

Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 27 February 2024 commencing at 7.00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 22 February 2024

Distribution: Public

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Council Chamber Council Meeting seating plan

Cr Natalie Duffy
Edendale Ward

Cr Karen Egan
Bunjil Ward
(Deputy Mayor)

Cr Richard Stockman
Blue Lake Ward

Cr Peter Perkins
Ellis Ward

Cr Frances Eyre
Swipers Gully Ward

Cr Geoff Paine
Wingrove Ward

Katia Croce
Manager
Governance and
Property

Blaga Naumoski
Director Governance
Communications and
Community Safety

Cr Ben Ramcharan
(Mayor)
Sugarloaf Ward

Carl Cowie
Chief
Executive
Officer

Nillumbik Shire Council

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Council Meeting Agenda

27 February 2024

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Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 27 February 2024 commencing at 7:00pm

1. Welcome

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

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/Leave of Absence

Council to note any apologies by Councillors not in attendance and or consider requests for any leave of absence submitted.

6. Declarations of conflict of interest

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

7. Presentations

Australia Day 2024 Honours List

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8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday
12 December 2023

Summary

Confirmation of the Minutes of the Council Meeting held on Tuesday 12 December 2023.

Recommendation

That Council confirms the Minutes of the Council Meeting held on Tuesday 12 December 2023 (**Attachment 1**).

Attachments

1. Minutes of the Council Meeting held on Tuesday 12 December 2023

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 12 December 2023

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9. Petitions

PT.001/24 Cigarette Butt Education And Bins

A petition containing **32** signatures titled “Cigarette Butt Education and Bins” requests for the placement of bins throughout the shire and relates to the dangers of cigarette butt litter.

The petition contains the following statement:

We, the undersigned, residents of Victoria request the Nillumbik shire council to have education programmes regarding the dangers of cigarette butt litter and to put up cigarette butt bins around parks, shopping centres and schools in Nillumbik Shire council.

Recommendation

That Council:

1. Receives and notes the “Cigarette Butt Education and Bins” petition relating to the dangers of cigarette butt litter, and the placement of bins throughout the shire in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Chief Operating Officer for investigation and response.
3. Notes that officers will advise the petition organiser of the outcome.

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.001/24 Advisory Committee Report - 27 February 2024

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Katia Croce, Manager Governance and Property

Summary

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

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

1. Panton Hill Bushland Reserve System User Group Advisory Committee meeting held 16 November 2023; and
2. Environment & Sustainability Advisory Committee meeting held 22 November 2023.

Attachments

1.  Advisory Committee Meeting Minutes reported 27 February 2024

Recommendation

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

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12. Officers' reports**CM.001/24 Future delivery of the TAC L2P Program**

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

The current contract for the Transport Accident Commission (TAC) L2P Program in Nillumbik will cease 30 June 2024. This report provides the background, issues, and recommendations for future delivery of the TAC L2P Program delivery in line with the new four year funding contract for 2024/25 – 2027/28.

Recommendation

That Council:

1. Transitions the delivery of the TAC L2P Program to the Banyule Nillumbik Local Learning and Employment Network (BNLLEN) from 1 July 2024 and cease the current contract with Department of Transport and Planning (DTP) on 30 June 2024.
2. Supports this transition, by providing BNLLEN the in-kind donation of two L2P Vehicles.
3. Continues to support and celebrate Nillumbik's L2P Program through ongoing partnership with BNLLEN, including but not limited to:
 - a) Team Leader Youth Development to chair the Nillumbik L2P Steering Committee
 - b) Co-branding and promotion through Council's website and communication channels
 - c) Participation and recognition in events, celebrations and media releases
 - d) Support with volunteer and learner recruitment and retention.
4. Monitors the ongoing effectiveness of the Nillumbik L2P Program and ensures it continues to meet the needs of the Nillumbik community.

Attachments

Nil

Discussion

1. The TAC L2P Program is a community-based program developed to assist eligible young Victorian learner drivers between the ages of 16 and 21 years (and in some circumstances, up to 23 years) who do not have access to a supervising driver, or an appropriate vehicle to gain the driving experience required for a probationary licence.
2. Council has been funded to deliver the program in Nillumbik since 2012, and the TAC recommitted to funding Council to deliver TAC L2P Program for another four years from 1 July 2019 to 30 June 2023.

12. Officers' reports**CM.001/24 Future delivery of the TAC L2P Program**

3. This contract was extended in 2023, while TAC commenced a strategic review of the TAC L2P Program. The current contract for the TAC L2P Program in Nillumbik will now cease 30 June 2024 and a new four year contract is expected to be released early 2024.
4. Currently there are 55 Agreements with DTP for the TAC L2P Program. Of these agreements, 32 are delivered by Not-for-Profit (NFP) organisations and 23 are delivered by Councils (three of which are sub-contracted by Councils to a NFP organisation to deliver on their behalf).
5. Increasingly Councils are moving away from direct service delivery of the L2P Program due to the increased costs and resourcing required to deliver an effective program. Within the last two years alone, seven Councils have discontinued their Agreement to deliver the L2P Program and transitioned the program successfully to local NFP organisations.
6. Costs to effectively deliver the TAC L2P Program have been increasing significantly for Council, with salaries and vehicle fleet charges being the two highest ongoing expenses for the program to operate (approximately 82% of the overall budget).
7. In addition, DTP have been reviewing the TAC L2P Program and funding guidelines with VicRoads and there has been indications that there will be stricter criteria on learners that can be accepted into the program with the new four year funding contract commencing July 2024 (with more of a focus placed on supporting vulnerable young people).
8. The number of young people in Nillumbik needing to access the program and who meet the required eligibility criteria for the program is not as high compared to many neighbouring Local Government Authorities (LGA's). This, alongside tighter reporting requirements and other challenges outlined in this report will impact on Council's ability to achieve the required funded learner places to meet a cost neutral program.

Related Council decisions

9. Not applicable.

Options

10. As we approach the 2024/25 Funding Contract, Council are in a position to make an informed decision on the most appropriate next steps for delivery of the L2P Program.
11. There are two options of eligibility to apply for funding to deliver an L2P program:
 - LGA's can apply for funding and directly deliver the program.
 - NFP or Community Organisations, can apply for funding and directly deliver the program with support from their LGA.
12. This report presents two options for future delivery of Nillumbik's TAC L2P Program for Councils consideration:
 - a) Conclude the existing funding contract for 2023/24, and transition the program to Banyule Nillumbik Local Learning Employment Program (BNLLEN) to enter into the new four year funding contract to deliver the Nillumbik TAC L2P Program commencing 2024/25; or

12. Officers' reports

CM.001/24 Future delivery of the TAC L2P Program

- b) Re-enter into the new four year contract for 2024/25 and continue delivering the program.
- 13. Based on a review of the program, it is evident that costs to deliver the TAC L2P Program have been increasing significantly for Council, and with stricter eligibility criteria and current level of demand in Nillumbik, a Not for Profit organisation would be better placed to deliver a more cost effective and efficient program.
- 14. BNLLLEN have approached Council to deliver the Nillumbik L2P Program on its behalf, and are well placed to manage Nillumbik and Banyule's programs concurrently.
- 15. Transitioning the program to be delivered by BNLLLEN and supported by Council as a key partner would provide a more efficient and cost effective way to deliver the TAC L2P Program for the Nillumbik community, and provides more flexibility to scale the program based on learner demand in the area.
- 16. Importantly, Council would continue to play an active role in supporting the delivery of the program as a partner including branding and promotion, participation in the L2P steering committee, participation and recognition in events, celebrations and media releases, and in-kind support for volunteer and learner recruitment.

