

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 26 July 2022 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 21 July 2022

Distribution: Public

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

Council ChamberCouncil Meeting seating plan

Cr Natalie Duffy Edendale Ward				Cr Peter Perkins Ellis Ward
Cr Karen Egan Bunjil Ward				Cr Ben Ramcharan (Deputy Mayor) Sugarloaf Ward
Cr Richard Stockman Blue Lake Ward				Cr Geoff Paine Wingrove Ward
Katia Croce Governance Lead	Sally Johnson Acting Executive Manager Governance, Communications and Engagement	Cr Frances Eyre (Mayor) Swipers Gully Ward	Carl Cowie Chief Executive Officer	

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Meeting of Nillumbik Shire Council to be held
Tuesday 26 July 2022 commencing at 7:00pm**

1. Welcome by the Mayor

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

2. Acknowledgement of Country by the Mayor

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

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

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

3. Good Governance Pledge

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

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

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

4. Prayer

A prayer will be read.

5. Apologies

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

Recommendation

That the apologies be noted.

6. Presentations

7. Confirmation of Minutes


Confirmation of the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 28 June 2022.

Recommendation

That Council:

1. Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 28 June 2022 (**Attachment 1** and **Attachment 2**).
2. Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1)(h) of the *Local Government Act 2020*.

Attachments

- 1 Minutes of the Council meeting held Tuesday 28 June 2022
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2. Minutes of the Confidential Council meeting held Tuesday 28 June 2022 -
CONFIDENTIAL

7. Confirmation of Minutes

COM.001/22 Confirmation of Minutes Council Meeting held Tuesday 28 June 2022

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8. Disclosure of conflicts of interest

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

9. Petitions

10. Questions from the gallery

11. Reports of Advisory Committees

AC.006/22 Advisory Committee Report - 26 July 2022

Distribution: Public

Manager: Sally Johnson, Acting Executive Manager Governance,
Communications and Engagement

Author: Katia Croce, Governance Lead

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the following minutes of Advisory Committee meetings are attached (**Attachment 1**) and presented to Council for noting:

1. Environment & Sustainability Advisory Committee – 20 April 2022;
2. Inclusion and Access Advisory Committee – 22 April 2022;
3. Health and Wellbeing Advisory Committee Partnership Forum – 8 June 2022;
4. Environment & Sustainability Advisory Committee – 15 June 2022;
5. Panton Hill Bushland Reserve System User Group Advisory Committee – 16 June 2022.

Attachments

- 1 . Advisory Committee meeting minutes reported 26 July 2022

Recommendation

That Council notes the Minutes of the Advisory Committee meetings reported (**Attachment 1**).

11. Reports of Advisory Committees

AC.006/22 Advisory Committee Report - 26 July 2022

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12. Officers' reports**CM.069/22 Adoption of Access, Equity and Inclusion Policy**

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

This report presents the Access, Equity and Inclusion Policy (the Policy) (**Attachment 1**) for adoption, following public consultation, receipt of submissions and refinements in response to submissions received.

The Policy outlines Councils commitment to accessible, equitable and inclusive practice across all council activities.




The Policy is informed by legislation, evidence, local context, strategic commitments, best-practice, feedback received throughout the public exhibition period from 23 March – 25 April 2022 and the Planning and Consultation Committee held on 12 July 2022.

Recommendation

That Council:

1. Adopts the Access, Equity and Inclusion Policy (**Attachment 1**).
2. Authorises the Executive Manager Community Services to make any further minor changes to the Policy that may be necessary and are inconsequential in nature.
3. Makes the adopted Policy and accompanying documents publically available on Council's website.
4. Thanks submitters and advises them of the outcome of the consultation process.

Attachments

- 1 Access, Equity and Inclusion Policy

- 2 Submissions and officer recommendations - Draft Access, Equity and Inclusion Policy - Redacted

- 3 Draft Access Equity and Inclusion Policy - Engagement Summary Report


12. Officers' reports**CM.069/22 Adoption of Access, Equity and Inclusion Policy**

Discussion

1. The Policy (**Attachments 1**) outlines Council's commitment to accessible, equitable and inclusive practice across all council activities. The Policy includes:
 - an Inclusion statement (to be used in Council publications alongside an Acknowledgement of Country and demonstrate our policy commitment)
 - purpose, context and principles (leadership, community, equity, intersectionality, human rights and social justice)
 - our policy commitments
 - details on how the policy will be applied and implemented.
2. The Policy is a high level commitment that sets the foundation for culture change within the organisation and builds on work already being undertaken across Council.
3. The Policy is informed by relevant legislation and frameworks, evidence in the Nillumbik Community Profile 2021 and local context, alignment with Council strategic documents and existing commitments relating to access, equity and inclusion, and best-practice from other government agencies.
4. Council adopted the draft Policy at the Council Meeting on 22 March 2022 for the purposes of public consultation. The draft Policy was exhibited for four weeks from 23 March to 24 April 2022.
5. The Policy has been refined in response to submissions received (**Attachment 2**) and findings in the Engagement Summary Report (**Attachment 3**).
6. There are three phases identified to successfully embed access, equity and inclusion principles and policy commitments across Council:
 - Phase 1: Initiate - establish our policy commitment and undertake community engagement to confirm opportunities and gaps.
 - Phase 2: Build capability, capacity and drive culture change - deliver training, upskill staff, engage champions, map opportunities based on community and staff consultation, pilot interventions and collect relevant data.
 - Phase 3: Sustain - longer-term systems and process changes, effective partnerships, monitoring, evaluation and learning to continue to build on strengths and address gaps.
7. Accompanying documents are being developed and will be available on Council's website following the adoption of the Policy. These include an Easy English version and an accessible version of the Policy.

Related Council decisions

8. The Council Plan was adopted at the Council Meeting on 26 October 2021. The Council Plan 2021-2025 includes a commitment to develop an Access, Equity and Inclusion Policy as a priority action for Council within the Community and Connection – Equity and Inclusion theme.
9. The Draft Policy was endorsed for public consultation at the Council Meeting on 22 March 2022.

12. Officers' reports**CM.069/22 Adoption of Access, Equity and Inclusion Policy**

10. The Planning and Consultation Committee, held on 12 July 2022, considered a report on the submissions received, however no verbal presentations from submitters were made. Council resolved to receive and note those submissions and consider those submissions in the finalisation of the Policy.

Options

11. Council adopts the full graphic designed version of the Access, Equity and Inclusion Policy (**Attachment 1**).

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We champion equity, diversity, access and inclusion for people of all abilities, ages, cultural identities, gender identities, geographic locations, religions, sexualities, and socio-economic backgrounds.

Sustainability implications

13. The climate change impacts on the wellbeing and vulnerability of our community were considered in the development of the Policy.

Community engagement

14. The Draft Policy was developed in accordance with Council's Community Engagement Policy.
15. The Policy draws on significant community engagement undertaken throughout 2021 for the Our People, Our Place Our Future consultation.
16. From 23 March to the 24 April 2022 the public were invited to provide feedback on the draft Policy.
17. Seven submissions were received through the public exhibition process and submitters were invited to speak at the Planning and Consultation Committee on 12 July 2022. No speakers attended. Details are included in **Attachment 2**.
18. Targeted engagement with service providers, partners, advisory committees, community groups and staff have informed the engagement summary. Details of engagement activities and findings are included in **Attachment 3**.
19. Submissions and feedback received during the public consultation period have been reviewed and considered and informed the final Policy. Significant changes based on feedback include:
- a) Minor changes to the Inclusion Statement
 - b) Expanding priority groups
 - c) Strengthened commitments to better reflect existing commitments and feedback
 - d) Updated community context and inclusion of new 2021 census data
 - e) More detailed and/or visual explanation of intersectionality and equality/equity
 - f) Update details around implementation of the Policy
 - g) Minor grammar and structure changes.

12. Officers' reports

CM.069/22 Adoption of Access, Equity and Inclusion Policy

Innovation and continuous improvement

20. Implementation of this Policy will rely on innovation and continuous improvement. In particular, Council leadership and commitment to allocate resources is required to ensure policy commitments are met.

Collaboration

21. Collaboration with community and partners will be required to ensure the successful implementation of the Policy.

Budget implications

22. Operational budget is available to deliver training for officers, Councillors and volunteers.
23. When implementing the Policy, processes and systems will be established to ensure access, equity and inclusion requirements are considered in budget forecasting.

Relevant law

24. *Local Government Act 2020*
25. *Gender Equality Act 2020*
26. *Public Health and Wellbeing Act 2008*
27. *Charter of Human Rights and Responsibilities Act 2006*
28. *Disability Act 2006*
29. *Climate Change Act 2017.*

Regional, state and national plans and policies

30. Not applicable.

Conflicts of interest

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

12. Officers' reports**CM.070/22 Climate Action Plan - Year 1 Implementation Plan 2022/23**

Distribution: Public**Manager:** Hjalmar Philipp, Director Operations and Infrastructure**Author:** Lisa Pittle, Manager Environment**Summary**

Council's *Climate Action Plan 2022-2032* was endorsed by Council on 26 April 2022.

This report presents the *Climate Action Plan - Year 1 Implementation Plan* (**Attachment 1**) for Councillor consideration for endorsement.

It specifies climate action initiatives that will be undertaken in 2022/23 to help achieve the goals and targets of the ten-year Climate Action Plan.

Recommendation

That Council:

1. Endorses the *Climate Action Plan - Year 1 Implementation Plan 2022/23* (**Attachment 1**).
2. Notes that a review of climate action progress and outcomes will be presented to Council annually.
3. Notes that a draft of the *Climate Action Plan - Year 2 Implementation 2023/24* will be prepared in late 2022 for consideration via the annual budget process.

Attachments

- 1  Climate Action Plan - Year 1 Implementation Plan 2022/23

Discussion

1. Climate Action Plan
2. In April 2022 Council declared a Climate Emergency and endorsed a 10-year Climate Action Plan 2022-2032.
3. The Climate Action Plan states that "the work of the Climate Action Plan will be embedded into Council's business as usual. An Implementation Plan that specifies key climate action initiatives will be prepared every year."
4. Councillors were provided with the draft implementation plan in February 2022 in order to inform any budget consideration.
5. This report presents the finalised Year 1 Implementation Plan 2022/23 in **Attachment 1**.
6. It contains 57 actions, specifying which Climate Action Plan goal(s) and focus area each will contribute to; and whether it is a new initiative in 2022/23 or ongoing.

12. Officers' reports

CM.070/22 Climate Action Plan - Year 1 Implementation Plan 2022/23

Related Council decisions

7. At the April 2022 Council Meeting Council endorsed that 'Council receive a Year 1 Climate-Action Implementation Plan (2022/23) for endorsement at the June 2022 Council meeting'.

Options

8. In developing the Year 1 Implementation Plan it was recognised that Council should be proactive and realistic about the number and scale of new initiatives that can be delivered per year.

Council plans and policies

9. The subject matter of this report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We work proactively to reduce Council's direct contribution to climate change, and support our community to do the same.
 - We work proactively to reduce Council's direct contributions to climate change, and support our community to do the same.
 - We prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services; and support our community to do the same.
10. The year one implementation plan directly supports the achievement of the Climate Action Plan 2022-2032:
- Goal 1: Reduce Council's direct contribution to climate change (Target of net zero emissions by 2030)
 - Goal 2: Prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services
 - Goal 3: Support our community to reduce their contributions to climate change and to adapt and be resilient to climate change risks and impacts (Target of net zero emissions by 2035).
11. The year one Climate Action Plan implementation plan directly supports the achievement of the Health and Wellbeing Plan 2021-2025:
- Support the community to be prepared for, stay connected and build resilience before and during emergencies, disaster and extreme weather events (with particular regard for vulnerable communities)
 - Engage with the community to raise awareness of climate change impacts on health and actions that can be taken to stay healthy and well in a changing climate
 - Build capacity of community to lead and deliver climate action and other community resilience initiatives.

12. Officers' reports**CM.070/22 Climate Action Plan - Year 1 Implementation Plan 2022/23**

12. Membership of NAGA assists Council in achieving objective 1.3 of the Climate Action Plan:
- To collaborate and advocate for climate action by local, state and federal government that will support the Nillumbik and broader community and environment.

Sustainability implications

13. The Climate Action Plan 2022-2032 provides the strategic direction for Council's climate action over the next decade. The annual Implementation Plan specifies how this will be contributed to each year.

Community engagement

14. Community engagement was undertaken that informed the development of the Climate Action Plan and this Implementation Plan.
- a. Via a statistically representative telephone survey of 400 residents, conducted in November 2020, we heard that 82 per cent think 'Council should consider climate change in their decisions'.
 - b. Via the public submissions that were received on the draft Climate Action Plan in November 2021 (80 survey submissions and 11 written submissions) and the 15 verbal submissions received at the 8 Feb 2022 Planning and Consultation Committee meeting, specific implementation initiatives/actions were recommended. Over the life of the Climate Action Plan such initiatives will be explored from an operational perspective for potential action via the annual implementation plans.
15. The draft 2022/23 Council Budget was made available for public comment prior to endorsement.

Innovation and continuous improvement

16. Delivery of the Climate Action Plan is guided by the following principles:
- a. Council has diverse roles in responding to the challenge of climate change so we have created a whole-of-Council proactive climate response; and
 - b. Climate action decision making needs to be dynamic and responsive to innovation opportunities.
17. In the 2022 Annual Community Survey, respondents rated Council leadership in delivering climate action at 6.33 out of 10 (rated as 'solid'). This was the first time this question has been asked. Results will be monitored over the coming years with an aim of continuously improving against this metric.

Collaboration

18. Partnerships and collaboration will play an integral role in the implementation of the Climate Action Plan. Council will continue to work with other levels of government, agencies and the community.
19. Membership of NAGA is a key collaboration opportunity supporting achievement of the Climate Action Plan.

12. Officers' reports

CM.070/22 Climate Action Plan - Year 1 Implementation Plan 2022/23

Budget implications

20. Climate Action Plan implementation was considered in the development of the 2022/23 budget.

Relevant law

21. Under Section 9 of the *Local Government Act 2020*, Council must give effect to a number of overarching governance principles in the performance of its role. They include:
- a. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
 - b. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Regional, state and national plans and policies

22. The Victorian Climate Change Strategy is applicable to the subject matter of this report. It states that every dollar spent on adaptation now can avoid future costs of up to six times as much; and specifies state mitigation targets and current investment that will assist in meeting a Nillumbik community target.

Conflicts of interest

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

12. Officers' reports

CM.071/22 Nillumbik Draft General Local Law 1 - Public Exhibition

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Heath Gillett, Community Safety Manager

Summary

Over the past two years, Councillors, Community and Officers have collaborated through the two significant consultation processes (Engagement and Feedback on existing Local Laws and Community Consultation on New Draft Local Laws) to develop new Local Laws.

