensive income of associates and joint ventures	-	-	-	-	-
Items that may be reclassified to surplus or deficit in future periods	-	-	-	-	-
Total comprehensive result	5,535	5,364	5,830	6,338	7,707

Balance Sheet

For the five years ending 30 June 2028

	Notes	Forecast Budget	Budget	Projections			
		2022-23 \$'000	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
Current assets							
Cash and cash equivalents		26,703	24,616	20,151	16,103	16,802	19,171
Trade and other receivables		7,401	6,389	6,494	6,668	6,841	7,009
Other financial assets		250	250	250	250	250	250
Non-current assets classified as held for sale		-	-	-	-	-	-
Other assets		35	36	36	36	37	38
Total current assets	4.2.1	34,389	31,291	26,931	23,057	23,930	26,467
Non-current assets							
Trade and other receivables		856	682	546	438	352	281
Other financial assets		5	5	5	5	5	5
Investments in associates and joint arrangement and subsidiaries		1,748	1,748	1,748	1,748	1,748	1,748
Property, infrastructure, plant & equipment		947,876	956,400	959,066	959,969	960,675	960,618
Right-of-use assets	4.2.4	1,034	1,623	1,686	1,674	1,662	1,656
Investment property		-	-	-	-	-	-
Intangible assets		-	-	-	-	-	-
Total non-current assets	4.2.1	951,519	960,458	963,051	963,834	964,442	964,308
Total assets		985,908	991,749	989,982	986,891	988,372	990,775
Current liabilities							
Trade and other payables		5,750	5,487	5,646	5,803	5,966	6,115
Trust funds and deposits		2,992	2,992	2,992	2,992	2,992	2,992
Provisions		12,818	12,873	12,935	8,861	9,031	9,205
Unearned grants and contract liabilities		3,023	468	111	111	111	111
Interest-bearing liabilities	4.2.3	1,894	2,601	2,731	2,847	2,789	2,572
Lease liabilities	4.2.4	400	413	425	438	450	462
Total current liabilities	4.2.2	26,877	24,834	24,840	21,052	21,339	21,457
Non-current liabilities							
Provisions		9,646	5,208	5,013	4,822	4,634	4,452
Interest-bearing liabilities	4.2.3	11,688	17,087	14,356	11,509	8,720	6,148
Lease liabilities	4.2.4	634	1,211	1,261	1,236	1,212	1,193
Total non-current liabilities	4.2.2	21,968	23,506	20,630	17,567	14,566	11,793
Total liabilities		48,845	48,340	45,470	38,619	35,905	33,250
Net assets		937,063	943,409	944,512	948,272	952,467	957,525
Equity							
Accumulated surplus		427,864	432,508	435,952	439,860	444,162	449,040
Reserves		509,199	510,901	508,560	508,412	508,305	508,485
Total equity		937,063	943,409	944,512	948,272	952,467	957,525

Balance Sheet Forward Estimates

For the five years ending 30 June 2033

	Forward Estimates				
	2028-29	2029-30	2030-31	2031-32	2032-33
	\$'000	\$'000	\$'000	\$'000	\$'000
Current assets					
Cash and cash equivalents	22,013	25,333	28,570	32,350	37,327
Trade and other receivables	7,183	7,312	7,478	7,651	7,827
Other financial assets	250	250	250	250	250
Non-current assets classified as held for sale	-	-	-	-	-
Other assets	38	38	38	39	39
Total current assets	29,483	32,933	36,336	40,290	45,443
Non-current assets					
Trade and other receivables	225	178	140	112	87
Other financial assets	5	5	5	5	5
Investments in associates and joint arrangement and subsidiaries	1,748	1,748	1,748	1,748	1,748
Property, infrastructure, plant & equipment	961,021	961,893	963,198	964,935	967,107
Right-of-use assets	1,646	1,639	1,628	1,616	1,605
Investment property	-	-	-	-	-
Intangible assets	-	-	-	-	-
Total non-current assets	964,645	965,463	966,719	968,416	970,552
Total assets	994,128	998,396	1,003,055	1,008,706	1,015,995
Current liabilities					
Trade and other payables	6,266	6,424	6,569	6,722	6,810
Trust funds and deposits	2,992	2,992	2,992	2,992	2,992
Provisions	9,380	9,559	9,744	9,932	10,124
Unearned grants and contract liabilities	111	113	113	113	113
Interest-bearing liabilities	1,503	1,574	1,102	957	1,011
Lease liabilities	475	487	499	512	-
Total current liabilities	20,727	21,149	21,019	21,228	21,050
Non-current liabilities					
Provisions	4,273	4,098	3,927	3,758	3,773
Interest-bearing loans and borrowings	4,645	3,070	1,969	1,011	-
Lease liabilities	1,171	1,152	1,129	1,105	1,605
Total non-current liabilities	10,089	8,320	7,025	5,874	5,378
Total liabilities	30,816	29,469	28,044	27,102	26,428
Net assets	963,312	968,927	975,011	981,604	989,567
Equity					
Accumulated surplus	454,575	459,938	465,769	472,109	479,815
Reserves	508,736	508,989	509,242	509,495	509,752
Total equity	963,311	968,927	975,011	981,604	989,567

Statement of Changes in Equity

For the five years ending 30 June 2028

* Balances at the end of the financial year may be subject to rounding differences.

Notes	Total \$'000	Accum Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
2023 Forecast Actual				
Balance at beginning of the financial year	917,854	408,655	476,291	32,908
Impact of adoption of new accounting standards	-	-	-	-
Surplus / (deficit) for the year	19,211	19,211	-	-
Net asset revaluation increment / (decrement)	16,557	-	16,557	-
Transfer to other reserves	2,789	-	-	2,789
Transfer from other reserves	(19,346)	-	-	(19,346)
Balance at end of the financial year	937,065	427,866	492,848	16,351
2024				
Balance at beginning of the financial year	937,063	427,864	492,848	16,351
Surplus / (deficit) for the year	4,645	4,645	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves 4.3.1	2,331	-	-	2,331
Transfer from other reserves 4.3.1	(630)	-	-	(630)
Balance at end of the financial year 4.3.2	943,409	432,509	492,848	18,052
2025				
Balance at beginning of the financial year	943,409	432,509	492,848	18,052
Surplus / (deficit) for the year	3,444	3,444	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves	2,346	-	-	2,346
Transfer from other reserves	(4,687)	-	-	(4,687)
Balance at end of the financial year	944,512	435,953	492,848	15,711
2026				
Balance at beginning of the financial year	944,512	435,953	492,848	15,711
Surplus / (deficit) for the year	3,908	3,908	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves	2,347	-	-	2,347
Transfer from other reserves	(2,495)	-	-	(2,495)
Balance at end of the financial year	948,272	439,861	492,848	15,563
2027				
Balance at beginning of the financial year	948,272	439,861	492,848	15,563
Surplus / (deficit) for the year	4,302	4,302	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves	1,804	-	-	1,804
Transfer from other reserves	(1,911)	-	-	(1,911)
Balance at end of the financial year	952,467	444,163	492,848	15,456
2028				
Balance at beginning of the financial year	952,467	444,163	492,848	15,456
Surplus / (deficit) for the year	4,878	4,878	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves	587	-	-	587
Transfer from other reserves	(407)	-	-	(407)
Balance at end of the financial year	957,525	449,041	492,848	15,636

Statement of Changes in Equity Forward Estimates

For the five years ending 30 June 2033

* Balances at the end of the financial year may be subject to rounding differences.

	Total \$'000	Accum Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
2029				
Balance at beginning of the financial year	957,525	449,041	492,848	15,636
Surplus / (deficit) for the year	5,535	5,535	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves	588	-	-	588
Transfer from other reserves	(337)	-	-	(337)
Balance at end of the financial year	963,311	454,576	492,848	15,887
2030				
Balance at beginning of the financial year	963,311	454,576	492,848	15,887
Surplus / (deficit) for the year	5,364	5,364	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves	589	-	-	589
Transfer from other reserves	(337)	-	-	(337)
Balance at end of the financial year	968,927	459,940	492,848	16,139
2031				
Balance at beginning of the financial year	968,927	459,940	492,848	16,139
Surplus / (deficit) for the year	5,830	5,830	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves	591	-	-	591
Transfer from other reserves	(337)	-	-	(337)
Balance at end of the financial year	975,011	465,770	492,848	16,393
2032				
Balance at beginning of the financial year	975,011	465,770	492,848	16,393
Surplus / (deficit) for the year	6,338	6,338	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves	592	-	-	592
Transfer from other reserves	(337)	-	-	(337)
Balance at end of the financial year	981,604	472,108	492,848	16,648
2033				
Balance at beginning of the financial year	981,604	472,108	492,848	16,648
Surplus / (deficit) for the year	7,707	7,707	-	-
Net asset revaluation increment / (decrement)	-	-	-	-
Transfer to other reserves	593	-	-	593
Transfer from other reserves	(337)	-	-	(337)
Balance at end of the financial year	989,567	479,815	492,848	16,904

Statement Cash Flows

For the five years ending 30 June 2028

* Balances at the end of the financial year may be subject to rounding differences.

	Notes	Forecast Budget	Budget 2023-24	2024-25	2025-26	2026-27	2027-28
		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
		Inflows / (Outflows)	Inflows / (Outflows)	Inflows / (Outflows)	Inflows / (Outflows)	Inflows / (Outflows)	Inflows / (Outflows)
Cash flows from operating activities							
Rates and charges		77,807	78,064	80,474	82,411	84,538	86,532
Statutory fees and fines		2,178	2,092	2,102	2,161	2,226	2,289
User fees		17,723	17,114	17,697	18,294	18,750	19,256
Grants - operating		4,850	5,108	5,517	5,753	5,926	6,090
Grants - capital		12,795	1,126	449	731	731	732
Contributions - monetary		1,519	104	107	110	113	116
Interest received		600	800	826	851	876	900
Dividends received		-	-	-	-	-	-
Trust funds and deposits taken		-	-	-	-	-	-
Other receipts		855	709	732	753	777	798
Net GST refund / payment		-	-	-	-	-	-
Employee costs		(38,709)	(40,557)	(41,700)	(42,711)	(43,746)	(44,616)
Materials and services		(50,476)	(44,506)	(45,001)	(48,199)	(45,196)	(46,421)
Trust funds and deposits repaid		-	-	-	-	-	-
Other payments		(6,946)	(6,316)	(6,519)	(6,710)	(6,906)	(7,092)
Net cash provided by / (used in) operating activities	4.4.1	22,195	13,738	14,684	13,445	18,091	18,583
Cash flows from investing activities							
Payments for property, infrastructure, plant and equipment		(43,433)	(21,174)	(15,373)	(13,842)	(13,787)	(12,570)
Proceeds from sale of property, infrastructure, plant and equipment		839	280	205	335	365	134
Payments for investments		-	-	-	-	-	-
Proceeds from sale of investments		-	-	-	-	-	-
Loan and advances made		-	-	-	-	-	-
Payments of loans and advances		-	-	-	-	-	-
Net cash provided by / (used in) investing activities	4.4.2	(42,594)	(20,894)	(15,168)	(13,507)	(13,422)	(12,436)
Cash flows from financing activities							
Finance costs		(786)	(638)	(966)	(830)	(685)	(539)
Proceeds from borrowings		-	8,000	-	-	-	-
Repayment of borrowings		(3,340)	(1,894)	(2,601)	(2,731)	(2,847)	(2,789)
Interest paid - lease liability		(19)	(19)	(20)	(20)	(21)	(21)
Repayment of lease liabilities		(386)	(381)	(393)	(405)	(417)	(428)
Net cash provided by / (used in) financing activities	4.4.3	(4,531)	5,068	(3,980)	(3,986)	(3,970)	(3,777)
Net increase / (decrease) in cash & cash equivalents		(24,930)	(2,088)	(4,464)	(4,048)	699	2,370
Cash and cash equivalents at the beginning of the financial year		51,633	26,703	24,616	20,151	16,103	16,802
Cash and cash equivalents at the end of the financial year		26,703	24,616	20,151	16,103	16,802	19,171

Statement of Cash Flows Forward Estimates

For the five years ending 30 June 2033

* Balances at the end of the financial year may be subject to rounding differences.

	Forward Estimates				
	2028-29	2029-30	2030-31	2031-32	2032-33
	\$'000	\$'000	\$'000	\$'000	\$'000
	Inflows / (Outflows)	Inflows / (Outflows)	Inflows / (Outflows)	Inflows / (Outflows)	Inflows / (Outflows)
Cash flows from operating activities					
Rates and charges	88,609	89,953	91,907	93,970	96,091
Statutory fees and fines	2,351	2,419	2,477	2,539	2,602
User fees	19,774	20,321	20,827	21,347	21,881
Grants - operating	6,257	6,432	6,591	6,755	6,924
Grants - capital	731	745	742	741	741
Contributions - monetary	120	123	126	129	132
Interest received	925	951	974	999	1,024
Dividends received	-	-	-	-	-
Trust funds and deposits taken	-	-	-	-	-
Other receipts	820	842	864	884	907
Net GST refund / payment	-	-	-	-	-
Employee costs	(45,507)	(46,415)	(47,341)	(48,286)	(49,250)
Materials and services	(47,667)	(48,948)	(50,150)	(51,379)	(51,670)
Trust funds and deposits repaid	-	-	-	-	-
Other payments	(7,282)	(7,477)	(7,659)	(7,845)	(8,034)
Net cash provided by / (used in) operating activities	19,131	18,946	19,358	19,854	21,348
Cash flows from investing activities					
Payments for property, infrastructure, plant and equipment	(13,005)	(13,503)	(13,992)	(14,480)	(14,969)
Proceeds from sale of property, infrastructure, plant and equipment	150	150	150	150	150
Payments for investments	-	-	-	-	-
Proceeds from sale of investments	-	-	-	-	-
Loan and advances made	-	-	-	-	-
Payments of loans and advances	-	-	-	-	-
Net cash provided by / (used in) investing activities	(12,855)	(13,353)	(13,842)	(14,330)	(14,819)
Cash flows from financing activities					
Finance costs	(400)	(295)	(217)	(143)	(84)
Proceeds from borrowings	-	-	-	-	-
Repayment of borrowings	(2,572)	(1,503)	(1,574)	(1,102)	(957)
Interest paid - lease liability	(22)	(23)	(23)	(24)	(24)
Repayment of lease liabilities	(440)	(452)	(464)	(475)	(487)
Net cash provided by / (used in) financing activities	(3,434)	(2,273)	(2,278)	(1,744)	(1,552)
Net increase / (decrease) in cash & cash equivalents	2,842	3,320	3,238	3,780	4,977
Cash and cash equivalents at the beginning of the financial year	19,171	22,013	25,333	28,570	32,350
Cash and cash equivalents at the end of the financial year	22,013	25,333	28,570	32,350	37,327

Statement of Capital Works

For the five years ending 30 June 2028

	Notes	Forecast Budget	Budget	Projections			
		2022-23 \$'000	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
Property							
Land		-	-	-	-	-	-
Land improvements		134	-	-	-	-	-
Total land		134	-	-	-	-	-
Buildings		8,661	2,510	610	420	595	660
Heritage buildings		-	-	-	-	-	-
Building improvements		-	-	-	-	-	-
Leasehold improvements		-	-	-	-	-	-
Total buildings		8,661	2,510	610	420	595	660
Total property		8,795	2,510	610	420	595	660
Plant and equipment							
Heritage plant and equipment		-	-	-	-	-	-
Plant, machinery and equipment		1,668	1,285	1,125	1,200	1,230	814
Fixtures, fittings and furniture		300	195	345	310	315	345
Computers and telecommunications		-	-	-	-	-	-
Library books		-	-	-	-	-	-
Total plant and equipment		1,968	1,480	1,470	1,510	1,545	1,159
Infrastructure							
Roads		9,468	3,915	3,975	3,615	3,935	3,165
Bridges		225	150	175	180	180	400
Footpaths and cycleways		1,369	680	750	770	780	820
Drainage		854	885	625	790	820	820
Recreational, leisure and community facilities		11,939	5,442	3,280	3,070	3,897	4,560
Waste management		4,933	5,800	4,000	1,808	1,219	-
Parks, open space and streetscapes		1,190	320	340	400	450	445
Aerodromes		-	-	-	-	-	-
Off street car parks		-	-	-	-	-	-
Other infrastructure		4,763	344	347	1,447	530	972
Total infrastructure		34,741	17,536	13,492	12,080	11,811	11,182
Total capital works expenditure	4.5.1	45,504	21,526	15,572	14,010	13,951	13,001
Represented by:							
New asset expenditure		8,347	705	125	125	125	125
Asset renewal expenditure		7,978	12,598	10,608	9,385	9,327	8,340
Asset expansion expenditure		2,718	1,049	614	614	614	664
Asset upgrade expenditure		26,461	7,175	4,225	3,886	3,885	3,872
Total capital works expenditure	4.5.1	45,504	21,526	15,572	14,010	13,951	13,001
Funding sources represented by:							
Grants		20,152	3,119	740	740	740	740
Contributions		1,236	-	-	-	-	-
Council cash		24,116	10,407	14,832	13,270	13,211	12,261
Borrowings		-	8,000	-	-	-	-
Total capital works expenditure	4.5.1	45,504	21,526	15,572	14,010	13,951	13,001

Statement of Capital Works Forward Estimates

For the five years ending 30 June 2033

	Forward Estimates				
	2028-29 \$'000	2029-30 \$'000	2030-31 \$'000	2031-32 \$'000	2032-33 \$'000
Property					
Land	-	-	-	-	-
Land improvements	-	-	-	-	-
Total land	-	-	-	-	-
Buildings	710	750	775	775	775
Heritage buildings	-	-	-	-	-
Building improvements	-	-	-	-	-
Leasehold improvements	-	-	-	-	-
Total buildings	710	750	775	775	775
Total property	710	750	775	775	775
Plant and equipment					
Heritage plant and equipment	-	-	-	-	-
Plant, machinery and equipment	830	830	830	830	830
Fixtures, fittings and furniture	85	140	350	400	400
Computers and telecommunications	-	-	-	-	-
Library books	-	-	-	-	-
Total plant and equipment	915	970	1,180	1,230	1,230
Infrastructure					
Roads	3,100	2,710	2,760	2,760	2,760
Bridges	200	75	200	200	200
Footpaths and cycleways	890	860	930	930	930
Drainage	650	700	1,100	1,100	1,100
Recreational, leisure and community facilities	4,230	6,155	6,400	6,400	6,400
Waste management	-	-	-	-	-
Parks, open space and streetscapes	545	450	625	625	625
Aerodromes	-	-	-	-	-
Off street car parks	-	-	-	-	-
Other infrastructure	2,277	1,357	557	1,007	1,507
Total infrastructure	11,892	12,307	12,572	13,022	13,522
Total capital works expenditure	13,517	14,027	14,527	15,027	15,527
Represented by:					
New asset expenditure	135	110	110	110	110
Asset renewal expenditure	7,952	8,235	8,634	8,889	9,138
Asset expansion expenditure	664	575	625	625	625
Asset upgrade expenditure	4,766	5,107	5,158	5,404	5,654
Total capital works expenditure	13,517	14,027	14,527	15,028	15,527
Funding sources represented by:					
Grants	740	750	750	750	750
Contributions	-	-	-	-	-
Council cash	12,777	13,277	13,777	14,277	14,777
Borrowings	-	-	-	-	-
Total capital works expenditure	13,517	14,027	14,527	15,027	15,527

Statement of Human Resources

For the five years ending 30 June 2028

	Forecast Budget	Budget	Projections			
	2022-23 \$'000	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
Staff expenditure						
Employee costs - operating	35,940	39,641	40,632	41,445	42,274	43,119
Total staff expenditure	35,940	39,641	40,632	41,445	42,274	43,119
Staff numbers						
Permanent EFT numbers	314.43	323.80	323.80	323.80	323.80	323.80
Limited tenures	7.16	7.46	8.00	6.00	4.00	4.00
Total staff numbers	321.59	331.26	331.80	329.80	327.80	327.80

Statement of Human Resources Forward Estimates

For the five years ending 30 June 2033

	Forward Estimates				
	2028-29 \$'000	2029-30 \$'000	2030-31 \$'000	2031-32 \$'000	2032-33 \$'000
Staff expenditure					
Employee costs - operating	43,981	44,861	45,758	46,673	47,607
Total staff expenditure	43,981	44,861	45,758	46,673	47,607
Staff numbers					
Permanent EFT numbers	323.80	323.80	323.80	323.80	323.80
Limited tenures	4.00	4.00	4.00	4.00	4.00
Total staff numbers	327.80	327.80	327.80	327.80	327.80

A summary of human resources expenditure categorised according to the organisational structure of Council is included below:

Directorate	Budget 2023-24 \$'000	Composition			
		Permanent Full time	Permanent Part time	Casual	Temp
		\$'000	\$'000	\$'000	\$'000
Operations and Infrastructure	14,520	12,634	1,539	-	347
Planning and Community Safety	8,279	6,990	1,289	-	-
Community Services	7,105	3,642	2,837	-	626
Corporate Services	6,846	6,270	577	-	-
Governance, Communications and Engagement	2,890	2,570	320	-	-
Total expenditure	39,641	32,106	6,562	-	973

A summary of the number of full time equivalent (FTE) Council staff in relation to the above expenditure is included below:

Directorate	Budget 2023-24	Composition		
		Permanent Full time	Permanent Part time	Temp
Operations and Infrastructure	129.70	112.45	15.25	2.00
Planning and Community Safety	72.15	57.80	14.35	-
Community Services	58.20	27.60	25.14	5.46
Corporate Services	48.85	44.00	4.85	-
Governance, Communications and Engagement	22.36	19.00	3.36	-
Total staff	331.26	260.85	62.95	7.46

Summary of Planned Human Resources Expenditure
For the five years ending 30 June 2028

	Budget	Projections			
	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	2026-27 \$'000	2027-28 \$'000
Operations and Infrastructure					
Permanent - Full time	12,634	12,887	13,177	13,473	13,776
Female	3,168	3,231	3,304	3,378	3,454
Male	9,466	9,656	9,873	10,095	10,322
Self-described gender	-	-	-	-	-
Permanent - Part time	1,540	1,570	1,605	1,641	1,678
Female	1,108	1,130	1,155	1,181	1,208
Male	432	440	450	460	470
Self-described gender	-	-	-	-	-
Total Operations and Infrastructure	14,174	14,457	14,782	15,114	15,454
Planning and Community Safety					
Permanent - Full time	6,990	7,131	7,292	7,456	7,623
Female	3,437	3,506	3,585	3,666	3,748
Male	3,553	3,625	3,707	3,790	3,875
Self-described gender	-	-	-	-	-
Permanent - Part time	1,289	1,315	1,345	1,375	1,405
Female	852	869	889	909	929
Male	437	446	456	466	476
Self-described gender	-	-	-	-	-
Total Planning and Community Safety	8,279	8,446	8,637	8,831	9,028
Community Services					
Permanent - Full time	3,642	3,715	3,799	3,885	3,972
Female	3,183	3,247	3,320	3,395	3,471
Male	459	468	479	490	501
Self-described gender	-	-	-	-	-
Permanent - Part time	2,837	2,894	2,959	3,026	3,094
Female	2,759	2,814	2,877	2,942	3,008
Male	78	80	82	84	86
Self-described gender	-	-	-	-	-
Total Community Services	6,479	6,609	6,758	6,911	7,066
Corporate Services					
Permanent - Full time	6,269	6,395	6,538	6,685	6,835
Female	2,763	2,818	2,881	2,946	3,012
Male	3,506	3,577	3,657	3,739	3,823
Self-described gender	-	-	-	-	-
Permanent - Part time	576	588	601	615	629
Female	576	588	601	615	629
Male	-	-	-	-	-
Self-described gender	-	-	-	-	-
Total Corporate Services	6,845	6,983	7,139	7,300	7,464
Governance, Communications and Engagement					
Permanent - Full time	2,570	2,622	2,681	2,741	2,803
Female	2,357	2,404	2,458	2,513	2,570
Male	213	218	223	228	233
Self-described gender	-	-	-	-	-
Permanent - Part time	319	326	334	342	351
Female	319	326	333	340	348
Male	-	-	-	-	-
Self-described gender	-	-	-	-	-
Total Governance, Communications and Engagement	2,889	2,948	3,015	3,083	3,154

Summary of Planned Human Resources Expenditure
For the five years ending 30 June 2033

	Forward Estimates				
	2028-29 \$'000	2029-30 \$'000	2030-31 \$'000	2031-32 \$'000	2032-33 \$'000
Operations and Infrastructure					
Permanent - Full time	14,086	14,402	14,726	15,057	15,396
Female	3,532	3,611	3,692	3,775	3,860
Male	10,554	10,791	11,034	11,282	11,536
Self-described gender	-	-	-	-	-
Permanent - Part time	1,716	1,755	1,794	1,834	1,876
Female	1,235	1,263	1,291	1,320	1,350
Male	481	492	503	514	526
Self-described gender	-	-	-	-	-
Total Operations and Infrastructure	15,802	16,157	16,520	16,891	17,272
Planning and Community Safety					
Permanent - Full time	7,794	7,969	8,148	8,331	8,518
Female	3,832	3,918	4,006	4,096	4,188
Male	3,962	4,051	4,142	4,235	4,330
Self-described gender	-	-	-	-	-
Permanent - Part time	1,437	1,469	1,502	1,535	1,570
Female	950	971	993	1,015	1,038
Male	487	498	509	520	532
Self-described gender	-	-	-	-	-
Total Planning and Community Safety	9,231	9,438	9,650	9,866	10,088
Community Services					
Permanent - Full time	4,061	4,153	4,247	4,342	4,439
Female	3,549	3,629	3,711	3,794	3,879
Male	512	524	536	548	560
Self-described gender	-	-	-	-	-
Permanent - Part time	3,164	3,235	3,308	3,382	3,458
Female	3,076	3,145	3,216	3,288	3,362
Male	88	90	92	94	96
Self-described gender	-	-	-	-	-
Total Community Services	7,225	7,388	7,555	7,724	7,897
Corporate Services					
Permanent - Full time	6,989	7,146	7,307	7,471	7,639
Female	3,080	3,149	3,220	3,292	3,366
Male	3,909	3,997	4,087	4,179	4,273
Self-described gender	-	-	-	-	-
Permanent - Part time	643	657	672	687	702
Female	643	657	672	687	702
Male	-	-	-	-	-
Self-described gender	-	-	-	-	-
Total Corporate Services	7,632	7,803	7,979	8,158	8,341
Governance, Communications and Engagement					
Permanent - Full time	2,866	2,930	2,995	3,063	3,132
Female	2,628	2,687	2,747	2,809	2,872
Male	238	243	248	254	260
Self-described gender	-	-	-	-	-
Permanent - Part time	356	364	372	380	389
Female	356	364	372	380	389
Male	-	-	-	-	-
Self-described gender	-	-	-	-	-
Total Governance, Communications and Engagement	3,222	3,294	3,367	3,443	3,521

Summary of Planned Human Resources Expenditure
For the five years ending 30 June 2028

	Budget	Projections				
	2023-24	2024-25	2025-26	2026-27	2027-28	
	FTE	FTE	FTE	FTE	FTE	
Operations and Infrastructure						
Permanent - Full time	112.45	112.45	112.45	112.45	112.45	
Female	26.45	26.45	26.45	26.45	26.45	
Male	86.00	86.00	86.00	86.00	86.00	
Self-described gender	-	-	-	-	-	
Permanent - Part time	15.25	15.25	15.25	15.25	15.25	
Female	10.99	10.99	10.99	10.99	10.99	
Male	4.26	4.26	4.26	4.26	4.26	
Self-described gender	-	-	-	-	-	
Total Operations and Infrastructure	127.70	127.70	127.70	127.70	127.70	
Planning and Community Safety						
Permanent - Full time	57.80	57.80	57.80	57.80	57.80	
Female	27.80	27.80	27.80	27.80	27.80	
Male	30.00	30.00	30.00	30.00	30.00	
Self-described gender	-	-	-	-	-	
Permanent - Part time	14.35	14.35	14.35	14.35	14.35	
Female	9.52	9.52	9.52	9.52	9.52	
Male	4.83	4.83	4.83	4.83	4.83	
Self-described gender	-	-	-	-	-	
Total Planning and Community Safety	72.15	72.15	72.15	72.15	72.15	
Community Services						
Permanent - Full time	27.60	27.60	27.60	27.60	27.60	
Female	23.60	23.60	23.60	23.60	23.60	
Male	4.00	4.00	4.00	4.00	4.00	
Self-described gender	-	-	-	-	-	
Permanent - Part time	25.14	25.14	25.14	25.14	25.14	
Female	24.24	24.24	24.24	24.24	24.24	
Male	0.90	0.90	0.90	0.90	0.90	
Self-described gender	-	-	-	-	-	
Total Community Services	52.74	52.74	52.74	52.74	52.74	
Corporate Services						
Permanent - Full time	44.00	44.00	44.00	44.00	44.00	
Female	23.00	23.00	23.00	23.00	23.00	
Male	21.00	21.00	21.00	21.00	21.00	
Self-described gender	-	-	-	-	-	
Permanent - Part time	4.85	4.85	4.85	4.85	4.85	
Female	4.85	4.85	4.85	4.85	4.85	
Male	-	-	-	-	-	
Self-described gender	-	-	-	-	-	
Total Corporate Services	48.85	48.85	48.85	48.85	48.85	
Governance, Communications and Engagement						
Permanent - Full time	19.00	19.00	19.00	19.00	19.00	
Female	17.00	17.00	17.00	17.00	17.00	
Male	2.00	2.00	2.00	2.00	2.00	
Self-described gender	-	-	-	-	-	
Permanent - Part time	3.36	3.36	3.36	3.36	3.36	
Female	2.36	2.36	2.36	2.36	2.36	
Male	-	-	-	-	-	
Self-described gender	1.00	1.00	1.00	1.00	1.00	
Total Governance, Communications and Engagement	22.36	22.36	22.36	22.36	22.36	

Summary of Planned Human Resources Expenditure
For the five years ending 30 June 2033

	Forward Estimates				
	2028-29 FTE	2029-30 FTE	2030-31 FTE	2031-32 FTE	2032-33 FTE
Operations and Infrastructure					
Permanent - Full time	112.45	112.45	112.45	112.45	112.45
Female	26.45	26.45	26.45	26.45	26.45
Male	86.00	86.00	86.00	86.00	86.00
Self-described gender	-	-	-	-	-
Permanent - Part time	15.25	15.25	15.25	15.25	15.25
Female	10.99	10.99	10.99	10.99	10.99
Male	4.26	4.26	4.26	4.26	4.26
Self-described gender	-	-	-	-	-
Total Operations and Infrastructure	127.70	127.70	127.70	127.70	127.70
Planning and Community Safety					
Permanent - Full time	57.80	57.80	57.80	57.80	57.80
Female	27.80	27.80	27.80	27.80	27.80
Male	30.00	30.00	30.00	30.00	30.00
Self-described gender	-	-	-	-	-
Permanent - Part time	14.35	14.35	14.35	14.35	14.35
Female	9.52	9.52	9.52	9.52	9.52
Male	4.83	4.83	4.83	4.83	4.83
Self-described gender	-	-	-	-	-
Total Planning and Community Safety	72.15	72.15	72.15	72.15	72.15
Community Services					
Permanent - Full time	27.60	27.60	27.60	27.60	27.60
Female	23.60	23.60	23.60	23.60	23.60
Male	4.00	4.00	4.00	4.00	4.00
Self-described gender	-	-	-	-	-
Permanent - Part time	25.14	25.14	25.14	25.14	25.14
Female	24.24	24.24	24.24	24.24	24.24
Male	0.90	0.90	0.90	0.90	0.90
Self-described gender	-	-	-	-	-
Total Community Services	52.74	52.74	52.74	52.74	52.74
Corporate Services					
Permanent - Full time	44.00	44.00	44.00	44.00	44.00
Female	23.00	23.00	23.00	23.00	23.00
Male	21.00	21.00	21.00	21.00	21.00
Self-described gender	-	-	-	-	-
Permanent - Part time	4.85	4.85	4.85	4.85	4.85
Female	4.85	4.85	4.85	4.85	4.85
Male	-	-	-	-	-
Self-described gender	-	-	-	-	-
Total Corporate Services	48.85	48.85	48.85	48.85	48.85
Governance, Communications and Engagement					
Permanent - Full time	19.00	19.00	19.00	19.00	19.00
Female	17.00	17.00	17.00	17.00	17.00
Male	2.00	2.00	2.00	2.00	2.00
Self-described gender	-	-	-	-	-
Permanent - Part time	3.36	3.36	3.36	3.36	3.36
Female	2.36	2.36	2.36	2.36	2.36
Male	-	-	-	-	-
Self-described gender	1.00	1.00	1.00	1.00	1.00
Total Governance, Communications and Engagement	22.36	22.36	22.36	22.36	22.36

4. Notes to the financial statements

This section presents detailed information on material components of the financial statements. Council needs to assess which components are material, considering the dollar amounts and nature of these components.

4.1 Comprehensive Income Statement

4.1.1 Rates and charges

Rates and charges are required by the Act and the Regulations to be disclosed in Council's Annual Budget.

As per the Act, Council is required to have a Revenue and Rating Plan which is a four year plan for how Council will generate income to deliver the Council Plan, program and services and capital works commitments over a four-year period.

In developing the Budget, rates and charges were identified as an important source of revenue. Planning for future rate increases has therefore been an important component of the financial planning process. The Fair Go Rates System (FGRS) sets out the maximum amount councils may increase rates in a year. For 2023-2024 the FGRS cap has been set at 3.50 percent. The cap applies to general rates and is calculated on the basis of council's average rates and charges.

The level of required rates and charges has been considered in this context, with reference to Council's other sources of income and the planned expenditure on services and works to be undertaken for the community.

To achieve these objectives while maintaining service levels and a strong capital expenditure program, there will be a 3.50 percent rate cap applied to the average general rate.

Rates and charges are due on a quarterly instalment basis. The due dates for the 2023-2024 financial year will be:

- 30 September 2023,
- 30 November 2023,
- 28 February 2024 and
- 31 May 2024

(if any of these dates fall on a weekend, the due date will be the following Monday).

This will raise total rates and charges for 2023-2024 to \$77.08 million.

4.1.1 (a) The reconciliation of the total rates and charges to the Comprehensive Income Statement is as follows:

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000 %	
General rates	60,254	62,479	2,225	3.69
Waste management charge	13,222	14,014	792	5.99
Special rates and charges	295	295	-	-
Interest on rates and charges	284	296	12	4.12
Total rates and charges	74,055	77,084	3,029	4.09

** general rates includes rebates and estimated supplementary rates.*

4.1.1 (b) The rate in the dollar to be levied as general rates under section 158 of the Act for each type or class of land compared with the previous financial year:

Type or class of land	2022-23 Rate in Dollar	2023-24 Rate in Dollar	Change %
General	0.002441	0.002441	-
Farm Land	0.002075	0.002075	-
Commercial/Industrial	0.002832	0.002832	-
Vacant Land - Residential and Specified Low Density Residential Zones	0.003662	0.003662	-
Cultural and Recreational Land	0.000952	0.000952	-

** rate in the dollar values to be updated once total value of each type or class of land has been verified by the Valuer-General.*

4.1.1 (c) The estimated total amount to be raised by general rates in relation to each type or class of land, compared with the previous financial year:

Type or class of land	2022-23 \$'000	2023-24 \$'000	Change \$'000 %	
General	56,328	58,555	2,227	3.95
Farm Land	508	528	20	3.94
Commercial/Industrial	2,580	2,680	100	3.88
Vacant Land - Residential and Specified Low Density Residential Zones	776	709	(67)	(8.63)
Cultural and Recreational Land	4	4	-	-
Total amount to be raised by general rates	60,196	62,476	2,280	3.79

** estimated total amount to be raised by general rates in relation to each type or class of land to be updated once total value of each type or class of land has been verified by the Valuer-General.*

4.1.1 (d) The number of assessments in relation to each type or class of land, compared with the previous financial year:

Type or class of land	2022-23 Number	2023-24 Number	Change Number %	
Residential	22,623	22,707	84	0.37
Farm Land	140	141	1	0.71
Commercial / Industrial	1,003	1,005	2	0.20
Vacant Land - Residential and Specified Low Density Residential Zones	319	267	(52)	(16.30)
Cultural and Recreational Land	2	2	-	-
Total number of assessments	24,087	24,122	35	0.15

The movement in the number of assessments has been primarily driven by the growth in rateable properties occurring across the Shire.

4.1.1 (e) The basis of valuation to be used is the Capital Improved Value (CIV), this is in compliance with the Fair Go Rates System and the Local Government Act.

4.1.1 (f) The estimated total value of each type or class of land, and the estimated total value of land, compared with the previous financial year:

Type or class of land	2022-23 \$'000	2023-24 \$'000	Change \$'000 %	
Residential	23,075,713	23,176,948	101,235	0.44
Farm Land	244,975	245,650	675	0.28
Commercial / Industrial	911,015	914,475	3,460	0.38
Vacant Land - Residential and Specified Low Density Residential Zones	211,940	186,990	(24,950)	(11.77)
Cultural and Recreational Land	4,350	4,350	-	-
Total value of land	24,447,993	24,528,413	80,420	0.33

** estimated total value of each type or class of land, and the estimated total value of land to be updated once total value of each type or class of land has been verified by the Valuer-General.*

4.1.1 (g) The rate or unit amount to be levied for each type of service rate or charge under Section 162 of the Act compared with the previous financial year per rateable property:

Type of Charge	2022-23 \$	2023-24 \$	Change \$ %	
Waste Management - Standard service	582.73	616.40	33.67	5.78
Waste Management - 80 litre landfill bin	466.18	493.12	26.94	5.78
Waste Management - 2 x 120 litre landfill bin	815.82	862.96	47.14	5.78
Waste Management - 140 litre landfill bin	641.00	678.04	37.04	5.78
Waste Management - 120 litre landfill bin – weekly collection	1,048.91	1,109.52	60.61	5.78
Waste Management - Elderly persons units - bin	145.68	154.10	8.42	5.78

Council has proposed to increase the domestic waste service standard charge by 5.78%.

4.1.1 (h) The estimated total amount to be raised by each type of service rate or charge, compared with the previous financial year:

Type of Charge	2022-23 \$	2023-24 \$	Change \$	%
Waste Management - Residential - Standard Service	10,856,260	11,346,075	489,815	4.51
Waste Management - Residential - 80 Litre Red Bins	258,264	283,544	25,280	9.79
Waste Management - Residential - 2 Red Bins	1,568,006	1,766,479	198,473	12.66
Waste Management - Residential - 140 L (Fortnightly Garbage)	394,856	524,803	129,947	32.91
Waste Management - Residential - 120L (Weekly Garbage)	76,570	78,776	2,205	2.88
Waste Management - Elderly Persons Units - Bin	13,403	14,177	775	5.78

The movement in the projected income is reflective of the movement in assessments.

4.1.1 (i) The estimated total amount to be raised by all rates and charges compared with the previous financial year:

	2022-23 \$	2023-24 \$	Change \$	%
General rates	60,196,396	62,476,061	2,279,664	3.79
Service charges	13,167,359	14,013,854	846,495	6.43
Total Rates and charges	73,363,755	76,489,915	3,126,159	4.26

The above table only includes rates and charges generated and excludes any applicable rebates and special rates.

4.1.1 (j) Fair Go Rates System (FGRS) Compliance

Nillumbik Shire Council is fully compliant with the State Government's Fair Go Rates System

	2022-23	2023-24
Number of rateable properties	24,085	24,120
Base Average Rates	\$2,456.49	\$2,502.42
Maximum Rate Increase (set by the State Government)	1.75%	3.50%
Council Rate Cap Applied	1.75%	3.50%
Capped Average Rate based on Council rate cap	\$2,499.16	\$2,590.00
Budgeted General Rates Revenue subject to FGRS	\$ 60,192,255	\$ 62,471,774

4.1.1 (k) Any significant changes that may affect the estimated amounts to be raised by rates and charges:

There are no known significant changes which may affect the estimated amounts to be raised by rates and charges. However, the total amount to be raised by rates and charges may be affected by:

- The making of supplementary valuations;
- The variation of returned levels of value (e.g. valuation appeals);
- Changes of use of land such that rateable land becomes non-rateable land and vice versa; and
- Changes of use of land such that residential land becomes business land.

4.1.1 (l) Differential rates

Rates to be levied

The rate and amount of rates payable in relation to land in each category of differential are:

- A general rate of 0.2441 percent (0.2441 cents in the dollar of CIV) for all rateable residential properties and ordinary vacant land;
- A general rate of 0.2075 percent (0.2075 cents in the dollar of CIV) for all rateable farm land properties;
- A general rate of 0.2832 percent (0.2832 cents in the dollar of CIV) for all rateable commercial and industrial properties;
- A general rate of 0.3662 percent (0.3662 cents in the dollar of CIV) for all rateable vacant land - residential and specified low density residential zones; and
- A general rate of 0.0952 percent (0.0952 cents in the dollar of CIV) for all rateable cultural and recreational properties.

Rate in the dollar values will be updated once total value of each type or class of land has been verified by the Valuer-General in May.

Each differential rate will be determined by multiplying the Capital Improved Value (CIV) of each rateable land (categorised by the characteristics described below) by the relevant percentages indicated above.

Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions. Details of the objectives of each differential rate, the types of classes of land, which are subject to each differential rate and the uses of each differential rate, are set out below.

Commercial land - any land used for commercial purposes

Occupied for the principal purpose of carrying out the trade in goods and services.

Unoccupied but zoned commercial under the State Planning Scheme.

Industrial – any land used for industrial purposes

Occupied for the principal purpose of carrying out the manufacture or production of goods and services.

Unoccupied but zoned industrial under the State Planning Scheme.

Farm land

Land not less than 2 hectares in area; that is used primarily for grazing (including agistment), dairying, pig-farming, poultry-farming, tree farming, bee-keeping, viticulture, horticulture, fruit-growing or the growing of crops of any kind or for any combination of those activities; that is used by a business.

Land that has a significant and substantial commercial purpose or character; and that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.

Farm land with Sustainable Agriculture Rebate land

Used by the applicant for a single farm enterprise must comprise and aggregate of a minimum 30 hectares;

The property in respect of which the rebate is sought is classified as Farm Land; the applicant shall satisfy detailed criteria relating to sustainable farming practices and land care principles as developed by Council.

Other land

Unoccupied land which is not farm land, commercial/industrial land or vacant land - residential and specified low density residential zones.

Vacant Land - Residential and Specified Low Density Residential Zones

General Residential / Activity Centre Zone / Neighbourhood Residential Zones and Low Density Residential Zones (LDRZ) to which Development Planning Overlay 4 applies, on which no habitable dwelling exists.

Lots greater than 8,000 square metres in the Plenty LDRZ are excluded.

This is a higher differential to encourage construction of new dwellings in preferred locations across the Shire.

Rateable land under this definition includes Vic Roads land that is not used for transport or for residential properties.

On submission of a valid building or planning permit for a dwelling or occupiable building/s, the property rate type will revert to the general rate.

Cultural and Recreational Land

Council is required to determine an amount payable as rates in respect to recreational lands.

Recreational lands are described as lands which are:

- Vested in or occupied by any body corporate or unincorporate which exists for the purpose of providing or promoting cultural or sporting recreational facilities or objectives.
- Which applies its profits in promoting its objectives and prohibits the payment of dividend or amount to members used for outdoor sporting recreational or cultural purposes or similar outdoor activities.

4.1.2 Statutory fees and fines

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000 %	
Animal infringements	73	3	(70)	(95.89)
Infringements & costs	556	671	115	20.69
PERIN court recoveries	20	-	(20)	(100.00)
Town planning fees	1,124	1,117	(7)	(0.62)
Building fees	250	250	-	-
Total statutory fees and fines	2,023	2,041	18	0.92

Statutory fees and fines (\$18,000 increase)

Statutory fees relate mainly to fees and fines levied in accordance with legislation and include animal registrations, *Public Health and Wellbeing Act 2008* registrations and parking fines.

A detailed listing of statutory fees is included in Appendix 1.

4.1.3 User fees

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000 %	
Adult education	217	195	(22)	(9.95)
Building services	200	200	-	-
Child care/children's programs	385	439	54	14.03
Edendale farm	164	187	23	13.78
Environmental health	250	281	31	12.40
Hall & sports ground hire	392	426	34	8.67
Leisure centre and recreation	13,838	13,198	(640)	(4.62)
Pound release	37	25	(12)	(32.43)
Registration fees	823	855	32	3.94
Subdivision supervision	256	256	-	-
Waste management services	678	683	5	0.74
Other fees and charges	328	318	(10)	(3.05)
Total user fees	17,568	17,063	(505)	(2.87)

User fees (\$0.51 million decrease)

User charges relate mainly to the recovery of service delivery costs through the charging of fees to users of Council's services. These include use of leisure and other community facilities and the provision of human services such as family day care and home help services. In setting the Budget, the key principle for determining the level of user charges has been to ensure that increases are generally consistent with cost increases.

Revenue generated from user charges has increased driven by the increase in charges as listed in **Appendix 1** - Nillumbik Shire Council 2023-2024 Fees and Charges. There is an overall projected decrease in revenue generated by 2.87 percent, driven by a change in facility related contracts.

4.1.4 Grants

Grants are required by the Act and the Regulations to be disclosed in Council's annual budget.

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000 %	
Grants were received in respect of the following:				
Summary of grants:				
Commonwealth funded grants	1,237	3,814	2,577	208.33
State funded grants	25,488	4,873	(20,615)	(80.88)
Total grants received	26,725	8,687	(18,038)	(67.49)
(a) Operating Grants				
Recurrent - Commonwealth Government				
Aged care	306	300	(6)	(1.96)
Family and children	235	235	-	-
Financial Assistance Grants	696	3,279	2,583	371.12
Recurrent - State Government				
Adult education	468	219	(249)	(53.21)
Aged care	50	19	(31)	(62.00)
Community health	18	17	(1)	(5.56)
Family and children	765	541	(224)	(29.28)
Maternal and child health	515	435	(80)	(15.53)
Recreation	18	18	-	-
School crossing supervisors	295	355	60	20.34
Total recurrent grants	3,366	5,418	2,052	60.96
Non-recurrent - Commonwealth Government				
Environment	133	-	(133)	(100.00)
Non-recurrent - State Government				
Community Development	176	-	(176)	(100.00)
Corporate Support	45	-	(45)	(100.00)
Emergency Management	1,086	-	(1,086)	(100.00)
Environment	1,046	-	(1,046)	(100.00)
Family and children	171	-	(171)	(100.00)
Library and Community Education	18	150	132	733.33
Recreation	21	-	(21)	(100.00)
Recycling and Waste Services	70	-	(70)	(100.00)
Pandemic response	330	-	(330)	(100.00)
Bushfire recovery	1	-	(1)	(100.00)
Tourism and Business Support	110	-	(110)	(100.00)
Total non-recurrent grants	3,207	150	(3,057)	(95.32)
Total operating grants	6,573	5,568	(1,005)	(15.29)

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000	%
(b) Capital Grants				
Non-recurrent - Commonwealth Government				
Environment	-	-	-	100.00
Footpaths	160	-	(160)	
Recreational, leisure and community facilities	3,364	379	(2,985)	100.00
Roads	6,431	740	(5,691)	(88.49)
Family and children	30	-	(30)	(100.00)
Non-recurrent - State Government				
Family and children	480	-	(480)	(100.00)
Recreational, leisure and community facilities	9,123	2,000	(7,123)	(78.08)
Roads	519	-	(519)	(100.00)
Other infrastructure	45	-	(45)	(100.00)
Total non-recurrent grants(capital)	20,152	3,119	(17,033)	(84.52)
Total capital grants	20,152	3,119	(17,033)	(84.52)
Total Grants	26,725	8,687	(18,038)	(67.49)

Grants - Operating (\$1.01 million decrease)

Operating grants include all monies received from State and Federal sources for the purposes of funding the delivery of Council's services to ratepayers. Overall, the level of operating grants is expected to decrease by 15.29 percent or \$1.01 million. This is mainly due to a large number one-off non-recurrent grants received in 2022-2023.

Grants - Capital (\$18.04 million decrease)

Capital grants include all monies received from State, Federal and community sources for the purposes of funding the capital works program. Overall, the level of capital grants has decreased by 67.49 percent or \$18.04 million mainly due to specific funding for large capital works projects in 2022-2023.

Section 4.5 Capital works program includes further detailed analysis of the grants and contributions expected to be received during the 2023-2024 year.

4.1.5 Contributions

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000	%
Monetary	1,519	104	(1,415)	(93.15)
Non-monetary	-	-	-	-
Total contributions	1,519	104	(1,415)	(93.15)

Contributions (\$1.42 million decrease)

Contributions relate to monies paid by residents in regard to road construction schemes, developer contributions or monies paid by clubs for other minor capital works.

Contributions are projected to decrease \$1.42 million when compared to the 2022-2023 Budget forecast. This is mainly due to the one off receipt of contributions tied to capital projects in 2022-2023.

4.1.6 Other income

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000 %	
Interest on investments	600	800	200	33.33
Other rent	311	295	(16)	(5.14)
Sale of valuations	10	20	10	100.00
WorkCover insurance recoveries	150	150	-	-
Reimbursements	193	57	(136)	(70.47)
Other	191	187	(4)	(2.09)
Total other income	1,455	1,509	54	3.71

Other income (\$54,000 increase)

Other revenue is showing a slight increase of 3.7 percent compared to the prior financial year.

4.1.7 Employee costs

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000 %	
Casual staff	417	384	(33)	(7.91)
Fringe benefits tax and WorkCover	150	150	-	-
Oncost recoveries	8,012	8,521	509	6.35
Wages and salaries	30,302	31,678	1,376	4.54
Total employee costs	38,881	40,733	1,852	4.76

Employee benefits (\$1.85 million increase)

Employee costs include all labour related expenditure including; wages and salaries and on-costs for both casual employees and permanent employees. Salaries and wages have been increased based on Council's Enterprise Agreement. The superannuation rate has been increased to 11.00 percent to reflect changes in the superannuation guarantee legislation.

4.1.8 Materials and services

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000 %	
Contract payments:				
Audit	197	200	3	1.52
External labour hire	151	104	(47)	(31.13)
HACC contracts	234	240	6	2.56
Leisure	13,170	12,709	(461)	(3.50)
Other	1,768	1,878	110	6.22
Valuations	55	55	-	-
Waste services	7,507	8,213	706	9.40
Materials and Services:				
Building maintenance	387	398	11	2.84
Communications	232	215	(17)	(7.33)
Corporate information	49	69	20	40.82
Corporate support	96	96	-	-
Emergency management	246	261	15	6.10
Fleet operations	895	1,004	109	12.18
Insurances	1,325	1,456	131	9.89
IT & telephone	2,058	2,244	186	9.04
Materials, maintenance & equip	11,800	7,863	(3,937)	(33.36)
Other	537	528	(9)	(1.68)
Planning & building services	29	29	-	-
Stationery, printing & postage	397	373	(24)	(6.05)
Subscriptions, Publications & Memberships	226	228	2	0.88
Utilities	1,148	1,106	(42)	(3.66)
Waste services	2,358	2,182	(176)	(7.46)
Total materials and services	44,865	41,451	(3,414)	(7.61)

Materials and services (\$3.41 million decrease)

Materials and services include the purchases of consumables, payments to contractors for the provision of services and utility costs.

4.1.9 Depreciation and amortisation

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000 %	
Property	2,371	1,436	(935)	(39.43)
Plant & equipment	530	847	317	59.81
Infrastructure	9,364	10,035	671	7.17
Total depreciation and amortisation	12,265	12,318	53	0.43

Depreciation and amortisation (\$0.52 million increase)

Depreciation is an accounting measure which attempts to allocate the value of Council's property, plant and equipment including infrastructure such as roads and drains assets over their useful life.

4.1.10 Amortisation - Right of use assets

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change	
			\$'000	%
Plant & equipment	386	381	(5)	(1.30)
Total amortisation - right of use assets	386	381	(5)	(1.30)

4.1.11 Other expenses

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change	
			\$'000	%
Aged & family services	703	69	(634)	(90.18)
Arts and cultural services	449	444	(5)	(1.11)
Community development	398	284	(114)	(28.64)
Council support	3	4	1	33.33
Councillors' allowances	265	295	30	11.32
Economic development	393	393	-	-
Environmental works	120	104	(16)	(13.33)
Leisure & education services	27	5	(22)	(81.48)
Library contributions (Yarra Plenty Regional Library)	3,052	3,189	137	4.49
Municipal laws	148	53	(95)	(64.19)
Short-term lease hire	239	235	(4)	(1.67)
Other	768	874	106	13.80
Payment agents & bank fees	198	200	2	1.01
Planning & building	97	97	-	-
Strategic planning	78	68	(10)	(12.82)
Youth services	8	2	(6)	(75.00)
Total other expenses	6,946	6,316	(630)	(9.07)

Other expenses (\$0.63 million decrease)

Other expenses are forecast to decrease by 9.07 percent or \$0.63 million. This is mainly as a result of reductions in aged and family services related expenditure.

4.2 Balance Sheet

4.2.1 Assets

Current Assets (\$3.1 million decrease)

Cash and cash equivalents include cash and investments such as cash held in the bank and the value of investments in deposits with short term maturities of twelve months or less.

Trade and other receivables are monies owed to Council primarily by ratepayers. Short and long term debtors are not expected to change significantly and continue to be monitored by Council.

Other assets includes items such as prepayments for expenses, inventories in Council's services and other revenues due to be received in the next 12 months.

The movement is reflective of the draw down of grant monies received for specific purposes.

Non-Current Assets (\$8.93 million increase)

Property, infrastructure, plant and equipment is the largest component of Council's worth and represents the value of all the land, buildings, roads, vehicles and equipment. The increase in this balance is attributable to the net result of the capital works program, and ongoing commitments to maintain and improve community facilities.

4.2.2 Liabilities

Current Liabilities (\$2.04 million decrease)

The decrease is driven by the recognition of unearned grants and contract liabilities under Australian Accounting Standard.

Non Current Liabilities (\$1.54 million increase)

The increase in non-current liabilities is mainly due to timing interest-bearing liabilities and provision movements.

4.2.3 Borrowings

The table below shows information on borrowings specifically required by the Regulations.

	2022-23	2023-24
	\$	\$
Amount borrowed as at 30 June of the prior year	16,922	13,582
Amount proposed to be borrowed	-	8,000
Amount projected to be paid	(3,340)	(1,894)
Amount of borrowings as at 30 June	13,582	19,688

4.2.4 Leases by category

As a result of the introduction of AASB 16 Leases, right-of-use assets and lease liabilities have been recognised as outlined in the table below.

	Forecast 2022-23	Budget 2023-24
	\$'000	\$'000
Right-of-use assets		
Plant and equipment	1,034	1,623
Total right-of-use assets	1,034	1,623
Lease liabilities		
Current lease Liabilities		
Plant and equipment	400	413
Total current lease liabilities	400	413
Non-current lease liabilities		
Plant and equipment	634	1,211
Total non-current lease liabilities	634	1,211
Total lease liabilities	1,034	1,624

Where the interest rate applicable to a lease is not expressed in the lease agreement, Council applies the average incremental borrowing rate in the calculation of lease liabilities.

4.3 Statement of changes in Equity

4.3.1 Reserves

4.3.1 (a) Statutory reserves (\$0.14 million increase)

These funds must be applied for specified statutory purposes in accordance with various legislative and contractual requirements. The decrease projected is illustrating the use of funds received for specific purposes.

4.3.1 (b) Discretionary reserves (\$1.56 million increase)

These funds are not tied to a specific purpose. In this case Council has made decisions regarding the future use of these funds and unless there is a Council resolution these funds are to be used for those purposes. The decisions about future use of these funds has been reflected in Council's Budget.

4.3.2 Equity

Equity (\$6.35 million increase)

Total equity must equal net assets and is made up of the following components:

- Asset revaluation reserve which represents the difference between the previously recorded value of assets and their current valuations.
- Other reserves that are funds that Council wishes to separately identify as being set aside to meet a specific purpose in the future and to which there is no existing liability. These amounts are transferred from the Accumulated Surplus of the Council to be separately disclosed.
- Accumulated surplus which is the value of all net assets less reserves that have accumulated over time.

The movement in other reserves reflects the net position of usage of investment cash reserves to partly fund the capital works program or operating project expenditure and additional transfers to reserves from transactions like developer contributions and asset sales.

4.4 Statement of Cash Flows

4.4.1 Net cash flows provided by/used in operating activities (\$8.46 million decrease)

The decrease is driven by to one off capital works funding through external contributions received and in materials and services.

4.4.2 Net cash flows provided by/used in investing activities (\$22.70 million decrease)

The overall decrease is a reflection of timing of cash flows associated with the capital works program for the 2023-2024 year. The statement of capital works provides a full detail of projects for the 2023-2024 year.

4.4.3 Net cash flows provided by/used in financing activities (\$9.6 million decrease)

This decrease is attributable to new loans to be taken in 2023-24 (\$8 million). Council continues to make repayments on existing loans.

4.5 Capital works program

This section presents a listing of the capital works projects that will be undertaken for the 2023-24 year, classified by expenditure type and funding source.

4.5.1 Summary

	Forecast 2022-23 \$'000	Budget 2023-24 \$'000	Change \$'000 %	
Property	8,795	2,510	(6,285)	(71.46)
Plant and equipment	1,968	1,480	(488)	(24.79)
Infrastructure	34,741	17,536	(17,205)	(49.52)
Total	45,504	21,526	(23,978)	(52.69)

* Forecast includes capital works projects carried forward from 2021-2022 - \$25.42 million

4.5.1 (a) Property (\$2.51 million)

The property class comprises buildings and building improvements including community facilities, municipal offices, sports facilities and pavilions.

4.5.1 (b) Plant and equipment (\$1.48 million)

Plant and equipment includes plant, machinery and equipment, computers and telecommunications.

The more significant projects include ongoing cyclical replacement of the plant and vehicle fleet (\$1.29 million).

4.5.1 (c) Infrastructure (\$17.54 million)

Infrastructure includes roads, bridges, footpaths and cycleways, drainage, recreation, leisure and community facilities, parks, open space and streetscapes, off street car parks and other structures.

For the 2023-2024 year, \$3.92 million will be expended on road projects. The more significant projects include:

- Road and carpark renewal (\$1.74 million);
- Road upgrades (\$1.40 million);

\$3.9 million will be expended on recreational, leisure and community facilities, key projects being:

- Diamond Creek Netball Courts Roof (\$1.7 million);
- Hurstbridge Outdoor Netball (\$0.535 million);
- Tennis - Diamond Creek and Panton Hill (\$0.4 million);
- Carpark upgrades (\$0.379 million) and
- Trails renewal (\$0.3 million)

\$0.68 million will be expended on footpath construction and renewal program projects.

\$0.89 million will be expended on drainage renewal and upgrade projects.

\$5.8 million will be expended on waste management in relation to the rehabilitation of the Kangaroo Ground landfill site.

\$0.15 million will be expended on bridge works.

Other infrastructure expenditure includes

- Street tree planting (\$0.13 million);
- Signage (non-regulatory) upgrade (\$0.10 million) and
- Townships and streetscapes (\$0.10 million).

Asset Class	Project Cost	Asset expenditure types			
		Renewal	Upgrade	Expansion	New
	\$'000	\$'000	\$'000	\$'000	\$'000
Property	4,048	1,538	2,510	-	-
Plant and equipment	1,480	1,480	-	-	-
Infrastructure	15,998	9,580	4,664	1,049	705
Total	21,526	12,598	7,174	1,049	705

A distinction is made between expenditure on new assets, asset renewal, upgrade and expansion. Expenditure on asset renewal is expenditure on an existing asset, or on replacing an existing asset that returns the service of the asset to its original capability. Expenditure on new assets does not have any element of expansion or upgrade of existing assets but will result in an additional burden for future operation, maintenance and capital renewal.

Asset Class	Project Cost	Summary of Funding Sources			
		Grants	Contrib. and Other Funding	Council Cash	Borrowings
	\$'000	\$'000	\$'000	\$'000	\$'000
Property	4,048	1,000	-	2,048	1,000
Plant and equipment	1,480	-	-	1,480	-
Infrastructure	15,998	2,119	-	6,880	7,000
Total	21,526	3,119	-	10,407	8,000

Grants - Capital (\$3.12 million)

Capital grants include all monies received from State and Federal governments for the purposes of funding the capital works program. Significant grants budgeted to be received for 2022-2023 include funding for the Diamond Creek Netball Courts Roof, road and carpark renewal and carpark upgrades. A list of projects with their funding source is provided below in 4.5.2.

Council Cash (\$10.41 million)

It is expected that in 2023-2024, \$10.41 million of rates revenue will be used to fund various capital projects.

Borrowing is proposed to fund tip rehabilitation works at Kangaroo Ground (\$5.0 million) which is in response to and in compliance with the requirements set out by the Environment Protection Authority. \$1 million will be set aside to enable Council to respond to potential Government grant funding opportunities. Remaining borrowings to fund Diamond Creek Netball Courts Roof (\$0.7 million), Hurstbridge Outdoor Netball (\$0.535 million), Tennis - Diamond Creek and Panton Hill (\$0.4 million), and Eltham North Pavilion Carpark Extension (\$0.365 million)

4.5.2 Capital works program

For the year ending 30 June 2024

* The below is a schedule of proposed and planned works for the 2023-2024 financial year. It is not a list of Council assets.

Capital Works Area	Project Cost \$'000	Summary of funding sources			
		Grants \$'000	Contrib \$'000	Council Cash \$'000	Borrowings \$'000
PROPERTY					
LAND	-	-	-	-	-
LAND IMPROVEMENTS	-	-	-	-	-
BUILDINGS					
Asset renewal expenditure					
Buildings renewal (including public toilets)	1,538	-	-	1,538	-
Total asset renewal expenditure - buildings	1,538	-	-	1,538	-
Asset upgrade expenditure					
Buildings upgrade	400	-	-	400	-
Climate Action Fund	110	-	-	110	-
Budget Stimulus Projects	2,000	1,000	-	-	1,000
Total asset upgrade expenditure - buildings	2,510	1,000	-	510	1,000
TOTAL BUILDINGS	4,048	1,000	-	2,048	1,000
BUILDING IMPROVEMENTS	-	-	-	-	-
LEASEHOLD IMPROVEMENTS	-	-	-	-	-
HERITAGE BUILDINGS	-	-	-	-	-
TOTAL PROPERTY	4,048	1,000	-	2,048	1,000
PLANT AND EQUIPMENT					
PLANT, MACHINERY AND EQUIPMENT (PM&E)					
Asset renewal expenditure					
Fleet replacement	565	-	-	565	-
Major plant replacement	720	-	-	720	-
Total asset renewal expenditure - PM&E	1,285	-	-	1,285	-
TOTAL PLANT, MACHINERY & EQUIPMENT	1,285	-	-	1,285	-
FIXTURES, FITTINGS AND FURNITURE (FF&F)					
Asset renewal expenditure					
Playground renewal	195	-	-	195	-
Total asset renewal expenditure - FF&F	195	-	-	195	-
TOTAL FIXTURES, FITTINGS AND FURNITURE	195	-	-	195	-
COMPUTERS AND TELECOMMUNICATIONS	-	-	-	-	-
HERITAGE PLANT AND EQUIPMENT	-	-	-	-	-
LIBRARY BOOKS	-	-	-	-	-
TOTAL PLANT AND EQUIPMENT	1,480	-	-	1,480	-

Capital Works Area	Summary of funding sources				
	Project Cost \$'000	Grants \$'000	Contrib \$'000	Council Cash \$'000	Borrowings \$'000
INFRASTRUCTURE					
ROADS					
Asset renewal expenditure					
Road and carpark renewal	1,740	740	-	1,000	-
Total asset renewal expenditure - roads	1,740	740	-	1,000	-
Asset upgrade expenditure					
Road upgrade	1,400	-	-	1,400	-
Total asset renewal expenditure - roads	1,400	-	-	1,400	-
Asset expansion expenditure					
Eltham North Pavilion Carpark Extension	365	-	-	-	365
Road safety	390	-	-	390	-
Total asset expansion expenditure - roads	755	-	-	390	365
New asset expenditure					
Bus shelters new	20	-	-	20	-
Total asset expansion expenditure - roads	20	-	-	20	-
TOTAL ROADS	3,915	740	-	2,810	365
BRIDGES					
Asset renewal expenditure					
Bridge renewal	150	-	-	150	-
Total asset renewal expenditure - bridges	150	-	-	150	-
TOTAL BRIDGES	150	-	-	150	-
FOOTPATHS AND CYCLEWAYS					
Asset renewal expenditure					
Footpath renewal	400	-	-	400	-
Total asset renewal expenditure - footpaths	400	-	-	400	-
Asset expansion expenditure					
Footpaths new	280	-	-	280	-
Total asset expansion expenditure - footpaths	280	-	-	280	-
TOTAL FOOTPATHS AND CYCLEWAYS	680	-	-	680	-
DRAINAGE					
Asset renewal expenditure					
Drainage (reactive)	385	-	-	385	-
Total asset renewal expenditure - drainage	385	-	-	385	-
Asset upgrade expenditure					
Drainage (proactive)	500	-	-	500	-
Total asset upgrade expenditure - drainage	500	-	-	500	-
TOTAL DRAINAGE	885	-	-	885	-

Capital Works Area	Summary of funding sources				
	Project Cost \$'000	Grants \$'000	Contrib \$'000	Council Cash \$'000	Borrowings \$'000
RECREATIONAL, LEISURE AND COMMUNITY FACILITIES					
Asset renewal expenditure					
Trails renewal	300	-	-	300	-
Sports infrastructure renewal	255	-	-	255	-
Tennis - Diamond Creek and Pantan Hill	400	-	-	-	400
Total asset renewal expenditure - RL&CF	955	-	-	555	400
Asset upgrade expenditure					
Trail upgrades	100	-	-	100	-
Carpark upgrades	379	379	-	-	-
Sports Infrastructure upgrade	85	-	-	85	-
Diamond Creek Netball Courts Roof	1,700	1,000	-	-	700
Total asset upgrade expenditure - RL&CF	2,264	1,379	-	185	700
New asset expenditure					
Hurstbridge Outdoor Netball	535	-	-	-	535
Quantity surveyor and planning for future grant funding opportunities	150	-	-	150	-
Total new asset expenditure - RL&CF	685	-	-	150	535
TOTAL RECREATIONAL, LEISURE AND COMMUNITY FACILITIES	3,904	1,379	-	890	1,635
PARKS, OPEN SPACE AND STREETSCAPES (POSS)					
Asset renewal expenditure					
Public open space infrastructure renewal	150	-	-	150	-
Total asset renewal expenditure - POSS	150	-	-	150	-
Asset upgrade expenditure					
Pantan Hill bushland reserves management plan implementation	20	-	-	20	-
Public open space infrastructure upgrade	150	-	-	150	-
Total asset upgrade expenditure - POSS	170	-	-	170	-
TOTAL PARKS, O/SPACE & STREETSCAPES	320	-	-	320	-
WASTE MANAGEMENT					
Asset renewal expenditure					
Landfill rehabilitation	5,800	-	-	800	5,000
Total asset renewal expenditure - Waste Management	5,800	-	-	800	5,000
TOTAL WASTE MANAGEMENT	5,800	-	-	800	5,000
AERODROMES	-	-	-	-	-
OFF STREET CAR PARKS	-	-	-	-	-
OTHER INFRASTRUCTURE					
Asset upgrade expenditure					
Street trees	130	-	-	130	-
Signage (non-regulatory) upgrade	100	-	-	100	-
Townships and streetscapes	100	-	-	100	-
Total asset upgrade expenditure - Other Infrastructure	330	-	-	330	-

Capital Works Area	Project Cost \$'000	Summary of funding sources			
		Grants \$'000	Contrib \$'000	Council Cash \$'000	Borrowings \$'000
Asset expansion expenditure					
Fire fighting water storage tanks	14	-	-	14	-
Total asset expansion expenditure - Other Infrastructure	14	-	-	14	-
TOTAL OTHER INFRASTRUCTURE	344	-	-	344	-
TOTAL INFRASTRUCTURE	15,998	2,119	-	6,880	7,000
TOTAL CAPITAL WORKS 2023-2024	21,526	3,119	-	10,407	8,000

2. Summary

Capital Works Area	Project Cost \$'000	Summary of funding sources			
		Grants \$'000	Contrib \$'000	Council Cash \$'000	Borrowings \$'000
Asset renewal expenditure	12,598	740	-	6,458	5,400
Asset upgrade expenditure	7,174	2,379	-	3,095	1,700
Asset expansion expenditure	1,049	-	-	684	365
New asset expenditure	705	-	-	170	535
TOTAL CAPITAL WORKS	21,526	3,119	-	10,407	8,000

5. Financial performance indicators

The following table highlights Council's current and projected performance across a range of key financial performance indicators. These indicators provide a useful analysis of Council's financial position and performance and should be interpreted in the context of the organisation's objectives.