Council plans and policies

- 17. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We enhance the effectiveness and efficiency of our services, prioritising a great customer experience.
 - We continue to exercise sustainable and responsible financial management.
 - We are forward-thinking, data-driven and evidence-led in our decision making, always looking to identify new opportunities.

Access, Equity and Inclusion

- 18. The TAC L2P Program aims to provide an opportunity for young people aged 16-21 years and, in some cases, up to the age of 23 years for those who face a significant barrier or disadvantage (economic, social or other) to successfully obtain their probationary licence with the support of a skilled local volunteer Mentor.

Sustainability implications

- 19. Not applicable.

Community engagement

- 20. Not applicable.

Innovation and continuous improvement

- 21. With the current contract for the Nillumbik TAC L2P Program concluding at the end of June 2024, Council are in an opportune position to strategically review the current delivery and viability of the program and determine how it will best continue into the future.

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CM.001/24 Future delivery of the TAC L2P Program

Collaboration

22. A range of internal and external stakeholders have supported the development of this report and recommendations, including DTP, BNLLLEN, Youth Development, Finance, Procurement and Risk.
23. If Council decide to exit out of direct service delivery of the TAC L2P Program and transition it across to the BNLLLEN, Nillumbik Shire Council would continue to play an active role in supporting delivery of the L2P Program as a key partner with the BNLLLEN.

Budget implications

24. Budget implications based on the options presented in this report are outlined below:
 - a) Option 1 – Exit out of L2P Program delivery
 - In-kind donation of 2 x L2P Vehicles (estimated value \$16,162.66)
 - Minimal support provided by Council in-kind (e.g., attending steering committee meetings and marketing & promotion support).
 - b) Option 2 – Continue delivering TAC L2P Program
 - Depending on future funding outcomes, there are anticipated budget implications of up to \$30,000 per annum.

Relevant law

25. Not applicable.

Regional, state and national plans and policies

26. Not applicable.

Conflicts of interest

27. 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.002/24 Land Management Incentive Program - Guidelines Update**

Distribution: Public**Manager: Renae Ahern, Manager Planning Services****Author: Leigh Northwood, Manager Strategic Planning and Environment****Summary**

The purpose of this report is to seek Council's endorsement of the Land Management Incentive Program Guidelines (as updated) at **Attachment 1**.

The Land Management Incentive Program (LMIP) supports the community with grants and advice to undertake sustainable land management and biodiversity conservation activities.

The Expression of Interest (EOI) for the LMIP grant is open all year round and we communicate it through our webpage, newsletters and socials and particularly our Landcare Network.

Unlike other grant funding provided by Council, administration of the LMIP is an iterative process from application submission to Council, through to agreement on land management outcomes, and will often have regard and alignment where possible to other environmental works being undertaken by Council on its own land or by other land owners to achieve the best possible landscape-scale environmental outcomes.

There is also a clear seasonal relationship to demand for the grant, typically leading into spring/summer as this is the key time people want to do works (and we encourage such), as it corresponds with breeding and prime weed growing weather conditions.

Given the seasonal aspects and lead time associated with preparing land management plans in administering the LMIP, granting of funds over a yearly 'even' basis is not realistic, achievable, nor optimal. For this reason the LMIP is open for Expressions of Interest all year round. Even where grant funding is exhausted, which tends to be the case in the later half of the financial year (Mar-Jun) aligned to seasonal demand at peak 'treatment' times, officers work with applicants to get their land management plans ready to align with optimal seasonal programming and availability of the grant funding the following year.

The LMIP guidelines provide detail on the program and eligibility criteria. These guidelines are available on Council's webpage (as updated).

After a risk review of the LMIP was undertaken, based on community feedback, Council endorsed the recommendation to remove shooting based activities for the control of deer from the LMIP in April 2023.

Further minor changes to the current LMIP guidelines have been identified to support further clarity in regard to the program and community concerns. Changes are detailed (track changed) at **Attachment 1**, and include:

- i. Ineligibility of projects requiring the use of firearms;
- ii. Ineligibility of projects where a company or contractor who has a personal interest in any property will benefit from the grant;
- iii. Consideration of negative amenity impacts as part of the grant assessment process (e.g. noise, odour, etc.); and

12. Officers' reports**CM.002/24 Land Management Incentive Program - Guidelines Update**

- iv. Inclusion of climate resilience and protection of plants from pest animal browsing as part of the criteria for indigenous revegetation projects.

There are no known budget implications for 2024-25 by the proposed changes to the LMIP guidelines as the changes are operational in nature. The program is currently funded for the 2023/24 financial year at \$60K.

Recommendation

That Council:

1. Notes and adopts the updated Land Management Incentive Program Guidelines which are provided at **Attachment 1**; and
2. Instructs officers to make the updated Land Management Incentive Program Guidelines available on Council's webpage.

Attachments

1.  Land Management Incentive Program Guidelines 2024

Discussion

1. The Land Management Incentive Program (LMIP) supports the community with grants and advice to undertake sustainable land management and biodiversity conservation activities.
2. To be eligible the property needs to be located in Nillumbik and be in the Green Wedge Zone, Rural Conservation Zone or have an Environmental Significance Overlay.
3. A maximum grant of up to \$2,000 is available per (eligible) single property, or up to \$10,000 for a community led cross-tenure or landscape-scale initiative. A 50% (matching) co-contribution of funds, materials or in-kind labour will usually be required.
4. Eligible activities commonly funded under LMIP include:
 - a) Environmental weed control
 - b) Indigenous revegetation
 - c) Threatened species conservation
 - d) Rabbit and fox control (without the use of firearms)
 - e) Environment and land management education and training activities
 - f) Biodiversity and exclusion fencing
5. The LMIP guidelines provide detail on the program and eligibility criteria. These guidelines are available on Council's webpage (as updated): <https://www.nillumbik.vic.gov.au/Explore/Environment/Grants-rebates-and-incentives/Land-Management-Incentive-Program-Grants>
6. Deer control activities, including ground-based shooting was made an eligible LMIP activity after endorsement by Council of updated LMIP guidelines, in November 2021.