This report presents the final Draft Nillumbik General Local Law 1 (**Attachment 1**) and supporting documentation for endorsement for a final round of public exhibition from 1 August – 22 August 2022.

In accordance with Section 73 (3) of the *Local Government Act 2020* Council is required to place a Notice Proposing a Local Law (**Attachment 2**) and the inclusion of all incorporated documentation including the proposed Local Law on Council's website for public exhibition. The incorporated documentation that will support the application of the adopted Nillumbik General Local Law includes:

1. Draft Procedure and Protocol Manual (**Attachment 3**) which are the guidelines on how the Nillumbik General Local Law 1 will be implemented once adopted; and
2. Live Local Plant policy (**Attachment 4**)

The Procedure and Protocol Manual (The Guidelines) is currently in existence, and reflects the current General and Amenity Local Law. Community Safety Officers use the Manual to guide decisions made where a permit is required or where discretion is required to administer the General Local Law. This project requires the Policy and Procedure Manual to be updated, to reflect the Draft General Local Law as per **Attachment 3**.

Public exhibition will be undertaken from 1 August and will close on 22 August 2022. All submissions received will be considered by the Planning and Consultation Committee in October 2022.

Recommendation

That Council:

1. Endorses the Draft Nillumbik General Local Law 1 (**Attachment 1**), Notice Proposing a Local Law (**Attachment 2**) and the inclusion of all incorporated documentation for the purposes of undertaking public exhibition in accordance with Section 73 (3) of the *Local Government Act 2020* which includes:
 - a) Draft Procedure and Protocol Manual (**Attachment 3**)
 - b) Live Local Plant policy (**Attachment 4**).
2. Invites submissions on the Draft Nillumbik General Local Law 1 to Council between 1 August – 22 August 2022.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held in October 2022.

12. Officers' reports

CM.071/22 Nillumbik Draft General Local Law 1 - Public Exhibition

4. Notes that any person who makes a written submission in relation to the Draft Nillumbik General Local Law 1 and requests to be heard in support of their written submission, be invited to talk to their submission at the October 2022 Planning and Consultation Committee meeting.
5. Acknowledges and thanks the significant participation of the community to support the development of the Draft Nillumbik General Local Law 1.

Attachments

- 1  Nillumbik Draft General Local Law 1
- 2  Nillumbik Draft General Local Law 1 - Notice Proposing a Local Law
- 3  Nillumbik Draft General Local Law 1 - Procedure and Protocol Manual
- 4  Nillumbik Live Local Plant Local.pdf

Discussion

1. The *Local Government Act 2020* (the Act) prescribes the process for developing, exhibiting and adopting Local Laws.
2. Over the past 18 months, the following two phases of consultation in the development of the draft Local Laws project have been completed.
 - a) Phase 1. Engagement and Feedback on existing Local Laws – Thorough internal, external and Councillor consultation, critical data was captured to identify issues and gaps, seek direction and enable a new Local Law to be developed
 - b) Phase 2. Community Consultation on New Draft Local Laws – External consultation was undertaken via external consultants to gather feedback on the provisions within the Draft Nillumbik General Local Law, their effectiveness, and whether they are still fit for purpose for the Nillumbik community in 2022 and beyond.
3. Post the significant consultation with the community, Councillors participated in a workshop with a Lawyer to fine tune the new draft Local Laws.
4. All statutory requirements to review and develop a new Local Law have been completed.
5. The final phase required in accordance with the Act mandates a formal and final public exhibition period for the final draft of Local Law.

12. Officers' reports**CM.071/22 Nillumbik Draft General Local Law 1 - Public Exhibition**

Related Council decisions

6. The existing Amenity Local Law and Infrastructure Assets Local Law have been in place since 2013.
7. Council adopted the Fireworks Local Law in October 2019, to prohibit the display of fireworks within the rural areas of the Shire.
8. Council revoked the majority of the Meeting Procedure Local Law in August 2020 as that content is now in the Governance Rule Meeting Procedure.
9. At its Council Meeting on 26 October 2021, Council resolved as follows:
Invite written submissions on the Draft Nillumbik General Local Law to Council through a public engagement process undertaken between 1 November and 10 December 2021.

Options

10. The advice of Council's legal consultant appointed to assist with the preparation of the draft General Local Law, has been considered in drafting the final draft of the Local Law. The advice has identified options to consider with respect to community concern around fencing to reduce injury to animals. It should be noted that legal advice has informed Council that the Local Law cannot be used to as a tool to require specific fencing types on private land to protect and reduce injury to wildlife. Accordingly this matter has not been accommodated in the draft.
11. Alternate options to address this concern are currently being undertaken by other teams within the organisation including the Environment Team and the Planning teams and include:
 - a) Planning team has prepared a page on Council's website that is also a downloadable pamphlet that identifies wildlife fencing appropriate to the Shire and the benefits of introducing such fencing.
 - b) Planning Services team includes appropriate planning permit conditions, as required, to afford greater wildlife protection in known corridors in the Shire.
 - c) Community education relating to animal welfare, especially in our rural areas undertaken by the Environment Team; and
 - d) Consideration by the Environment Team to developing a fencing policy in future work plans.
12. This report seeks Council's resolution to undertake public exhibition in accordance with Section 73 of the *Local Government Act 2020* before further consideration of the draft Local Law and adoption can be recommended to Council for its resolution later this year. Accordingly, the options to progress this project before Council are to undertake public exhibition as proposed, make changes before public exhibition or abandon the project.

12. Officers' reports

CM.071/22 Nillumbik Draft General Local Law 1 - Public Exhibition

Council plans and policies

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

Sustainability implications

14. The development of the new Draft General Local Laws 1 has been tailored to meet Nillumbik's unique social, economic and environmental needs.
15. Enable officers to ensure that activities on or affecting Council land or assets are carried out in a responsible manner that protects natural assets and reduces any impact on the environment.

Community engagement

16. Council has already undertaken two significant phases of Community Consultation and Public Exhibition (Engagement and Feedback on existing Local Laws and Community Consultation on New Draft Local Laws) to develop the Draft General Local Laws 1.
17. A Community Engagement Plan has been prepared to guide the public exhibition of the Draft Local Law. It includes a Participate Nillumbik webpage with project information inviting submissions via survey, written submissions and facilitated engagement sessions.
18. Hard copies of the Draft General Local Law will be available to view at various locations across the Shire, and promotion will occur via social media, a media-release and Council e-newsletters.

Innovation and continuous improvement

19. Once Public Exhibition is completed and the final draft of the Local Laws is adopted, the inclusion of an Impact Statement, Compliance Policy and associated documentation in line with State Government Procedure and Protocol Manual that can all be updated (via Council resolution) over the next 10 years will ensure the Local Laws can meet the changing needs of our community.

Collaboration

20. Key stakeholders, both internal and external have been engaged through the development process and will be again through public exhibition phase.

Budget implications

21. The Draft General Local Laws 1 is a high-level document and does not make specific budget commitments.
22. There are no implications for the budget.
23. Initiatives that would require additional funding will be considered via the budget process.

12. Officers' reports**CM.071/22 Nillumbik Draft General Local Law 1 - Public Exhibition**

Relevant law

24. The *Local Government Act 2020* prescribes the process for developing, exhibiting and adopting Local Laws. The Act specifies the following governing principals for the development of a Local Law:
- a) a local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006) or regulations;
 - b) a local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district;
 - c) a local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles;
 - d) a local law must not exceed the power to make local laws conferred by the *Local Government Act 2020* or any other authorising Act;
 - e) a local law must be consistent with the objectives of the *Local Government Act 2020* or any other authorising Act;
 - f) a local law must be expressed as clearly and unambiguously as is reasonably possible;
 - g) unless there is clear and express power to do so under the *Local Government Act 2002* or any other authorising Act, a local law must not—
 - i) seek to have a retrospective effect; or
 - ii) impose any tax, fee, fine, imprisonment or other penalty; or
 - iii) authorise the sub-delegation of powers delegated under the local law;
 - h) A local law must comply with any details prescribed in the regulations relating to the preparation and content of local laws.

Regional, state and national plans and policies

25. The Guidelines for Local Laws resources recognise Local Government as a distinct and essential tier of government best placed to make Local Laws in the interests of Victorian communities.
26. The resources seek to equip Councils to undertake best practice Local Law making and achieve a consistent level of performance, rather than impose rigid uniformity.

Conflicts of interest

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

12. Officers' reports

CM.071/22 Nillumbik Draft General Local Law 1 - Public Exhibition

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12. Officers' reports**CM.072/22 Nillumbik Shire Council Communications Strategy 2022-2025**

Distribution: Public**Manager: Sally Johnson, Acting Executive Manager Governance,
Communications and Engagement****Author: Licardo Prince, Communications and Advocacy Lead****Summary**

This report provides a brief overview and background to the development of the Nillumbik Shire Council Communications Strategy 2022-2025 ('The Strategy') (**Attachment 1**).

The Strategy was developed with input and feedback from Councillors, Council officers and the community.

It will provide an overarching framework through which Council will communicate relevant information clearly, accurately and in timely fashion, to its community and other key audiences.

A key aim of the Strategy is to enable a two-way flow of communication and that the community is able to communicate with Council when and how it finds most appropriate.

Placing matters of access, equity and inclusion at the heart of all communications between Council and its community will be integral to achieving this. These were all prominent themes to emerge from the community engagement process undertaken in developing the Strategy.

This feedback has been incorporated into the Strategy, which as a high level guiding document, will ensure that such considerations inform all of Council's communications.

Built on four strategic pillars, the aims of the Nillumbik Shire Council Communications Strategy 2022-2025 will be achieved through an effective combination of approaches and channels.

This will enable a continuous process of engagement - with the community, other external stakeholders, Council officers and Councillors – so that Council has a strong grasp of the community's preferred means of communication.

The Strategy will also be made available in preferred formats – a more accessible Word format version has been developed and an Easy English version will also be produced upon formal adoption of the Strategy. Prior to adoption of the strategy, the accessible Word version can be obtained by request to Council.

In line with the Council Plan 2021-2025 the Strategy provides a framework to deliver communication that meets the needs of the community. It also aligns closely with Council's Community Engagement Policy, which was also adopted last year.

Once endorsed, progress on the implementation of the Nillumbik Shire Council Communications Strategy 2022-2025 will be reviewed annually.

12. Officers' reports



CM.072/22 Nillumbik Shire Council Communications Strategy 2022-2025

Recommendation

That Council:

1. Formally endorses the Nillumbik Shire Council Communications Strategy 2022-2025.
2. Instructs officers to commence the development of a detailed plan through which to implement the Strategy.
3. Authorises the Acting Executive Manager Governance Communications and Engagement to make any further minor changes to the Strategy that may be necessary.
4. Makes the adopted Strategy publicly available on Council's website.

Attachments

- 1  NSC Communications Strategy 2022-2025
- 2  NSC Communications Strategy 2022-2025 consultation findings summary

Discussion

1. The scale of the challenge Council faces to communicate effectively with the community and other key stakeholders has grown exponentially as the communications environment becomes increasingly fragmented.
2. Among these challenges is the demise of local newspapers, traditionally the main external platform through which Council could share important information with the community.
3. The different ways in which people in the Nillumbik community prefer to communicate, the issues or interests about which they want to communicate, and how regularly they wish to communicate, presents another challenge.
4. Our audiences no longer receive their news from just one or two traditional media sources, but read and disseminate news and information in a variety of ways, using a wide range of digital and social media platforms.
5. A significant segment also still prefers its communication in a more traditional fashion – primarily through printed material and publications, or in-person.
6. The Nillumbik Shire Council Communications Strategy 2022-2025 was developed as a high-level document aimed at providing the overarching framework to guide Council's day-to-day communications activities and address the challenges outlined above.
7. The Nillumbik Shire Council Communications Strategy 2022-2025 therefore aims to address these and other challenges. It aims to do so, based on four strategic pillars of action (Trust and Transparency, Identity, Capability and Reach).

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8. The Strategy was developed through a process of consultation with Councillors (including a Councillor Workshop), Council officers (including one-on-one discussions with the Executive Management Team) and a dedicated staff information and feedback session.
9. The Strategy was put to the community in draft form, to provide an opportunity for community input and feedback through an extensive engagement process. This included written feedback either electronically, through Council's Participate Nillumbik website, or in hardcopy as well as through a number of information and feedback sessions (online and in-person).
10. It was also informed by feedback obtained through previous community engagement on other significant Council initiatives as well as through the results of Council's Annual Community Survey.
11. A total of 20 submissions were received from the Participate Nillumbik site together with one written submission.
12. Community feedback was tabled at the 14 June Planning and Consultation Committee Meeting with one verbal submission received on the night.
13. The feedback reflected a diversity of community preferences and views.
14. The verbal submission received at the 14 June Planning and Consultation Committee meeting also emphasised the importance of ensuring accessibility in all of Council's communications with the community.

Related Council decisions

15. Council Plan 2021-2025 (adopted 26 October, 2021)
16. Nillumbik Shire Council Community Engagement Policy (adopted 23 February, 2021)

Options

17. Not adopt the Strategy, thus making it more difficult to implement a coordinated, evidence-based approach to effective communications.

Council plans and policies

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

Sustainability implications

19. Not applicable

Community engagement

20. Council's draft Communications Strategy 2022-2025 was exhibited on Council's Participate Nillumbik site for the period 29 April to 25 May 2022. Participants were asked to complete a survey to provide their feedback in relation to the Draft Strategy.

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21. The opportunity to comment on the draft Strategy was widely promoted across all Council platforms – using printed (eg. posters and publications), digital (website and social media) and verbal methods (eg. Council Advisory Committees and officer networks).
22. The Community Engagement and Consultation process drew 21 formal responses. Additional verbal feedback was received from Advisory Committees, as well as at community and staff feedback and information sessions.
23. This feedback and additional comment from the Planning and Consultation Committee meeting was assessed and any feedback which fell within the project scope, has been incorporated to inform the updated final Strategy.
24. The feedback (summarised in **Attachment 2**) could be broadly classified within the following interrelated themes:
 - A greater emphasis on accessibility and inclusion;
 - Greater ease and opportunity for two-way flow of communication between community and Council;
 - Greater effort to ask the community what it would like to hear from Council and how it wants to receive information; and
 - More targeted and timely communications.
25. Some feedback received included specific actions, more applicable to the implementation plan which will be finalised upon the formal endorsement of the Strategy. This feedback was nevertheless useful in informing the Strategy itself.
26. The engagement and consultation process validated the priorities articulated in the Draft Strategy while underlining the need to sharpen the emphasis in certain aspects – particularly the importance of the two-way flow of communication and the centrality of access, equity and inclusion considerations.
27. While both of these key elements will be comprehensively addressed in actions to flow from the implementation plan, the Strategy has also been revised to refer to them more explicitly.