Indicator	Measure	Notes	Forecast 2022-23	Budget 2023-24	Strategic Resource Plan Projections			Trend +/-
					2024-25	2025-26	2026-27	
Operating position								
Adjusted underlying result	Adjusted underlying surplus (deficit) / Adjusted underlying revenue	1	(2.4%)	1.4%	2.4%	2.8%	3.0%	+
Liquidity								
Working Capital	Current assets / current liabilities	2	128%	126%	108%	110%	112%	-
Unrestricted cash	Unrestricted cash / current liabilities	3	35.8%	22.3%	12.0%	(6.3%)	(4.4%)	-
Obligations								
Loans and borrowings	Interest bearing loans and borrowings / rate revenue	4	18.3%	25.5%	21.2%	17.4%	13.6%	+
Loans and borrowings	Interest and principal repayments on interest bearing loans and borrowings / rate revenue		5.6%	3.3%	4.4%	4.3%	4.2%	+
Indebtedness	Non-current liabilities / own source revenue		23.1%	24.1%	20.3%	16.8%	13.6%	+
Asset renewal	Asset renewal expenses / depreciation	5	65.1%	102.4%	85.6%	75.1%	74.0%	+
Stability								
Rates concentration	Rate revenue / adjusted underlying revenue	6	72.8%	74.6%	74.9%	74.8%	74.7%	o
Rates effort	Rate revenue / CIV of rateable properties in the municipality		0.30%	0.31%	0.33%	0.33%	0.34%	o
Efficiency								
Expenditure level	Total expenses/ no. of property assessments		\$4,323	\$4,222	\$4,321	\$4,398	\$4,476	o
Revenue level	Residential rate revenue / no. of residential property assessments		\$3,046	\$3,171	\$3,219	\$3,276	\$3,342	o
Workforce turnover	No. of permanent staff resignations & terminations / average no. of permanent staff for the financial year		16.7%	10.0%	10.0%	10.0%	10.0%	o

Key to Forecast Trend:

- + Forecasts improvement in Council's financial performance/financial position indicator
- o Forecasts that Council's financial performance/financial position indicator will be steady
- Forecasts deterioration in Council's financial performance/financial position indicator

Notes to indicators

1. Adjusted underlying result

An indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives. Improvement in financial performance expected over the period.

Council is projecting to achieve surpluses and projected financial sustainability remains a priority and challenge for Council.

2. Working Capital

The proportion of current liabilities represented by current assets. The working capital forecast remains steady, Council will continue to maintain the ability to service short term obligations.

The working capital indicator is showing Council will be able to service its projected short-term obligations into the future. The result also considers specific purpose grant funding which contributes to the trend.

3. Unrestricted cash

The trend is reflective of Council's ongoing reliance on grant funding to deliver projects / programs.

This further highlights the need for Council to explore other revenue generating streams to maintain financial sustainability in the longer term.

4. Debt compared to rates

The results illustrate Council's commitment to pay down existing loans.

5. Asset renewal

A strong focus is placed on Council's capital works program with asset renewal playing a significant role. The trend indicates Council will maintain an adequate level of renewal spending over the next ten years.

6. Rates concentration

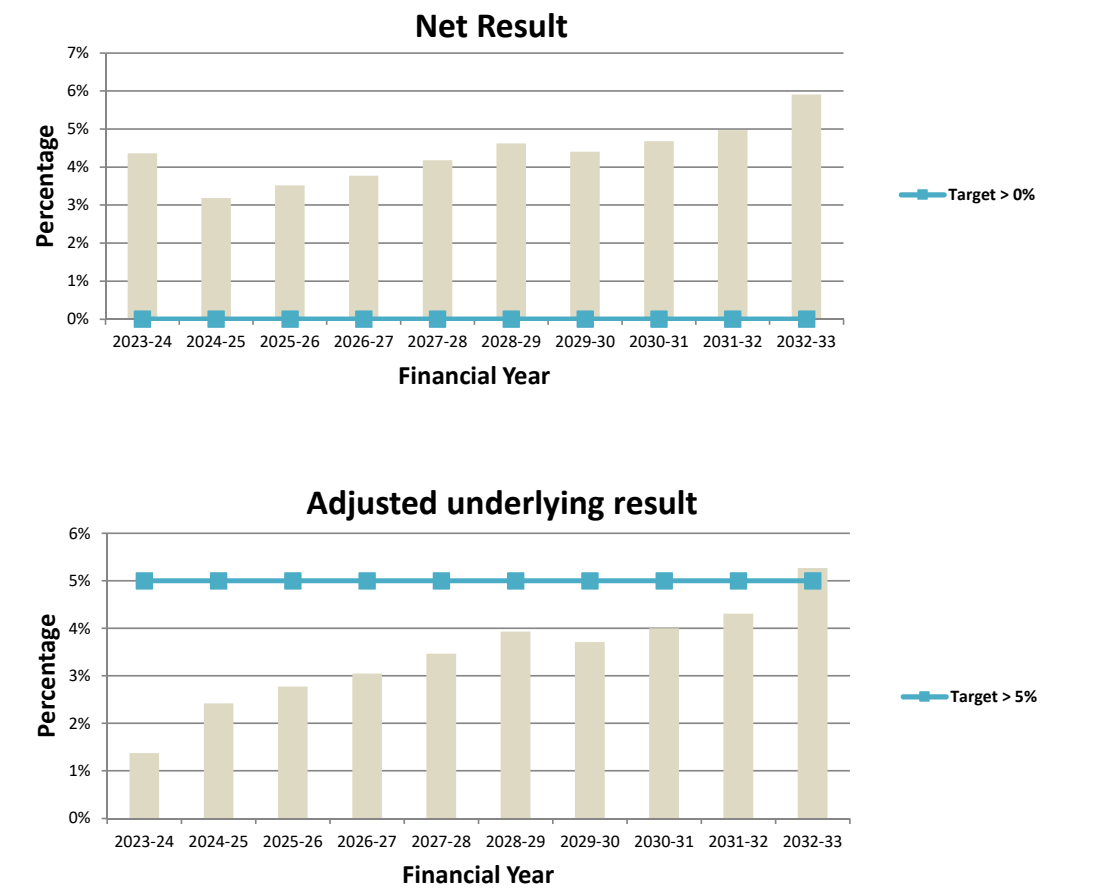
Reflects extent of reliance on rate revenues to fund all of Council's on-going services. The trend indicates Council will have a continual reliance on rate revenue compared to all other revenue sources.

No significant changes are projected to Council operations, with the reliance on rates projected to remain consistent indicating no significant growth in rateable assessments.

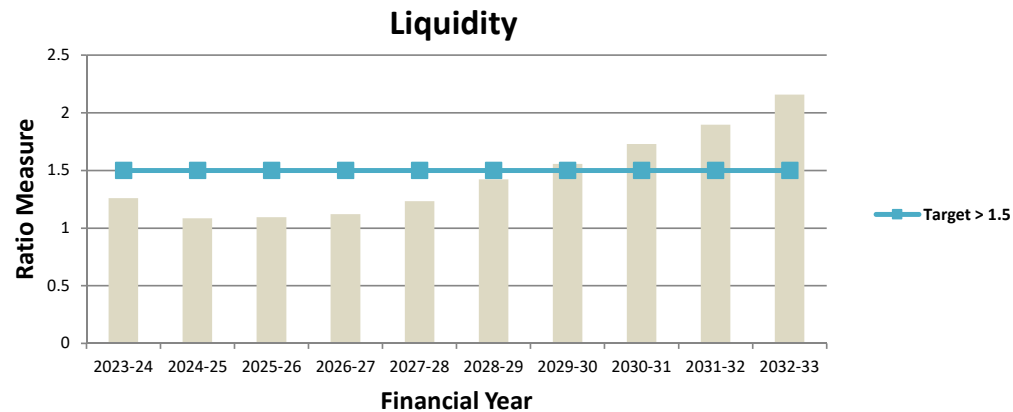
Financial Sustainability Performance

This appendix outlines Council's performance against the adopted financial sustainability plan indicators for the period 2023-24 to 2032-33

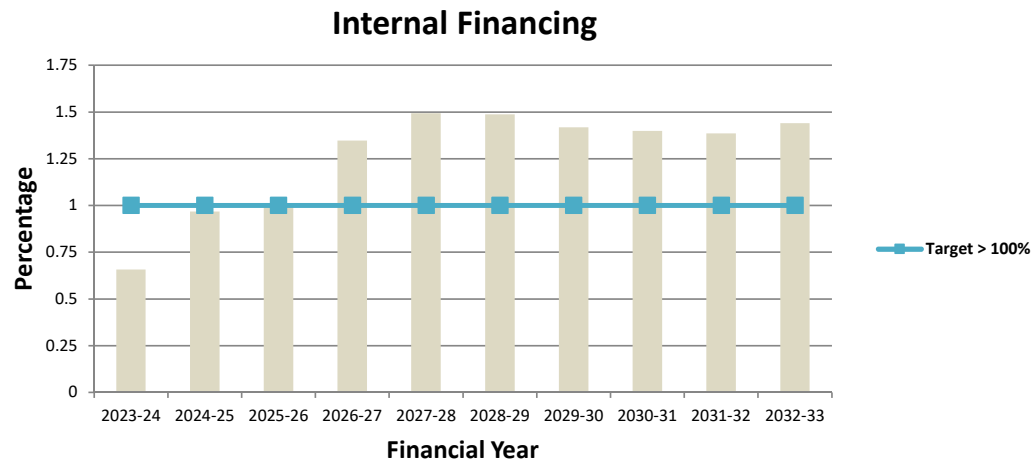
Financial Sustainability Plan indicators



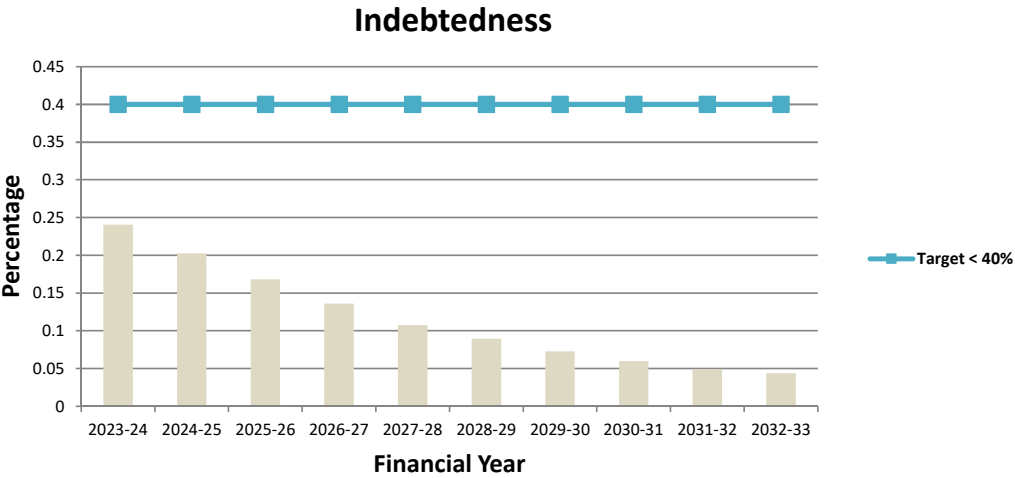
The net result projects that an operating surplus is expected to be achieved in each of the forecast years. The forecast underlying surplus results reflect limited growth in own-source revenue and continued maintenance of operational expenditure in line with service levels. The trend demonstrates the reliance on external funding sources, such as grants from other levels of government.



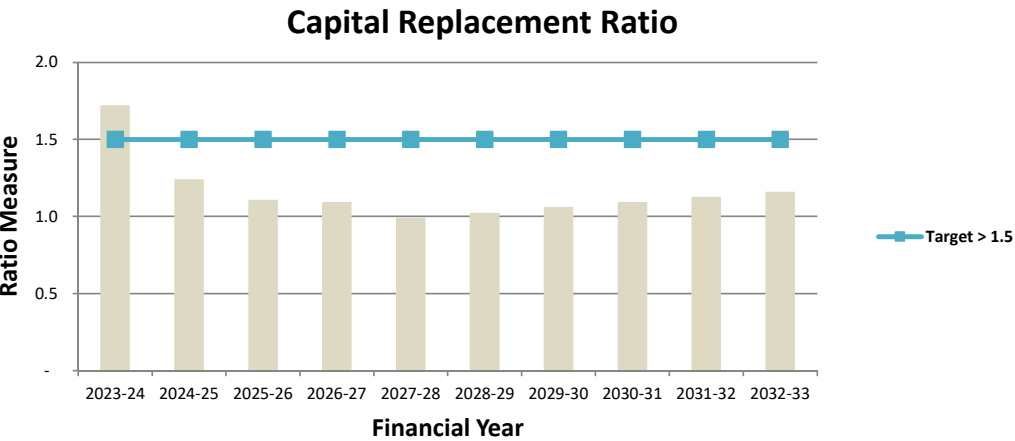
Council's liquidity forecasts is showing an improving trend and reflects liabilities, including borrowing maturities and a greater proportion of the provision for landfill rehabilitation becoming current, with cash balances lowering as capital projects are completed. Council does not budget for non-recurrent grant funding where there is a high degree of uncertainty or lack of assurance of receipt and as such this income and the associated cash inflow is not accounted for in this measure.



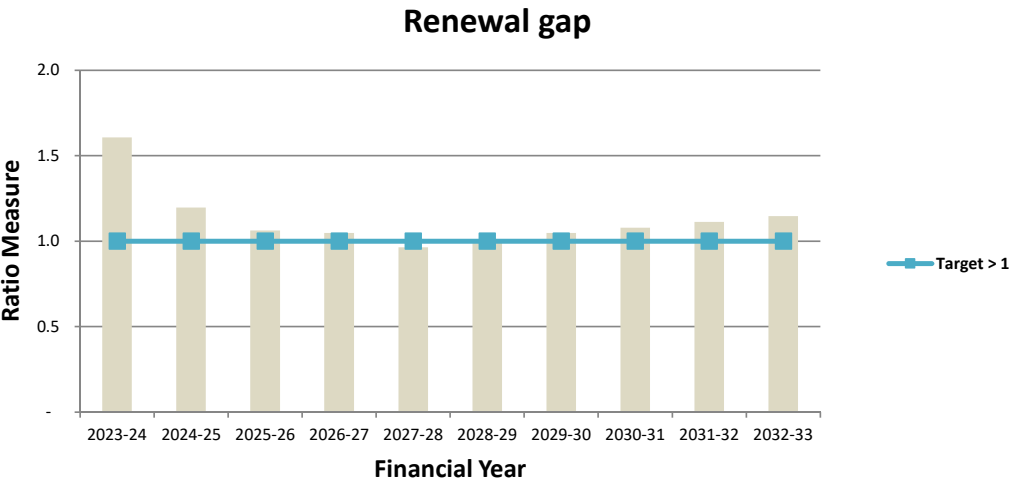
The internal financing forecasts Council's ability to finance capital works from generated cash flow. The trend is driven by the forecast capital works program, reflecting known funding sources where there is a high probability of receipt, and the limited growth in rates income.



Council continues to repay its existing loans and borrowings and anticipates taking out a further loan in 2023-2024. This is offset by borrowing maturities schedule to occur each year, resulting in the declining overall debt balance and trend, ensuring that Council achieves above target levels each year.



Council is highly reliant on external funding sources in order to achieve the desired level of capital outlay, as demonstrated in the forecast results.



Council continues to invest in public infrastructure and community asset renewal with an underlying focus on ensuring the renewal gap targets are met, to ensure Council’s responsibility remains at a manageable level. The forecast results mirror the capital works program currently scheduled and in future years; and again highlights the reliance on external funding.

CM.001/23 Draft Budget 2023-2024
Attachment 1. Draft Budget 2023-2024

Appendix 1
Fees and Charges

Nilumbik Shire Council 2023-24 DRAFT Fees & Charges

Note: * Indicates Statutory Fee

Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23 \$	Proposed Fee (GST Inclusive) 2023-24 \$
Waste Management					
Bin tows	Each	Discretionary	Y	30.00	30.00
120 litre green waste bin	Each	Discretionary	Y	80.00	80.00
240 litre green waste bin	Each	Discretionary	Y	95.00	95.00
80 litre landfill bin	Each	Discretionary	Y	70.00	70.00
120 litre landfill bin	Each	Discretionary	Y	80.00	80.00
140 litre landfill bin	Each	Discretionary	Y	85.00	85.00
120 litre recycling bin	Each	Discretionary	Y	80.00	80.00
240 litre recycling bin	Each	Discretionary	Y	95.00	95.00
Recycling & Recovery Centre					
Minimum charge	1	Discretionary	Y	26.00	27.50
Car boot	1	Discretionary	Y	52.00	54.50
Station wagon	1	Discretionary	Y	64.00	67.00
Small utility / van	1	Discretionary	Y	79.00	82.50
Medium utility / van	1	Discretionary	Y	118.00	123.50
Large ute	1	Discretionary	Y	124.00	130.00
Large van	1	Discretionary	Y	144.00	151.00
6 x 4 trailer	1	Discretionary	Y	100.00	105.00
6 x 4 trailer high side	1	Discretionary	Y	146.00	153.00
7 x 5 trailer	1	Discretionary	Y	122.00	128.00
7 x 5 trailer high side	1	Discretionary	Y	144.00	151.00
8 x 6 tandem trailer	1	Discretionary	Y	150.00	157.50
8 x 6 tandem trailer high side	1	Discretionary	Y	165.00	173.00
White goods - refrigerator, air-conditioners, freezer etc.	1	Discretionary	Y	47.00	49.00
Mattress - king / queen / double	1	Discretionary	Y	50.00	52.50
Mattress - single / baby	1	Discretionary	Y	36.00	37.50
Car tyre	1	Discretionary	Y	20.00	21.00
Car tyre with rim	1	Discretionary	Y	23.00	24.00
4WD tyre	1	Discretionary	Y	24.00	25.00
4WD tyre with rim	1	Discretionary	Y	27.00	28.50
Motor bike tyre	1	Discretionary	Y	17.00	18.00
Motor bike tyre with rim	1	Discretionary	Y	17.00	18.00
Truck tyre	1	Discretionary	Y	44.00	46.00
Truck tyre with rim	1	Discretionary	Y	50.00	52.50
Large tractor tyre	1	Discretionary	Y	179.00	187.50
Motor oil	Per litre	Discretionary		No charge	No charge
Car battery	1	Discretionary		No charge	No charge
Scrap metal (including stoves and washing machines)	1	Discretionary		No charge	No charge
Household recycling - paper, cardboard & containers	1	Discretionary		No charge	No charge
Council Over the Counter native vegetation offset program					
General habitat unit (GHU) - over the counter native vegetation offset	Per unit	Discretionary		141,885.00	141,885.00
Species habitat unit (SHU) - over the counter native vegetation offset	Per unit	Discretionary		147,000.00	147,000.00
Infrastructure					
* Dispensations	Building over easement	Statutory		299.85	As advised by State Government
* Subdivision supervision and plan checking	3.25% of actual costs of works - fees set by Subdivision Act plus GST (Fee rate set by requirements of the Subdivision Act)	Statutory	Y	As per Subdivision Act (3.25%)	As per Subdivision Act
* Subdivision plan checking resubmission fee	3.25% of actual costs of works - fees set by Subdivision Act plus GST (Fee rate set by requirements of the Subdivision Act)	Statutory	Y	As per Subdivision Act (3.25%)	As per Subdivision Act
Minor drainage supervision and plan checking	Flat rate (scaled for number of allotments)	Discretionary	Y	1-3 lots: \$682.00 4-10 lots: \$963.00 >10 lots: 3.25% of estimated cost of works	1-3 lots: \$682.00 + BPI 4-10 lots: \$963.00 + BPI >10 lots: 3.25% of estimated cost of works
Minor drainage plan checking resubmit fee	Flat rate	Discretionary	Y	154.00	154.00 + BPI
Pit opening - excluding traffic management	Per hour	Discretionary	Y	105.00	105.00 + BPI
Copy of additional approved engineering plans	Flat rate	Discretionary	Y	143.00	143.00 + BPI
Endorse Traffic Guidance Scheme (not applicable to community run events)	Per traffic guidance scheme	Discretionary	Y	165.00	165.00
Capital Works					
* Storm water and drainage information		Statutory		149.40	As per Building Control Commission Rates (TBA)
Road opening permits - works (other than minor works detailed below)					
* Arterial road - conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		660.50	Monetary fee unit
* Arterial road - not conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		461.80	Monetary fee unit
* Local road where maximum speed limit at anytime is more than 50 kph - conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		659.00	Monetary fee unit
* Local road where maximum speed limit at anytime is more than 50 kph - not conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		359.30	Monetary fee unit
* Local road where maximum speed limit at anytime is not more than 50 kph - conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		359.30	Monetary fee unit

Fees and Charges

Nillumbik Shire Council 2023-24 DRAFT Fees & Charges

Note: * Indicates Statutory Fee

Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23 \$	Proposed Fee (GST Inclusive) 2023-24 \$
* Local road where maximum speed limit at anytime is not more than 50 kph - not conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		91.70	Monetary fee unit
Minor works conducted by utilities or public transport provider that are traffic impact works :					
* Arterial road - conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		244.60	Monetary fee unit
* Arterial road - not conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		145.30	Monetary fee unit
* Local road where maximum speed limit at anytime is more than 50 kph - conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		142.20	Monetary fee unit
* Local road where maximum speed limit at anytime is more than 50 kph - not conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		91.70	Monetary fee unit
* Local road where maximum speed limit at anytime is not more than 50 kph - conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		142.20	Monetary fee unit
* Local road where maximum speed limit at anytime is not more than 50 kph - not conducted on any part of the roadway, shoulder or pathway	Per site	Statutory		91.70	Monetary fee unit
* Vehicle crossing	Per site	Discretionary		300.00	316.50
* Landscaping of nature strip	Per site	Statutory		91.70	Monetary fee unit
Stormwater drainage connection:					
- Easement or connection not requiring road opening	Per site	Discretionary		91.70	97.00
- Connection requiring road opening	Per site	Discretionary		142.20	150.00
Asset protection		Discretionary	Y	455.00	480.00
Reinstatement costs					
Asset reinstatements	Council claims actual cost of works plus a 30% surcharge plus GST	Discretionary	Y		
Road pavements	2m ² to 10m ² (per m ²)	Discretionary	Y	As per contract rates plus a 3% administration charge	As per contract rates plus a 3% administration charge
	Greater than 10m ² (per m ²)	Discretionary	Y	As per contract rates plus a 3% administration charge	As per contract rates plus a 3% administration charge
Footpath & crossovers - minimum charge of 2 m² or 2 lineal metres.					
- Footpaths	Asphalt, 75mm concrete, picher or flag type (per m ²)	Discretionary	Y	As per contract rates plus a 3% administration charge	As per contract rates plus a 3% administration charge
- Crossovers	150mm concrete (per m ²)	Discretionary	Y	As per contract rates plus a 3% administration charge	As per contract rates plus a 3% administration charge
Industrial vehicular crossing	Up to 175mm reinforced concrete (per m ²)	Discretionary	Y	As per contract rates plus a 3% administration charge	As per contract rates plus a 3% administration charge
Kerb and channel	Concrete, dish gutters and spoon drains concrete kerb (per lineal m)	Discretionary	Y	As per contract rates plus a 3% administration charge	As per contract rates plus a 3% administration charge
Saw cutting	Per lineal metre	Discretionary	Y	As per contract rates plus a 3% administration charge	As per contract rates plus a 3% administration charge
Traffic control	Per controller (per hour)	Discretionary	Y	As per contract rates plus a 3% administration charge	As per contract rates plus a 3% administration charge
Following surcharges will apply for all concrete reinstatements works:					
Under 10m ² - 30% surcharge on invoice price					
Under 20m ² - 15% surcharge on invoice price					
Above 20 m ² - no surcharge applied					
Building Services					
Building permit (within Nillumbik)	Value of works between \$1 - \$5,000	Discretionary	Y	POA - minimum \$775 (includes maximum of 2 inspections)	POA - minimum \$800 (includes maximum of 2 inspections)
Building permit (within Nillumbik)	Value of works between \$5,001 - \$15,000	Discretionary	Y	POA - minimum \$1,030 (includes a maximum of 2 inspections)	POA - minimum \$1,050 (includes a maximum of 2 inspections)
Building permit (within Nillumbik)	Value of works between \$15,001 - \$50,000	Discretionary	Y	POA - minimum \$1,135 (includes a maximum of 3 inspections)	POA - minimum \$1,150 (includes a maximum of 3 inspections)
Building permit (within Nillumbik)	Value of works between \$50,001 - \$100,000	Discretionary	Y	POA - minimum \$1,500 (includes a maximum of 3 inspections)	POA - minimum \$1,575 (includes a maximum of 3 inspections)
Building permit (within Nillumbik)	Value of works between \$100,001 - \$150,000	Discretionary	Y	POA - minimum \$1,650 (includes a maximum of 4 inspections)	POA - minimum \$1,675 (includes a maximum of 4 inspections)
Building permit (within Nillumbik)	Value of works between \$150,001 - \$200,000	Discretionary	Y	POA - minimum \$1,900 (includes a maximum of 4 inspections)	POA - minimum \$1,935 (includes a maximum of 4 inspections)
Building permit (within Nillumbik)	Value of works between \$200,001 - \$300,000	Discretionary	Y	POA - minimum \$2,060 (includes a maximum of 4 inspections)	POA - minimum \$2,085 (includes a maximum of 4 inspections)
Building permit (within Nillumbik)	Value of works between \$300,001 - \$400,000	Discretionary	Y	POA - minimum \$2,320 (includes a maximum of 4 inspections)	POA - minimum \$2,345 (includes a maximum of 4 inspections)
Building permit (within Nillumbik)	Value of works between \$400,001 - \$1,000,000	Discretionary	Y	POA - minimum \$2,420 (includes a maximum of 4 inspections)	POA - minimum \$2,445 (includes a maximum of 4 inspections)
Building permit (within Nillumbik)	Value of works \$1,000,001 and over	Discretionary	Y	POA	POA
Building permit (within Nillumbik) - additional inspections	Fee per additional inspection (beyond quantity provided for in permit contract)	Discretionary	Y	POA - minimum \$110 (maximum 1 hour)	POA - minimum \$165 (maximum 1 hour)
Building inspection (within Nillumbik) - commercial	Per hour	Discretionary	Y	150.00	165.00
Building inspection (outside Nillumbik boundaries)	Per hour	Discretionary	Y	220.00	255.00
Multiple dwelling application (within Nillumbik)	Per application (excludes apartment building applications - considered under commercial)	Discretionary	Y	POA	POA
Building permit (within Nillumbik) - demolition permit	Per demolition permit application	Discretionary	Y	POA - minimum \$750 (includes a maximum of 2 inspections)	POA - minimum \$800 (includes a maximum of 2 inspections)
Building permit (within Nillumbik) - sheds, carports, non masonry garages, verandas (\$15,000 - \$30,000)	Per building permit application	Discretionary	Y	990.00	990.00
Building permit amendment	Fee in addition to relevant Building Permit fee, depending on the complexity of the application and extent of assistance/effort/time required to process the application	Discretionary	Y	POA - minimum \$100 (\$220 per hour for Building Surveyor & \$80 per hour for administration support)	380.00
Building permit (outside Nillumbik boundaries)	Fee per building permit application	Discretionary	Y	POA	POA
Multiple dwelling application (outside Nillumbik boundaries)	Per application (Excludes apartment building applications - considered under commercial)	Discretionary	Y	POA	POA
* Section 29A consent	Per request	Statutory		87.90	87.90 + CPI
* Requesting adjoining neighbours comments	Per request	Discretionary		n/a	120.00
* Report & consents (dispensations)	As set by Victorian Building Authority (VBA)	Statutory		299.85	299.85 + CPI

Fees and Charges

Nillumbik Shire Council 2023-24 DRAFT Fees & Charges

Note: * indicates Statutory Fee

Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23 \$	Proposed Fee (GST Inclusive) 2023-24 \$
Report (dispensations)	Per clause	Discretionary	Y	POA - minimum \$258	450.00
Extension of time	Per application for extension of time	Discretionary	Y	310.00	310.00
Above ground swimming pool (within Nillumbik)	Per application	Discretionary	Y	POA - minimum \$875 (includes a maximum of 2 inspections)	POA - minimum \$875 (includes a maximum of 2 inspections)
Certificate of pool and spa barrier compliance	Per application	Discretionary	Y	\$350 (includes 1 inspection, any additional required inspection to be charged at a rate of \$150 per inspection).	\$350 (includes 1 inspection and a 2nd minor re inspection, any additional required inspection to be charged at a rate of \$150 per inspection)
* Lodgement fee for registration of pools and spas	Per application	Statutory	N	32.85	32.85 + CPI
* Pools and spas search fee	Per application - Not applicable if the application to register a swimming pool with Council includes a copy of CF1 or Building permit that confirms date of construction of the swimming pool/spa	Statutory	N	47.95	47.95 + CPI
* Lodgement of certificate of swimming pool and spa barrier compliance	Per application	Statutory	N	21.10	21.10 + CPI
* Pool registration and Form 23 built after 1/1/2020	Per application	Statutory	N	54.00	54.00 + CPI
* Failure to lodge pool/spa compliance certificate	1	Statutory	N	1849.20	1849.20 + CPI
* Lodgement of pool and spa barrier noncompliance certificate	1	Statutory	N	397.50	397.50 + CPI
Building inspection for selected private building surveyor (within Nillumbik)	Per building inspection	Discretionary	Y	250.00	250.00
Building inspection for selected private building surveyor (outside Nillumbik boundaries)	Per building inspection	Discretionary	Y	300.00	300.00
Permission to retain illegal structures	Value of works	Discretionary	Y	POA	POA
* Property Information Regulation 51(1)	Per property information request - Building form 10, As advised by VBA	Statutory		48.80	48.80 + CPI
* Property Information Regulation 51(2)	Per property information request - Building form 10, As advised by VBA	Statutory		48.80	48.80 + CPI
* Property Information Regulation 51(1) or 51(2)	Non-refundable retrieval fee (per application)	Statutory		97.60	97.60 + CPI
Property Information Regulation 51(1) or 51(2) Fast track fee	Per priority request - additional charge for priority property information request	Discretionary	Y	n/a	120.00
* Property Information Regulation 51(3)	Certificate of building permit	Statutory		48.80	48.80 + CPI
Building permit - copy	Occupancy permit, certificate of final inspection	Discretionary	Y	75.00	75.00
Building miscellaneous	Certificate of domestic work insurance	Discretionary	Y	75.00	75.00
Building miscellaneous	Plans / computations / reports - plans (includes \$50 non-refundable search fee)	Discretionary	Y	260.00	260.00
Building miscellaneous	Plans / computations / reports - soil report (includes \$50 non-refundable search fee)	Discretionary	Y	150.00	150.00
Building miscellaneous	Plans / computations / reports - truss computations (includes \$50 non-refundable search fee)	Discretionary	Y	150.00	150.00
Building miscellaneous	All available commercial permit information	Discretionary	Y	POA	POA
Building miscellaneous	Per permit for Commercial & Industrial Plans (Depends on number of plans - electronic copies only)	Discretionary	Y	POA - minimum \$200 (includes up to a maximum of 1 hour search time)	200.00
Copy document fee	A4 paper (black and white per page)	Discretionary	Y	0.20	0.30
Copy document fee	A3 paper (black and white per page)	Discretionary	Y	0.50	0.80
Copy document fee	A0 paper (black and white per page)	Discretionary	Y	5.15	5.50
* Section 30 lodgement fee	Per external lodgement - (Set by VBA)	Statutory		125.80	125.80 + CPI
Building surveying consultancy	Consultancy service/advice per hour - General building surveying advice, pre-application advice. Applications which require additional work, effort or technical advice will attract consultancy charges. Any application where priority service is requested will attract a consultancy charge.	Discretionary	Y	220.00	220.00
Liquor licence inspection and report fee	Per inspection and report request	Discretionary	Y	770.00	800.00
Bushfire attack level	Per request and assessment	Discretionary	Y	325.00	325.00
* Report and consent- Regulation 116	Per application	Statutory		304.00	304.00 + CPI
Hoarding permit (street occupation)	Per occupied area, or minimum fee	Discretionary	Y	\$5 per m2 per week or min \$200 per week	\$5 per m2 per week or min \$100 per day
Hoarding permit (road closure)	Per occupied area, or minimum fee	Discretionary	Y	n/a	641.00
Commercial building permits	Works within Nillumbik	Discretionary	Y	POA (fees to be determined at a rate of \$220 per hour for Building Surveying support, \$80 per hour for administrative support, and \$165 per required inspection)	POA (fees to be determined at a rate of \$220 per hour for Building Surveying support, \$80 per hour for administrative support, and \$165 per required inspection)
Commercial building permits	Works outside Nillumbik	Discretionary	Y	POA (fees to be determined at a rate of \$220 per hour for Building Surveying support, \$80 per hour for administrative support, and \$255 per required inspection)	POA (fees to be determined at a rate of \$220 per hour for Building Surveying support, \$80 per hour for administrative support, and \$255 per required inspection)
Commercial building inspection (within Nillumbik)	Per inspection	Discretionary	Y	205.00	165.00
Commercial building inspection (outside Nillumbik)	Per inspection	Discretionary	Y	n/a	220.00
Occupancy permit inspection fee - place of public entertainment (POPE)	Event conducted by Council or community based organisation with less than 5,000 attendees at any one time - site inspection outside business hours.	Discretionary		225.00	225.00
Occupancy permit - place of public entertainment (POPE)	Event conducted through Council or community based organisation with greater than 5,000 attendees at any one time	Discretionary	Y	475.00	475.00

Fees and Charges

Nillumbik Shire Council 2023-24 DRAFT Fees & Charges

Note: * indicates Statutory Fee

Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23 \$	Proposed Fee (GST Inclusive) 2023-24 \$
Occupancy permit - place of public entertainment (POPE)	Event conducted by a natural person or body corporate (business) with less than 5,000 attendees at any one time	Discretionary	Y	785.00	785.00
Occupancy permit - place of public entertainment (POPE)	Event conducted by a natural person or body corporate (business) with greater than 5,000 attendees at any one time	Discretionary	Y	1,525.00	1,525.00
Occupancy permit inspection fee - Place of public entertainment (POPE)	Inspection fee per hour if an inspection is required outside standard business hours - for event conducted by a natural person or body corporate (business)	Discretionary	Y	205.00	205.00
Occupancy permit - place of public entertainment (POPE) - events held within a building	Event conducted within a building	Discretionary	Y	POA	POA
Siting of temporary structures	Per siting request/application approval	Discretionary	Y	340.00	340.00
Siting of temporary structures	Inspection fee per hour if an inspection is required outside standard business hours	Discretionary	Y	205.00	205.00
Community Safety					
Impounding livestock	Labour - ordinary per hour	Discretionary		54.00	55.00
Impounding livestock	Labour - time and a half per hour	Discretionary		82.00	84.00
Impounding livestock	Labour - double time per hour	Discretionary		107.00	109.00
Impounding livestock	Trespass sheep/goat/pig per head	Discretionary		28.00	29.00
Impounding livestock	Trespass other cattle per head	Discretionary		33.00	34.00
Impounding livestock	Transport - Monday to Saturday	Discretionary		External contractors rate	External contractors rate
Impounding livestock	Transport - Sunday/public holidays	Discretionary		External contractors rate	External contractors rate
Impounding small livestock	Sustenance - chicken/rabbit/ferret/bird per day	Discretionary		6.00	7.00
Impounding medium livestock	Sustenance - sheep/goat/pig per day	Discretionary		23.00	24.00
Impounding large livestock	Sustenance - cattle/horse per day	Discretionary		28.00	29.00
Impounding livestock	Pound fees	Discretionary		23.00	24.00
Impounding livestock	Posting notice	Discretionary		35.00	35.00
Impounding livestock	Insertion of notice in newspapers	Discretionary		At cost + 10% administration fee	At cost + 10% administration fee
Impounding livestock	Advertisement cost	Discretionary		At cost + 10% administration fee	At cost + 10% administration fee
Dog pound - release	Release same day	Discretionary	Y	58.00	59.00
Dog pound - release	Release - one day	Discretionary	Y	91.00	93.00
Dog pound - sustenance	Sustenance per day	Discretionary	Y	33.00	34.00
Animal registration	Dog maximum fee	Discretionary		200.00	205.00
Animal registration	Dog reduced fee (Micro chipped only. Excludes new registrations)	Discretionary		103.00	105.00
Animal registration	Dog minimum fee (Desexed)	Discretionary		53.00	54.00
Animal registration	Cat maximum fee	Discretionary		300.00	307.00
Animal registration	Cat reduced fee (Micro chipped only)	Discretionary		103.00	105.00
Animal registration	Cat minimum fee (Desexed)	Discretionary		53.00	54.00
Animal registration	Transfer	Discretionary		11.00	12.00
Animal registration	Replacement tag	Discretionary	Y	12.00	13.00
Animal registration	Pensioner registration of any animal	Discretionary		1/2 standard fee	1/2 standard fee
Animal registration	Domestic animal business	Discretionary		390.00	399.00
Animal registration	Dangerous/restricted breed	Discretionary		390.00	399.00
Animal registration	Microchipping service	Discretionary		35.00	36.00
Local law permits	More than animals specified in Local Law	Discretionary		112.00	114.00
Local law bonds	Cat cage holding fee (refundable)	Discretionary		50.00	51.00
Local law permits	Outdoor eating facilities - 1st table	Discretionary		194.00	198.00
Local law permits	- Thereafter	Discretionary		102.00	104.00
Local law permits	Temporary signs and A Frames	Discretionary		122.00	125.00
Local law permits	Temporary real estate signage (multiple signs/year)	Discretionary		510.00	522.00
Local law permits	Goods/furniture on footpaths	Discretionary		204.00	209.00
Local law permits	Repair and sale of vehicle	Discretionary		n/a	50.00
Local law permits	Fireworks	Discretionary		n/a	200.00
Local law permits	Charitable collection	Discretionary		n/a	10.00
Local law permits	Clothing bin	Discretionary		n/a	80.00
Local law permits	Busking per day	Discretionary		20.00	21.00
Local law permits	Storage on roads per day	Discretionary		48.00	49.00
Local law permits	Skips	Discretionary		48.00	49.00
Local law permits	Skip bin - annual consent	Discretionary		555.00	568.00
Local law permits	Use of motorised toy vehicles on private property	Discretionary		110.00	112.00
Local law permits	Road side vending (per day)	Discretionary		185.00	189.00
Local law permits	Road side vending (half day = 4hrs)	Discretionary		97.00	99.00
Local law permits	Road side vending (per annum)	Discretionary		1,400.00	1435.00
Local law permits	Road side vending (pro rata/month)	Discretionary		Pro rata annual fee	Pro rata annual fee
Local law permits	Caravans, boats and trailers	Discretionary		105.00	110.00
Local law releases	Shopping trolleys per item	Discretionary	Y	120.00	125.00
Local law releases	Charity bins per item	Discretionary	Y	420.00	425.00
Local law releases	Skips per item	Discretionary	Y	788.00	790.00
Local law releases	Caravans, boats and trailers	Discretionary	Y	420.00	425.00
Local law releases	A frames and signs	Discretionary	Y	126.00	129.00
Local law releases	Miscellaneous small items	Discretionary	Y	109.00	111.00
Local law releases	Miscellaneous medium items	Discretionary	Y	263.00	269.00
Local law releases	Miscellaneous large items	Discretionary	Y	420.00	430.00
* Parking fines	Section 87(4) of the Road Safety Act 1986	Statutory		0.6 penalty units	0.6 penalty units
* Parking fines	60% of one penalty unit	Statutory			
* Parking fines	Infringement court fees (as advised)	Statutory		As advised	As advised
* Parking fines	Witness fees (as awarded)	Statutory		As awarded	As awarded
Derelict vehicles	Release	Discretionary	Y	219.00	224.00
Derelict vehicles	Towing	Discretionary	Y	184.00	188.00
Derelict vehicles	Storage per additional day - motor vehicles, caravans, trailers	Discretionary	Y	27.00	28.00
Parking permits	Private parking permits	Discretionary		23.00	24.00
Parking permits	Eltham Traders Permit Scheme - annual permit	Discretionary		105.00	107.00
Parking permits	Eltham Traders Permit Scheme - casual permit	Discretionary		2.00	2.50
Parking permits	Trade/builders parking permit / day	Discretionary		55.00	56.00
Filming permits	Application fee - filming	Discretionary		210.00	215.00
Filming permits	Application fee - stills photography	Discretionary		105.00	107.00
Filming permits	Use of Council reserve / facility - per day	Discretionary		735.00	753.00
Filming permits	Use of Council reserve / facility - half day	Discretionary		368.00	377.00
Filming permits	Parking - car / day	Discretionary		42.00	43.00
Filming permits	Parking - truck / day	Discretionary		84.00	86.00

Fees and Charges

Nillumbik Shire Council 2023-24 DRAFT Fees & Charges

Note: * Indicates Statutory Fee

Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23	Proposed Fee (GST Inclusive) 2023-24
Filming permits	Low impact permit fee (in addition to application fee)	Discretionary		\$ 158.00	\$ 162.00
Filming permits	High impact permit fee (in addition to application fee)	Discretionary		525.00	538.00
Environmental Health					
Initial registration of food premises	Class one premises	Discretionary		665.00	950.00
Initial registration of food premises	Class two premises	Discretionary		775.00	850.00
Initial registration of food premises	Class three premises	Discretionary		460.00	500.00
Plans approval fee of premises	Premises	Discretionary		180.00	185.00
Initial registration of food premises	Community group - class 2	Discretionary		600.00	425.00
Initial registration of food premises	Community group - class 3	Discretionary		450.00	250.00
Notification of food premises	Class four premises	Discretionary		-	-
Renewal registration of food premises	Class one premises	Discretionary		580.00	750.00
Renewal registration of food premises	Class two premises	Discretionary		680.00	685.00
Renewal registration of food premises	Class three premises	Discretionary		380.00	430.00
Renewal registration of food premises	Community group - class 2	Discretionary		350.00	340.00
Renewal registration of food premises	Community group - class 3	Discretionary		190.00	215.00
Food premises additional inspection	Other than mandatory inspection and 1 follow up	Discretionary		180.00	200.00
Food premises associated activity	Where a proprietor chooses to register fixed premises and associated mobile premises together this additional fee applies to the mobile premises (instead of individual street-trader fees)	Discretionary		125.00	127.00
Temporary food premises permit	Single event	Discretionary		90.00	90.00
Temporary food premises permit	Community group single event	Discretionary		45.00	45.00
Pre purchase inspection	Food or health premises	Discretionary		180.00	200.00
Failed sampling result	2nd and subsequent sampling results	Discretionary		190.00	190.00
Street-trader registration	Class two premises	Discretionary		255.00	580.00
Street-trader registration	Class three premises	Discretionary		173.00	430.00
Street-trader registration	Community group - class 2	Discretionary		130.00	180.00
Street-trader registration	Community group - class 3	Discretionary		85.00	130.00
Additional component	Per additional component (eg bakery, butcher, deli) to main activity	Discretionary		155.00	158.00
Additional staff	Additional charge per staff EFT over 5 for all premises	Discretionary		10.50	11.00
Hairdresser registration - initial only	1	Discretionary		180.00	280.00
Beauty therapy registration	1	Discretionary		212.00	310.00
Beauty therapy renewal	1	Discretionary		212.00	212.00
Skin penetration registration	1	Discretionary		258.00	350.00
Skin penetration renewal	1	Discretionary		258.00	258.00
Prescribed accommodation - renewal	Fee for < 10 beds	Discretionary		295.00	300.00
	Fee for 10 - 20 beds	Discretionary		475.00	480.00
	Fee for > 20 beds	Discretionary		610.00	610.00
Prescribed accommodation - registration	Fee for < 10 beds	Discretionary		n/a	460.00
	Fee for 10 - 20 beds	Discretionary		n/a	640.00
	Fee for > 20 beds	Discretionary		n/a	770.00
Aquatic facility registration	Category 1 aquatic facility	Discretionary		280.00	285.00
Aquatic facility renewal	Category 1 aquatic facility	Discretionary		280.00	285.00
Health - colonic irrigation registration	1	Discretionary		210.00	210.00
Health - colonic irrigation renewal	1	Discretionary		210.00	210.00
Health - Transfer	1	Discretionary		n/a	180.00
Scare Gun permit	1	Discretionary		n/a	180.00
Domestic Wastewater Management (cost recovery)					
* Septic application	1	Statutory		747.37	48.88 fee units
* Minor alteration to OWMS	1	Statutory		569.55	37.25 fee units
* Transfer a permit	1	Statutory		151.83	9.93 fee units
* Amend a permit	1	Statutory		158.71	10.38 fee units
* Renew a permit	1	Statutory		127.05	8.31 fee units
* Exemption	1	Statutory		224.30	14.67 fee units
* Report and consent	1	Statutory		299.85	19.61 fee units
Search for septic plans	1	Discretionary		48.00	50.00
Application to retain septic system in reticulated area	Includes site inspection, records search and one water sample analysis	Discretionary		747.37	48.88 fee units
Statutory Planning					
Planning miscellaneous - history	Per request - general planning information (permits & dates etc.)	Discretionary	Y	153.00	155.00
Planning miscellaneous - written planning advice	Per request - for written planning information/advice	Discretionary	Y	165.00	180.00
Planning miscellaneous - copy of permit	Copy of permit (price per permit, without endorsed plans)	Discretionary		70.00	73.50
Planning miscellaneous - permit information (1 Permit)	Planning permit details (copies of permits, including endorsed plans, price per permit). One permit	Discretionary	Y	132.60	150.00
Planning miscellaneous - permit information (2 Permits)	Planning permit details (copies of permits, including endorsed plans, price per permit) Search last permit. Two permits	Discretionary	Y	249.90	255.00
Planning miscellaneous - multiple permit information	Planning permit details (copies of permits, including endorsed plans, price per permit) Search all permits	Discretionary	Y	377.40	380.00
Planning - miscellaneous consents	Miscellaneous consents (eg. S173)	Discretionary	Y	331.50	470.00

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Planning - fast track miscellaneous consent	Miscellaneous consent fast track (eg. S173 for up to 2 trees)	Discretionary		611.50	770.00
Planning - extension of time (1st)	Request for extension of time to permit - first request	Discretionary	Y	330.00	360.00
Planning - extension of time (Subsequent)	Request for extension of time to permit - subsequent requests	Discretionary	Y	430.00	475.00
* Planning - amendment to application	Request for amendment to application - after notice	Statutory		Variable - 40% of original fee	Variable - 40% of original fee
Permit application class:					
* Planning	Class 1	Statutory		1,360.80	1360.80 + CPI
* Planning	Class 2	Statutory		206.40	206.40 + CPI
* Planning	Class 3	Statutory		649.80	649.80+ CPI
* Planning	Class 4	Statutory		1,330.20	1,330.20 + CPI
* Planning	Class 5	Statutory		1,437.30	1,437.30 + CPI
* Planning	Class 6	Statutory		1,544.30	1,544.30 + CPI
* Planning	Class 7	Statutory		206.40	206.40 + CPI
* Planning	Class 8	Statutory		443.40	443.40 + CPI
* Planning	Class 9	Statutory		206.40	206.40 + CPI
* Planning	Class 10	Statutory		206.40	206.40 + CPI
* Planning	Class 11	Statutory		1,185.00	1,185.00 + CPI
* Planning	Class 12	Statutory		1,597.80	1,597.80 + CPI
* Planning	Class 13	Statutory		3,524.30	3,524.30 + CPI
* Planning	Class 14	Statutory		8,982.90	8,982.90 + CPI
* Planning	Class 15	Statutory		26,489.90	26,489.90 + CPI
* Planning	Class 16	Statutory		59,539.30	59,539.30+ CPI
* Subdivision	Class 17	Statutory		1,360.80	1,360.80 + CPI
* Subdivision	Class 18	Statutory		1,360.80	1,360.80 + CPI
* Subdivision	Class 19	Statutory		1,360.80	1,360.80 + CPI
* Subdivision	Class 20	Statutory		1,360.80	1,360.80 + CPI
* Subdivision	Class 21	Statutory		1,360.80	1,360.80 + CPI
* Planning	Class 22	Statutory		1,360.80	1,360.80 + CPI
Request for amendment to permit class:					
* Planning	Class 1	Statutory		1,360.80	1,360.80 + CPI
* Planning	Amendment to change permit preamble or conditions (other than for a single dwelling)	Statutory		1,360.80	1,360.80 + CPI
* Planning	Class 2	Statutory		206.40	206.40 + CPI
* Planning	Class 3	Statutory		649.80	649.80+ CPI
* Planning	Class 4	Statutory		1,330.20	1,330.20 + CPI
* Planning	Class 5	Statutory		1,437.30	1,437.30 + CPI
* Planning	Class 6	Statutory		1,437.30	1,437.30 + CPI
* Planning	Class 7	Statutory		206.40	206.40 + CPI
* Planning	Class 8	Statutory		443.40	443.40 + CPI
* Planning	Class 9	Statutory		206.40	206.40 + CPI
* Planning	Class 10	Statutory		206.40	206.40 + CPI
* Planning	Class 11	Statutory		1,185.00	1,185.00 + CPI
* Planning	Class 12	Statutory		1,597.80	1,597.80 + CPI
* Planning	Class 13	Statutory		3,524.30	3,524.30 + CPI
* Planning	Class 14	Statutory		3,524.30	3,524.30 + CPI
* Planning	Class 15	Statutory		3,524.30	3,524.30 + CPI
* Planning	Class 16	Statutory		3,524.30	3,524.30 + CPI
* Subdivision	Class 17	Statutory		1,360.80	1,360.80 + CPI
* Subdivision	Class 18	Statutory		1,360.80	1,360.80 + CPI
* Subdivision	Class 19	Statutory		1,360.80	1,360.80 + CPI
* Subdivision	Class 20	Statutory		1,360.80	1,360.80 + CPI
* Subdivision	Class 21	Statutory		1,360.80	1,360.80 + CPI
* Planning	Class 22	Statutory		1,360.80	1,360.80 + CPI
* Certification	Certification of subdivision (per 100 lots)	Statutory		180.40	180.40 + CPI
* Certification	Alteration of plan	Statutory		114.70	114.70 + CPI
* Certification	Amendment to certified plan	Statutory		142.80	142.80 + CPI
* Certification	Recertification of a plan of subdivision	Statutory		142.80	142.80 + CPI
* Planning - satisfaction matter	Satisfaction matter	Statutory		330.70	330.70 + CPI
* Planning - certificate of compliance	Certificate of compliance	Statutory		336.40	336.40 + CPI
* Planning - section 173 change	For an agreement to amend or end a Section 173 Agreement - consent request	Statutory		680.40	680.40 + CPI
PS copying/scanning (not including written objections)	A3 copies	Discretionary	Y	5.00	5.00
PS copying/scanning (not including written objections)	A4 copies	Discretionary	Y	5.00	5.00
PS copying/scanning (not including written objections)	A1 copies	Discretionary	Y	20.00	20.00
Digitisation of hard copy submissions	A4 and A3	Discretionary	Y	55.00	55.00
Digitisation of hard copy submissions	Larger than A3	Discretionary	Y	110.00	110.00
Advertising	Mail out up to 10 notices	Discretionary	Y	150.00	200.00
Advertising	Additional notices	Discretionary	Y	12.00	12.00
Advertising	1 site notice	Discretionary	Y	75.00	75.00
Advertising	2 site notices	Discretionary	Y	100.00	100.00
Advertising	3 site notices	Discretionary	Y	125.00	125.00
Advertising	4+ site notices	Discretionary	Y	150.00	150.00
Advertising	Additional sign/s - installation service	Discretionary	Y	48.40	58.40
Advertising	Planning notice installation service	Discretionary	Y	199.65	209.65
Advertising	Notice in local paper	Discretionary	Y	Cost plus 10% administration charge	Cost plus 10% administration charge

Fees and Charges

Nillumbik Shire Council 2023-24 DRAFT Fees & Charges

Note: * indicates Statutory Fee

Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23 \$	Proposed Fee (GST Inclusive) 2023-24 \$
Plans to satisfy permit conditions	First submission of plans to satisfy Condition 1 of planning permit	Discretionary	Y	-	
Plans to satisfy permit conditions	Resubmission of plans to satisfy Condition 1 of planning permit	Discretionary	Y	140.00	200.00
Removal of trees < 2 (Arborist) - fast-track - associated with a dwelling	Per application (must be charged in conjunction with appropriate statutory application fee)	Discretionary	Y	280.00	300.00
Removal of trees < 2 (Arborist) - fast-track - non - other development	Per application (must be charged in conjunction with appropriate statutory application fee)	Discretionary	Y	280.00	300.00
Application to remove up to two trees on private land under the local law	Per application and includes a Council arborist assessment in this fee (arborist report not required by the applicant).		Y	n/a	350.00
Application to remove more than two trees on private land under the local law	Per application, the customer to provide the arborist report.		Y	n/a	300.00
Extension of time to extend a local laws tree removal permit	Per application			n/a	250.00
Request for secondary consent approval (<=3 Changes)	3 itemised changes	Discretionary	Y	375.00	385.00
Request for secondary consent approval (4+ Changes)	4 or more itemised changes	Discretionary	Y	525.00	535.00
Pre-lodgement application and document check and review	Per request	Discretionary	Y	n/a	115.00
Major pre-application meeting request with written planning advice	per request	Discretionary	y	n/a	250.00
Planning Scheme Amendments					
* Planning	Planning Scheme amendment (stage 1)	Statutory		3,149.70	3,149.70 + CPI
* Planning	Planning Scheme amendment (stage 2 - < 10 submissions)	Statutory		15,611.10	15,611.10 + CPI
* Planning	Planning Scheme amendment (stage 2 - 11-20 submissions)	Statutory		30,661.20	30,661.20 + CPI
* Planning	Planning Scheme amendment (stage 2 - > 20 submissions)	Statutory		41,695.80	41,695.80 + CPI
* Planning	Planning Scheme amendment (stage 3)	Statutory		496.90	496.90 + CPI
* Planning	Planning Scheme amendment (stage 4)	Statutory		496.90	496.90 + CPI
Edendale Farm Community Environment Centre					
School program fees					
School program	Per child (1 hour)	Discretionary	Y	Fee for service	Fee for service
School program	Per child - 1/2 day	Discretionary	Y	Fee for service	Fee for service
School program	Per child - 3/4 Day	Discretionary	Y	Fee for service	Fee for service
School program	Per child - Full day	Discretionary	Y	Fee for service	Fee for service
Preschool (excursion)	Per child (1 session)	Discretionary	Y	Fee for service	Fee for service
Preschool (excursion)	Per child (2 session)	Discretionary	Y	Fee for service	Fee for service
Preschool (excursion)	Per child (3 session)	Discretionary	Y	Fee for service	Fee for service
Incursions	Per class	Discretionary	Y	Fee for service	Fee for service
School visit / talk	Flat rate per hour	Discretionary	Y	Fee for service	Fee for service
Workshops	Workshop fees to be calculated taking into account officer time, materials and contractor fees Fees will be adjusted to take into consideration the target group and delivery of council plans	Discretionary	Y	Fee for service	Fee for service
Other fees					
Festival and event entry	Per person	Discretionary	Y	Fee for service	Fee for service
Admissions - child (age 2 and over)	Child	Discretionary	Y	Donation	Donation
Admission - adult	Adult	Discretionary	Y	Donation	Donation
Farm tours (minimum 10 participants)					
Farm animal tour	Per child	Discretionary	Y	10.00	10.00
Farm tour	Per adult	Discretionary	Y	11.00	12.00
Farm tour	Adult concession	Discretionary	Y	9.00	10.00
Room hire - standard (Mummery and Macey rooms)					
Any day	4 hours (includes setup and pack up time)	Discretionary	Y	200.00	200.00
Any day	Per hour (min. 2 hours) (includes setup and pack up time)	Discretionary	Y	53.00	53.00
Room hire - community, local small business & not for profit organisations (Mummery & Macey Rooms)					
Any day	4 hours (includes setup and pack up time)	Discretionary	Y	140.00	140.00
Any day	Per hour (min. 2 hours) (includes setup and pack up time)	Discretionary	Y	37.00	37.00
Room hire - Council and LLN (Mummery & Macey rooms)					
Any day	4 hours (includes setup and pack up time)	Discretionary	Y	140.00	140.00
Any day	Per hour (min. 2 hours) (includes setup and pack up time)	Discretionary	Y	37.00	37.00
Room hire - standard (Gaston, Cox and Thomas Cool rooms)					
Any day	4 hours (includes setup and pack up time)	Discretionary	Y	140.00	150.00
Any day	Per hour (min. 2 hours) (includes setup and pack up time)	Discretionary	Y	40.00	40.00
Room hire - community, local small business & not for profit organisations (Gaston, Cox and Thomas Cool Rooms)					
Any day	4 hours (includes setup and pack up time)	Discretionary	Y	105.00	113.00
Any day	Per hour (min. 2 hours) (includes setup and pack up time)	Discretionary	Y	30.00	30.00
Room hire - Council and LLN (Gaston, Cox and Thomas Cool Rooms)					
Any day	4 hours (includes setup and pack up time)	Discretionary	Y	105.00	113.00
Any day	Per hour (min. 2 hours) (includes setup and pack up time)	Discretionary	Y	30.00	30.00
Additional room hire services					
Kitchen use charge (up to 20 people)	Per day (incl tea/ coffee / cups)	Discretionary	Y	45.00	47.00
Kitchen use charge (21-60 people)	Per day (incl tea/ coffee / cups)	Discretionary	Y	n/a	94.00

Fees and Charges

Nillumbik Shire Council 2023-24 DRAFT Fees & Charges

Note: * Indicates Statutory Fee

Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23 \$	Proposed Fee (GST Inclusive) 2023-24 \$
Discretionary Kitchen Bond	Per session	Discretionary	Y	n/a	100.00
Cleaning levy	Per event (if required)	Discretionary	Y	175.00	185.00
Bond	Per event (if required)	Discretionary	Y	250.00 - 1,000.00	250.00 - 1,000.00
Staff lock up fee	Night time	Discretionary	Y	165.00	174.00
PA Hire (speaker / microphone)	Per session	Discretionary	Y	55.00	58.00
Set up fee	Per session	Discretionary	Y	45.00	55.00
Shelter hire outdoor spaces					
Ironbark shelter	Exclusive group with public liability insurance				
Birthday party shelter hire	Per hour (min. 2 hours)	Discretionary	Y	205.00 per session	82.00 per hour
Peppercorn & sheoak shelter	Exclusive group with public liability insurance				
Birthday party shelter hire	Per hour (min. 2 hours)	Discretionary	Y	105.00 per session	42.00 per hour
Acacia, dam & spiral shelter	Exclusive group with public liability insurance				
Birthday party shelter hire	Per hour (min. 2 hours)	Discretionary	Y	85.00 per session	34.00 per hour
Optional birthday party services					
Birthday party self guided farm tour	Per session	Discretionary	Y	65.00	69.00
Birthday party guinea pigs patting (mini party)	Per session	Discretionary	Y	85.00	90.00
Birthday party farm tour	Per session	Discretionary	Y	185.00	195.00
Hire of other spaces					
Hire of amphitheatre	Per hour (min. 2 hours)	Discretionary	Y	200.00 - 300.00 per block	50.00 per hour
Hire of designated lawn area for parties (not events)	Per hour (min. 2 hours)	Discretionary	Y	100.00 - 1,500.00 per block	42.00 per hour
Hire of whole site	Exclusive use	Discretionary	Y	2,000.00 - 6,000.00	2,000.00 - 6,000.00
Event bond	Per event	Discretionary	Y	250.00 - 1,000.00	250.00 - 1,000.00
Event infrastructure					
Marquee hire	Per marquee	Discretionary	Y	100.00	105.00
Bike parking	Per event	Discretionary	Y	200.00 - 1,000.00	200.00 - 1,000.00
Power stepdown box	Per box	Discretionary	Y	50.00	53.00
Leisure Centre Facilities					
Eltham Leisure Centre	Per contract	Contract	Y	Per contract	Per contract
Diamond Valley Sports and Fitness Centre	Per contract	Contract	Y	Per contract	Per contract
Diamond Creek Pool	Per contract	Contract	Y	Per contract	Per contract
Yarrambat Golf Course	Per contract	Contract	Y	Per contract	Per contract
Diamond Creek Community Centre	Per contract	Contract	Y	Per contract	Per contract
Community Bank Stadium	Per contract	Contract	Y	Per contract	Per contract
Hurstbridge Sports Stadium	Per contract	Contract	Y	Per contract	Per contract
Leisure & Recreation					
Summer					
A grade	Per team	Discretionary	Y	912.80	963.00
B grade	Per team	Discretionary	Y	793.50	837.00
C grade	Per team	Discretionary	Y	674.20	711.00
D grade	Per team	Discretionary	Y	549.70	578.00
Winter					
A grade	Per team	Discretionary	Y	1,555.80	1,641.00
B grade	Per team	Discretionary	Y	1,436.50	1,515.50
C grade	Per team	Discretionary	Y	1,301.70	1,373.00
D grade	Per team	Discretionary	Y	1,177.20	1,242.00
Pavilion use					
Use of pavilion in conjunction with ground hire	Per season	Discretionary	Y	200.00	211.00
Eltham High	Per Use	Discretionary	Y	n/a	20.00
Eltham High floodlight use	Per hour	Discretionary	Y	n/a	64.50
Ground use discounts for under-represented groups					
Clubs demonstrating initiative or events for LGBTIQ+, CALD or First Nations people - 5%					
Clubs accredited with good sports - 5%					
Junior or veteran teams - 50%					
Teams for people with a disability - 90%					
Casual ground use					
Commercial hire	Per day	Discretionary	Y	414.90	438.00
Commercial hire	Per 1/2 day	Discretionary	Y	249.00	263.00
Commercial hire	Additional hourly charge	Discretionary	Y	119.30	126.00
Community Use	Per day	Discretionary	Y	124.40	131.00
Community Use	Per 1/2 day	Discretionary	Y	75.70	78.00
Community Use	Additional hourly charge	Discretionary	Y	27.00	28.50
School fees					
Schools within Nillumbik	Per hour	Discretionary	Y	28.00	29.50
Schools outside Nillumbik	Per hour	Discretionary	Y	43.60	46.00
Zone events	Per day	Discretionary	Y	266.60	281.00
Zone events	Per 1/2 day	Discretionary	Y	135.90	143.50
Synthetic soccer pitch					
Local club use	Per hour	Discretionary	Y	47.70	50.50
School use	Per hour	Discretionary	Y	65.30	69.00
Other user groups	Per hour	Discretionary	Y	71.60	75.50
Academy programs		Discretionary	Y	87.20	92.00
Floodlight use (casual users only)	Per hour	Discretionary	Y	61.20	64.50
Personal training / group fitness					
Monthly hire	Recurring	Discretionary	Y	129.70	137.00
Casual hire	Half day	Discretionary	Y	202.30	213.50
Casual hire	Full day	Discretionary	Y	311.20	328.50
Community Programs					
Social support group					
- Low	Per session (means tested)	Discretionary		9.70	10.00
Occasional child care					
Child care for booked users - Eltham	1 child per session	Discretionary		80.50	82.00
Child care for booked users - Pantom Hill	1 child per session	Discretionary		76.00	78.00
Child care for casual users - Eltham	1 child per session	Discretionary		86.00	89.00
Child care for casual users - Pantom Hill	1 child per session	Discretionary		82.00	85.00
Preschool					
Centralised preschool enrolments 3 year old only	Per child - 3 year old preschool	Discretionary		40.00	40.00
Centralised preschool enrolments 4 year old only	Per child - 4 year old preschool	Discretionary		40.00	40.00
Centralised preschool enrolments combined 3 and 4 year old application	Per child - combined 3 and 4 year old preschool	Discretionary		48.00	48.00