12. Officers' reports**CM.002/24 Land Management Incentive Program - Guidelines Update**

7. Rationale for inclusion of deer control activities in the LMIP guidelines update in 2021 included:
 - a) To support community-led deer control in areas of the Shire not eligible for Council's deer control program (Sugarloaf Link Project 2018-2021); and
 - b) To provide alternative mechanisms to support community-led deer control if/when Council was not in receipt of funding to undertake area-wide deer control.
8. After a risk review of the LMIP was undertaken, based on community feedback, Council endorsed the recommendation to remove shooting based activities for the control of deer from the LMIP in April 2023.
9. Proposed changes to the current LMIP guidelines include:
 - a) Ineligibility of projects requiring the use of firearms;
 - b) Ineligibility of projects where a company or contractor who has a personal interest in any property will benefit from the grant;
 - c) Consideration of negative amenity impacts as part of the grant assessment process (e.g. noise, odour, etc.); and
 - d) Inclusion of climate resilience and protection of plants from pest animal browsing as part of the criteria for indigenous revegetation projects.
10. Environmental impacts of deer will be identified as a risk within the Biodiversity Strategy review, currently under preparation.
11. It is noted that externally funded programs are Council's only available mechanism to control deer with data informing the preparation of the Biodiversity Strategy clearly demonstrating the increasing threat that deer pose to biodiversity in Nillumbik (and more broadly).
12. Currently, Council is in receipt of funding from the Department of Energy, Environment and Climate Action (DEECA) for deer control under the Peri-urban deer control plan. Funding is confirmed, albeit reduced on previous years, until June 30 2025.

Operation and administration of the LMIP

13. The Expression of Interest (EOI) for the LMIP grant is open all year round and we communicate it through our webpage, newsletters and socials, and particularly our Landcare Network.
14. Unlike other grant funding provided by Council, administration of the LMIP is an iterative process from application submission to Council, through to agreement on land management outcomes, and will often have regard and alignment where possible to other environmental works being undertaken by Council on its own land or by other land owners to achieve the best possible landscape-scale environmental outcomes.
15. There is also a clear seasonal relationship to demand for the grant, typically leading into spring/summer as this is the key time people want to do works (and we encourage such), as it corresponds with breeding and prime weed growing weather conditions.

12. Officers' reports**CM.002/24 Land Management Incentive Program - Guidelines Update**

16. Given the seasonal aspects and lead time associated with preparing land management plans in administering the LMIP, granting of funds over a yearly 'even' basis is not realistic, achievable, nor optimal. For this reason the LMIP is open for Expressions of Interest all year round, and even where grant funding is exhausted, which tends to be the case in the later half of the financial year (Mar-Jun) aligned to seasonal demand at peak 'treatment' times, officers work with applicants to get their land management plans ready to align with optimal seasonal programming and availability of the grant funding the following year.
17. Assessing the Expressions of Interest for the LMIP takes considerable time, sometimes months, because it requires arriving at a land management consensus with the land owners.
18. Landowners who have successful grants sometimes are also not able to do the programmed works at the agreed time e.g. financial constraints for the 50% contribution, or personal circumstances arise. Officers try to accommodate landowners whilst still trying to make sure the works are as effective as possible (see seasonality issues highlighted above).
19. Administering the LMIP requires considerable resourcing and technical land management knowledge and advice (across a number of disciplines within Council including Council's land management officer, but also the biodiversity officer, environmental works officers, parks and open space officers and statutory planners), across a relatively long timescale to arrive at an effective land management response.
20. The grant funded works themselves as part of the grant are only one aspect of the service that Council offers in administering the grant. Land management advice and education, and facilitating connections, for example to other grants or State level services or Landcare groups, is also part of the service officers provide in administering the grant. It is not only about allocation of funds for a specific set of works.
21. This complexity is inherent given the intent of the grant, which is to achieve the highest environmental outcomes, which are almost always aligned to a landscape-scale approach, with the highest community benefit, as opposed to piecemeal site by site outcomes which are not effective if the broader environment is not also considered/treated. This is clearly aligned to biodiversity objectives in Council's current and draft Biodiversity Strategy. Therefore administration of the grant cannot be delivered in the same manner as Council's other grant funding programs.

Reporting and transparency

22. The LMIP is reported on through the Annual Plan including grants awarded, number of applications, funding allocation and value of works.

Related Council decisions

23. CM.163/21 Land Management Incentive Program - Guidelines Review. Council endorsed updated guidelines of the LMIP, including the eligibility of deer control activities, in November 2021.

12. Officers' reports

CM.002/24 Land Management Incentive Program - Guidelines Update

24. CM.030/23 Land Management Incentive Program - Risk Review. Council endorsed recommendations to remove shooting based activities from the LMIP, and to continue to seek alternative programs to manage deer control across the shire. Notably there are no effective alternatives to manage deer at this point in time.

Options

25. The proposed updates to the LMIP guidelines are operational in nature and have been identified to provide Council with better certainty and risk mitigation. They also provide clarity to landowners as an 'outward facing' document with regard to the LMIP program and eligibility criteria.
26. It is noted that upon adoption of the Biodiversity Strategy, it will be timely to re-visit the LMIP guidelines and their effectiveness in meeting biodiversity objectives as adopted in the Strategy.

Council plans and policies

2. This report directly supports the achievement of the Council Plan 2021-2025 strategy Natural environment
- *We understand and value biodiversity and its importance to human health and wellbeing, and take action to protect and enhance biodiversity in Nillumbik.*
3. The delivery of this initiative also helps to achieve Green Wedge Management Plan actions:
- *Assist our community in acting to protect biodiversity and the natural environment, and promote community and landholder stewardship values (Action ID 729)*

Access, Equity and Inclusion

27. The LMIP is a flexible grant program and aims to be inclusive of all eligible residents. In November 2021, changes were adopted to program guidelines increasing accessibility of the program to residents in possession of a valid Pensioner Concession Card or Health Care Card.

Sustainability implications

28. The aims of the LMIP are to promote biodiversity conservation and sustainable land management and increase community capacity to help deliver on these aims.

Community engagement

29. The LMIP guidelines are operational in nature and have not been through broad community engagement.
30. The guidelines have been presented to the Environment and Sustainability Advisory Committee (ESAC) on various iterations of review previously, however given the operational aspects of this review, they have not been presented to ESAC for this review.
31. The Our People, Our Places, Our Future surveys identified the preservation of the Green Wedge as the top issue for open space and sustainability.

12. Officers' reports**CM.002/24 Land Management Incentive Program - Guidelines Update**

Innovation and continuous improvement

32. The proposed LMIP guidelines are an outcome of a continuous improvement process responding to community needs, recognising new opportunities and emerging challenges in biodiversity conservation and land management.

Collaboration

33. Collaboration is central to Council's biodiversity and land management programs, including the LMIP. Each program has a range of partners and stakeholders.
34. LMIP projects are prioritised when they work in collaboration with Council's Environmental Works and Open Space teams or other land management agencies including Melbourne Water or Parks Victoria, to deliver collaborative, tenure-blind landscape scale projects.
35. In some instances, the LMIP also functions collaboratively with neighbouring local governments to deliver land management education to the community. An example is the Equiculture Course run collaboratively with Manningham City Council and Yarra Ranges Shire Council.