Innovation and continuous improvement

28. Among the clear themes to emerge from results of the 2022 Community Survey was the need for more effective communication from Council. This Strategy is a central measure in Council's efforts to address this issue.

Collaboration

29. Not applicable

Budget implications

30. While many of the actions to comprise the Strategy implementation plan will fall within the existing operational budget, some identified during the development of the plan may require an additional allocation.

Relevant law

31. *Local Government Act 2020* (s10)

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Regional, state and national plans and policies

32. Not applicable

Conflicts of interest

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

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CM.072/22 Nillumbik Shire Council Communications Strategy 2022-2025

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12. Officers' reports**CM.073/22 Nillumbik Shire Heritage Review**

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

The purpose of this report is to present Council with the draft Nillumbik Shire Heritage Review Stage B which includes the final draft Statements of Significance and citations for identified heritage places along with an updated Nillumbik Shire Thematic Environmental History.

Local Councils are responsible for protecting places with local heritage significance. Section 4 of the *Planning and Environment Act 1987* obliges Councils to use their planning schemes to conserve and enhance buildings, areas or other places of local heritage significance. Preparation of the Heritage Review is also consistent with Council Plan Action 15 and Council's adopted Heritage Strategy (2011).

The Heritage Overlay (HO) is the planning tool used in Planning Schemes to protect places of heritage significance. Where the HO applies, an applicant/owner would need to apply to Council for a planning permit for certain types of building and works, so it can be ensured that the proposed development does not detract from the heritage significance.

Before a heritage place can be included in the HO it needs to be assessed by Council as locally significant. The assessment process includes identifying and recommending heritage protection for a particular local place through a heritage review/study. This strategic justification must follow specific assessment requirements and format to be consistent with legislative and State government requirements.

Council adopted Heritage Review Stage A and the Priority List for Stage B in June 2021. Stage A recommended a total of twenty-two (22) properties which met the threshold for heritage significance have the Heritage Overlay applied to them, which included the Eltham War Memorial which was added into Stage A recommendations. 1080 Heidelberg-Kinglake Road, Hurstbridge which was on the Stage A list a planning application proposing structural changes to the property triggered the requirement for an interim and permanent planning scheme amendment, the later now approved and gazetted thereby reducing the total number of places recommended in Stage A to twenty-one (21).

As a result of Heritage Review Stage B, forty-five (45) further properties have met the threshold for heritage significance protection and are recommended for application of the Heritage Overlay.

The most common types of properties which have had the HO applied in Nillumbik (traditionally) are mostly Farmhouses or complexes, with some 'Eltham Style'. Stage A and B reviews have identified typologies for inclusion across a range of styles including 'The Eltham Style', Alistair Knox designs, Post-war Houses and Farmhouses or complexes. It is noted Stage A and B has identified an increase of post-war typologies that meet the criteria for application of the HO (i.e. 1950/60's and beyond).

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The Thematic Environmental History (TEH) is essentially a background document that is added to over the years in support of Council's unique heritage environment. Evidence to support inclusion of these typologies exists in Council's current TEH, although it is noted that an update to the TEH was required to support emerging themes (as identified through Stage A and B reviews). The update to the TEH identified benchmarking which has justified the further inclusion of these typologies in Nillumbik. The TEH is important in supporting arguments around the significance of Nillumbik's heritage typologies and particularly helpful at Planning Panel. Local Historical Societies in Nillumbik have been engaged with regard to updating of the TEH.

There have been three (3) properties (identified in Stage A and B) which have triggered the need for application of an interim Heritage Overlay. The range of works proposed range from total demolition to substantial changes to the structure of significant buildings. Application of interim HO's has resulted in Council needing to undertake (and fund) independent amendments to prepare, exhibit, take to Panel (where an objection has been received) to seek to apply the HO on a permanent basis.

Officers recommend endorsement of Heritage Review Stage B and updated TEH. Subject to this endorsement officers further recommend Council to seek authorisation from the Minister for Planning to apply both an interim and permanent HO to all sixty six (66) places recommended by Stage A and B Heritage reviews, noting the interim amendment will facilitate protection of places identified in both reviews, whilst allow preparation and exhibition of the permanent amendment.

Recommendation







That Council:

1. Adopts the final version of the Statements of Significance and Citations for Stage B (**Attachment 3**) of the Nillumbik Heritage Review; and
2. Adopts the Nillumbik Shire Thematic Environmental History, as updated (**Attachment 4**) and post WW2 addendum to the Thematic Environmental History (**Attachment 5**); and
3. Requests the Minister for Planning, to exercise powers under Section 20(4) of the *Planning and Environment Act 1987* to prepare and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to places (as recommended in Heritage Review Stage A and B) on an interim basis; and
4. Request the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to apply the Heritage Overlay to places (as recommended in Heritage Review Stage A and B) on a permanent basis; and
5. Publishes the final version of the Statements of Significance and Citations for Stage B (**Attachment 3**) of the Nillumbik Heritage Review on Council's website; and
6. Publishes the Nillumbik Shire Thematic Environmental History (as updated), (**Attachment 4**) and the Post WW2 addendum (**Attachment 5**) on Council's Website; and

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7. Notifies the owners of places identified for application of the Heritage Overlay as per the recommendations of Stage A and Stage B Heritage Reviews of Council's resolution and next steps.

Attachments

- 1  GML (Context) Stage A Key Findings
- 2  Trethowan Architects Key Finding Stage B Nillumbik Shire Heritage Review
- 3  Statement of Significance and Citations for proposed Stage B properties
- 4  Nillumbik Shire Thematic Environmental History (current)
- 5  Gap Analysis to inform Post WW2 addendum to the Nillumbik Thematic Environmental History
- 6  Post WW2 addendum to the Nillumbik Thematic History

Discussion

1. The Heritage Overlay (HO) is a planning tool used in Planning Schemes to protect places of heritage significance. It can be applied to individual places or to a defined area known as a heritage precinct. If a HO applies to a property an applicant/owner would need to apply to Council for a planning permit for certain types of building and works. This is so it can be ensured that the proposed development does not detract from the heritage significance of the property and the area around it (if located in a precinct).
2. The HO sets out the permit requirements and guidelines that Council uses to make decisions about changes to buildings and structures in heritage places. It also includes a schedule that lists all the heritage places that have been identified as locally significant in Nillumbik.
3. Before a heritage place can be included in the HO it needs to be assessed by Council as locally significant. The assessment process generally includes:
 - engaging a qualified heritage consultant to prepare a heritage study;
 - identifying and recommending heritage protection for a particular local place in the heritage study;
 - providing a statement of significance for the place which identifies 'what' is important, 'why' it is important and 'how' it is significant;
 - following the principles and processes set out in the Burra Charter to carry out a heritage assessment;

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- assessing the recommended local places using the Heritage Council of Victoria's criteria for inclusion; and
 - preparation of the citation based on the Planning Practice Note 1 (PPN1) format requirements (the formal guidance from the Department of Environment, Land, Water and Planning outlining specific matters/structure a citation must use).
4. The last significant planning scheme amendment applying the HO to approximately 70 properties was completed in 2008.
 5. Since 2008 a number of heritage studies have been undertaken identifying potential places for application of the HO through the Planning Scheme. A review of these studies (up to that date) in 2013 identified 144 potential places to be considered for heritage consideration and initial work commenced on approximately 36 (of the 144) (as budget allocation allowed). A review of subsequent studies was undertaken in 2019 with an additional 39 (of the 144) places identified as appropriate for assessment and two (2) to be removed (again as budget allocation allowed).
 6. These 77 properties were broken down into three (3) categories:
 - Citation to be prepared - Places with potential local significance and recommended for assessment that don't have draft citations.
 - Review required - Sites assessed as being of local significance and have draft citations that need to be reviewed and confirmed.
 - Removal of Existing Heritage Overlay.

Nillumbik Shire Heritage Review Stage A

7. In early 2021, subject to a constrained allocated budget, properties identified under 'citation to be prepared' formed the basis for Heritage Review Stage A. The rationale for undertaking review of properties located as 'citation to be prepared' as the priority was that unlike 'review required' properties, these properties had no draft citations and were therefore highly exposed should development be proposed, where those properties on the 'review required' list had draft citations which offered some limited protection in the sense that it would be quicker to have the citation finalised to apply an interim application to apply the HO should the property come under threat of development.
8. Heritage consultants Context (now GML) were engaged to undertake the Heritage Review Stage A in early 2021. See **Attachment 1** for key findings and recommendations prepared by Context from Stage A. The review found that twenty-one (21) out of thirty-eight (38) potential properties met the threshold for heritage protection at the local significance level. In addition, the Eltham War Memorial was assessed and also found to be significant at the local significance level, bringing the total of Stage A properties recommended for application of the HO to 22 in total.
9. The citations prepared for Stage A and Priority List for Stage B were adopted at the Council Meeting of 29 June 2021.

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10. The property at 1080 Heidelberg-Kinglake Road, Hurstbridge, which is known as 'Fermanagh' was identified through Stage A Review for application of the HO, however a planning application proposing structural changes to the property triggered the requirement for an interim and permanent planning scheme amendment, the later now approved and gazetted 26 May 2022 via Amendment C140.
 11. Therefore, the total number of properties being proposed from Stage A is twenty-one (21), which includes the Eltham War Memorial.

Nillumbik Shire Heritage Review Stage B*Citations and Statements of Significance*

12. Heritage consultants Trethowan Architects were engaged to undertake the Heritage Review Stage B in November 2021. See **Attachment 2** for key findings and recommendations prepared by Trethowan from Stage B.
13. As a result of Heritage Review Stage B, a total of forty-five (45) properties met the threshold for heritage significance protection and were recommended for application of the HO. **Attachment 3** provides the draft Statement of Significance and Citations for each recommended place.
14. Thirteen (13) of the places on the High Priority list (out of 19) met the threshold for heritage significance protection and were recommended for application of the HO.
15. Thirty-two (32) of the places on the Medium Priority list (out of 35) met the threshold for heritage significance protection and were recommended for application of the HO.
16. Of the three places on the Low Priority list, two are recommended to remove the existing HO.
17. The remaining HO relates to a large gum tree located on the road reserve at 35 Laughing Water Road. The existing HO extends across the boundary into the residential property and the owner has sought to have the overlay removed. This tree is also identified as State significant (heritage), therefore Council have sought to clarify the mapping of the curtilage in association with the tree.
18. The recommendation from the consultant is to have the tree examined by an arborist and to use the area identified as the tree protection zone as the extent for the HO. This work has been completed and the relevant extent of the new proposed HO has been clarified.

Interim Heritage Overlay

19. There have been three (3) properties to which an interim Heritage Overlay has been applied during the progress of the Nillumbik Shire Heritage Review:
 - a) 50 Oatland Road, Plenty;
 - b) 1080 Heidelberg-Kinglake Road, Hurstbridge; and
 - c) 14 Browns Lane, Plenty.
20. The range of works proposed to these places has ranged from total demolition (via 29a application pursuant to the *Building Act 1993* for report and consent for demolition) to substantial changes to the structure of deemed 'significant' buildings proposed via planning permit application.

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21. Discussions with Department of Environment, Land, Water and Planning (DELWP) have resulted in an agreed position that there is strategic justification for Council to seek to apply for an interim overlay for all of the nominated properties in Stage A and B. The reasoning for this is:
- a) Protection of places recommended for application of the HO through adopted Heritage Reviews.
 - i) Until an amendment is approved/gazetted (whether interim or permanent) places identified and recommended for application of the HO in Stage A and B Reviews are not protected from development and demolition.
 - ii) Should Council received a demolition report and consent pursuant to Section 29a of the Building Act 1993, officer may seek to apply to the Minister under Section 20(4) of the Planning and Environment Act 1987 to apply an interim deeming the request for demolition as a 'imminent threat'. However, as described below, this process requires payment of a fee (for the interim) in the order of \$4K.
 - iii) Most importantly however, many of the citations in Part A and B Reviews identify outbuildings, fences, trees and gardens. It is noted without application of the interim control, Council will have no way of protecting these contributing buildings/elements as most will not trigger a planning permit application requirement or demolition consent. Therefore, many of these elements would be lost and can diminish the significance of places and their settings identified more generally.
 - b) Certainty for existing land owners.
 - i) Effective approval of an interim control applies the HO on an interim basis to all places identified with an expiry clause, thereby allowing time for the amendment to apply a permanent HO to be prepared and exhibited and for landowners and interested parties to make submission to the amendment.
 - ii) Importantly as a result of an approved interim HO, places with the interim HO applied where marketed for sale, will be listed on the Section 32 Statement pursuant to the *Sale of Land Act 1962* and therefore future owners can clearly see the interim HO in place.
 - iii) Should the interim not be in place, Council is reliant on future purchases contacting planning where the places identified in Stage A and B Reviews are identified in our GIS as part of the permanent amendment.
 - c) Council resourcing and funding.
 - i) An interim amendment relating to single property will cost approximately \$4000 for processing through DELWP Planning Services. However, an interim amendment listing all of the nominated places (Stage A and B) attracts the same fee (approx. \$4000). Notably applying for an interim amendment still requires much of the same time commitment from an officer (to lodge) as a permanent amendment.

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- ii) Given that there are 66 (sixty-six) properties being proposed for heritage protection, there is a high likelihood that an interim heritage overlay would be required given experience to date. If all 66 (sixty-six) have the interim applied through the one interim heritage amendment, this will protect Council from unplanned and unallocated expenditure and use of limited resources, noting strategic planning have a significant work plan and do not have allocated budget this financial year for any amendments (other than identified strategy implementation MAC Structure Plans and this Heritage Review).

Thematic Environmental History (TEH)

22. All Council's prepare a TEH. It is a resource that explains the history and heritage of a particular local government area (even over changed administrative boundaries). It explores themes that have shaped the area specific to development, sites, landscape, people and events that can be understood as part of the historic pattern for the region, rather than just an isolated building or individual phenomena. Refer to **Attachment 4** for current TEH.
23. For every local government area, a unique history and themes have influenced land use and development and 'typologies' of built form.
24. The most common types of properties which have had the HO applied in Nillumbik (traditionally) are mostly Farmhouses or complexes, with some 'Eltham Style'. Stage A and B reviews have identified typologies for inclusion across a range of styles including 'The Eltham Style', Alistair Knox designs, Post-war Houses and Farmhouses or complexes.
25. It is noted Stage A and B Reviews have identified an increase of post-war typologies that meet the criteria for application of the HO (i.e. 1950/60's and beyond). Evidence to support the inclusion of this typology currently exists in Council's Thematic Environmental History (TEH), although it is noted that an update is required to ensure it is 'robust' enough and more importantly to provide benchmarking to allow for justification and further inclusion of this typology in Nillumbik.
26. The TEH is an evolving document that is added to over the years in support of Council's unique heritage environment, and is important in supporting arguments around the significance of Nillumbik's heritage typologies and is particularly helpful at Planning Panel.
27. A Post War Gap Analysis (**Attachment 5**) was undertaken to consider the post-war and late twentieth century periods in the Shire of Nillumbik. The report aims to improve the understanding of post-war development in the Shire, with a focus on the Eltham Style (particularly the work of Alistair Knox) and post-war housing.
28. The report identifies that sections of the history that could be expanded are around post-war developments in infrastructure, community and recreation, work and education. Consequentially, these themes in the post-war period may be underrepresented on the Heritage Overlay. This work will help to inform future strategic work.