Fees and Charges

Nillumbik Shire Council 2023-24 DRAFT Fees & Charges

Note: * indicates Statutory Fee

Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23 \$	Proposed Fee (GST Inclusive) 2023-24 \$
Community transport					
Community transport	Per trip (one way)	Discretionary		2.30	2.40
One on one transport	Per trip inside shire boundary - one way	Discretionary		6.80	7.15
One on one transport	Per trip outside shire boundary - one way	Discretionary		10.85	11.40
Community bus hire	Full day	Discretionary	Y	130.00	135.00
Community bus hire	Half day	Discretionary	Y	75.00	79.00
Arts & Culture					
Nillumbik prize for contemporary writing entry fee	"Open" per entry (max 3 entries)	Discretionary	Y	25.00	25.00
Nillumbik prize for contemporary writing entry fee	"Local" per entry (max 3 entries)	Discretionary	Y	no charge	10.00
Nillumbik prize for contemporary art entry fee	"Open" per entry	Discretionary	Y	25.00	25.00
Nillumbik prize for contemporary art entry fee	"Local" per entry	Discretionary	Y	10.00	10.00
Community Halls Network					
Hurstbridge Community Hub					
Community room	Rate per hour				
	Standard rate	Discretionary	Y	69.50	69.50
	Community benefit	Discretionary	Y	35.50	35.50
Training room	Rate per hour				
	Standard rate	Discretionary	Y	48.00	48.00
	Community benefit	Discretionary	Y	23.50	23.50
Meeting room 1	Rate per hour				
	Standard rate	Discretionary	Y	25.00	25.00
	Community benefit	Discretionary	Y	12.50	12.50
Meeting room 2	Rate per hour				
	Standard rate	Discretionary	Y	37.50	37.50
	Community benefit	Discretionary	Y	18.50	18.50
Community kitchen	Rate per hour				
	Standard rate	Discretionary	Y	48.00	48.00
	Community benefit	Discretionary	Y	23.50	23.50
Community lounge (available after-hours only)	Rate per hour				
	Standard rate	Discretionary	Y	n/a	48.00
	Community benefit	Discretionary	Y	n/a	23.50
Allied health room	Rate per hour				
	Standard rate	Discretionary	Y	31.00	31.00
	Community benefit	Discretionary	Y	15.50	15.50
Eltham Community & Reception Centre (ECRC)					
Function	Friday Saturday & Sunday				
	- Standard rate	Discretionary	Y	1,215.00	1,800.00
Event	Rate per event/day				
	- Standard rate	Discretionary	Y	910.00	960.00
Event - whole of ECRC	Rate per event/day				
	- Standard rate	Discretionary	Y	1,365.00	1,440.00
ECRC function weekends	Rate per event/day				
	- Standard rate	Discretionary	Y	1,825.00	1,925.00
1 x hall weekdays	Rate per hour				
	- Standard rate	Discretionary	Y	60.00	63.50
1 x hall week evenings Mon-Thur	Rate per hour				
	- Standard rate	Discretionary	Y	90.00	95.00
ECRC weekdays	Rate per hour				
	- Standard rate	Discretionary	Y	90.00	95.00
ECRC week evenings	Rate per hour				
	- Standard rate	Discretionary	Y	125.00	132.00
Additional hours	Rate per hour				
	- Standard rate	Discretionary	Y	150.00	158.00
Cutlery / crockery / glassware	Rate per hour				
	- Standard rate	Discretionary	Y	110.00	116.00
Use of kitchen	Rate per hour				
	- Standard rate	Discretionary	Y	150.00	158.00
Eltham Performing Arts Centre	Rate per hour				
	- Standard rate	Discretionary	Y	37.00	39.00
	Performance rate				
	- Standard rate	Discretionary	Y	560.00	591.00
Eltham Library Multi Purpose Room	Rate per hour				
	- Standard rate	Discretionary	Y	37.00	39.00
	Performance rate				
	- Standard rate	Discretionary	Y	392.00	413.50

Fees and Charges

Nillumbik Shire Council 2023-24 DRAFT Fees & Charges

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Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23 \$	Proposed Fee (GST Inclusive) 2023-24 \$
Outdoor Performance Centre	Rate per hour				
	- Standard rate	Discretionary	Y	25.00	26.50
	- Community rate	Discretionary	Y	18.00	19.00
	- Private Functions (minimum booking 4 hours)	Discretionary	Y	n/a	37.50
	School concerts				
	- Standard rate	Discretionary	Y	250.00	264.00
	- Community rate	Discretionary	Y	175.00	185.00
The Emergency Operations Centre/ Kangaroo Ground Hall	Rate per hour				
	- Standard rate	Discretionary	Y	34.00	36.00
	- Community rate	Discretionary	Y	24.00	25.50
	Function				
	- Standard rate	Discretionary	Y	560.00	591.00
	- Community rate	Discretionary	Y	392.00	414.00
Hurstbridge Hall	Rate per hour				
	- Standard rate	Discretionary	Y	34.00	36.00
	- Community rate	Discretionary	Y	24.00	25.50
	Function				
	- Standard rate	Discretionary	Y	560.00	591.00
	- Community rate	Discretionary	Y	392.00	413.50
Eltham North Hall	Rate per hour				
	- Standard rate	Discretionary	Y	37.00	39.00
	- Community rate	Discretionary	Y	26.00	27.50
	Function				
	- Standard rate	Discretionary	Y	560.00	591.00
	- Community rate	Discretionary	Y	392.00	413.50
North Warrandyte Family Centre	Rate per hour				
	- Standard rate	Discretionary	Y	34.00	36.00
	- Community rate	Discretionary	Y	24.00	25.50
	Function				
	- Standard rate	Discretionary	Y	560.00	591.00
	- Community rate	Discretionary	Y	392.00	413.50
Senior citizens - Diamond Creek					
Small meeting room	1 day hire	Discretionary	Y	52.87	55.71
	1 day hire - community rate	Discretionary	Y	37.00	39.00
	1/2 day hire	Discretionary	Y	27.15	28.57
	1/2 day hire - community rate	Discretionary	Y	19.00	20.00
	Hourly rate	Discretionary	Y	13.58	14.29
	Hourly rate - community rate	Discretionary	Y	9.50	10.00
Hall/Large meeting room	1 day hire	Discretionary	Y	97.15	102.14
	1 day hire - community rate	Discretionary	Y	68.00	71.50
	1/2 day hire	Discretionary	Y	48.58	51.43
	1/2 day hire - community rate	Discretionary	Y	34.00	36.00
	Hourly rate	Discretionary	Y	22.86	25.71
	Hourly rate - community rate	Discretionary	Y	17.00	18.00
Senior citizens - Eltham					
Annexe	1 day hire	Discretionary	Y	52.87	55.71
	1 day hire - community rate	Discretionary	Y	37.00	39.00
	1/2 day hire	Discretionary	Y	27.15	28.57
	1/2 day hire - community rate	Discretionary	Y	19.00	20.00
	Hourly rate	Discretionary	Y	13.58	14.29
	Hourly rate - community rate	Discretionary	Y	9.50	10.00
Large hall	1 day hire	Discretionary	Y	97.15	102.14
	1 day hire - community rate	Discretionary	Y	68.00	71.50
	1/2 day hire	Discretionary	Y	48.58	51.43
	1/2 day hire - community rate	Discretionary	Y	34.00	36.00
	Hourly rate	Discretionary	Y	22.86	25.71
	Hourly rate - community rate	Discretionary	Y	17.00	18.00
Diamond Creek East community building - Coniston St					
Facility hire charge	Hourly rate	Discretionary	Y	11.00	11.50
Weekend function	Per function	Discretionary	Y	100.00	105.50
Eltham North Maternal & Child Health Centre	Facility hire charge	Discretionary	Y	11.00	11.50
Living & Learning Nillumbik					
Fee for service courses	Total direct costs of course divided by minimum number of enrolments: Direct costs (e.g.) - tutor - materials, marketing - equipment - venue hire - catering Plus Indirect Costs - administration. All costs take into account GST where applicable. Fees will take into consideration the target group i.e. holders of concession cards	Discretionary	Y	POA	POA
Co-ops (untutored self-help interest groups)	Per session	Discretionary	Y	Fees calculated as fee for service	Fees calculated as fee for service
Government funded training	As per ministerial directive	Discretionary	Y	Fees calculated as fee for service	Fees calculated as fee for service
Corporate, business and institutional course delivery	Per course or per attendee, depending on delivery model	Discretionary	Y	POA	POA
Living & Learning Nillumbik Eltham					
Pavilion	Up to 25 people for meeting; includes kitchen facilities				
	- Standard rate (per hour)	Discretionary	Y	63.50	67.00
	- Community rate (per hour)	Discretionary	Y	32.00	33.50
	- Unfunded voluntary group occasional	Discretionary	Y	14.50	15.00
Sunroom	Up to 15 people; includes kitchen facilities (access needs to be arranged)				
	- Standard rate (per hour)	Discretionary	Y	50.50	53.50
	- Community rate (per hour)	Discretionary	Y	23.50	24.50
	- Unfunded voluntary group occasional	Discretionary	Y	14.50	15.00
Kitchen	Up to 12 people				
	- Standard rate (per hour)	Discretionary	Y	26.50	28.00
	- Community rate (per hour)	Discretionary	Y	21.50	22.50
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00

Fees and Charges

Nillumbik Shire Council 2023-24 DRAFT Fees & Charges

Note: * Indicates Statutory Fee

Description of Fee	Unit of Measure	Fee Status	Taxable Supply	Adopted Fee (GST Inclusive) 2022-23 \$	Proposed Fee (GST Inclusive) 2023-24 \$
Art studio 2 (small)	Up to 20 people; includes kitchen facilities				
	- Standard rate (per hour)	Discretionary	Y	50.00	53.00
	- Community rate (per hour)	Discretionary	Y	20.50	21.50
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00
Clay studio	Additional individual bookings by current class participants				
	- Standard rate (per hour)	Discretionary	Y	50.00	53.00
	- Community rate (per hour)	Discretionary	Y	20.50	21.50
Training room	Up to 14 people				
	- Standard rate (per hour)	Discretionary	Y	50.50	53.50
	- Community rate (per hour)	Discretionary	Y	23.50	24.79
	- Unfunded voluntary group	Discretionary	Y	14.50	15.30
War memorial hall	Up to 25 people for meeting; includes kitchen facilities				
	- Standard rate (per hour)	Discretionary	Y	63.50	67.00
	- Community rate (per hour)	Discretionary	Y	32.00	33.50
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00
Living & Learning Nillumbik Pantom Hill					
Banksia/Eucalyptus	Up to 25 people - standard rate				
	- Standard rate (per hour)	Discretionary	Y	37.00	39.00
	- Community rate (per hour)	Discretionary	Y	26.00	27.50
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00
Sunroom	Up to 10 people; kitchen facilities				
	- Standard rate (per hour)	Discretionary	Y	31.50	33.00
	- Community rate (per hour)	Discretionary	Y	21.00	22.00
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00
Kitchen	Up to 15 people				
	- Standard rate (per hour)	Discretionary	Y	37.00	39.00
	- Community rate (per hour)	Discretionary	Y	26.00	27.50
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00
Living & Learning Nillumbik Diamond Creek					
Downstairs classroom	Up to 15 people for meeting; includes kitchen facilities				
	- Standard rate (per hour)	Discretionary	Y	31.50	33.00
	- Community rate (per hour)	Discretionary	Y	21.00	22.00
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00
Upstairs classroom	Up to 25 people; includes kitchen facilities				
	- Standard rate (per hour)	Discretionary	Y	37.00	39.00
	- Community rate (per hour)	Discretionary	Y	26.50	28.00
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00
Computer room	Up to 11 people; includes kitchen facilities				
	- Standard rate (per hour)	Discretionary	Y	26.50	28.00
	- Community rate (per hour)	Discretionary	Y	21.00	22.00
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00
	If computers are required				
	- Standard rate (per hour)	Discretionary	Y	37.00	39.00
Emergency management	- Community rate (per hour)	Discretionary	Y	26.00	27.50
	- Unfunded voluntary group	Discretionary	Y	14.50	15.00
Compulsory clearance	Per Fire Prevention Notice	Discretionary	Y	As per contract rates	As per contract rates
Compulsory clearance - administration fee	Per Fire Prevention Notice	Discretionary	Y	180.00	190.00
Freedom of Information					
* Freedom of information - application fee	Per application	Statutory		30.60	30.60 + CPI
* Search time	Per hour	Statutory		22.90	22.90 + CPI
* Photocopy fee	Per A4 page	Statutory		0.20	As advised
* Supervision of document inspections	Per hour	Statutory		22.90	22.90 + CPI
Finance					
* Printing of duplicate rate notices	Per notice	Discretionary	Y	15.00	16.00
* Land information certificate	Per application	Statutory		27.80	As Advised
Dishonoured cheque fee (Australia Post)	Per dishonoured cheque	Discretionary		25.00	25.00
Direct debit dishonour fee	Per payment	Discretionary		10.00	10.00
Legal collection fee	Per assessment	Discretionary		As per agency schedule of fees	As per agency schedule of fees
Merchant fees		Discretionary		0.40%	0.40%
Shire maps					
Colour map (aerial photos)	A1	Discretionary	Y	31.50	33.00
	A2	Discretionary	Y	26.00	27.50
	A3	Discretionary	Y	16.00	16.60
	A4	Discretionary	Y	10.50	11.00
Custom mapping	Per hour	Discretionary	Y	74.00	78.00

2022-2023 MID-YEAR (JANUARY 2023) LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK (LGPRF) PERFORMANCE SUMMARY: NILLUMBIK SHIRE COUNCIL

* as defined by the LGPRF guidelines set by the Victorian Government

SERVICE AREA	INDICATOR	MEASURE DESCRIPTION	EXPECTED RANGE*	July 2019	January 2020	July 2020	January 2021	July 2021	January 2022	July 2022	January 2023	SIMILAR COUNCILS	NILLUMBIK WITHIN EXPECTED RANGE*	MID-YEAR COMMENTARY
Animal Management	Timeliness	Time taken to action animal management requests	1 to 10 days	1 day	1 day	1 day	1 day	1 day	2.01 days	1 day	2.2 days	2.94 days	✔	Time taken to action animal management requests remains steady between 1 and 2 days on average.
	Service standard	Animals reclaimed from Council	30% to 90%	92.35%	87.90%	93.00%	81.60%	82.43%	92.30%	78.70%	95.23%	46.74%	✔	The January 2023 result for this measure is consistent with the result from the same time in 2022. This exceeds the expected range set by State Government.
	Service cost	Cost of animal management service per population	\$10 to \$70	NA	NA	NA	NA	\$11.33	NM	\$17.30	NM	\$8.54	✔	This measure is only reported on an annual basis. The animal management service has seen a moderate increase in costs in recent years. This is reflective of a fully staffed team and an increase in some costs such as access to mobile technologies required as a result of the COVID-19 pandemic. The service currently costs considerably less than income received through registrations and pound income.
	Health and Safety	Animal management prosecutions	50-100%	100%	NM	100%	100%	100%	NM	100%	NM	98.41%	✔	There were two prosecutions in 2021-2022, and both were successful. There have been no prosecutions in 2022-2023 to date.
Aquatic Facilities	Service standard	Health inspections of aquatic facilities	1 to 4 inspections	0	0	0	1	2	3	2	2	2.1	✔	Includes microbiological testing performed in October 2022 at Diamond Creek Outdoor Pool and in December 2022 at Eltham Leisure Centre.
	Service cost	Cost of aquatic facilities per visit	-\$3 to \$10	\$1.42	(\$0.60)	\$0.08	\$1.04	(\$3.11)	(\$14.75)	(\$2.82)	(\$8.81)	\$3.34	✔	Negative result due to recovery of low membership numbers after COVID-19 related closures.
	Utilisation	Number of visits to aquatic facilities per head of municipal population	1 to 10 visits	2.21 visits	5.9 visits	8.90 visits	1.1 visits	4.1 visits	0.45 visits	1.44 visits	6.75 visits	2.37 visits	✔	The 2018 figure was driven by the closure of Eltham Leisure Centre for re-development, while the 2020 figure reflects all visits to the Eltham Leisure Centre, not just the aquatic component (in line with LGPRF reporting requirements). Visits are still down on pre COVID-19 levels. However, numbers are returning to more normal levels across 2022 and into 2023 following the re-opening of facilities in late 2021.
Food Safety	Timeliness	Time taken to action food complaints	1 to 10 days	2.13 days	1.88 days	1.88 days	1.47 days	1.47 days	1.7 days	1.68 days	1.78 days	1.65 days	✔	A continued focus on implementing new procedures since 2018 has seen the time taken to action food-related complaints maintained over time.
	Service standard	Percentage of required food safety assessments undertaken	50% to 100%	100.00%	102.00%	100.00%	98.79%	98.41%	98.82%	98.83%	100.00%	86.25%	✔	All of our 256 registered Class 1 and 2 premises received an annual inspection in the 2022 reporting period.
	Service cost	Cost of food safety service per premises	\$300 to \$1,200	\$469.43	\$469.43	\$524.40	\$524.40	\$484.22	\$484.22	\$461.55	\$461.55	\$407.49	✔	The cost of service per premise has decreased slightly over time. This is primarily due to staff vacancy.
	Health and Safety	Percentage of critical and major non-compliance outcome notifications followed up by Council	60% to 100%	94.12%	98.70%	98.68%	90.63%	90.63%	94.40%	94.44%	95.00%	93.39%	✔	All except two major non-compliant results were followed up in 2022. This measure can vary depending on timing of the report and follow up at the beginning and end of the calendar year.
	Transparency	Council decisions made at meetings closed to the public	0% to 30%	13.92%	16.35%	16.82%	11.03%	6.69%	2.80%	2.33%	1.85%	9.26%	✔	Council made 108 resolutions at 12 Council and Delegated Committee meetings, of which 2 were made in a meeting closed to the public under section 66(2) of the Local Government Act 2020 . As required by the Act, the reasons why a meeting was closed to the public are recorded in the public version of the minutes. The significant drop in percentage of confidential items is attributed to tenders now being resolved in open meetings.

SERVICE AREA	INDICATOR	MEASURE DESCRIPTION	EXPECTED RANGE*	July 2019	January 2020	July 2020	January 2021	July 2021	January 2022	July 2022	January 2023	SIMILAR COUNCILS	NILLUMBIK WITHIN EXPECTED RANGE*	MID-YEAR COMMENTARY
Governance	Consultation and Engagement	Community satisfaction with community consultation and engagement	40 to 70 out of 100	63.5/100	63.5/100	67.7/100	63.5/100	61.4/100	61.4/100	62.1/100	62.1/100	58.0/100	✔	Satisfaction with Council's community consultation and engagement increased in 2021-2022 (up 0.7 percentage points), reverting to trend following last year's decrease. This figure will be updated in July 2023 following receipt of 2023 Annual Community Survey data.
	Attendance	Councillor attendance at Council meetings	80% to 100%	99.16%	100.00%	100.00%	100.00%	96.10%	100.00%	95.24%	91.84%	94.69%	✔	Council held 6 Council meetings and one Extraordinary meeting in the July-December 2022 period. Four absences were recorded throughout the year against a possible 49 attendances.
	Service cost	Cost of elected representation	\$30,000 to \$80,000	\$43,461.99	\$21,600.00	\$42,170.00	\$18,332.29	\$40,330.86	\$22,974.43	\$53,468.00	\$24,149.40	\$94,980.17	✔	The cost of governance includes training, conference and seminar costs, travel, mayoral vehicle, mobile, internet, Councillor allowances and other miscellaneous expenditure. The mid-year figure is consistent with previous results.
	Satisfaction	Community satisfaction with Council decisions	40 to 70 out of 100	64.5/100	64.5/100	66.7/100	64.5/100	63.0/100	63.0/100	62.6/100	62.6/100	58.0/100	✔	Satisfaction with Council decisions decreased by 0.4 percentage points in 2021-2022, the second consecutive decrease for this measure. This figure will be updated in July 2023 following receipt of 2023 Annual Community Survey data.
Libraries	Utilisation	Physical library collection usage	1 to 9 items	11.3 items	2.69 items	7.76 items	1.35 items	4.26 items	1.15 items	6.72 items	2.04 items	4.59 items	✔	Physical 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.
	Resource standard	Proportion of library resources less than 5 years old	40% to 90%	89.57%	89.70%	87.27%	87.01%	85.02%	42.31%	91.83%	91.46%	79.16%	✔	Our collection framework ensures our collections remain relevant and current through active collection purchasing and collection maintenance. Our target of 85% collection items at 5 years or under has been exceeded.
	Participation	Active library members in municipality	10% to 40%	30.17%	17.65%	28.19%	17.08%	27.03%	7.39%	25.24%	13.78%	10.51%	✔	Active borrowers have increased (198%) compared to the same period as last year as visitation to the libraries resumes pre-pandemic levels.
Maternal and Child Health (MCH)	Satisfaction	Participation in 4-week key age and stage visit	90% to 110%	99.28%	103.33%	97.50%	100.75%	93.56%	95.78%	98.98%	98.52%	98.52%	✔	In the first half of 2022-2023, as per 2021-2022, the number of families who elected to engage with the MCH service remained high.
	Service standard	Infant enrolments in the MCH service	90% to 110%	100.00%	102.59%	101.60%	100.75%	94.22%	101.81%	101.87%	101.85%	101.19%	✔	The MCH service continues to offer support and respond to all birth notifications received
	Service cost	Cost of the MCH service	\$50 to \$200	\$77.64	\$77.64	\$77.45	\$116.07	\$78.36	\$78.36	\$73.74	\$73.74	\$81.96	✔	MCH service costs continue to remain steady.
	Participation	Participation in the MCH service	70% to 100%	79.82%	70.17%	81.95%	70.13%	81.65%	45.94%	80.08%	70.10%	69.61%	✔	The MCH service continues to provide a connected and responsive program to families with young children in Nillumbik.
	Participation	Participation in the MCH service by Aboriginal children	60% to 100%	69.44%	60.00%	76.32%	76.13%	85.11%	44.44%	81.63%	71.79%	75.56%	✔	The overall enrolment of First Nations families and young children is similar to (higher than) the overall participation of all Nillumbik families in the MCH service. The engagement of First Nations families and their children continues to be a focus of the MCH service due to their increased health risks, with participation in the service actively encouraged.
	Satisfaction	Sealed local road requests per 100km of sealed local roads	10 to 120 requests	89.61 requests	6.7 requests	112.61 requests	56 requests	86.24 requests	96 requests	73.46 requests	32 requests	77.65 requests	✔	The number of requests compared to previous years is significantly lower. More meaningful comparison will be made in the end of year figures in July 2023.

Service Area	Indicator	Measure Description	Expected Range*	July 2019	January 2020	July 2020	January 2021	July 2021	January 2022	July 2022	January 2023	Similar Councils	Nillumbik within Expected Range*	Mid-Year Commentary
Roads	Condition	Sealed local roads maintained to condition standards	80% to 100%	89.83%	89.83%	94.00%	91.64%	88.07%	88.07%	95.10%	N/A	96.89%	✓	These figures are tracked and reported on an annual basis.
	Service cost	Cost of sealed local road reconstruction per square metre	\$20 to \$200	\$0.00	\$0.00	\$0.00	\$177.90	\$177.89	\$177.89	\$132.73	N/A	\$114.14	✓	These figures are tracked and reported on an annual basis.
	Service cost	Cost of sealed local road resealing per square metre	\$4 to \$30	\$11.83	\$10.30	\$11.10	\$0.00	\$13.47	\$13.47	\$10.70	N/A	\$22.07	✓	These figures are tracked and reported on an annual basis.
	Satisfaction	Community satisfaction with sealed local roads	50 to 100 out of 100	65/100	65/100	69.9/100	69.9/100	63/100	63/100	60/100	N/A	57/100	✓	These figures are tracked and reported on an annual basis.
Statutory Planning	Timeliness	Time taken to decide planning applications	30 to 110 days	96.5 days	97 days	101 days	91 days	92 days	87 days	100 days	105 days	100 days	✓	Council is committed to improving decision timeframes. In the first half of 2022-2023, Council had a number of staffing gaps within the team resulting in the slight increase in timeframes.
	Service standard	Planning applications decided within required timeframes	40% to 100%	68.98%	66.00%	60.49%	57.10%	66.13%	65.01%	60.36%	56.90%	55.92%	✓	Council is committed to improving decision timeframes. In the first half of 2022-2023, Council had a number of staffing gaps within the team resulting in the slight increase in timeframes.
	Service cost	Cost of statutory planning service per planning application	\$500 to \$4,000	\$2,265.07	\$1,073.65	\$2,517.21	\$2,517.21	\$2,885.45	\$2,885.45	\$2,989.05	\$2,989.05	\$2,835.63	✓	This figure is tracked and reported on an annual basis. A higher number of incoming applications and decisions issued throughout 2021-2022 resulted in higher costs for this service compared to 2020-2021.
	Decision making	Council planning decisions upheld at VCAT	30% to 100%	61.54%	71.00%	65.00%	89.00%	75.00%	73.00%	64.00%	55.00%	52.81%	✓	Of the 11 decisions referred to VCAT in the first half of 2022-2023, 6 upheld Council's decision.
Waste Collection	Satisfaction	Kerbside bin collection requests per 10,000 households	10 to 300 requests	222.53 requests	91 requests	190 requests	129 requests	207.08 requests	79 requests	147.63 requests	61 requests	205.61 requests	✓	The decrease compared to 2020-2021 relates to fewer requests for upsizing new bin options offered from 1 July 2020, which have now normalised. The new bin options included a 240-litre green waste bin, a 140-metre landfill bin and a weekly landfill collection.
	Service standard	Kerbside collection bins missed per 10,000 households	1 to 20 bins	11.75 bins	12.26 bins	13.32 bins	8.24 bins	7.37 bins	6.97 bins	6.46 bins	4.13 bins	7.58 bins	✓	The number of missed bins reported has decreased. Nillumbik is working with our service provider to continuously reduce the number of missed bins.
	Service cost	Cost of kerbside garbage bin collection service per bin	\$40 to \$150	\$73.17	\$38.64	\$79.68	\$38.25	\$76.31	\$46.02	\$103.21	\$49.51	\$122.15	✓	The increased cost compared to 2020-2021 is due to the disposal cost increase in the Environmental Protection Authority (EPA) levy.
	Service cost	Cost of kerbside recyclables collection service per bin	\$10 to \$80	\$56.04	\$20.02	\$63.09	\$52.81	\$98.48	\$51.18	\$100.35	\$49.41	\$63.29	✓	The cost of providing the recyclables collection service increased due to increased cost for processing kerbside recyclables and charges for increased contamination of the recycling waste stream.
	Waste diversion	Kerbside collection waste diverted from landfill	20% to 60%	59.06%	53.00%	59.60%	75.00%	72.80%	75.00%	72.69%	75.00%	49.04%	X	This is a positive result. Nillumbik continues to be well above the State diversion targets. Nillumbik residents diverted 17,765 tonnes of kerbside waste from landfill during 2021-2022. The amount of green waste (10,894 tonnes) collected is similar to 2020-2021. This is due to the continuation of wetter weather (La Nina) in 2021-2022.

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Draft Governance Rule

Meeting Procedure

Version Number	1
Approved by	Council
Approval date	25 August 2020 27 June 2023
Effective date	25 August 2020 28 June 2023
Date of last revision	August 2020
Date of next review*	June 2033
Responsible Manager	Executive Manager Governance, Communications and Engagement Director Governance and Communications

Unless replaced, this policy will still apply beyond the review date.

Related internal policies, procedures and guidelines	<ul style="list-style-type: none"> • Governance Rules • Public Transparency Principles • Community Engagement Policy
Related legislation	<ul style="list-style-type: none"> • <i>Charter of Human Rights and Responsibilities Act 2006</i> • <i>Local Government Act 2020</i> • <i>Equal Opportunity Act 2010</i>

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Part 1 - Preliminary

1. Objectives

The objectives of this Governance Rule are to:

- a) Regulate proceedings at Council meetings, or a delegated Committee meeting and other meetings conducted by or on behalf of Council where Council has resolved that the provision of this meeting procedure are to apply;
- b) Facilitate community engagement by providing opportunities at meetings for community members to express their views;
- c) Ensure the efficient and orderly conduct of meetings; and
- d) Ensure the peace, order and good government of the municipal district.

2. Power to make this Governance Rule

This meeting procedure is made in accordance with section 60 of the *Local Government Act 2020*.

3. Operational date

This meeting procedure operates from ~~1 September 2020~~ **28 June 2023**.

4. Scope of this Governance Rule

This meeting procedure shall apply to and have operation throughout the whole of the Municipal District of the Nillumbik Shire Council.

5. Definitions

Unless inconsistent with the subject matter, the following words have the meaning indicated:

Words	Meaning
Act	<i>Local Government Act 2020</i>
Agenda	a document, electronic or paper, in the form of a notice which specifies the date, time and place of a Meeting and the business to be transacted at the Meeting and includes any accompanying documents
Absolute majority	The votes of the number of Councillors which is greater than half the total number of the Councillors of a Council
Authorised Officer	a person appointed by the Council under section 224 of the <i>Local Government Act 1989</i>
Business days	Monday to Friday inclusive of each week except for Public Holidays

Words	Meaning
Chairperson	the Chairperson of a meeting and includes an acting or temporary Chairperson
Chief Executive Officer	the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer
Clause	a clause of this Governance Rule
Committee Meeting	a meeting of a Special Committee
Council	Nillumbik Shire Council
Councillor	a Councillor of Nillumbik Shire Council
Council Meeting	any meeting of Council
Delegated Committee	a delegated Committee established by Council under section 63 of the <i>Local Government Act 2020</i>
Deputy Mayor	the Deputy Mayor of Council and any person acting as Deputy Mayor
Mayor	the Mayor of Council and any person acting as Mayor
Meeting	includes a Council meeting or a delegated committee meeting
Minutes	the official written record of the proceedings and decisions of a meeting which have been signed by the Mayor/Chairperson
Motion	a proposal framed in a way that will result in the opinion of the Council being expressed or a Council decision being made
Municipal district	the area from time to time comprising the municipal district of Council
Notice of Motion	a notice setting out the text of a motion which a Councillor or a Committee member proposes to move at the next relevant meeting
Point of order	a procedural point, not involving the substance of a matter before a meeting
Procedural Motion	a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
Resident	a person who has a place of residence within the municipal district

Words	Meaning
Visitor	any person (other than a Councillor or member of Council staff) who is in attendance at a Council Meeting or a delegated committee meeting
Written	includes duplicated, photocopied, photographed, transmitted by facsimile, transmitted electronically, printed or typed

Part 2 – Conduct of Meetings

6. ~~Notices and Agendas~~ Conduct of meetings

6.1 ~~Date, time and place of meetings~~ Council meeting format

~~The dates, times and places of Council Meetings are within the discretion of Council. Council may, by resolution, at a Meeting alter the day and time upon which any Meeting shall be held.~~

~~A Meeting must start within 30 minutes of the advertised start time.~~

~~A Meeting may not continue after 10.30pm unless a Majority of Councillors present vote in favour of its continuance. In the absence of such continuance, a Meeting must stand adjourned to a time, date and place announced by the Chairperson immediately before the standing Meeting is adjourned.~~

Subject to this Governance Rule, Council and delegated committee meetings may be held:

- a) in person, that is, where Councillors and other attendees are physically present in the Council Chamber.
- b) In hybrid form, that is, where Councillors and other attendees are physically in the Council Chamber, with one Councillor or attendee(s) joining and participating using an electronic means of communication, namely a video conferencing system or any other venue as resolved by Council.
- c) fully remotely, that is, where all the Councillors and other attendees join using a video conferencing system.

6.2 ~~Notice of Meeting~~ Determination of meeting format

~~The Chief Executive Officer must give notice including on Council's website of the date, time and place of a meeting giving adequate time for members of the municipal community to make arrangements to attend the meeting or view the meeting via the livestream unless urgent or extraordinary circumstances prevent compliance with this clause.~~

~~The Chief Executive Officer must ensure that the agenda for any Meeting is provided to every Councillor or delegated committee member with adequate time for Councillors or members to prepare adequately for the meeting.~~

Council meetings will be conducted in person except as provided in Part 5.

Council may, by resolution, determine that a specific meeting or meetings will be conducted:

- a) in person
- b) by electronic means of communication.

6.3 ~~Attendance at meetings~~ Meetings conducted in person

~~In accordance with section 66(1) of the Act, all Meetings of Council must be open to members of the public unless section 66(2) of the Act applies.~~

~~Council may resolve, in accordance with section 66(2) of the Act, that its Meeting be closed to members of the public because:~~

- ~~a) the meeting is to consider confidential information; or~~
- ~~b) security reasons; or~~
- ~~c) it is necessary to do so to enable the meeting to proceed in an orderly manner.~~

At meetings conducted in person, a Councillor must physically attend the meeting unless their request to participate by electronic means of communication has been granted in accordance with clause 74.

6.4 ~~Business to be transacted~~

~~No business shall be transacted at a Council Meeting unless it appears on the agenda.~~

~~Notwithstanding the above, an item of business which has:~~

- ~~a) been referred to Council by a delegated committee which has met since the agenda was prepared; or~~
- ~~b) arisen since the preparation of the agenda, and is of such importance that deliberation by Council cannot be delayed,~~

~~may be considered by Council only if admitted in accordance with the provisions of clause 57 – Urgent Business.~~

7. Notices and Agendas

7.1 Date, time and place of meetings

The dates, times and places of Council Meetings are within the discretion of Council.

Council may, by resolution, at a Meeting alter the day and time upon which any Meeting shall be held.

A Meeting must start within 30 minutes of the advertised start time.

A Meeting may not continue after 10.30pm unless a Majority of Councillors present vote in favour of its continuance. In the absence of such continuance, a Meeting must stand adjourned to a time, date and place announced by the Chairperson immediately before the standing Meeting is adjourned.

7.2 Notice of Meeting

The Chief Executive Officer **or delegate** must give notice including on Council's website of the date, time and place of a meeting giving adequate time for members of the ~~municipal~~ community to make arrangements to attend the meeting or view the meeting via the livestream unless urgent or extraordinary circumstances prevent compliance with this clause.

The Chief Executive Officer must ensure that the agenda for any Meeting is provided to every Councillor or delegated committee member with adequate time for Councillors or members to prepare adequately for the meeting.

7.3 Attendance at meetings

In accordance with section 66(1) of the Act, all Meetings of Council must be open to ~~members of~~ the public unless section 66(2) of the Act applies.

Council may resolve, in accordance with section 66(2) of the Act, that its Meeting be closed to ~~members of~~ the public because:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

7.4 Business to be transacted

No business shall be transacted at a Council Meeting unless it appears on the agenda.

Notwithstanding the above, an item of business which has:

- a) been referred to Council by a delegated committee which has met since the agenda was prepared; or
- b) arisen since the preparation of the agenda, and is of such importance that deliberation by Council cannot be delayed,

may be considered by Council only if admitted in accordance with the provisions of clause **57**– Urgent Business.

8. Quorum

The quorum in relation to Council Meetings is an absolute majority.

The quorum in relation to delegated committee meetings is the number of members, which is greater than half the total number of members of the committee.

8.1 Failure to raise or maintain a quorum

If after 30 minutes from the scheduled starting time of any Meeting, a quorum cannot be obtained:

- a) those Members present; or
 - b) if there are no Members present, the Chief Executive Officer; or,
 - c) in the absence of the Chief Executive Officer, an Authorised Officer,
- must adjourn the Meeting for a period within four (4) weeks from the date of the Meeting.

8.2 Council decision making where quorum cannot be maintained

If the meeting cannot be maintained due to the temporary absence of Councillors, the Chairperson can temporarily adjourn the meeting for up to 15 minutes.

If during any Council Meeting it becomes apparent to the Chairperson that it will not be possible to maintain a quorum due to the number of Councillors who have disclosed a conflict of interest in an item of business and will be unable to vote Council must consider whether:

- a) the decision can be made in an alternative manner by dealing with the matter in separate parts; or
- b) by making decisions on component parts in which conflicts arise before the overall decision is voted upon.

If not, Council must decide to establish a delegated committee to make the decision in accordance with s 67(4) of the Act.

If during any Meeting or any adjournment of the Meeting, a quorum cannot be maintained for any other reason:

- c) those Councillors present; or
- d) if there are no Councillors present, the Chief Executive Officer; or,
- e) in the absence of the Chief Executive Officer, an Authorised Officer,
- f) must adjourn the Meeting for a period not exceeding seven (7) days from the date of the Meeting.
- g) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors and/or absence that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Meeting. This does not require a resolution of Council.

9. Adjourned meetings

Council may, by Resolution, adjourn any Meeting to a later time on the same day, or for a period not exceeding seven (7) days.

The Chief Executive Officer, or an Authorised Officer, must give notice to each Councillor of the date, time and place to which the Meeting stands adjourned and of the business remaining to be considered.

10. Extraordinary Meeting

The Mayor or ~~at least 3~~ a majority of Councillors may by a written notice call an extraordinary Council Meeting;

- a) The notice must specify the date and time of the extraordinary Council meeting and the business to be transacted;
- b) The Chief Executive Officer must call the extraordinary meeting as specified in the notice;
- c) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice is be transacted.

11. Chairperson

The Mayor must preside at all Meetings at which ~~he or she is~~ **they are** present, in the role of Chairperson.

In the absence of the Mayor, the Deputy Mayor must preside at any Meeting at which ~~he or she is~~ **they are** present, in the role of Chairperson.

In the event that both the Mayor and Deputy Mayor are absent, Council must elect a Chairperson to preside at that Meeting, in accordance with the provisions of the Governance Rule – Election of the Mayor and Deputy Mayor 1.1.

12. Duties and responsibilities of the Chairperson

The duties and responsibilities of the Chairperson are to:

- a) formally declare a Meeting open, after ascertaining that a quorum is present, and to welcome guest speakers and other visitors;
- b) preside over and control the Meeting, and to conduct it impartially and according to the rules to ensure the smooth passage of business;
- c) sign Minutes of Meetings as correct when they have been confirmed;
- d) ensure that debates are conducted in the correct manner;
- e) declare the results of all votes;
- f) give rulings on Points of Order and other questions of procedure;
- g) preserve order, and if necessary, “name” offending Councillors;
- h) adjourn (when so resolved) or formally declare the Meeting closed when all business has been concluded.

13. Order of Business of a Council Meeting

The order in which business is listed on the agenda is determined by the Chief Executive Officer in consultation with the Mayor and should be kept consistent from meeting to meeting in order to facilitate and maintain open, efficient and effective processes of government.

The Chief Executive Officer may include any matter on the agenda that ~~he or she~~ **they** believes should be considered by the Council.

The order of business of any Council Meeting will be as follows:

1. Welcome
2. Acknowledgement of Country
3. Good Governance Pledge
4. Prayer
5. Apologies
6. Declarations of Conflict of Interest
7. Presentations
8. Confirmation of Minutes

9. Petitions
10. Questions from the Gallery
11. Reports of Advisory Committees
12. Officers' Reports
13. Notices of Motion
14. Delegates' Reports
15. Supplementary and Urgent Business
16. Confidential Reports

Once an Agenda has been sent to Councillors, the order of business for that meeting may **only** be altered with the consent of the majority of the Councillors at that Meeting.

14. Councillor Leave of Absence and Absence from Meeting

Any Councillor seeking leave of absence from Council duties must do so in writing addressed to the Chief Executive Officer. Applications for leave shall be listed for consideration at the next ~~Ordinary Council~~ Meeting of Council and the Council must not unreasonably refuse to grant the request for leave of absence.

Where leave of absence has been granted to a Councillor, the Chief Executive Officer must record the leave of absence in the Minutes of the ~~Ordinary Council~~ Meeting held during the period of the leave of absence.

If Councillor intends to be absent from a Meeting, the Councillor must give the Chairperson of that Meeting a notice of apology prior to the Meeting.

If a Councillor is an apology at a Council Meeting or delegated committee meeting the apology will be noted by resolution in the minutes.

15. Recording of Meetings

The Chief Executive Officer (or another person authorised by the Chief Executive Officer) will record, using electronic recording equipment, and livestream the proceedings of a Council Meeting or delegated Committee Meeting. Recordings must be retained for a minimum period of three months from the date of the Meeting.

Media representatives may with consent of the Chairperson be permitted to record, using electronic recording equipment, any part of the proceedings of a Council Meeting or delegated Committee Meeting. The consent of the Chairperson must not be unreasonably withheld, but may be revoked at any time during the course of the relevant meeting.

Subject to this clause, members of the public must not operate electronic recording equipment (including mobile phones) at any Council Meeting or delegated committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of such meeting be revoked by the Chairperson.

Members of the public are to be advised if the Meeting is being recorded (audio and video) by venue signage.

16. Record of Proceedings

The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council Meeting, and Delegated Committee Meeting and those minutes must record:

- a) the names of the Councillors and/or committee members present and the names of the Councillors and/or committee members who have submitted apologies or have been granted leave of absence;
- b) the names of staff members present at the meeting;
- c) arrivals and departures (including temporary departures of Councillors and/or committee members during the course of the meeting);
- d) declarations of conflict of interest;
- e) **record movers and seconders;**
- f) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder) and motions and amendments withdrawn by resolution or with the consent of both the mover and seconder of the motion or amendment;
- g) whether motions or amendments lapsed or were withdrawn, carried or lost;
- h) the vote cast (if any) by each Councillor and/or committee member upon a division, either for, against or abstaining, and the declaration of the result of the division on the motion or amendment;
- i) questions from the gallery and responses to those questions;
- j) the failure of a quorum;
- k) closure of the meeting to members of the public in accordance with the provisions of section 66(2) of the Act;
- l) when specifically requested by a Councillor or delegated committee member, a record of their support or opposition for any motion;
- m) a summary of all committee reports presented to Council;
- n) the time and reason for any adjournment of the meeting or suspension of standing orders; and
- o) any other matter which the Chief Executive Officer (or other person authorised by the Chief Executive Officer) thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- p) The minutes must be documented and each item numbered consecutively.

17. Confirmation of Minutes

At every Meeting the Minutes of the preceding Meeting must be dealt with as follows:

- a) a copy of the Minutes must be delivered to each Councillor no later than 72 hours before the next Meeting;
- b) if no Councillor indicates opposition, the Minutes must be declared to be confirmed;
- c) subject to clause 18, if a Councillor indicates opposition to the Minutes:
 - i. ~~he or she~~ **they** must specify the item(s) to which ~~he or she~~ **they** objects;

- ii. the objected item(s) must be considered separately and in the order in which they appear in the Minutes;
- iii. the Councillor objecting must move accordingly without speaking to the motion;
- iv. the motion must be seconded;
- v. the Chairperson must ask:
"Is the motion opposed?"
- vi. if no Councillor indicates opposition, the Chairperson must declare the motion carried without discussion and ask the second question described in paragraph x.;
- vii. if a Councillor indicates opposition, the Chairperson must call on the mover to address the Meeting;
- viii. after the mover has addressed the Meeting, the seconder may address the Meeting;
- ix. after the seconder has addressed the Meeting (or after the mover has addressed the Meeting if the seconder does not), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- x. if, after the mover has addressed the Meeting, the Chairperson invites debate and no Councillor speaks to the motion, the Chairperson must put the motion and, after all objections have been dealt with, ultimately ask:
"That the Minutes be confirmed" or
"That the Minutes, as amended, be confirmed",
and ~~he or she~~ **they** must then put the question to the vote.
- xi. a Resolution of Council must confirm the Minutes and the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed.

18. No debate on confirmation of minutes

No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of proceedings of the meeting to which they relate is questioned.

19. Publication of minutes

Council will endeavour to provide the Minutes of its Meetings on the Nillumbik Shire Council's website within three (3) business days of the meeting.

20. Record of Informal Meetings of Councillors

If there is a meeting of Councillors that:

- a) is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;

- b) is attended by at least one member of Council staff; and
- c) is not a Council meeting, delegated committee meeting or community asset committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting is:

- d) tabled at the next convenient Council meeting; and
- e) recorded in the minutes of that Council meeting.

21. Declaration of Conflicts of Interests

Conflicts of Interest are to be disclosed in accordance with **this Governance Rule and Governance Rule – Procedure for Disclosure of Conflicts of Interest.**

22. Presentations

At each Council Meeting, presentations of monetary grants, certificates of appreciation or other acknowledgements that recognise the outstanding achievements of local individuals and organisations who have made a significant contribution to Nillumbik, may be made by the Mayor or Councillors.

Presentations may also include an acknowledgement of the passing of prominent community members.

23. Petitions

A person may lodge a petition with Council, ~~provided that~~ **and** if the petition is lodged ~~one week~~ **10 business** days prior to the ~~next~~ Council meeting it will be included in the Council agenda for that meeting. **If a petition is lodged less than 10 business days prior to a Council meeting, the petition will be included in the next Council agenda.**

A person lodging a petition is to ensure that the petition contains:

- a) a clear and concise statement identifying the subject matter **and the action requested;**
- b) a heading on each page indicating the subject matter;
- c) a brief statement on each page of the subject matter and the action requested;
- d) a statement specifying the number of signatories; and

the full printed name, address and signature of the person lodging the petition at the end of the petition.

Petitions must not be indecent, abusive or objectionable in language or substance.

Every page of the petition must bear the wording of the whole of the petition or request and include the name, address and signature of petitioners.

Signatures appearing on a page of a petition which does not bear the wording of the whole of the petition or request, must not be considered by Council.

Petitions presented to Council must be written (other than pencil). ~~Any resident of Victoria may sign a petition.~~

~~The~~ Council may, by resolution, accept genuine electronic petitions if it is satisfied that the petition is authentic and has been received from a legitimate website.

A petition will be presented by a Councillor at the Council Meeting and the Councillor presenting the petition:

- e) shall identify the issue;
- f) shall state the number of signatures attached to the petition;
- g) shall read the petition in full or precis form; and
- h) may move 'That the petition be received and noted' and any other action appropriate.

~~In the case of a~~ Any petition containing fewer than 15 signatures, it will not be presented at the a Council meeting and will, instead, be forwarded to the relevant Director or Executive Manager for a response.

24. Public Question Time

There shall be a public question time at every Council Meeting to enable members of the public to address submit questions to Council.

Procedures which allow for public questions to be asked at a Council Meeting are available on Council's website.

~~Questions may be delivered to the Civic Centre or submitted electronically through Council's website.~~

Public Question Time will not be held during:

- a) Any period when a meeting is closed to the public in accordance with section 66 of the Act or
- b) A Local Government election or caretaker period as defined in Council's election period policy.

Public Question Time will not exceed 30 minutes in duration unless extended by resolution of Council through a procedural motion, in which case it may only be extended for one period of up to 30 minutes.

Questions must be answered, taken on notice or disallowed. All questions and answers shall be as brief as possible.

Council will allocate a reasonable time to each person who wishes to address a question to Council having regard to:

- a) the nature of the matter to be discussed;
- b) the priorities in relation to other Council business; and
- ~~c) other members of the community present who also wish to address a question to Council, and~~
- d) the overall time limit for question time.

24.1 Lodging a Question

All questions must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than ~~5pm on the day~~ 11.59pm two days prior to the advertised date of the Council Meeting.

Questions are limited to a maximum of two questions per individual with no subparts.

Questioners are expected to disclose any personal or professional interests in the subject

matter of their questions on the question forms available at the Civic Centre or on Council's website.

All such questions must be received in writing and must include the name of the person asking the question. Where there are more than two questions **are** received from any person, **only** the Chief Executive Officer will determine the **first** two questions to **will** be read and answered at the meeting.

~~A question will only be read to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:~~

24.2 Questions not permitted

The Chairperson and/or the Chief Executive Officer may at their discretion, refuse to accept a question if the question:

- a) **is not a question** and ~~not~~ a statement or opinion;
- b) **relates to a matter outside the duties, functions or powers of Council;**
- c) ~~is not~~ indecent, abusive or objectionable in language or obscene;
- d) ~~is not repeating a question~~ **repetitive or deals with a subject matter** already answered ~~whether~~ at the same or an earlier meeting;
- e) ~~is not~~ in the opinion of the Chairperson or Chief Executive Officer, asked to embarrass a Councillor or an officer; ~~and~~
- f) ~~does not relate~~ **relates to the personal views or actions of an individual Councillor or Officer;**
- g) **is considered trivial or vexatious or it is more appropriate to direct to officers of the Shire during normal business hours;**
- h) **relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage; or**
- i) **relates** to a matter which the Council has discussed in camera or proposes to discuss after closing the meeting to members of the public in accordance with section 66(2) of the Act.

24.3 Asking a Question

- a) The procedure and sequence for dealing with a question is that the Chairperson:
 - shall name the questioner; ~~and enquire if they are present in the gallery~~
 - shall read out the question ~~provided the questioner is present;~~ and
 - may answer the question or direct the question as ~~he/she~~ **they** deems appropriate.

~~Questions must be answered, taken on notice or disallowed. All questions and answers shall be as brief as possible.~~

~~Question time shall be limited to a period of up to 30 minutes.~~

~~Council will allocate a reasonable time to each person who wishes to address a question to Council having regard to:~~

- ~~j) the nature of the matter to be discussed;~~
- ~~k) the priorities in relation to other Council business;~~

- b) If a person submitting a question is not in attendance during Public Question Time, their question(s) may be read out and a response provided at the meeting.
- c) The Chairperson may elect to answer the question themselves or request the Chief Executive Officer to read and respond to a question.

25. Submissions by public under section 223 of the *Local Government Act 1989*

A delegated committee must hear any person wishing to be heard in respect of their submission to Council under section 223 of the *Local Government Act 1989*.

Committee members may question any submitter in relation to their submission.

Each speaker is allowed three minutes to speak to their submission.

The Chairperson may use his/her **their** discretion to allow an extension of time for up to a further one minute.

Anyone making a submission and not wishing to appear in person can be represented by another person in accordance with the *Local Government Act 1989*. Submitters will be requested to disclose any personal or professional interests in the subject matter of their submission.

26. Other public submissions

In addition to section 223 submissions under the *Local Government Act 1989*, delegated committees may also hear any person on any items listed on the delegated committee agenda where the person has made application to speak to an item in accordance with Council's procedures.

This ~~indicates~~ **includes** any person whose rights will be directly affected by a decision of Council, even if Council has not invited public submissions or if the person has not already lodged a written submission.

Persons wishing to address the Committee must lodge their request in writing, identifying the item on the agenda about which they wish to address the Committee and provide their name and contact details no later than 5pm the day prior to the advertised date of the Committee Meeting.

Procedures which allow for public submissions at a Committee Meeting are available on Council's website.

~~Requests can be made by:~~

- ~~• Completing the online form; or~~
- ~~• Contacting the Governance team on 9433 3718 or 9433 3271 or by email to governance@nillumbik.vic.gov.au.~~

In respect of these submissions, the Chairperson may, in the case where there are several people representing a common position, encourage the submitters to nominate a single person to speak on the matter.

A person can speak on their own behalf for up to three minutes. They may also speak on behalf of one **group**, organisation/ ~~or~~ company for a further period of up to three minutes.

No person may speak on behalf of more than one other person, ~~or~~ **group** organisation/ ~~or~~ company, unless Council or the Committee specifically resolves to allow them to do so.

~~No person is permitted to speak on behalf of an absent submitter, or group, organisation or company unless he/she is authorised in writing by the absent submitter or by an authorised officer of the group, organisation or company to address Council or the Committee on their behalf, such document to be tabled by the speaker.~~

The Council or the Committee may ask questions of clarification relating to the submission of the person authorised to address Council or the Committee.

27. Addressing the Meeting

A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.

Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chair.

Any person addressing the Chair must refer to the Chairperson as:

- a) Mayor; or
- ~~b) Mr Mayor; or~~
- ~~c) Madam Mayor; or~~
- d) Chair; or
- ~~e) Mr Chairperson; or~~
- ~~f) Madam Chairperson;~~
- as appropriate.

Councillors and members of Council staff in speaking must address each other by their titles of Councillor or officer as the case may be.

Any member of the public attending a Meeting must not:

- a. utter any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber;
- b. display any placards or posters in the Council Chamber or in any building where a Meeting is being or is about to be held that give rise to a risk to the health and safety of persons in the Council Chamber or building where the Meeting is being held.
- c. display any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, in the Council Chamber; or
- d. obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held.

The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be contrary to any of the above or is objectionable, disrespectful or otherwise inappropriate.

Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.

If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction. (Also refer to clause 67).

28. Form of Motions or Amendments

A motion or an amendment:

- a) must relate to the powers or functions of Council;
- b) may be in writing or oral however, the Chairperson may require that complex or detailed motions be in writing and tabled when the motion or amendment is moved; and
- c) except in the case of urgent business, must be relevant to an item of business on the agenda.

The Chairperson may temporarily adjourn the Meeting while the motion is being written or may defer the matter in the order of business, until the motion has been written.

A motion or amendment must be clear and unambiguous and must not be defamatory or objectionable in language or nature.

The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

29. Introducing a Motion

The procedure for moving any motion at a Meeting is as follows:

- a) the mover must state the subject and nature of the motion and not speak to it;
- b) the motion must be seconded by a Councillor other than the mover. If there is no seconder for a motion, the Chairperson must declare the motion to have lapsed;
- c) if the motion is moved and seconded the Chairperson must ask whether the motion is opposed and/or whether any Councillor wishes to speak to the motion;
- d) if no Councillor indicates opposition or a desire to speak to the motion, the Chairperson may declare the motion carried without discussion;
- e) if a Councillor indicates opposition or a desire to speak to the motion :
 - i. the Chairperson must call the mover to address Council upon it;
 - ii. after the mover has spoken, the Chairperson must call upon the seconder to address the meeting;
 - iii. after the seconder has addressed the meeting (or after the mover if the seconder does not wish to speak) the Chairperson must call upon the first speaker in opposition to address the meeting;
 - iv. after the mover, seconder and first speaker in opposition have had the opportunity to address the Meeting the Chairperson will call for speakers for and against the motion or amendment in alternate sequence until the sequence of speakers is exhausted; and
 - v. a Councillor may only speak once on the motion or amendment.

A Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion.

30. Moving an Amendment

A motion which has been moved and seconded, in accordance with clause 28 29 a) and b) may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

An amendment may be moved or seconded by any Councillor, except the mover or seconder of the original motion;

If any Councillor intends to move an amendment, ~~he or she~~ they must give notice of that intention prior to the right of reply being exercised.

A motion to confirm a previous Resolution of Council cannot be amended.

An Amendment must not be the negative of, or substantially contrary to, the original motion.

The mover of an amendment may with the consent of the seconder, change the wording of the proposed amendment.

If an amendment is adopted it becomes the substantive motion and, unless subject to further amendment and debate, must be put to the vote by the Chairperson.

31. Right of Reply and Debate of Motion or Amendment

If there has been any opposition to a motion, the mover of a motion has the right of reply to these issues.

The mover of an amendment has no right of reply.

Subject to any Councillor exercising ~~his or her~~ their right to ask any question concerning or arising out of a motion, the Chairperson must put the motion to the vote immediately after the mover of the motion has spoken in reply.

Any one Councillor cannot move more than two (2) amendments in succession.

Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.

Debate on an amendment must be confined to the terms of the amendment.

32. How Many Amendments may be proposed

Any number of Amendments may be proposed to a motion but only one (1) Amendment may be accepted by the Chairperson at any one (1) time.

No second or subsequent Amendment, whether to the motion or an Amendment of it, may be taken into consideration until the previous Amendment has been dealt with.

33. An Amendment Once Carried

If the Amendment is carried, the amended motion then becomes the substantive motion before the Meeting and can be further amended.

The mover of the original motion retains the right of reply to the substantive motion.

34. Foreshadowing Motions

At any time during debate a Councillor may foreshadow a motion to inform the Meeting of ~~his or her~~ **their** intention to move a motion at a later stage in the Meeting. This does not extend to any special right to the foreshadowed motion.

A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Meeting, the Chief Executive Officer or an authorised officer is not required to record foreshadowed motions in the minutes.

35. Withdrawal of Motions

Subject to this clause, only with the leave of the Chairperson, and the consent of the mover and seconder, can a motion or amendment to a motion be withdrawn.

If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

36. Priority of Address and Right to Speak to Motion

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

A Councillor may speak once on a motion and once on an amendment, except for the mover of a motion who has the right to speak in reply to any opposition to the motion.

37. Debate of the Motion

Debate must always be relevant to the motion before the Chairperson, and, if not, the Chairperson must request the speaker to confine the debate to the motion.

If the speaker continues to debate irrelevant matters after being requested to confine debate the Chairperson may direct the speaker to be seated and not to speak further in respect of the motion before the Chairperson.

A speaker to whom a direction has been given under this clause must comply with that direction.

Councillors may remain seated to address the Chairperson, to move or second a motion or amendment, or to take part in a debate.

The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:

- a) ~~he or she is~~ **they are** called to order; or
- b) ~~his or her~~ **their** speaking time has expired; or
- c) a Point of Order is raised.

Councillors must address each other by their official titles during debate and throughout a Meeting.

38. Debate from the Chair

The Chairperson should seek to refrain from debate on motions. The Chairperson may however choose to exercise a right to speak in favour of or against a motion and where this is the case, the Chairperson must advise the Council of their intention ~~and stand while speaking to the matter under discussion.~~

Where the Chairperson wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council. ~~The Deputy Mayor assumes the role of the Chairperson. If the Deputy Mayor is absent or unable to assume the Chair, a~~ temporary Chairperson must be elected in the same manner as the second temporary chairperson is elected in accordance with Governance Rule – Election of Mayor and Deputy Mayor Clause 1.1.

39. Resumption of adjourned debate

The business to which the debate relates must be placed on the Agenda of the meeting to which it is adjourned. Adjourned business should have priority over any other business except formal business.

If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless ~~he or she has~~ **they have** already spoken to the motion or amendment.

40. Lost Motions

Councillors should move a motion detailing further requirements or actions after any motion which is lost.

41. Separation of a Motion

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts. If the Chairperson does not consent to the request then Council may determine the matter in accordance with clause **52 - Disagreement with the Chairperson's ruling.**

42. Deferral of a Motion

Council may defer an item until later in the meeting or until another meeting as appropriate if further consideration or clarification is required prior to a decision being made. The decision to defer an item is a substantive motion, and may be debated.

43. Time limits

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson;

- a) the mover of a motion or an amendment five (5) minutes;
- b) the seconder of a motion or an amendment three (3) minutes;
- c) any other Councillor three (3) minutes; and
- d) the mover of a motion exercising a right of reply two (2) minutes.

44. Voting

Voting shall be in accordance with the Act. A matter will be determined in the affirmative if the majority of Councillors at a meeting at the time the vote is taken vote in favour of it.

A Councillor has the right to abstain from voting.

Councillors must remain seated in silence while a vote is being taken.

Unless Council resolves otherwise, voting on any matter will be by a clear show of hands so that the Chairperson can easily record the count.

Section 61(5)(e) of the Act provides that in determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the matter.

45. Recount of vote

The Chairperson may direct that the vote be re-counted as often as may be necessary for ~~him or her~~ **them** to satisfy ~~himself or herself~~ **themselves** of the result.

46. Casting Vote

In the event of an equality of votes, the Chairperson has a casting vote.

This clause does not apply in the event of an equal number of votes in respect of the election of the Mayor or Deputy Mayor or in cases where the Act provides that a matter is to be determined by lot.

47. Division

Immediately after any matter is voted upon and before the next item of business has commenced, a Councillor may call for a division.

When a division is called, the vote already taken must be treated as a nullity and the voting by division shall decide the motion or amendment. Any Councillor may change their original vote at the voting on the division.

When a division is called, the Chairperson must:

- a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote must raise one of ~~his or her~~ **their** hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the affirmative; and
- b) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of ~~his or her~~ **their** hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the negative; and
- c) if required, then ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of ~~his or her~~ **their** hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting), must record the names of those Councillors abstaining from voting.

In determining the result of a vote, an abstention is counted as a vote in the negative.

48. Declaration of vote

The Chairperson must declare the result of the vote as soon as it is taken.

49. Resolution not to be discussed after it is carried

Except in the case of a motion of rescission or alteration or a Councillor wishing to have his or her ~~their~~ opposition to the motion recorded, no resolution may be discussed after the vote upon it has been declared.

Recording of opposition to motion

~~Any Councillor may ask that his or her opposition to a motion adopted by the meeting be recorded. It must then be recorded in the minutes of the meeting.~~

50. Points of order

Expressing a difference of opinion or contradicting a speaker does not constitute a point of order.

A point of order is taken when a Councillor officially draws the attention of the Chairperson to an alleged irregularity in the proceedings that contravenes this Governance Rule, any other Governance Rule or the Act.

Councillors raising a point of order must:

- a) state the point of order; and
- b) state any section, clause, paragraph or provision relevant to the point of order.

A Councillor may raise a point of order by drawing the attention of the Chairperson to:

- c) the fact that a Councillor or Councillor is out of order; or
- d) an act of disorder, despite the fact that the Chairperson or a Councillor is speaking at the time.

When called to order, a Councillor must sit down and remain silent until the point of order is decided unless ~~he or she is~~ **they are** requested by the Chairperson to provide an explanation.

The Chairperson may raise a point of order without it having been raised by a Councillor.

A point of order takes precedence over all other business, including procedural motions.

51. Chairperson to decide Point of order

The Chairperson may adjourn the meeting to consider a point of order, but must otherwise rule upon it as soon as it is taken.

If called upon to do so by a Councillor, the Chairperson must, when ruling on a point of order, state the provision of this Rule, another Governance Rule or the Act which is relied on in support of the ruling.

52. Disagreement with Chairperson's ruling

A Councillor may move that the meeting disagree with the Chairperson's ruling on a point of order.

When a motion in accordance with this clause is moved and seconded the Chairperson must leave the Chair and a temporary Chairperson, being the Deputy Mayor if present at the meeting, must take ~~his or her~~ **their** place. If Council has not elected a Deputy Mayor, the Deputy Mayor is absent from a meeting of Council **or unable to assume the Chair for raising the disagreement**, the Chief Executive Officer must take the Chair and invite nominations for a temporary Chairperson. If there is only one nomination (which must be moved and seconded), the candidate nominated is deemed to have been duly elected. If there is more than one nomination, the procedure for the election of the Mayor in Governance Rule – Election of Mayor and Deputy Mayor should be followed.

The temporary Chairperson must invite the mover to state the reasons for ~~his or her~~ **their** dissent and the Chairperson may then reply.

The temporary Chairperson then puts a motion in the following form:

'That the Chairperson's ruling be upheld'.

If the vote is in the:

- a) affirmative, the Chairperson resumes the Chair and the meeting proceeds.
- b) negative, the Chairperson resumes the Chair, reverses ~~his or her~~ **their** previous ruling and the meeting proceeds.

The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence and should not be regarded as such by the meeting.

53. Procedural Motions

A procedural motion is one dealing with the conduct of the meeting itself, and takes precedence over a substantive motion.

A procedural motion may be moved at any time and must be dealt with immediately by the Chairperson in accordance with the procedural motion table below.

A procedural motion requires a seconder.

The mover of a procedural motion must not have moved or seconded the question before the Chair or any amendment of it.

A procedural motion cannot be moved by the Chairperson.

The mover has the right or obligation to justify the procedural motion, thereafter debate is not permitted unless allowed at the discretion of the Chairperson and the mover does not have a right of reply.

A procedural motion cannot be amended.

The procedural motions in the following table are the only procedural motions to be moved.

Procedural Motion Table

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or * date	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking; or c. When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later Meeting if on the Agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive	During nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate subject	Debate continues unaffected	No

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
		motion or otherwise spoken to the substantive motion		to any Councillor exercising his or her their right to ask any question concerning or arising out of the motion		
4. Proceeding to next business	That the Meeting proceed to the next business Note: This Motion: a. May not be amended; b. May not be debated; and c. Must be put to the vote as soon as seconded	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking; or c. When a motion would have the effect of causing Council be in in a breach of a legislative requirement	If carried in respect of a. An amendment, Council considers the motion without reference to the amendment; b. A motion – no vote or further discussion on the motion until it is placed on an Agenda for a later Council Meeting	Debate continues unaffected	No
5. Suspension of Standing Orders this Governance Rule	That the Meeting be Suspended to: (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given motion	The meeting continues unaffected	No

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
				No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted		
6. Resumption of Standing Orders this Governance Rule	That Standing Orders be resumed	Any Councillor	When Standing Orders have this Governance Rule has not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
7. Close the meeting to members of the public	That, in accordance with Section 66(2)(a) of the Local Government Act 2020 the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to (insert reason)	Any Councillor	During the election of Mayor and Deputy Mayor	The meeting be closed to members of the public	The meeting continues to be open to the public	Yes

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
8. Reopen the meeting	That the meeting be reopened to members of the public	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No
9. Extending Public Question Time	That Public Question Time be extended by 30 minutes	Any Councillor		Public Question Time is extended by 30 Minutes	Public Question Time must cease at the end of the initial 30 minute period	No

54. Repetitious Motions

Once a Meeting has rejected a motion, with or without amendment, similar motions to the same effect, even in a different form, are considered to be out of order at that Meeting. A motion similar to an amendment to a motion already dealt with at a Meeting is also not permissible. However, the matter can be legitimately raised again at a subsequent Meeting in accordance with the provisions of this Meeting Procedure.

55. Notices of motion

Subject to ~~clause 6-subclause 7.4~~ of this Rule, a Councillor may move a motion if notice of such motion has been given in accordance with this Rule.

A Notice of Motion must be lodged with the Chief Executive Officer in writing by 12 noon ~~one week~~ **10 business days** prior to the Council Meeting at which it is to be considered **to ensure inclusion in the Agenda.** ~~to allow enough time to include it on the Agenda and to take into consideration weekends and public holidays.~~ Any Notice of Motion received after that time must, be included on the agenda for the following Council Meeting, unless withdrawn in writing.

A Councillor may also give a Notice of Motion at a Council Meeting in which case, the item will be listed at the next following Meeting of Council.

The full text of the proposed motion must be included on the agenda. No other explanatory information will be included on the agenda.

A Notice of Motion must relate to the role of Council as outlined in the Act.