Budget implications

36. There are no known budget implications for 2024-25 by the proposed changes to the LMIP guidelines as the changes are operational in nature. The program is currently funded for the 2023/24 financial year at \$60K.
37. Funding has been fully exhausted each financial year, for the last 5 financial years. This is the first year however (2023/24) that demand has resulted in exhaustion of the grant early.
38. Notwithstanding this early exhaustion, Expressions of Interest are still being received for the LMIP grant by land owners, and officers are providing support and advice, with the view that we will support land owners for grants available from July 2024. As noted above however, this support through advice, education and connections is intrinsic in preparation for any actual works and associated grant funding.

Relevant law

39. *Environment, Protection and Biodiversity Conservation Act 1999*
40. *Catchment and Land Protection Act 1994*
41. *Flora and Fauna Guarantee Act 1988*
42. *Climate Change Act 2017*

Regional, state and national plans and policies

43. The Victorian biodiversity strategy *Biodiversity 2037* guides State government investment in biodiversity conservation in Victoria. Nillumbik has received significant funding for biodiversity conservation aligned with this plan.
44. The *Peri-urban Deer Control Plan 2021–26* is Victoria's plan to reduce the impact of deer across the peri-urban region east and north of Melbourne.

12. Officers' reports

CM.002/24 Land Management Incentive Program - Guidelines Update

45. In 2019-20, Nillumbik Council officers participated in the development of the *Eastern Region Pest Animal Strategy 2020-2030* which focuses on deer, feral cats, foxes, Indian Mynas and rabbits and how local government and other partners can work collaboratively to tackle these problems in the region.

Conflicts of interest

46. 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.002/24 Land Management Incentive Program - Guidelines Update

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12. Officers' reports**CM.003/24 Review of the Governance Rule - Election Period Policy**

File: FOL/24/50**Distribution:** Public**Manager:** Blaga Naumoski, Director Governance, Communications and
Community Safety**Author:** Katia Croce, Manager Governance and Property**Summary**

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

Any review of Council's Governance Rules requires Council to undertake community consultation on any amendments.

The draft Governance Rule – Election Period Policy (**Attachment 1**) has been informed by the experience of the 2020 Council election.

This report outlines the amendments that have been included since the previous version of the Election Period Policy adopted by Council in 2020 and to seek endorsement from Council of the draft Governance Rule – Election Period Policy (Election Period Policy) (**Attachment 1**) for public consultation.

Recommendation

That Council:

1. Endorses the draft Governance Rule – Election Period Policy shown at **Attachment 1** for public consultation from 1 March 2024 to 24 March 2024 inclusive;
2. Invites written submissions regarding the draft Governance Rule – Election Period Policy by 24 March 2024;
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 16 April 2024; and
4. Notes that any person who makes a written submission in relation to the draft Governance Rule – Meeting Procedures and requests to be heard in support of the written submission, be heard at the 16 April 2024 Planning and Consultation Committee meeting.

Attachments

- 1  Draft - Governance Rule - Election Period Policy

12. Officers' reports**CM.003/24 Review of the Governance Rule - Election Period Policy**

Discussion

1. On 25 August 2020, Council adopted its Governance Rule – Election Period Policy as required under the then new *Local Government Act 2020*.
2. The Election Period Policy outlines the requirements of Councillors, candidates and Council Officers to ensure integrity and compliance before and during the election period, as well as in the immediate period following the election.
3. This review considers minor changes to dates and officer positions to make the references relevant to the 2024 election and the current organisational structure.
4. Other notable changes include:
 - Defining significant and delegated decisions and making clear prohibitions on any consultations during the election period, except when exemptions apply under the *Planning and Environment Act 1987* and section 223 of the *Local Government Act 1989*.
 - The section on social media has been expanded to further clarify how Council will manage the organisations social media accounts. In addition, further information is provided in relation to media and publicity and media releases.
 - The Policy has been updated to incorporate provisions pertaining to Council staff members who nominate as a candidate for election, strengthening the requirements related to election nominations.
 - Key provisions relating to Councillor conduct have been included in the draft Policy to reflect Local Government best practice. This section is taken directly from the Act and does not apply any further expectation or requirement on Councillors than what is legislatively required under the Act.
 - Clear language and definitions.

Related Council decisions

5. In August 2020, Council adopted the suite of Governance Rules as required under the stage two implementation of the Act, including the Governance Rule – Election Period Policy.

Options

6. Council may:
 - a) Option 1 – endorse the draft Election Period Policy with no changes for public consultation to commence 1 March 2024.
 - b) Option 2 – make amendments to the draft Policy (**Attachment 1**), at the February Council Meeting which would be updated accordingly for public consultation.

Council plans and policies

7. 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.

12. Officers' reports

CM.003/24 Review of the Governance Rule - Election Period Policy

Access, Equity and Inclusion

8. Minor amendments have been made to the draft that remove gender references such as his or her, with references amended to 'their'.
9. The draft Election Period Policy was provided to Council's Gender Equity Lead for consideration. It has been deemed that given the content relates to behaviours of Councillors, Candidates and Council Officers equally, that a Gender Impact Assessment is not required in this instance.
10. This report does not impact negatively on any rights identified in *the Charter of Human Rights and Responsibilities Act 2006* (VIC).

Sustainability implications

11. There are no sustainability implications arising from the recommendation contained in this report.

Community engagement

12. Council will follow a process of public engagement on the Governance Rule and the. Council is required to follow a process of public engagement in order to socialise it with the municipal community and obtain any feedback.
13. Community engagement will be targeted to increase the diversity of community members and perspectives included in the engagement, this will include; Participate Nillumbik page, media release, promotional communications including email, e-news, and social media.
14. Whilst amending a Governance Rule has a mandatory requirement to engage with the community, we are mindful of the limited changes that can be made to this Policy due to the legislative nature of the content.

Innovation and continuous improvement

15. Not applicable

Collaboration

16. Not applicable

Budget implications

17. Preparation of the draft Election Period Policy and subsequent community engagement is an administrative function, the cost of which is included within Council's operational budget.

Relevant law

18. Section 60 of the *Local Government Act 2020*.
19. Section 69 of the *Local Government Act 2020*.
20. Council's Community Engagement Policy and guidelines have been referenced and will be followed in the preparation of this review.
21. In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

12. Officers' reports

CM.003/24 Review of the Governance Rule - Election Period Policy

22. It is considered that the subject matter does not raise any human rights issues.

Regional, state and national plans and policies

23. Not applicable

Conflicts of interest

24. The *Local Government Act 2020* requires members of Council staff and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

12. Officers' reports**CM.004/24 Environment and Sustainability Advisory Committee (ESAC) - revised Terms of Reference and Expressions of Interest for new committee**

Distribution: Public**Manager: Renae Ahern, Acting Director Planning, Environment and Strategy****Author: Leigh Northwood, Manager Strategic Planning and Environment****Summary**

The current term of Council's Environment and Sustainability Advisory Committee (ESAC) is nearing completion.