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29. A Post WW2 addendum for the Thematic Environmental History Post-War 2 Addendum (**Attachment 6**) has been prepared and if adopted will become part of the TEH.

Related Council decisions

At Council's Meeting of **29 June 2021** Council resolved:

That Council:

- a) *Adopts the Final Draft Citations (Attachment 1) for Stage A of the Nillumbik Heritage Review.*
- b) *Adopts the Priority Lists for Stage B of the Nillumbik Heritage Review (Attachment 2).*
- c) *Publishes the Final Draft Citations (Attachment 1) for Stage A of the Nillumbik Heritage Review on Council's website.*

Options

30. Council may choose to:

- a) Adopt the final draft Statements of Significance and Citations for Stage B (Attachment 3) of the Nillumbik Heritage Review, Nillumbik Shire Thematic Environmental History, as updated (Attachment 4) and post WW2 addendum to the Thematic Environmental History (Attachment 5); or
- b) Adopt the above documents subject to change; or
- c) Not adopt the above documents.

31. Subject to adoption (with or without changes) as per above, Council may choose to:

- a) Request the Minister for Planning, to exercise powers under Section 20(4) of the *Planning and Environment Act 1987* to prepare and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to places (as recommended in Heritage Review Stage A and B) on an interim basis; and/or
- b) Request the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to apply the Heritage Overlay to places (as recommended in Heritage Review Stage A and B) on a permanent basis.

Council plans and policies

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

- We respect and enhance the unique neighbourhood character in our communities to ensure a considered approach to planning and development.

33. The amendment links directly to Council's Heritage Strategy (2011) which aims to:

- To identify, document and care for heritage places in the Shire of Nillumbik in ways which fulfil legal obligations and adopt best practice; and
- To involve communities and to promote awareness, knowledge and enjoyment of heritage places.

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CM.073/22 Nillumbik Shire Heritage Review

Sustainability implications

34. The conservation of Nillumbik's heritage places plays an important role in the strengthening of both personal and community identities. This work aids in the social sustainability of Nillumbik's various communities.

Community engagement

35. There has been substantial community engagement throughout both phases of the Review. In both Stage A and B all land owners/occupiers were notified requested to allow a site visit (by consultants) where they had the chance to meet the consultants, ask them any questions or confirm and deny any heritage information about their property.
36. In Stage A, 4 property owners accepted the offer and for Stage B it was 9. The low uptake of the offer of a visit is commonplace in relation to heritage protection activities where many owners consider the identification of heritage significance (for various reasons) is not warranted.
37. The 35 properties in Stage B for which draft citations had already been prepared, were given the same opportunity of a visit when that initial work was undertaken.
38. In addition, all of the local Historical Societies were informed of the work Council would be undertaking and were also invited to provide comment on the Gap Analysis and update to the TEH prepared by the consultants.

Innovation and continuous improvement

39. This will help ensure the protection of heritage significant properties and will work towards accurate implementation of the HO policy.

Collaboration

40. The Statutory Planning and Building teams were involved in gathering historical information for the properties which the Strategic Planning team then provided to the relevant consultants for both Stage A and B.
41. Officers have also been engaged with DELWP Planning Services in regard to a future amendment to apply the HO.

Budget implications

42. Due to limited budget, the Heritage Review was broken into two stages. Stage A was completed in the 20/21 financial year and budget was allocated in the 21/22 financial year for delivery of Stage B.
43. Costs associated with a future amendment to apply the HO would be attributed to the 22/23 financial year strategic planning amendments budget, noting this may not be sufficient for all associated amendment costs, particularly expert witness (consultant) input and appearance at Panel.

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CM.073/22 Nillumbik Shire Heritage Review

Relevant law

44. Local Councils are responsible for protecting places with local heritage significance as required by the *Planning and Environment Act 1987*. Section 4 of the Act obliges Councils to use their planning schemes to conserve and enhance buildings, areas or other places of local heritage significance and the current planning scheme amendment responds to this requirement as well as following the planning scheme amendment process outlined in the Act.

45. *Building Act 1993*

Regional, state and national plans and policies

46. Plan Melbourne (2017-2050) Outcome 4.

- Policy 4.4.1 Recognise the value of heritage when managing growth and change.
- With all three levels of government sharing responsibility for protecting Melbourne's post settlement cultural heritage, decision-making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices.

Conflicts of interest

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

12. Officers' reports**CM.074/22 Australia Day/January 26****Distribution: Public****Manager: Corrienne Nichols, Executive Manager Community Services****Author: Nichole Johnson, Manager Community Partnerships****Summary**

The purpose of this report is for Council to consider a change to the Australia Day Awards Program for 2023. It is recommended that the Awards Program currently held on January 26 be moved and combined with another event such as Volunteer Appreciation evening held later in the year.

The Citizenship Ceremony would continue to take place on Australia Day/January 26.

If endorsed a future report would be scheduled to confirm the new date, name and categories of the Awards Program.

Recommendation

That Council:

1. Endorses moving the Australia Day Awards Program currently held on January 26 to another date and combine with another Event.
2. Continues to run a citizenship ceremony on Australia Day/January 26.
3. Requests a future report from Officers to confirm the new date, name and categories for the Awards Program.

Attachments

Nil

Discussion

1. The Australia Day Award program held on January 26 has had a decline in the number of nominations received.
2. Feedback received from the community is that the call for nominations takes place at a busy time of the year which makes it challenging to put forward nominations and is the wrong timing for the community.

Related Council decisions

3. Not applicable

Options

4. It is recommended that the Australia Day Awards not be conducted on Australia Day/January 26 in 2023 and instead be aligned with another Event held later in the year.
5. This is an opportunity to review and refresh the Awards program for 2023 and encourage an increase to nominations and attendance.

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CM.074/22 Australia Day/January 26

6. A review of the awards program would be conducted including confirmation of a new date, name and award categories and will be presented to Council as a future report.

Council plans and policies

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

Sustainability implications

8. Not applicable

Community engagement

9. Not applicable

Innovation and continuous improvement

10. Moving the Australia Day Awards Program from Australia Day/January 26 provides an opportunity to review and refresh the Awards program for 2023 and explore new ways to recognise community members.

Collaboration

11. Not applicable

Budget implications

12. Funding is provided through Councils operational budget and is allocated across four Citizenship Ceremonies annually.
13. A separate awards program could be delivered through this budget allocation proportioned appropriately if added to existing event, otherwise additional funding would be required for a separate event.
14. A separate event likened to the size and format of International Womens Day would be approximately \$10,000

Relevant law

15. The Australian Citizenship Ceremonies Code (the Code) follows the Australian Citizenship Act 2007 (the Citizenship Act) and sets out the legal and other requirements for conducting Citizenship ceremonies as well as the roles and responsibilities for those involved in Citizenship ceremonies.

Regional, state and national plans and policies

16. Not applicable

Conflicts of interest

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

12. Officers' reports**CM.075/22 NSC Submission to Whittlesea Draft Green Wedge Management Plan**

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

In June 2021, Council provided an officer level response to a discussion paper released by Whittlesea City Council (WCC) in regard to the preparation of its Green Wedge Management Plan (GWMP). The discussion paper was essentially a background report which informed key matters and the strategic directions that now are included in the draft Whittlesea City Council's GWMP.

Officers have prepared a submission (refer **Attachment 2**) in response to Whittlesea's Draft Green Wedge Management Plan (GWMP) 2022-2032 (refer **Attachment 1**).

Consultation in regard to the draft GWMP closed 3rd July, however officers have negotiated with WCC to allow for an officer level response to be submitted to the 3rd July close date to allow WCC officers to start the process of review of feedback, but will accept an endorsed submission thereafter the council meeting of the 26th July which is the first council meeting that could be scheduled in consideration of the draft submission. WCC have agreed this endorsed submission will be considered Nillumbik Shire Council's final position.



Where Councillor feedback has been provided, it has been included in the submission.

Recommendation

That Council:

1. Endorses the finalised submission response to the *Whittlesea City Council DRAFT Green Wedge Management Plan* (at **Attachment 2**); and
2. Submits the endorsed Council submission to Whittlesea City Council for consideration.

Attachments

- 1  Whittlesea City Council DRAFT Green Wedge Management Plan
- 2  NSC Submission to WCC DRAFT GWMP

Discussion

1. In June 2021, Council provided an officer level response to a discussion paper released by Whittlesea City Council (WCC) in regard to the preparation of their Green Wedge Management Plan (GWMP). The discussion paper was essentially a background report which informed key matters and the strategic directions that now are included in the draft Whittlesea City Council's GWMP.

12. Officers' reports**CM.075/22 NSC Submission to Whittlesea Draft Green Wedge Management Plan**

2. Officers have prepared a submission (refer **Attachment 2**) in response to Whittlesea's Draft Green Wedge Management Plan (GWMP) 2022-2032 (refer **Attachment 1**).
3. Whittlesea Green Wedge has a high level of importance and relevance to the Shire of Nillumbik, particularly considering:
 - a) The Nillumbik and Whittlesea Green Wedges are adjacent to each other and abut for a significant length of boundary.
 - b) There is a significant, not total, similarity in the context and attributes of the two Green Wedges. For example:
 - i) Each green wedge accounts for the majority of land in its municipality.
 - ii) There are similarities in the cultural and historical background to each Green Wedge.
 - iii) Both are on the southern slopes and foothills of one section of the Great Dividing Range and are within the Port Phillip catchment.
 - iv) Both share a range of similar environmental and geographical attributes, such as rainfall and vegetation types.
 - v) Both play a key role in Melbourne's supply of drinking water.
 - vi) There are key similarities in the values of each green wedge, such as aesthetic rural landscapes, biodiversity and agriculture.
 - vii) Both have similar proximity to the Melbourne CBD.
 - c) The two green wedges likely face many similar constraints and management issues, such as similar threats from invasive flora and fauna, pressures from land speculation and significant threat from bushfire, notwithstanding the key difference between our local government areas being WCC is a growth council and NSC is not.
 - d) There may be significant opportunities for co-operation and collaboration (and we note the draft GWMP identifies such under Goal 2) in the management of the Nillumbik and Whittlesea Green Wedges. For example, in relation to contributing to Melbourne's food security, managing biodiversity and in promoting appropriate tourism.
4. Officers have structured the draft submission to the WCC draft GWMP in response to the structure of the online survey with consideration of strategic directions that set the overarching direction for the future of Whittlesea's green wedge in the draft GWMP.
5. NSC's response to the document has been framed from Council's perspective as a stakeholder for the Whittlesea Green Wedge by virtue of it being an authority with key responsibility for the planning and management of a neighbouring green wedge.
6. Therefore, Council's comment on particular matters and its response are often framed from a regional perspective, which is different to the perspective that would typically be provided by a resident of the City of Whittlesea.

12. Officers' reports**CM.075/22 NSC Submission to Whittlesea Draft Green Wedge Management Plan**

Interaction with other Strategies and Nillumbik Shire Council's submission

7. In providing responses to the draft Whittlesea GWMP, this submission has particularly drawn upon:
- a) The [Nillumbik Green Wedge Management Plan \(November 2019\)](#)
 - b) Relevant State and Nillumbik planning policy
 - c) [NSC's submission to the DELWP Consultation Paper: Planning for Melbourne's Green Wedges and Agricultural Land](#) (GWAL), which was adopted by Council at its meeting of the 23rd February 2021.
 - d) [NSC's submission to the DELWP draft Regional Land Use Framework Plans](#) (particularly the Northern Framework Plan).
 - e) Council's submission to the DELWP Review, Planning for Rural Workers Accommodation (October 2020)

Related Council decisions

8. At its meeting of 12th October 2021, the Planning and Consultation Committee, acting under delegation, resolved that Council:
- a) *Adopts Nillumbik Shire Council Submission Melbourne Land Use Framework Plan (**Attachment 2**) to Melbourne Future Planning Framework plan, and directs Council officers to formally lodge the adopted submission with DELWP through its Engage website by the deadline of 24 October 2021; and*
 - b) *Makes the adopted Submission publicly available on Council's website.*
9. At its meeting of 23rd February 2021, Council resolved to:
- a) *Adopt the amended submission to the Green Wedge Provisions Review Consultation Paper (**Attachment 2**), and direct Council officers to formally lodge the adopted submission with DELWP by 26 February 2021; and*
 - b) *Make the adopted submission publicly available on Council's Participate Nillumbik website.*

OptionsKey matters and feedback to the WCC draft GWMP

10. The structure of the draft WCC GWMP is broken into 4 key goals, with attributable strategic directions for each. Officers consider these goals (or objectives) and broad strategies both important and well developed:
- a) **Goal 1 Sustainable Environment (page 36)**
 - i) *Strategic Direction 1.1 to 'Improve the management and protection of biodiversity'.*
 - ii) *Strategic Direction 1.2 to 'Partner with landowners and land managers to ensure water is managed in an integrated and effective manner in the Green Wedge'.*
 - iii) *Strategic Direction 1.3 to 'Ensure our residents and our environment benefit from a diverse, colourful, and healthy City Forest that connects people to people, people to nature, and people to place'.*

12. Officers' reports**CM.075/22 NSC Submission to Whittlesea Draft Green Wedge Management Plan**

- iv) *Strategic Direction 1.4 to 'Partner with landowners and other Government agencies to improve soil health.'*

b) Goal 2 Liveable Neighbourhoods (page 42)

- i) *Strategic Direction 2.1 to 'Protect non-urban breaks and enhance landscape amenity and rural character'.*
- ii) *Strategic Direction 2.2 to 'Discourage new settlement in areas prone to extreme natural hazards'.*
- iii) *Strategic Direction 2.3 to 'Provide safe and fit for purpose local road network and support active travel modes'.*
- iv) *Strategic Direction 2.4 to 'Protect Green Wedge from further urban encroachment and improve management of the urban and rural interface'.*
- v) *Strategic Direction 2.5 to 'Direct urban uses towards designated Whittlesea township area and areas within the UGB'.*

c) Goal 3 Strong Local Economy (page 48)

- i) *Strategic Direction 3.1 to 'Improve understanding of the value of agriculture in the Green Wedge to provide for appropriate use and development'.*
- ii) *Strategic Direction 3.2 to 'Support local agribusinesses and the visitor economy to grow, be sustainable and prepared for climate change'.*
- iii) *Strategic Direction 3.3 to 'Work with State Government to provide for future infrastructure and green energy needs'.*

d) Goal 4 Connected Community (page 52)

- i) *Strategic Direction 4.1 to 'Understand and support the diverse needs of our rural community for environmental, social and economic resilience'.*
- ii) *Strategic Direction 4.2 to 'Better connect the Green Wedge with our communities via communication, placemaking and programs'.*
- iii) *Strategic Direction 4.3 to 'Engage and empower community members on various aspects of caring and managing for the Green Wedge'.*
- iv) *Strategic Direction 4.4 to 'Partner with Traditional Owners to support the preservation of Aboriginal cultural heritage, improve land and water management and other Caring for Country practices in the Green Wedge'.*

- 11. As noted at point 1, NSC officers provided a submission to the earlier discussion paper prepared by WCC to inform preparation of this draft GWMP.
- 12. NSC officers note the inclusion as identified in our feedback to the discussion paper, of the section on local food and fibre economy and its importance in contributing to food security for Melbourne in the future.