A Notice of Motion must ~~do no more than~~ call for a Council report **if the Notice of Motion proposes any action that:** ~~It should not do any of the following:~~

- a. **affect the levels of Council service;**
- b. **be inconsistent with the strategic objectives of the Council as outlined in the Council Plan;**
- c. **commit Council to expenditure that is not included in the adopted Budget;**
- d. **propose to establish, amend or extend an adopted Council policy or position;**
- e. **commit Council to any contractual arrangement;**
- f. **concern any litigation in respect of which Council is a party; or**
- g. **impact on perceived procedural fairness to a person or entity which is the subject of a pending decision by Council.**

The Chief Executive Officer must reject a Notice of Motion if ~~he or she is~~ **they are** of the opinion that it is:

- h) **outside the powers of Council.**
- i) ~~may be prejudicial to any person or Council;~~ **possibly prejudicial to any person or Council;**
- j) **defamatory;**
- k) **objectionable in language or nature;**
- l) **vague or unclear in intention;**

- m) is identical or substantially similar to a Notice of Motion or other motion that has been considered by Council in the preceding two (2) months;
- ~~n) can be~~ **able to** be addressed through the operational service request process; or
- ~~e) outside the powers of Council;~~
- p) relates to a matter that has already been acted upon.

If the Chief Executive Officer rejects a Notice of Motion under this clause the Chief Executive Officer must:

- q) give the Councillor who lodged it an opportunity to amend it, if practical to do so; and
- r) if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify the Councillor who lodged it that it will be rejected and explain the reasons for the rejection.

The Chief Executive Officer may determine a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.

The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they are received.

Except by leave of the Council, each Notice of Motion before any meeting must be considered in the order in which it was entered in the Notice of Motion Register.

If a Councillor who has given a Notice of Motion:

- s) is absent from the meeting; or
- t) fails to move the motion when called upon by the Chairperson;

any other Councillor may move the motion.

If the motion is not moved and seconded then the Notice of Motion lapses. If a Notice of Motion, **is whether amended or not**, is lost or lapses, a similar motion may not be submitted for two (2) **calendar** months from the date it was lost or lapsed.

If a Councillor proposing a Notice of Motion wishes to amend the Notice of Motion ~~he/she~~ **they** may do so by seeking leave of Council to amend the Notice of Motion prior to it being seconded.

Except where the Notice of Motion is to confirm a previous resolution of Council, the Notice of Motion may be amended by resolution of Council.

~~If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of two calendar months from the date it was lost.~~

A preamble to a Notice of Motion is an explanatory statement that explains the purpose of the Notice of Motion. A Councillor lodging a Notice of Motion must ensure that the content of any preamble provided remains factual.

56. Notice of Rescission or Amendment

A notice of rescission or amendment is a form of Notice of Motion. Accordingly, all provisions in this Governance Rule relating to Notice of Motion equally apply to notices of rescission and amendment.

A rescission motion is a motion to rescind or vary a previous decision of Council.

Motions to rescind or amend a previous resolution must be submitted to the Chief Executive Officer in writing by a minimum of two Councillors and must:

- a) identify the resolution which is proposed to be rescinded or amended; and
- b) the date of the meeting that the resolution was carried.

The Chief Executive Officer must include the notice of rescission on the agenda for the next Council Meeting provided that:

- a) The notice of rescission has been submitted no later than 12 noon ~~7~~**10 business** days prior to the next Council Meeting; and
- b) The resolution proposed to be rescinded has not already been acted upon.

The Chief Executive Officer or an appropriate member of Council staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:

- a) its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
- b) a statutory process has been commenced

so as to vest enforceable rights in or obligations on Council or any other person.

Under section 19(1)(c) of the Act, the Mayor has the power to require the CEO to report to Council on the implementation of a Council decision.

The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

- a) has not been acted on; and
- b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with this clause

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

A rescission motion listed on the agenda may be moved by any Councillor present but may not be amended.

A second or subsequent notice to rescind or alter an earlier resolution must not be accepted by the Chief Executive Officer until a period of two (2) **calendar** months has elapsed since the date of the Meeting at which the original motion of rescission or alteration was dealt with, unless Council resolves that the matter be dealt with at a future meeting.

This clause will not apply if the ~~CEO~~**Chief Executive Officer**, in consultation with the Mayor, considers that significant new information has become available since the previous rescission motion that warrants inclusion of the subsequent rescission motion in the agenda.

If the rescission notion is not moved and seconded then the rescission notice lapses. If a rescission notice is lost or lapses a similar motion may not be submitted for two (2) months from the date it was lost or lapsed.

57. Urgent business

Business can only be admitted as urgent business by Resolution of the Meeting. A majority of Councillors present at a Council Meeting, or delegated committee meeting must vote in favour of admitting the item as urgent business.

Even if the required Councillors carry the motion, it still will not be accepted as urgent business unless it:

- a) it is proposed for admission by the Chief Executive Officer after consulting with the Mayor about the appropriateness for Council to consider admitting as urgent business;
- b) it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- c) it cannot be deferred until the next Meeting without having a negative impact on the Council, and the local community and.

58. Delegates Report

A Delegate's Report provides an opportunity for a Councillor to update the Council and provide advice or other information in relation to the activities of:

- An Advisory Committee;
- An interest group; or
- An external organisation

to which the Councillor has been appointed by the Council as its delegate.

If the Agenda for a Council meeting makes provision for Delegate's Reports, Councillors may submit a report by:

- Tabling a brief written report for inclusion without attachments in the Agenda by 12 noon 10 business days prior the council meeting at which it is to be presented; or
- Providing an oral report to the meeting.

The delegate has a period of up to three minutes to speak.

The full text of any Delegate's Report tabled shall be included in the minutes of the meeting.

59. Suspension of this Rule

The provisions of this Rule applicable to a Council Meeting or delegated committee meeting may be suspended for a particular purpose upon the affirmative vote of the majority of Councillors in a Council Meeting, or members present in a delegated committee meeting present.

The suspension of such provisions should be used to enable full discussion of any major issue without the constraints of formal meeting procedure. Suspension of this Rule should not be used purely to dispense with the processes and protocols of this Rule.

Once the discussion has taken place, and before any motions can be put, the resumption of the Rule will be necessary.

No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of the Rule other than a motion to resume the operation of this Rule.

60. Adjournments

Once a Council Meeting is declared open, **the Mayor or Council by resolution** may, from time to time, resolve to adjourn the meeting:

- a) if the meeting becomes excessively disorderly and order cannot be restored; or
- b) to allow for additional information to be presented to a meeting; or
- c) in any other situation where an adjournment could aid the progress of the meeting.

No discussion is allowed on any motion for adjournment of the meeting, but if on being put the motion is lost, the subject then under consideration must be resolved before any subsequent motion for adjournment is made.

61. Notice for Adjourned Council Meeting

If a Council Meeting is adjourned, the Chief Executive Officer must ensure that the agenda for such a meeting is identical to the Agenda for the meeting which was resolved to be adjourned.

Except where a meeting is adjourned until later on the same day, the Chief Executive Officer must give all Councillors written notice of a new date for the continuation of the adjourned meeting and every reasonable attempt must be made to advise the public of the new meeting date.

Where it is not practical to provide written notice to Councillors because time does not permit that to occur then a reasonable attempt will be made to contact each Councillor, by telephone, electronic medium, or in person.

If circumstances prevent a meeting continuing until all business has been considered, then unless adjourned, the meeting will lapse and any unfinished business will be included on the agenda for the next meeting.

62. Priority of address

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard consistent with this Rule.

A Councillor may request at a Council Meeting, the production of any documents in Council's keeping and relevant to the business being considered.

Upon any request being made the Chief Executive Officer must use ~~his or her~~ **their** best endeavours to produce the documents.

Part 3 - Conduct during Council Meetings

63. Councillor conduct

A Councillor must comply with the Councillor Code of Conduct during the course of any meeting.

64. Ordering withdrawal of remark

The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance, or that is disorderly or capable of being applied offensively to any other Councillor or member of Council staff, and/or make a satisfactory apology to the Meeting.

A Councillor required to withdraw a remark and/or make an apology must do so immediately without qualification or explanation.

A Councillor must not fail to withdraw a remark or make an apology if twice called to do so by the Chairperson.

65. Removal from Chamber

Under section 19 of the Act, the Mayor has the power to direct a Councillor, subject to any procedures or limitations in this Rule, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

If a ~~person (including a Councillor)~~ does not leave the meeting when ordered to leave under ~~this~~ clause 65 or clause 66, the Chairperson may request a member of Victoria Police to remove that person ~~if the meeting is in person or to remove them electronically if it is a full virtual meeting.~~

66. Suspensions

If the procedure specified in this clause is followed, Council may suspend a Councillor from a meeting and for the balance of the meeting.

A Councillor must not be suspended unless:

- a) the Chairperson has warned the Councillor that ~~his or her~~ **their** actions are disrupting the business of Council and impeding its orderly conduct; and
- b) the Mayor directs the Councillor to leave the meeting because the behaviour of the Councillor is preventing the Council from conducting its business.

A Councillor must not refuse to leave a meeting when ordered to do so in accordance with this clause.

67. Gallery to be silent

Visitors must not interject or take part in any debate or in any other way interrupt the business of the meeting.

Members of the gallery must be silent at all times.

If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Rule, the Chairperson may order ~~him or her~~ **them** to leave the gallery **and may request a member of Victoria Police to remove that person if the meeting is in person or to remove them electronically if it is a full virtual meeting.**

A person must not refuse or neglect to leave a meeting when ordered to do so under this clause.

68. Questions from Councillors

At the discretion of the Chairperson, questions from Councillors to Council Officers or to other Councillors, may be disallowed if it is considered they are asked for purposes other than the simple soliciting of information.

69. Procedure not provided in this Rule

In all cases not specifically provided for by this Rule, the matter may be determined by Council resolution.

Part 4 Committees

70. Delegated Committees

A delegated committee means a committee established by Council under section 63 of the Act, or a joint delegated committee established by 2 or more Councils under section 64, or a committee (other than a community asset committee) exercising any power of a Council under the Act or any other Act delegated to the committee under the Act or any other Act.

Council may from time to time establish one or more delegated committees comprising the following:

- a) at least 2 Councillors; and
- b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote. If Council establishes a delegated committee, this Rule will apply to meetings of the delegated committee with any necessary modifications.

For this purpose:

- c) a Council Meeting is to be read as a reference to a meeting of the delegated committee;
- d) a Councillor is to be read as a reference to a member of the delegated committee.
- e) the Mayor is to be read as a reference to the Chairperson of the delegated committee.

A meeting of a delegated committee established by Council must be chaired by a Councillor, appointed by the Council or the Mayor, to chair meetings.

The Mayor may appoint a Councillor to be the chair of a delegated committee overriding any prior Council appointment.

If Council establishes a delegated committee subject to the Act, Council may resolve that a provision of this Rule does not apply to that Committee.

The agenda for delegated committees will be relevant to the issues which are to be raised at the relevant meeting.

Minutes of meetings of delegated committees will be taken.

If the minutes of any meeting of a delegated committee include a recommendation to Council, the Chief Executive Officer must ensure that such recommendation is reported to the next convenient Council Meeting.

71. Joint Council Meeting

Council may resolve to participate in a Joint Council meeting.

If council has resolved to participate in a Joint Council Meeting, the Chief Executive Officers (or delegates) will facilitate agreement on governance rules with the participating Councils.

Where the participating Councils agree Nillumbik will chair a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.

72. Community Asset Committees

The Governance Rules will apply to any Community Asset Committee established by Council.

Council may resolve, in establishing a Community Asset Committee, which the meeting procedure chapter of these Governance Rules does not apply.

A Community Asset Committee must report the minutes of the Committee Meetings to the next practicable Council meeting.

A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

The governance arrangements for these committees are specified by the chief executive (s 47(4)). These terms and conditions must include the limits and purpose of any financial delegation that can be exercised by the committee; governance arrangements; and monitoring and reporting requirements.

Part 5 - Physical and Remote Attendance

73. Mode of Attendance

Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:

- wholly in person;
- wholly by electronic means; or
- partially in person and partially by electronic means.

The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:

- wholly in person;
- wholly by electronic means; or
- partially in person and partially by electronic means.

Council may resolve to make certain meetings in person only.

If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means in accordance with rule 74.

If the Chief Executive Officer receives a request under rule 74 to participate in a meeting by electronic means of communication from two or more Councillors, the meeting must be conducted fully virtual.

74. Request to participate in meeting by electronic means of communication by a Councillor

Any notification to participate in a meeting by electronic means of communications must:

- be in writing;
- be given to the Chief Executive Officer no later than 10.00am on the day of the advertised date of that meeting; and
- specify the reasons why the Councillor cannot reasonably participate physically in the meeting in person or does not wish to attend the Council meeting in person.

The Chief Executive Officer must, if notified by the Councillor, keep the submitted grounds for the request notification confidential. Subject to this rule, the Chief Executive Officer must ensure that any notification received in accordance with this rule and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant meeting.

A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without submitting a notification to the Chief Executive Officer in line with this Rule, must be recorded as absent, and must not participate in the proceedings of the meeting, including moving or seconding motions, speaking during a debate or casting a vote on a motion before the meeting.

75. Submissions under Clause 25 and 26

A person who wishes to make a submission to an item on the agenda in accordance with the *Local Government Act 1989* and clause 25 or 26 may register to join the Council committee meeting in person through the online link on the meeting page for that Council Committee Meeting by no later than 5pm of the day prior to the advertised date of the meeting to make their verbal submission.

The person will be contacted by a member of Council staff and provided with instructions to access the meeting.

76. Adjustments to meeting rules

If a meeting is conducted by electronic means of communication, the following modifications of this Governance Rule are made:

- a) References to a Councillor or delegated committee member being present at a meeting is a reference to a Councillor being able to hear and see other Councillors in attendance and being both heard and seen by other members in attendance;
- b) Absences of less than one minute must not be recorded as absences for the purposes of the meeting minutes unless a vote or the Mayor's request for declaration of conflicts of interest occurs due to the absence;

- c) Casting a vote may occur by a Councillor either raising their hand in view of a camera so that it can be seen by other members in attendance or, at the Chair's request, orally stating their vote;
- d) In the event of an absence of a Councillor during a vote due to a technical failure, a Councillor or member of Council staff may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Where the Councillor is unable to reconnect within five minutes, the meeting must resume in the Councillor's absence;
- e) In the event of a Councillor being required to leave a meeting due to a declaration of conflict of interest, a Councillor may leave the meeting by:
 - i. deactivating their microphone and camera, for meetings that are open to the public; or
 - ii. disconnecting from the online meeting platform, for meetings, whether open or closed to the public.

The Chair may, with the consent of the meeting, modify the application of any other clause of the Governance Rule – Meeting Procedure to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.

APPENDIX 1

Cross-Reference to Local Government Act 2020

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
2	Power to make this Governance Rule	<p>60 Governance Rules</p> <p>(1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following—</p> <p>(a) the conduct of Council meetings;</p> <p>(b) the conduct of meetings of delegated committees;</p> <p>(ba) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication;</p> <p>(c) the form and availability of meeting records;</p>
5	Definitions “Authorised Officer”	<p><i>Local Government Act 1989</i></p> <p>224 Authorised officers</p> <p>(1) A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.</p> <p>(1A) A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.</p> <p>(2) The Council must issue an identity card to each authorised officer.</p> <p>(3) An identity card must—</p> <p>(a) contain a photograph of the authorised officer; and</p> <p>(b) contain the signature of the authorised officer; and</p> <p>(c) be signed by a member of Council staff appointed for the purpose.</p> <p>(3A) If a Council appoints a police officer to be an authorised officer under subsection (1), for the purposes of this section the police officer's</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>certificate of identity is deemed to be an identity card issued under section 224(2) and is deemed to comply with section 224(3).</p> <p>(4) An authorised officer must produce his or her identity card upon being requested to do so.</p> <p>(5) An action taken or thing done by an authorised person is not invalidated by the failure of an authorised officer to produce his or her identity card.</p> <p>(6) For the purposes of this section, an authorised officer may demand the name and address of a person who has committed, or who the authorised officer reasonably suspects has committed or is about to commit, an offence against any Act, regulation or local law in respect of which he or she is appointed.</p> <p>(6A) In making such a demand, the authorised officer must inform the person of the grounds on which the demand is made in sufficient detail to enable the person to understand the nature of the offence or suspected offence.</p> <p>10 penalty units.</p> <p>(7) An authorised officer may enter any land or building in the municipal district at any reasonable time to carry out and enforce this or any other Act or any regulation or local law.</p> <p>(8) A person is guilty of an offence and liable to a fine not exceeding 60 penalty units if he or she—</p> <p>(a) refuses to give his or her name and address upon demand by an authorised officer; or</p> <p>(b) obstructs or hinders an authorised officer while performing his or her duty; or</p> <p>(c) falsely represents himself or herself to be an authorised officer.</p>
5	Definitions “Delegated Committee”	<p>63 Delegated committees</p> <p>(1) A delegated committee established by a Council—</p> <p>(a) must include at least 2 Councillors; and</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>(b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote.</p> <p>(2) A meeting of a delegated committee established by a Council must be chaired by—</p> <p>(a) a Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee; or</p> <p>(b) if the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.</p> <p>(3) Section 61 applies to a meeting of a delegated committee as if the members were Councillors.</p>
6.3	Attendance at meetings	<p>66 Meetings to be open to the public unless specified circumstances apply</p> <p>66(1) A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p> <p>(3) If the circumstance specified in subsection (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or delegated committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.</p> <p>(4) For the purposes of subsection (3), the arrangements may include provision to view</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>the proceedings on the Internet or on closed circuit television.</p> <p>(5) If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection—</p> <p>(a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in section 3(1); and</p> <p>(b) an explanation of why the specified ground or grounds applied.</p>
7.1	Failure to raise or maintain a quorum	<p>67 Council decision making where quorum cannot be maintained</p> <p>(1) This section applies if a Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter.</p> <p>(2) The Council must consider whether the decision can be made by dealing with the matter in an alternative manner.</p> <p>(3) For the purposes of subsection (2), an alternative manner may include—</p> <p>(a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or</p> <p>(b) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.</p> <p>(4) Subject to complying with any requirements under any other Act, if a Council is unable to use an alternative manner, the Council must decide to establish a delegated committee to make the decision in regard to the matter consisting of—</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>(a) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and</p> <p>(b) any other person or persons that the Council considers suitable.</p> <p>(5) Section 63(2) applies to a delegated committee established under subsection (4) to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter.</p>
14(j)	Record of Proceedings	<p>66 Meetings to be open to the public unless specified circumstances apply</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p>
21(e)	Public Question Time	<p>66 Meetings to be open to the public unless specified circumstances apply</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p>
43	Voting	<p>61 Council meetings</p> <p>(5) A question before a Council meeting is to be determined as follows—</p> <p>(e) for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question.</p>
64	Removal from Chamber	<p>19 Specific powers of the Mayor</p> <p>(1) The Mayor has the following specific powers—</p> <p>(b) to direct a Councillor, subject to any procedures or limitations specified in the</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.
70	Joint Council Meetings	<p>62 Joint Meetings of Council</p> <p>(1) Two or more Councils may determine to hold a joint meeting.</p> <p>(2) A joint meeting is a Council meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.</p> <p>(3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of—</p> <p>(a) the total number of Councillors determined by the Councils holding the joint meeting; and</p> <p>(b) at least 3 Councillors from each of the Councils holding the joint meeting.</p> <p>(4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.</p> <p>(5) Subject to subsections (2) and (6), the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting.</p> <p>(6) A joint meeting must comply with any requirements prescribed by the regulations.</p>
71	Committee Asset Committee	<p>65 Community Asset Committee</p> <p>(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).</p> <p>(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.</p> <p>Note</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>Delegation of Power, Duties and Functions to members of a Community Asset Committee is provided for in Section 47 of the Act.</p> <p>(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—</p> <ul style="list-style-type: none"> (a) a member of Council staff; or (b) the members of a Community Asset Committee. <p>This mean Council may not delegate directly to a Community Asset Committee.</p>

Draft Governance Rule

Meeting Procedure

Version Number	1
Approved by	Council
Approval date	27 June 2023
Effective date	28 June 2023
Date of last revision	25 August 2020
Date of next review*	June 2032
Responsible Manager	Director Governance and Communications

Unless replaced, this policy will still apply beyond the review date.

Related internal policies, procedures and guidelines	<ul style="list-style-type: none"> • Governance Rules • Public Transparency Principles • Community Engagement Policy
Related legislation	<ul style="list-style-type: none"> • <i>Charter of Human Rights and Responsibilities Act 2006</i> • <i>Local Government Act 2020</i> • <i>Equal Opportunity Act 2010</i>

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Part 1 - Preliminary

1. Objectives

The objectives of this Governance Rule are to:

- a) Regulate proceedings at Council meetings, or a delegated Committee meeting and other meetings conducted by or on behalf of Council where Council has resolved that the provision of this meeting procedure are to apply;
- b) Facilitate community engagement by providing opportunities at meetings for community members to express their views;
- c) Ensure the efficient and orderly conduct of meetings; and
- d) Ensure the peace, order and good government of the municipal district.

2. Power to make this Governance Rule

This meeting procedure is made in accordance with section 60 of the *Local Government Act 2020*.

3. Operational date

This meeting procedure operates from 28 June 2023.

4. Scope of this Governance Rule

This meeting procedure shall apply to and have operation throughout the whole of the Municipal District of the Nillumbik Shire Council.

5. Definitions

Unless inconsistent with the subject matter, the following words have the meaning indicated:

Words	Meaning
Act	<i>Local Government Act 2020</i>
Agenda	a document, electronic or paper, in the form of a notice which specifies the date, time and place of a Meeting and the business to be transacted at the Meeting and includes any accompanying documents
Absolute majority	The votes of the number of Councillors which is greater than half the total number of the Councillors of a Council
Authorised Officer	a person appointed by the Council under section 224 of the <i>Local Government Act 1989</i>
Business days	Monday to Friday inclusive of each week except for Public Holidays

Words	Meaning
Chairperson	the Chairperson of a meeting and includes an acting or temporary Chairperson
Chief Executive Officer	the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer
Clause	a clause of this Governance Rule
Committee Meeting	a meeting of a Special Committee
Council	Nillumbik Shire Council
Councillor	a Councillor of Nillumbik Shire Council
Council Meeting	any meeting of Council
Delegated Committee	a delegated Committee established by Council under section 63 of the <i>Local Government Act 2020</i>
Deputy Mayor	the Deputy Mayor of Council and any person acting as Deputy Mayor
Mayor	the Mayor of Council and any person acting as Mayor
Meeting	includes a Council meeting or a delegated committee meeting
Minutes	the official written record of the proceedings and decisions of a meeting which have been signed by the Mayor/Chairperson
Motion	a proposal framed in a way that will result in the opinion of the Council being expressed or a Council decision being made
Municipal district	the area from time to time comprising the municipal district of Council
Notice of Motion	a notice setting out the text of a motion which a Councillor or a Committee member proposes to move at the next relevant meeting
Point of order	a procedural point, not involving the substance of a matter before a meeting
Procedural Motion	a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.
Resident	a person who has a place of residence within the municipal district

Words	Meaning
Visitor	any person (other than a Councillor or member of Council staff) who is in attendance at a Council Meeting or a delegated committee meeting
Written	includes duplicated, photocopied, photographed, transmitted by facsimile, transmitted electronically, printed or typed

Part 2 – Conduct of Meetings

6. Conduct of meetings

6.1 Council meeting format

Subject to this Governance Rule, Council and delegated committee meetings may be held:

- a) in person, that is, where Councillors and other attendees are physically present in the Council Chamber.
- b) In hybrid form, that is, where Councillors and other attendees are physically in the Council Chamber, with one Councillor or attendee(s) joining and participating using an electronic means of communication, namely a video conferencing system or any other venue as resolved by Council.
- c) fully remotely, that is, where all the Councillors and other attendees join using a video conferencing system.

6.2 Determination of meeting format

Council meetings will be conducted in person except as provided in Part 5. Council may, by resolution, determine that a specific meeting or meetings will be conducted:

- a) in person
- b) by electronic means of communication.

6.3 Meetings conducted in person

At meetings conducted in person, a Councillor must physically attend the meeting unless their request to participate by electronic means of communication has been granted in accordance with clause 74.

7. Notices and Agendas

7.1 Date, time and place of meetings

The dates, times and places of Council Meetings are within the discretion of Council.

Council may, by resolution, at a Meeting alter the day and time upon which any Meeting shall be held.

A Meeting must start within 30 minutes of the advertised start time.

A Meeting may not continue after 10.30pm unless a Majority of Councillors present vote in favour of its continuance. In the absence of such continuance, a Meeting must stand adjourned to a time, date and place announced by the Chairperson immediately before the standing Meeting is adjourned.

7.2 Notice of Meeting

The Chief Executive Officer or delegate must give notice including on Council's website of the date, time and place of a meeting giving adequate time for members of the community to make arrangements to attend the meeting or view the meeting via the livestream unless urgent or extraordinary circumstances prevent compliance with this clause.

The Chief Executive Officer must ensure that the agenda for any Meeting is provided to every Councillor or delegated committee member with adequate time for Councillors or members to prepare adequately for the meeting.

7.3 Attendance at meetings

In accordance with section 66(1) of the Act, all Meetings of Council must be open to the public unless section 66(2) of the Act applies.

Council may resolve, in accordance with section 66(2) of the Act, that its Meeting be closed to the public because:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

7.4 Business to be transacted

No business shall be transacted at a Council Meeting unless it appears on the agenda.

Notwithstanding the above, an item of business which has:

- a) been referred to Council by a delegated committee which has met since the agenda was prepared; or
- b) arisen since the preparation of the agenda, and is of such importance that deliberation by Council cannot be delayed,

may be considered by Council only if admitted in accordance with the provisions of clause 57– Urgent Business.

8. Quorum

The quorum in relation to Council Meetings is an absolute majority.

The quorum in relation to delegated committee meetings is the number of members, which is greater than half the total number of members of the committee.

8.1 Failure to raise or maintain a quorum

If after 30 minutes from the scheduled starting time of any Meeting, a quorum cannot be obtained:

- a) those Members present; or
 - b) if there are no Members present, the Chief Executive Officer; or,
 - c) in the absence of the Chief Executive Officer, an Authorised Officer,
- must adjourn the Meeting for a period within four (4) weeks from the date of the Meeting.

8.2 Council decision making where quorum cannot be maintained

If the meeting cannot be maintained due to the temporary absence of Councillors, the Chairperson can temporarily adjourn the meeting for up to 15 minutes.

If during any Council Meeting it becomes apparent to the Chairperson that it will not be possible to maintain a quorum due to the number of Councillors who have disclosed a conflict of interest in an item of business and will be unable to vote Council must consider whether:

- a) the decision can be made in an alternative manner by dealing with the matter in separate parts; or
- b) by making decisions on component parts in which conflicts arise before the overall decision is voted upon.

If not, Council must decide to establish a delegated committee to make the decision in accordance with s 67(4) of the Act.

If during any Meeting or any adjournment of the Meeting, a quorum cannot be maintained for any other reason:

- c) those Councillors present; or
- d) if there are no Councillors present, the Chief Executive Officer; or,
- e) in the absence of the Chief Executive Officer, an Authorised Officer,
- f) must adjourn the Meeting for a period not exceeding seven (7) days from the date of the Meeting.
- g) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors and/or absence that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Meeting. This does not require a resolution of Council.

9. Adjourned meetings

Council may, by Resolution, adjourn any Meeting to a later time on the same day, or for a period not exceeding seven (7) days.

The Chief Executive Officer, or an Authorised Officer, must give notice to each Councillor of the date, time and place to which the Meeting stands adjourned and of the business remaining to be considered.

10. Extraordinary Meeting

The Mayor or a majority of Councillors may by a written notice call an extraordinary Council Meeting;

- a) The notice must specify the date and time of the extraordinary Council meeting and the business to be transacted;
- b) The Chief Executive Officer must call the extraordinary meeting as specified in the notice;
- c) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice is to be transacted.

11. Chairperson

The Mayor must preside at all Meetings at which they are present, in the role of Chairperson.

In the absence of the Mayor, the Deputy Mayor must preside at any Meeting at which they are present, in the role of Chairperson.

In the event that both the Mayor and Deputy Mayor are absent, Council must elect a Chairperson to preside at that Meeting, in accordance with the provisions of the Governance Rule – Election of the Mayor and Deputy Mayor 1.1.

12. Duties and responsibilities of the Chairperson

The duties and responsibilities of the Chairperson are to:

- a) formally declare a Meeting open, after ascertaining that a quorum is present, and to welcome guest speakers and other visitors;
- b) preside over and control the Meeting, and to conduct it impartially and according to the rules to ensure the smooth passage of business;
- c) sign Minutes of Meetings as correct when they have been confirmed;
- d) ensure that debates are conducted in the correct manner;
- e) declare the results of all votes;
- f) give rulings on Points of Order and other questions of procedure;
- g) preserve order, and if necessary, “name” offending Councillors;
- h) adjourn (when so resolved) or formally declare the Meeting closed when all business has been concluded.

13. Order of Business of a Council Meeting

The order in which business is listed on the agenda is determined by the Chief Executive Officer in consultation with the Mayor and should be kept consistent from meeting to meeting in order to facilitate and maintain open, efficient and effective processes of government.

The Chief Executive Officer may include any matter on the agenda that they believe should be considered by the Council.

The order of business of any Council Meeting will be as follows:

1. Welcome

2. Acknowledgement of Country
3. Good Governance Pledge
4. Prayer
5. Apologies
6. Declarations of Conflict of Interest
7. Presentations
8. Confirmation of Minutes
9. Petitions
10. Questions from the Gallery
11. Reports of Advisory Committees
12. Officers' Reports
13. Notices of Motion
14. Delegates' Reports
15. Supplementary and Urgent Business
16. Confidential Reports

Once an Agenda has been sent to Councillors, the order of business for that meeting may only be altered with the consent of the majority of the Councillors at that Meeting.

14. Councillor Leave of Absence and Absence from Meeting

Any Councillor seeking leave of absence from Council duties must do so in writing addressed to the Chief Executive Officer. Applications for leave shall be listed for consideration at the next Council Meeting and the Council must not unreasonably refuse to grant the request for leave of absence.

Where leave of absence has been granted to a Councillor, the Chief Executive Officer must record the leave of absence in the Minutes of the Council Meeting held during the period of the leave of absence.

If Councillor intends to be absent from a Meeting, the Councillor must give the Chairperson of that Meeting a notice of apology prior to the Meeting.

If a Councillor is an apology at a Council Meeting or delegated committee meeting the apology will be noted by resolution in the minutes.

15. Recording of Meetings

The Chief Executive Officer (or another person authorised by the Chief Executive Officer) will record, using electronic recording equipment, and livestream the proceedings of a Council Meeting or delegated Committee Meeting. Recordings must be retained for a minimum period of three months from the date of the Meeting.

Media representatives may with consent of the Chairperson be permitted to record, using electronic recording equipment, any part of the proceedings of a Council Meeting or delegated Committee Meeting. The consent of the Chairperson must not be unreasonably withheld, but may be revoked at any time during the course of the relevant meeting.

Subject to this clause, members of the public must not operate electronic recording equipment (including mobile phones) at any Council Meeting or delegated committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of such meeting be revoked by the Chairperson.

Members of the public are to be advised if the Meeting is being recorded (audio and video) by venue signage.

16. Record of Proceedings

The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council Meeting, and Delegated Committee Meeting and those minutes must record:

- a) the names of the Councillors and/or committee members present and the names of the Councillors and/or committee members who have submitted apologies or have been granted leave of absence;
- b) the names of staff members present at the meeting;
- c) arrivals and departures (including temporary departures of Councillors and/or committee members during the course of the meeting);
- d) declarations of conflict of interest;
- e) record movers and seconders;
- f) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder) and motions and amendments withdrawn by resolution or with the consent of both the mover and seconder of the motion or amendment;
- g) whether motions or amendments lapsed or were withdrawn, carried or lost;
- h) the vote cast (if any) by each Councillor and/or committee member upon a division, either for, against or abstaining, and the declaration of the result of the division on the motion or amendment;
- i) questions from the gallery and responses to those questions;
- j) the failure of a quorum;
- k) closure of the meeting to members of the public in accordance with the provisions of section 66(2) of the Act;
- l) when specifically requested by a Councillor or delegated committee member, a record of their support or opposition for any motion;
- m) a summary of all committee reports presented to Council;
- n) the time and reason for any adjournment of the meeting or suspension of standing orders; and
- o) any other matter which the Chief Executive Officer (or other person authorised by the Chief Executive Officer) thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- p) The minutes must be documented and each item numbered consecutively.

17. Confirmation of Minutes

At every Meeting the Minutes of the preceding Meeting must be dealt with as follows:

- a) a copy of the Minutes must be delivered to each Councillor no later than 72 hours before the next Meeting;
- b) if no Councillor indicates opposition, the Minutes must be declared to be confirmed;
- c) subject to clause 18, if a Councillor indicates opposition to the Minutes:
 - i. they must specify the item(s) to which they object;
 - ii. the objected item(s) must be considered separately and in the order in which they appear in the Minutes;
 - iii. the Councillor objecting must move accordingly without speaking to the motion;
 - iv. the motion must be seconded;
 - v. the Chairperson must ask:
"Is the motion opposed?"
 - vi. if no Councillor indicates opposition, the Chairperson must declare the motion carried without discussion and ask the second question described in paragraph x.;
 - vii. if a Councillor indicates opposition, the Chairperson must call on the mover to address the Meeting;
 - viii. after the mover has addressed the Meeting, the seconder may address the Meeting;
 - ix. after the seconder has addressed the Meeting (or after the mover has addressed the Meeting if the seconder does not), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
 - x. if, after the mover has addressed the Meeting, the Chairperson invites debate and no Councillor speaks to the motion, the Chairperson must put the motion and, after all objections have been dealt with, ultimately ask:
"That the Minutes be confirmed" or
"That the Minutes, as amended, be confirmed",
and they must then put the question to the vote.
 - xi. a Resolution of Council must confirm the Minutes and the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed.

18.No debate on confirmation of minutes

No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of proceedings of the meeting to which they relate is questioned.

19.Publication of minutes

Council will endeavour to provide the Minutes of its Meetings on the Nillumbik Shire Council's website within three (3) business days of the meeting.

20. Record of Informal Meetings of Councillors

If there is a meeting of Councillors that:

- a) is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- b) is attended by at least one member of Council staff; and
- c) is not a Council meeting, delegated committee meeting or community asset committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting is:

- d) tabled at the next convenient Council meeting; and
- e) recorded in the minutes of that Council meeting.

21. Declaration of Conflicts of Interests

Conflicts of Interest are to be disclosed in accordance with this Governance Rule and Governance Rule – Procedure for Disclosure of Conflicts of Interest.

22. Presentations

At each Council Meeting, presentations of monetary grants, certificates of appreciation or other acknowledgements that recognise the outstanding achievements of local individuals and organisations who have made a significant contribution to Nillumbik, may be made by the Mayor or Councillors.

Presentations may also include an acknowledgement of the passing of prominent community members.

23. Petitions

A person may lodge a petition with Council, and if the petition is lodged 10 business days prior to the Council meeting it will be included in the Council agenda for that meeting. If a petition is lodged less than 10 business days prior to a Council meeting, the petition will be included in the next Council agenda.

A person lodging a petition is to ensure that the petition contains:

- a) a clear and concise statement identifying the subject matter and the action requested;
- b) a heading on each page indicating the subject matter;
- c) a brief statement on each page of the subject matter and the action requested;
- d) a statement specifying the number of signatories; and

the full printed name, address and signature of the person lodging the petition at the end of the petition.

Petitions must not be indecent, abusive or objectionable in language or substance.

Every page of the petition must bear the wording of the whole of the petition or request and include the name, address and signature of petitioners.

Signatures appearing on a page of a petition which does not bear the wording of the whole of the petition or request, must not be considered by Council.

Petitions presented to Council must be written (other than pencil).

Council may, by resolution, accept genuine electronic petitions if it is satisfied that the petition is authentic and has been received from a legitimate website.

- e) A petition will be presented by a Councillor at the Council Meeting and the Councillor presenting the petition:
- f) shall identify the issue;
- g) shall state the number of signatures attached to the petition;
- h) shall read the petition in full or precis form; and
- i) may move 'That the petition be received and noted' and any other action appropriate.

Any petition containing fewer than 15 signatures, will not be presented at a Council meeting and will, instead, be forwarded to the relevant Director for a response.

24. Public Question Time

There shall be a public question time at every Council Meeting to enable members of the public to submit questions to Council.

Procedures which allow for public questions to be asked at a Council Meeting are available on Council's website.

Public Question Time will not be held during:

- a) Any period when a meeting is closed to the public in accordance with section 66 of the Act or
- b) A Local Government election or caretaker period as defined in Council's election period policy.

Public Question Time will not exceed 30 minutes in duration unless extended by resolution of Council through a procedural motion, in which case it may only be extended for one period of up to 30 minutes.

Questions must be answered, taken on notice or disallowed. All questions and answers shall be as brief as possible.

Council will allocate a reasonable time to each person who wishes to address a question to Council having regard to:

- c) the nature of the matter to be discussed;
- d) the priorities in relation to other Council business; and
- e) the overall time limit for question time.

24.1 Lodging a Question

All questions must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than 11:59pm two days prior to the advertised date of the Council Meeting.

Questions are limited to a maximum of two questions per individual with no subparts. Questioners are expected to disclose any personal or professional interests in the subject matter of their questions on the question forms available at the Civic Centre or on Council's website.

All questions must be received in writing and must include the name of the person asking the question. Where more than two questions are received from any person, only the first two questions will be read at the meeting.

24.2 Questions not permitted

The Chairperson and/or the Chief Executive Officer may at their discretion, refuse to accept a question if the question:

- a) is not a question and a statement or opinion;
- b) relates to a matter outside the duties, functions or powers of Council;
- c) is indecent, abusive or objectionable in language or obscene;
- d) is repetitive or deals with a subject matter already answered at the same or an earlier meeting;
- e) is in the opinion of the Chairperson or Chief Executive Officer, asked to embarrass a Councillor or an officer;
- f) relates to the personal views or actions of an individual Councillor or Officer;
- g) is considered trivial or vexatious or it is more appropriate to direct to officers of the Shire during normal business hours;
- h) relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage; or
- i) relates to a matter which the Council has discussed in camera or proposes to discuss after closing the meeting to members of the public in accordance with section 66(2) of the Act.

24.3 Asking a Question

- a) The procedure and sequence for dealing with a question is that the Chairperson:
 - shall name the questioner;
 - shall read out the question; and
 - may answer the question or direct the question as they deem appropriate.
- b) If a person submitting a question is not in attendance during Public Question Time, their question(s) may be read out and a response provided at the meeting.
- c) The Chairperson may elect to answer the question themselves or request the Chief Executive Officer to read and respond to a question.

25. Submissions by public under section 223 of the *Local Government Act 1989*

A delegated committee must hear any person wishing to be heard in respect of their submission to Council under section 223 of the *Local Government Act 1989*.

Committee members may question any submitter in relation to their submission.

Each speaker is allowed three minutes to speak to their submission.

The Chairperson may use their discretion to allow an extension of time for up to a further one minute.

Anyone making a submission and not wishing to appear in person can be represented by another person in accordance with the *Local Government Act 1989*. Submitters will be requested to disclose any personal or professional interests in the subject matter of their submission.

26. Other public submissions

In addition to section 223 submissions under the *Local Government Act 1989*, delegated committees may also hear any person on any items listed on the delegated committee agenda where the person has made application to speak to an item in accordance with Council's procedures.

This includes any person whose rights will be directly affected by a decision of Council, even if Council has not invited public submissions or if the person has not already lodged a written submission.

Persons wishing to address the Committee must lodge their request in writing, identifying the item on the agenda about which they wish to address the Committee and provide their name and contact details no later than 5pm the day prior to the advertised date of the Committee Meeting.

Procedures which allow for public submissions at a Committee Meeting are available on Council's website.

In respect of these submissions, the Chairperson may, in the case where there are several people representing a common position, encourage the submitters to nominate a single person to speak on the matter.

A person can speak on their own behalf for up to three minutes. They may also speak on behalf of one group, organisation or company for a further period of up to three minutes.

No person may speak on behalf of more than one other person, group organisation or company, unless Council or the Committee specifically resolves to allow them to do so.

The Council or the Committee may ask questions of clarification relating to the submission of the person authorised to address Council or the Committee.

27. Addressing the Meeting

A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.

Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chair.

Any person addressing the Chair must refer to the Chairperson as:

- a) Mayor; or
- b) Chair; or
- c) Chairperson;
- as appropriate.

Councillors and members of Council staff in speaking must address each other by their titles of Councillor or officer as the case may be.

Any member of the public attending a Meeting must not:

- d) utter any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber;
- e) display any placards or posters in the Council Chamber or in any building where a Meeting is being or is about to be held that give rise to a risk to the health and safety of persons in the Council Chamber or building where the Meeting is being held.
- f) display any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, in the Council Chamber; or
- g) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held.

The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be contrary to any of the above or is objectionable, disrespectful or otherwise inappropriate.

Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.

If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction. (Also refer to clause 67).

28. Form of Motions or Amendments

A motion or an amendment:

- a) must relate to the powers or functions of Council;
- b) may be in writing or oral however, the Chairperson may require that complex or detailed motions be in writing and tabled when the motion or amendment is moved; and
- c) except in the case of urgent business, must be relevant to an item of business on the agenda.

The Chairperson may temporarily adjourn the Meeting while the motion is being written or may defer the matter in the order of business, until the motion has been written.

A motion or amendment must be clear and unambiguous and must not be defamatory or objectionable in language or nature.

The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

29. Introducing a Motion

The procedure for moving any motion at a Meeting is as follows:

- a) the mover must state the subject and nature of the motion and not speak to it;

- b) the motion must be seconded by a Councillor other than the mover. If there is no seconder for a motion, the Chairperson must declare the motion to have lapsed;
- c) if the motion is moved and seconded the Chairperson must ask whether the motion is opposed and/or whether any Councillor wishes to speak to the motion;
- d) if no Councillor indicates opposition or a desire to speak to the motion, the Chairperson may declare the motion carried without discussion;
- e) if a Councillor indicates opposition or a desire to speak to the motion :
 - i. the Chairperson must call the mover to address Council upon it;
 - ii. after the mover has spoken, the Chairperson must call upon the seconder to address the meeting;
 - iii. after the seconder has addressed the meeting (or after the mover if the seconder does not wish to speak) the Chairperson must call upon the first speaker in opposition to address the meeting;
 - iv. after the mover, seconder and first speaker in opposition have had the opportunity to address the Meeting the Chairperson will call for speakers for and against the motion or amendment in alternate sequence until the sequence of speakers is exhausted; and
 - v. a Councillor may only speak once on the motion or amendment.

A Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion.

30. Moving an Amendment

A motion which has been moved and seconded, in accordance with clause 29 a) and b) may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

An amendment may be moved or seconded by any Councillor, except the mover or seconder of the original motion;

If any Councillor intends to move an amendment, they must give notice of that intention prior to the right of reply being exercised.

A motion to confirm a previous Resolution of Council cannot be amended.

An Amendment must not be the negative of, or substantially contrary to, the original motion.

The mover of an amendment may with the consent of the seconder, change the wording of the proposed amendment.

If an amendment is adopted it becomes the substantive motion and, unless subject to further amendment and debate, must be put to the vote by the Chairperson.

31. Right of Reply and Debate of Motion or Amendment

If there has been any opposition to a motion, the mover of a motion has the right of reply to these issues.

The mover of an amendment has no right of reply.

Subject to any Councillor exercising their right to ask any question concerning or arising out of a motion, the Chairperson must put the motion to the vote immediately after the mover of the motion has spoken in reply.

Any one Councillor cannot move more than two (2) amendments in succession.

Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.

Debate on an amendment must be confined to the terms of the amendment.

32. How Many Amendments may be proposed

Any number of Amendments may be proposed to a motion but only one (1) Amendment may be accepted by the Chairperson at any one (1) time.

No second or subsequent Amendment, whether to the motion or an Amendment of it, may be taken into consideration until the previous Amendment has been dealt with.

33. An Amendment Once Carried

If the Amendment is carried, the amended motion then becomes the substantive motion before the Meeting and can be further amended.

The mover of the original motion retains the right of reply to the substantive motion.

34. Foreshadowing Motions

At any time during debate a Councillor may foreshadow a motion to inform the Meeting of their intention to move a motion at a later stage in the Meeting. This does not extend to any special right to the foreshadowed motion.

A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Meeting, the Chief Executive Officer or an authorised officer is not required to record foreshadowed motions in the minutes.

35. Withdrawal of Motions

Subject to this clause, only with the leave of the Chairperson, and the consent of the mover and seconder, can a motion or amendment to a motion be withdrawn.

If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

36. Priority of Address and Right to Speak to Motion

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

A Councillor may speak once on a motion and once on an amendment, except for the mover of a motion who has the right to speak in reply to any opposition to the motion.

37. Debate of the Motion

Debate must always be relevant to the motion before the Chairperson, and, if not, the Chairperson must request the speaker to confine the debate to the motion.

If the speaker continues to debate irrelevant matters after being requested to confine debate the Chairperson may direct the speaker to be seated and not to speak further in respect of the motion before the Chairperson.

A speaker to whom a direction has been given under this clause must comply with that direction.

Councillors may remain seated to address the Chairperson, to move or second a motion or amendment, or to take part in a debate.

The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:

- a) they are called to order; or
- b) their speaking time has expired; or
- c) a Point of Order is raised.

Councillors must address each other by their official titles during debate and throughout a Meeting.

38. Debate from the Chair

The Chairperson should seek to refrain from debate on motions. The Chairperson may however choose to exercise a right to speak in favour of or against a motion and where this is the case, the Chairperson must advise the Council of their intention.

Where the Chairperson wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council. The Deputy Mayor assumes the role of the Chairperson. If the Deputy Mayor is absent or unable to assume the Chair, a temporary Chairperson must be elected in the same manner as the second temporary chairperson is elected in accordance with Governance Rule – Election of Mayor and Deputy Mayor Clause 1.1.

39. Resumption of adjourned debate

The business to which the debate relates must be placed on the Agenda of the meeting to which it is adjourned. Adjourned business should have priority over any other business except formal business.

If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless they have already spoken to the motion or amendment.

40. Lost Motions

Councillors should move a motion detailing further requirements or actions after any motion which is lost.

41. Separation of a Motion

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts. If the Chairperson does not consent to the

request then Council may determine the matter in accordance with clause 52 - Disagreement with the Chairperson's ruling.

42. Deferral of a Motion

Council may defer an item until later in the meeting or until another meeting as appropriate if further consideration or clarification is required prior to a decision being made. The decision to defer an item is a substantive motion, and may be debated.

43. Time limits

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson;

- a) the mover of a motion or an amendment five (5) minutes;
- b) the seconder of a motion or an amendment three (3) minutes;
- c) any other Councillor three (3) minutes; and
- d) the mover of a motion exercising a right of reply two (2) minutes.

44. Voting

Voting shall be in accordance with the Act. A matter will be determined in the affirmative if the majority of Councillors at a meeting at the time the vote is taken vote in favour of it.

A Councillor has the right to abstain from voting.

Councillors must remain seated in silence while a vote is being taken.

Unless Council resolves otherwise, voting on any matter will be by a clear show of hands so that the Chairperson can easily record the count.

Section 61(5)(e) of the Act provides that in determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the matter.

45. Recount of vote

The Chairperson may direct that the vote be re-counted as often as may be necessary for them to satisfy themselves of the result.

46. Casting Vote

In the event of an equality of votes, the Chairperson has a casting vote.

This clause does not apply in the event of an equal number of votes in respect of the election of the Mayor or Deputy Mayor or in cases where the Act provides that a matter is to be determined by lot.

47. Division

Immediately after any matter is voted upon and before the next item of business has commenced, a Councillor may call for a division.

When a division is called, the vote already taken must be treated as a nullity and the voting by division shall decide the motion or amendment. Any Councillor may change their original vote at the voting on the division.

When a division is called, the Chairperson must:

- a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote must raise one of their hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the affirmative; and
- b) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record the names of those Councillors voting in the negative; and
- c) if required, then ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of their hands. The Chairperson must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting), must record the names of those Councillors abstaining from voting.

In determining the result of a vote, an abstention is counted as a vote in the negative.

48. Declaration of vote

The Chairperson must declare the result of the vote as soon as it is taken.

49. Resolution not to be discussed after it is carried

Except in the case of a motion of rescission or alteration or a Councillor wishing to have their opposition to the motion recorded, no resolution may be discussed after the vote upon it has been declared.

50. Points of order

Expressing a difference of opinion or contradicting a speaker does not constitute a point of order.

A point of order is taken when a Councillor officially draws the attention of the Chairperson to an alleged irregularity in the proceedings that contravenes this Governance Rule, any other Governance Rule or the Act.

Councillors raising a point of order must:

- a) state the point of order; and
- b) state any section, clause, paragraph or provision relevant to the point of order.

A Councillor may raise a point of order by drawing the attention of the Chairperson to:

- c) the fact that a Councillor or Councillor is out of order; or
- d) an act of disorder, despite the fact that the Chairperson or a Councillor is speaking at the time.

When called to order, a Councillor must sit down and remain silent until the point of order is decided unless they are requested by the Chairperson to provide an explanation.

The Chairperson may raise a point of order without it having been raised by a Councillor.

A point of order takes precedence over all other business, including procedural motions.

51. Chairperson to decide Point of order

The Chairperson may adjourn the meeting to consider a point of order, but must otherwise rule upon it as soon as it is taken.

If called upon to do so by a Councillor, the Chairperson must, when ruling on a point of order, state the provision of this Rule, another Governance Rule or the Act which is relied on in support of the ruling.

52. Disagreement with Chairperson's ruling

A Councillor may move that the meeting disagree with the Chairperson's ruling on a point of order.

When a motion in accordance with this clause is moved and seconded the Chairperson must leave the Chair and a temporary Chairperson, being the Deputy Mayor if present at the meeting, must take their place. If Council has not elected a Deputy Mayor, the Deputy Mayor is absent from a meeting of Council or unable to assume the Chair for raising the disagreement, the Chief Executive Officer must take the Chair and invite nominations for a temporary Chairperson. If there is only one nomination (which must be moved and seconded), the candidate nominated is deemed to have been duly elected. If there is more than one nomination, the procedure for the election of the Mayor in Governance Rule – Election of Mayor and Deputy Mayor should be followed.

The temporary Chairperson must invite the mover to state the reasons for their dissent and the Chairperson may then reply.

The temporary Chairperson then puts a motion in the following form:

'That the Chairperson's ruling be upheld'.

If the vote is in the:

- a) affirmative, the Chairperson resumes the Chair and the meeting proceeds.
- b) negative, the Chairperson resumes the Chair, reverses their previous ruling and the meeting proceeds.

The defeat of the Chairperson's ruling is in no way a motion of censure or no-confidence and should not be regarded as such by the meeting.

53. Procedural Motions

A procedural motion is one dealing with the conduct of the meeting itself, and takes precedence over a substantive motion.

A procedural motion may be moved at any time and must be dealt with immediately by the Chairperson in accordance with the procedural motion table below.

A procedural motion requires a seconder.

The mover of a procedural motion must not have moved or seconded the question before the Chair or any amendment of it.

A procedural motion cannot be moved by the Chairperson.

The mover has the right or obligation to justify the procedural motion, thereafter debate is not permitted unless allowed at the discretion of the Chairperson and the mover does not have a right of reply.

A procedural motion cannot be amended.

The procedural motions in the following table are the only procedural motions to be moved.

Draft

Procedural Motion Table

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or * date	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking; or c. When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later Meeting if on the Agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive	During nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate subject	Debate continues unaffected	No

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
		motion or otherwise spoken to the substantive motion		to any Councillor exercising their right to ask any question concerning or arising out of the motion		
4. Proceeding to next business	That the Meeting proceed to the next business Note: This Motion: a. May not be amended; b. May not be debated; and c. Must be put to the vote as soon as seconded	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a. During the election of a Chairperson; b. When another Councillor is speaking; or c. When a motion would have the effect of causing Council be in a breach of a legislative requirement	If carried in respect of a. An amendment, Council considers the motion without reference to the amendment; b. A motion – no vote or further discussion on the motion until it is placed on an Agenda for a later Council Meeting	Debate continues unaffected	No
5. Suspension of this Governance Rule	That the Meeting be Suspended to: (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given motion	The meeting continues unaffected	No

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
				No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted		
6. Resumption of this Governance Rule	That Standing Orders be resumed	Any Councillor	When this Governance Rule has not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
7. Close the meeting to members of the public	That, in accordance with Section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to (insert reason)	Any Councillor	During the election of Mayor and Deputy Mayor	The meeting be closed to members of the public	The meeting continues to be open to the public	Yes
8. Reopen the meeting	That the meeting be	Any Councillor		The meeting is reopened to the public	The meeting remains	No

Procedural Motion	Form	Mover and seconder	When Motion prohibited	Effect if carried	Effect if lost	Debate permitted on Motion
	reopened to members of the public				closed to the public	
9. Extending Public Question Time	That Public Question Time be extended by 30 minutes	Any Councillor		Public Question Time is extended by 30 Minutes	Public Question Time must cease at the end of the initial 30 minute period	No

54. Repetitious Motions

Once a Meeting has rejected a motion, with or without amendment, similar motions to the same effect, even in a different form, are considered to be out of order at that Meeting. A motion similar to an amendment to a motion already dealt with at a Meeting is also not permissible. However, the matter can be legitimately raised again at a subsequent Meeting in accordance with the provisions of this Meeting Procedure.

55. Notices of motion

Subject to subclause 7.4 of this Rule, a Councillor may move a motion if notice of such motion has been given in accordance with this Rule.

A Notice of Motion must be lodged with the Chief Executive Officer in writing by 12 noon 10 business days prior to the Council Meeting at which it is to be considered to ensure inclusion in the Agenda. Any Notice of Motion received after that time must, be included on the agenda for the following Council Meeting, unless withdrawn in writing.

A Councillor may also give a Notice of Motion at a Council Meeting in which case, the item will be listed at the next following Meeting of Council.

The full text of the proposed motion must be included on the agenda. No other explanatory information will be included on the agenda.

A Notice of Motion must relate to the role of Council as outlined in the Act.

A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:

- a. affect the levels of Council service;
- b. be inconsistent with the strategic objectives of the Council as outlined in the Council Plan;
- c. commit Council to expenditure that is not included in the adopted Budget;
- d. propose to establish, amend or extend an adopted Council policy or position;
- e. commit Council to any contractual arrangement;
- f. concern any litigation in respect of which Council is a party; or
- g. impact on perceived procedural fairness to a person or entity which is the subject of a pending decision by Council.

The Chief Executive Officer must reject a Notice of Motion if they are of the opinion that it is:

- h. outside the powers of Council.
- i. possibly prejudicial to any person or Council;
- j. defamatory;
- k. objectionable in language or nature;
- l. vague or unclear in intention;
- m. is identical or substantially similar to a Notice of Motion or other motion that has been considered by Council in the preceding two (2) months;
- n. able to be addressed through the operational service request process; or

- o. relates to a matter that has already been acted upon.

If the Chief Executive Officer rejects a Notice of Motion under this clause the Chief Executive Officer must:

- p. give the Councillor who lodged it an opportunity to amend it, if practical to do so; and
- q. if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify the Councillor who lodged it that it will be rejected and explain the reasons for the rejection.

The Chief Executive Officer may determine a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.

The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they are received.

Except by leave of the Council, each Notice of Motion before any meeting must be considered in the order in which it was entered in the Notice of Motion Register.

If a Councillor who has given a Notice of Motion:

- r. is absent from the meeting; or
- s. fails to move the motion when called upon by the Chairperson;

any other Councillor may move the motion.

If the motion is not moved and seconded then the Notice of Motion lapses. If a Notice of Motion, is whether amended or not, is lost or lapses, a similar motion may not be submitted for two (2) calendar months from the date it was lost or lapsed.

If a Councillor proposing a Notice of Motion wishes to amend the Notice of Motion they may do so by seeking leave of Council to amend the Notice of Motion prior to it being seconded.

Except where the Notice of Motion is to confirm a previous resolution of Council, the Notice of Motion may be amended by resolution of Council.

A preamble to a Notice of Motion is an explanatory statement that explains the purpose of the Notice of Motion. A Councillor lodging a Notice of Motion must ensure that the content of any preamble provided remains factual.

56. Notice of Rescission or Amendment

A notice of rescission or amendment is a form of Notice of Motion. Accordingly, all provisions in this Governance Rule relating to Notice of Motion equally apply to notices of rescission and amendment.

A rescission motion is a motion to rescind or vary a previous decision of Council.

Motions to rescind or amend a previous resolution must be submitted to the Chief Executive Officer in writing by a minimum of two Councillors and must:

- a) identify the resolution which is proposed to be rescinded or amended; and
- b) the date of the meeting that the resolution was carried.

The Chief Executive Officer must include the notice of rescission on the agenda for the next Council Meeting provided that:

- c) The notice of rescission has been submitted no later than 12 noon 10 business days prior to the next Council Meeting; and
- d) The resolution proposed to be rescinded has not already been acted upon.

The Chief Executive Officer or an appropriate member of Council staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:

- e) its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
- f) a statutory process has been commenced

so as to vest enforceable rights in or obligations on Council or any other person.

Under section 19(1)(c) of the Act, the Mayor has the power to require the CEO to report to Council on the implementation of a Council decision.

The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

- g) has not been acted on; and
- h) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with this clause

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

A rescission motion listed on the agenda may be moved by any Councillor present but may not be amended.

A second or subsequent notice to rescind or alter an earlier resolution must not be accepted by the Chief Executive Officer until a period of two (2) calendar months has elapsed since the date of the Meeting at which the original motion of rescission or alteration was dealt with, unless Council resolves that the matter be dealt with at a future meeting.

This clause will not apply if the Chief Executive Officer, in consultation with the Mayor, considers that significant new information has become available since the previous rescission motion that warrants inclusion of the subsequent rescission motion in the agenda.

If the rescission motion is not moved and seconded then the rescission notice lapses. If a rescission notice is lost or lapses a similar motion may not be submitted for two (2) months from the date it was lost or lapsed.

57. Urgent business

Business can only be admitted as urgent business by Resolution of the Meeting. A majority of Councillors present at a Council Meeting, or delegated committee meeting must vote in favour of admitting the item as urgent business.

Even if the required Councillors carry the motion, it still will not be accepted as urgent business unless:

- a) it is proposed for admission by the Chief Executive Officer after consulting with the Mayor about the appropriateness for Council to consider admitting as urgent business;
- b) it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- c) it cannot be deferred until the next Meeting without having a negative impact on the Council, and the local community.

58. Delegates Report

A Delegate's Report provides an opportunity for a Councillor to update the Council and provide advice or other information in relation to the activities of:

- An Advisory Committee;
- An interest group; or
- An external organisation

to which the Councillor has been appointed by the Council as its delegate.

If the Agenda for a Council meeting makes provision for Delegate's Reports, Councillors may submit a report by:

- Tabling a brief written report for inclusion without attachments in the Agenda by 12 noon 10 business days prior the council meeting at which it is to be presented; or
- Providing an oral report to the meeting.

The delegate has a period of up to three minutes to speak.

The full text of any Delegate's Report tabled shall be included in the minutes of the meeting.

59. Suspension of this Rule

The provisions of this Rule applicable to a Council Meeting or delegated committee meeting may be suspended for a particular purpose upon the affirmative vote of the majority of Councillors in a Council Meeting, or members present in a delegated committee meeting present.

The suspension of such provisions should be used to enable full discussion of any major issue without the constraints of formal meeting procedure. Suspension of this Rule should not be used purely to dispense with the processes and protocols of this Rule.

Once the discussion has taken place, and before any motions can be put, the resumption of the Rule will be necessary.

No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of the Rule other than a motion to resume the operation of this Rule.

60. Adjournments

Once a Council Meeting is declared open, the Mayor or Council by resolution may, from time to time, resolve to adjourn the meeting:

- a) if the meeting becomes excessively disorderly and order cannot be restored; or
- b) to allow for additional information to be presented to a meeting; or
- c) in any other situation where an adjournment could aid the progress of the meeting.

No discussion is allowed on any motion for adjournment of the meeting, but if on being put the motion is lost, the subject then under consideration must be resolved before any subsequent motion for adjournment is made.

61. Notice for Adjourned Council Meeting

If a Council Meeting is adjourned, the Chief Executive Officer must ensure that the agenda for such a meeting is identical to the Agenda for the meeting which was resolved to be adjourned.

Except where a meeting is adjourned until later on the same day, the Chief Executive Officer must give all Councillors written notice of a new date for the continuation of the adjourned meeting and every reasonable attempt must be made to advise the public of the new meeting date.

Where it is not practical to provide written notice to Councillors because time does not permit that to occur then a reasonable attempt will be made to contact each Councillor, by telephone, electronic medium, or in person.

If circumstances prevent a meeting continuing until all business has been considered, then unless adjourned, the meeting will lapse and any unfinished business will be included on the agenda for the next meeting.

62. Priority of address

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard consistent with this Rule.

A Councillor may request at a Council Meeting, the production of any documents in Council's keeping and relevant to the business being considered.

Upon any request being made the Chief Executive Officer must use their best endeavours to produce the documents.

Part 3 - Conduct during Council Meetings

63. Councillor conduct

A Councillor must comply with the Councillor Code of Conduct during the course of any meeting.

64. Ordering withdrawal of remark

The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance, or that is disorderly or capable of being applied offensively to any other Councillor or member of Council staff, and/or make a satisfactory apology to the Meeting.

A Councillor required to withdraw a remark and/or make an apology must do so immediately without qualification or explanation.

A Councillor must not fail to withdraw a remark or make an apology if twice called to do so by the Chairperson.

65. Removal from Chamber

Under section 19 of the Act, the Mayor has the power to direct a Councillor, subject to any procedures or limitations in this Rule, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

If a Councillor does not leave the meeting when ordered to leave under this clause or clause 66, the Chairperson may request a member of Victoria Police to remove that person if the meeting is in person or to remove them electronically if it is a full virtual meeting.

66. Suspensions

If the procedure specified in this clause is followed, Council may suspend a Councillor from a meeting and for the balance of the meeting.

A Councillor must not be suspended unless:

- a) the Chairperson has warned the Councillor that their actions are disrupting the business of Council and impeding its orderly conduct; and
- b) the Mayor directs the Councillor to leave the meeting because the behaviour of the Councillor is preventing the Council from conducting its business.

A Councillor must not refuse to leave a meeting when ordered to do so in accordance with this clause.

67. Gallery to be silent

Visitors must not interject or take part in any debate or in any other way interrupt the business of the meeting.

Members of the gallery must be silent at all times.

If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Rule, the Chairperson may order them to leave the gallery and may request a member of Victoria Police to remove that person if the meeting is in person or to remove them electronically if it is a full virtual meeting.

A person must not refuse or neglect to leave a meeting when ordered to do so under this clause.

68. Questions from Councillors

At the discretion of the Chairperson, questions from Councillors to Council Officers or to other Councillors, may be disallowed if it is considered they are asked for purposes other than the simple soliciting of information.

69. Procedure not provided in this Rule

In all cases not specifically provided for by this Rule, the matter may be determined by Council resolution.

Part 4 Committees

70. Delegated Committees

A delegated committee means a committee established by Council under section 63 of the Act, or a joint delegated committee established by 2 or more Councils under section 64, or a committee (other than a community asset committee) exercising any power of a Council under the Act or any other Act delegated to the committee under the Act or any other Act.

Council may from time to time establish one or more delegated committees comprising the following:

- a) at least 2 Councillors; and
- b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote. If Council establishes a delegated committee, this Rule will apply to meetings of the delegated committee with any necessary modifications.

For this purpose:

- c) a Council Meeting is to be read as a reference to a meeting of the delegated committee;
- d) a Councillor is to be read as a reference to a member of the delegated committee.
- e) the Mayor is to be read as a reference to the Chairperson of the delegated committee.

A meeting of a delegated committee established by Council must be chaired by a Councillor, appointed by the Council or the Mayor, to chair meetings.

The Mayor may appoint a Councillor to be the chair of a delegated committee overriding any prior Council appointment.

If Council establishes a delegated committee subject to the Act, Council may resolve that a provision of this Rule does not apply to that Committee.

The agenda for delegated committees will be relevant to the issues which are to be raised at the relevant meeting.

Minutes of meetings of delegated committees will be taken.

If the minutes of any meeting of a delegated committee include a recommendation to Council, the Chief Executive Officer must ensure that such recommendation is reported to the next convenient Council Meeting.

71. Joint Council Meeting

Council may resolve to participate in a Joint Council meeting.

If council has resolved to participate in a Joint Council Meeting, the Chief Executive Officers (or delegates) will facilitate agreement on governance rules with the participating Councils.

Where the participating Councils agree Nillumbik will chair a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.

72. Community Asset Committees

The Governance Rules will apply to any Community Asset Committee established by Council.

Council may resolve, in establishing a Community Asset Committee, which the meeting procedure chapter of these Governance Rules does not apply.

A Community Asset Committee must report the minutes of the Committee Meetings to the next practicable Council meeting.

A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

The governance arrangements for these committees are specified by the chief executive (s 47(4)). These terms and conditions must include the limits and purpose of any financial delegation that can be exercised by the committee; governance arrangements; and monitoring and reporting requirements.

Part 5 - Physical and Remote Attendance

73. Mode of Attendance

Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:

- wholly in person;
- wholly by electronic means; or
- partially in person and partially by electronic means.

The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:

- wholly in person;
- wholly by electronic means; or
- partially in person and partially by electronic means.

Council may resolve to make certain meetings in person only.

If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means in accordance with rule 74.

If the Chief Executive Officer receives a request under rule 74 to participate in a meeting by electronic means of communication from two or more Councillors, the meeting must be conducted fully virtual.

74. Request to participate in meeting by electronic means of communication by a Councillor

Any notification to participate in a meeting by electronic means of communications must:

- be in writing;
- be given to the Chief Executive Officer no later than 10.00am on the day of the advertised date of that meeting; and

- specify the reasons why the Councillor cannot reasonably participate physically in the meeting in person or does not wish to attend the Council meeting in person.