This report provides an overview of the remit and work of the current ESAC, makes recommendations for minor edits to the Terms of Reference, and recommends that a recruitment process to appoint a new two-year committee be undertaken.

The last meeting of the current committee will be in April 2024, and the first meeting of the new committee will be in June 2024.

Recommendation**That Council:**

1. Acknowledges and thanks members of the Environment and Sustainability Advisory Committee for their advice and practical contribution to environment and sustainability outcomes for the Shire over the term of the committee.
2. Endorses the revised Terms of Reference for the Environment and Sustainability Advisory Committee for public exhibition in March 2024 seeking expressions of interest for membership nomination to renew the committee by June 2024.
3. Instructs officers to report nominations to the Environment and Sustainability Advisory Committee to Council for endorsement.

Attachments

- 1  ESAC Terms of Reference - 2022-2024
- 2  ESAC Draft Terms of Reference 2024-2026

Discussion

1. Council's Environment and Sustainability Advisory Committee (ESAC) was created in November 2016, replacing the former Environment Advisory Committee.
2. As the two-year term of the current committee will cease shortly, this report considers the valuable work of that committee and recommends minor updates to the Terms of Reference for the next committee.

Current ESAC (2022-2024)

3. The current committee was appointed by Council in June 2022 and the committee meets bimonthly. During its term there has been one resignation.

12. Officers' reports**CM.004/24 Environment and Sustainability Advisory Committee (ESAC) - revised Terms of Reference and Expressions of Interest for new committee**

4. The last meeting of the current committee will be in April 2024.
5. Its Terms of Reference (TOR) were endorsed by Council on 22 February 2022 and are included in **Attachment 1**.
6. As per those Terms of Reference, the objectives of the current committee have been to:
 - a. Provide feedback and advice to Council on environment and sustainability matters, including:
 - Climate action
 - Biodiversity and land management
 - Sustainable water management
 - Waste management, pollution and circular economy.
 - b. Consider and provide advice to Council on the development and implementation of policies, plans and services that impact the environment and sustainability;
 - c. Consider and provide advice on key Government initiatives, programs and reviews;
 - d. Represent the views and share news of environment and sustainability stakeholder groups within Nillumbik;
 - e. Assist Council with effective communication and consultation with the broader Nillumbik community;
 - f. Strengthen partnerships with residents, community groups and services in Nillumbik; and
 - g. Contribute to a cycle of continually assessing and improving Nillumbik's environment and sustainability programs.
7. During its current term, ESAC has made a contribution to, or considered, a wide range of matters, including but not limited to:
 - Draft Biodiversity Strategy development;
 - Urban Tree Canopy Strategy development;
 - Municipal Planning Strategy review;
 - Neighbourhood Character Strategy development;
 - Climate Action Plan implementation;
 - Edendale as a Climate Action Hub concept;
 - Environmental and sustainability education / outreach priorities;
 - Single use plastics ban;
 - Circular economy;

12. Officers' reports

CM.004/24 Environment and Sustainability Advisory Committee (ESAC) - revised Terms of Reference and Expressions of Interest for new committee

-
- Smart Farms project;
 - Northern Region Trails Strategy review;
 - Local Law 52 – Protection of Amenity Trees;
 - Council's roadside weed control program; and
 - Victorian Kangaroo harvesting program.

Minor updates to the Terms of Reference for the new ESAC (2024-2026)

8. The current ESAC Terms of Reference have been reviewed and minor edits are recommended.
9. A copy of the proposed updated Terms of Reference are provided in **Attachment 2**. It is presented in track-changes and the changes include:
 - a. Consolidating the wording of the environment and sustainability topic categories that ESAC provides feedback and advice on to better reflect the interactions and implementation actions within Council's adopted Climate Action Plan and Council's areas of influence, and Council's Biodiversity Strategy and implementation (currently under development). No reduction in the scope of the committee is proposed, rather streamlining from four to two categories:
 1. *Biodiversity and sustainable land management*
 2. *Climate action* - (climate resilience, net-zero emissions, sustainable transport, waste management and circular economy, and integrated water management)
 - b. Responsible Directorate name updated.
 - c. Meeting frequency remains at six per year, with a November meeting instead of a December meeting stipulated. This is to better facilitate attendance at the final meeting of the year where December meetings are often difficult for members to attend given their end of year commitments. It also accommodates workflows for any advice/recommendations on matters to be considered at Council's final December briefing.
 - d. New reference to out-of-session meetings, which may be scheduled on occasion by the Chair when the timing of a matter that would benefit from Advisory Committee advice requires consideration prior to the next Advisory Committee date.
 - e. New reference to child safety and wellbeing in response to meeting Council obligations under the new Child Safety Standards.
 - f. Selection criteria updated to include 'genuine and valuable reasons for wanting to join the advisory committee'. This will bring ESAC in line with other Council advisory committees and provides an opportunity to consider the key drivers for interest in joining the committee.
10. It is proposed that the meeting time will be brought forward to be 6pm – 8pm instead of 7pm – 9pm.

12. Officers' reports

CM.004/24 Environment and Sustainability Advisory Committee (ESAC) - revised Terms of Reference and Expressions of Interest for new committee

11. It is proposed that the committee will continue to have up to 14 members:
- a. Up to 11 members representing the community;
 - b. One representative from the Nillumbik Youth Council; and
 - c. Two Councillor representatives (Chair and alternate).

Related Council decisions

12. In February 2022, Council endorsed the current ESAC Terms of Reference which stipulate that they are due for review in February 2024.
13. In May 2022, Council endorsed the current ESAC membership.

Options

14. Provide any feedback on the proposed Expressions of Interest process, seeking new committee members for the 2024-2026 ESAC term which will commence in June 2024.

Council plans and policies

15. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We encourage and support volunteering to enable community participation opportunities and actively celebrate these contributions.
 - We work with our community, First Nations People, partners and all levels of government to develop clear and effective initiatives to address climate change.
16. The Environment and Sustainability Advisory Committee provides Council with a forum for two-way consultation consistent with the Community Engagement Policy.

Access, Equity and Inclusion

17. Consideration of diverse representation is embedded within the committee member selection process.

Sustainability implications

18. The Environment and Sustainability Advisory Committee provides Council with advice on a wide range of environment and sustainability matters.

Community engagement

19. Community engagement will be undertaken via an Expression of Interest process to seek committee members for the next term of ESAC.
20. Direct notification will be sent to local environment and sustainability community groups, and broader promotion will occur via Council's e-news, website and social media.