12. Officers' reports**CM.075/22 NSC Submission to Whittlesea Draft Green Wedge Management Plan**

13. Officers strongly support the statement in the draft GWMP that WCC needs to partner with federal and state governments, other local councils and organisations who share a common interest in managing our green wedge areas. A common thread through NSC's submission to the Whittlesea discussion paper which is clearly articulated in the draft WCC GWMP was to encourage and support the future Whittlesea GWMP to investigate and promote more regional co-operation with NSC for the benefit of both the Whittlesea and Nillumbik Green Wedges.
14. NSC officers are encouraged to see that concerns (raised in submission to the earlier discussion paper) of discussion of a transitional boundary to the UGB has not been pursued in the draft GWMP. As noted in the NSC officer submission to the discussion paper, NSC's experience is that one argument used to advocate for further subdivision of rural land for rural-residential living is to argue that a buffer of land should exist outside the UGB that will function as a transitional area. Similarly, consideration of such transitional boundaries leads to greater consideration of land uses (e.g. large schools and large places of worship) that may prioritise urban outcomes (including servicing of adjoining urban populations) over conservation/agricultural land uses.
15. NSC officers also acknowledge the discussion under Goal 3 around land fragmentation in the Green Wedge, and highly support the acknowledgement that in order to retain and future proof existing and future agricultural opportunities within the WCC green wedge, continued advocacy to State government will be required to safeguard minimum lots sizes and discourage further subdivision.
16. Consistent with this direction of the Nillumbik GWMP, NSC officers appreciate and support the WCC Draft GWMP's acknowledgement of urban development as the 'agent of change' and therefore the onus placed on such change agent in protecting the interface with rural areas, and the emphasis on improving management of the urban and rural interface, particularly highlighting at Strategic Direction 2.4, the importance *for 'Council to work with the State government to safeguard the UGB, support landowners in sustainable land management and, where possible, create public green space and conservation areas as permanent and enduring buffers on the urban side of the UGB'*.
17. Officers have included at page 4 point 2(d) of the submission a new recommendation that seeks to identify NSC's support for collaboration between our respective Councils in consideration of regional trail networks identifying an opportunity exists to better connect our Green Wedges for example with a pedestrian bridge connection from the termination of Wilton Vale Road Track in South Morang (along the Plenty River Walk) into Yarrambat Park Public Golf Course, in response to Councillor feedback.

Council plans and policies

18. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We act in the best interests of our community.
 - We act in the best interests of our community.
19. [Nillumbik Green Wedge Management Plan 2019](#)
20. [Nillumbik Biodiversity Strategy 2012](#)

12. Officers' reports

CM.075/22 NSC Submission to Whittlesea Draft Green Wedge Management Plan

Sustainability implications

21. The draft WCC GWMP has significant implications in regard to sustainability including but not limited to biodiversity, waste and recovery and energy use considerations.

Community engagement

22. Consultation in regard to the draft WCC GWMP closed 3rd July, however officers have negotiated with WCC to allow for an officer level response to be submitted to the 3rd July close date to allow WCC officers to start the process of review of feedback, but will accept an endorsed submission thereafter the council meeting of the 26th July which is the first council meeting that could be scheduled in consideration of the draft submission. WCC have agreed this endorsed submission will be considered Nillumbik Shire Council's final position.

Innovation and continuous improvement

23. None

Collaboration

24. Strategic planning has requested input from all parts of Council given the draft WCC GWMP has potential to impact on all parts of Council strategy and operations in the long-term.
25. NSC officers are appreciative of WCC officers' consideration and acceptance of an extended submission deadline to allow officers to bring the matter to a Council Meeting for consideration of adoption.
26. Notwithstanding NSC and WCC already collaborate on many mutual matters and issues, given the substantial overlap in context, dynamics and goals for the two green wedges, NSC officers believe there is significant opportunity and benefit in both WCC and NSC looking to further opportunities to collaborate. Examples of matters and responsibilities which could benefit from such a collaborative approach could be:
- a) Managing biodiversity and environmental threats such as invasive weeds and fauna.
 - b) Developing regional trails and other recreational links. For example, to improve links from Whittlesea into the nearby Nillumbik localities of Yarrambat and Plenty.
 - c) Advocating together to the State Government for reforms to support both green wedges. For example, for planning reforms to better protect green wedges from particular threats and harmful activities.
 - d) Promoting a regional approach to tourism.
 - e) Working with the Traditional Owners to better acknowledge and celebrate heritage, and share their knowledge of the region to achieve more sustainable land management outcomes.
27. Enhanced collaboration on these matters could be particularly focused on points of shared geographical responsibility, such as the lengthy interface between the Nillumbik and Whittlesea Green Wedges.

12. Officers' reports

CM.075/22 NSC Submission to Whittlesea Draft Green Wedge Management Plan

Budget implications

28. None.

Relevant law

29. *Planning and Environment Act 1987*

Regional, state and national plans and policies

30. [Northern Region Land Use Framework Plan \(pending approval by the Minister currently\)](#)

31. [Plan Melbourne 2017 - 2050](#)

Conflicts of interest

32. No officers involved in the preparation of this briefing have a conflict of interest in this matter.

12. Officers' reports

CM.075/22 NSC Submission to Whittlesea Draft Green Wedge Management Plan

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12. Officers' reports

CM.076/22 Proposed Community Market - Yarrambat Park

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Jonathon Miller, Manager Property and Facilities Maintenance

Summary

Diamond Valley Community Support Inc (DVCS) has approached Council for permission to operate a weekly community market at Yarrambat Park (the Park).

The specific area is notated "car park" in **Attachment 1**.

For a market to operate at the site, Council would be required to enter into a licence agreement with an operator. Given the Park is public open space, it is appropriate to undertake a public Expression of Interest (EOI) process, to determine and assess if there are other suitable organisations interested in operating a market from the Park, and on what terms.

The purpose of this report is to provide Council with a background to the request, an overview of the Park and the proposed EOI process. It also seeks a formal resolution of Council to commence an EOI process to allow an appropriate market operator to be appointed.

Recommendation

That Council:

1. Requests Officers to complete a public Expression of Interest (EOI) process to appoint an operator of a weekly community market to be located at Yarrambat Park carpark, under a licence agreement which includes the following terms and conditions:
 - a) **The Licensed Area:** That part of the land thereon known as Yarrambat Park carpark at 649 and 657 Yan Yean Road, Plenty;
 - b) **Permitted Days and Hours of Operation:** 8:30am to 2.00pm on Saturdays,
 - c) **Licence Fee:** Proposed Licence rental fee to Council. (This forms part of the Proponents proposal).
 - d) **Licence Term:** 3 years.
 - e) **Other Special Conditions:**
 - i) That a Traffic Management Plan will need to be prepared and implemented by the successful Proponent. Council's Traffic Management Officers will assist with preparation of the Plan; and
 - ii) The proposed community market cannot operate on days that conflict with the Yarrambat Horse and Pony Club and the Yarrambat Adult Riders Club "Competition Days".
2. Requests Officers present the results of the EOI process, and include a recommendation as to the successful proponent at a future meeting of Council.

12. Officers' reports

CM.076/22 Proposed Community Market - Yarrambat Park

Attachments

- 1  Proposed Yarrambat Park Community Market Location

Discussion

1. Council owns the land located at 649, 655 and 657 Yan Yean Road, Yarrambat, which together constitute Yarrambat Park (the Park).
2. The Park, together with adjoining Crown Land managed by Parks Victoria, forms a part of extensive open space adjacent to the Plenty River.
3. Council has seven tenants that utilise various parts of the Park for sporting and cultural purposes, including golf, fly fishing, heritage museum, archery, horse riding and flying model aeroplanes. Other areas are open for passive public use.
4. Diamond Valley Community Support Inc. (DVCS) approached Council earlier in the year to ascertain if they could operate a community market at the northern end of the Park, in an area adjacent to the existing car park.
5. The community market is proposed to help activate the Park, help small local enterprises sell produce and products, and provide an opportunity for the sporting and cultural clubs using the Park to attract new members.
6. Given the Park is Council (public) land, it is appropriate for Council to investigate if there is interest from other suitably qualified organisations before making any decision.
7. The process to appoint an operator (and determine the level of interest and on what terms and conditions they are offering) is to run a public Expression of Interest process (EOI), which any business, organisation or community group can respond to by submitting a proposal.
8. Similar EOI processes have previously been conducted by Council to assess the most appropriate tenant for other sites including the Eltham Town Square Café, Edendale Café and the Eltham Craft and Produce Market.
9. The EOI process would involve the following steps:
 - Drafting EOI Documentation – including agreed objectives, purpose and assessment criteria
 - EOI advertising and submission process
 - EOI assessment of Proponents (applications) by EOI Assessment Panel
 - Short list EOI
 - Interview EOI proponents – to further understand proposals submitted (may not be required); and
 - Recommendation by officers to Council on successful EOI proponent.
10. The EOI process ensures a transparent decision-making process and allows Council to assign a licence to an organisation that best meets Council's objectives.

12. Officers' reports**CM.076/22 Proposed Community Market - Yarrambat Park**

11. Preliminary investigations indicate a planning permit may be required for the operation of a market.
12. It is recommended that the EOI process include the following standard objectives, purpose and assessment criteria:
 - a) **Council's principal objectives are to secure a market operator:**
 - i) that is aligned with the Council Plan;
 - ii) will enhance the overall experience of visitors to the Shire;
 - iii) that is financially reliable and experienced;
 - iv) that uses and supports sustainable, locally and ethically sourced products; and;
 - v) that supports the local economy and community.
 - b) **Council's purpose in undertaking an Invitation for Expressions of Interest are:**
 - i) to provide sufficient details to enable each proponent to make a preliminary assessment of the site and prepare an informed proposal; and
 - ii) to enable Council to identify proponents that have the experience and capacity to best meet Council's objectives.
 - c) **Proposal Assessment Criteria and required response:**
 - i) Alignment with the Council's Vision and Goals within the Council Plan 2021-2025 and adding to visitor experience.
 - (1) A statement outlining how the proponent will observe Council's Plan Vision and Goals, and
 - (2) A marketing plan showing how the proponent will operate the market, enhance the experience for visitors to the Shire and attract patronage to the market.
 - ii) Proponent's financial capacity and experience.
 - (1) details of the proponent's experience in operating a market or similar;
 - (2) evidence of the proponent's financial capacity to meet the obligations under the Licence, including provision of the proponent's balance sheet and any other relevant financial statements;
 - (3) proof of Public Liability Policy of Insurance in the name of the proponent; and
 - (4) relevant proof of the Licensee's current registration with Consumer Affairs Victoria as an Incorporated Association in accordance with the *Associations Incorporation Reform Act 2012*; or organisation or business registration.

12. Officers' reports

CM.076/22 Proposed Community Market - Yarrambat Park

- iii) Financial return to Council - details of the proposed:
 - (1) annual rent (if any);
 - (2) annual percentage rent reviews; and
 - (3) proposed operating hours.
 - iv) Supporting the local economy and community - requiring a statement setting out how the proposal will support the local economy and community:
 - (1) market practices;
 - (2) use of local businesses;
 - (3) support to community organisations within the Shire; and
 - (4) working with existing Park users and tenants.
- 13. Risks and issues raised as part of the preliminary investigations into the market operation have been identified (see also section on community engagement). These, along with proposed considerations are:
 - a) Potential conflict with other users of the park. This is proposed to be managed through a special condition by restricting days of market operation on key high use days by existing Park users.
 - b) Quality of carpark and Park entry roads. This is proposed to be managed through intermittent grading by Council operations teams. In addition, due to narrow internal roads, the requirement for a traffic management plan is proposed to be included as a condition in the EOI and licence.
 - c) Public safety risk of nearby lake. There are no known incidents associated with the dam. Similar to current use of the site, this is proposed to be mitigated through a buffer distance between the market and the dam.
 - d) Flow on traffic implications on Yan Yean Road (specifically traffic travelling south along Yan Yean Road and trying to enter the Park may hold up traffic, due to the absence of a slip or turning lane). This issue will be addressed with Stage 2 of the Yan Yean Road Upgrade – all traffic travelling south and wishing to enter the Park from the norther entrance will be required to complete a U Turn at Bannons Lane, which will be signalised.

Related Council decisions

- 14. Not Applicable

Options

- 15. Council can choose to progress the concept of a community market at the Park through an EOI process.

Council plans and policies

- 16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We promote Nillumbik's unique offerings; supporting a vibrant local economy and encouraging tourism.

12. Officers' reports

CM.076/22 Proposed Community Market - Yarrambat Park

Sustainability implications

17. Operation of a community market does not raise any obvious environmental sustainability implications. More broadly, it introduces the prospect of economic and social opportunities for market sellers and visitors.

Community engagement

18. Officers have completed discussions with Council's community park tenants.
19. All have indicated support for a community market to operate in the park and a number have indicated a desire to be included in the market, as means of promoting their activities.
20. The Yarrambat Horse and Pony Club and the Yarrambat Adult Riders Club noted potential conflict of use of the car park area on the occasional "competition days" weekends. The clubs advise that on such days, up to 400 competitors participate, resulting in a high demand for car and horse float parking space. On "rally" days, held on the 2nd Saturday of each month, participants utilise the licenced area to the west of the club house facility to park cars and floats – so this should not conflict with the planned community market use of the nominated area.
21. Other points raised in the feedback include the volume of traffic on Yan Yean Road and possible danger of the lake to small children attending the proposed market.
22. A suggestion was also offered that the market could operate further north in the Park, at the existing gravelled car park adjacent to the Park entry point. The area referred to is Crown Land, managed by Parks Victoria, therefore Council cannot enter into a licence agreement for a market to operate in the location.

Innovation and continuous improvement

23. When Council is seeking to lease or licence a Council asset, an Expression of Interest is the most appropriate process to appoint a new Tenant. This provides an opportunity to identify enhanced community outcomes.