The Chief Executive Officer must, if notified by the Councillor, keep the submitted grounds for the request notification confidential. Subject to this rule, the Chief Executive Officer must ensure that any notification received in accordance with this rule and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant meeting.

A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without submitting a notification to the Chief Executive Officer in line with this Rule, must be recorded as absent, and must not participate in the proceedings of the meeting, including moving or seconding motions, speaking during a debate or casting a vote on a motion before the meeting.

75.Submissions under Clause 25 and 26

A person who wishes to make a submission to an item on the agenda in accordance with the *Local Government Act 1989* and clause 25 or 26 may register to join the Council committee meeting in person through the online link on the meeting page for that Council Committee Meeting by no later than 5pm of the day prior to the advertised date of the meeting to make their verbal submission.

The person will be contacted by a member of Council staff and provided with instructions to access the meeting.

76.Adjustments to meeting rules

If a meeting is conducted by electronic means of communication, the following modifications of this Governance Rule are made:

- a) References to a Councillor or delegated committee member being present at a meeting is a reference to a Councillor being able to hear and see other Councillors in attendance and being both heard and seen by other members in attendance;
- b) Absences of less than one minute must not be recorded as absences for the purposes of the meeting minutes unless a vote or the Mayor's request for declaration of conflicts of interest occurs due to the absence;
- c) Casting a vote may occur by a Councillor either raising their hand in view of a camera so that it can be seen by other members in attendance or, at the Chair's request, orally stating their vote;
- d) In the event of an absence of a Councillor during a vote due to a technical failure, a Councillor or member of Council staff may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Where the Councillor is unable to reconnect within five minutes, the meeting must resume in the Councillor's absence;
- e) In the event of a Councillor being required to leave a meeting due to a declaration of conflict of interest, a Councillor may leave the meeting by:

- i. for meetings that are open to the public, deactivating their microphone and camera; or
- ii. for meetings, whether open or closed to the public, disconnecting from the online meeting platform.

The Chair may, with the consent of the meeting, modify the application of any other clause of the Governance Rule – Meeting Procedure to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.

Draft

APPENDIX 1

Cross-Reference to Local Government Act 2020

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
2	Power to make this Governance Rule	<p>60 Governance Rules</p> <p>(1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following—</p> <ul style="list-style-type: none"> (a) the conduct of Council meetings; (b) the conduct of meetings of delegated committees; (ba) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; (c) the form and availability of meeting records;
5	Definitions “Authorised Officer”	<p><i>Local Government Act 1989</i></p> <p>224 Authorised officers</p> <p>(1) A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.</p> <p>(1A) A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.</p> <p>(2) The Council must issue an identity card to each authorised officer.</p> <p>(3) An identity card must—</p> <ul style="list-style-type: none"> (a) contain a photograph of the authorised officer; and (b) contain the signature of the authorised officer; and (c) be signed by a member of Council staff appointed for the purpose. <p>(3A) If a Council appoints a police officer to be an authorised officer under subsection (1), for the purposes of this section the police officer's</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>certificate of identity is deemed to be an identity card issued under section 224(2) and is deemed to comply with section 224(3).</p> <p>(4) An authorised officer must produce his or her identity card upon being requested to do so.</p> <p>(5) An action taken or thing done by an authorised person is not invalidated by the failure of an authorised officer to produce his or her identity card.</p> <p>(6) For the purposes of this section, an authorised officer may demand the name and address of a person who has committed, or who the authorised officer reasonably suspects has committed or is about to commit, an offence against any Act, regulation or local law in respect of which he or she is appointed.</p> <p>(6A) In making such a demand, the authorised officer must inform the person of the grounds on which the demand is made in sufficient detail to enable the person to understand the nature of the offence or suspected offence.</p> <p>10 penalty units.</p> <p>(7) An authorised officer may enter any land or building in the municipal district at any reasonable time to carry out and enforce this or any other Act or any regulation or local law.</p> <p>(8) A person is guilty of an offence and liable to a fine not exceeding 60 penalty units if he or she—</p> <p>(a) refuses to give his or her name and address upon demand by an authorised officer; or</p> <p>(b) obstructs or hinders an authorised officer while performing his or her duty; or</p> <p>(c) falsely represents himself or herself to be an authorised officer.</p>
5	Definitions “Delegated Committee”	<p>63 Delegated committees</p> <p>(1) A delegated committee established by a Council—</p> <p>(a) must include at least 2 Councillors; and</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>(b) may include any other persons appointed to the delegated committee by the Council who are entitled to vote.</p> <p>(2) A meeting of a delegated committee established by a Council must be chaired by—</p> <p>(a) a Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee; or</p> <p>(b) if the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.</p> <p>(3) Section 61 applies to a meeting of a delegated committee as if the members were Councillors.</p>
6.3	Attendance at meetings	<p>66 Meetings to be open to the public unless specified circumstances apply</p> <p>66(1) A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p> <p>(3) If the circumstance specified in subsection (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or delegated committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.</p> <p>(4) For the purposes of subsection (3), the arrangements may include provision to view</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>the proceedings on the Internet or on closed circuit television.</p> <p>(5) If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection—</p> <p>(a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in section 3(1); and</p> <p>(b) an explanation of why the specified ground or grounds applied.</p>
7.1	Failure to raise or maintain a quorum	<p>67 Council decision making where quorum cannot be maintained</p> <p>(1) This section applies if a Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter.</p> <p>(2) The Council must consider whether the decision can be made by dealing with the matter in an alternative manner.</p> <p>(3) For the purposes of subsection (2), an alternative manner may include—</p> <p>(a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or</p> <p>(b) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.</p> <p>(4) Subject to complying with any requirements under any other Act, if a Council is unable to use an alternative manner, the Council must decide to establish a delegated committee to make the decision in regard to the matter consisting of—</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>(a) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and</p> <p>(b) any other person or persons that the Council considers suitable.</p> <p>(5) Section 63(2) applies to a delegated committee established under subsection (4) to the extent possible after excluding all the Councillors who have disclosed a conflict of interest in regard to the matter.</p>
14(j)	Record of Proceedings	<p>66 Meetings to be open to the public unless specified circumstances apply</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p>
21(e)	Public Question Time	<p>66 Meetings to be open to the public unless specified circumstances apply</p> <p>(2) The circumstances are—</p> <p>(a) the meeting is to consider confidential information; or</p> <p>(b) security reasons; or</p> <p>(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.</p>
43	Voting	<p>61 Council meetings</p> <p>(5) A question before a Council meeting is to be determined as follows—</p> <p>(e) for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question.</p>
64	Removal from Chamber	<p>19 Specific powers of the Mayor</p> <p>(1) The Mayor has the following specific powers—</p> <p>(b) to direct a Councillor, subject to any procedures or limitations specified in the</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.
70	Joint Council Meetings	<p>62 Joint Meetings of Council</p> <p>(1) Two or more Councils may determine to hold a joint meeting.</p> <p>(2) A joint meeting is a Council meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.</p> <p>(3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of—</p> <p>(a) the total number of Councillors determined by the Councils holding the joint meeting; and</p> <p>(b) at least 3 Councillors from each of the Councils holding the joint meeting.</p> <p>(4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.</p> <p>(5) Subject to subsections (2) and (6), the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting.</p> <p>(6) A joint meeting must comply with any requirements prescribed by the regulations.</p>
71	Committee Asset Committee	<p>65 Community Asset Committee</p> <p>(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).</p> <p>(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.</p>

Meeting Procedure clause	Subject	Section of <i>Local Government Act 2020</i>
		<p>Note Delegation of Power, Duties and Functions to members of a Community Asset Committee is provided for in Section 47 of the Act.</p> <p>(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—</p> <ul style="list-style-type: none"> (a) a member of Council staff; or (b) the members of a Community Asset Committee. <p>This mean Council may not delegate directly to a Community Asset Committee.</p>



The Hon Shaun Leane MP

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Minister's Good Practice Guideline MGP-3: Virtual Meetings

This is a guideline issued by the Minister for Local Government pursuant to section 87 of the Local Government Act 2020.

Purpose

The COVID-19 pandemic has highlighted the need for, and usefulness of, a more flexible and modern approach to conducting certain required local government meetings.

The Victorian Government's *Regulatory Legislation Amendment (Reform) Act 2022* (Reform Act) introduces into the *Local Government Act 2020* (the Act) provisions relating to electronic attendance and participation in council meetings and delegated committees on a permanent basis. The new provisions take effect on 2 September 2022.

Electronic meetings, commonly referred to as 'virtual meetings', could include meetings where all participants attend electronically, some participants attend in person and some attend electronically i.e., 'hybrid', or where attendees across several meeting locations join electronically i.e., 'parallel'.

This Good Practice Guideline is designed to assist councils to amend their Governance Rules in consultation with their communities to comply with the new provisions in the Act relating to virtual meetings.

The Guideline takes effect from **2 September 2022** to align with the commencement of the new amendments.

Legislative requirements

Part 3 Division 2 of the Act provides for the procedure and proceedings for Council decision making, including the holding of meetings (being council meetings, joint meetings of councils, delegated committee, and joint delegated committee meetings).

The Reform Act introduces provisions into Part 3 Division 2 of the Act (section 60) that require a council to develop, adopt and keep in force Governance Rules relating to:

- the conduct of council (and delegated committee) meetings held by electronic means; and
- requesting and approving attendance by electronic means.

In developing or amending its Governance Rules, councils must ensure that a process of community engagement is followed in accordance with section 60(4) of the Act.

The new provisions further provide that Councillors, and members of delegated committees, may attend and be present by electronic means of communication provided they comply with the Governance Rules (section 61(6A)).

Ref: BMIN-2-22-21061



Under section 66 of the Act, a council or delegated committee must keep a meeting “open to the public” except in specified circumstances. New provisions insert a definition of “Open to the public” to mean, in the case of a council or joint meeting of councils, or a delegated or joint delegated committee:

- either, attendance in person by a member of the public, or a meeting that is broadcasted live on the council internet site; or
- a recorded meeting that is published on the council internet site as soon as practicable after the meeting (in the case of a delegated or joint delegated committee only); or
- any other prescribed means of meeting.

Responsibilities of Councillors and council staff

Irrespective of how council meetings are held, Councillors and council staff are required to continue to act in accordance with the prescribed Standards of Conduct, Councillor (or staff) Code of Conduct, the *Local Government Act 2020*, Governance Rules and other Acts, local laws and policies as applicable.

Disclosure of conflicts of interest as required under the Act and rules relating to conflicts of interest continue to apply.

Matters for a council to consider when developing Governance Rules for virtual meetings

Conduct of meetings

Governance Rules must provide for the conduct of Council and delegated meetings, whether held in-person or electronically.

Where these meetings are to be held virtually in accordance with the new provisions, Governance Rules could provide for how the format of a meeting is to be determined, including options for hybrid or parallel meetings where some members may attend in person and others by electronic means.

For example, the Governance Rules could set out 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.

Requesting and approval of ‘electronic’ attendance (discrimination and reasonable adjustments)

The new provisions, in section 60(1) of the Act, provide that Governance Rules must provide for requesting and approving attendance at a council or delegated committee meeting by electronic means.

To comply with this requirement, councils should consider including in the Governance Rules:

- a. the format and criteria for requesting and approving attendance by electronic means
- b. whether the requests must be on a meeting-by-meeting basis or may be valid for a set period
- c. if there should be a 'deadline' for requests to ensure that facilities are available to accommodate the requested style of meeting and that appropriate notice can be provided to the public.

In developing and applying its rules in respect to requesting and approving requests to attend via electronic means, councils should have regard to other relevant Acts, such as the *Equal Opportunity Act 2010* (EO Act).

Under the EO Act:

- Direct discrimination occurs where a person treats, or proposes to treat, a person or group with a protected attribute, such as a disability, unfavourably because of the attribute.
- Indirect discrimination occurs if a person imposes or proposes to impose a requirement, condition or practice that is the same for everyone but disadvantages a person, or is likely to disadvantage a person, because they have one or more of the protected attributes, such as a disability, and the requirement, condition or practice is not reasonable.

Further, the *Gender Equality Act 2020* requires Councils to promote gender equality in their policies, programs and services.

Councils should consider providing flexibility with respect to participation at council meetings to enhance access for people with health issues and/or caring responsibilities, or who are unable to travel long distances.

Opening meetings to the public

Section 66 of the Act requires that council meetings and joint meetings of councils must be "open to the public" except in specified circumstances.

Councils should consider including rules regarding meetings if there is no option by which the public can attend the meeting in person, or if the council experiences technical difficulties in broadcasting the meeting to the public. The rules should set out how the council will address such matters to maintain an "open to the public" meeting.

Confidential council meetings or confidential/closed sections of council meetings are not required to be streamed live or electronically recorded.

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Representation at council meetings by members of the public

Councils are encouraged to make arrangements to allow members of the public who wish to appear before council to do so through virtual or other means. The rules could consider how to ensure community engagement is maintained through virtual meetings including:

- a. the provision and uploading of written and/or oral statements
- b. reading out questions on notice at the virtual meetings
- c. electronically posting questions prior to the meeting.

Confidentiality

The provisions (in the Act) regarding confidential information continue to apply to electronic meetings. Confidential information must not be intentionally or recklessly disclosed. Councillors should be able to demonstrate to the satisfaction of the Chair that their location is secure to ensure the deliberations are confidential.

I have issued this guideline pursuant to section 87 of the Local Government Act 2020 (Vic).



The Hon Shaun Leane MP
Minister for Local Government

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General things amended include; numbering, dates, removal of gender references, grammatical updates,

Current General Rule – Meeting Procedure	Proposed Draft General Rule – Meeting Procedure
<p>Part 2 – Conduct of Meetings</p> <p>54. Notices and Agendas</p> <p>6.1 Date, time and place of meetings</p> <p>The dates, times and places of Council Meetings are within the discretion of Council.</p> <p>Council may, by resolution, at a Meeting alter the day and time upon which any Meeting shall be held.</p> <p>A Meeting must start within 30 minutes of the advertised start time.</p> <p>A Meeting may not continue after 10.30pm unless a Majority of Councillors present vote in favour of its continuance. In the absence of such continuance, a Meeting must stand adjourned to a time, date and place announced by the Chairperson immediately before the standing Meeting is adjourned.</p> <p>6.2 Notice of Meeting</p> <p>The Chief Executive Officer must give notice including on Council's website of the date, time and place of a meeting giving adequate time for members of the municipal community to make arrangements to attend the meeting or view the meeting via the livestream unless urgent or extraordinary circumstances prevent compliance with this clause.</p> <p>The Chief Executive Officer must ensure that the agenda for any Meeting is provided to every Councillor or delegated committee member with adequate time for Councillors or members to prepare adequately for the meeting.</p> <p>6.3 Attendance at meetings</p> <p>In accordance with section 66(1) of the Act, all Meetings of Council must be open to members of the public unless section 66(2) of the Act applies.</p> <p>Council may resolve, in accordance with section 66(2) of the Act, that its Meeting be closed to members of the public because:</p> <p>a) the meeting is to consider confidential information; or</p> <p>b) security reasons; or</p>	<p>6. Conduct of meetings</p> <p>6.1 Council meeting format</p> <p>Subject to this Governance Rule, Council and delegated committee meetings may be held:</p> <p>a) in person, that is, where Councillors and other attendees are physically present in the Council Chamber.</p> <p>b) In hybrid form, that is, where Councillors and other attendees are physically in the Council Chamber, with one Councillor or attendee(s) joining and participating using an electronic means of communication, namely a video conferencing system or any other venue as resolved by Council.</p> <p>c) fully remotely, that is, where all the Councillors and other attendees join using a video conferencing system.</p> <p>6.2 Determination of meeting format</p> <p>Council meetings will be conducted in person except as provided in Part 5.</p> <p>Council may, by resolution, determine that a specific meeting or meetings will be conducted:</p> <p>a) in person</p> <p>b) by electronic means of communication.</p> <p>6.3 Meetings conducted in person</p> <p>At meetings conducted in person, a Councillor must physically attend the meeting unless their request to participate by electronic means of communication has been granted in accordance with clause 74.</p>

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it is necessary to do so to enable the meeting to proceed in an orderly manner.	
<p>6.4 Business to be transacted</p> <p>No business shall be transacted at a Council Meeting unless it appears on the agenda.</p> <p>Notwithstanding the above, an item of business which has:</p> <ul style="list-style-type: none"> a) been referred to Council by a delegated committee which has met since the agenda was prepared; or b) arisen since the preparation of the agenda, and is of such importance that deliberation by Council cannot be delayed, may be considered by Council only if admitted in accordance with the provisions of clause 57 – Urgent Business. 	
<i>Additional point in Clause 8.2 (g)</i>	g) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors and/or absence that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Meeting. This does not require a resolution of Council.
<i>Additional point in Clause 16. e)</i>	e) record movers and seconders;
<i>Inclusion of a paragraph in Clause 22. Presentations</i>	Presentations may also include an acknowledgement of the passing of prominent community members.
<i>Time frames of Clause 23 Petitions extended</i>	
One week	10 business days
<p>23. Public Question Time</p> <p>There shall be a public question time at every Council Meeting to enable members of the public to address questions to Council. Questions may be delivered to the Civic Centre or submitted electronically through Council's website. All such questions must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than 5pm on the day prior to the advertised date of the Council Meeting.</p> <p>Questions are limited to a maximum of two questions per individual. Questioners are expected to disclose any personal or professional</p>	<p>24. Public Question Time</p> <p>There shall be a public question time at every Council Meeting to enable members of the public to submit questions to Council.</p> <p>Procedures which allow for public questions to be asked at a Council Meeting are available on Council's website.</p> <p>Public Question Time will not be held during:</p> <ul style="list-style-type: none"> a) Any period when a meeting is closed to the public in accordance with section 66 of the Act or b) A Local Government election or caretaker period as defined in Council's election period policy.

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<p>interests in the subject matter of their questions on the question forms available at the Civic Centre or on Council's website.</p> <p>All such questions must be received in writing and must include the name of the person asking the question. Where there are more than two questions received from any person, the Chief Executive Officer will determine the two questions to be read and answered at the meeting.</p> <p>A question will only be read to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:</p> <ul style="list-style-type: none"> a) is a question and not a statement or opinion; b) is not indecent, abusive or objectionable in language or obscene; c) is not repeating a question already answered whether at the same or an earlier meeting; d) is not, in the opinion of the Chairperson or Chief Executive Officer, asked to embarrass a Councillor or an officer; and e) does not relate to a matter which the Council has discussed in camera or proposes to discuss after closing the meeting to members of the public in accordance with section 66(2) of the Act. <p>The procedure and sequence for dealing with a question is that the Chairperson:</p> <ul style="list-style-type: none"> f) shall name the questioner and enquire if they are present in the gallery; g) shall read out the question provided the questioner is present; and h) may answer the question or direct the question as he/she deems appropriate. <p>Questions must be answered, taken on notice or disallowed. All questions and answers shall be as brief as possible.</p> <p>Question time shall be limited to a period of up to 30 minutes.</p> <p>Council will allocate a reasonable time to each person who wishes to address a question to Council having regard to:</p> <ul style="list-style-type: none"> i) the nature of the matter to be discussed; j) the priorities in relation to other Council business; k) other members of the community present who also wish to address a question to Council, and 	<p>Public Question Time will not exceed 30 minutes in duration unless extended by resolution of Council through a procedural motion, in which case it may only be extended for one period of up to 30 minutes.</p> <p>Questions must be answered, taken on notice or disallowed. All questions and answers shall be as brief as possible.</p> <p>Council will allocate a reasonable time to each person who wishes to address a question to Council having regard to:</p> <ul style="list-style-type: none"> c) the nature of the matter to be discussed; d) the priorities in relation to other Council business; and e) the overall time limit for question time. <p>24.1 Lodging a Question</p> <p>All questions must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than 11:59pm two days prior to the advertised date of the Council Meeting.</p> <p>Questions are limited to a maximum of two questions per individual with no subparts. Questioners are expected to disclose any personal or professional interests in the subject matter of their questions on the question forms available at the Civic Centre or on Council's website.</p> <p>All questions must be received in writing and must include the name of the person asking the question. Where more than two questions are received from any person, only the first two questions will be read at the meeting.</p> <p>24.2 Questions not permitted</p> <p>The Chairperson and/or the Chief Executive Officer may at their discretion, refuse to accept a question if the question:</p> <ul style="list-style-type: none"> a) is not a question and a statement or opinion; b) relates to a matter outside the duties, functions or powers of Council; c) is indecent, abusive or objectionable in language or obscene; d) is repetitive or deals with a subject matter already answered at the same or an earlier meeting; e) is in the opinion of the Chairperson or Chief Executive Officer, asked to embarrass a Councillor or an officer; f) relates to the personal views or actions of an individual Councillor or Officer;

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<p>l) the overall time limit for question time.</p>	<p>g) is considered trivial or vexatious or it is more appropriate to direct to officers of the Shire during normal business hours;</p> <p>h) relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage; or</p> <p>i) relates to a matter which the Council has discussed in camera or proposes to discuss after closing the meeting to members of the public in accordance with section 66(2) of the Act.</p> <p>24.3 Asking a Question</p> <p>a) The procedure and sequence for dealing with a question is that the Chairperson:</p> <ul style="list-style-type: none"> • shall name the questioner; • shall read out the question; and • may answer the question or direct the question as they deem appropriate. <p>b) If a person submitting a question is not in attendance during Public Question Time, their question(s) may be read out and a response provided at the meeting.</p> <p>c) The Chairperson may elect to answer the question themselves or request the Chief Executive Officer to read and respond to a question.</p>
<p><i>Inclusion of paragraphs in clause 26. Other public submissions.</i></p>	<p>Persons wishing to address the Committee must lodge their request in writing, identifying the item on the agenda about which they wish to address the Committee and provide their name and contact details no later than 5pm the day prior to the advertised date of the Committee Meeting.</p> <p>Procedures which allow for public submissions at a Committee Meeting are available on Council's website.</p> <p>The Council or the Committee may ask questions of clarification relating to the submission of the person authorised to address Council or the Committee.</p>
<p><i>Removal of paragraphs in clause 26. Other public submissions</i></p> <p>Requests can be made by:</p> <ul style="list-style-type: none"> • Completing the online form; or • Contacting the Governance team on 9433 3718 or 9433 3271 or by email to governance@nillumbik.vic.gov.au. 	

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<p>No person is permitted to speak on behalf of an absent submitter, or group, organisation or company unless he/she is authorised in writing by the absent submitter or by an authorised officer of the group, organisation or company to address Council or the Committee on their behalf, such document to be tabled by the speaker.</p>	
<p>26. Addressing the Meeting</p> <p>Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chair.</p> <p>Any person addressing the Chair must refer to the Chairperson as:</p> <ul style="list-style-type: none"> a) Mayor; or b) Mr Mayor; or c) Madam Mayor; or d) Chair; or e) Mr Chairperson; or f) Madam Chairperson <p>- as appropriate.</p> <p>Councillors and members of Council staff in speaking must address each other by their titles of Councillor or officer as the case may be.</p>	<p>27. Addressing the Meeting</p> <p>A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.</p> <p>Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chair.</p> <p>Any person addressing the Chair must refer to the Chairperson as:</p> <ul style="list-style-type: none"> g) Mayor; or h) Chair; or i) Chairperson; <p>- as appropriate.</p> <p>Councillors and members of Council staff in speaking must address each other by their titles of Councillor or officer as the case may be.</p> <p>Any member of the public attending a Meeting must not:</p> <ul style="list-style-type: none"> a. utter any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber; b. display any placards or posters in the Council Chamber or in any building where a Meeting is being or is about to be held that give rise to a risk to the health and safety of persons in the Council Chamber or building where the Meeting is being held. c. display any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, in the Council Chamber; or d. obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held. <p>The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be contrary to any of the above or is objectionable, disrespectful or otherwise inappropriate.</p>

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	Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting. If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction. (Also refer to clause 67).
<p>37. Debate from the Chair</p> <p>The Chairperson should seek to refrain from debate on motions. The Chairperson may however choose to exercise a right to speak in favour of or against a motion and where this is the case, the Chairperson must advise the Council of their intention and stand while speaking to the matter under discussion.</p> <p>Where the Chairperson wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council. A temporary Chairperson must be elected in the same manner as the second temporary chairperson is elected in accordance with Governance Rule – Election of Mayor and Deputy Mayor Clause 1.1.</p>	<p>38. Debate from the Chair</p> <p>The Chairperson should seek to refrain from debate on motions. The Chairperson may however choose to exercise a right to speak in favour of or against a motion and where this is the case, the Chairperson must advise the Council of their intention.</p> <p>Where the Chairperson wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council. The Deputy Mayor assumes the role of the Chairperson. If the Deputy Mayor is absent or unable to assume the Chair, a temporary Chairperson must be elected in the same manner as the second temporary chairperson is elected in accordance with Governance Rule – Election of Mayor and Deputy Mayor Clause 1.1.</p>
<i>Including following paragraph in clause 50. Points of order</i>	Expressing a difference of opinion or contradicting a speaker does not constitute a point of order.
<i>Adding additional procedural motion to the table in Clause 53.</i>	9. Extending Public Question Time
<p>55. Notices of motion</p> <p>Subject to clause 6.4 of this Rule, a Councillor may move a motion if notice of such motion has been given in accordance with this Rule.</p> <p>A Notice of Motion must be lodged with the Chief Executive Officer in writing by 12 noon one week prior to the Council Meeting at which it is to be considered. Any Notice of Motion received after that time must, be included on the agenda for the following Council Meeting, unless withdrawn in writing.</p> <p>A Councillor may also give a Notice of Motion at a Council Meeting in which case, the item will be listed at the next following Meeting of Council.</p> <p>The full text of the proposed motion must be included on the agenda. No other explanatory information will be included on the agenda.</p> <p>The Chief Executive Officer may reject a Notice of Motion if he or she is of the opinion that it is:</p>	<p>55. Notices of motion</p> <p>Subject to subclause 7.4 of this Rule, a Councillor may move a motion if notice of such motion has been given in accordance with this Rule.</p> <p>A Notice of Motion must be lodged with the Chief Executive Officer in writing by 12 noon 10 business days prior to the Council Meeting at which it is to be considered to ensure inclusion in the Agenda. Any Notice of Motion received after that time must, be included on the agenda for the following Council Meeting, unless withdrawn in writing.</p> <p>A Councillor may also give a Notice of Motion at a Council Meeting in which case, the item will be listed at the next following Meeting of Council.</p> <p>The full text of the proposed motion must be included on the agenda. No other explanatory information will be included on the agenda.</p> <p>A Notice of Motion must relate to the role of Council as outlined in the Act.</p> <p>A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:</p>

Current General Rule – Meeting Procedure	Proposed Draft General Rule – Meeting Procedure
<p>a) defamatory;</p> <p>b) objectionable in language or nature;</p> <p>c) vague or unclear in intention;</p> <p>d) is identical or substantially similar to a Notice of Motion or other motion that has been considered by Council in the preceding two (2) months;</p> <p>e) may be prejudicial to any person or Council;</p> <p>f) can be addressed through the operational service request process;</p> <p>g) outside the powers of Council.</p> <p>If the Chief Executive Officer rejects a Notice of Motion under this clause the Chief Executive Officer must:</p> <p>h) Give the Councillor who lodged it an opportunity to amend it, if practical to do so; and</p> <p>i) If the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify the Councillor who lodged it that it will be rejected and explain the reasons for the rejection.</p> <p>j) The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they are received.</p> <p>Except by leave of the Council, each Notice of Motion before any meeting must be considered in the order in which it was entered in the Notice of Motion Register.</p> <p>If a Councillor who has given a Notice of Motion:</p> <p>k) is absent from the meeting; or</p> <p>l) fails to move the motion when called upon by the Chairperson;</p> <p>any other Councillor may move the motion.</p> <p>If the motion is not moved and seconded then the Notice of Motion lapses. If a Notice of Motion is lost or lapses a similar motion may not be submitted for two (2) months from the date it was lost or lapsed.</p>	<p>a. affect the levels of Council service;</p> <p>b. be inconsistent with the strategic objectives of the Council as outlined in the Council Plan;</p> <p>c. commit Council to expenditure that is not included in the adopted Budget;</p> <p>d. propose to establish, amend or extend an adopted Council policy or position;</p> <p>e. commit Council to any contractual arrangement;</p> <p>f. concern any litigation in respect of which Council is a party; or</p> <p>g. impact on perceived procedural fairness to a person or entity which is the subject of a pending decision by Council.</p> <p>The Chief Executive Officer must reject a Notice of Motion if they are of the opinion that it is:</p> <p>h. outside the powers of Council.</p> <p>i. possibly prejudicial to any person or Council;</p> <p>j. defamatory;</p> <p>k. objectionable in language or nature;</p> <p>l. vague or unclear in intention;</p> <p>m. is identical or substantially similar to a Notice of Motion or other motion that has been considered by Council in the preceding two (2) months;</p> <p>n. able to be addressed through the operational service request process; or</p> <p>o. relates to a matter that has already been acted upon.</p> <p>If the Chief Executive Officer rejects a Notice of Motion under this clause the Chief Executive Officer must:</p> <p>p. give the Councillor who lodged it an opportunity to amend it, if practical to do so; and</p> <p>q. if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify the Councillor who lodged it that it will be rejected and explain the reasons for the rejection.</p> <p>The Chief Executive Officer may determine a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.</p>

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<p>If a Councillor proposing a Notice of Motion wishes to amend the Notice of Motion he/she may do so by seeking leave of Council to amend the Notice of Motion prior to it being seconded.</p> <p>Except where the Notice of Motion is to confirm a previous resolution of Council, the Notice of Motion may be amended by resolution of Council.</p> <p>If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of two calendar months from the date it was lost.</p> <p>A preamble to a Notice of Motion is an explanatory statement that explains the purpose of the Notice of Motion. A Councillor lodging a Notice of Motion must ensure that the content of any preamble provided remains factual.</p>	<p>The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion Register in the order in which they are received.</p> <p>Except by leave of the Council, each Notice of Motion before any meeting must be considered in the order in which it was entered in the Notice of Motion Register.</p> <p>If a Councillor who has given a Notice of Motion:</p> <ul style="list-style-type: none"> r. is absent from the meeting; or s. fails to move the motion when called upon by the Chairperson; <p>any other Councillor may move the motion.</p> <p>If the motion is not moved and seconded then the Notice of Motion lapses. If a Notice of Motion, is whether amended or not, is lost or lapses, a similar motion may not be submitted for two (2) calendar months from the date it was lost or lapsed.</p> <p>If a Councillor proposing a Notice of Motion wishes to amend the Notice of Motion they may do so by seeking leave of Council to amend the Notice of Motion prior to it being seconded.</p> <p>Except where the Notice of Motion is to confirm a previous resolution of Council, the Notice of Motion may be amended by resolution of Council.</p> <p>A preamble to a Notice of Motion is an explanatory statement that explains the purpose of the Notice of Motion. A Councillor lodging a Notice of Motion must ensure that the content of any preamble provided remains factual.</p>
<p>56. Urgent business</p> <p>Business can only be admitted as urgent business by Resolution of the Meeting. A majority of Councillors present at a Council Meeting, or delegated committee meeting must vote in favour of admitting the item as urgent business.</p> <p>Even if the required Councillors carry the motion, it still will not be accepted as urgent business unless it:</p> <ul style="list-style-type: none"> a) relates to or arises out of a matter which has arisen since distribution of the Agenda; and b) cannot be deferred until the next Meeting without having a negative impact on the Council, and the local community; and c) The Chief Executive Officer will advise the Chairperson of any matter that he or she determines to be appropriate for Council to consider admitting as urgent business. 	<p>57. Urgent business</p> <p>Business can only be admitted as urgent business by Resolution of the Meeting. A majority of Councillors present at a Council Meeting, or delegated committee meeting must vote in favour of admitting the item as urgent business.</p> <p>Even if the required Councillors carry the motion, it still will not be accepted as urgent business unless:</p> <ul style="list-style-type: none"> a) it is proposed for admission by the Chief Executive Officer after consulting with the Mayor about the appropriateness for Council to consider admitting as urgent business; b) it relates to or arises out of a matter which has arisen since distribution of the Agenda; and c) it cannot be deferred until the next Meeting without having a negative impact on the Council, and the local community.

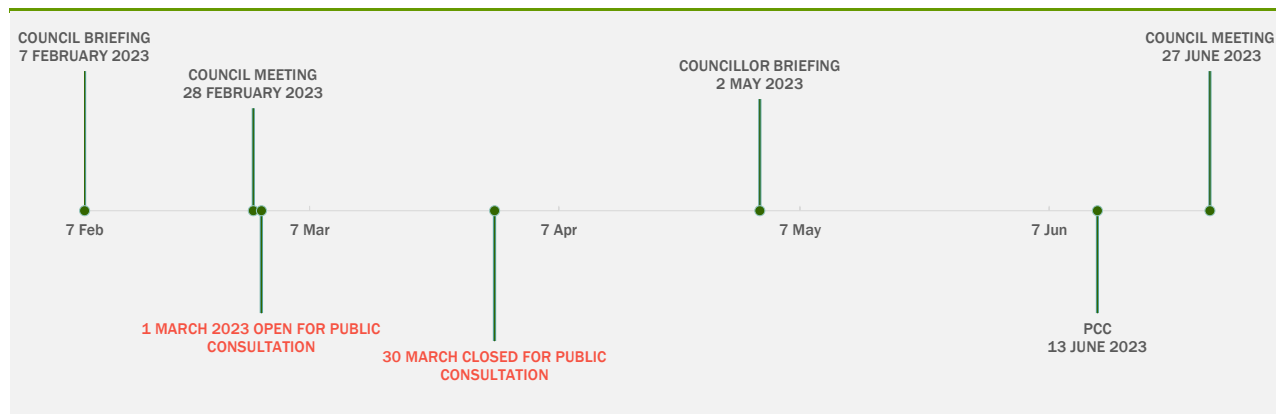
Current General Rule – Meeting Procedure	Proposed Draft General Rule – Meeting Procedure
<i>Inclusion of Clause 58. Delegates Report.</i>	<p>58. Delegates Report</p> <p>A Delegate's Report provides an opportunity for a Councillor to update the Council and provide advice or other information in relation to the activities of:</p> <ul style="list-style-type: none"> • An Advisory Committee; • An interest group; or • An external organisation <p>to which the Councillor has been appointed by the Council as its delegate.</p> <p>If the Agenda for a Council meeting makes provision for Delegate's Reports, Councillors may submit a report by:</p> <ul style="list-style-type: none"> • Tabling a brief written report for inclusion without attachments in the Agenda by 12 noon 10 business days prior the council meeting at which it is to be presented; or • Providing an oral report to the meeting. <p>The delegate has a period of up to three minutes to speak.</p> <p>The full text of any Delegate's Report tabled shall be included in the minutes of the meeting.</p>
<p>64. Removal from Chamber</p> <p>Under section 19 of the Act, the Mayor has the power to direct a Councillor, subject to any procedures or limitations in this Rule, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.</p> <p>If a person (including a Councillor) does not leave the meeting when ordered to leave under clause 65 or clause 66, the Chairperson may request a member of Victoria Police to remove that person.</p>	<p>65. Removal from Chamber</p> <p>Under section 19 of the Act, the Mayor has the power to direct a Councillor, subject to any procedures or limitations in this Rule, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.</p> <p>If a Councillor does not leave the meeting when ordered to leave under this clause or clause 66, the Chairperson may request a member of Victoria Police to remove that person if the meeting is in person or to remove them electronically if it is a full virtual meeting.</p>
<p>66. Gallery to be silent</p> <p>Visitors must not interject or take part in any debate or in any other way interrupt the business of the meeting.</p> <p>Members of the gallery must be silent at all times.</p>	<p>67. Gallery to be silent</p> <p>Visitors must not interject or take part in any debate or in any other way interrupt the business of the meeting.</p> <p>Members of the gallery must be silent at all times.</p>

Current General Rule – Meeting Procedure	Proposed Draft General Rule – Meeting Procedure
<p>If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Rule, the Chairperson may order him or her to leave the gallery.</p> <p>A person must not refuse or neglect to leave a meeting when ordered to do so under this clause.</p>	<p>If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Rule, the Chairperson may order them to leave the gallery and may request a member of Victoria Police to remove that person if the meeting is in person or to remove them electronically if it is a full virtual meeting.</p> <p>A person must not refuse or neglect to leave a meeting when ordered to do so under this clause.</p>
<p><i>Not currently written in the Governance Rule - Meeting Procedures</i></p>	<p>Part 5 – Physical and Remote Attendance</p> <p>73. Mode of Attendance</p> <p>Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:</p> <ul style="list-style-type: none"> • wholly in person; • wholly by electronic means; or • partially in person and partially by electronic means. <p>The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:</p> <ul style="list-style-type: none"> • wholly in person; • wholly by electronic means; or • partially in person and partially by electronic means. <p>Council may resolve to make certain meetings in person only.</p> <p><i>If</i> a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.</p> <p>If the Chief Executive Officer receives a request under rule 74 to participate in a meeting by electronic means of communication from two or more Councillors, the meeting must be conducted fully virtual.</p>
	<p>74 Request to participate in meeting by electronic means of communication by a Councillor</p> <p>Any notification to participate in a meeting by electronic means of communications must:</p> <ul style="list-style-type: none"> • be in writing; • be given to the Chief Executive Officer no later than 10.00am on the day of the advertised date of that meeting; and

Current General Rule – Meeting Procedure	Proposed Draft General Rule – Meeting Procedure
	<ul style="list-style-type: none"> specify the reasons why the Councillor cannot reasonably participate physically in the meeting in person or does not wish to attend the Council meeting in person. <p>The Chief Executive Officer must, if notified by the Councillor, keep the submitted grounds for the request notification confidential. Subject to this rule, the Chief Executive Officer must ensure that any notification received in accordance with this rule and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant meeting.</p> <p>A Councillor who is not physically in attendance at a meeting but is present by electronic means of communication without submitting a notification to the Chief Executive Officer in line with this Rule, must be recorded as absent, and must not participate in the proceedings of the meeting, including moving or seconding motions, speaking during a debate or casting a vote on a motion before the meeting.</p>
	<p>75. Submissions under Clause 25 and 26</p> <p>A person who wishes to make a submission to an item on the agenda in accordance with the <i>Local Government Act 1989</i> and clause 25 or 26 may register to join the Council committee meeting in person through the online link on the meeting page for that Council Committee Meeting by no later than 5pm of the day prior to the advertised date of the meeting to make their verbal submission.</p> <p>The person will be contacted by a member of Council staff and provided with instructions to access the meeting.</p>
	<p>76. Adjustments to meeting rules</p> <p>If a meeting is conducted by electronic means of communication, the following modifications of this Governance Rule are made:</p> <ol style="list-style-type: none"> References to a Councillor or delegated committee member being present at a meeting is a reference to a Councillor being able to hear and see other Councillors in attendance and being both heard and seen by other members in attendance; Absences of less than one minute must not be recorded as absences for the purposes of the meeting minutes unless a vote or the Mayor's request for declaration of conflicts of interest occurs due to the absence;

Current General Rule – Meeting Procedure	Proposed Draft General Rule – Meeting Procedure
	<p>c) Casting a vote may occur by a Councillor either raising their hand in view of a camera so that it can be seen by other members in attendance or, at the Chair's request, orally stating their vote;</p> <p>d) In the event of an absence of a Councillor during a vote due to a technical failure, a Councillor or member of Council staff may bring this to the attention of the meeting Chair, who may briefly adjourn the meeting to enable the Councillor to re-join the meeting. Where the Councillor is unable to reconnect within five minutes, the meeting must resume in the Councillor's absence;</p> <p>e) In the event of a Councillor being required to leave a meeting due to a declaration of conflict of interest, a Councillor may leave the meeting by:</p> <ul style="list-style-type: none"> i. for meetings that are open to the public, deactivating their microphone and camera; or ii. for meetings, whether open or closed to the public, disconnecting from the online meeting platform. <p>The Chair may, with the consent of the meeting, modify the application of any other clause of the Governance Rule – Meeting Procedure to facilitate the more efficient and effective transaction of the business of a meeting which is conducted by electronic means of communication.</p>
<i>At Appendix 1 Inclusion of subclause 60(1)(ba)</i>	(ba) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication;

Project Timeframes for Governance Rules



Project Timeframes

DATE		
7-Feb	Council Briefing 7 February 2023	Brief Councillors to any revisions requested at last briefing on 6 December 2022, and finalise document to be presented to Council for endorsement to commence public consultation on 28 February 2023.
28-Feb	Council Meeting 28 February 2023	Seek Council endorsement to commence community consultation on the new draft Governance Rule meeting procedure.
1-Mar	1 March 2023 Open for Public Consultation	Open for Public Consultation
30-Mar	30 March Closed for Public Consultation	Closed for Public Consultation
2-May	Councillor Briefing 2 May 2023	Brief councillors of all submissions received.
13-Jun	PCC 13 June 2023	Community Engagement. Outlines the submissions received during public engagement and also gives the public an opportunity to make any submissions to the Committee in person.
27-Jun	Council Meeting 27 June 2023	Council endorsement to the Governance Rule – Meeting Procedure



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Community Engagement Plan – Nillumbik Reconciliation Action Plan (RAP)

Project Lead: April Wilson (<i>Coordinator Social Planning & Equity</i>)	Project Lead: Vicky Bonafede (<i>Aboriginal Partnerships Officer</i>)
Department: Community Partnerships	Extension: 9433 3201
Project Name: Nillumbik Reconciliation Action Plan (RAP)	
APPROVALS	
Manager/Coordinator	Name: Nichole Johnson
Project Sponsor	Name: Corrienne Nichols
Community Engagement Officer	Name: Bianca Caruso

ABOUT THE PROJECT

See the [Community Engagement Guidelines](#) for help in completing this plan

<p>Project objective</p> <p>Explain your project in a few sentences</p>	<p>The objective of this project is to undertake community consultation to inform the development of the Nillumbik <i>Reflect</i> Reconciliation Action Plan (RAP). The RAP will outline the shared approach Council will take to progress reconciliation and work alongside Aboriginal people in all Council services.</p> <p>The RAP is Nillumbik's formal commitment to support First Nations peoples' rights, culture, heritage, needs and aspirations.</p>
<p>Context</p> <p>What is the background of your project and the history of the project/issue?</p> <p>For example:</p> <ul style="list-style-type: none"> • Council reports and resolutions • Previous decisions made • Media involvement • Public concern or controversy • Previous community engagement 	<p>The development of a RAP is outlined as a priority action in the Council Plan 2021-25.</p> <p>Nillumbik Shire Council has been assessed as being at the stage of developing a <i>Reflect</i> RAP. A <i>Reflect</i> RAP is for 12 months and is for organisations new to reconciliation who are unsure how to get started. It will set out steps to prepare the organisation for reconciliation initiatives in future RAPs.</p> <p>A <i>Reflect</i> RAP means scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on our vision for reconciliation and exploring Council's sphere of influence. A <i>Reflect</i> RAP is a public commitment published on Reconciliation Australia's (RA) website.</p> <p>Key timelines to date are as follows:</p> <ul style="list-style-type: none"> • RAP Framework presented to Councillors at Council Briefing (June 2022) • Aboriginal Partnerships Officer appointed (August 2022) • Pre-engagement with EMT, Wurundjeri Woi-Wurrung Elders (Traditional Owners) and Nillumbik Reconciliation Group (September – October 2022) • Community Engagement Plan finalised (October 2022) • Draft Community Engagement Plan provided to EMT (16 November 2022) • Draft Community Engagement Plan presented at Council Briefing (6 December 2022) • Draft Community Engagement Plan presented to Council for endorsement (28 February 2023) <p>It is understood that this community consultation/engagement process carries the potential to invoke racist and/or discriminatory commentary.</p>

STEP 1: IDENTIFY THE NEED OR OPPORTUNITY FOR COMMUNITY ENGAGEMENT

If you answer yes to any of these questions, you most likely need to undertake community engagement as part of your project.

SHOULD WE BE ENGAGING?	Yes	No
Does legislation require Council to engage with the community about the issue? (This includes statutory exhibition periods)		x
Is the issue politically sensitive? (If Council does not engage the community, is it likely that Council will receive adverse media coverage or complaints?)	x	
Should the community be informed about this issue?	x	
Will the decision being made have a significant social, environmental or economic impact on the community or other stakeholders?	x	
Is this a complex or difficult situation with widely differing views?	x	
Is the decision being made likely to have a financial impact on the community?		x
Is there, or is there likely to be, strong community concern or interest in the issue?		x
Is there existing or potential community outrage about the issue?		x
Has Council asked for community input on this or similar matters in the past?	x	
Would engagement assist Council or Councillors to better understand local values, priorities, needs or issues that relate to your project?	x	

STEP 2: DEFINE THE OBJECTIVE AND SCOPE OF THE ENGAGEMENT

NB: Make sure you should submit a [Communications & Marketing Brief](#) to develop a Communications & Marketing Plan for your project.

NEGOTIABLE		NON-NEGOTIABLE	
What aspects of the project can be influenced as part of the engagement process? Deliverables Timelines		What aspects of the project can't be influenced as part of the engagement process? Priority areas for deliverables Format of the plan	
What do we want to find out from the community?		<ul style="list-style-type: none"> • Do you support a process of reconciliation with First Nations people? • Would you participate in reconciliation events and projects? • What reconciliation events and projects you would like to see included in the RAP? 	
What key information will the community need or want to know?		<ul style="list-style-type: none"> • Process and timelines • Where the recommended actions and deliverables have come from • How was the plan was developed • What additional deliverables/actions can be included • How will the plan will be implemented, resourced and governed 	
What messages do you want to give the community?		<ul style="list-style-type: none"> • Nillumbik Shire Council are developing a <i>Reflect</i> RAP • A <i>Reflect</i> RAP is for a 12 month period and is for organisations who are new to reconciliation and unsure where to start • The RAP will inform reconciliation initiatives across Nillumbik Shire Council and the wider community • Nillumbik Shire Council invites all Aboriginal and Torres Strait Islander people, reconciliation partners, community members and Council staff to have input into the development of the draft RAP. 	

NEGOTIABLE		NON-NEGOTIABLE	
What are your engagement timeframes?	<p>Pre-engagement (initial conversations with key stakeholders, including EMT and Traditional Owners (October – December 2022)</p> <p>Community Engagement (Monday 6 March 2023 – Sunday 23 April 2023; 7 weeks)</p>	Is there budget available?	<p>Yes – Program Support (0373.1163)</p>

STAKEHOLDERS WHO WILL BE ENGAGED

STAKEHOLDERS	WHY ARE THEY STAKEHOLDERS? <ul style="list-style-type: none"> What is their interest in the project? How are they impacted? How do they impact the project? 	Level of Engagement (IAP2 spectrum)
Council	Medium-high level; Councillors will champion the RAP development and demonstrate leadership and commitment	Consult
EMT	High level; EMT will identify a RAP champion (Corrienne Nichols) and will allocate appropriate resources for consultation, working group, engagement support and implementation	Involve
RAP Champion	High level; responsible for chairing the reconciliation working group and ensuring adequate resources to develop and implement the RAP	Involve
RAP working group	High level; they will assist in analyzing the feedback provided through consultation, provide expert advice and guidance and support the implementation of the RAP	Involve
Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation	High level; they will contribute to discussion around key themes and deliverables and provide feedback on/endorse the draft RAP. Traditional owners will have identified seats as part of the reconciliation working group.	Consult
Council officers	Medium level; they will provide deliverables to include in the RAP, commit to further education or upskilling as individuals or teams, ensure that future policies and procedures align with the RAP and assist in implementation	Consult
Aboriginal and Torres Strait Islander community	High level; the Aboriginal and Torres Strait Islander community will have the opportunity to contribute to key deliverables and participate in the RAP working group, as well as identify issues and opportunities.	Consult
Other Stakeholders <ul style="list-style-type: none"> Libraries Leisure centres Sports clubs Community groups 	Medium level; these stakeholders can inform plan deliverables and provide feedback on working collaboratively in partnership to deliver actions as part of the RAP	Consult

STAKEHOLDERS	WHY ARE THEY STAKEHOLDERS? <ul style="list-style-type: none"> What is their interest in the project? How are they impacted? How do they impact the project? 	Level of Engagement (IAP2 spectrum)
<ul style="list-style-type: none"> Early childhood services and playhouses Primary and Secondary schools Koorie Education Support Officers (KESO) Community health – healthAbility and Banyule Community Health Djirra Women’s Health Service Elizabeth Morgan House Aboriginal Women’s Services Koorie Heritage Trust Local Aboriginal Network (LAN) Nillumbik Reconciliation group (NRG) LAECG – Local Aboriginal Education Committee Groups – VAEAI VACCA - Victorian Aboriginal Child Care Agency VACCHO - Victorian Aboriginal Community Controlled Health Organisation VACSAL - Victorian Aboriginal Community Services Association Ltd VAHS - Victorian Aboriginal Health Service Victoria Police - Community Development and Outreach 		

STAKEHOLDERS	WHY ARE THEY STAKEHOLDERS? <ul style="list-style-type: none"> • What is their interest in the project? • How are they impacted? • How do they impact the project? 	Level of Engagement (IAP2 spectrum)
<ul style="list-style-type: none"> • Warrimbuk, Nth Fitzroy • Neighbouring Councils • Birrarung Council (Melbourne Water) 		
<p>Council Advisory Committees and networks</p> <ul style="list-style-type: none"> • Youth Council • Health and Wellbeing • Positive ageing • Inclusion • Arts and Cultural Development • Environment and Sustainability Advisory Committee • Living & Learning • Banyule Nillumbik Family Violence Network • Community Services Network • Early Years Community of Practice • Banyule Nillumbik Youth Services Network 	<p>Low - Medium level; these stakeholders can inform plan deliverables and provide feedback on working collaboratively in partnership to deliver actions as part of the RAP</p>	<p>Consult</p>

STEP 4: CHOOSE THE RIGHT ENGAGEMENT TOOLS/METHODS

NB: Talk to the Community Engagement Officer for help with this.

TOOL / METHOD	TARGET STAKEHOLDERS	KEY QUESTIONS /INFORMATION	Documents
Cultural Reflection Survey (undertaken in 2020)	Council Officers	<ul style="list-style-type: none"> The Cultural Reflections Survey conducted in 2020 proposed these key recommendations. <ol style="list-style-type: none"> To develop a tailored cultural learning strategy for whole of council staff. Increase collaboration and partnership projects with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. Engage Council's internal services and external service stakeholders to identify gaps in Aboriginal and Torres Strait Islander service provision. 	Findings from the 2020 Cultural Reflections Survey can be provided upon request
Traditional owner consultation – monthly consultation meetings	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation	<ul style="list-style-type: none"> Purpose of the RAP Preferred events and projects RAP engagement capabilities Provision of TO services TO Representation in Reconciliation Working Group RAP Endorsement 	Consultation Information Sheet Key messages for staff versus community
Consultation workshops	EMT Council Officers Community Advisory Committees	<ul style="list-style-type: none"> Purpose of the RAP Suggested deliverables Capacity to achieve RAP actions RAP working group representation 	

	Stakeholders (as identified above)		
Participate Nillumbik website online survey	Broader community Stakeholders		
Nillumbik News Posters Hard copies (postcards) at community centres, libraries and Post Offices throughout the Shire	Broader community Stakeholders	<ul style="list-style-type: none"> Promote opportunities to participate in consultation 	
Council Officer attendance at key Council events throughout engagement period (e.g. Warrandyte Festival, Open Farm Day etc.)	Broader community Stakeholders	<ul style="list-style-type: none"> Promote opportunities to participate in consultation 	
All staff meeting presentation Wedgetales	Council officers	<ul style="list-style-type: none"> Promote opportunities to participate in consultation 	

STEP 5: ENGAGE

This is where you can record a brief description of the engagement activities you plan to implement.

ENGAGEMENT ACTIVITY / TOOL / METHOD	DATE	RESOURCES NEEDED	WHO	HOW WILL FEEDBACK BE RECORDED
Phase 2: Monday 6th March – Sunday 23rd April 2023 (7 weeks)				
Participate Nillumbik online survey	Monday 6 th March 2023 – Sunday 23 rd April 2023	Example consultation questions have been provided by Indigenous Employment Partners (IEP) IT and Comms support	Comms Team	Web-based form
Social media posts with key questions and link to Participate Nillumbik website	Monday 6 th March 2023 – Sunday 23 rd April 2023	Social media plan Visual images/tiles to support discussion	Comms Team	Web-based form
Staff consultation sessions x 4 (Manager/Coordinator/Team Lead sessions x 2 to be held in 2022; Council Officer sessions x 2 to be held in 2023)	Thursday 24 th November, Wednesday 30 th November 2022 Thursday 2 nd March, Tuesday 14 th March 2023	Meeting rooms Refreshments	Aboriginal Partnerships Officer, Coordinator Social Planning & Equity	Minutes of meetings will be recorded.
Workshops with Traditional Owners (incorporated into Monthly Wurundjeri Woi-Wurrung consultations)	Thursday 9 th February, Thursday 9 th March and Thursday 6 th April 2023	Meeting rooms Refreshments	Aboriginal Partnerships Officer, Coordinator Social Planning & Equity	Minutes of meetings will be recorded.

ENGAGEMENT ACTIVITY / TOOL / METHOD	DATE	RESOURCES NEEDED	WHO	HOW WILL FEEDBACK BE RECORDED
Stakeholder forums x 2	Wednesday 22 nd March, Tuesday 4 th April 2023	Meeting rooms Refreshments	Aboriginal Partnerships Officer, Coordinator Social Planning & Equity	Minutes of meetings will be recorded.
Community forums x 3	Wednesday 22 nd March, Tuesday 28 th March, Saturday 1 st April 2023	Meeting rooms Refreshments	Aboriginal Partnerships Officer, Coordinator Social Planning & Equity	Minutes of meetings will be recorded.
Workshop with Nillumbik Councillors	TBC	Meeting rooms Refreshments	RAP Champion, Manager Community Partnerships, Aboriginal Partnerships Officer, Coordinator Social Planning & Equity	Minutes of meetings will be recorded.
Council officer attendance at key Council events throughout engagement period (e.g. Warrandyte Festival, Rotary Eltham Town Festival, International Women's Day etc.)	Various Dates	Postcards with QR code linking to Participate Nillumbik website	Aboriginal Partnerships Officer, Coordinator Social Planning & Equity	Web-based form
Phase 3: Feedback on the draft RAP document (TBC) Further community consultation will occur once a draft RAP document has been developed				
Participate Nillumbik online survey – Feedback on draft RAP document	TBC	IT and Comms support	Comms Team	Web-based form
RAP Working Group	TBC	Meeting room Refreshments Admin support	RAP Champion, Aboriginal Partnerships Officers, Coordinator Social Planning & Equity	Official minutes will be recorded

ENGAGEMENT ACTIVITY / TOOL / METHOD	DATE	RESOURCES NEEDED	WHO	HOW WILL FEEDBACK BE RECORDED
Social media posts with key questions and link to Participate Nillumbik website	TBC	Social media plan Visual images/tiles to support discussion Translated tiles	Comms Team	Web-based form
Advisory Committee discussions	TBC	Meeting room Admin support	Aboriginal Partnerships Officer, Coordinator Social Planning & Equity	Note taker Mentimetre or online tools for questions Butchers paper/whiteboard if in person

STEP 6: REPORT BACK TO THE COMMUNITY AND COUNCIL

WHAT WILL YOU REPORT BACK?	TO WHOM	HOW WILL YOU SHARE IT?	WHEN	RESPONSIBLE
Consultation report and draft plan	Council	PCC, Council Briefing and Council Report	TBC	Coordinator Social Planning & Equity
Consultation report and draft plan	Traditional Owners	Monthly Wurundjeri Woi-wurrung consultation meeting	TBC	Aboriginal Partnerships Officer
Consultation report and draft plan	Stakeholders	Email to all participate respondents with link to engagement summary and final policy	TBC	Coordinator Social Planning & Equity
Consultation report and draft plan	Community	Social media post with link to final policy and engagement summary. E.g. here's what you told us....	TBC	Comms Team

STEP 7: CLOSE THE LOOP (REPORT BACK TO THE COMMUNITY ON THE OUTCOME)

WHAT WILL YOU REPORT BACK?	TO WHOM	HOW WILL YOU REPORT BACK?	WHEN	RESPONSIBLE
Final plan Progress on actions	Council	Council Report and PCC Report	TBC	Coordinator Social Planning & Equity
Final plan Progress on actions	Traditional Owners	Monthly Wurundjeri Woi-wurrung consultation meeting	TBC	Aboriginal Partnerships Officer
Final plan Progress on actions	Stakeholders	Email to all participate respondents with link to engagement summary and final policy	TBC	Coordinator Social Planning & Equity
Final plan Progress on actions	Community	Social media post with link to final policy and engagement summary. E.g. here's what you told us....	TBC	Comms Team

Attachment 2: Nillumbik Reconciliation Action Plan (RAP) Framework

Project Objective:

To ensure that the views and knowledge of Traditional Owners, Aboriginal and Torres Strait Islander people, Aboriginal organisations, Nillumbik Shire Council representatives and the wider community inform the development of a meaningful Reconciliation Action Plan (RAP) that provides and accounts for sustainable equality, inclusion, human rights and health and wellbeing outcomes for Aboriginal and Torres Strait Islander people and their communities. This project will be facilitated through a 4 Phase approach as described below.

Project Phases and Timelines:

The project deliverables and timelines outlined in this framework must be flexible and adaptive to accommodate unforeseen delays in full and proper consultation in order to prioritise meaningful Aboriginal and Torres Strait Islander community engagement.

Phase 1	Planning	Develop framework and plan for stakeholder and community engagement.	June – October 2022
Phase 2	Consultation	Undertake community consultation and report on feedback	November – May 2023
Phase 3	Draft	Work with Council to provide input into the development of the Nillumbik Reconciliation Action Plan. Draft Nillumbik Reconciliation Action Plan to be presented at Council meeting for endorsement to go out for public comment. Undertake community consultation on the draft RAP document	June 2023 – March 2024
Phase 4	Finalise	Final Nillumbik Reconciliation Action Plan to be put forward for endorsement.	April 2024

Project Scope:

Nillumbik Shire Council engaged Indigenous Employment Partners (IEP) to assist in the development of the RAP. To date, IEP have committed to developing an understanding of Council's vision for reconciliation, its reconciliation commitments, staff capacity and strategic plans linked to the RAP. In 2020, Nillumbik Shire Council officers completed the IEP 'Cultural Reflections Survey', with the subsequent report providing an evidence base for the assessment of Council officers' understanding and capacity to support RAP deliverables, and to identify potential RAP risks or barriers.

In commencing this project, Council has embedded an IEP project consultant for one day per week to support Council officers in facilitating the project deliverables in phase 1, as described below. In August 2022, Nillumbik Shire Council appointed a dedicated Aboriginal Partnerships Officer with a primary responsibility to lead the development of the RAP.



Engaging the various Council departments on the RAP as the project progresses provides officers with the opportunity to explore ways they can include reconciliation initiatives in their respective work areas and practices. The trickle-on benefits will positively influence workplace cultural change, and increase Aboriginal cultural respect, inclusion, cultural safety, opportunities and service delivery in the long term.

Most critical to this project is ensuring Aboriginal and Torres Strait Islander peoples' voices are at the forefront of consultation, and to ensure consultation is conducted respectfully and according to the capacity for Aboriginal community engagement, which is in high demand. Other external stakeholders are local reconciliation networks and mainstream providers who employ Aboriginal workers or deliver services to Aboriginal people, and can play a role in RAP governance, as RAP working group members.

Regrettably, in November 2022, IEP announced the cessation of the organisation. Development of the RAP will continue as planned under the guidance of the Nillumbik Aboriginal Partnerships Officer.

Reflect RAP

As this is Nillumbik Shire Council's first RAP, Reconciliation Australia provides a framework for developing a *Reflect* RAP. Reflect RAPs are for 12 months and are intended for organisations new to reconciliation and unsure how to get started. A *Reflect* RAP set out steps to prepare your organisation for reconciliation initiatives in future RAPs. Committing to a *Reflect* RAP means scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on your vision for reconciliation and exploring your sphere of influence.

RAP Champion & Working Group

IEP recommends that Council nominate an executive staff member as the RAP champion for the duration of the project and beyond. The RAP Champion will provide progress reports directly to Council, assist in the provision of resources for RAP development, and to participate as Council's representative in consultation meetings. Corrienne Nichols, Director of Community Services, has been identified as Nillumbik's RAP champion.

It is also recommended that a RAP working group be established to facilitate decisions on the RAP development and the specific deliverables to be included. After Council's endorsement of the final RAP, the working group will be responsible for the ongoing governance, implementation, monitoring and reporting. The RAP working group should include representatives from Council, Traditional Owners, Nillumbik's First Nations community and RAP stakeholder groups.

Project Deliverables:

The following table of project deliverables provides a list of actions and the order for their completion to progress the development of the RAP. Additional actions may be identified during the course of the project, and flexibility in the initially established timelines will be required to accommodate any critical unforeseen activities.

Phase	Item	Delivery methodology	Scope of works
Phase 1: Planning June – October 2022	1.1.	IEP and Council stakeholder engagement discussion.	IEP to engage with Nillumbik Council staff to discuss: <ul style="list-style-type: none"> • Council's existing stakeholder relationships which should be included in RAP consultation. • Council's engagement practices, protocols, evaluation and reporting processes/expectations. • IEP's engagement approaches are grounded in culturally safe practices.
	1.2.	Stakeholder research	IEP to conduct research to identify additional RAP stakeholders to be included in Nillumbik RAP consultation.
	1.3.	Stakeholder preliminary contact and schedule	IEP to conduct preliminary engagement with key stakeholders to determine participation in consultation, preferred engagement and consultation costs.
	1.4	Plan development	IEP to draft stakeholder engagement plan to include stakeholders, engagement timelines, approaches required, costs, logistics, resources, evaluation processes.
	1.5	Present RAP Framework to EMT and Council	Purpose of report: <ul style="list-style-type: none"> • EMT and Council feedback on RAP Framework • EMT appointment of RAP Champion
	1.6	Scope design and artwork	<ul style="list-style-type: none"> • EOI process outlined • Timelines confirmed • Scope including artwork/design for RAP and associated Reconciliation collateral
Phase 2: Consultation November 2022 – May 2023	2.1.	Present engagement plan to EMT and Council	Purpose of report: <ul style="list-style-type: none"> • EMT and Council feedback on engagement plan • Formally commence engagement and notify community of intent to consult
	2.2.	Traditional Owner consultations	Aboriginal Partnerships Officer to conduct Wurundjeri Woi-wurrung Consultations x 3 Note: Timeline may need to be changed pending Traditional Owner availability.
	2.3.	Aboriginal and Torres Strait Islander community members,	Aboriginal Partnerships Officer to conduct consultation workshops with Aboriginal and Torres Strait Islander community members, stakeholder consultations.

		stakeholder consultations	
	2.4	Nillumbik Council staff consultation	Aboriginal Partnerships Officer to conduct consultation with Council staff and divisions around RAP developments and understanding of RAPs.
	2.5	Broader Nillumbik community consultation	The broader Nillumbik community are invited to participate in consultation via the <i>Participate Nillumbik website</i> .
	2.6	Consultation findings collated and report to be drafted	Council officers will collate all evidence captured from the above consultations and will prepare a findings' report to inform Council on how best to progress and develop the RAP Framework and Action Plan.
	2.7	RAP Working group establishment	Process to be developed in consultation with Council. Develop RAP Working Group Terms of Reference TOR for Council endorsement.
	2.8	Consultation Report to EMT and Council Briefing	EMT Meeting purpose to provide feedback and comments on consultation report and endorse RAP working group Terms of Reference Councillor Briefing purpose to provide feedback and comments on consultation report and note RAP working group Terms of Reference
Phase 3: Draft June 2023 – March 2024	3.1.	Reconciliation Action Plan Working Group (RAPWG) meeting	Meet and discuss: <ul style="list-style-type: none"> • Consultation findings • Approach for developing RAP draft • Structure of draft
	3.2.	Draft RAP and structure	RAPWG to define the content for RAP draft: <ul style="list-style-type: none"> • RAP themes and aims • Guiding RAP principles • RAP objectives • Strategic links
	3.3.	RAP Governance, Accountability, Evaluation and Timelines	Council to define RAP Governance and to determine accountability and timelines for RAP actions and deliverables.
	3.4	RAP Risks and Management	RAPWG will provide Council with an itemised summary of identified and potential RAP Risks. RAPWG will include advice and guidance on how to address Risks against each item.
	3.5	RAP Evaluation, review and reporting	Aboriginal Partnerships Officer to finalise recommended RAP reporting processes and systems
	3.6	Draft final RAP Framework and Action Plan	Once all of the above details have been determined, write and complete the draft framework and action plan.
	3.7	Traditional owner final draft review and RAP endorsement	On completion of the draft framework and action plan, engage in 2 x consultation sessions with Nillumbik Traditional Owners to request review of

			the draft and to seek endorsement and a support statement to include in the RAP.
	3.8	Submit drafts to Council for review and respond to EMT and Council feedback	Submit drafts to Council for review. Respond to any changes recommended by Council.
	3.9	Online community review and feedback of draft plan	Work with Council to support the online community review process and to attend to feedback and draft changes.
Phase 4: Finalise April 2024	4.1.	Present formal submissions to EMT and Council Briefing	
	4.2	Planning and Consultative Committee	Hear community submissions
	4.3	Council Meeting for Endorsement	Update and present final updated RAP to Council for endorsement
	4.4	Publish and print RAP and supporting documentation.	

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Participate Nillumbik Survey

DRAFT – Reconciliation Action Plan (RAP) Community Consultation Questions

History and culture

1. How would you rate your level of knowledge of:

	Very high	Fairly high	Fairly low	Very low	Don't know
The history of Aboriginal and Torres Strait Islander people in Australia					
The history of Aboriginal and Torres Strait Islander people in Nillumbik Shire					

2. How likely are you to participate in Reconciliation activities to improve your knowledge of Aboriginal histories and cultures?