Innovation and continuous improvement

21. Operation of ESAC is a mechanism for Council to receive feedback to support innovation and continuous improvement.

Collaboration

22. Not applicable.

12. Officers' reports

CM.004/24 Environment and Sustainability Advisory Committee (ESAC) - revised Terms of Reference and Expressions of Interest for new committee

Budget implications

23. Not applicable.

Relevant law

24. *Local Government Act 2020.*

Regional, state and national plans and policies

25. Not applicable.

Conflicts of interest

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

12. Officers' reports

**CM.004/24 Environment and Sustainability Advisory Committee (ESAC) - revised
Terms of Reference and Expressions of Interest for new committee**

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12. Officers' reports

CM.005/24 Jalna Court Special Charge Scheme - Intention to Declare

File: FOL/20/3711**Distribution:** Public**Manager:** Vince Lombardi, Chief Operating Officer**Author:** Alex Stewart, Acting Manager Capital and Infrastructure**Summary**

On 29 July 2021 Council received a petition by property owners to partially seal Jalna Court, Eltham, with costs recovered via the implementation of a Special Charge Scheme.

On 21 December 2021 an initial questionnaire was sent to all property owners in Jalna Court to gauge their level of support. As part of this questionnaire the two east most properties in the street (1 Jalna Court and 6 Jalna Court) were also asked of their interest for a partial scheme to seal only the section of road adjoining these two properties.

The results of the questionnaires confirmed insufficient support to proceed further with an investigation to seal the full length of Jalna Court. However there was support to proceed with further investigation into a partial scheme involving the two eastern properties.

Council resolved on 26 April 2023 to proceed with the development of a Special Charge Scheme for the partial sealing of Jalna Court, Eltham (between the western boundary of 1 Jalna Court and the intersection with Sweeneys Lane), with a rural standard of construction. The development has now been completed.

This report commences the statutory process to levy the special charge.

Recommendation

That Council:

1. Gives public notice of its intention to declare a Special Charge Scheme in accordance with Part 8 of the *Local Government Act 1989*, for the construction of the partial length of Jalna Court subject to the following conditions:
 - a) The Special Charge Scheme shall apply to the two properties 1 and 6 Jalna Court, Eltham.
 - b) The total estimated cost to each property may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.
 - c) The Special Charge Scheme for Jalna Court, Eltham shall remain in force for 10 years.
 - d) Within 12 months of the completion of works, a final cost statement will be issued to participating properties in Jalna Court, Eltham and any adjustment to liabilities will be made.
 - e) The estimated total project cost and total amount to be levied under this special charge is \$46,070.

12. Officers' reports

CM.005/24 Jalna Court Special Charge Scheme - Intention to Declare

2. Sends a copy of the public notice to each person who will be liable to pay the special charge.

Attachments

1. Attachment 1 - Scheme Area
2. Attachment 2 - Apportionment

Discussion

1. On 29 July 2021 Council received a petition signed by three property owners to partially seal Jalna Court, between Sweeneys Lane and the western boundary of 3 Jalna Court, via a Special Charge Scheme.
2. On 21 December 2021, a questionnaire was sent to all property owners along Jalna Court to determine the level of interest to further investigate sealing of the entire road.
3. The result of the questionnaire did not demonstrate sufficient level of support (table below).

	Construction	No Change	Total
Votes	3	3	6
Percentage	50%	50%	100%

4. The questionnaire sent to 1 Jalna Court and 6 Jalna Court included an option to proceed with a partial Special Charge Scheme to seal the section of road between Sweeneys Lane and the western boundary of 1 Jalna Court (table below). A sufficient level of support was achieved to proceed with further investigation.

5.

	Construction	No Change	Total
Votes	2	0	2
Percentage	100%	0%	100%

Council officers held an information session on site, on 1 September 2022, with the two property owners at 1 and 6 Jalna Court where, general information was discussed relating to the construction standard, cost apportionment, scheme procedure, statutory process and reconciliation of the scheme.

6. On 27 September 2022, a formal questionnaire was sent to 1 Jalna Court and 6 Jalna Court to ascertain the level of support for the partial sealing the road (table below).

	Construction	No Change	Total
Votes	2	0	2
Percentage	100%	0%	100%

12. Officers' reports

CM.005/24 Jalna Court Special Charge Scheme - Intention to Declare

7. A Task Group meeting was held on 25 September 2023 to develop the proposed design.
8. A final information session for the two property owners involved in the scheme was held on site on 20 November 2023 to present the final design.

Related Council decisions

9. Council at its Ordinary meeting on 26 April 2023 resolved to proceed with the development of a Special Charge Scheme for the partial sealing of Jalna Court (between the western boundary of 1 Jalna Court and the intersection with Sweeneys Lane), with a rural standard of construction.

Options

10. To proceed as per the recommendation of this report reflective of the consultation undertaken with residents.

Council plans and policies

11. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We work to understand what residents, businesses and visitors need from modes of transport, to ensure that getting around is easy, accessible, safe and sustainable.

Access, Equity and Inclusion

12. Not applicable.

Sustainability implications

13. Council is committed to using environmentally sustainable materials in the construction of the scheme where available.

Community engagement

14. Consultation was carried out in accordance with Council's Special Charge Schemes for Road and Drainage Works Policy and Guidelines.

Innovation and continuous improvement

15. Not applicable.

Collaboration

16. Not applicable.

Budget implications

17. All costs associated with the investigation are accommodated within existing operational budgets.

Relevant law

18. The 'Special Charge Scheme' legislation under Part 8 of the *Local Government Act 1989* (the Act).

Regional, state and national plans and policies

19. No applicable.

12. Officers' reports

CM.005/24 Jalna Court Special Charge Scheme - Intention to Declare

Conflicts of interest

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

12. Officers' reports**CM.006/24 Draft Budget 2024-2025****Distribution: Public****Manager: Vince Lombardi, Chief Operating Officer****Author: Melika Sukunda, Manager Finance, Assets and Procurement****Summary**

This report presents the draft Budget 2024-2025 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services, delivery of Council Plan actions and for the development and maintenance of infrastructure throughout the Shire.

The draft Budget proposes a 2.75 per cent increase to rates levied and an increase of 6.81 per cent to the waste management standard charge.

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

The Strategic Resource Plan has also been prepared for the next ten financial years.

Recommendation

That Council:

1. Adopts the draft Budget 2024-2025 (**Attachment 1**) for the purposes of section 94 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council Meeting proposed to be held at 7:00 pm on 28 May 2024, the Budget 2024-2025.
3. Notes that any person who makes a written submission in relation to the draft Budget 2024-2025 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting on Tuesday 16 April 2024.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under sections 94 and 96 of the *Local Government Act 2020*.

Attachments

1.  Draft Budget 2024-2025

Discussion

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

12. Officers' reports

CM.006/24 Draft Budget 2024-2025

Draft Budget 2024-2025

4. The major features of the draft Budget are summarised below and in **attachment 1**.

Property rates and charges

5. The draft Budget proposes a 2.75 percent increase in property rates, in compliance with and as set by the Minister under the Fair Go Rates System.
6. The waste management standard charge is proposed to be increased by 6.81 percent, which is largely driven by service delivery costs and the requirement under the EPA to rehabilitate former landfill sites.