Collaboration

24. Staff from Parks Victoria (Plenty Park) were approached and no material issues with a potential market were identified. Parks Victoria also signalled support with any market visitors utilising their public toilets, adjacent to the proposed market site.
25. Collaboration amongst Council teams, including Risk and Safety, Operations Centre and Economic and Tourism staff has also occurred.

Budget implications

26. Operation of a market at the proposed location can be met within existing operating budget on the basis that:
- a) Council undertakes regular maintenance of the proposed market site in mowing the grass and no change to maintenance frequency is proposed.
 - b) The review to date has not identified the need for additional infrastructure to be installed at the site for a community market to operate.
 - c) Grading of the car park and entry road is undertaken intermittently.

12. Officers' reports

CM.076/22 Proposed Community Market - Yarrambat Park

Relevant law

27. There are no legislative requirements associated with Council licencing its land.

Regional, state and national plans and policies

28. Not Applicable

Conflicts of interest

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

12. Officers' reports**CM.077/22 Economic Development Advisory Committee Terms of Reference and Committee Membership endorsement****Distribution: Public****Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Danielle Phyland, Economic Development and Tourism Lead****Summary**

The Economic Development Advisory Committee (EDAC) provides a formal mechanism for Council to consult with key industry stakeholders, seek specialist advice and enable participation in the development, implementation and evaluation of the Nillumbik Economic Development Strategy 2020-2030.

Council called for nominations for the 2022-24 EDAC for a 6-week period in January-February 2022. A total of 14 nominations were received, this included existing members wishing to remain on the committee. All nominations received have been assessed against the selection criteria by Officers and the purpose of this report is to seek endorsement of the new members (**Attachment 1**).

Council's endorsement is also sought for the proposed EDAC Terms of Reference (TOR) 2022-24 (**Attachment 2**) updated in line with Council's adopted Advisory Committee Policy and standardised templates.

Recommendation


That Council:

1. Endorses the twelve recommended applicants listed for appointment to the 2022-24 Economic Development Advisory Committee (refer confidential **Attachment 1**):
 - (a) Applicant 1 _____ representing Eltham Chamber of Commerce and Industry
 - (b) Applicant 2 _____ representing Nillumbik Tourism and Business Association
 - (c) Applicant 3 _____ representing Diamond Creek Traders Association
 - (d) Applicant 4 _____ representing Hurstbridge Traders Association
 - (e) Applicant 5 _____ General Committee member
 - (f) Applicant 6 _____ General Committee member
 - (g) Applicant 7 _____ General Committee member
 - (h) Applicant 8 _____ General Committee member
 - (i) Applicant 9 _____ General Committee member
 - (j) Applicant 10 _____ General Committee member
 - (k) Applicant 11 _____ Youth representative
 - (l) Applicant 12 _____ Agricultural representative

12. Officers' reports**CM.077/22 Economic Development Advisory Committee Terms of Reference and Committee Membership endorsement**

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2. Acknowledges and thanks all community members who submitted nominations for the Economic Development Advisory Committee and advise unsuccessful candidates.
 3. Resolves that the Panel Recommendations and Scoring (**Attachment 1**) to 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 nominees be named.
 5. Endorses the update of the proposed Economic Development Advisory Committee Terms of Reference 2022-24 (**Attachment 2**)

Attachments

1. Assessment Panel 2022 Economic Development Advisory Committee -
CONFIDENTIAL
2. Proposed Economic Development Advisory Committee Terms of Reference 2022-
 2024

Discussion

1. EDAC provides a formal mechanism for Council to consult with key industry stakeholders, seek specialist industry advice and enable community participation regarding economic development issues and opportunities in the Shire.
2. As per the proposed TOR, the following membership structure applies:

The Advisory Committee membership will consist of up to 15 members and will include representatives from:

- Three representatives of Nillumbik Shire Council (Councillors)
- A representative, or alternate, nominated by each of the following key business and industry associations
 - Eltham Chamber of Commerce and Industry (1)
 - Diamond Creek Traders Association (1)
 - Hurstbridge Traders Association (1)
 - Nillumbik Tourism and business Association (1)

Note: Representatives and alternates from key business groups outlined above will be nominated by the business/reference group and appointed by Council.

- One Youth representative from the Nillumbik community
- One Agricultural representative from the Nillumbik community and;
- Six General business and industry representatives

12. Officers' reports**CM.077/22 Economic Development Advisory Committee Terms of Reference and Committee Membership endorsement**

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3. EDAC members serve two year terms. In December 2021, the committee membership was vacated for renewal with existing committee members invited to re-nominate if they wish to continue. Of the general committee 4 members requested to re-nominate and the 4 industry association representatives elected to remain on the committee. Based on this 5 positions were made vacant.
 4. Nominations for the 2022-24 committee membership positions were open for six weeks from 1 January 2022 – 15 February 2022.
 5. Nominees were promoted through multiple channels including Council newsletters, Council social media channels and external stakeholder networks.
 6. All nominees (including returning members) were individually evaluated by a selection panel against the selection and assessment criteria (**Attachment 1**).
 7. The EDAC TOR were updated in line with Council's adopted Advisory Committee Policy and standardised templates. Recommendations from the Nillumbik Economic Development Strategy 2020-2030 were also incorporated into the TOR.
 8. The proposed EDAC TOR 2022-24 (**Attachment 2**) were included in the nomination process and Council's endorsement is sought for this document in conjunction with endorsement for the recommended nominees (**Attachment 1**).
 9. A total of fourteen nominations were received with twelve nominations being presented for endorsement as new committee members which meets the membership requirements of the TOR. The nominees met the selection criteria as outlined in the TOR, in particular they have relevant expertise in business and economic development, have strong community networks and linkages, represent a broad range of views that reflect the diversity of the business community, and have a strong understanding of the local community and its challenges.
 10. In line with the actions from the Nillumbik Economic Development Strategy 2020-2030 two new roles have been included into the committee membership to ensure that a broad and relevant industry base are represented.
 - One Youth representative from the Nillumbik community;
 - One Agricultural representative from the Nillumbik community.

Related Council decisions

11. At its Ordinary Council meeting on 23 February 2021, Council requested officers to prepare a standardised format for Advisory Committees TOR giving effect to gender equality, diversity and inclusiveness, to be adopted by all Council Advisory Committees as part of their next scheduled review.
12. In order to align and comply with the recently Council endorsed Advisory Committee protocols and standardised format for Advisory Committee TOR, the EDAC TOR (**Attachment 2**), have been reviewed and amended to comply.
13. The revised TOR (**Attachment 2**), will provide clear guidance for the committee members and for Officers who are governing the Committee. This report seeks Council's endorsement of the TOR and new nominees.

12. Officers' reports

CM.077/22 Economic Development Advisory Committee Terms of Reference and Committee Membership endorsement

Options

14. That Council formally endorses the committee nominees recommended for appointment to the 2022-24 EDAC (**Attachment 1**).
15. That Council formally endorses the Proposed EDAC TOR 2022-24 (**Attachment 2**) in line with Council's adopted Advisory Committee Policy and standardised templates.
16. Should Council not elect to endorse the presented nominees all general committee positions will be made vacant and the advertising process will need to recommence.

Council plans and policies

17. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We support businesses, industries and events, and encourage investment within Nillumbik.

Sustainability implications

18. Not applicable.

Community engagement

19. The proposed TOR were presented to the existing committee for feedback in September 2021.
20. Engagement with existing EDAC members was undertaken to assess their interest in continuing their involvement on the committee.
21. The committee membership was vacated and those members who were interested in remaining on the committee were invited to re-nominate.
22. Promotion of the general member positions were publicly advertised across Council's social media channels and website as well as in the Business in Nillumbik newsletter and Business in Nillumbik Facebook group.

Innovation and continuous improvement

23. The purpose of EDAC is to provide a formal mechanism for Council to consult with key industry stakeholders, seek specialist advice and enable participation in the development, implementation and evaluation of the Nillumbik Economic Development Strategy 2020-2030.
24. The proposed EDAC TOR presented for endorsement will provide clear guidance for the committee members and for Officers who are governing the Committee.
25. The inclusion of a youth representative and an agricultural representative from the Nillumbik community will work toward a more inclusive representation and understanding of the broader Nillumbik business community.

Collaboration

26. Economic Development and Tourism Officers were involved in the working group that developed Councils' recently adopted Advisory Committee Policy and standardised templates.

12. Officers' reports

CM.077/22 Economic Development Advisory Committee Terms of Reference and Committee Membership endorsement

27. Officers continue to be involved in Council's internal Advisory Committee working group striving for continuous improvement and consistency.

Budget implications

28. Administrative support for EDAC is provided within Council's operating budget.

Relevant law

29. *Local Government Act 2020*

Regional, state and national plans and policies

30. Not applicable.

Conflicts of interest

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

12. Officers' reports

**CM.077/22 Economic Development Advisory Committee Terms of Reference and
Committee Membership endorsement**

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12. Officers' reports

CM.078/22 Intention to lease land to LMS Energy P/L for Solar Farm

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Natalie Campion, Coordinator Property

Summary

In accordance with Section 115 of the *Local Government Act 2020* (the Act), Nillumbik Shire Council gave notice on 27 May 2022 that it proposes to enter into a lease with LMS Energy Pty Ltd ACN 059 428 474 (LMS) in respect of part of the vacant Council-owned land located at 290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty, known as part of the former Plenty landfill site (Land) on the following terms and conditions:

- **Term of Lease:** an initial term of 25 years with one further term of 5 years.
- **Rent Amount:** \$2,000 plus GST per annum, to be increased by CPI annually
- **Permitted use:** Operating a solar farm.
- **Premises:** on the commencement date of the lease, the premises shall be that part of the Land shown outlined red on the plan shown in **Attachment 1**.

In response to publicly advertising its intention to enter into a lease agreement with LMS, Council received 5 submissions as shown in **Attachment 2**. The Committee (acting under delegation from Council) considered the contents of these submissions in accordance with Section 115 of the Act and Council's community engagement policy at the Planning and Consultation Committee held on 12 July 2022.

This report seeks Council's resolution to enter into a lease agreement with the LMS as publically advertised.

Recommendation



That Council:

1. Having completed public notification and considered public submissions in accordance with section 115 of the *Local Government Act 2020* (the Act) and Council's community engagement policy, resolves to grant a lease to LMS Energy Pty Ltd ACN 059 428 474 (LMS) in respect of part of the vacant Council-owned land located at 290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty, known as part of the former Plenty landfill site (Land), on the following terms and conditions:
 - a) **Term of Lease:** an initial term of 25 years commencing on the date of practical completion of the solar farm facility, with one further term of 5 years.
 - b) **Rent Amount:** \$2,000 plus GST per annum, to be increased by CPI annually
 - c) **Permitted use:** Operating a solar farm.
 - d) **Premises:** on the commencement date of the lease, the premises shall be that part of the Land shown outlined red on the plan shown in **Attachment 1**.

12. Officers' reports**CM.078/22 Intention to lease land to LMS Energy P/L for Solar Farm**

2. Authorises the Director Operations and Infrastructure to finalise and execute the lease agreement between Council and LMS once the Engineering, Procurement, Construction and Management (EPCM) Contract has been executed by Council and LMS.
3. Thanks all people that made a submission and advises them of Council's decision on the matter following this meeting.
4. Resolves that the confidential un-redacted public submissions on the lease proposal (**Attachment 3**) remains confidential in accordance with section 3(1)(f) of the *Local Government Act 2020*.

Attachments

- 1  Lease Plan - Solar Farm
- 2  Submissions received on lease proposal
3. Submissions received on lease proposal - Unredacted - *CONFIDENTIAL*

Discussion

1. On 15 September 2020, following Council's Request for Tender, Council sought market offers to develop a Solar Farm at the former Plenty landfill site (290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty). Council, through resolution, appointed LMS Energy P/L to deliver the design, construction, maintenance and operation of the Solar Farm.
2. The Request for Tender specifications, seeking market offers to develop a Solar Farm at the Land, specified that Developers competitively bid to:
 - Provide all required financing, community consultation, design, permits, approvals, construction, commissioning, ownership, maintenance, facility management and land management responsibilities and associated costs for the proposed Solar Farm at the site.
 - Deliver value for money reliable electricity supply services, and from other sources when the solar farm does not generate sufficient electricity, through a long term PPA and REFA in collaboration with a licensed electricity retailer.
 - Supply approximately 2,000MWh from the solar farm to meet Council's annual electricity consumption requirements comprised of corporate facilities and street lighting.
 - Deliver value for money LGCs (large-scale generation certificate) from the solar farm through the PPA in collaboration with a licensed retailer.

12. Officers' reports**CM.078/22 Intention to lease land to LMS Energy P/L for Solar Farm**

- Lease or licence the use of the land for a period of up to twenty (25) years with a five (5) year extension option. Council would always remain the owner of the land. At the end of the twenty-five (25) year (plus five (5) year extension option) asset life cycle of the Solar Farm, the developer is required to remove all Solar Farm assets and associated infrastructure and manage according to best practice materials management of the day, and making good the land to the same condition as it was on commencement of the contract.
 - Develop a Solar Farm with technology that does not compromise, damage or penetrate the landfill capping.
3. The contracts that form the arrangement with LMS include:
 - a) Early Contractor Involvement (ECI)
 - b) Engineering, Procurement, Construction and Management (EPCM)
 - c) Power Purchase Agreement (PPA), and
 - d) Retail Electricity Firming Agreement (REFA).
 4. The ECI phase is nearing completion and has included community consultation, planning and grid connection approvals. The project is anticipated to progress to EPCM phase, subject to satisfactory completion of ECI. This will see the commencement of construction works onsite by LMS.
 5. The lease with LMS is proposed to commence on the date of 'practical completion' of the Solar Farm on the Land.
 6. As the proposed lease agreement term is longer than 10 years, Section 115 of the Act requires that Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposed lease agreement, outlining the key terms and conditions of the long term lease agreement and seek any feedback.
 7. Council gave public notice on the proposed lease agreement terms and conditions on 27 May 2022 and in response a total of 5 public submissions were received. The contents of all submissions were considered by the Planning and Consultation Committee held on 12 July 2022.
 8. Having considered the contents of all submissions received, Council can now make a decision in relation to granting the proposed lease to LMS.

Related Council decisions

9. At the 15 September 2020 Council Meeting, Council awarded Contract 1920-72 for the development of a solar farm at the former Plenty Landfill site at 290 Yan Yean Road Plenty to LMS Energy and authorised the Director Operations and Infrastructure (DOI) to negotiate, finalise, and execute the contract documentation for all stages of the proposed solar farm development.

12. Officers' reports**CM.078/22 Intention to lease land to LMS Energy P/L for Solar Farm**

10. On the 12 July 2022, the Committee (acting under delegation from Council) in accordance with section 115 of the *Local Government Act 2020* (the Act), received and noted the contents of public submissions received in response to the proposed lease agreement for LMS in respect of part of the vacant Council-owned land located at 290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty, known as part of the former Plenty landfill site (Land).