- Very likely
- Likely
- Somewhat likely
- Not all likely

3. What are some ways that Council can build strong relationships with Aboriginal and Torres Strait Islanders and other Australians?
<free text>

Respect

4. How would you like to see Council demonstrate respect for Aboriginal and Torres Strait Island peoples, cultures, lands, waters, histories and rights?
<free text>

Reconciliation actions

5. Below is a list of things that people can do to advance reconciliation between First Nations People and other Australians. Tick (all that apply) that you have done in the past twelve months:
- Built personal or professional relationships with Indigenous people
 - Talked to others about Aboriginal/and or Torres Strait Islander people
 - Spoken out or advocated in the community or workplace
 - Supported business owned and operated by First Nations people
 - Supported First Nations arts and music
 - Educated yourself about Aboriginal or Torres Strait Islander history, culture and people
 - Participate in an event for Reconciliation or NAIDOC week
 - Other <free text>
6. How would you like to see Council create opportunities for Aboriginal and Torres Islander people? <free text>
7. What is your level of support for Nillumbik Shire Council taking action to promote reconciliation?
- Strongly support
 - Somewhat support
 - Neither support or oppose
 - Somewhat oppose
 - Strongly oppose
8. In a few words tell us why reconciliation is important to you? <free text>

Demographic Questions

About you:

- Name/Surname
- Email

Gender

- Female
- Male
- Prefer not to say
- Prefer to self-describe <free text>

Age Group

- Under 15
- 15-19
- 20-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-84
- 85+

Suburb (drop down list of Nillumbik suburbs)

- Arthurs Creek
- Bend of Islands
- Christmas Hills
- Cottles Bridge
- Diamond Creek
- Doreen
- Eltham
- Eltham North
- Greensborough
- Hurstbridge
- Kangaroo Ground
- North Warrandyte
- Nutfield
- Panton Hill
- Plenty
- Research
- Smiths Gully
- St Andrews
- Strathewan
- Watsons Creek
- Wattle Glen
- Yarrambat
- Yan Yean
- Other location <free text>

Relationship to Nillumbik:

- Live
- Work
- Study
- Other (please specify) <free text>

Language

What languages (other than English) do you speak at home? <free text>

Access, Equity and Inclusion

We value diversity and want to ensure our consultations are capturing the diversity existing in our community. With that in mind, please tell us a little more about you:

Are you (please tick all that apply)

- A person with disability, inclusive of mental illness
- A person identifying as LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer+)
- A person of Aboriginal or Torres Strait Islander descent
- A person speaking English as a second language
- None of the above
- Prefer not to say

How did you hear about this consultation?

- Enews
- Email
- Word of mouth
- Nillumbik News
- Poster
- Postcard
- Facebook
- Instagram
- LinkedIn
- Invited to attend workshop

Privacy Collection Notice:

Nillumbik Shire Council is inviting submissions for the purpose of facilitating effective community consultation in relation to the *Reflect* Reconciliation Action Plan.

Personal submissions with name/s and contact information redacted and submissions made on behalf of an organisation with personal information redacted may be published in a Council or Committee business paper considering this plan.

Personal information may be used to keep you informed in relation to this engagement and will not be shared with third parties without your consent unless we are permitted or required to by law.

If you do not provide the mandatory information then your submission cannot be accepted.

You have the right to access and correct your personal information. Enquiries for access should be made to the Privacy Officer 9433 3271, privacy@nillumbik.vic.gov.au or PO Box 476, Greensborough Vic 3088.



Nillumbik
The Green Wedge Shire
'Reflect' Reconciliation Action Plan (RAP)
Consultation Information Sheet

Acknowledgement

Nillumbik Shire Council acknowledges the Wurundjeri Woi-wurrung people who are the Traditional Custodians of the land known today as Nillumbik. We pay respect to the Elders both past and present and extend that respect to other Aboriginal and Torres Strait Islander people.

Why is Nillumbik Shire Council developing a *Reflect* RAP?

Nillumbik Council's *Reflect* RAP will outline the shared approach Council will take to progress reconciliation and work alongside Aboriginal people in all Council services. The RAP is our formal commitment to support First Nations peoples' rights, culture, heritage, needs and aspirations.

The Nillumbik *Reflect* RAP will be formally endorsed by **Reconciliation Australia** and our reconciliation journey will be grounded in shared decision-making, fairness, respect, and trust. In developing our RAP, Nillumbik Shire Council will commit to making reconciliation everyone's business!

Working with Indigenous Employment Partners

Indigenous Employment Partners (IEP) are a 100% Indigenous owned and managed enterprise with an aim to provide culturally appropriate employment, recruitment, and training services for Aboriginal and Torres Strait Islander people. IEP also provide corporate development services and have been engaged as consultants by the Nillumbik Shire Council to support the development of the RAP. IEP is particularly committed to ensuring local Aboriginal stakeholders' opinions, views, and aspirations are incorporated as the foundations to the RAP's development.

Help build our RAP

Nillumbik Shire Council invites all Aboriginal and Torres Strait Islander people, reconciliation partners, community members and Council staff, to provide input on the development of our draft RAP. NSC aims to ensure our RAP reflects the needs and interests of our **local communities** and invite you to share and add actions and deliverables that are important to you.

Nillumbik's *Reflect* RAP features a set of **Actions and Deliverables** which have been prescribed by Reconciliation Australia (RA) (please refer to tables on the following pages). These Actions and Deliverables ensure Nillumbik's RAP can be endorsed by RA and measured against RA's *reflect* RAP Framework model.

What is a *Reflect* RAP?

- A *Reflect* RAP is for 12 months and are for organisations new to reconciliation who are unsure how to get started.
- sets out steps to prepare your organisation for reconciliation initiatives in future RAPs.
- A *Reflect* RAP means scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on our vision for reconciliation and exploring our sphere of influence.
- A *Reflect* RAP is a public commitment published on [Reconciliation Australia's \(RA\) website](#).

PLEASE PROVIDE YOUR RECOMMENDATIONS BELOW:

The tables below highlight the actions and deliverables a workplace must commit to, to receive RA's endorsement – Nillumbik Shire Council would like to ensure our *Reflect* RAP **represents** our local communities' needs and interest. To allow us to **reflect** your voice, please:

- add your comments against the existing RA actions and deliverables
- provide any actions and deliverables you would like to be included in Nillumbik's RAP in the highlighted sections below.

RELATIONSHIP ACTIONS AND DELIVERABLES:

These deliverables relate to why building strong relationships between Aboriginal and Torres Strait Islander peoples and other Australians is important to Nillumbik Shire Council and its core business activities — themes include connecting people, sharing experiences, governance, communication, engagement and partnerships.

Action	Deliverable	Please add any notes you feel are important for Nillumbik Shire Council to consider when developing these deliverables:
1. Establish and strengthen mutually beneficial relationships with Aboriginal and Torres Strait Islander stakeholders and organisations.	<ul style="list-style-type: none"> Identify Aboriginal and Torres Strait Islander stakeholders and organisations within our local area or sphere of influence. 	
	<ul style="list-style-type: none"> Research best practice and principles that support partnerships with Aboriginal and Torres Strait Islander stakeholders and organisations. 	
	<ul style="list-style-type: none"> Maintain and strengthen existing partnership collaborations with Wurundjeri Woi-wurrung Traditional Owners. 	
2. Build relationships through celebrating National Reconciliation Week (NRW)..	<ul style="list-style-type: none"> Circulate Reconciliation Australia's National Reconciliation Week (NRW) resources and reconciliation materials to our staff. 	
	<ul style="list-style-type: none"> Communicate the significance of National Reconciliation Week at staff meetings and in Director and staff eNews. Encourage all staff to attend a community NRW event. 	
	<ul style="list-style-type: none"> RAP Working Group members to identify suitable local NRW events and participate in National Reconciliation Week 	
	<ul style="list-style-type: none"> Encourage and support staff and senior leaders to participate in at least one 	

	external event to recognise and celebrate National Reconciliation Week.	
3. Promote reconciliation through our sphere of influence.	<ul style="list-style-type: none"> Communicate our commitment to reconciliation to all staff. 	
	<ul style="list-style-type: none"> Include RAP in new staff induction and orientation. 	
	<ul style="list-style-type: none"> Identify external stakeholders that our organisation can engage with on our reconciliation journey. 	
	<ul style="list-style-type: none"> Identify RAP and other like-minded organisations that we could approach to collaborate with on our reconciliation journey. 	
4. Promote positive race relations through anti-discrimination strategies.	<ul style="list-style-type: none"> Research best practice and policies in areas of race relations and anti-discrimination. 	
	<ul style="list-style-type: none"> Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs. 	
Please add your recommended RESPECT actions and deliverables here: <u>Note:</u> <i>These actions and deliverables will be aimed at helping Nillumbik Shire Council to strengthen respect for First Nations culture and history.</i>	Add any additional RESPECT <u>actions</u> here:	RESPECT <u>deliverables</u> here:

RELATIONSHIP ACTIONS AND DELIVERABLES:

These deliverables relate to why building strong relationships between Aboriginal and Torres Strait Islander peoples and other Australians is important to Nillumbik Shire Council and its core business activities —

themes include connecting people, sharing experiences, governance, communication, engagement and partnerships.

Action	Deliverable	Please add any notes you feel are important for Nillumbik Shire Council to consider when developing these deliverables:
5 Increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights through cultural learning.	<ul style="list-style-type: none"> Consult with Traditional Owners and other stakeholders in ways that increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights within our organisation. 	
	<ul style="list-style-type: none"> Provide staff information session about local Aboriginal histories delivered by local Traditional Owners for the area surrounding the office. 	
	<ul style="list-style-type: none"> Conduct a review of cultural learning needs within our organisation. 	
	<ul style="list-style-type: none"> Contract First Nations provider to run training for all staff and Board (mandatory): cultural safety training. 	
6 Demonstrate respect to Aboriginal and Torres Strait Islander peoples by observing cultural protocols.	<ul style="list-style-type: none"> Develop an understanding of the local Traditional Owners or of the lands and waters within our organisation's operational area. 	
	<ul style="list-style-type: none"> Increase staff's understanding of the purpose and significance behind cultural protocols, including Acknowledgement of Country and Welcome to Country protocols. 	
7 Build respect for Aboriginal and Torres Strait Islander cultures and histories by celebrating NAIDOC Week.	<ul style="list-style-type: none"> Raise awareness and share information amongst our staff about the meaning of NAIDOC Week. 	
	<ul style="list-style-type: none"> Introduce our staff to NAIDOC Week by promoting external events in our local area. 	
	<ul style="list-style-type: none"> RAP Working Group to participate in an external NAIDOC Week event. 	
	<ul style="list-style-type: none"> Explore opportunities to participate in external NAIDOC events to be extended to all staff and Board Directors. 	
8 Recognise and celebrate Aboriginal and Torres Strait	<ul style="list-style-type: none"> Develop a calendar of Aboriginal and Torres Strait Islander dates of 	

Islander dates of significance.	significance to promote, commemorate and celebrate.	
Please add your recommended RELATIONSHIP actions and deliverables here: <u>Note:</u> <i>These actions and deliverables will be aimed at helping Nillumbik Shire Council to strengthen its relationships with First Nations peoples.</i>	Add additional RELATIONSHIP <u>actions</u> here:	Add <u>deliverables</u> here:

OPPORTUNITIES ACTIONS AND DELIVERABLES:

These deliverables should define why opportunities for Aboriginal and Torres Strait Islander peoples, organisations and communities are important to Nillumbik Shire Council and its core business activities—themes include employment, procurement, professional development, retention, enabling access to systems and processes.

Action	Deliverable	Please add any notes you feel are important for Nillumbik Shire Council to consider when developing these deliverables:
9 Improve employment outcomes by increasing Aboriginal and Torres Strait Islander recruitment, retention and professional development.	<ul style="list-style-type: none"> Build understanding of current Aboriginal and Torres Strait Islander staffing to inform future employment and professional development opportunities. 	
	<ul style="list-style-type: none"> Develop and implement an Aboriginal and Torres Strait Islander recruitment, retention and professional development strategy. 	
10 Increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes.	<ul style="list-style-type: none"> Review procurement policy to remove barriers to increasing supplier diversity from Aboriginal and Torres Strait Islander owned businesses. 	
	<ul style="list-style-type: none"> Investigate Supply Nation membership and Kinaway Aboriginal Chamber of Commerce 	
	<ul style="list-style-type: none"> Develop and communicate opportunities for procurement of goods and services from Aboriginal and Torres Strait Islander businesses to staff. 	
Please add your recommended OPPORTUNITIES actions and deliverables here:	Add additional OPPORTUNITIES actions here:	Deliverables here:
<p><u>Note:</u> These actions and deliverables are aimed at helping to increase opportunities and inclusion for First Nations peoples, both within Nillumbik Shire Council and across the municipality.</p>		

RAP GOVERNANCE ACTIONS AND DELIVERABLES:

The following table highlights **Nillumbik's Council's RAP Governance obligations** under Reconciliation Australia's Reflect RAP Framework:

Action	Deliverable
11 Establish and maintain an effective RAP Working group (RWG) to drive governance of the RAP.	<ul style="list-style-type: none"> Maintain Aboriginal and Torres Strait Islander representation on the RWG. Establish and apply a Terms of Reference for the RWG. Meet at least four times per year to drive and monitor RAP implementation.
12 Provide appropriate support for effective implementation of RAP commitments.	<ul style="list-style-type: none"> Define resource needs for RAP implementation. Engage our senior leaders and other staff in the delivery of RAP commitments. Define and maintain appropriate systems to track, measure and report on RAP commitments. Appoint and maintain an internal RAP Champion from senior management.
13 Build accountability and transparency through reporting RAP achievements, challenges and learnings both internally and externally.	<ul style="list-style-type: none"> Contact Reconciliation Australia to ensure that our primary and secondary contact are up-to-date to ensure we are receiving important correspondence. Follow up with Reconciliation Australia if we have not yet received our unique reporting link to participate in the RAP Impact Measurement Questionnaire. Complete and submit the annual RAP Impact Measurement Questionnaire to Reconciliation Australia.
14 Continue our reconciliation journey by developing our next RAP.	<ul style="list-style-type: none"> Register via Reconciliation Australia's website to begin developing our next RAP.

Please add any recommended additional RAP GOVERNANCE actions or deliverables here:

Thank you for providing your valuable feedback, please send your responses to:

- Coordinator Social Planning & Equity – April Wilson – April.wilson@nillumbik.vic.gov.au
- Aboriginal Partnerships Officer – Vicky Bonafede – Vicky.bonafede@nillumbik.vic.gov.au

For further information on the Nillumbik Reflect RAP development, please contact Nillumbik Shire Council via email.

We thank you for your participation and support.

We look forward to keeping you informed on Nillumbik Shire Council's RAP developments and progress.

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Council Plan 2021-2025 – Year 2 Action Plan (FY 2022-2023); Quarter 2 (Oct-Dec 2022) Update

Theme	Action	Responsibility	Q2- Action Progress Commentary	Status
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				
Equity & Inclusion	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			
	Continue to work towards reconciliation with Traditional Owners and other First Nations communities	Communities	<p>Council continues to meet regularly with Wurundjeri Woi-Wurrung Traditional Owners.</p> <p>Work continues on developing Council's first Reconciliation Action Plan (RAP), based around the core pillars of relationships, respect and opportunities. RAPs provide tangible and achievable outcomes for Aboriginal and Torres Strait Islander peoples.</p> <p>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. Consultation has begun with Wurundjeri-Woi wurrung Traditional Owners and other key external stakeholders, including the Nillumbik Reconciliation Group. Council is also continuing pre-engagement for the RAP, with initial consultations with Council officers.</p>	ON TRACK
Health & Wellbeing	We address the social, environmental and economic factors of health to improve health and wellbeing outcomes for our communities			
	Implement the Nillumbik Health and Wellbeing Plan 2021-2025	Communities	<p>Key actions completed this quarter included:</p> <ul style="list-style-type: none"> • delivery of the International Day of People with a Disability grants • facilitation of Children's Week • exploration of Youth Hub opportunities in Nillumbik • delivery of the Spring Outdoors campaign • delivery of the Nillumbik Mental Health advocacy campaign • delivery of the 16 Days of Activism against Gender-based Violence campaign. <p>The Nillumbik Health and Wellbeing Plan 2022-2023 - Year 2 Annual Implementation Action Plan has been finalised and communicated to internal and external stakeholders. Recruitment is currently underway for a Social Planning & Policy Officer to lead the delivery of the Municipal Health & Wellbeing Plan into the future.</p>	ON TRACK
Ages & Stages	We work towards creating an age-friendly community where all people regardless of their age or ability can live a good quality of life			
	Implement the Youth Strategy in partnership with our Youth Council	Communities	<p>Highlights from this quarter included:</p> <ul style="list-style-type: none"> • submission of a grant application for a new Youth Hub in the Shire • delivery of mindfulness workshops for local secondary schools in celebration of Mental Health Month in October • the Young Women Leader Awards opened, with a record number of nominations • delivery of a Youth-led 16 Days of Activism social media campaign • Daily Grind youth employment program (training local youth in basic coffee-making skills) • Parenting Series with Body Safety Australia for parents/carers to learn how to empower teens to understanding and enacting consent. <p>The end of year report for the Year 1 implementation plan has been finalised and will be presented to Council next quarter, along with a developed Year 2 implementation plan.</p>	ON TRACK
	Commence an audit of facilities to identify opportunities to implement age-friendly improvements for community facilities	Communities	Project scope is currently being developed, along with a Request for Quote (RFQ) to procure a service provider to conduct the audit of facilities.	ON TRACK

Theme	Action	Responsibility	Q2- Action Progress Commentary	Status
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				
Identity	We value, appreciate and enjoy our Green Wedge Shire, including our rural areas and leafy urban areas, which we work hard to protect and enhance			
	Adopt a Municipal Planning Strategy following community consultation and seek authorisation from the Minister for Planning to prepare and exhibit an amendment to include into the Planning Scheme	Planning and Community Safety	<p>Key actions completed in the quarter included:</p> <ul style="list-style-type: none"> • outcomes of Phase 3 community engagement, which was presented to a Council briefing in November; and • submissions heard from community at November 2022 Planning and Consultation Committee. <p>Changes to the final draft strategy, including updates to maps, will be undertaken next quarter, with a view to seek adoption of the final strategy at Council in April 2023.</p>	ON TRACK
	We recognise and celebrate our community's significant contributions to art and culture			
	Implement the Arts and Culture Strategy 2022-2026	Communities	<p>Delivery of actions supporting the strategy continued, including:</p> <ul style="list-style-type: none"> • commencing development of a Creative Infrastructure Framework • public art projects at Eltham Gateway, Eltham North Adventure Playground and Civic Drive Amphitheatre • successful development of the 2023 Eltham Library Community Gallery Program • commenced ArtsACTION professional development program for artists • profiled cultural activities through social media, publications, evaluation and collection • managing the care, maintenance and preservation of Council's art, public art and civic collections - obtained commitment to public art maintenance budget • seeking opportunities to strengthen Nillumbik's connection to Wurundjeri Woi-wurrung heritage and culture through collection acquisition and public art projects • support of Community Fund grant recipients for Arts and Heritage projects • commenced planning for Nillumbik Prize for Contemporary Writing • developed new exhibition agreement 2023-2026 with Montsalvat. 	ON TRACK
Natural Environment	We understand and value biodiversity and its importance to human health and wellbeing, and take action to protect and enhance biodiversity in Nillumbik			
	Continue to review our Biodiversity Strategy to provide renewed focus for Council, the community and our partners	Operations and Infrastructure	A Request for Tender (RFT) to engage a suitably qualified consultant to review the strategy was advertised and closed on 12 December 2022. Preliminary evaluation of the tender submissions has been undertaken and will be completed in the next quarter.	ON TRACK
Open Space	We facilitate participation in sports, leisure and recreational activities			
	Implement the Recreation and Leisure Strategy	Operations and Infrastructure	<p>Actions completed this quarter as part of the strategy included:</p> <ul style="list-style-type: none"> • completed the Northern Region Trails Strategy and action plan • worked with the trail collective and community to develop concept plans for a BMX facility in the Shire • the strategy's year 1 action plan has been developed, with internal teams assisting with reporting against actions. 	ON TRACK

Theme	Action	Responsibility	Q2- Action Progress Commentary	Status
Neighbourhood Character	We respect and enhance the unique neighbourhood character in our communities to ensure a considered approach to planning and development			
	Continue to develop a Neighbourhood Character Strategy	Planning and Community Safety	<p>Key actions undertaken this quarter included:</p> <ul style="list-style-type: none"> a 6 week community engagement period phase 2 (29 August to 9 October) seeking feedback on the draft strategy summary and analysis of phase 2 engagement and submissions received presentation of phase 2 engagement outcomes to the Executive Management Team. <p>A summary and analysis of phase 2 engagement outcomes will be presented to a Councillor briefing in February 2023, with submissions from the community to be heard at the February 2023 Planning and Consultation Committee Meeting. Further changes to the draft strategy will be then undertaken based on the phase 2 engagement outcomes.</p>	ON TRACK
	We promote place making and shaping and advocate for the continuation and enhancement of local character			
	Continue to develop the Wattle Glen Public Realm Framework	Planning and Community Safety	A Department of Transport (DOT) Project Working Group meeting occurred, with further information and follow up meeting required to analyse supporting data in March 2023. Further concept development is on hold, pending workshoping with DOT, which should then allow concept to be developed for public consultation.	MINOR ISSUES
Movement & Place	We champion the notion of living locally; making it easier for people to meet most of their daily needs within the Shire			
	Continue to develop a masterplan for community facilities in Diamond Creek, including recreation and community precincts and buildings	Planning and Community Safety	<p>Key actions this quarter included:</p> <ul style="list-style-type: none"> submissions received from the consultation period were heard at the October 2022 Planning and Consultation Committee the Strategic Plan was adopted (with minor changes) and next phase preparation of master plan was noted at the November 2022 Council Meeting the Strategic Plan Phase A was completed - briefing on Phase B engagement period has been provided to the Executive Management Team. <p>The next phase (B.1 Master Plan programming and preparatory work - survey, geotech, traffic and parking analysis) is subject to funding, which is not allocated as yet.</p>	ON TRACK
	We work with our community, neighbouring councils and transport and planning agencies to advocate for improved transport solutions			
	Continue development on an Integrated Transport Strategy	Operations and Infrastructure	<p>Work to support the development of the strategy has commenced.</p> <p>The contract was awarded in October 2022, with an inception meeting held to determine a project plan on 31 October 2022. A site meeting was held with consultants in November 2022, with fortnightly project meetings commenced also. Workshop 1 with Council officers was held on 30 November 2022 and Workshop 2 with State Government transport agencies was held in December 2022.</p>	ON TRACK

Theme	Action	Responsibility	Q2- Action Progress Commentary	Status
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				
Climate Change	We work proactively to reduce Council's direct contribution to climate change, and support our community to do the same			
	Commence implementing the Climate Action Plan	Operations and Infrastructure	<p>Actions completed this quarter included:</p> <ul style="list-style-type: none"> • all-Staff training, "Climate Action 101", has been developed and rolled out • the implementation plan to ensure that all teams embed climate action in their roles across Council has also been rolled out • the draft Net Zero Roadmap was received and the final report is expected next quarter, with Councillors to be briefed • consultation on Edendale Community & Environment Farm as a possible climate action hub was undertaken from 8 October to 4 December 2022. <p>The Year 2 implementation plan is also currently being developed.</p>	ON TRACK
Sustainability	We favour sustainable and innovative investment; focussing on renewable energy initiatives			
	Continue to deliver the Solar Farm project in Plenty	Operations and Infrastructure	<p>Progress on the delivery of the Solar Farm at the former Plenty Landfill site has been delayed, reflective of the impacts of the global economic and energy crisis.</p> <p>Council continues to work proactively with LMS to finalise Early Contractor Involvement (ECI) and progress the construction contract, PPA (Solar Energy Price), REFA (Retail Firming Price) and lease agreements.</p>	MINOR ISSUES
Business & Tourism	We support businesses, industries and events, and encourage investment within Nillumbik			
	Implement the Economic Development Strategy 2020-2030	Planning and Community Safety	<p>Actions completed in this quarter included:</p> <ul style="list-style-type: none"> • successful delivery of the Home Based Business Expo, with over 50 attendees to the workshop session and 35 stallholders in the public expo. The expo facilitates networking opportunities for local home-based business operators, and showcases local products and services to the community. • Shop in Our Shire campaign Spring Bikes were delivered and placed at various sites across the Shire. The spring flower bikes were installed outside various businesses to add some colour to the local streetscapes, while drawing in visitors to enjoy all that our local businesses have to offer. • Council engaged with community members and local businesses to deliver the Christmas in Nillumbik festive program and shop local campaign. Bespoke festive trimmings featuring local flora and fauna were also installed in retail precincts throughout the Shire. • over 70 staff participated in the Business Friendly Councils Approvals Pilot. The pilot focuses on finding opportunities to improve business friendly practice and culture within Councils to streamline and improve the end-to-end approvals process (including linkages to external regulators) for business. • the Northern Business Achievement Awards winners were announced - Buttermans Track Winery and Naught Gin. 	ON TRACK
Resilience & Recovery	We support individuals, families and the community to be mentally and physically healthy, safe and enabled to participate in relief and recovery processes arising from crisis or emergency			
	As the COVID-19 pandemic continues to impact both the community and the operations of Council, continue to monitor and mitigate risks to ensure that Council continues to deliver important projects and services to the community	Business Transformation and Performance	This quarter, service provision was not adversely affected by the COVID-19 pandemic. While a sizeable number of staff continue to test positive to the virus, it has not impacted on service levels or the delivery of key projects.	ON TRACK

Theme	Action	Responsibility	Q2- Action Progress Commentary	Status
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				
Good Governance	We act in the best interests of our community			
	Continue to advocate on key issues ahead of the Victorian State election, as well as manage a pre-budget submission to the elected Victorian Government	Governance, Communications and Engagement	<p>Key actions undertaken in the quarter included:</p> <ul style="list-style-type: none"> supported the launch and promotion of the Northern Councils Alliance Strategic Plan and Advocacy Priorities the Nillumbik Mayor contacted local MPs and candidates asking them to revisit and support Nillumbik's Advocacy Priorities the State Election Commitment Tracker was published on Council's website, listing the election commitments made by local candidates election commitment announcements were promoted where appropriate on Council's social media channels and website, in line with Pre-election Commitment Protocols Council's advocacy campaign continued, including: <ul style="list-style-type: none"> identifying internet and mobile blackspots promoting Council's Mental Health and Wellbeing Advocacy Priorities. 	ON TRACK
	We continue to exercise sustainable and responsible financial management			
	Report quarterly on the annual budget	Corporate Services	<p>The Quarterly Financial Report for the second quarter will be tabled at the February 2023 Council Meeting and will outline Council's financial performance and financial position (see separate agenda item).</p> <p>Based on the drafted report, Council's overall financial position at the end of this quarter remains sound.</p>	ON TRACK
Risk Management	We continue to meet Council's responsibilities for emergency management by working with the community and partner agencies, especially in relation to bushfire			
	Implement the Bushfire Mitigation Strategy 2019-2023 as outlined in the Municipal Fire Management Plan	Governance, Communications and Engagement	<p>All identified actions from the three-year Bushfire Mitigation Action Plan remain on track. During this quarter;</p> <ul style="list-style-type: none"> the annual works program was presented to the Municipal Fire Management Planning Committee (MFMP) and adopted by Council. The Committee involves Council staff, external agencies and other stakeholders in a collaborative forum for responsible fire management. no incidences of arson were raised at the MFMP. a communications plan was developed and implemented ahead of the Fire Danger Period <p>Significant progress was made in creating a community focussed approach to bushfire including:</p> <ul style="list-style-type: none"> appointment of the Disaster Resilient Nillumbik project lead Connected St Andrews Project held a 'Mapping our Community' on November 16 to learn how the St Andrews community can use local people, skills, resources and networks to bring ideas to life the final Emergency Planning Drop-in was held in Smiths Gully on 26 October. This session was the most successful of the series and will inform planning for 2023 sessions. Communities First Grants opened on 31 October. To date, 4 grants have been allocated at a total of \$7,500 of the \$10,000 prize pool. The grants have gone to Strathewen Primary School Bushfire Education Partnership, Panton Hill CFA Community Session, Kangaroo Ground CFA Community Session and Christmas Hills Primary School Fair. 	ON TRACK

Theme	Action	Responsibility	Q2- Action Progress Commentary	Status
	We seek to enhance community safety, public health, amenity and the environment through improved planning and community engagement, prioritising fair and transparent approaches to managing compliance and enforcement			
	Continue to develop and adopt the new local laws	Planning and Community Safety	The Nillumbik General Local Law 1 and Procedure and Protocol Manual were endorsed by Council at the December 2022 Council Meeting. The information is now available on Council's website.	COMPLETE
Services & Programs	We enhance the effectiveness and efficiency of our services, prioritising a great customer experience			
	Develop and implement a new customer service strategy/plan to further support our 'Customer First' vision of 'Council's services are easy to use, and we will ensure they will be customer focused at all times in an environment where all customers will be treated with care and respect'	Business Transformation and Performance	<p>Key steps undertaken this quarter included:</p> <ul style="list-style-type: none">• presentation of customer data and insights obtained over the past four years at a Council briefing in October• development of the next iteration of the Nillumbik Customer First Strategy continued, informed by the comprehensive analysis of customer data and insights• the draft strategy was presented to and adopted by Council at the December 2022 Council Meeting. <p>Key focus areas to improve the customer experience in the strategy relate to effective channel choice, data enhancement, complaints handling and continuous improvement. Implementation of the strategy will commence in 2023.</p>	ON TRACK
	We source alternative and innovative funding sources to support and complement Council services and infrastructure			
	Continue to deliver our capital works program	Operations and Infrastructure	<p>Delivery of the capital works program is in progress, with the majority of programs and projects scheduled for delivery in the 2022-2023 financial year well underway.</p> <p>Key projects underway include:</p> <ul style="list-style-type: none">• Kangaroo Ground Landfill• Graysharps Road Open Space Plan Implementation• Diamond Hills Preschool• Andrew Park Pocket Park• Coventry Oval Lighting Upgrade• Hurstbridge Men's Shed• Diamond Valley Library Outdoors Redevelopment• Alistair Knox Public Toilets• Research Park Oval Irrigation• Ryans Reserve Rejuvenation.	ON TRACK

Status Key	COMPLETE	Action is completed
	ON TRACK	Action is on track for completion within budget and timeframe
	MAJOR ISSUES	Action is off track, experiencing major issues which require management attention
	MINOR ISSUES	Action is off track, and experiencing minor issues being managed in-house
	YET TO COMMENCE	Action works are yet to commence

Planning and Environment Act Regulations 2015 (Form 2, Section 52(1))

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at:	1075 HEIDELBERG-KINGLAKE ROAD HURSTBRIDGE VIC 3099
The application is for a permit to:	New P-12 School - The use of the land for an Education Centre (Primary and Secondary school).
The applicant for the permit is:	Shourouk Brookes Launch Campus
The application reference number is:	PA2101369
You may look at the application and any documents that support the application at the office of the Responsible Authority.	Minister for Planning c-/ Department of Environment, Land, Water and Planning <ul style="list-style-type: none"> • 8 Nicholson Street, East Melbourne VIC 3002 • Online at https://www.planning.vic.gov.au/permits-and-applications/ministerial-permits/browse-ministerial-permits

To view applications and supporting documents in person, please phone Catherine Te Lintelo on 03 8508 2130 or email catherine.telintelo@delwp.vic.gov.au to make an appointment to view the plans. This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority by email to development.approvals@delwp.vic.gov.au or by post to Attention: Catherine Te Lintelo, 8 Nicholson Street, East Melbourne, VIC 3002.

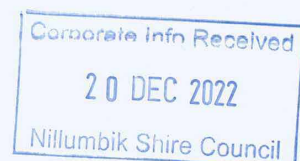
An objection must:

- * **be made to the Responsible Authority in writing,**
- * **include the reasons for the objection, and**
- * **state how the objector would be affected.**

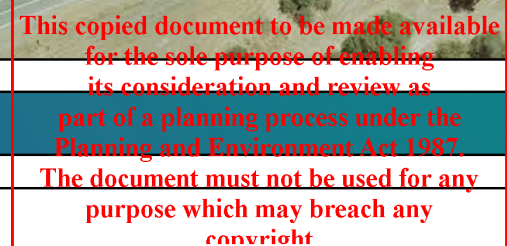
The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The responsible authority will not decide on the application before:	16/01/23
--	-----------------

If you object, the responsible authority will tell you its decision.



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1075 HEIDELBERG-KINGLAKE ROAD, HURSTBRIDGE

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Attachment 3 Updated Site Plans

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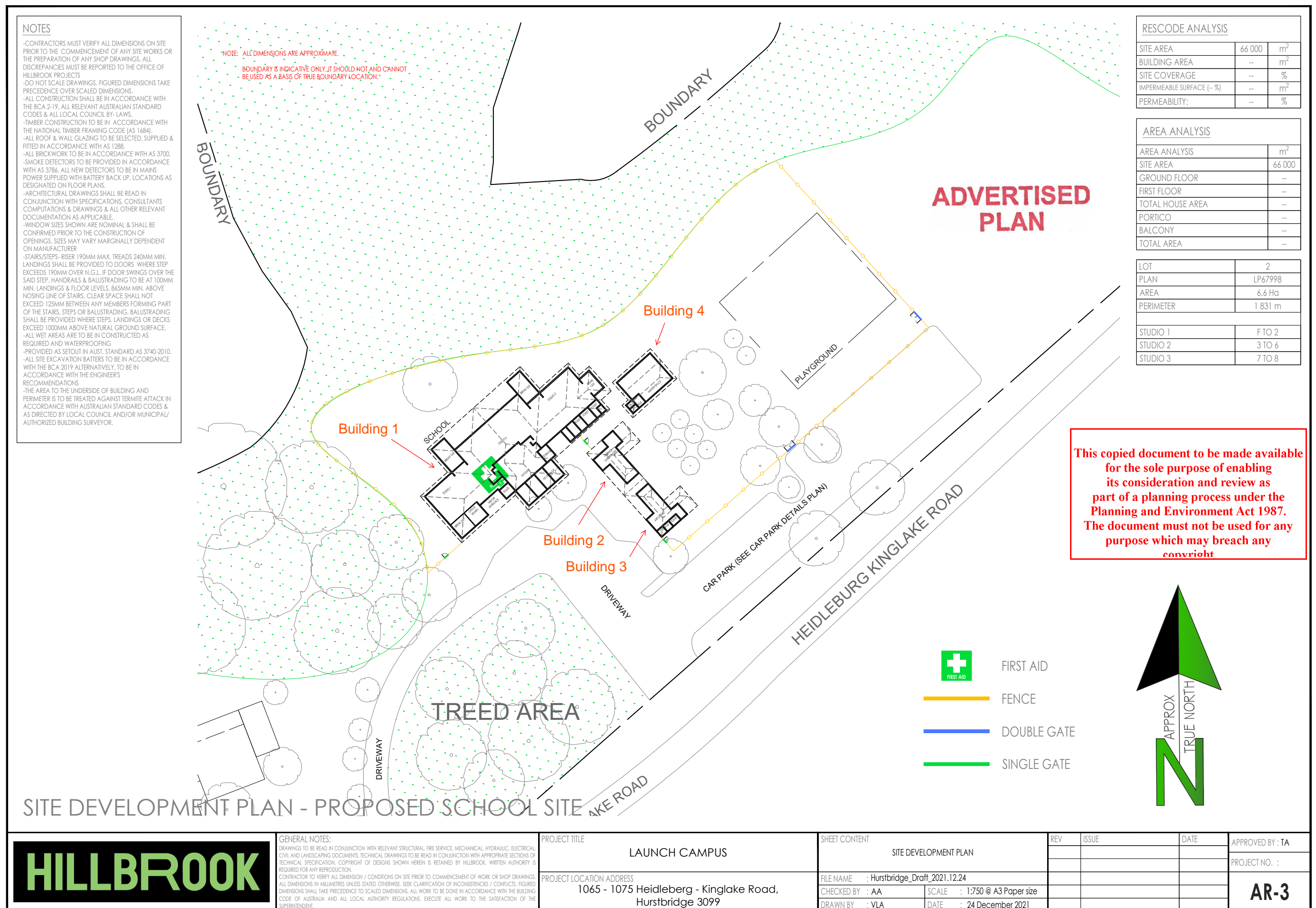
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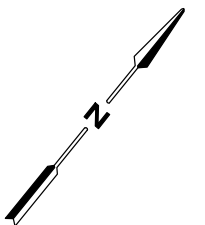
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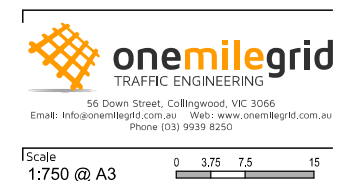




1. ALL DIMENSIONS TO FACE OF KERB AND CHANNEL UNLESS NOTED.
2. SIGNS AND LINE MARKING TO BE INSTALLED IN ACCORDANCE WITH VICROADS SUPPLEMENT TO AS1742.2.
3. BICYCLE FACILITY SIGNS AND LINE MARKING TO BE INSTALLED IN ACCORDANCE WITH AS1742.9.
4. ADOPT VICROADS SUPPLEMENT TO AUSTRALIAN STANDARDS AS REQUIRED.
5. REMOVE ALL REDUNDANT SIGNS AND LINE MARKING.

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Aerial Photography Aerial photography provided by Nearmap



Drawing Title		
1075 HEIDELBERG-KINGLAKE ROAD, JURSTBRIDGE CAR PARKING LAYOUT AND ACCESS ROAD CONCEPT LAYOUT PLAN		
Designed DK	Approved JMS	Melway Ref 263 B7
Project Number 210606	Drawing Number CLP103	Revision A

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Biodiversity Assessment Report: 1075 Heidelberg-Kinglake Road, Hurstbridge, Victoria



Prepared for Spot Planning
Report 22061, Version 1.0
July 2022

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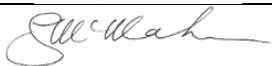
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Version Control

Version	Responsibility	Name	Date	Signature
1.0	Author	Matt Hatton	18 July 2022	
1.0	GIS Mapping	Jamie McMahon	July 2022	

Front cover image: Large Swamp Gum at the entrance to the study area (Abzeco 28/06/2022).

Acknowledgements

Abzeco acknowledge the following people for their assistance with this assessment:

- Sam Sawaya – Spot Planning – for project information.
- Shourouk Brookes – Landowner – for approvals, access and site discussions.

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Image 1. Existing infrastructure such as the former nursery operation encumbers much of the study area (Abzeco 28/6/2022)



Image 2. The access way crosses the Manuka Rd Gully drainage line (Abzeco 28/6/2022)

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Based on the Department of Environment, Land, Water and Planning (DELWP) Native Vegetation Information Management (NVIM) Tool (DELWP 2022a), the study area occurs within the Highlands-Southern Fall bioregion, the Port Phillip and Westernport Catchment Management Authority (PPWCMA) region and the municipality of Nillumbik Shire Council.

The land is predominantly covered under the Rural Conservation Zone – Schedule 3 (RCZ3) although the central northern section is also scheduled to the Public Conservation and Resource Zone (PCRZ). The land is also covered by the Bushfire Management Overlay (BMO) and is partially covered by the Environmental Significance Overlay – Schedule 4 (ESO4) and a Land Subject to Inundation Overlay (LSIO). As the site is greater than 0.4 hectares, any native vegetation proposed for removal is required to address Clause 52.17 (Native Vegetation) of the Nillumbik Shire Council Planning Scheme.

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2 Methods

2.1 Literature Review

Relevant literature and online databases were reviewed prior to the field assessment to obtain information on known ecological values associated with the study area, including the following:

- The DELWP Native Vegetation Information Management (NVIM) Tool (DELWP 2022a) and NatureKit (DELWP 2022b) for modelled data for Location categories (1, 2 and 3), habitat importance mapping for rare and threatened flora and fauna, and the modelled extent of current and historic Ecological Vegetation Classes (EVCs);
- EVC benchmarks for descriptions and characteristics of each bioregion (DELWP 2022c);
- The Victorian Biodiversity Atlas (VBA) for previously documented records of flora and fauna in the locality (DELWP 2022d);
- The Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEW) Protected Matters Search Tool (PMST) for matters of National Environmental Significance (NES) listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act; DCCEW (2022));
- Relevant literature, including the following:
 - The Guidelines (DELWP 2017a) and other explanatory documents relating to measuring value of native vegetation (DELWP 2017b), the Assessor's Handbook (DELWP 2018a), Applicant's Guide (DELWP 2018b) and relevant planning permit exemptions (DELWP 2017c); and,
 - The Bushfire Management Statement (SBA Fire 2022)
- The VicPlan Maps Online (DELWP 2022e) and Vicplan (DELWP 2022f) for the zoning and overlays relevant to the study area;
- The latest Threatened List (DELWP 2022g) under the Victorian *Flora and Fauna Guarantee Act 1988* (FFG Act);
- Aerial photography of the study area.

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2.2 Nomenclature and Taxonomy

Scientific and common names of plants follow the determinations of Walsh and Stajsic (2007), the Flora of Victoria Online (VicFlora 2022) and the VBA (DELWP 2022d). Names of plants are generally introduced in-text by use of the common name followed by the scientific name, and subsequently only refer to the common name.

Where an asterisk (*) appears in-text as a prefix to all scientific names (flora and fauna), this indicates the entity to be exotic to Victoria or Australia. A hash (#) prior to a plant scientific name denotes those species native to Australia or Victoria but non-indigenous to the study area or to the relevant vegetation type.

2.3 Field Assessment

The field assessment was conducted on 28 June 2022. The Diameter at Breast Height (DBH) of trees were measured at 1.3 metres above ground height in accordance with the *Guidelines*

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(DELWP 2017a), and a list of observed vascular flora species and fauna was compiled, with notes made of any incidental observations of any rare or threatened species or suitable habitat.

Ecological Vegetation Classes (EVCs) were determined using modelled pre-1750s and extant EVC mapping and published descriptions (DELWP 2022b, 2022c). The extent of native vegetation within the study area was mapped using ArcGIS version 10 and Collector™ software, with GPS accuracy of +/-3 metres.

Where a patch of native vegetation was present, a habitat hectare assessment was conducted in accordance with the *Vegetation Quality Assessment Manual: Guidelines for applying the habitat hectares scoring method, Version 1.3* (DSE 2004).

2.4 Biodiversity Assessments under the Guidelines 2017

Clause 52.17 of the Victorian Planning Provisions and the Victorian *Guidelines for the removal, destruction and lopping of native vegetation* (the Guidelines) are publicly available documents covering regulatory and technical requirements of assessing applications that propose to impact native vegetation. Guidelines for the determination of assessment pathways (DELWP 2017a) and the NVIM tool (DELWP 2022a) provide additional supporting information to assess applications that may impact native vegetation.

In accordance with the Guidelines (DELWP 2017a), a native canopy tree is a mature tree (i.e. it is able to flower) that is greater than 3 metres in height and is normally found in the upper layer of the relevant vegetation type. Native vegetation is defined by two categories (patches and scattered trees) as outlined below.

Patch

A patch of native vegetation is either (DELWP 2017a):

- An area of vegetation where at least 25% of the total perennial understory plant cover is native;
- Any area with three (3) or more native canopy trees where the drip line of each tree touches the drip line of at least one other tree, forming a continuous canopy; or,
- Any mapped wetland included in the Current wetlands map (DELWP 2017a; 2018a).

The extent of patches (in hectares) is determined during a field assessment.

Scattered Trees

A native canopy tree that does not form part of a patch.

Scattered trees are assigned to two size classes (Large or Small) based on the Diameter at Breast Height (DBH) benchmark in the applicable EVC (DELWP 2017a). Trees greater than or equal to the Large tree benchmark DBH are considered Large, while trees below the Large tree benchmark DBH are classified as Small.

A Large tree is assigned a default extent of 0.070 hectares (15 metre radius), while a Small tree has a default extent of 0.031 hectares (10 metre radius; DELWP 2017a; 2018a).

2.4.1 Assessment Pathways

An application to remove, destroy or lop native vegetation must be classified as being in the Basic, Intermediate or Detailed assessment pathway, as defined in the Guidelines (DELWP 2017a). The assessment pathway is determined by the modelled Location category (1, 2 or 3) and extent of native vegetation proposed for removal. The total extent is the combined area in

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hectares of patches and any scattered trees. The applicable assessment pathway is used to determine the level of information required to adequately inform the biodiversity and planning application assessment process (DELWP 2017a).

Determination of the assessment pathway based on relevant criteria is summarized in Table 1.

Table 1. Assessment pathway matrix (DELWP 2017a)

Extent of native vegetation	Location 1	Location 2	Location 3
Less than 0.5 hectares and not including any large trees	Basic	Intermediate	Detailed
Less than 0.5 hectares and including one or more large trees	Intermediate	Intermediate	Detailed
0.5 hectares or more	Detailed	Detailed	Detailed

Note: *The determination of the assessment pathway includes any other native vegetation that was approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five year period before the application for a permit is lodged (DELWP 2017a).

The three assessment pathways are defined according to the potential impact on biodiversity in Victoria (DELWP 2017a):

- **Basic** – limited impacts on biodiversity;
- **Intermediate** – could impact on large trees, endangered EVCs, and sensitive wetlands and coastal areas; and,
- **Detailed** – could impact on large trees, endangered EVCs, sensitive wetlands and coastal areas and could significantly impact on habitat for rare or threatened species.

The three Location categories are shown on the NVIM tool (DELWP 2022a) and indicate the potential risk to biodiversity from removing a small amount of native vegetation (DELWP 2017a). The Location categories have the following attributes:

- **Location 3** – includes locations where the removal of less than 0.5 hectares of native vegetation could have a significant impact on habitat for a rare or threatened species;
- **Location 2** – includes locations that are mapped as endangered EVCs and/or sensitive wetlands and coastal areas (section 3.2.1) and are not included in Location 3; and,
- **Location 1** – includes all remaining locations in Victoria not included within Location categories 2 or 3.

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2.4.2 Native Vegetation Offsets

Offsets are required for any approved removal of native vegetation and are stipulated as a condition on the relevant planning permit. The Guidelines define two types of offsets: General and Species. General offsets are required for all approved removal of native vegetation. Species offsets apply under circumstances where there is proportional impact of the removal of native vegetation on modelled habitat for a rare or threatened species (DELWP 2017a). Where both General and Species offsets are specified, both must be sourced to meet offset requirements.

In addition to General and Species offsets, the offset requirement includes the protection of at least one Large tree for every Large tree being removed. The requirement applies to Large trees in patches as well as scattered trees.

DELWP calculates the offset requirements based on the native vegetation condition scores (from the field-based habitat hectare assessment or the NVIM tool) and modelled biodiversity information. The results are summarised in the Native Vegetation Removal Report (NVRP) provided by DELWP (Attachment 1).

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An application to remove native vegetation must include an offset strategy that identifies the required offset is available and how the offset will be secured if a permit is granted. Offsets can be secured by obtaining a credit extract from the Native Vegetation Credit Register or establishing and registering a new offset site (first or third party).

2.5 Avoid and Minimise Statement

An avoid and minimise statement is required for all applications under the Guidelines (DELWP 2017a). The statement should describe any actions taken to avoid and minimise impacts on the biodiversity and other values of native vegetation.

Emphasis is placed on the avoidance and minimisation of impacts to areas of native vegetation that have the most value (DELWP 2017b, 2017c). Areas of higher value are generally those containing large areas, intact or high quality native vegetation (have a high condition score [0.60 or above] and Strategic Biodiversity Value score), areas supporting endangered EVCs, sensitive wetlands or coastal areas, have large and hollow-bearing trees and/or are designated by modelled Location categories 2 or 3 (DELWP 2017a; 2021a).

Other values include the role of native vegetation in ensuring land and water protection, protection of landscape values or Aboriginal cultural heritage values (DELWP 2017c).

The following information should be provided in the statement where relevant:

- Strategic level planning – any regional or landscape scale strategic planning process that the site has been subject to that avoided and minimised impacts on native vegetation across a region or landscape;
- Site level planning – how the proposed use or development has been sited or designed to avoid and minimise impacts on native vegetation; and,
- That no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.

There are also instances where a statement outlining consideration of avoidance and minimisation of impacts on ecological values is required, such as under various Environmental Significance Overlays and Significant Landscape Overlays.

2.6 Survey Limitations

Biodiversity assessments generally do not capture all flora and fauna species present in the study area. Time and seasonal constraints, the lack of diagnostic features, especially when flora species are not flowering or fauna are transient, can result in some species being absent or overlooked in short-term studies. For example, some rare and threatened orchids only flower intermittently and when not in flower may be very inconspicuous. Observations of fauna species are likewise limited by weather conditions, seasonality and the cryptic nature of some species.

The flora survey was conducted in early winter, which is a sub-optimal period for ecological surveys. However, all observed species displayed adequate material for positive identification, and it is considered unlikely that cryptic or tuber bearing species such as Chocolate Lily *Arthropodium strictum* or orchids would occur as the understorey and dominated by weeds.

is highly modified, compacted
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Targeted surveys for rare or threatened flora and fauna species and detailed zoological survey comprising a range of techniques over different seasons were not conducted, as these tasks were beyond the scope of works.

Despite the stated limitations, the timing of the survey and condition of the vegetation was considered suitable to ascertain the extent and condition of the native vegetation and provide an indication of species diversity in the study area. The overall results of the field assessment are considered sufficient to inform the planning application.

3 Flora Results

3.1 Description of Vegetation

A total of 116 vascular plant species were recorded within the study area, consisting of 35 indigenous species, 68 introduced species and 13 Australian native species (Appendix 1).

Because of the direct nexus of the site to Diamond Creek, the periphery of the land parcel supports numerous large remnant trees to the west and north, as well as some discrete stands of smaller indigenous trees (see Section 3.2). However, the majority of the land is highly modified (including the creek lines) and is encumbered by buildings, carparks, lawns and the adjacent education facility. The southern portion of the site also supports some indigenous canopy trees planted around the periphery of the carparking areas and the Manuka Rd Gully drainage line, (Image 3). Some larger trees are also present, however, they are typically non-indigenous (e.g. Southern Mahogany #*Eucalyptus botryoides* along the driveway – Image 4) (Figure 1).



Image 3. Planted indigenous trees around the carparking area and the Manuka Rd Gully drainage line (Abzeco 28/06/2022).

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Image 4. Non-indigenous Southern Mahogany to either side of the bridge over Manuka Rd Gully (Abzeco 28/06/2022).

Vegetation around all carparking areas and buildings primarily mainly consists of well-maintained lawns of exotic grasses and herbs with planted ornamental trees and shrubs such as Callery Pear **Pyrus calleryana* and Narrow-leaf Bower-wattle *#Acacia cognata* (Image 5). The lawns provide a narrow buffer of approximately 3-4 m to riparian or creek line vegetation to the west, and a wider buffer of between 15-30 m to the north that is inset with formalised garden beds supporting planted natives and a range of weeds (Images 6 & 7).



Image 5. Formalised lawns of exotic grass with planted ornamental trees along the southern façade of the existing building (Abzeco 28/06/2022).



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Image 6. Maintained lawns with formalised seating areas and garden beds in the north (Abzeco 28/06/2022).



Image 7. Formalised garden beds in the north with planted native species including Spiny Mat-rush *Lomandra longifolia* and White Correa #*Correa alba* (Abzeco 28/06/2022).

Understorey vegetation throughout both Manuka Rd Gully drainage line and Diamond Creek is also highly disturbed and supports very few indigenous species. Recent work has been conducted to treat Common Blackberry **Rubus anglocandicans* in Manuka Rd Gully, however, species such as Panic Veldt-grass **Ehrharta erecta* and Angled Onion **Allium triquetrum* are still dominant (Image 8). Extended sections of each bank along Diamond Creek are choked with Wandering Tradescantia **Tradescantia fluminensis*, Soursob **Oxalis pes-caprae* or Common Blackberry, although some sections also support dense Austral Bracken *Pteridium esculentum* (Images 9 & 10)



Image 8. Exotic leaf litter, Angled Onion and recently sprayed Blackberry within Manuka Rd Gully (Abzeco 28/06/2022).



Image 9. Dense Wandering Tradescantia and a single Bears Breeches **Acanthus mollis* at the junction of Manuka Rd Gully and Diamond Creek (Abzeco 28/06/2022).

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Image 10. Dense Soursob and dead Blackberry canes along the Diamond Creek corridor (Abzeco 28/06/2022).

Overall, vegetation quality is poor and predominantly exotic around existing buildings and lawn areas. Substantial improvement in structure, diversity and quality is noticeable with approach to Diamond Creek, due to the presence of Silver Wattle *Acacia dealbata* and Swamp Gum *Eucalyptus ovata*, however, the understorey remains largely dominated by weeds and includes a range of high threat weeds such as Common Blackberry, Soursob, Angled Onion, Spear Thistle *Cirsium vulgare*, Hemlock *Conium maculatum* and Bulbil Watsonia *Watsonia meriana* var. *bulbillifera*.

The grounds also contain many planted Australian native shrubs and trees, which are not considered indigenous to the local area, such as Southern Mahogany, Narrow-leaf Black-peppermint *Eucalyptus nicholii*, Spotted Gum *Corymbia maculata*, Lemon-scented Gum *Corymbia citriodora*, Large-fruit Yellow-gum *Eucalyptus leucoxylon* subsp. *megalocarpa*, Narrow-leaf Bower-wattle, Prickly Paperbark *Melaleuca styphelioides*, Sallow Wattle *Acacia longifolia* subsp. *longifolia* and Ovens Wattle *Acacia pravissima*. Where vegetation removal is required to meet defensible space considerations, woody weeds and planted Australian native shrubs and trees should be the first targets.

3.2 Patches of Native Vegetation

The study area is modelled as historically supporting three vegetation types: Riparian Forest (EVC 018) associated with Diamond Creek, Swampy Riparian Complex (EVC 126) associated with Manuka Rd Gully, and Valley Grassy Forest (EVC 047) outside of the creek buffers (DELWP 2022a). The Bioregional Conservation Status of Riparian Forest is Least Concern within the Highlands Southern Fall bioregion, while Valley Grassy Forest is considered Vulnerable and Swampy Riparian Complex is Endangered.

The composition of indigenous flora species remaining on site are largely reflective of modelling, with vegetation in the north and west showing characteristic of Riparian Forest, whereas vegetation in the south blends from Swampy Riparian Woodland (EVC 083) associated with Manuka Rd Gully to restored Valley Grassy Forest along the southern boundary line.

Habitat Zone 1 consists of modified Swampy Riparian Woodland (EVC 083) to either side of the Manuka Rd Gully (Figure 1). The patch is characterised primarily by young River Red-gum *Eucalyptus camaldulensis*, Yellow Box *Eucalyptus melliodora* and Red Box *Eucalyptus polyanthemus* subsp. *vestita*, some of which appear to have been planted, however, the southern section of the patch also supports larger Manna Gum *Eucalyptus viminalis* subsp. *viminalis* that are likely remnant (Image 11). The Manuka drainage line itself is modified and supports planted Spiny

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Mat-rush *Lomandra longifolia*, however, additional indigenous ground covers such as Nodding Salt-bush *Einadia nutans* and Variable Willow-herb *Epilobium billardioreanum* are also present. Scattered native grasses such as Weeping Grass *Microlaena stipoides* var. *stipoides* and Slender Wallaby-grass *Rytidosperma racemosum* var. *racemosum* are also present, however, the overall quality of the vegetation is poor, as it is species depauperate with high weed cover, including high-threat weeds (see Image 8).



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Image 11. Habitat Zone 1 straddles the Manuka Rd Gully drainage line and is highly modified (Abzeco 28/06/2022).

Habitat Zone 2 is small and occurs along the southern boundary line (Figure 1). The composition of vegetation is a conglomerate of indigenous species attributable to several EVC's, therefore the historical modelling of Valley Grassy Forest (EVC 047) has been adopted as a default. Species include young specimens of Red Box, Manna Gum and River Red-gum with scattered Spiny Mat-rush, Gold-dust Wattle *Acacia acinacea* and Yarra Burgan *Kunzea leptospermoides* (Image 12). However, the patch occurs in a formalised and mulched garden bed and all vegetation has clearly been planted at the same time as the carpark was established. The entirety of Habitat Zone 2 has therefore been omitted from offset calculations as the vegetation was not planted for conservation purposes and only for amenity as a screen and buffer to the adjacent road. This vegetation also poses a very low fire-risk to the existing buildings, therefore is unlikely to require removal despite being within the designated area of defensible space.



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Image 12. Habitat Zone 2 on the southern boundary is artificial (Abzeco 28/06/2022).

Habitat Zone 3 consists of modified Riparian Forest (EVC 018) and extends along the Diamond Creek corridor to the west and north and beyond (Figure 1). As noted in Section 3.1, the understorey throughout much of the Diamond Creek corridor is choked with exotic species such

as Wandering Tradescantia, Angled Onion and Soursob, along with a host of other high-threat species including Common Blackberry, Bulbil Watsonia, African Cornflag *Chasmanthe floribunda* and Hemlock (see Images 9 & 10). However, small sections of the creek still retain a range of indigenous species including Common Water-ribbons *Cynnogeton procerum*, Slender Knotweed *Persicaria decipiens*, Tall Sedge *Carex appressa* and Green Rush *Juncus gregiflorus*.

More elevated sections of the banks also support dense Austral Bracken and thickets of Silver Wattle, as well as scattered Blackwood *Acacia melanoxylon*, Sweet Bursaria *Bursaria spinosa* and Kangaroo Apple *Solanum aviculare* (Image 13). Indigenous species such as Kidney Weed *Dichondra repens*, Common Cotula *Cotula australis* and Grassland Wood-sorrel *Oxalis perennans* also occur in the periphery of existing lawn areas, although at low cover.



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Image 13. Facing west along Diamond Creek showing Habitat Zone 3 - Riparian Forest (Abzeco 28/06/2022).

Habitat Zone 3 also supports numerous canopy trees, including many large trees, although most are north of Diamond Creek and are not explicitly mapped as they are well outside the area of designated defendable space (Figure 1). However, at least six trees including several large specimens (#8, 22 & 23) are captured within Habitat Zone 3 that overlap with the area of defendable space. Remaining canopy trees south of Diamond Creek include two small trees #9 & 19 (River Red-gum and Manna Gum respectively) and tree #10 (a relatively large Swamp gum that has collapsed and is lying on its side) (Image 14).

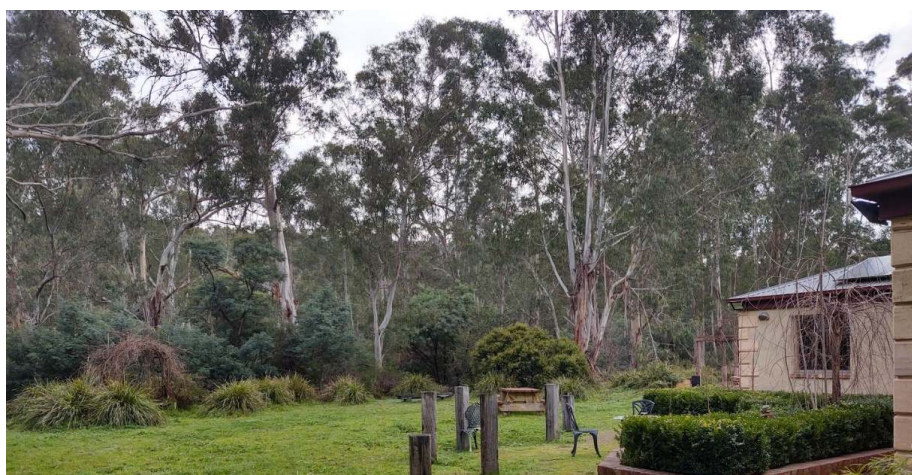


Image 13. Facing north showing lawn buffer and Habitat Zone 3 in background (Abzeco 28/06/2022).



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Image 14. Tree #9 left of image and collapsed Swamp Gum #10 along the western edge of Habitat Zone 3 (Abzeco 28/06/2022).

Habitat Zone 4 consists of modified Riparian Forest (EVC 018) that is composed of approximately seven tall, although semi-mature Manna Gums, with no indigenous shrub layer or understorey components (Figure 1; Image 15). The patch is managed via regular mowing.



Image 15 (left). Habitat Zone 4 consists solely of tall but semi-mature Manna Gums; Image 16 (right). Habitat Zone 5 consists of a small stand of eucalypts of mixed origin (Abzeco 28/06/2022).

Habitat Zone 5 consists of a very discrete area of modified Riparian Forest (EVC 018) located in the north-east section of the study area (Figure 1). The location is actually within the north-west corner of the existing school grounds to the east. Vegetation is composed of approximately eight semi-mature eucalypts, including Manna Gum and Narrow-leaf Peppermint *Eucalyptus radiata*, however, no indigenous shrub layer or understorey components are present (Image 16).

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3.3 Scattered Trees

With specific reference to the area of proposed defensible space, the study area supports three small, scattered trees (#2, 4 & 20) in accordance with the *Guidelines* (DELWP 2017a) (Figure 1). The trees are all small and include Yellow Box (#2), River Red-gum (#4) and Manna Gum (#20) (Images 17).

Although outside the area of proposed defensible space, we also note Tree #1 (Swamp Gum) which is an important large old, habitat tree and should not be disturbed (see cover image).



Image 17. Scattered tree #20 (Manna Gum) left of image (Abzeco 28/6/2022).

3.4 Vegetation Quality Assessment (Habitat Hectares)

Habitat Zones 1, 3, 4 & 5 were assessed in accordance with the VQA methodology (DSE 2004; Table 2). Zones 3, 4 & 5 are all representative of Riparian Forest, while zone 1 is considered representative of Swampy Riparian Woodland.

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Table 2. Habitat hectare assessment results

Habitat Zone			HZ1	HZ3	HZ4 & HZ5
Bioregion			HSF	HSF	HSF
EVC Name			Swampy Riparian Woodland	Riparian Forest	Riparian Forest
EVC Number			083	018	018
EVC Conservation Status			Vulnerable	Least Concern	Least Concern
		Max. Score			
Site Condition	Large Old Trees	10	0	10	0
	Canopy Cover	5	0	3	0
	Understorey	25	5	5	5
	Lack of Weeds	15	4	4	4
	Recruitment	10	0	1	0
	Organic Litter	5	5	5	5
	Logs	5	0	3	0
	EVC Multiplier		N/A	N/A	N/A
	Subtotal		14	31	14
Landscape	Patch Size		1	1	1
	Neighbourhood		2	2	2
	Distance to Core Ares		0	0	0
Landscape Value		25	3	3	3
Habitat Points		100	17	34	17
Habitat Score		/100	0.17	0.34	0.17
Large Tree Count			0	3	0

Notes: HZ – Habitat Zone; HSF – Highlands Southern Fall bioregion; EVC - Ecological Vegetation Class; ha – Hectare; N/A – Not applicable.

3.4.1 Significant Flora Species

No EPBC Act listed flora species were recorded in the study area. Two FFG Act listed flora species (Spotted Gum #*Corymbia maculata* and Large-fruit Yellow-gum #*Eucalyptus leucoxylon* subsp. *megalocarpa*) were identified within the study area. However, neither species is considered indigenous to the local area, and both have been planted.

The VBA contains previous records for seven EPBC Act-listed species and an additional 17 FFG Act-listed flora species within a 5 km radius of the study area (DELWP 2022d). None of the records pertain to the immediate study area and are primarily relevant to larger parks, reserves and river corridors throughout the broader landscape such as the Dunmoochin area to the north or Boomers Reserve to the east.

The majority of records are relatively old, dating to the 1990's or earlier, however, recent records are available for Matted Flax-lily *Dianella amoena*, Crimson Spider-orchid *Caladenia concolor*, Wine-lipped Spider-orchid *Caladenia oenochila*, Little-pink Spider-orchid *Caladenia rosella*, Velvet Spider-orchid *Caladenia viridis*, and Yellow Spider-orchid *Caladenia viridis*.

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Apple-berry *Billardiera scandens* s.s., Pale-flower Crane's-bill *Geranium* sp. 3, Slender Stylewort *Levenhookia sonderi* and Floodplain Fireweed *Senecio campylocarpus* (DELWP 2022d).

Listed shrubs and trees such as Yarra gum *Eucalyptus yarraensis* and Round-leaf Pomaderris *Pomaderris vacciniifolia* can be ruled out based on the current survey as they are distinctive and easily detected. Some suitable habitat is present for listed aquatic-based species such as Floodplain Fireweed, however, the high density of weeds within the creek corridor is a strong limiting factor. Given the highly modified condition of understorey vegetation throughout the site, including within the creek corridor, it is considered unlikely that listed flora species such as Matted Flax-lily and orchids (e.g. Little Pink Spider-orchid and Emerald-lip Greenhood) would occur. The formalised garden setting around the existing buildings has been repeatedly mown for many years and was until recently part of an outdoor hospitality setting.

The PMST search contains six additional EPBC Act listed flora species that have not been previously recorded in the local area, however, are considered to have the potential to occur including, River Swamp Wallaby-grass *Amphibromus fluitans*, Maroon Leek-orchid *Prasophyllum frenchii* and Swamp Everlasting *Xerochrysum palustre* (DCCEW 2022). The vast majority of the nominated species are orchids, which are considered unlikely to occur. Suitable habitat is in theory present for semi-aquatic species, however, vegetation structure and composition is highly modified and dominated by weeds.

As much of the land study area is encumbered by existing infrastructure and the surrounding grounds are regularly maintained, it is highly unlikely that these areas would support threatened flora species. Vegetation within the Diamond Creek corridor has greater complexity and structure, as well as connectivity to more intact areas, however, the reach associated with the study area is highly modified with large sections blanketed by high-threat weeds. The study area is therefore considered unlikely to support any EPBC or FFG Act-listed flora species.

Significant impacts to listed flora species are therefore considered unlikely and targeted surveys for listed flora species are not recommended as part of the proposed works.

3.5 Determination of Listed Ecological Communities

The PMST report (DCCEW 2022) lists one Threatened Ecological Community as having the potential to occur within five kilometres of the study area:

- *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.*

Native vegetation within the study area does not correspond to the descriptions or condition thresholds of the above ecological community. There are also no FFG Act-listed communities present in the study area as per community descriptions (DELWP n.d.).

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4 Fauna Results

4.1 Fauna Habitat

The quality and estimated value of habitat for fauna within the study area was determined by assessment against the criteria described below.