Other fees and charges revenue

7. Other fees and charges have been adjusted to reflect cost increases, regulatory requirements and market considerations.

Operating expenditure

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

Major initiatives

9. The draft Budget provides resources through major initiatives for delivery of Council plan action items including policy development, implementation and service improvements.
10. A full list of major initiatives is provided in the draft Budget document.

Capital works

11. The draft Budget includes \$16.7 million of capital works projects, of which \$1.15 million will be funded by external grants.

Loan Borrowings

12. No new loan borrowings are proposed in 2024-2025.

Related Council decisions

13. Adoption of the Budget at the 28 May 2024 Council Meeting.

Options

14. Adoption the draft Budget for the purposes of sections 94 and 96 of the *Local Government Act 2020*.

Council plans and policies

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

Access, Equity and Inclusion

16. A Gender Impact Assessment has been conducted and Gender Responsive Budgeting included within the guidelines throughout the budget development process.

12. Officers' reports

CM.006/24 Draft Budget 2024-2025

Sustainability implications

17. The Strategic Resource Plan provides a ten year forecast of Council's finances, using projections of expenditure and revenue which are based on a series of assumptions. This information is then used to assess Council's long-term financial sustainability.
18. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).
19. These indicators comprise of both short term and longer term measures. The indicators are calculated and considered as part of the budget process.

Community engagement

20. Public exhibition will be for 28 days, and the draft Budget will be available for inspection at the Civic Centre and on Council's website.
21. Public submissions in relation to the draft Budget will be considered at the Planning and Consultation Committee meeting on 16 April 2024.
22. The Budget will then be presented for adoption at the Council Meeting on 28 May 2024.

Innovation and continuous improvement

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

Collaboration

24. The drafting of budget is conducted in consultation with managers and ELT.

Budget implications

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

Relevant law

26. *Local Government Act 2020*, sections 94 and 96.
27. The budget and financial statements are prepared reflective of the overall compliance with the Australian Accounting Standards.

Regional, state and national plans and policies

28. Not applicable.

Conflicts of interest

29. 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.006/24 Draft Budget 2024-2025

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12. Officers' reports

CM.007/24 December Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Melika Sukunda, Manager Finance, Assets and Procurement

Summary

This report outlines Council's financial performance and financial position for the period ended 31 December 2023.

The Income Statement shows an overall favourable year to date (YTD) variance of \$814,685 representing 1.63 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$1.5 million and higher than budgeted operating expenses of \$720,995.


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

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

Recommendation

That Council receives and notes the Financial Report for the period ended 31 December 2023 (**Attachment 1**).

Attachments

1.  December 2024 Quarter Financial Report

Discussion

1. In May 2023, Council adopted the 2023-2024 Budget.
2. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works and investments, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year.

Income statement

5. Council closed the period ending 30 December 2023 with a favourable YTD variance of \$814,685 based on operating revenue and costs. This represents 1.63 per cent of the YTD Budget.
6. The overall variance is made up of the following:
 - Income – \$1.5 million (1.53 per cent) favourable variance. This includes new/additional grant funding \$462,542, user charges \$278,572, supplementary rates \$269,166, capital contributions \$181,847 and other revenue (including insurance and WorkCover refunds) \$186,852 as detailed on pages 6 of **Attachment 1**.

12. Officers' reports

CM.007/24 December Quarter Financial Report

- Expenditure – \$720,995 (1.62 per cent) unfavourable, mainly attributed to reduced employee benefits expenditure \$825,944 due to current vacancies, offset by additional spend across external contracts expenditure \$613,826 and materials and related costs \$714,204, as detailed on page 7 of **Attachment 1**.

Balance sheet

7. The balance sheet reflects Council's financial position at 31 December 2023 and is prepared in compliance with the Australian Accounting Standards.
8. Council's balance sheet as detailed on page 4 of **Attachment 1** continues to show a strong net position. This is represented by \$1.02 billion of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$44.9 million, which results in net assets of \$971.2 million.

Statement of cash flows

9. The statement of cash flows as detailed on page 5 of **Attachment 1** captures Council's actual cash transactions for the period.
10. Council is showing a cash position of \$39.3 million after all cash transactions for the period to date (\$44.3 million including the term deposit held for twelve months, classified as a financial asset).
11. \$41.7 million is currently held in term deposit investments as detailed on page 9 of **Attachment 1**, with the balance held in the general account for operational purposes.

Capital works

12. The capital works report detailing YTD spend by asset class is detailed on page 8 of **Attachment 1**.
13. This shows an unfavourable variance of (\$428,946) relative to YTD budget, largely driven by new (unbudgeted) additional works.

Related Council decisions

14. Council adopted the 2023-2024 Budget at the Council Meeting held on 23 May 2023.

Options

15. The detailed Financial Report for the period ended 31 December 2023 is provided in **Attachment 1**. This report is an analysis of Council's financial performance and financial position as at 31 December 2023. The report also includes an analysis of budget variances.

Council plans and policies

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

Access, Equity and Inclusion

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

12. Officers' reports

CM.007/24 December Quarter Financial Report

Sustainability implications

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

Community engagement

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

Innovation and continuous improvement

21. Not applicable.

Collaboration

22. Not applicable.

Budget implications

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

Relevant law

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

Regional, state and national plans and policies

28. Not applicable.

Conflicts of interest

29. 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.007/24 December Quarter Financial Report

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12. Officers' reports

CM.008/24 Local Government Performance Reporting Framework - Mid-Year 2023-2024 Performance Report

Distribution: Public

Manager: Jeremy Livingston, Director Culture and Performance

Author: James Hartigan, Business Performance Analyst

Summary

The purpose of this report is to present (for noting) the Local Government Performance Reporting Framework (LGPRF) mid-year service performance results for the 2023-2024 financial year.


The report measures Council's current performance against the expected range (based on LGPRF guidelines set by State Government) as well as comparing Council's current performance against the 2022-2023 end of financial year result.

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

Recommendation

That Council notes the Local Government Performance Reporting Framework (LGPRF) service performance results for the period from July to December 2023 (**Attachment 1**).

Attachments

- 1  LGPRF 2023-2024 Mid Year Update Report

Discussion

1. The Local Government Performance Reporting Framework (LGPRF) is a mandatory reporting system introduced by the State Government in 2014 to ensure all Victorian councils are measuring and reporting on their performance in a consistent way.
2. The LGPRF is comprised of service performance, financial performance and sustainability measures, along with a governance and management checklist.
3. Key objectives of the LGPRF include councils having information to support strategic decision making and continuous improvement, and communities having information about Council performance and productivity.
4. Results for the LGPRF measures are reported in Council's Annual Report each year. These financial year results are also publicly released on the Local Government Victoria page on the Department of Government Services website, which provides information on the sector and enables users to benchmark the relative performance of all or similar councils.