Options

11. In order for Council to make a decision to proceed (or otherwise) with a new lease agreement, all submissions were considered in accordance with Section 115 of the Act and Council's community engagement policy.
12. Having considered the contents of all submissions received, Council can now make a decision on granting a lease to LMS Energy subject to the terms and conditions outlined in the Recommendation of this report.

Council plans and policies

13. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We favour sustainable and innovative investment; focussing on renewable energy initiatives.

Sustainability implications

14. Council is expected to save \$1.1 million over the 15 year term of the PPA for its electrical energy consumption through the solar farm when compared to BAU.
15. The solar farm is capable of offsetting 100% of Council's emissions all electricity consuming buildings, infrastructure and assets occupied and under the direct control of Nillumbik Shire Council.
16. The solar farm development project would not conflict with any other objectives to reduce Council's energy consumption and greenhouse gas emissions, for example through continued improved building efficiency, or installation of 'behind the meter' solar on Council buildings.

Community engagement

17. In order to consider the proposed lease agreement with LMS for a 25 year term with a 5 year further term option, Council has undertaken a public consultation process in accordance with section 115 of the Act and Council's Community Engagement Policy.
18. The community engagement process commenced 27 May 2022 for a 3 week period and closed on Sunday 19 June 2022.
19. Community engagement process included the following:
- a) Update on *Participate Nillumbik* website, including formal submission form
 - b) Public Notice on Nillumbik website inviting either written submissions or online submissions via Participate Nillumbik
 - c) Public Notice placed in the Herald Sun on Friday 27 May 2022
 - d) Letters to nearby residents of the Plenty Landfill site

12. Officers' reports

CM.078/22 Intention to lease land to LMS Energy P/L for Solar Farm

- e) Signage at Operations Centre – Public Notice
 - f) Solar Farm project page on Nillumbik Council website
 - g) Email to people on 'Stay informed list - Solar Farm' from previous community engagement processes on 'Participate Nillumbik – Proposed Solar Farm lease'.
 - h) Posts on Council social media pages.
20. The Participate Nillumbik – Solar Farm lease proposal webpage received 135 views over the 3 week period.
21. In response to the community engagement process, a total of 5 formal submissions were received via Participate Nillumbik online submission form and are now required to be considered by Council prior to making a decision to enter into the lease with LMS.
22. Council did not receive any written submissions.
23. **Submissions received**
24. Of the 5 submissions received, 3 submitters did not support the proposed key lease terms and conditions, not the overall principal of the lease.
25. The 3 submitters who did not support the lease were for the following reasons:
- Long term lease of 25 years
 - Proposed rental amount of \$2,000 per annum with annual CPI increases
 - Required further detail on the solar farm including cost Council is paying for the electricity (this would be via a PPA), operating costs being limited to CPI, solar panel costs, capital costs to Council, development capability of LMS, reference to reduction on Council's power requirements for street lighting, and cost to dismantle of solar farm at end of lease.
26. The two submitters who supported the lease proposal were due to:
- The location of the solar farm being on a land fill site that is difficult to use for another purpose; and
 - Solar farm assisting with a sustainable future.
27. **Officer's response to issues raised by submitters**
28. Developers competitively bid based on the tender evaluation criteria including the following:
- qualifications and experience
 - capability, capacity and resources
 - collaborative approach with Council and community
 - solar farm facility management, asset management, land management and
 - environmental management
 - community investment opportunities
 - local economic and social development opportunities and support.

12. Officers' reports**CM.078/22 Intention to lease land to LMS Energy P/L for Solar Farm**

29. LMS demonstrated a number of key attributes as part of the tender evaluation process including:
- Experience with delivering similar projects including Wollert, Uleybury and Albury Solar Farms, all of which are constructed on former land fill sites.
 - Has been operating in Australia for the past approximately thirty (30) years and is 100% Australian owned.
 - Has the necessary 'in-house' resources, technical knowledge, qualifications, skills and experience in developing Solar Farms on former land fill sites.
30. A long term lease agreement of 25 years with a further 5 year option is required between Council and LMS, primarily because the solar farm assets and associated infrastructure have an expected asset life of approximately 25-30 years.
31. The rental amount is informed by a market assessment which in turn is influenced by the limited use of the site (being a former landfill).
32. The costs of developing the solar farm at the site including, design, construction, ongoing operational, management and maintenance fees, and all related costs and charges are the responsibility of LMS under the terms of the contract. The lease agreement aligns with these requirements.
33. LMS will also be responsible for removing all of their improvements from the land including disconnecting services that were connected to their improvements at the end of the lease.
34. The PPA is a contract between Council, retailer (Diamond Energy) and developer (LMS) to purchase electrical power supply and Large Scale Generation Certificates (LGCs) from the solar farm to achieve the following objectives:
- a) Provide a secure revenue stream for the solar farm developer as it guarantees a pre-determined volume of energy and LGCs to be purchased by Council, based on historic and future energy consumption forecasts.
 - b) In exchange, Council secures value for money fixed electricity and LGC pricing from a sustainable source for the duration of the PPA term of 15 years.
 - c) The electricity retailer acts as intermediary providing administrative billing services, and security of energy supply, when the solar farm does not generate sufficient electricity.
 - d) Allows flexibility for Council to consume electricity through the national electricity distribution network when the solar farm does not generate sufficient electricity to meet Council's consumption requirements.
 - e) Maintain flexibility with regular PPA reviews and allowances to lower or increase load throughout the PPA term.
35. The Retail Electricity Firming Agreement (REFA) is a contract between the Council and retailer that defines how the retailer supplies electricity to Council. It is for a similar term to the PPA and also includes regular review points.
36. 1.5MW is committed under the current contract, which will produce approximately 2,200MWh of renewable energy each year.

12. Officers' reports**CM.078/22 Intention to lease land to LMS Energy P/L for Solar Farm**

- 37. Council has contractually committed to purchase 1,994MWh. This consumption figure is based on 2019 data, and adjusted for anticipated projects.
- 38. Council is expected to save \$1.1m over the fifteen year term of the PPA for its electrical energy consumption through the solar farm when compared to BAU.
- 39. This amount of electricity includes all electricity consuming buildings, infrastructure and assets occupied and under the direct control of Nillumbik Shire Council. Essentially all accounts currently paid by Nillumbik Shire Council will be covered by the PPA.
- 40. This leaves a small uncontracted capacity of approximately 206MWh (equivalent to the energy consumption of approximately 30 average households).
- 41. This uncontracted capacity is forecast to be consumed by Council over the next few years.
- 42. When Council's consumption is reduced (for example through upgrading to streetlights to LEDs or behind the meter solar initiatives) then Council's contracted amount would be substituted with electricity consumption from other Council facilities.

Innovation and continuous improvement

- 43. LMS has committed to a collaborative approach with Council during the contract term to implement value added benefits, innovation, improved technology, and future opportunities.
- 44. The items currently being explored include:
 - a) Future potential for battery storage
 - b) Preferential discounted rates for EV charging facilities for the community, Council employees, and Council's fleet of light and heavy vehicles
 - c) Potential for passive educational and recreational facilities to be safely co-located and developed alongside the solar farm.

Collaboration

- 45. Not applicable

Budget implications

- 46. Council's cost to implement a lease agreement with LMS is covered in current operating expenditure.

Relevant law

- 47. In accordance with Section 115 of the *Local Government Act 2020* (the Act), Nillumbik Shire Council gave notice and is considering submissions on the lease proposal.
- 48. LMS have applied to the DEWLP for a planning permit under the *Planning and Environment Act 1987* to use and develop the former Plenty landfill site for a Solar Facility.

Regional, state and national plans and policies

- 49. Not applicable

Conflicts of interest

12. Officers' reports

CM.078/22 Intention to lease land to LMS Energy P/L for Solar Farm

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

12. Officers' reports**CM.079/22 Tender Report - Contract 2122-085 IT Hardware and Infrastructure - End User Computing**

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer****Author: Daniel Tarquinio, Manager Information Technology****Summary**

This report recommends the awarding of a lease contract for the provision of Hewlett Packard (HP PPS) laptops/tablets and services for the replacement of the existing fleet of laptop/tablet (End User Computing) units.

The current fleet End User Computing equipment is four years old and was acquired via a previous leasing contract term with HP PPS back in September 2018. This current lease arrangement is now ending and the existing equipment has reached its end of life cycle and warranty coverage. As part of the original terms of the lease the equipment will be returned to HP PPS.

The new contract term is for a period of 3 years and the lease agreement will be with Hewlett Packard Financial Services.

The lease arrangement includes the following;

- Provision and deployment of the new units
- Next business day on-site warranty support
- Collection of units, secure data destruction and recycling at the end of the lease period

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. Resolves to accept the proposal to enter into a lease contract with for the provision HP PPS End User computing equipment and services for the lease term of three years with Hewlett Packard Financial Services up to the value of \$900,000 excluding GST.

Number: 2122-085
Title: IT Hardware and Infrastructure - End User Computing
Term: 3 years from date of acceptance of equipment
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Authorises the Chief Financial Officer to approve changes to operational requirements throughout the term of the contract.
4. Advises all tenderers accordingly.

12. Officers' reports

CM.079/22 Tender Report - Contract 2122-085 IT Hardware and Infrastructure - End User Computing

Attachments

Nil

Discussion

1. In line with the Technology Strategy objective of having 'integrated contemporary systems that provide responsive, efficient, easy to use and mobile access to information and services', this new lease arrangement continues to support the organisation with portable end user computing equipment that enables staff to work efficiently and effectively in how we deliver services to the community.
2. One of the key benefits of providing portable End User Computing equipment became clear and evident with the on-going COVID impacts and provides the ability for Council to continue with the resulting Flexible Working Arrangement & Working From Home options now in place.
3. Nillumbik Shire Council was one of a hand-full of Councils that were able to be agile and switch to 'work from home' requirements very quickly, in response to the directions issued by State Health Authorities in relation to the COVID-19 pandemic, due to the deployment of the portable End User computing equipment back in 2018.

Council plans and policies

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

Tender overview

5. HP PPS is an appointed supplier via the End User Computing Goods and Services (EUC) Panel put in place by the Victorian State Purchasing Board back in November 2018 and as such Council is not required to issue public tenders for the procurement of the hardware and associated services.
6. In this current process, the Information Technology officers undertook a comparison of two different manufacturers' products – HP PPS and Dell.
7. While the Dell products are technically capable of supporting Councils portable computing needs, the need to then replace all the existing HP PPS peripheral options such as monitors, docking stations, keyboards and mice, would be cost prohibitive.
8. Refer to items 12 and 13 below.

Collaboration

9. Supply of End User Computing equipment is sourced via the State Purchasing Contract Agreement - End User Computing Equipment Panel

Budget implications

10. Over the term of the three year lease contract, the overall cost is not expected to exceed \$900,000 excluding GST.

12. Officers' reports

CM.079/22 Tender Report - Contract 2122-085 IT Hardware and Infrastructure - End User Computing

11. This lease contract for the provision of laptop and tablet hardware including deployment services by HP PPS, will be accommodated within Information Technology annual operating budget.
12. As part of the previous lease arrangement, Council will be buying out the existing HP PPS peripherals such as HP monitor displays, keyboard, mice and docking stations as these are compatible with the new incoming hardware.
13. By continuing to stay with the HP PPS product range and utilising the existing peripherals, this will result in a saving of approx. \$130,000 in comparison to purchasing another manufacturers mobile computing products (including similar deployment services), which would then require new peripherals.

Sustainability implications

14. The current existing leased laptops will be returned back to HP PPS and will enter the HP asset upcycling (circular economy) program.

Stakeholder Consultation/communication

15. Extensive consultation was undertaken in the previous process in 2018 to assess the suitability of portable computing equipment with an internal group made up of managers, coordinators and officers across the organisation.
16. Following on from this process, two type of HP PPS portable computing devices (Laptop and Tablet) were selected.
17. Over the course of the lease period on the ground feedback has been gathered regarding;
 - Fit for purpose
 - Reliability
 - Suitable for work undertaken
18. For this process of renewal of equipment, there has not been the same degree of consultation as the portable device types selected/required are very similar to the original device types with the exception of technology being enhanced.

Innovation and continuous improvement

19. The new devices will enable access to upgraded software and continue to facilitate effective service delivery.

Relevant law

20. Section 108 of the Local Government Act 2020

Regional, state and national plans and policies

21. Not applicable

12. Officers' reports

**CM.079/22 Tender Report - Contract 2122-085 IT Hardware and Infrastructure -
End User Computing**

Conflicts of interest

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

12. Officers' reports**CM.080/22 Tender Report - Contract 2021-058 Facilities Maintenance Services Panel**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Jonathon Miller, Manager Property and Facilities Maintenance****Summary**

This report recommends the awarding of contract 2021-058 for Facilities Maintenance Services Panel.

Council conducts various reactive and proactive maintenance, scheduled servicing, emergency out of hour's works and other services that are required to maintain and improve its assets.

To complete these works, Council staff engage contractors from a panel of Facilities Maintenance Service providers including general handypeople, carpentry, electrical, plumbing, painting, mechanical, glazing and registered builder services.

The primary user of these services is the Property and Facilities Maintenance team, but the contractors on the panel can be used by other areas of Council as needed.

This contract is to deliver business as usual operational requirements for Facilities Maintenance Service requirements using a panel of qualified contractors. The new contract replaces a previous Panel Contract for Facilities Maintenance Services

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

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-058 for Facilities Maintenance Services Panel.

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 tenders submitted by the **preferred tenderers** for the schedule of rates and service categories as disclosed in (**Attachment 1**) and enter into the following contract:

Number: 2021-058

Title: Facilities Maintenance Services Panel

Term: 1 August 2022 to 31 July 2027

Options: Term extensions up to 31 July 2029

12. Officers' reports

CM.080/22 Tender Report - Contract 2021-058 Facilities Maintenance Services Panel

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2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
 3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
 4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
 5. Authorises the Director Operations and Infrastructure to appoint new Facilities Maintenance Services contractors to the panel throughout the term of the contract.
 6. Advises all tenderers accordingly.
 7. 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*.
 8. Resolves that the preferred tenderers be named.

Attachments

1. Attachment 1 - Tender 2021-058 Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. Council conducts various reactive and proactive maintenance, scheduled servicing, emergency out of hour's works and other services that are required to maintain and improve its assets.
2. To complete these works, Council staff engage contractors from a panel of Facilities Maintenance Service providers including general handypeople, carpentry, electrical, plumbing, painting, mechanical, glazing and registered builder services.
3. This new panel contract arrangement replaces a previous panel contract arrangement.

Council plans and policies

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

Tender overview

The Tender Evaluation Panel (TEP) advises that:

5. A public tender was issued on and advertised in the Melbourne Age on Saturday 19 February 2022
6. The period for tender submissions closed at 2pm on Thursday 24 March 2022.