Habitat quality classification

Low: Habitat areas classed as being of low quality are usually fragmented and have lost most structural elements such as tussock/hummock forming grasses or sedges, inter-tussock spaces,

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understorey shrubs, logs, rocks and hollow-bearing trees. Connectivity with higher quality patches may be limited or absent. Such patches are generally weed infested, have little or no natural regeneration and remaining indigenous species are under threat from invasive exotic species. No species of conservation significance are known or likely to occur there.

Moderate: Some structural elements have been lost, and invasive species may not be dominant over indigenous species but pose a significant threat. There is some connectivity with adjacent habitat of equal or greater quality. The patch may provide suitable habitat for fauna of conservation significance known or likely to occur in the area.

High: Most structural elements for fauna are present, understorey species are generally healthy and most life forms may be present. The patch is part of a mosaic of reasonably contiguous vegetation with connectivity to other areas of habitat. The patch provides suitable habitat for fauna of conservation significance known or likely to occur in the area, even if dominated by weeds.

4.2 Habitat Types and Assessment of Quality

Habitat within the study area consists of relatively open forest with some shrub layer and modified understorey in the north and west, modified aquatic habitat along the Diamond Creek corridor, and small areas exotic open lawn around the existing buildings. Although modified, a near contiguous cover of canopy trees occurs around the northern periphery of the property that is associated with the Diamond Creek corridor and provides connectivity and dispersal opportunities for many common fauna species to other areas of suitable habitat in the local area. Larger eucalypt specimens are likely to support small hollows and fissures suitable for roosting and/or breeding by common birds, arboreal mammals and micro-bats, and indeed tree #22, which is a large stag, was occupied by a pair of Galahs *Eolophus roseicapilla* at the time of assessment. Many of the tree trunks show claw marks from Common Brushtail Possum *Trichosurus vulpecula* and Ringtail Possum *Pseudocheirus peregrinus*, and possibly also Sugar Glider *Petaurus breviceps* and Phascogale *Phascogale tapoatafa*. A wide range of common bird species were observed moving through the site including, Eastern Rosella *Platycercus eximius*, Australian King Parrot *Alisterus scapularis*, Laughing Kookaburra *Dacelo novaeguineae*, Grey Butcherbird *Cracticus torquatus*, Rainbow Lorikeet *Trichoglossus moluccanus*, Noisy Miner *Manorina melanocephala* and Superb Fairy-wren *Malurus cyaneus*.

Although canopy trees provide relatively high-quality habitat, understorey vegetation is predominantly simplified and either dominated by weeds (e.g. lawn areas) or smothered by weeds (in the case of much of the Diamond Creek corridor). Understorey habitat quality is therefore considered low quality and suitable only to species adapted to highly modified environments such as Australian Magpie *Cracticus tibicen* and Little Raven *Corvus mellori*.

4.3 Habitat Suitability for Rare and Threatened Fauna

No EPBC Act or FFG Act-listed fauna species were recorded during the field assessment. The VBA contains previous records for nine EPBC Act-listed and an additional 18 FFG Act-listed fauna species within a five kilometre radius of the study area (DELWP 2022d). None of the records pertain to the immediate study area with most attributable to larger parks, reserves and river corridors throughout the broader landscape such as the Dummoochin area to the north and Boomers Reserve to the east.

The majority of EPBC listed fauna records relate to Gang Gang Cockatoo *Callocephalon fimbriatum* and White-throated Needletail *Hirundapus caudacutus*, although a small number of recent records

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are also available for Regent Honeyeater *Anthochaera phrygia*, Swift Parrot *Lathamus discolor* and Grey-headed Flying-fox *Pteropus poliocephalus* (DELWP 2022d). Additional EPBC Act-listed species such as Growling Grass Frog *Litoria raniformis*, Murray Cod *Maccullochella peelii* and Eltham Copper Butterfly *Paralucia pyrodiscus lucida* have not been recorded since the early 1990's.

Relatively recent (post 2010) records are available for several FFG Act-listed species including, Eastern Great Egret *Ardea alba modesta*, Hardhead *Aythya australis*, Little Eagle *Hieraaetus morphnoides*, Hooded Robin *Melanodryas cucullata*, Barking Owl *Ninox connivens*, Powerful Owl *Ninox strenua*, Brush-tailed Phascogale *Phascogale tapoatafa*, Southern Toadlet *Pseudophyrne semimarmorata* and Common Dunnart *Sminthopsis murina murina*.

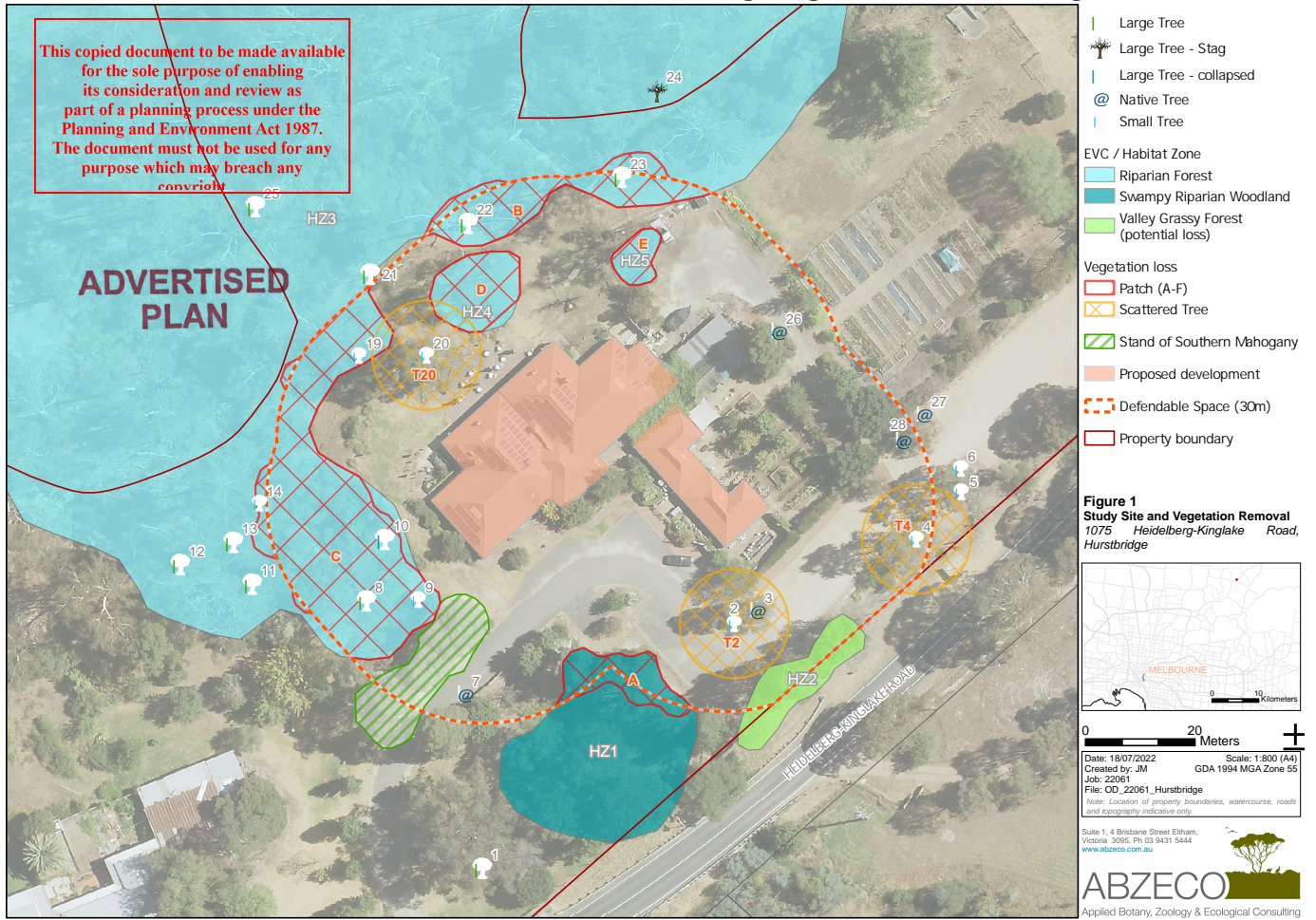
In its current state, the Diamond Creek corridor is unsuitable for species such as Hardhead, although Eastern Great Egret may opportunistically forage in more open or accessible sections of the creek. Suitable habitat for foraging is also available for Powerful Owl, Barking Owl and Brush-tailed Phascogale, and the site shares some connectivity to additional areas of more intact and contiguous woodland and forest, which supports numerous large and hollow bearing trees. It is possible that EPBC Act-listed species such as Swift Parrot *Lathamus discolor* and Grey-headed Flying-fox *Pteropus poliocephalus*, may also opportunistically utilise or move through the study area for foraging purposes.

However, vegetation in the study area is not considered to represent critical or limiting habitat for any listed fauna species and a significant impact to Commonwealth or FFG Act-listed fauna species is considered unlikely. Targeted surveys for listed fauna species are therefore not recommended as part of the application.

The PMST contains 19 additional EPBC Act listed species that have not been previously recorded in the local area but are considered to have the potential to occur in the local area, including Greater Glider *Petauroides volans*, Spot-tailed Quoll *Dasyurus maculatus maculatus*, Southern Brown Bandicoot *Isodon obesulus obesulus*, Striped Legless Lizard *Delma impar* and Golden Sun Moth *Synemon plana* (DCCEW 2022). All PMST nominated species are considered unlikely to occur within the study area or surrounds due to a lack of suitable habitat or lack of connectivity to known populations.

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5 Proposed Native Vegetation Removal

The study area is primarily modelled as Location 1, however, much of the area currently supporting built structures is modelled as Location 2 (DELWP 2022a). Because the site supports existing buildings that were constructed prior to 10 September 2009, the landowner has existing rights to exemptions for the removal of native vegetation under the 10/30 rule in accordance with Clause 52.12 (Bushfire Protection Exemptions). This means that all vegetation within 10 m of existing buildings can be removed without a permit, and all understorey vegetation within 30 m of the existing buildings can be managed for fire safety without a permit.

Losses or impacts have therefore been calculated by first clipping out all vegetation within a 10 m buffer of existing buildings, and then treating the next 20 m (i.e. up to 30 m) as partial loss of canopy species only, as there are existing rights to manage understorey vegetation up to 30 m from the existing buildings. The 30 m buffer also coincides with the recommended defendable space distance of 30 m.

Under this scenario, total losses are equivalent to 0.269 hectares and 3 small scattered trees. Losses must also include three Large Trees (#8, 22 & 23) within HZ3, as they fall within the 30 m area of defendable space. The application will be assessed under the Intermediate pathway.

Note: Vegetation within Habitat Zone 2 has been planted for amenity and not conservation, therefore can be removed without a permit. In addition, the vegetation is located along the southern boundary and is separated from the building by the carparking area and also buffered to the south by the main arterial road, therefore the vegetation should not pose a fire-risk and does not need to be removed.

Similarly, vegetation along the northern edge of Habitat Zone 1 can most likely be retained as it has suitable separation from the existing building by the asphalted road and does not pose a significant fire risk.

A summary of the proposed vegetation removal is provided below (Table 3) and the Native Vegetation Removal Report (NVR) obtained via submission of data to DELWP is provided as Attachment 1.

Table 3. Summary of Proposed Native Vegetation Removal

Location Category (DELWP 2017a)	2
Patch of native vegetation (hectares)	0.178
Number of Large trees in patches	3
Scattered Trees (total number and hectares)	3 / 0.09 (without overlap)
Large	0
Small	3
Total extent	0.268*
Assessment Pathway	Intermediate
Strategic Biodiversity Value	0.940

Note: the difference of 0.001 ha is due to rounding effects

5.1 Offset Requirements

The offset requirement for the proposed development is as follows:

- 0.064 General Habitat Units (GHU),
- Minimum Strategic Biodiversity Value (SBV) of 0.716;

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- 3 large tree; and,
- The required offset must be located within the PPWCMA region or Nillumbik Shire Council.

There are no proportional impacts on any rare or threatened species, therefore Species offsets are not required (Attachment 1). The offsets must be secured prior to the commencement of any works. A summary of the offset requirements is provided in Table 4.

Table 4. Offset requirements for proposed clearance of vegetation

General Offset		
Offset Amount (General Habitat Units)		
Large Trees		
Large Tree offset requirement (number)		3
Offset Attributes		
Vicinity	The offset site must be located within the same Catchment Management Authority (CMA) boundary or the same municipal district as the native vegetation to be removed.	Port Phillip and Westernport CMA or Nillumbik Shire Council
Minimum Strategic Biodiversity Value (SBV) score	The SBV score of the offset site must be at least 80 per cent of the strategic biodiversity value score of the native vegetation to be removed	0.716

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5.2 Offset Strategy

It is expected that the required General offset in the PPWCMA or Nillumbik Shire Council can be readily sourced through an accredited Broker. At the time of preparation of this report, the required offset was available on the Native Vegetation Offset Register (NVOR) via an accredited Broker and a valid offset costing provided.

5.3 Avoidance and Minimisation Statement

The footprint of the existing buildings is not proposed for alteration. Instead, the building must undergo some minor adjustments such as altering the current doors from wooden framed to metal to bring it up to an appropriate Bushfire Attack Level rating.

The landowner also has existing rights to manage vegetation for bushfire protection under the 10/30 rule, which has been undertaken in the past as evidenced by the lawned area with formalised garden beds in the north. Vegetation losses associated with the proposed 're-development' of the site as an education facility should therefore be minimal as much of the defensible space area already meets bushfire standards in terms of fuel composition, structure and canopy separation.

Under the 10/30 rule, tree #10 (collapsed Swamp Gum) can be removed, as well as the inner edges of Habitat Zone 4. However, it may not be necessary to remove any of HZ4 as the understorey is already managed and the trees are growing in a discrete cluster and are effectively acting as a single large tree. Similarly, the small cluster of trees comprising Habitat Zone 5 can likely be retained as they are effectively acting as a single tree. Both zones also have suitable separation from nearby canopy vegetation due to the surrounding lawn and the Diamond Creek corridor.

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Similarly, vegetation along the northern edge of Habitat Zone 1 can most likely be retained as it has suitable separation from the existing building by the asphalted road and does not pose a significant fire risk.

Additional vegetation considered lost as a precautionary measure within the designated area of defensible space, can also likely be safely retained, as there is suitable canopy separation between trees (e.g. trees #2, 4 & 20). Large trees #18, 21, 22 & 23 can also be retained, despite being either within or closely associated with the area of defensible space, as they have suitable canopy separation. It is highly recommended that tree #22 (stag) is retained as it supports hollows and a pair of Galahs.

Understorey vegetation within the remaining area of proposed defensible space (e.g. HZ3) can be managed under the 10/30 rule, therefore impacts (if required) can be largely restricted to exotics trees such as Loquat *Eriobotrya japonica*, Australian native trees such as Southern Mahogany and indigenous understorey trees such as Silver Wattle. Most of the vegetation within the designated area of defensible space is already modified and under management, therefore losses are partial only.

Under the current plan, total losses are less than 0.5 hectares, the vegetation is not considered to be critical or limiting habitat for any rare or threatened species and the proposed losses only trigger a general offset and no species offset.

6 Legislation and Regulations

The key biodiversity protection legislation and regulations potentially relevant to the study area are the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), the Victorian *Flora and Fauna Guarantee Act 1988* (FFG Act), the *Catchment and Land Protection Act 1994* (CaLP Act), and the Manningham Council planning scheme (DELWP 2022f). The Guidelines (DELWP 2017a) is the principal document that informs biodiversity regulation under the planning scheme.

Implications and requirements associated with the relevant legislation are summarised below.

6.1 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the primary Commonwealth legislation for environment protection. Under the EPBC Act, an action will require approval from the Commonwealth Minister for the Environment if it has, will have, or is likely to have a significant impact on a matter of National Environmental Significance (NES) and it is not subject to certain specified exceptions.

Matters of NES trigger the Commonwealth's environmental assessment and approval responsibilities. These matters are: World Heritage properties, National Heritage Places, Ramsar wetlands of international importance, nationally listed threatened species and ecological communities, migratory species protected under international agreements, the Commonwealth marine environment, the Great Barrier Reef Marine Park, nuclear actions and water resources (coal seam gas development and large coal mining development).

If a project is likely to have a potential significant impact on a matter of NES, a referral to the Commonwealth Minister for the Environment is required. If the Minister considers it likely that a

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proposed action may have a significant impact on matters of NES, the action may be considered 'controlled' and requires a detailed assessment and the grant of a permit to proceed (DOE 2013).

Implications

EPBC Act-listed flora and fauna species were not recorded in the study area. While there may be some impact to foraging habitat for fauna species such as Gang Gang Cockatoo, Swift Parrot and Grey-headed Flying-fox, critical or limiting habitat is not present in the study area and EBPC Act-listed fauna species are not considered resident or dependent on the site. As such, a significant impact to matters of NES is considered highly unlikely and a referral to the Commonwealth Minister for the Environment is not recommended as part of the proposed development.

6.2 Flora and Fauna Guarantee Act 1988

The *Flora and Fauna Guarantee Act 1988* (FFG Act) is the primary State legislation for the protection of native plants, animals and ecological communities on public land and water in Victoria. Species and ecological communities can be listed as threatened under the Act based on determination by an independent Scientific Advisory Committee. Threatening processes may also be listed.

Vegetation communities, plants, animals and other taxa may be listed under the FFG Act if they are known to be in decline or under the threat of extinction. Listing is intended to protect threatened taxa or communities from further threats to their survival on public land in Victoria. Threatened taxa are listed under Section 10 (Schedule 2) of the Act. Whilst not immediately threatened, a number of species, genera and families of plants are protected under Section 46 of the Act to protect them from unauthorised clearing, harvesting and collection on public land.

A permit under the FFG Act is required to take (kill, injure, disturb or collect) Restricted Use Protected Flora (under Sections 47 and 47A), Generally Protected Flora (under Sections 47B and 47C) and listed fish (under Section 52) from public land. A permit is required to take components of listed ecological communities on public land.

Implications

Two FFG Act listed flora species (Spotted Gum #*Corymbia maculata* and Large-fruit Yellow-gum #*Eucalyptus leucoxylon* subsp. *megalocarpa*) were identified within the study area, however, both species are non-indigenous and have been planted. No additional flora or fauna species protected or listed under the FFG Act were observed within the study area and none are expected to occur.

The FFG Act applies to land owned or managed by a public authority and in this instance the land tenure is private, therefore a permit to remove listed or protected flora species or communities under the FFG Act is not required.

6.3 Catchment and Land Protection Act 1994

The *Catchment and Land Protection Act 1994* (the CaLP Act) seeks to protect Victorian land and water resources from degrading processes.

Under the Act, Landowners are required to conserve soil, protect water resources, eradicate 'Controlled' and 'Prohibited' weeds, eradicate pest animals and avoid actions that may result in land degradation on neighboring properties. In certain instances, landowners may be served

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with a Land Management Notice that may prohibit or regulate land use, or specify management actions required to be undertaken on their property.

Implications

At least seven noxious weed species are present within the study area, including Angled Onion, Bridal Creeper **Asparagus asparagoides*, Spear Thistle **Cirsium vulgare*, Hemlock, Soursob, Common Blackberry and Bulbil Watsonia (Appendix 1).

Landowners have a legal responsibility under the Act to control declared noxious weeds and ensure spreading of weeds is limited and managed during construction works.

6.4 *Wildlife Act 1975* and Wildlife Regulations 2002 (Victoria)

The *Wildlife Act 1975* and Wildlife Regulations 2002 is the primary legislation in Victoria providing for the management and protection of wildlife. The objective of the Act is to regulate the conduct of those involved in working with wildlife and establish procedures for the protection and conservation of wildlife and prevention of species extinctions.

Implications

Although several trees are considered lost for offsetting purposes, most trees currently on site can be retained. Nevertheless, any trees proposed for removal should first undergo pre-clearance checks for fauna by a qualified zoologist as they may support hollows, fissures or nests.

All persons engaged in the salvage, translocation and/or handling of native fauna during any construction works must have a management authorization under the *Wildlife Act 1975*.

6.5 *Planning and Environment Act 1987* (The Guidelines 2017)

In Victoria, a permit is required to remove, destroy or lop native vegetation. Regulation of planning proposals with potential impacts to native vegetation is governed by Clause 12.01 (Biodiversity) and Clause 52.17 (Native Vegetation) of Victorian planning schemes. Clause 52.17 references the requirements of the *Victorian Guidelines for the removal, destruction, or lopping of native vegetation* (the Guidelines, DELWP 2017a), which is an incorporated document under Clause 72.04 of all planning schemes (DELWP 2022f).

In accordance with the relevant planning scheme clauses, the Guidelines seek to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation (DELWP 2017a).

Strategic planning plays a primary role in avoiding and minimising the impacts of uses and developments on native vegetation. In Victoria, the three-step approach for ensuring the objective of no net loss is achieved at the permit level are (DELWP 2017a):

- Avoid the removal, destruction or lopping of native vegetation;
- Minimise impacts on Victoria's biodiversity from the removal, destruction and lopping of native vegetation; and,
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

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Referral of Planning Applications

The relevant responsible authorities are required to assess permit applications for the removal, destruction or lopping of native vegetation. The responsible authority is the relevant Council. Under Clause 66 (Referral and Notice Provisions) of planning schemes, DELWP is a recommending referral authority where one or more of the following requirements are met:

- To remove, destroy or lop native vegetation in the Detailed Assessment Pathway;
- To remove, destroy or lop native vegetation if a Property Vegetation Plan applies to the site; or,
- To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority.

6.5.1 Implications of the Native Vegetation Clause 52.17

As the proposed development will impact native vegetation, a planning permit to remove, destroy or lop native vegetation is required under Clause 52.17 of the Nillumbik planning scheme.

6.5.2 Nillumbik Shire Council Planning Scheme

The land is predominantly covered under the Rural Conservation Zone – Schedule 3 (RCZ3) although the central northern section is also scheduled to the Public Conservation and Resource Zone (PCRZ). The land is also covered by the Bushfire Management Overlay (BMO) and is partially covered by the Environmental Significance Overlay – Schedule 4 (ESO4) and a Land Subject to Inundation Overlay (LSIO).

Relevant aspects of the zoning and overlays are discussed in further detail below.

Schedule 3 to Clause 35.06 Rural Conservation Zone (RCZ3)

The RCZ3 relates specifically to Conservation Values with the specific aim:

To ensure land use changes do not have an adverse impact on the landscape or strategic environmental values of the land.

Implications

The planning application does not involve subdivision or alteration to the existing buildings and floor area, nor does it involve earthworks. Therefore, there are no relevant ecological implications under the RCZ3.

Bushfire Management Overlay (BMO)

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

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To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Application requirements

Unless a schedule to the overlay specifies different requirements, an application must be accompanied by:

- *A bushfire hazard site assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.*
- *A bushfire hazard landscape assessment including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.*
- *A bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.*

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

Implications

A Bushfire Management Statement and Plan has been provided for the site (SBA Fire 2022), which recommends a BAL29 rating with defendable space of 30 m or to the property boundary.

If approved bushfire standards must be maintained across the property in accordance with the BMS.

Schedule 4 to Clause 42.01 Environmental Significance Overlay (ESO4)

WATERWAYS

Statement of environmental significance

The waterways within the Shire of Nillumbik are an integral element of the environmental systems that support biodiversity, and directly impact on freshwater environments. Waterways also often provide relatively undisturbed habitat corridors between larger areas of remnant vegetation. The many threatened flora and fauna species identified as existing in the Shire rely, to a great extent, on the catchment areas of watercourses in the Shire. These areas need to be protected from inappropriate development.

Environmental objective to be achieved

To maintain environmental flows and improve the quality of water within watercourses.

To maintain the capacity of watercourses to carry natural flows.

To prevent erosion of banks, stream beds and adjoining land and the siltation of watercourses, drains and other features.

To protect and enhance the diversity, integrity and health of local flora and fauna habitats within and along watercourses.

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To ensure that development (including fill) does not occur on land liable to flooding.

To ensure that subdivision and development is compatible with the environmental values of watercourses.

To provide for the retention, restoration and revegetation of local native species.

To protect natural landforms and geological features.

To ensure that the scenic qualities and visual character of waterway corridors are not compromised by the inappropriate siting of buildings, the placement of fill or lack of screening vegetation.

To restore those sections of waterway corridors which have been previously modified to create artificial beds, banks and landforms.

Permit requirement

A permit is not required to construct a building in a residential zone if it is no greater than 6 metres in height above ground level.

A permit is not required to remove, destroy or lop any vegetation if:

- The vegetation is identified as a pest plant in the Shire of Nillumbik Environmental Weed List 2009 as incorporated in this scheme.
- The vegetation is dead. This exemption does not apply to standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
- The vegetation is *Kunzea leptospermoides* (Yarra Burgan) and is being removed for fire prevention purposes.
- The vegetation has been planted or grown for aesthetic or amenity purposes, including: agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), shelter belts, woodlots, street trees, gardens or the like.

This exemption does not apply if public funding was provided to assist in planting or managing the vegetation and the terms of the funding did not anticipate removal or harvesting of the vegetation

Implications

Any vegetation management actions undertaken within or adjacent to the Diamond Creek corridor as part of defendable space preparations must ensure that the actions do not compromise the integrity of the creek in terms of water flow, erosion and siltation, diversity and habitat provision. Many species may be treated or removed without a permit as they are nominated on the Shire of Nillumbik Environmental Weed List 2009. However, it is strongly recommended that weed removal works factor in revegetation with suitable indigenous species to prevent erosion and recolonisation by weeds.

Woody vegetation to the north is relatively well-spaced with up to 30 m separation from the Diamond Creek corridor, therefore very little native vegetation should require removal, although some thinning of Silver Wattle may be required in the north-west. However, vegetation to the west is likely to require thinning as the buffer to the existing building is relatively narrow (< 5-10 m). Any works in this section, such as removal of trees #9 & 10, will be close to the Manuka Rd Gully drainage line and should be conducted with care.

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Land Subject to Inundation Overlay (LSIO)

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- Alternative design or flood proofing responses.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - Tidal patterns.
 - Coastal inundation and erosion.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.
- Any other matters specified in a schedule to this overlay

Implications

Although the proposed education facility is within the LSIO, it is already constructed and only requires superficial modifications to meet bushfire construction standards. There will also be no terraforming or earthworks and therefore no change to current drainage or flow patterns.

7 Conclusions and Recommendations

The following requirements should be considered as part of proposed development:

- No flora or fauna species, or ecological communities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) are relevant to the study area. As such, a referral under the EPBC Act is not required;
- Two FFG Act listed flora species (Spotted Gum #*Corymbia maculata* and Large-fruit Yellow-gum #*Eucalyptus leucoxylon* subsp. *megalocarpa*) were identified within the study area, however, both species are non-indigenous and have been planted.
- No further FFG Act listed flora, fauna or listed communities are considered relevant to the study area and the land is also of private tenure therefore a permit under the Act is

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not required. Targeted surveys are not recommended to further inform the proposed development;

- A planning permit to remove, destroy or lop native vegetation is required under Clause 52.17 of the Nillumbik Shire planning scheme (*Planning and Environment Act 1987*) as part of the proposed development;
- Under the current development plan the required offset is **0.064 General Habitat Units (GHU)** and **3 large tree**. The required offset must have a **minimum Strategic Biodiversity Value score (SBV) of 0.716** and must be located within either **Nillumbik Shire Council** or **Port Phillip and Westernport Catchment Management Authority (PPWCMA)**;
- Any trees proposed for removal that are suspected to support hollows, nests or possum dreys must undergo pre-clearance fauna checks by a qualified zoologist prior to any works;
- If required, ensure a qualified Wildlife Handler is present on site immediately prior to and during tree removal to capture and locally translocate displaced fauna, as well as provide guidance on appropriate lengths and selection of log sections for future re-use as vertical habitat and hollow logs;
- The colonisation and spread of all *Catchment and Land Protection Act 1994* (CaLP Act) listed noxious weeds must be controlled during and post construction. The spread of weeds during construction should be managed through appropriate hygiene protocols for machinery, vehicles and personnel; and,
- Any landscaping and revegetation works should use ~~plants that are indigenous to~~ Nillumbik Shire Council and/or the local provenance.

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Appendix 1. Flora species list

Legend:

- * – Introduced/exotic species;
- # – native to Australia or Victoria but non-indigenous to the study area;
- vu – Listed as Vulnerable under the FFG Act 1988;;
- cr – Listed as Critically Endangered under the FFG Act 1988;;
- W – Weed of National Significance (WoNS);
- C – Weed listed as regionally controlled under the CaLP Act;
- R – Weed listed as regionally restricted under the CaLP Act.

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Origin	Scientific name	Common Name	Status
	<i>Acacia acinacea</i> s.s.	Gold-dust Wattle	
#	<i>Acacia cognata</i>	Narrow-leaf Bower-wattle	
	<i>Acacia dealbata</i>	Silver Wattle	
#	<i>Acacia longifolia</i> subsp. <i>longifolia</i>	Sallow Wattle	
	<i>Acacia melanoxylon</i>	Blackwood	
#	<i>Acacia pravissima</i>	Ovens Wattle	
	<i>Acaena novae-zelandiae</i>	Bidgee-widgee	
*	<i>Acanthus mollis</i>	Bear's Breach	
*	<i>Acer negundo</i>	Box-elder Maple	
*	<i>Acer palmatum</i>	Japanese Maple	
*	<i>Acetosella vulgaris</i>	Sheep Sorrel	
*	<i>Agapanthus praecox</i> subsp. <i>orientalis</i>	Agapanthus	
*	<i>Agrostis capillaris</i>	Brown-top Bent	
*	<i>Allium triquetrum</i>	Angled Onion	R
	<i>Allocasuarina verticillata</i>	Drooping Sheoak	
*	<i>Aphanes arvensis</i>	Parsley Piert	
*	<i>Arctotheca calendula</i>	Cape weed	
*	<i>Asparagus asparagoides</i>	Bridal Creeper	C, W
*	<i>Betula pendula</i>	Silver Birch	
*	<i>Bromus catharticus</i> var. <i>catharticus</i>	Prairie Grass	
	<i>Bursaria spinosa</i> subsp. <i>spinosa</i>	Sweet Bursaria	
*	<i>Buxus sempervirens</i>	English Box	
#	<i>Callistemon salignus</i>	Willow Bottlebrush	
*	<i>Cardamine hirsuta</i> s.l.	Common Bitter-cress	
	<i>Carex appressa</i>	Tall Sedge	
#	<i>Casuarina cunninghamiana</i> subsp. <i>cunninghamiana</i>	River Oak	
*	<i>Cenchrus clandestinus</i>	Kikuyu	
*	<i>Cerastium glomeratum</i> s.s.	Sticky Mouse-ear Chickweed	
*	<i>Chasmanthe floribunda</i>	African Cornflag	
*	<i>Chenopodium album</i>	Fat Hen	
*	<i>Cirsium vulgare</i>	Spear Thistle	C
	<i>Clematis microphylla</i> s.s.	Small-leaved Clematis	
*	<i>Coleonema pulchellum</i>	Pink Diosma	
*	<i>Conium maculatum</i>	Hemlock	C
#	<i>Correa alba</i>	White Correa	
	<i>Correa reflexa</i>	Common Correa	
#	<i>Corymbia citriodora</i> subsp. <i>citriodora</i>	Lemon-scented Gum	
#	<i>Corymbia maculata</i>	Spotted Gum	vu
	<i>Cotula australis</i>	Common Cotula	
	<i>Cynogeton procerum</i> (narrow floating leaf variant)	Common Water-ribbons	
*	<i>Cynodon dactylon</i> var. <i>dactylon</i>	Couch	

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Origin	Scientific name	Common Name	Status
*	<i>Cyperus eragrostis</i>	Drain Flat-sedge	
*	<i>Dactylis glomerata</i>	Cocksfoot	
	<i>Dianella tasmanica</i>	Tasman Flax-lily	
	<i>Dichondra repens</i>	Kidney-weed	
*	<i>Ehrharta erecta</i>	Panic Veldt-grass	
	<i>Einadia nutans</i> subsp. <i>nutans</i> (s.s.)	Nodding Saltbush	
	<i>Epilobium billardioreanum</i>	Variable Willow-herb	
*	<i>Eriobotrya japonica</i>	Loquat	
#	<i>Eucalyptus botryoides</i>	Southern Mahogany	
	<i>Eucalyptus camaldulensis</i>	River Red-gum	
#	<i>Eucalyptus leucoxylon</i> subsp. <i>megalocarpa</i>	Large-fruit Yellow-gum	cr
	<i>Eucalyptus melliodora</i>	Yellow Box	
#	<i>Eucalyptus nicholii</i>	Narrow-leaf Black-peppermint	
	<i>Eucalyptus ovata</i> subsp. <i>ovata</i>	Swamp Gum	
	<i>Eucalyptus polyanthemos</i> subsp. <i>vestita</i>	Red Box	
	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	Narrow-leaf Peppermint	
	<i>Eucalyptus rubida</i>	Candlebark	
	<i>Eucalyptus viminalis</i> subsp. <i>viminalis</i>	Manna Gum	
	<i>Euchiton japonicus</i> s.s.	Creeping Cudweed	
*	<i>Euphorbia peplus</i>	Petty Spurge	
*	<i>Fumaria bastardi</i>	Bastard's Fumitory	
*	<i>Galium aparine</i>	Cleavers	
	<i>Geranium</i> sp. 5	Naked Crane's-bill	
#	<i>Grevillea rosmarinifolia</i> hybrids	Rosemary Grevillea hybrids	
*	<i>Hedera helix</i>	English Ivy	
*	<i>Helminthotheca echioides</i>	Ox-tongue	
*	<i>Hypochaeris radicata</i>	Flatweed	
*	<i>Jasminum</i> spp.	Jasmine	
	<i>Juncus gregiflorus</i>	Green Rush	
	<i>Juncus subsecundus</i>	Finger Rush	
	<i>Kunzea leptospermoides</i>	Yarra Burgan	
*	<i>Lactuca serriola</i>	Prickly Lettuce	
	<i>Lomandra longifolia</i> subsp. <i>longifolia</i>	Spiny-headed Mat-rush	
*	<i>Lysimachia arvensis</i>	Pimpernel	
*	<i>Malus</i> spp.	Apple	
*	<i>Malva parviflora</i>	Small-flower Mallow	
*	<i>Medicago arabica</i>	Spotted Medic	
*	<i>Medicago minima</i>	Little Medic	
#	<i>Melaleuca styphelioides</i>	Prickly Paperbark	
	<i>Melicytus dentatus</i> s.s.	Tree Violet	
*	<i>Mentha pulegium</i>	Pennyroyal	
	<i>Microlaena stipoides</i> var. <i>stipoides</i>	Weeping Grass	
*	<i>Modiola caroliniana</i>	Red-flower Mallow	
*	<i>Olea europaea</i>	Olive	
	<i>Oxalis perennans</i>	Grassland Wood-sorrel	
*	<i>Oxalis pes-caprae</i>	Soursob	R
*	<i>Oxalis purpurea</i>	Large-flower Wood-sorrel	
*	<i>Paspalum dilatatum</i>	Paspalum	
	<i>Persicaria decipiens</i>	Slender Knotweed	
*	<i>Plantago coronopus</i>	Buck's-horn Plantain	
*	<i>Plantago lanceolata</i>	Ribwort	
*	<i>Polycarpon tetraphyllum</i>	Four-leaved Allseed	
*	<i>Prunella vulgaris</i>	Self-heal	

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Origin	Scientific name	Common Name	Status
	<i>Pteridium esculentum</i> subsp. <i>esculentum</i>	Austral Bracken	
*	<i>Pyrus calleryana</i>	Callery Pear	
*	<i>Rapistrum rugosum</i>	Giant Mustard	
*	<i>Romulea rosea</i>	Onion Grass	
*	<i>Rosa</i> spp.	Rose	
*	<i>Rubus anglocandicans</i>	Common Blackberry	C, W
*	<i>Rumex crispus</i>	Curled Dock	
	<i>Rytidosperma racemosum</i> var. <i>racemosum</i>	Slender Wallaby-grass	
	<i>Solanum aviculare</i>	Kangaroo Apple	
*	<i>Solanum nigrum</i> s.s.	Black Nightshade	
*	<i>Sonchus asper</i> s.s.	Rough Sow-thistle	
*	<i>Sonchus oleraceus</i>	Common Sow-thistle	
*	<i>Sporobolus africanus</i>	Rat-tail Grass	
*	<i>Tradescantia fluminensis</i>	Wandering Jew	
*	<i>Trifolium repens</i> var. <i>repens</i>	White Clover	
*	<i>Urtica urens</i>	Small Nettle	
*	<i>Verbena bonariensis</i> s.l.	Purple-top Verbena	
*	<i>Veronica persica</i>	Persian Speedwell	
*	<i>Vinca major</i>	Blue Periwinkle	
*	<i>Vulpia myuros</i>	Rat's-tail Fescue	
*	<i>Watsonia meriana</i> var. <i>bulbillifera</i>	Bulbil Watsonia	C
*	<i>Wisteria floribunda</i>	Japanese Wisteria	

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Attachment 1. Native Vegetation Removal Report

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Native vegetation removal report

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*. The report **is not an assessment by DELWP** of the proposed native vegetation removal. Native vegetation information and offset requirements have been determined using spatial data provided by the applicant or their consultant.

Date of issue: 18/07/2022
Time of issue: 9:22 pm

Report ID: ABZ_2022_024

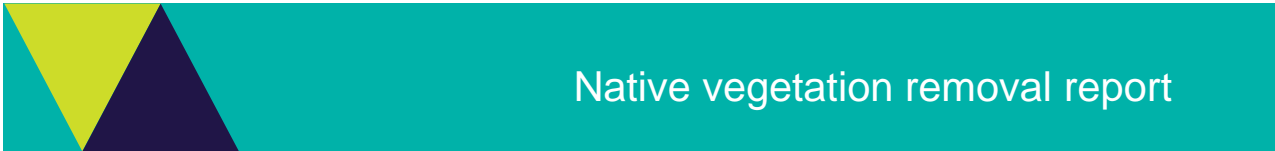
Project ID Abzeco22061_VegLoss_VG94_V3_2022Jul18

Assessment pathway

Assessment pathway	Intermediate Assessment Pathway	This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright
Extent including past and proposed	0.269 ha	
Extent of past removal	0.000 ha	
Extent of proposed removal	0.269 ha	
No. Large trees proposed to be removed	3	
Location category of proposed removal	Location 2 The native vegetation is in an area mapped as an endangered Ecological Vegetation Class (as per the statewide EVC map). Removal of less than 0.5 hectares of native vegetation in this location will not have a significant impact on any habitat for a rare or threatened species.	

1. Location map





Offset requirements if a permit is granted

Any approval granted will include a condition to obtain an offset that meets the following requirements:

General offset amount ¹	0.064 general habitat units
Vicinity	Port Phillip and Westernport Catchment Management Authority (CMA) or Nillumbik Shire Council
Minimum strategic biodiversity value score ²	0.716
Large trees	3 large trees

NB: values within tables in this document may not add to the totals shown above due to rounding

Appendix 1 includes information about the native vegetation to be removed

Appendix 2 includes information about the rare or threatened species mapped at the site.

Appendix 3 includes maps showing native vegetation to be removed and extracts of relevant species habitat importance maps

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¹ The general offset amount required is the sum of all general habitat units in Appendix 1.

² Minimum strategic biodiversity score is 80 per cent of the weighted average score across habitat zones where a general offset is required

Native vegetation removal report

Next steps

Any proposal to remove native vegetation must meet the application requirements of the Intermediate Assessment Pathway and it will be assessed under the Intermediate Assessment Pathway.

If you wish to remove the mapped native vegetation you are required to apply for a permit from your local council. Council will refer your application to DELWP for assessment, as required. **This report is not a referral assessment by DELWP.**

This *Native vegetation removal report* must be submitted with your application for a permit to remove, destroy or lop native vegetation.

Refer to the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines) for a full list of application requirements. This report provides information that meets the following application requirements:

- The assessment pathway and reason for the assessment pathway
- A description of the native vegetation to be removed (met unless you wish to include a site assessment)
- Maps showing the native vegetation and property
- The offset requirements determined in accordance with section 5 of the Guidelines that apply if approval is granted to remove native vegetation.

Additional application requirements must be met including:

- Topographical and land information
- Recent dated photographs
- Details of past native vegetation removal
- An avoid and minimise statement
- A copy of any Property Vegetation Plan that applies
- A defensible space statement as applicable
- A statement about the Native Vegetation Precinct Plan as applicable
- An offset statement that explains that an offset has been identified and how it will be secured.

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Authorised by the Victorian Government, 8 Nicholson Street, East Melbourne.

For more information contact the DELWP Customer Service Centre 136 186

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This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Obtaining this publication does not guarantee that an application will meet the requirements of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes or that a permit to remove native vegetation will be granted.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes.

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Page 3

Appendix 1: Description of native vegetation to be removed

All zones require a general offset, the general habitat units each zone is calculated by the following equation in accordance with the Guidelines:
General habitat units = extent x condition x general landscape factor x 1.5, where the general landscape factor = 0.5 + (strategic biodiversity value score/2)
The general offset amount required is the sum of all general habitat units per zone.

Native vegetation to be removed

Information provided by or on behalf of the applicant in a GIS file							Information calculated by EnSym					
Zone	Type	BioEVC	BioEVC conservation status	Large tree(s)	Partial removal	Condition score	Polygon Extent	Extent without overlap	SBV score	HI score	Habitat units	Offset type
1-D	Patch	hsf_0018	Least Concern	0	yes	0.085	0.018	0.018	0.940		0.002	General
1-E	Patch	hsf_0018	Least Concern	0	yes	0.085	0.006	0.006	0.940		0.001	General
1-A	Patch	hsf_0083	Vulnerable	0	yes	0.085	0.016	0.016	0.940		0.002	General
1-B	Patch	hsf_0018	Least Concern	2	yes	0.170	0.033	0.033	0.940		0.008	General
1-C	Patch	hsf_0018	Least Concern	1	yes	0.170	0.105	0.105	0.828		0.024	General
1-T4	Scattered Tree	hsf_0047	Vulnerable	0	no	0.200	0.031	0.031	0.940		0.009	General
1-T2	Scattered Tree	hsf_0047	Vulnerable	0	no	0.200	0.031	0.031	0.940		0.009	General
1-T20	Scattered Tree	hsf_0018	Least Concern	0	no	0.200	0.031	0.028	0.924		0.008	General

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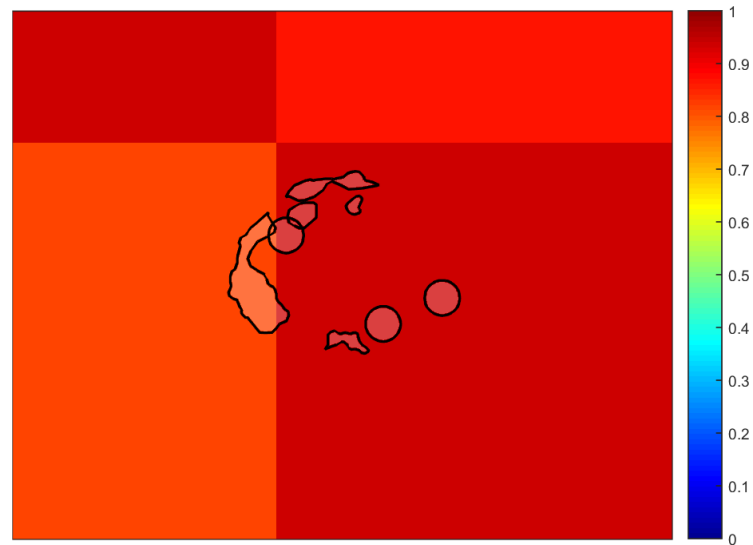
Appendix 2: Information about impacts to rare or threatened species' habitats on site

This is not applicable in the Intermediate Assessment Pathway.

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Appendix 3 – Images of mapped native vegetation
2. Strategic biodiversity values map



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**Opes Building Solutions**

ABN: 93613 578 493

PO BOX 362, GLENROY VIC 3046

Tel: (03) 9304 4412

Email: admin@opesbs.com.au

Website: www.opesbs.com.au

19/08/2022

Project Number: 20222480

Shourouk Brookes

**Re: Request For Further Information
Building Permit Letter Requirement
1075 Heidelberg - Kinglake Road Hurstbridge Vic 3099**

Referenced Documentation:

- Letter from DELWP Dated 10/05/2022 Ref PA2101369
- Bushfire Development Report dated 21/03/2022, V8.2, prepared by SBA Fire.
- CFA Letter dated 09th November 2021, reference PA2101369

Building 1 located within the aforementioned address which is affected by the Bushfire Management Overlay Clause 44.06 of the Nillumbik Planning Scheme must comply with the requirements of the Planning Scheme and relevant schedules.

Based on our experience within the industry ranging from commercial, residential to industrial developments. The building as outlined in the Bushfire Development Plan and referenced in the CFA Letter can be retrofitted / upgraded by a suitably qualified Building Practitioner, in order to achieve a Bushfire BAL Assessment Rating of BAL 29.

Building works are to be in accordance with the Building Regulations 2018, Building Act 1993 and associated Australian Standards in particular AS3959.

Prior to any Building Works taking place, a Building Permit Application must be submitted for our review in accordance with Regulation 24 of the Building Regulations 2018. Our team of qualified Building Consultants will review the submitted Building Permit Application for compliance against the relevant Building Codes and Standards.

Please note, this letter is **not** a Building or Planning Permit.

Kind Regards,

Mehmet Yuksel

A handwritten signature in black ink that reads 'M. Yuksel'.

Director
Registered Building Surveyor BS-U 44430

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CIVIL ASSESSMENT REPORT

Date of issue: 5 September 2022

Description of Assessment	Inspection of the existing sewer, drainage and water supply to existing buildings/property as per site address
Reference Documents	1. Sewer and water details plan issued by Hurstbridge Property Development P/L on Feb 03 2. Plumber confirmation inspection 01/09/2022 3. Information provided by the owner
Site Address	1075 Heidelberg Kinglake Road, Hurstbridge 3099
Job Ref.	S22180
Revision	A

Rubik Solutions was contacted by **Shourouk Brookes** to provide advice on the connections of sewer, drainage and water supply at the above property. Please refer to comments below for consideration.

- Based on the plan attached, the sewer pipe serving the site is connected to the sewage system. The water supply is connected to the town supply. The drainage pipe is discharged to the river/open land at the north-west side of the main building.
- We have organised a qualified plumber to do a site inspection. It is confirmed that (1) the sewer is connected to Town Sewerage, (2) water supplied is Town Water, and (3) stormwater drains and infrastructure exists as designated in the Sewer and Water plans which more than adequately encourages the flow of water out to the river.

Please contact this office should you have any further questions.

Endorsed building engineer:

Name: Vance (Van Manh) Phung

Endorsed building engineer area of engineering: CIVIL ENGINEER

Endorsed building engineer registration no.: PE0000704

Address: 2/40 Nicholson Pde, Sunshine North VIC 3011

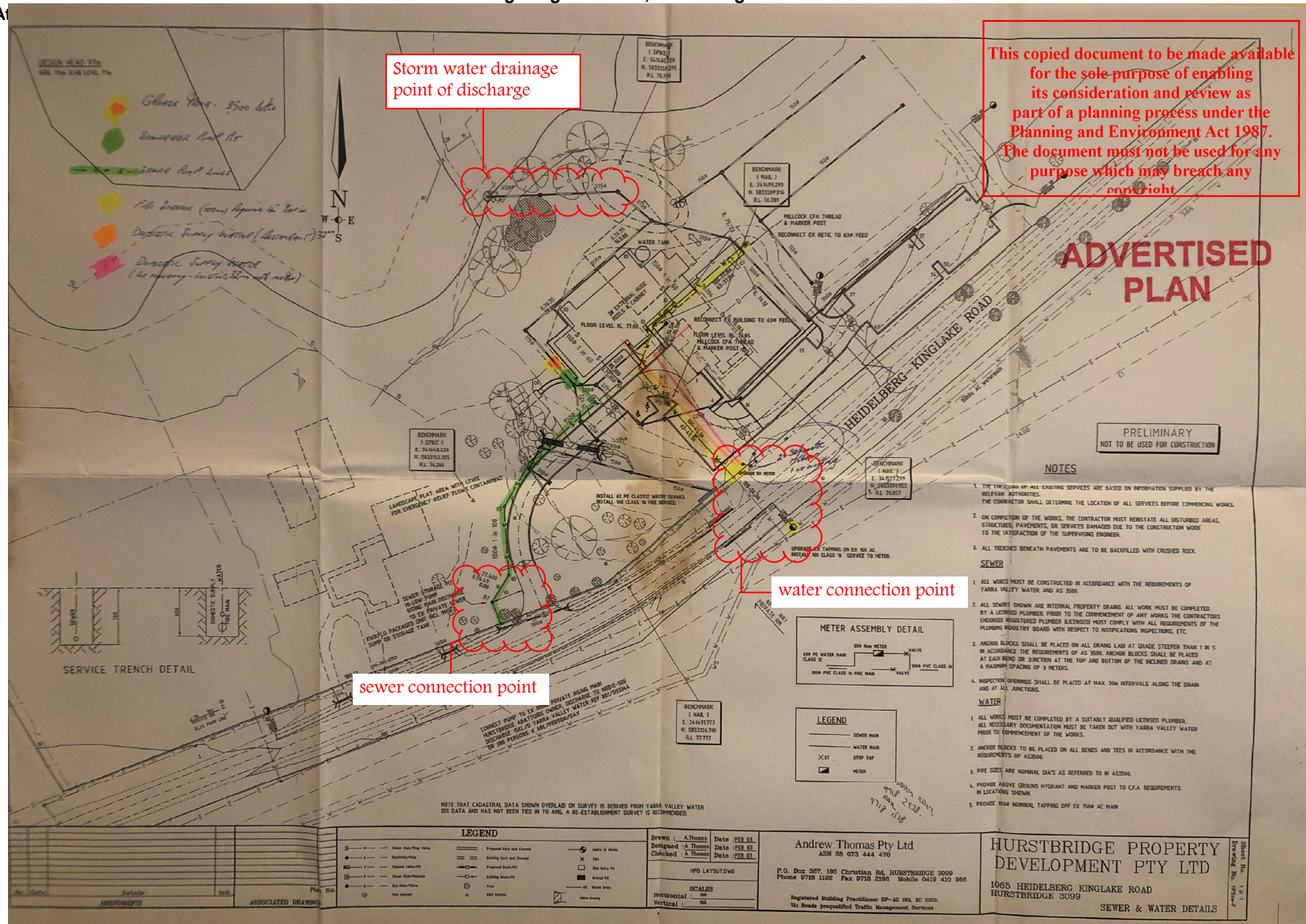
Email: vancephung@gmail.com

Certificate Date of issue: **05/09/2022**

Signature

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1075 HEIDELBERG-KINGLAKE ROAD, HURSTBRIDGE

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Attachment 1 Revised Traffic Impact
Assessment

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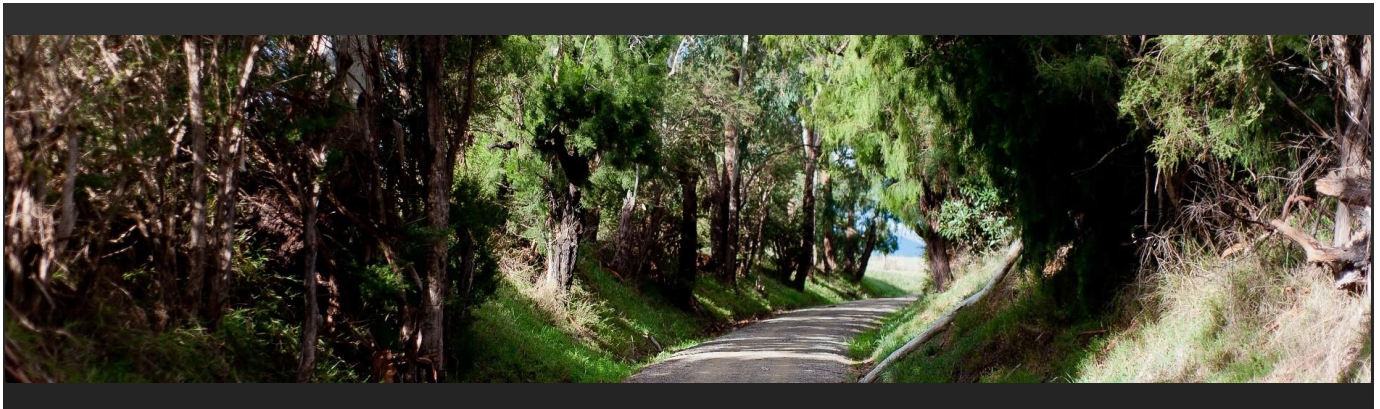
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1075 Heidelberg-Kinglake Road, Hurstbridge

Transport Impact Assessment



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12 November 2021

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DOCUMENT INFORMATION

Prepared for	Tract		
File Name	210606TIA003A-F.docx	Report Date	12 November 2021
Prepared by	Lizzy Henry	Reviewed by	Julian Stone
Signature		Signature	

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1 INTRODUCTION

onemilegrid has been requested by Tract to undertake a Transport Impact Assessment of the proposed school at 1075 Heidelberg-Kinglake Road, Hurstbridge.

The subject site is currently operating with a number of uses on the site, including restaurant, function space and a nursery. The proposed school use will use portable buildings and existing buildings on the site for the operation, and there are no proposed changes to the existing car parking and vehicle access.

This assessment will review the additional parking and traffic impacts associated with the proposed additional use of the school on the site and continued operation of the existing uses.

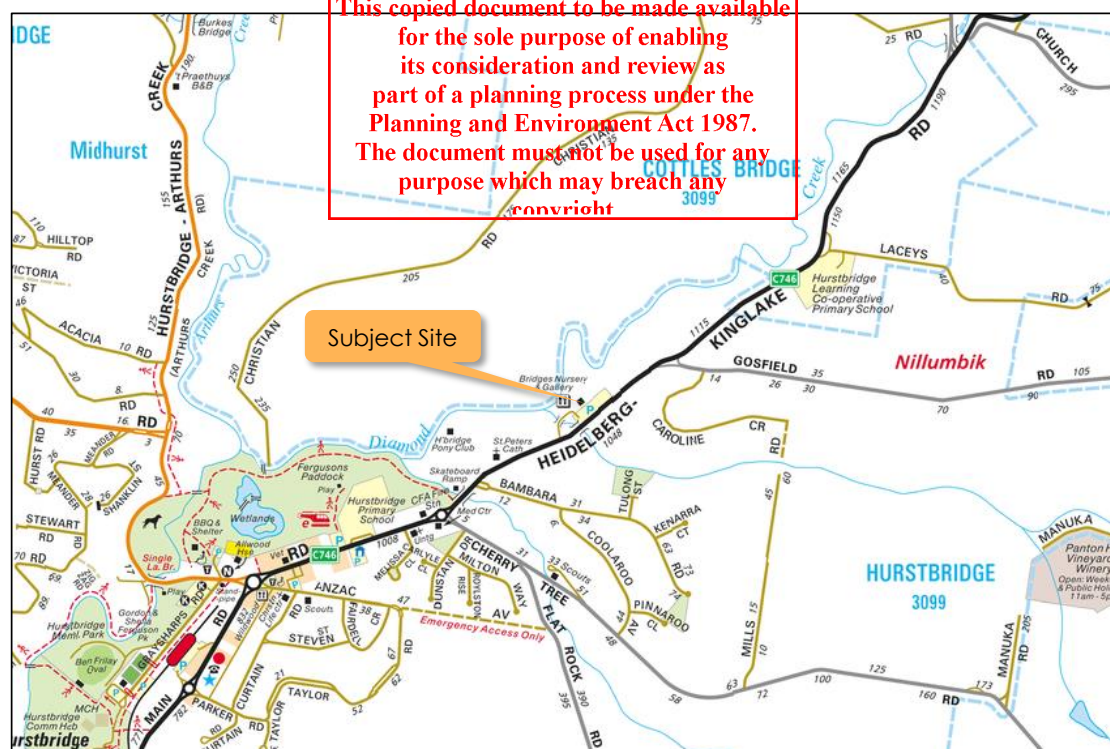
As part of this assessment the subject site has been inspected with due consideration of the development proposal, traffic data has been sourced and relevant background reports have been reviewed.

2 EXISTING CONDITIONS

2.1 Site Location

The subject site is located at 1075 Heidelberg-Kinglake Road, Hurstbridge, as shown in Figure 1.

Figure 1 Site Location



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The site is currently occupied by two dwellings and a restaurant/function centre and nursery operated by Bridges. The site is densely populated with trees, particularly along Diamond Creek at the north of the site.

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The existing Bridges site, occupied by a nursery, restaurant, and function centre, operates during the following periods:

- Nursery: Tuesday to Sunday, between 9:00am-4:00pm
- Restaurant: Wednesday to Saturday between 9:00am-9:00pm and Sunday 9:00am-5:00pm
- Function Centre: As booked on Weekends

The restaurant and function centre operate with a maximum shared capacity of 150 patrons. The nursery operates with a total site area of approximately 1,200 m².

Bridges provides a car park with three pick-up / drop-off spaces, 14 line marked spaces, and approximately 47 unmarked spaces, equating to a total of 61 car parking spaces. Furthermore, overflow parking is available at the rear of the car park. Vehicle access to Bridges is provided via a two-way crossover to Heidelberg-Kinglake Road.

Land use in the immediate vicinity of the site is generally occupied by green wedge land, with some housing in the area. Diamond Creek runs along the north boundary of the site.

An aerial view of the subject site is provided in Figure 2.

Figure 2 Site Context (2 November 2020)



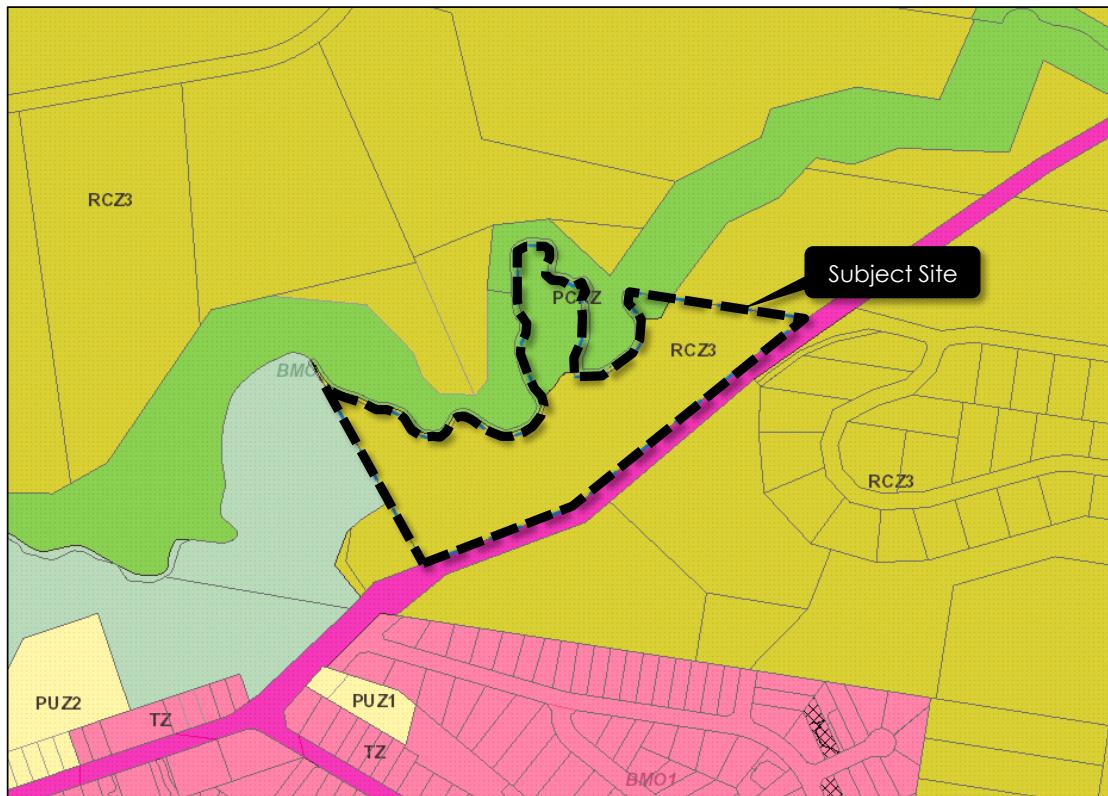
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2.2 Planning Zones and Overlays

It is shown in Figure 3 that the site is primarily located within a Rural Conservation Zone (RCZ), with a small portion at the north of the site located within a Public Conservation and Resource Zone (PCRZ). The site is subject to a Bushfire Management Overlay, an Environmental Significance Overlay, and a Land Subject to Inundation Overlay. Additionally, the site abuts Heidelberg-Kinglake Road, which is within a Road Zone (RDZ1).

Figure 3 Planning Scheme Zones



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2.3 Road Network

2.3.1 Heidelberg-Kinglake Road

Heidelberg-Kinglake Road is an arterial road generally aligned east-west in the vicinity of the site, running between Whittlesea-Kinglake Road and Healesville-Kinglake Road in the north, and Main Hurstbridge Road in the south. Heidelberg-Kinglake Road provides a single unshouldered traffic lane in each direction adjacent to the site, with a left turn deceleration lane provided for entry to the site.

An 80km/h speed limit applies to Heidelberg-Kinglake Road in the vicinity of the site.

2.4 Traffic Volumes

Traffic volume information for Heidelberg-Kinglake Road adjacent to the site was obtained via the Department of Transport (VicRoads) Traffic Profile Viewer. The data indicates that Heidelberg-Kinglake Road carries the following approximate traffic volumes between Cottles Bridge-Strathewen Road and Cherry Tree Road.

Table 1 Existing Traffic Volumes

Direction	AM Peak (8:00am)	PM Peak (4:00pm)
North-eastbound	84	225
South-westbound	223	130
Total	307	355

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2.5 Sustainable Transport

2.5.1 Bicycle Connections – Strava

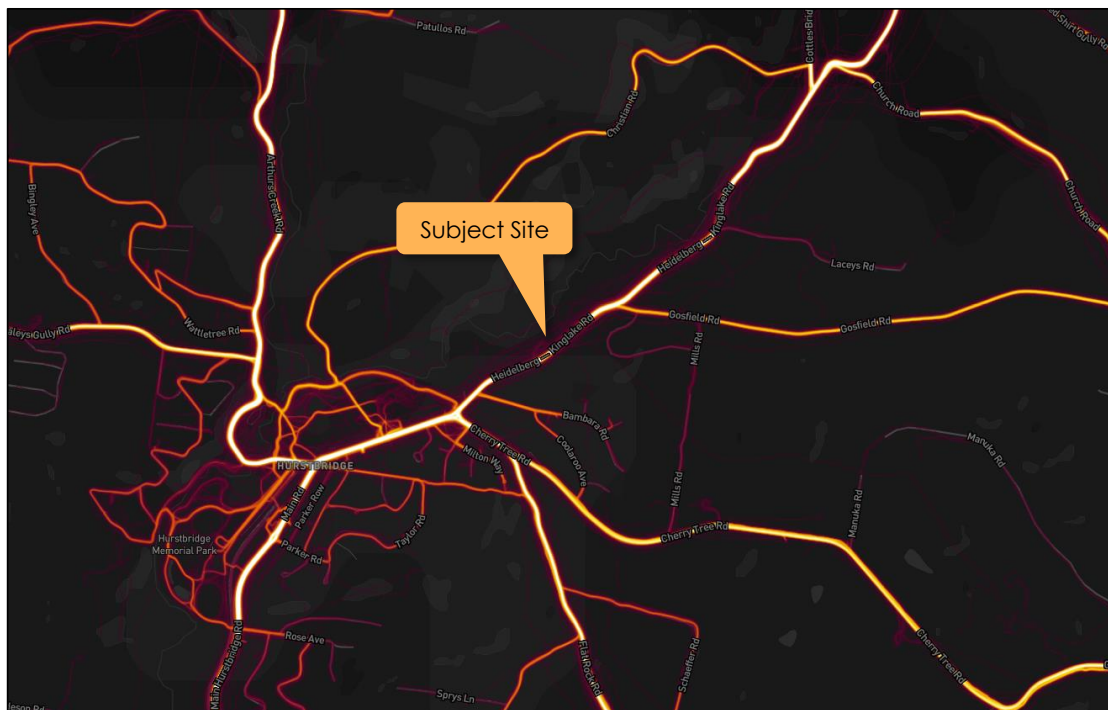
Strava is a social network and training tool for cyclists, runners and swimmers. Users record their physical activity using a dedicated GPS device or utilise the mobile app, and upload the file to their profile.

Strava anonymised this information and makes it available through their “Global Heatmap” tool, showing aggregated all public activities over the last two years across the world.

A view of the cycling heatmap in proximity to the study area is provided below in Figure 4. Routes of higher usage are brighter in colour.

As shown below, Heidelberg-Kinglake Road is heavily utilised by cyclists, providing a connection between the site and Hurstbridge Railway Station.

Figure 4 Strava Cycling Heatmap



It is noted that this information includes all cycling activities recorded on the platform, inclusive of weekend trips, and all trips throughout the day. Additionally, the data is skewed towards sports cyclists, given that the bulk of commuter and recreational cyclists will not be tracking their rides.

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2.5.2 Public Transport

Public transport in the vicinity of the site is limited to the Hurstbridge Line and the Route 343 bus which runs from Hurstbridge - Greensborough via Diamond Creek Station. The closest stops are located at Hurstbridge Station, approximately 1.3 km south-west of the site.

3 DEVELOPMENT PROPOSAL

3.1 General

It is proposed to change the use of the site for the purposes of a small independent school. The school is proposed to operate with core staff times between 8:30am and 4:00pm with no provision for before or after school care. Proposed student and staff numbers are shown in Table 2.

Table 2 Proposed Development

Component	No. Students	No. Staff
Junior School (Prep-6)	65	20
Senior School (7-12)	65	

No regular bus service is proposed for the school, however, it is expected that a bus may be required for infrequent use. Swept paths have been prepared and are attached within Appendix B demonstrating a 14.5 metre bus circulating the site, including turning around within the car park.

No changes are proposed to the existing access and car park design, with the exception of the removal of three spaces to provide for bicycle parking and the marking of parking spaces. The site will continue to operate with 58 at-grade car parking spaces, in addition to a pick-up / drop-off area. There is room for overflow parking east of the gravel car parking area.

It is noted that the accessible parking spaces have been updated to reflect the requirements of the Australian Standard for Off-Street Car Parking AS2890.1. Specifically, they are provided with a length of 5.4 metres, and a width of 2.4 metres, and an adjacent shared area of the same dimensions

A total of 16 bicycle parking spaces are proposed on-site in the gravel car parking area.

3.2 Waste Management

It is proposed to utilise a private contractor to manage the collection and disposal of all waste streams associated with the development. The waste collection vehicle will enter the car park and prop near the bin storage area for collection. The private contractor will collect the bins directly from the bin storage area, and immediately return them following collection.

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4 DESIGN ASSESSMENT

4.1 General

There are no major changes to the existing layout of the car parking areas, with the exception of line marking and installation of plastic caps to delineate parking spaces, and the introduction of the bicycle parking facilities. The perpendicular parking spaces include minimum dimensions of 2.6m wide, 4.9m long and aisle widths of 6.4m.

The angled parking spaces include similar appropriate dimensions.

There are no proposed changes to the surfaces of the parking areas, with the exception of the introduction of the line marking within the asphalt area and the plastic caps within the gravel area.

A Concept Layout Plan has been prepared detailing the existing parking facilities and proposed changes, which is included as Appendix A.

A Swept Path Assessment has also been undertaken to demonstrate vehicle access to the site, confirming that concurrent B99 design vehicles can enter and exit the site. The Swept Path Assessment is provided as Appendix B.

4.2 Clause 52.29 – Land Adjacent to a Road Zone, Category 1

The development proposal is subject to the requirements of Clause 52.29 of the Nillumbik Planning Scheme which applies to land adjacent to a Road Zone Category 1 (Heidelberg-Kinglake Road) and aims to ensure appropriate access is provided to identified roads.

Relevant to the proposed development, the Clause states that a permit is required to create or alter access to a road in a Road Zone Category 1 and that the proposal is to be referred to the relevant referral authority (in this case the Department of Transport (VicRoads)).

Before deciding on the appropriateness or otherwise of an application to alter access to the Road Zone, the responsible authority must consider the following:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

The proposed development does not propose a physical alteration of the existing Heidelberg-Kinglake Road access, but rather a moderate intensification of use of the site.

The proposed school is expected to generate no more than 41 trips for any one movement during the peak hour period. This equates to approximately two trips every three minutes. Even when focussed into one access point, the traffic volumes generated by the proposed school are very low and are expected to be easily absorbed into the surrounding road network.

In light of the above, it is considered that the proposed development will satisfy the requirements of Clause 52.29.

4.3 Bicycle Parking

Bicycle parking spaces have been designed in accordance with the Australian Standards; specifically, they are provided with a width of 0.5 metres and a length of 1.8 metres, accessed via a 1.5m aisle.

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The proposed bicycle parking location and layout is detailed in the Concept Layout Plan within Appendix A.

5 WASTE MANAGEMENT

5.1 Expected Waste Generation

Based on typical waste generation rates published by Sustainability Victoria, the proposed development is expected to generate garbage and recycling at rates of 1.5L per student per week, and 0.45L per student per week respectively. Furthermore, in May 2015, the EPA NSW published the results of a waste audit, which examined the composition of waste disposed of by commercial and industrial properties. Based on the findings, it is expected that 10% of garbage generated by the proposed development would comprise organic waste.

The expected waste generation is shown in Table 3.

Table 3 Expected Waste Generation

Waste Stream	Rate/Student/Week	No. Students	Expected Waste/Week
Garbage	1.35 litres	130	175 litres
Organics	0.15 litres		20 litres
Recycling	0.5 litres		65 litres

5.2 Bin Requirements

5.2.1 Bin Provision

Based on the above waste generation rates, two x 240 litre bins will be required for weekly waste collection, including one each for garbage and recycling.

Further to the above, it is proposed to provide a composting system on-site, managed by the operator. Waste product from the compost system will then be used on garden areas.

5.2.2 Bin Storage

Bins will be stored in a storage area located between the two gravel car parking areas, which is capable of accommodating two x 240 litre bins. The proposed bin storage area is included on the Concept Layout Plan provided as Appendix A.

Furthermore, the bin storage area is located appropriately for access by staff, and is separated from the common areas. The bin storage room should be vermin proof, and have appropriate ventilation, lighting and drainage.

5.2.3 Bin Collection

On collection days, the private contractor will enter the site and prop near the bin storage area for collection. The bins will be collected directly from the bins storage area and replaced immediately after collection. Following collection, the waste vehicle will use the car park to turn around and exit the site in a forward direction.

Collection will occur outside of school operating hours via an 8.8 metre waste truck to ensure car spaces are available.

6 LOADING CONSIDERATIONS

Clause 65 (Decision Guidelines) of the Nillumbik Planning Scheme identifies that “Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate: The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.”

Considering the proposed use of the site as a school, it is not considered necessary to provide an on-site loading bay. It is expected that the majority of deliveries will occur via small vans and utility vehicles, which can utilise the existing on-site car park or drop-off / pick-up area.

The provision for loading is therefore considered appropriate for the proposed use.

7 BICYCLE PARKING CONSIDERATIONS

The bicycle parking requirements for the subject site are identified in Clause 52.34 of the Nillumbik Planning Scheme, which specifies the following requirements for the proposed school use.

Table 4 Clause 52.34 – Bicycle Parking Requirements

Component	No/Area	Requirement	Total
Primary school	10 staff	1 space per 20 employees	-
	19 students over year 4	1 space per 5 pupils (over year 4)	3
Secondary school	10 staff	1 space per 20 employees	-
	65 students	1 space per 5 pupils	13
Total			16

It is proposed to provide 16 bicycle parking spaces on-site, in accordance with the above requirements.

The provision for bicycle parking is therefore considered appropriate.

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8 CAR PARKING CONSIDERATION

8.1 Statutory Car Parking Requirements

The car parking requirements for the subject site are identified in Clause 52.06 of the Nillumbik Planning Scheme, which specifies the following requirements for the different components of the proposed development.

Table 5 Clause 52.06 – Car Parking Requirements

Use	No/Area	Rate	Car Parking Measure	Total
Primary school	10	1	to each employee that is part of the maximum number of employees on the site at any time	10
Secondary school	10	1.2	to each employee that is part of the maximum number of employees on the site at any time	12
Total				22

Based on the above calculations, a total of 22 parking spaces are required for the proposed development.

It is proposed to provide a total of 58 car parking spaces, in addition to a drop-off / pick-up area, to service the proposed development, which is in excess of the Planning Scheme requirements outlined above.

The provision of car parking is therefore considered to be appropriate to satisfy the parking demands generated by the development.

8.2 Accessible Car Parking

The Building Code of Australia (BCA) specifies the minimum requirements for provision of accessible car parking.

The proposed school, classified as a Class 9B building, requires provision of one accessible car spaces for every 100 car parking spaces or part thereof.

Noting the proposed provision of 58 car spaces on-site, the BCA requires at least one accessible car space on-site.

The proposed provision of two spaces thus satisfies the BCA requirements.

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9 TRAFFIC

9.1 Traffic Generation

The peak traffic generation periods for the proposed school use are expected to occur between 8:00am and 9:00am for the school drop off period, and between 3:00pm and 4:00pm for the school pick-up period.

The school use is proposed to operate with 130 students. With no school bus service provided, it is expected that 80% of students would travel to the school by car. Furthermore, considering the school is proposed to accommodate students between years prep to 12, it is expected that a number of siblings would attend the school. Therefore, it will be assumed that each vehicle carries an average of 1.8 students.

Based on the above, the site is expected to generate up to 116 vehicle movements during each of the peak hours, comprising 58 vehicles entering and exiting the site during each peak hour period.

The traffic generation for the site during the peak hour periods is shown below in Table 6.

Table 6 Traffic Generation

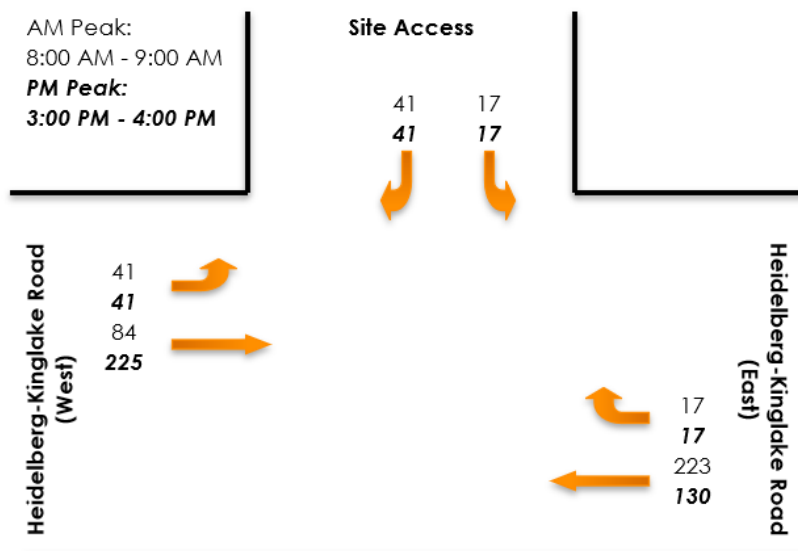
	Inbound	Outbound	Total
AM	58	58	116
PM	58	58	116

9.2 Traffic Distribution

Considering the location of the site, it is expected that 70% of traffic would travel to/from the site via the west, and 30% of traffic would travel to/from the site via the east.

Applying the expected traffic volumes generated by the proposed development to the existing traffic volumes provided on Heidelberg-Kinglake Road, and added to the future site access traffic volumes detailed in Figure 5. To provide for a conservative assessment, it has been assumed that the peak periods for the site align with the peak periods for Heidelberg-Kinglake Road.

Figure 5 Future Traffic Volumes



9.3 Traffic Impact

Reviewing the volumes above, it is noted that a maximum of 41 vehicle movements per hour are expected for any one movement, equivalent to approximately three trips every 2 minutes. Even focussed into one access point, the traffic volumes generated by the proposed development are low and are expected to be easily absorbed into the surrounding road network.

9.4 Pick-Up/Drop-Off

Pick-up and drop off is proposed to occur via the car park, and pick-up/drop-off area.

Vehicles dropping off students in the morning or picking up students in the afternoon will park in a space in the on-site car park, or prop in one of the pick-up/drop off area, while students enter or exit the cars. Following this, the vehicles will exit the site in a forward direction.

9.5 Austroads Turn Lane Warrants

A review of the post-development traffic volumes against the Austroads turn lane warrants suggests that a short auxiliary left-turn treatment and a short channelised right-turn treatment may be warranted. These warrants effectively balance the additional construction cost of higher-order treatments against the reduction in estimated crash costs.

Under existing conditions, a left turn deceleration lane of approximately 40 metres is provided.

Commentary within the associated Austroads Guide to Traffic Management Part 6 does however note that these warrants are based on the construction of intersections on new roads (i.e., greenfield sites), are not intended for direct application for property accesses and driveways. As the site is an existing access driveway, this does not strictly apply.

To further review the appropriateness of the existing access under future conditions, the traffic volumes have been input into SIDRA Intersection, a traffic modelling software package.

9.5.1 Intersection Capacity Assessment

The SIDRA Intersection software package has been developed to provide information on the capacity of an intersection with regard to a number of parameters. Those parameters considered relevant are, Degree of Saturation (DoS), 95th Percentile Queue, and Average Delay as described below.

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Table 7 SIDRA Intersection Parameters

Parameter	Description														
Degree of Saturation (DoS)	The DoS represents the ratio of the traffic volume making a particular movement compared to the maximum capacity for that particular movement. The value of the DoS has a corresponding rating depending on the ratio as shown below.														
	<table><tr><th>Degree of Saturation</th><th>Rating</th></tr><tr><td>Up to 0.60</td><td>Excellent</td></tr><tr><td>0.61 – 0.70</td><td>Very Good</td></tr><tr><td>0.71 – 0.80</td><td>Good</td></tr><tr><td>0.81 – 0.90</td><td>Fair</td></tr><tr><td>0.91 – 1.00</td><td>Poor</td></tr><tr><td>Above 1.00</td><td>Very Poor</td></tr></table>	Degree of Saturation	Rating	Up to 0.60	Excellent	0.61 – 0.70	Very Good	0.71 – 0.80	Good	0.81 – 0.90	Fair	0.91 – 1.00	Poor	Above 1.00	Very Poor
	Degree of Saturation	Rating													
	Up to 0.60	Excellent													
	0.61 – 0.70	Very Good													
	0.71 – 0.80	Good													
	0.81 – 0.90	Fair													
	0.91 – 1.00	Poor													
Above 1.00	Very Poor														
It is noted that whilst the range of 0.91 – 1.00 is rated as ‘poor’, it is acceptable for critical movements at an intersection to be operating within this range during high peak periods, reflecting actual conditions in a significant number of suburban signalised intersections.															
Average Delay (seconds)	Average delay is the time delay that can be expected for all vehicles undertaking a particular movement in seconds.														
95th Percentile (95%ile) Queue	95%ile queue represents the maximum queue length in metres that can be expected in 95% of observed queue lengths in the peak hour														

The results of the analysis are provided in Table 8.

Table 8 Heidelberg-Kinglake Road / Site Access Future Conditions

Approach	Movement	DoS	Avg. Delay (sec)	Queue (m)
AM Peak				
Heidelberg-Kinglake Road (East)	Through	0.133	2.1	1.0
	Right Turn	0.135	7.2	1.0
Site Access (North)	Left Turn	0.067	5.4	1.8
	Right Turn	0.067	7.4	1.8
Heidelberg-Kinglake Road (West)	Left Turn	0.023	6.9	0.0
	Through	0.045	2.0	0.0
PM Peak				
Heidelberg-Kinglake Road (East)	Through	0.087	2.3	1.2
	Right Turn	0.087	7.8	1.2
Site Access (North)	Left Turn	0.072	5.9	1.9
	Right Turn	0.072	7.8	1.9
Heidelberg-Kinglake Road (West)	Left Turn	0.023	6.9	0.0
	Through	0.121	2.0	0.0

As shown above the intersection is projected to operate under excellent conditions with minimal queues and delays experienced by motorists. Of note, the average delay for vehicles turning right from Heidelberg-Kinglake Road into the site is 7.8 seconds, which is very low and considered appropriate without the provision of a right-turn deceleration lane.

In view of the foregoing, it is considered that the existing access arrangement is satisfactory.

10 CONCLUSIONS

It is proposed to change the use of the site for the purposes of a school operating with 130 students and 20 staff.

Considering the analysis presented above, it is concluded that:

- The proposed car parking and access design will not be altered from the existing conditions, and is therefore considered appropriate
- The proposed provision of no formal bicycle parking is considered appropriate
- The proposed supply of car parking is appropriate for the proposed development
- The proposed development is expected to have a negligible impact on the surrounding road network when compared to the existing operation
- The existing access arrangement can comfortably accommodate the traffic expected to be generated by the site, and no access treatment is required

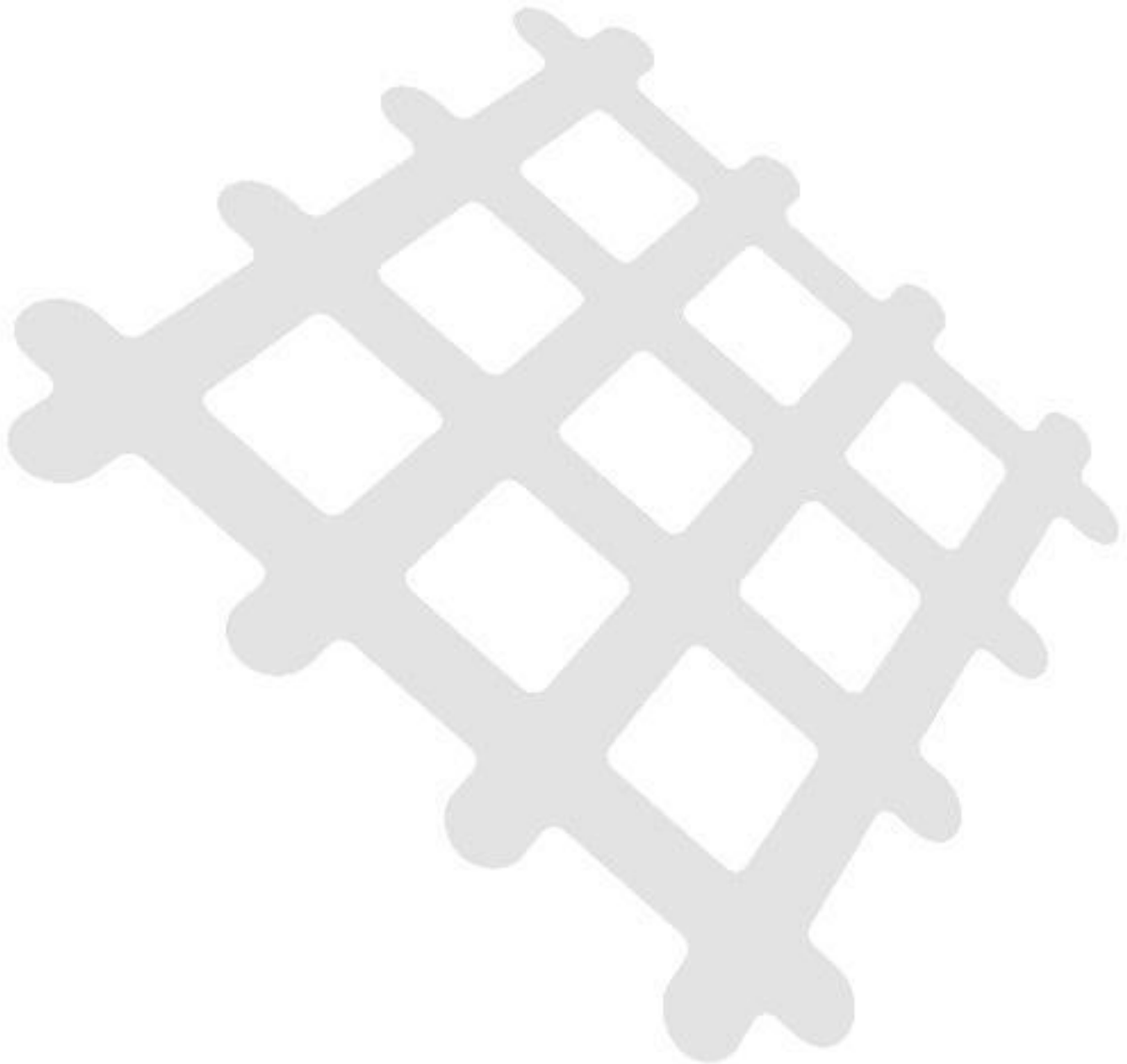
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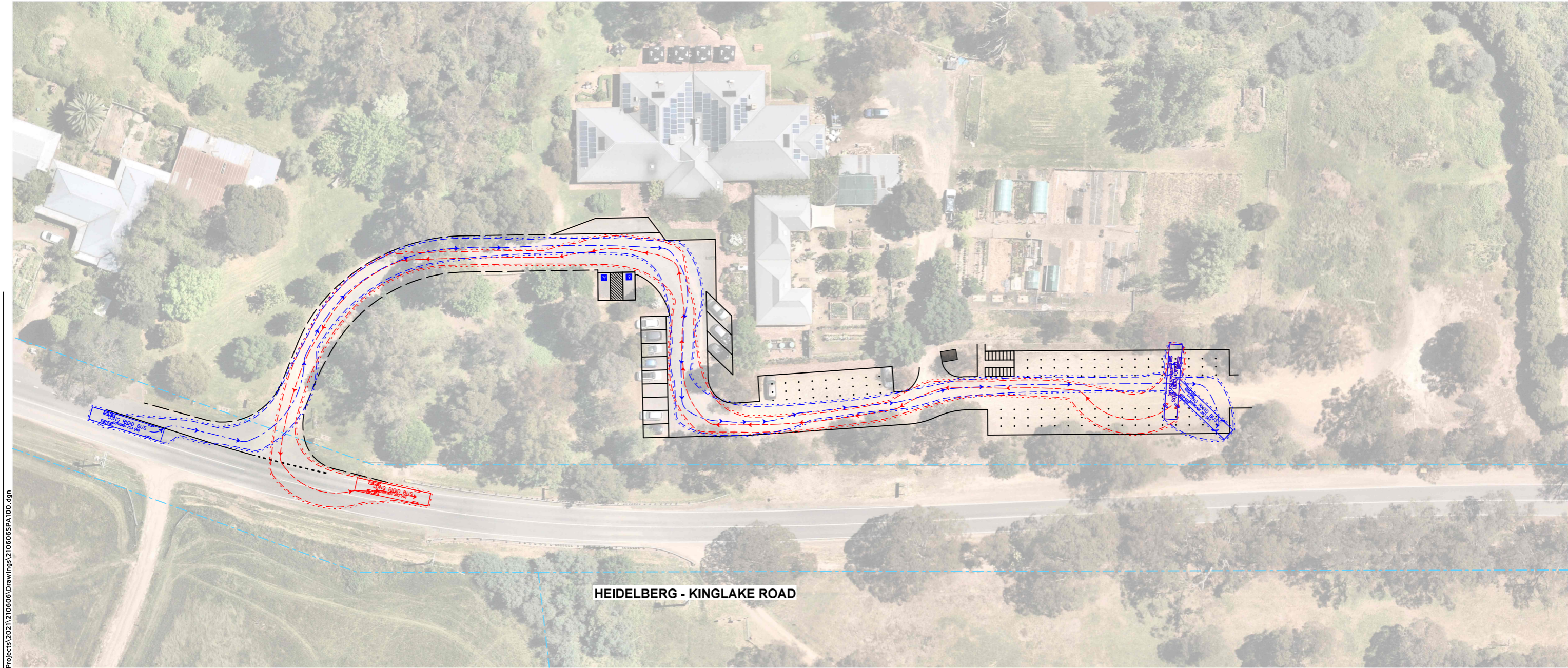
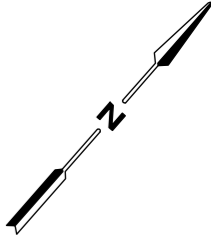
Appendix A Concept Layout Plan

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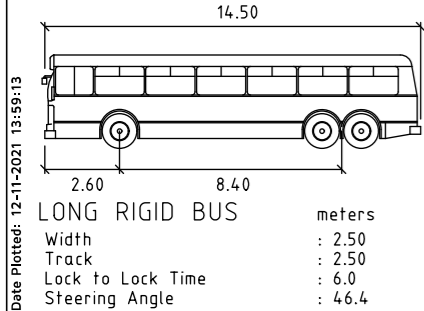


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HEIDELBERG - KINGLAKE ROAD

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LONG RIGID BUS meters
Width : 2.50
Track : 2.50
Lock to Lock Time : 6.0
Steering Angle : 46.4

SWEPT PATH LEGEND

----- DESIGN VEHICLE SWEPT PATHS SHOWN DASHED
..... 300mm CLEARANCE ENVELOPE SHOWN DOTTED

Date Plotted: 12-11-2021 13:59:13

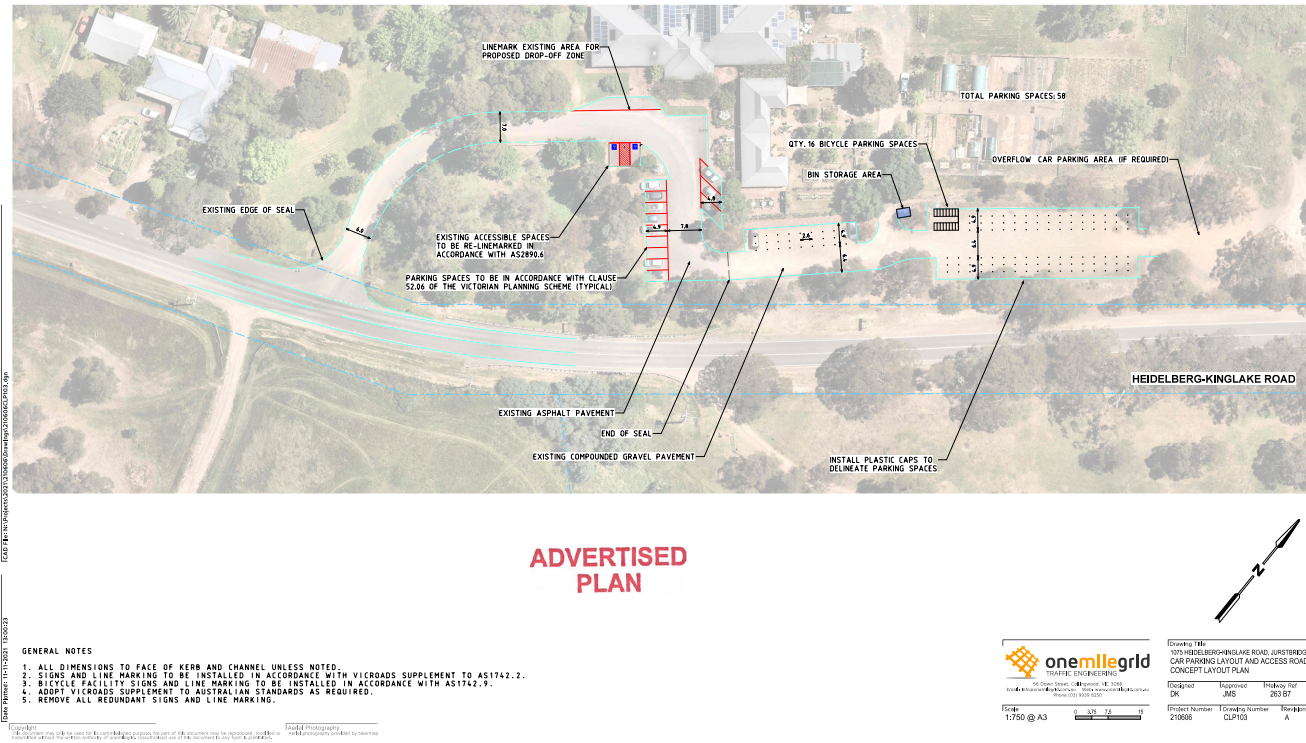
Aerial Photography
Aerial photography provided by Nearmap



Scale 1:750 @ A3
0 3.75 7.5 15

Drawing Title 1075 HEIDELBERG-KINGLAKE ROAD, HURSTBRIDGE SITE VEHICLE ACCESS SWEPT PATH ANALYSIS		
Designed DK	Approved JMS	Metway Ref 263 B7
Project Number 210606	Drawing Number SPA100	Revision B

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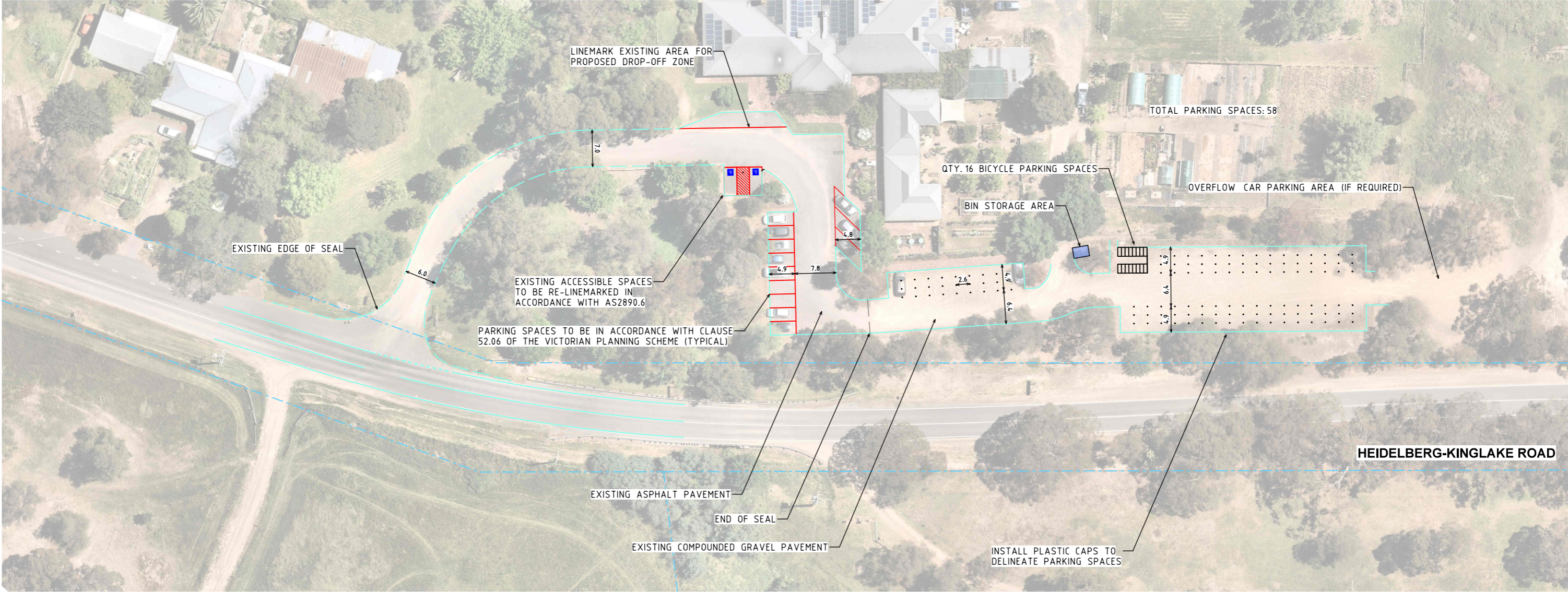
Appendix B Swept Path Diagrams

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GENERAL NOTES

1. ALL DIMENSIONS TO FACE OF KERB AND CHANNEL UNLESS NOTED.
2. SIGNS AND LINE MARKING TO BE INSTALLED IN ACCORDANCE WITH VICROADS SUPPLEMENT TO AS1742.2.
3. BICYCLE FACILITY SIGNS AND LINE MARKING TO BE INSTALLED IN ACCORDANCE WITH AS1742.9.
4. ADOPT VICROADS SUPPLEMENT TO AUSTRALIAN STANDARDS AS REQUIRED.
5. REMOVE ALL REDUNDANT SIGNS AND LINE MARKING.



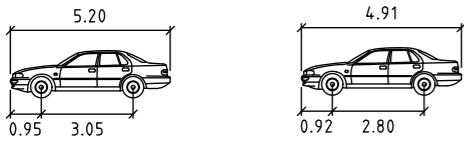
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1:750 @ A3

0 3.75 7.5 15

Drawing Title
1075 HEIDELBERG-KINGLAKE ROAD, JURSTBRIDGE
CAR PARKING LAYOUT AND ACCESS ROAD
CONCEPT LAYOUT PLAN

Designed DK	Approved JMS	Metway Ref 263 B7
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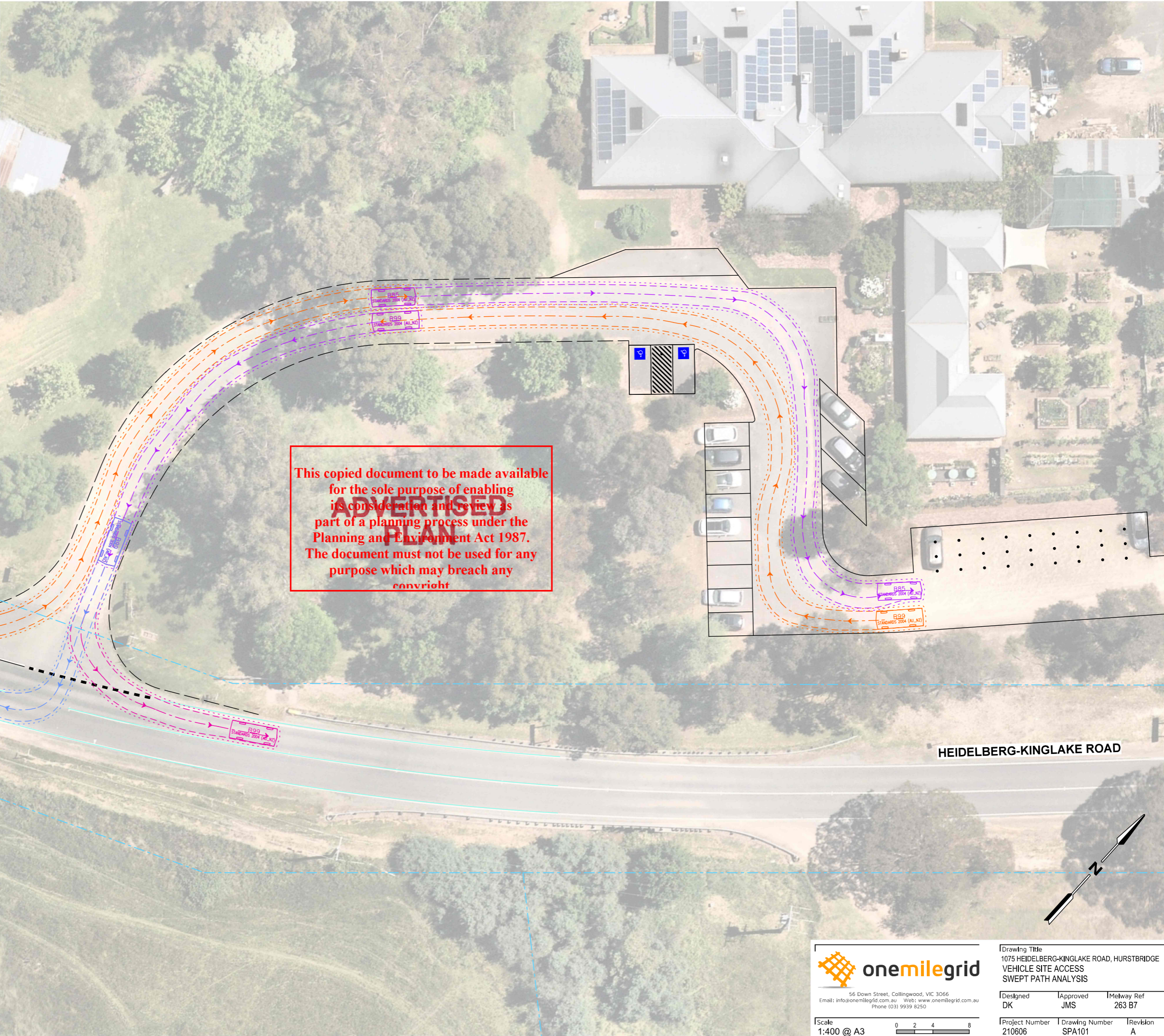
Project Number 210606	Drawing Number CLP103	Revision A
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B99	meters	B85	meters
Width	: 1.94	Width	: 1.87
Track	: 1.84	Track	: 1.77
Lock to Lock Time	: 6.0	Lock to Lock Time	: 6.0
Steering Angle	: 33.9	Steering Angle	: 34.1

SWEPT PATH LEGEND

- DESIGN VEHICLE SWEPT PATHS SHOWN DASHED
- 300mm CLEARANCE ENVELOPE SHOWN DOTTED



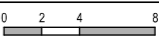
CAD File: N:\Projects\2021\210606\Drawings\210606SPA101.dgn

Date Plotted: 12-11-2021 12:05:07



56 Down Street, Collingwood, VIC 3066
Email: info@onemilegrid.com.au Web: www.onemilegrid.com.au
Phone (03) 9939 8250

Scale
1:400 @ A3



Drawing Title
1075 HEIDELBERG-KINGLAKE ROAD, HURSTBRIDGE
VEHICLE SITE ACCESS
SWEPT PATH ANALYSIS

Designed DK	Approved JMS	Metway Ref 263 B7
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Project Number 210606	Drawing Number SPA101	Revision A
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Financial Report

31 December 2022



Financial Report - 31 December 2022

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Detailed Analysis

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Financial Report - 31 December 2022

Income Statement

For the financial year to date 31 December 2022

	YTD Budget	YTD Actuals	YTD Variance Fav / (Unfav)		Annual Budget
	\$	\$	\$	%	\$
Income					
Rates	60,123,491	60,312,353	188,862	0.31	60,698,506
Waste management charge	13,167,359	13,229,331	61,972	0.47	13,167,359
Government grants-recurrent	1,888,430	2,042,605	154,175	8.16	5,630,555
Government grants-non-recurrent	11,974,690	17,339,472	5,364,782	44.80	16,365,701
User charges	7,317,656	6,195,292	(1,122,364)	(15.34)	17,574,097
Statutory fees and fines	1,024,277	1,025,956	1,679	0.16	2,022,640
Reimbursements	62,771	87,550	24,779	39.48	182,771
Interest income	100,000	364,706	264,706	264.71	150,000
Capital contributions	-	(22,431)	(22,431)	(100.00)	1,235,759
Other revenue-recurrent	292,615	401,575	108,960	37.24	647,548
Other revenue-non-recurrent	-	17,424	17,424	100.00	-
Contributions	107,500	249,695	142,195	132.27	133,500
Net gain on disposal of property, infrastructure, plant and equipment	-	-	-	-	-
Total income	96,058,789	101,243,528	5,184,739	5.40	117,808,436
Expenses					
Employee benefits	19,363,131	18,683,167	679,964	3.51	38,739,477
External contracts	9,751,443	9,213,382	538,061	5.52	22,858,199
Materials and related costs	8,693,126	9,249,408	(556,282)	(6.40)	16,725,879
Bad and doubtful debts	-	-	-	-	-
Other expenditure	3,356,149	3,457,401	(101,252)	(3.02)	7,382,313
Interest expenditure	369,365	369,365	-	-	583,469
Financial year projects allocation	1,246,382	1,840,119	(593,737)	(47.64)	2,941,463
Total expenses	42,779,596	42,812,842	(33,246)	(0.08)	89,230,800
Earnings before Depreciation	53,279,193	58,430,686	5,151,493	9.67	28,577,636
Depreciation	6,081,000	6,081,000	-	-	12,162,000
Net Surplus	47,198,193	52,349,686	5,151,493	10.91	16,415,636

Financial Report - 31 December 2022

Balance Sheet

For the financial year to date 31 December 2022

	31-Dec-22	30-Jun-22
	\$	\$
ASSETS		
Current assets		
Cash assets	9,336,976	9,760,000
Other Financial Assets	40,500,000	41,873,000
Receivables	49,800,095	11,383,000
Accrued income	391,321	495,000
Prepayments	233,497	1,004,000
Inventories	23,093	35,000
Total current assets	100,284,982	64,550,000
Non-current assets		
Investments in associates	1,748,273	1,748,000
Other Financial Assets	5,000	5,000
Property, infrastructure, plant & equipment		
At cost	1,152,740,379	1,153,025,000
Accumulated depreciation	(263,993,451)	(257,912,000)
Work in progress	29,305,576	21,091,000
Right of use assets	621,248	621,000
Total non-current assets	920,427,025	918,578,000
TOTAL ASSETS	1,020,712,007	983,128,000
LIABILITIES		
Current liabilities		
Creditors	3,800,697	1,958,000
Trust funds	1,711,568	2,992,000
Prepaid income	-	42,000
Unearned Income	-	12,413,000
Accrued expenses	1,123,167	3,481,000
Provisions	8,397,340	12,657,000
Borrowings	2,421,372	3,340,000
Lease liabilities	161,991	162,000
Total current liabilities	17,616,135	37,045,000
Non-current liabilities		
Provisions	18,850,337	14,189,000
Borrowings	13,582,319	13,582,000
Lease liabilities	458,133	458,000
Total non-current liabilities	32,890,789	28,229,000
TOTAL LIABILITIES	50,506,924	65,274,000
NET ASSETS	970,205,083	917,854,000
Presented by:		
Accumulated surplus	408,656,056	401,516,000
YTD surplus/(deficit)	52,349,686	7,139,000
Asset revaluation reserve	476,291,726	476,291,000
Other reserves	32,907,615	32,908,000
TOTAL EQUITY	970,205,083	917,854,000

Financial Report - 31 December 2022

Statement of Cash Flows

For the financial year to date 31 December 2022

	31-Dec-22 YTD \$	30-Jun-22 * \$
Inflows from operating activities		
Rates	35,124,589	70,672,000
Statutory fees & fines	1,025,956	1,970,000
User charges	6,153,292	11,163,000
Grants	7,039,579	17,493,000
Contributions	260,441	2,410,000
Interest	364,706	182,000
Other receipts	506,549	6,465,000
Total inflows from operating activities	50,475,112	110,355,000
Outflows from operating activities		
Payments to suppliers	(19,633,958)	(44,340,000)
Payments to employees	(18,683,167)	(36,575,000)
Trust	(1,280,432)	(43,000)
Other payments	(3,457,401)	(7,038,000)
Total outflows from operating activities	(43,054,958)	(87,996,000)
Movement in operating activities	7,420,154	22,359,000
Inflows from investing activities		
Proceeds from sale of assets	284,438	5,522,000
Proceeds from investments	1,373,000	-
Outflows from investing activities		
Payments for property, infrastructure, P&E	(8,212,555)	(27,468,000)
Payments for investments	-	(15,548,000)
Movement in investing activities	(6,555,117)	(37,494,000)
Inflows from financing activities		
Proceeds from borrowings	-	7,000,000
Outflows from financing activities		
Repayment of borrowings	(918,696)	(3,465,000)
Borrowing costs	(369,365)	(550,000)
Interest paid - lease liabilities	-	(22,000)
Repayment of lease liabilities	-	(221,000)
Movement in financing activities	(1,288,061)	2,742,000
TOTAL CASH MOVEMENT FOR PERIOD	(423,024)	(12,393,000)
Opening bank balance	9,760,000	22,153,000
Net increase/(decrease) in cash and cash equivalents	(423,024)	(12,393,000)
CLOSING BANK BALANCE	9,336,976	9,760,000

*Comparative reflective of annual report which has been rounded to the nearest thousand

Financial Report - 31 December 2022

1. Income Statement Variance Analysis

a. Operating Income year to date

	YTD Budget	YTD Actuals	YTD Variance Fav / (Unfav)		Annual Budget
	\$	\$	\$	%	\$
Income					
Rates	60,123,491	60,312,353	188,862	0.31	60,698,506
Waste management charge	13,167,359	13,229,331	61,972	0.47	13,167,359
Government grants-recurrent	1,888,430	2,042,605	154,175	8.16	5,630,555
Government grants-non-recurrent	11,974,690	17,339,472	5,364,782	44.80	16,365,701
User charges	7,317,656	6,195,292	(1,122,364)	(15.34)	17,574,097
Statutory fees and fines	1,024,277	1,025,956	1,679	0.16	2,022,640
Reimbursements	62,771	87,550	24,779	39.48	182,771
Interest income	100,000	364,706	264,706	264.71	150,000
Capital contributions	-	(22,431)	(22,431)	(100.00)	1,235,759
Other revenue-recurrent	292,615	401,575	108,960	37.24	647,548
Other revenue-non-recurrent	-	17,424	17,424	100.00	-
Contributions	107,500	249,695	142,195	132.27	133,500
Total Operating Income	96,058,789	101,243,528	5,184,739	5.40	117,808,436

Significant variance commentary:

Rates and Waste Management Charge \$250,834.

- Reflective of additional properties processed and timing of supplementary valuations.

Recurrent Government Grants \$154,175.

- Additional funding received from:
 - Department of Education and Training \$15,000
 - Department of Health (Cwlth) \$23,814
 - Department of Health (Vic) \$19,517
 - Department of Transport \$59,958
 - Victorian Grants Commission \$15,320

- New funding received from:
 - National Australia Day Council \$12,000.

Non-Recurrent Government Grants \$5,364,782.

- Additional funding received from:
 - Manningham City Council \$80,000.
- New funding received from:
 - Department of Education and Training \$24,062
 - Department of Environment, Land, Water and Planning \$173,344
 - Department of Jobs, Precincts and Regions \$4,676,636.
 - Regional Arts Victoria \$16,703
 - Sustainability Victoria \$12,000
 - VicHealth \$10,450.

User Charges (\$1,122,364).

- Delay in income for leisure facilities (\$1,268,905). This is offset by a \$990,370 reduction in contract expenditure.
- Childcare fees higher than anticipated due to increased enrolments \$92,566.
- Increase in demand for Edendale education programs \$24,426.
- Edendale nursery plant sales \$15,450.

Statutory Fees and Fines \$1,679.

- Parking infringements have been higher than anticipated \$126,401.
- Planning and subdivision applications have reduced (\$119,006).

Interest Income \$264,706.

- Interest on investments has increased as a result of rising interest rates \$264,522.

Other Revenue - Recurrent \$108,960.

- Workcover refunds for claims made \$51,737.
- Non-residential rental income \$20,791.
- Reimbursement of paid parental leave \$13,124.

Contributions \$142,195.

- Developer contributions received for open space and DPO2 area open space \$149,195.

Financial Report - 31 December 2022

b. Operating Expenditure year to date

	YTD Budget \$	YTD Actuals \$	YTD Variance \$	%	Annual Budget \$
Expenditure					
Employee benefits	19,363,131	18,683,167	679,964	3.51	38,739,477
External contracts	9,751,443	9,213,382	538,061	5.52	22,858,199
Materials and related costs	8,693,126	9,249,408	(556,282)	(6.40)	16,725,879
Bad and doubtful debts	-	-	-	-	-
Other expenditure	3,356,149	3,457,401	(101,252)	(3.02)	7,382,313
Interest expenditure	369,365	369,365	-	-	583,469
Financial year projects allocation	1,246,382	1,840,119	(593,737)	(47.64)	2,941,463
Total operating expenditure	42,779,596	42,812,842	(33,246)	(0.08)	89,230,800

Significant variance commentary:

Employee Benefits \$679,964.

- Year to date variances resulting from position vacancies, partly offset by agency staff backfilling periods of vacancy.

External Contracts \$538,061.

- Leisure facilities expenditure favourable due to reduction in staffing levels and other related expenses \$990,370.
- Agency and temporary staff engaged to backfill vacant roles (\$298,231).
- Plenty tip leachate disposal costs (\$227,821).
- Closed landfill compliance monitoring \$19,169.
- Recycling disposal costs \$66,724.

Materials & Related Costs (\$556,282).

- Contractors engaged for:
 - Maintenance of Council owned buildings (\$99,140)
 - Provision of reach arm and amenity mowing services (\$94,589)
 - Maintenance and beautification of high use sites throughout the Shire (\$53,740).
- Insurance policy premiums higher than budgeted due to insurance market conditions (\$137,456).
- Fire hydrant inspection and maintenance costs (\$87,974).
- Fleet running cost increase as a result of higher diesel prices (\$62,907).
- Major patching of potholes and pavement failures after heavy rain and flooding events (\$58,860).
- Essential services maintenance for all Council facilities (\$44,962).
- Decrease in tonnage of domestic garbage collected resulting in lower tipping fees \$64,040.
- Water savings due to demand controlled irrigation system and heavy spring rainfall \$53,932.

Other Expenditure (\$101,252).

- Aboriculture external permits costs (\$30,032).
- Lease costs for parking over-stay detection devices (\$28,011).
- Festive grants program (\$19,240).

Financial Year Projects (\$593,737).

- Clean up costs associated with storm event in October 2022, classified under financial year projects to isolate costs for potential recovery purposes (\$553,102).
- Essential maintenance works on Diamond Creek Trail (\$23,006).
- Expenditure associated with unexpected grant funded Peri-urban Weed Management Partnerships program (\$22,311).

Financial Report - 31 December 2022

2. Statement of Capital Works

For the financial year to date 31 December 2022

Asset Class	YTD Budget	YTD Actuals	YTD Variance Fav / (Unfav)		Annual Budget
	\$	\$	\$	%	\$
Bridges	89,614	89,614	-	-	225,131
Children's playground equipment	6,260	6,260	-	-	300,000
Commercial centres/major streetscapes	75,648	75,648	-	-	231,040
Digital transformation projects	78,244	125,692	(47,448)	(60.64)	644,974
Disability access works	151,440	113,213	38,227	25.24	291,067
Drainage	247,781	250,280	(2,499)	(1.01)	854,054
Footpaths	366,532	366,533	-	-	1,497,966
Landfill closure/regional park	2,222,146	2,366,569	(144,423)	(6.50)	4,932,776
Major leisure centres & community halls	63,438	93,437	(29,999)	(47.29)	265,822
Other council buildings	753,922	847,479	(93,557)	(12.41)	7,744,197
Plant & vehicle replacement	181,023	183,617	(2,594)	(1.43)	1,668,083
Public open space	375,106	375,887	(781)	(0.21)	1,160,077
Recreation, leisure & community	-	13,800	(13,800)	(100.00)	750,000
Recreation trails	212,029	221,767	(9,738)	(4.59)	4,599,063
Roads	1,205,870	1,237,361	(31,491)	(2.61)	7,311,355
Special charge schemes	326,154	326,154	-	-	483,416
Sportsfields & pavilions	1,165,859	1,204,713	(38,854)	(3.33)	5,367,127
Traffic works	142,535	145,743	(3,208)	(2.25)	676,489
Various/miscellaneous capital	25,683	171,445	(145,762)	(567.54)	665,083
Total	7,689,284	8,215,210	(525,926)	(6.84)	39,667,720
Renewal	2,088,632	2,058,428	30,204	1.45	8,202,403
New	1,146,081	1,218,107	(72,026)	(6.28)	6,188,269
Upgrade	4,370,374	4,849,097	(478,723)	(10.95)	22,575,986
Expansion	84,197	89,578	(5,381)	(6.39)	2,701,062
Total	7,689,284	8,215,210	(525,926)	(6.84)	39,667,720

Commentary:

The 2022-23 annual capital works program is underway and is tracking well, with a total spend variance of 6.84% percent ahead of budget. This remains within annual budget projections. The variance is predominantly attributable to:

- Additional works required for:
 - Grant funded improvement works at Early Years facilities
 - Marngrook Oval surrounds as part of the Local Roads and Community Infrastructure funding
 - Web transformation
 - Plenty landfill after-use site clean up works.

The overall financial position of the capital works portfolio spend continues to be closely monitored.

Financial Report - 31 December 2022

3. Treasury

a. Loans

Financial Institution	Start date	Term (years)	End date	Principal \$	Interest Rate %	Current Balance \$
CBA	28/06/2013	10	28/06/2023	400,000	5.86%	26,009
CBA	30/06/2015	6	30/06/2023	1,480,000	4.09%	1,480,000
NAB	28/06/2007	20	28/06/2027	2,200,000	6.96%	760,903
NAB	27/06/2008	20	27/06/2028	3,647,000	7.87%	1,590,931
TCV	22/06/2022	7	22/06/2029	7,000,000	4.42%	6,568,187
NAB	10/06/2011	20	10/06/2031	2,120,000	7.91%	1,303,543
NAB	21/06/2021	10	21/06/2031	3,303,000	2.03%	2,807,550
ANZ	29/06/2012	20	29/06/2032	2,373,000	5.88%	1,466,567
Total						16,003,690

b. Investment activities

Council carries out investment activities according to Section 143 of the Victorian Local Government Act 1989. All Council funds are invested with Authorised Deposit Taking Institutions (ADI's), in either cash, at call or term deposits. The following tables provide our investment portfolio by maturity and rating type.

Financial Institution	Green Investment	S & P Rating	Investment Type	Principal \$	Maturity Date	Term (days)	Interest Rate %
Macquarie		A1	11:00am	5,174,784			3.10%
NAB		A1+	Term Deposit	12,000,000	3/01/2023	91	3.65%
AMP		A2	Term Deposit	2,000,000	4/01/2023	91	3.40%
AMP		A2	Term Deposit	2,000,000	21/02/2023	90	3.85%
Bendigo		A2	Term Deposit	2,000,000	6/03/2023	91	3.55%
BOQ		A2	Term Deposit	2,000,000	6/03/2023	151	3.75%
Macquarie		A1	Term Deposit	1,000,000	7/03/2023	90	3.83%
AMP		A2	Term Deposit	4,000,000	8/03/2023	90	3.65%
BOQ		A2	Term Deposit	2,000,000	8/03/2023	90	3.55%
Macquarie		A1	Term Deposit	1,000,000	14/03/2023	91	3.81%
Bendigo		A2	Term Deposit	1,000,000	15/03/2023	90	3.55%
Bendigo	Yes	A2	Term Deposit	4,000,000	21/03/2023	90	3.70%
Macquarie	Yes	A1	Term Deposit	1,000,000	29/03/2023	111	3.81%
NAB		A1+	Term Deposit	1,500,000	29/03/2023	90	3.90%
ME Bank		A2	Term Deposit	5,000,000	6/06/2023	364	3.30%
Total				45,674,784	Weighted average		3.56%

Financial Institution Rating	Investment	Portfolio
A1+	13,500,000	29.56%
A1	8,174,784	17.90%
A2	24,000,000	52.54%
Total	45,674,784	100%

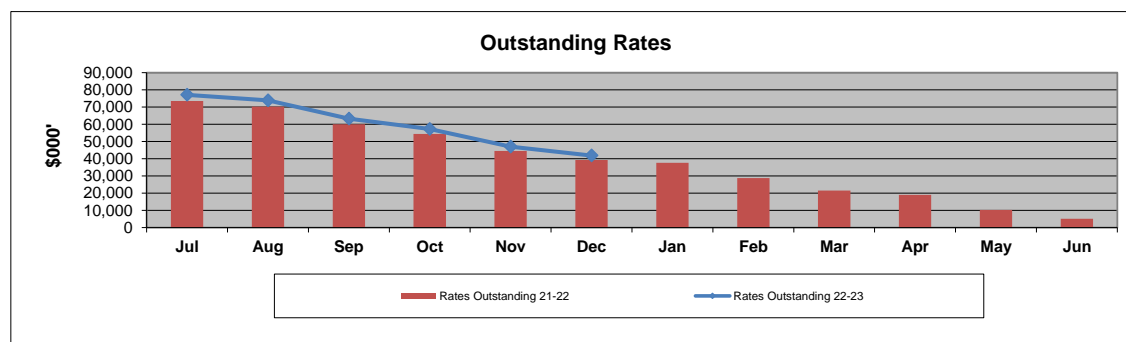
Council's current average rate of return on investments for the 2022-23 financial year is 3.56 percent and is compliant with Council's investment policy.

The portion of investment portfolio currently invested with green institutions is 15.33 percent.

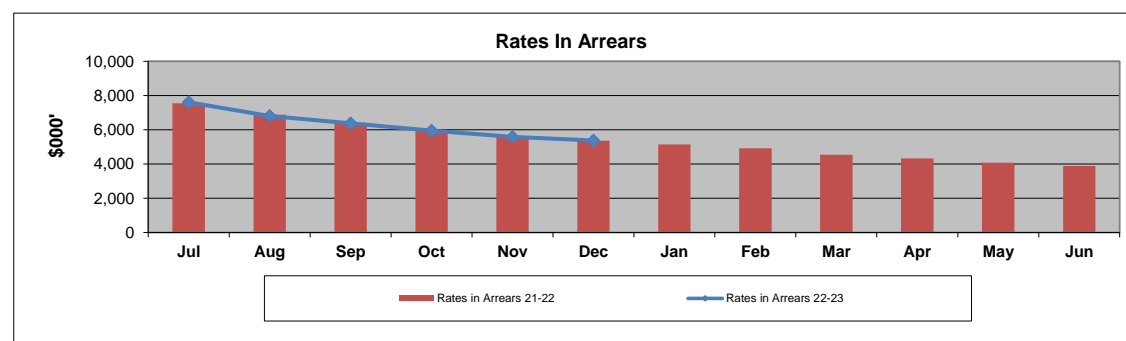
Financial Report - 31 December 2022

4. Rates Analysis

	YTD Actual 31-Dec-21 \$000'	YTD Actual 31-Dec-22 \$000'	Variance \$000'	Variance %
Rates Outstanding	39,315	41,830	(2,515)	(6.40)
Rates in Arrears (prior years)	5,357	5,376	(19)	(0.35)



When Council adopts the budget, rates are levied on properties and the full amount due is treated as income at that point.



Supplementary Valuations

Between the annual revaluation cycle, supplementary valuations are conducted to:

- record changes made to properties that affect property value,
- record changes to the rateability status, and
- consider any planning amendments made within the cycle.

Growth in the number of rateable assessments predominantly occurs as a result of developments within the Shire, creating assessments through subdivision of land and/or buildings.

Rateable properties at 1 July 2022	24,087
2022-23 growth	35
Rateable properties at 31 December 2022	<u>24,122</u>

Financial Report - 31 December 2022

5. Grant Activity

The following table provides a summary of grant funding, greater than \$50,000, received for Council activities during the period 1 July 2022 to 31 December 2022.

Project Description	2022-23 Actuals YTD \$	Funding Body
Recurrent		
Best Start	63,859	Department of Education and Training (Vic)
Eltham Childcare rebates	60,406	Department of Education, Skills and Employment (Cwlth)
Panton Hill Childcare rebates	54,767	Department of Education, Skills and Employment (Cwlth)
Home & Community Care - transport	51,816	Department of Health (Cwlth)
Maternal & Child Health universal funding	176,794	Department of Health (Vic)
Aged Care Regional Assessment Service funding	98,222	Department of Health (Vic)
Grants Commission - general purpose	184,570	Department of Jobs, Precincts and Regions
Grants Commission - roads	163,560	Department of Jobs, Precincts and Regions
School crossing supervision	354,576	Department of Transport
Learner driver mentor program	60,044	Department of Transport
Total Recurrent	1,268,614	
Non-Recurrent		
Council Plan / Grant Funded Initiatives		
Nillumbik deer control 2022-23	98,344	Department of Environment, Land, Water and Planning
Peri-urban weed management partnership - 2022-25	75,000	Department of Environment, Land, Water and Planning
Emergency Management Officer	80,000	Manningham City Council
Eltham Copper Butterfly restoration project	117,389	Melbourne Water
Capital Works		
BMX facility	2,163,424	Department of Jobs, Precincts and Regions
Rejuvenating Ryan's Reserve	1,190,837	Department of Jobs, Precincts and Regions
Diamond Creek netball courts roof	800,000	Department of Jobs, Precincts and Regions
Diamond Valley Library outdoor space	438,243	Department of Jobs, Precincts and Regions
Total Non-Recurrent	4,963,237	

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6. Defined Benefit Superannuation Update

Council has an obligation to contribute to any funding shortfalls within the Local Authorities Superannuation Fund (LASF) Defined Benefit Plan.

The Australian Prudential Regulation Authority (APRA) standard SPS160 uses the Vested Benefits Index (VBI) as its primary measure of fund solvency. The VBI measures the market value of assets in a defined benefit portfolio against the benefits that members would have been entitled to if they had all resigned on the same day.

The independent Actuary to the fund calculates the VBI at 30 June each year. It is necessary for the VBI to be 100% or greater at 30 June each year.

Vision Super produces interim quarterly VBI estimates based on actual quarterly assets and membership.

The recent history of the LASF VBI is shown below:

Estimated Vested Benefit Index

Year	30 Sept (estimated) %	31 Dec (actual) %	31 Mar (actual) %	30 Jun (actual) %
2022/23	101.50	**		
2021/22	109.90	111.20	108.50	102.20
2020/21	104.50	109.60	111.50	109.70
2019/20	107.30	107.70	102.10	104.60

** The 31 December 2022 estimated figure is not yet available from Vision Super.

To enable Council to monitor this risk, reliance is placed on the actuarial reviews conducted on the fund on a periodic basis. The most recent actuarial review was completed at 30 June 2022 and the fund actuary found that the LASF Defined Benefit Plan was in a satisfactory financial position.

Informal Meeting of Councillors Record

The Meeting commenced at 11.00am

MEETING DETAILS:	Title:	Positive Ageing Advisory Committee
	Date:	Friday 2 December 2022
	Location:	Council Chamber and Zoom
PRESENT:	Councillors:	Cr Frances Eyre, Cr Natalie Duffy
	Council Staff:	Fiona Vuong, Carl Cowie, Narelle Hart, Jade Zigenbine, Corrienne Nichols.
	Other:	Tianjian Shen, Anne Fitzpatrick, Janice Crosswhite, Sabi Buehler, Sue Riley, Deanna Finn, Richard Kottek, Jan Taylor, Sandra Verdam
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Welcome/ introductions	No disclosures made
2.	Conversations with Carl	No disclosures made
3.	Roundtable	No disclosures made
4.	Seniors Festival Recap	No disclosures made
5.	Planning day Project updates	No disclosures made
6.	Dementia Friendly Alliance update	No disclosures made

The Meeting concluded at 12:35pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Fiona Vuong Positive Ageing Officer
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Informal Meeting of Councillors Record

The Meeting commenced at 5.05pm

MEETING DETAILS:	Title:	Councillor Briefing
	Date:	Tuesday 6 December 2022
	Location:	Virtual
PRESENT:	Councillors:	Cr Natalie Duffy, Cr Karen Egan, Cr Frances Eyre, Cr Geoff Paine, Cr Peter Perkins, Cr Ben Ramcharan and Cr Richard Stockman
	Council Staff:	Carl Cowie, Rosa Zouzoulas, Hjalmar Philipp, Vince Lombardi, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Nichole Johnson, Katie Camilleri, Melika Sukunda, Rebecca Burton, Richard Rowe, Leigh Northwood, Renae Ahern, Michael Almonte, Katia Croce, Natalie Town, Heather Holt, Enrique Gutierrez, Steve Blight, Vicki Bonafede, April Wilson, Jamie-Lousie Neilson
	Other:	
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Review of the Meeting Procedure – Governance Rule	No disclosures were made
2	Youth Hub project update	No disclosures were made
3	Budget 2023/2024 Briefing – Proposed Loan and Capital Works Budget	No disclosures were made
4	Reconciliation Action Plan (RAP) Community Engagement Plan	No disclosures were made
5	Edendale update	No disclosures were made
6	Planning Services update	No disclosures were made
7	CEO Update	No disclosures were made
8	MAV Regional Groupings Options Paper	No disclosures were made
9	Nillumbik Citizenship ceremony update	No disclosures were made
10	Bushfire Affected Properties	No disclosures were made

The Meeting concluded at 9.40pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Director Governance and Communications
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Informal Meeting of Councillors Record

The Meeting commenced at 4.10pm

MEETING DETAILS:	Title:	CEO Employment Matters Advisory Committee - Sub-committee meeting
	Date:	Tuesday 24 January 2023
	Location:	Virtual meeting
PRESENT:	Councillors:	Cr Peter Perkins, Cr Geoff Paine, Cr Ben Ramcharan and
	Council Staff:	Carl Cowie
	Other:	Allan Bawden - Chairperson
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Contract Renewal negotiations	No disclosures were made

The Meeting concluded at 6.00pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Allan Bawden Chairperson
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Informal Meeting of Councillors Record

The Meeting commenced at 8.30am

MEETING DETAILS:	Title:	CEO Employment Matters Advisory Committee - Sub-committee meeting
	Date:	Friday 3 February 2023
	Location:	Virtual meeting
PRESENT:	Councillors:	Cr Peter Perkins, Cr Geoff Paine, Cr Ben Ramcharan and
	Council Staff:	Carl Cowie
	Other:	Allan Bawden - Chairperson
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Contract Renewal negotiations – Meeting 2	No disclosures were made

The Meeting concluded at 9.00am

RECORD COMPLETED BY:	Officer Name: Officer Title:	Allan Bawden Chairperson
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Informal Meeting of Councillors Record

The Meeting commenced at 11.00am

MEETING DETAILS:	Title:	Positive Ageing Advisory Committee
	Date:	Friday 3 February 2023
	Location:	Council Chamber and Zoom
PRESENT:	Councillors:	Cr Frances Eyre, Cr Natalie Duffy
	Council Staff:	Leanne Horvath, Carl Cowie, Narelle Hart, Jade Zigenbine, Corrienne Nichols, Stephanie Vassilios.
	Other:	Tianjian Shen, Anne Fitzpatrick, Janice Crosswhite, Sabi Buehler, Sue Riley, Deanna Finn, Richard Kottek, Jan Taylor, Sandra Verdam
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Welcome/ introductions	No disclosures made
2.	Conversations with Carl	No disclosures made
3.	Roundtable	No disclosures made
4.	Recruitment updates – Positive Ageing Officer and Aged Care Navigation and Advocacy Officer	No disclosures made
5.	Dynamic Life Planning presentation	No disclosures made
6.	PAAC Advisory Committee – Expressions of Interest update	No disclosures made
7.	Andrews Pocket Park – NARI partnership update	No disclosures made

The Meeting concluded at 12:35pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Fiona Vuong Positive Ageing Officer
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Informal Meeting of Councillors Record

The Meeting commenced at 5.06pm

MEETING DETAILS:	Title:	Councillor Briefing
	Date:	Tuesday 7 February 2023
	Location:	Virtual
PRESENT:	Councillors:	Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan, Cr Peter Perkins and Cr Richard Stockman
	Council Staff:	Carl Cowie, Rosa Zouzoulas, Vince Lombardi, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Lawrence Seyers, Leigh Northwood, Katia Croce
	Other:	Externals LXP - Southern Program Alliance (SPA): Scott Nicholls – Director, Renee Shankar - Manager, Stakeholder Relations & Communications
APOLOGIES:		

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Level Crossings Removal Authority update on the State Government's Hurstbridge Line Upgrade	No disclosures were made
2	Review of the Meeting Procedure - Governance Rule	No disclosures were made
3	Draft Neighbourhood Character Strategy Outcomes of Phase 2 Engagement	No disclosures were made
4	VHBA Eltham Area Community Hospital Heritage Matter	No disclosures were made
5	CEO Update 7 February 2023	No disclosures were made

The Meeting concluded at 8.10pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Blaga Naumoski Director Governance and Communications
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Informal Meeting of Councillors Record

The Meeting commenced at 5:05pm

MEETING DETAILS:	Title:	Planning and Consultation Committee Meeting Pre-Meet
	Date:	Tuesday 14 February 2023
	Location:	Council Chamber
PRESENT:	Councillors:	Cr Frances Eyre, Cr Geoff Paine, Cr Karen Egan, Cr Ben Ramcharan, Cr Natalie Duffy and Cr Richard Stockman
	Council Staff:	Carl Cowie, Vince Lombardi, Blaga Naumoski, Corrienne Nichols, Rosa Zouzoulas, Leigh Northwood and Katia Croce
	Other:	
APOLOGIES:		Cr Karen Egan

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	PCC Meeting Pre-meet	No disclosures were made

The Meeting concluded at 5:17pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Katia Croce Governance Lead
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