12. Officers' reports**CM.080/22 Tender Report - Contract 2021-058 Facilities Maintenance Services Panel**

7. The following facilities maintenance service categories were tendered and for each of the tendered services, Council reserved the right to appoint up-to a maximum number of contractors for each of the categories.

Facilities Maintenance Service Category	Maximum number of Contractors
Air Conditioning Maintenance Services	3
Electrical Services	3
General Facilities Maintenance Services (Multi Skilled Handy Person)	3
Glazing Services	2
Gutter Cleaning Services	2
Painting Services	3
Plumbing Services	3
Plumbing-Irrigation (Maintenance and Repair)	3
Registered Builders	4
Test and Tag Compliance Services	2

8. Tenderers were able to tender for a single or multiple categories but to be considered for the tendered categories, tenderers needed to provide detail and evidence of skilled and qualified workforce for each of the categories tendered for.
9. Tenderers were required to provide hourly rates plus materials at cost with a percentage mark up for both normal business hours and outside of business hours.
10. These rates will be applied for low value, reactive service requirements.
11. For any programmed/planned maintenance requirements with an estimated value of \$20,000 or more, the contractors on the panel will then be required to quote for the work.
12. If a contractor fails to respond to RFQ's more than twice within a single contract year period, Council reserves the right to terminate the contracted arrangement and to invite another supplier to join the panel contract arrangement.
13. This is to ensure that Council has flexibility to maintain a minimum number of contractors on the panel to support the needs of the Council.
14. The tendered and accepted rates will apply for Year 1 of the initial contract term.

12. Officers' reports**CM.080/22 Tender Report - Contract 2021-058 Facilities Maintenance Services Panel**

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15. There will be annualised rate adjustments for remaining years of the contract using the published Consumer Price Index (CPI) – All Groups Melbourne using the June quarter
 16. There were forty-one (41) companies that tendered. Some companies tendered for more than one category.
 17. Off the forty-one (41) tendered submissions, two submissions were deemed incomplete due to not submitting a tender response form or supporting required documents.
 18. Thirty-nine (39) submissions proceeded to initial assessment stage.
 19. The following table shows the number of categories tendered:

Facilities Maintenance Service Category	Number of Categories tendered for
Air Conditioning Maintenance Services	10
Electrical Services	11
General Facilities Maintenance Services (Multi Skilled Handy Person)	12
Glazing Services	4
Gutter Cleaning Services	3
Painting Services	12
Plumbing Services	12
Plumbing-Irrigation (Maintenance and Repair)	8
Registered Builders	7
Test and Tag Compliance Services	7

20. Following on from an initial assessment of received tenderers, based on the market response for Gutter Cleaning Services and Test and Tag Compliance Services, these two categories were removed from the tender process and not considered any further. This is mainly due to the tendered rates results and the current rates Council is paying for these services.
21. This resulted in a further four tendered submissions not proceeding to full evaluation stage.

12. Officers' reports**CM.080/22 Tender Report - Contract 2021-058 Facilities Maintenance Services Panel**

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22. Part of the initial assessment was to check that for each of the tendered categories, that tenderers had provided the supporting information and evidence of a skilled/qualified workforce for the respective tendered categories. Where not evidenced, a tenderer would not be considered for that specific category.
23. Also as part of the initial assessment, any tenderer that submitted rates that were more than twenty-five percent higher than the average tendered rate for a specific category were not considered for their tendered category or categories.
24. Out of the thirty-nine (39) companies that reached the initial assessment stage, two were rejected due to their tendered rates (more than twenty-five percent higher) for their single tendered category.
25. For the category of Plumbing-Irrigation (Maintenance and Repair), only tenderers that provide specialist services relating to this category were considered.
26. Out of the forty-one (41) total tendered submissions received, only thirty-three (33) proceeded to full evaluation stage.
27. The following table shows the list of resulting number of tenderers by each category that proceeded to the full evaluation stage.

Facilities Maintenance Service Category	Number of resulting Tendered Categories for evaluation
Air Conditioning Maintenance Services	8
Electrical Services	8
General Facilities Maintenance Services (Multi Skilled Handy Person)	11
Glazing Services	2
Painting Services	12
Plumbing Services	8
Plumbing-Irrigation (Maintenance and Repair)	2
Registered Builders	6

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

12. Officers' reports

CM.080/22 Tender Report - Contract 2021-058 Facilities Maintenance Services Panel

Criteria (qualitative)	Weighting %
Capability (Quality/Technical) & Capacity (Resources)	60%
Customer Service & Innovation	20%
Sustainable Procurement	20%
Economic Development (Bonus Points)	5%
Social Development (Bonus Points)	5%

29. The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value
30. Based on a tenderers qualitative score outcome, using the tendered rates and a set number of projected hours requirements, a value for money assessment was applied.
31. Where a tenderer had tendered for multiple categories, but were only considered for a limited number of categories, the tenderers were contacted to see if they wished to continue in the tender process.
32. There were six tenderers contacted to understand if they wanted to proceed further with just limited categories.
33. Three tenderers confirmed they wished to continue with the tender process.
34. The other three tenderers did not provide any response.
35. Where a tenderer did not confirm that they wanted to proceed further in the tender process, the next considered tenderer for a respective category was selected as a preferred tenderer for that category.
36. Following is the final list of Preferred Tenderers and the respective categories of services and indicates if the preferred tenderer is a local* based company.

* A local tenderer is defined as one that has an operational business premises within the Council's municipal boundaries or within the boundaries of the Northern Region Group of Councils.

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Service Category	TENDERER	Local Company
Air Conditioning Maintenance Services	Tenderer 2	No
	Tenderer 15	Yes
	Tenderer 17	Yes
Electrical Services	Tenderer 1	No
	Tenderer 4	Yes
	Tenderer 10	Yes
General Facilities Maintenance Services (Multi Skilled Handy Person)	Tenderer 4	Yes
	Tenderer 6	Yes
	Tenderer 11	Yes
Glazing Services	Tenderer 8	Yes
	Tenderer 12	Yes
Painting Services	Tenderer 4	Yes
	Tenderer 13	Yes
	Tenderer 7	No
Plumbing Services	Tenderer 4	Yes
	Tenderer 9	Yes
	Tenderer 14	No
Plumbing-Irrigation (Maintenance and Repair)	Tenderer 5	No
	Tenderer 16	No
Registered Builders	Tenderer 3	Yes
	Tenderer 4	Yes
	Tenderer 7	No
	Tenderer 11	Yes

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37. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Coordinator, Community Facilities Maintenance & Management	Property and Facilities Maintenance	Scoring
Building Maintenance Renewal Project Manager	Property and Facilities Maintenance	Scoring
Project Management Officer	Capital Works	Scoring
Parks & Open Space Technical Officer - Assets	Living Landscapes	Scoring
Manager Property and Facilities Maintenance	Property and Facilities Maintenance	Advisory
Senior Procurement Specialist	Corporate Services	Advisory

38. **Attachment 1** - Tender Evaluation Summary Report – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
39. The Tender 2021-058 Evaluation Summary Report (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Capability & Capacity

40. The preferred tenderers are either known to Council (current contractor) or have clearly evidenced in their tendered submissions, their ability to deliver against the requirements of the tendered services and categories.

Tender Reference checks

41. For those preferred tenderers who are not previously known to Council, tender reference checks were undertaken. There were no concerns raised during these reference checks.

Contingency and risks

42. All tenderers were required to provide a COVID Safe Work plan along with an outline of their Business Continuity capability.
43. Based on previous experience with facilities maintenance services contracts, over time, some of the awarded contractors have either not responded to requests for works or have stepped away from providing services to Council.

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44. In considering this, Council has built into the terms of contract, the right to appoint other Contractors to the panel arrangement should any of the appointed contractors fail to deliver against the needs of the Council.

Collaboration

45. Not applicable.

Budget implications

46. Funding for the maintenance of Councils assets is managed within the annual budget planning process.

Sustainability implications

47. Of the seventeen preferred tenderers, ten are local based suppliers, which by effect provide significant employment to residents within the Northern Council Alliance (NCA) areas.
48. These 10 local based suppliers, they currently provide employment to residents as below;
- 87 Full time
 - 12 Part time
49. Locally based suppliers shop and source from local suppliers where available.
50. The other seven preferred tenderers, while not local, do provide employment to residents of the NCA as below;
- 23 Full time
 - 3 Part time
51. As part of the tender process, tenderers were also asked to provide information on how they manage and disposal of contract waste materials.

Stakeholder Consultation/communication

52. Not applicable.

Innovation and continuous improvement

53. Not applicable

Relevant law

54. Section 108 of the Local Government Act 2020

Regional, state and national plans and policies

55. Not applicable.

12. Officers' reports

CM.080/22 Tender Report - Contract 2021-058 Facilities Maintenance Services Panel

Conflicts of interest

- 56. As part of the tender process, all members of the Tender Evaluation Panel were required to declare any disclosable conflicts of interest.
- 57. The Parks & Open Space Technical Officer - Assets declared a general conflict of interest in relation to one Tenderer.
- 58. The Parks & Open Space Technical Officer - Assets was not involved in the evaluation of that tenderer.
- 59. Other evaluation panel members evaluated the submission for the respective tenderer.
- 60. In relation to the outcome of the tender process, the respective tenderer is not one of the preferred tenderers.

12. Officers' reports**CM.081/22 Informal Meetings of Councillors Records - 26 July 2022**

Distribution: Public**Manager: Sally Johnson, Acting Executive Manager Governance,
Communications and Engagement****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 28 June 2022.

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

1. Eltham Gateway Project meeting held 18 May 2022;
2. Local Laws Councillor Workshop held 23 May 2022;
3. Planning and Consultation Committee Pre-Meet held 14 June 2022;
4. Environmental Sustainability Advisory Committee meeting held 15 June 2022;
5. Panton Hill Bushland Reserve System User Group Advisory Committee meeting held 16 June 2022;
6. Councillor Briefing held 21 June 2022;
7. Council Meeting Pre-Meet held 28 June 2022;
8. Councillor Briefing held 5 July 2022; and
9. Planning and Consultation Committee Pre-Meet held 12 July 2022.

Recommendation

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

Attachments

- 1  Informal Meeting of Councillors Record - 26 July 2022

Discussion

1. *Item 19 of Council's Governance Rule – Meeting Procedure*, requires records of Informal Meetings of Councillors be reported to a Council Meeting and recorded in the minutes of that meeting.

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CM.081/22 Informal Meetings of Councillors Records - 26 July 2022

Related Council decisions

2. Not applicable.

Options

3. An Informal Meetings of Councillors is defined in *Item 19 of the Governance Rule – Meeting Procedure*. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
- Planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These meetings do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - Meeting of an Advisory Committee where at least one Councillor is present. An Advisory Committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
4. A record must be kept of any Informal Meeting of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
5. In accordance with *Item 19 of the Governance Rule – Meeting Procedure*, Council is required to report as soon as practicable to a Council Meeting, a record of any Informal Meetings of Councillors held.
6. The recommendation contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council at the last Council Meeting.

Conclusion

7. It is recommended that Council receives the records of recent records of Informal Meetings of Councillors as contained in this report, fulfilling *Item 19 of the Governance Rule – Meeting Procedure*.

Council plans and policies

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

Sustainability implications

9. None required.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

12. Officers' reports

CM.081/22 Informal Meetings of Councillors Records - 26 July 2022

Collaboration

12. None required.

Budget implications

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

Relevant law

14. *Local Government Act 2020.*

Regional, state and national plans and policies

15. None applicable.

Conflicts of interest

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

12. Officers' reports

CM.081/22 Informal Meetings of Councillors Records - 26 July 2022

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13. Notices of Motion**14. Delegates' Reports****Mayor Frances Eyre and Deputy Mayor Ben Ramcharan****2022 National General Assembly of the Australian Local Government Association**

Mayor Frances Eyre and Deputy Mayor Ben Ramcharan attended the 2022 National General Assembly (NGA) of the Australian Local Government Association (ALGA) from Monday 20 to Wednesday 22 June. They were accompanied by Council's Communications and Advocacy Lead, Licardo Prince.

The NGA was held over three days at the National Convention Centre in Canberra. In addition, Cr Eyre and Cr Ramcharan attended ALGA's Regional Forum on Sunday 19 June, where councils from rural and regional areas were invited to discuss issues relevant to them. They also attended the Local Leaders Breakfast, organised by the Cities Power Partnership, where councillors from across the country discussed how to tackle the Climate Emergency at a local level.

Crs Eyre and Ramcharan and Licardo also secured a meeting with the new Federal Minister for Regional Development, Local Government and Territories Kristy McBain. Minister McBain was very receptive to the issues raised, which included funding for a youth hub in Nillumbik as well as joint action on the Climate Emergency between Federal and local governments.

Among the speakers at the event were Federal Ministers Murray Watt (Emergency Management, Agriculture, Fishing and Forestry), Linda Burney (Indigenous Australians) and Catherine King (Infrastructure, Transport and Regional Development).

The event reaffirmed local government's importance at a local and national level and this was further reflected in the encouraging signals received from the new Federal Government that it would seek greater engagement with the sector.

Some of the key issues raised during the NGA included Australia's growing housing crisis as well as the importance of Financial Assistance Grants, which provide crucial untied funding from the Commonwealth government to local councils across the country.

Councils were invited to raise motions at the NGA and Nillumbik Council put forward the following motion:

This National General Assembly calls on the Australian Government to support the zero-emissions targets of local government Climate Emergency acknowledgements and declarations by:

- a) legislating a federal government target of zero emissions by 2035
- b) supporting a renewable energy led Covid economic recovery in preference to the nationally proposed gas-led recovery (by providing funding support on a national scale for increased renewable energy infrastructure)
- c) preparing the national grid to support electric vehicles and increased battery storage integration.

Council Meeting Agenda

26 July 2022

A number of councils put forward motions relating to the Climate Emergency and related motions were amalgamated into one motion. The decision of the room was to support the motion from Newcastle City Council, NSW only. While this meant that Nillumbik's motion was not adopted at the NGA, the NGA's decision did support:

- Recognition that we are in a state of Climate Emergency
- The appointment of a minister for the Climate Emergency
- A national Climate Change taskforce
- A zero emissions target
- The development of renewable energy industries
- Incentives to all sectors to transition to more efficient technologies
- An increase in urban vegetation cover and the rehabilitation of degraded rural environments
- An increase in the support for households to access energy efficient demands

In addition to the motions raised, delegates at the NGA signed off on an official joint communique (attached) which provides a succinct overview of the issues discussed and decisions made over the course of the NGA.



Kristy McBain, Local Government Minister with Mayor Frances Eyre



Deputy Mayor Ben Ramcharan and Mayor Frances Eyre at Parliament House

- 15. Supplementary and urgent business**
- 16. Confidential reports**
- 17. Close of Meeting**