12. Officers' reports**CM.008/24 Local Government Performance Reporting Framework - Mid-Year 2023-2024 Performance Report**

Summary of results

5. **Attachment 1** demonstrates that Council is performing well against the LGPRF, with 88% of indicators measuring within the expected range based on Local Government Victoria guidelines. Also, 86% of indicators are measuring better than similar councils.
6. Key results identified from the mid-year data include:
 - Aquatic facilities – Visitation numbers continue to remain high, returning towards pre-COVID levels;
 - Animal management – time taken to action requests is 2 days, better than for other similar councils (3.1 days), and 82.6% of animals were reclaimed from Council during the period, a significantly better result than similar councils;
 - Food safety – 100% of required food safety assessments were undertaken, while the time taken to action food complaints decreased slightly (from 1.93 days to 1.43 days). All indicators for food safety are within the expected range;
 - Governance – Councillor attendance at Council meetings improved to 100%, with all indicators within the expected range and performing better than similar councils;
 - Libraries – there has been a decrease in the number of loans, and also in the number of new items added to the library collection. However, there has been increase membership in YPRL libraries due to a membership drive across both branches;
 - Maternal and Child Health – Participation in the maternal and child health service continues to be steady, and is on par with other similar councils;
 - Roads – sealed local roads requests continue to remain steady;
 - Statutory planning – the time taken to decide statutory planning applications decreased (from 102 days to 84 days), and applications decided within required timeframes also improved (55.99% to 68.83%);
 - Waste collection – all metrics have decreased slightly compared to the same period last year, due to lower collection amounts and subsequently lower processing costs. However, all metrics are performing better than similar councils, and only one metric is outside the expected range, but is a positive result.

Related Council decisions

7. Not applicable.

Options

8. The report is for noting.

12. Officers' reports

CM.008/24 Local Government Performance Reporting Framework - Mid-Year 2023-2024 Performance Report

Council plans and policies

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

Access, Equity and Inclusion

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

Sustainability implications

11. Not applicable.

Community engagement

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

Innovation and continuous improvement

13. The primary aim of the mid-year data collection is to provide more frequent and current data to better monitor and address any issues or trends. The report measures Council's current performance against the expected range (based on LGPRF guidelines set by State Government) as well as comparing Council's current performance against the 2022-2023 end of financial year results.

Collaboration

14. Not applicable.

Budget implications

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

Relevant law

16. Not applicable.

Regional, state and national plans and policies

17. Not applicable.

Conflicts of interest

18. 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.008/24 Local Government Performance Reporting Framework - Mid-Year
2023-2024 Performance Report**

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12. Officers' reports

CM.009/24 Council Plan Quarterly Performance Report - 2023-2024 - Quarter 2

Distribution: Public

Manager: Jeremy Livingston, Director Culture and Performance

Author: James Hartigan, Business Performance Analyst

Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report (**Attachment 1**) for noting.

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

The Council Plan Quarterly Performance Report provides the second update on delivery progress and performance of the 2023-2024 Annual Action Plan actions, which align to delivery of the third year of the Council Plan 2021-2025.

Of the 37 actions in the 2023-2024 Annual Action Plan, 17 of those actions are reported quarterly, with the remaining actions reported on an annual basis in the final quarterly report for the financial year.

Of the 17 actions reported quarterly, 14 actions are 'on track', two actions are yet to commence and one action is experiencing minor issues.

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

Recommendation

That Council receives and notes the Council Plan Quarterly Performance Report (**Attachment 1**) for the second quarter of 2023-2024.

Attachments

1.  Council Plan Performance Report - Quarter 2, 2023-2024

Discussion

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

12. Officers' reports**CM.009/24 Council Plan Quarterly Performance Report - 2023-2024 - Quarter 2**

- Sustainable and Resilient – to manage and adapt to changing circumstances that affect our community to ensure it remains sustainable and resilient, both now and into the future.
 - Responsible and Accountable – to facilitate the best possible outcomes for our community, by demonstrating strong leadership and working actively to achieve the community's objectives.
2. The Annual Action Plan 2023-2024, adopted by Council in May 2023 along with the 2023-2024 Annual Budget, contains 37 actions contributing to delivery of the Council Plan within the corresponding financial year. Of those 37 actions, 17 are identified for quarterly reporting, while the remainder of the actions are subject to an update in the corresponding report in the final quarter of the financial year.

Priority actions

3. Of the 17 actions reported quarterly, 14 actions are 'on track', two actions are yet to commence and one action is experiencing minor issues.
4. Some of the highlights of activities and deliverables achieved throughout this quarter include:
- a) Development of the Reflect Reconciliation Action Plan (RAP) is on track for endorsement before the 2024 Election Caretaker period and submission to Reconciliation Australia. The RAP Working Group (RWG) and Terms of Reference have been established and the first meeting took place in December 2023. The RWG includes key internal staff, external stakeholders and community members. The RWG have commenced the review and refinement of the draft RAP, which is a significant milestone;
 - b) Implementation of the Year 3 Action Plan for the Nillumbik Health and Wellbeing Plan 2021-2025 is underway and on track. The Plan includes 113 actions. Of these, 5 are complete and 99 are on track. Three actions are experiencing minor issues. These actions are in the initial stages, with the issues being mainly delays caused taking the time to effectively plan and develop relationships. One action is experiencing major issues – there are delays to the youth-focused climate action project due to resourcing barriers for the partnering schools. There are four actions where reporting is yet to be completed, which is being followed up;
 - c) A range of activities were delivered under the Youth Strategy 2022-2026 in partnership with the Nillumbik Youth Council. Activities included: wellbeing exhibitions at two local high schools as part of Mental Health Month; 7 Youth in Action sessions focusing on mental health literacy and stress management; and an Open Mic Night as part of the 16 Days of Activism against Gender Based Violence;
 - d) Actions undertaken in the Arts and Culture Strategy 2022-2026 this quarter included concluding engagement on the Creative Infrastructure Framework, and successful commissioning of the annual Creative Minds Exhibition at Eltham Library Community Gallery. The latter showcasing artworks created by Nillumbik VCE Art and Studio Art Students;

12. Officers' reports**CM.009/24 Council Plan Quarterly Performance Report - 2023-2024 - Quarter 2**

- e) Actions undertaken in the development of the new Biodiversity Strategy this quarter included: development of a community engagement strategy for Phase 2 engagement, workshopping the draft strategy with Councillors and the Environment and Sustainability Advisory Committee, and seeking approval to engage with the community on the draft Strategy at the December Council Meeting;
- f) Actions undertaken as part of the Recreation and Leisure Strategy 2022-2030 included: six Gender Impact Assessments, the Nillumbik Women in Sport Breakfast, and community consultation on the Diamond Creek Outdoor Pool upgrade and Eltham Lower Park project;
- g) Following a significant program of community consultation, the Neighbourhood Character Strategy was adopted at the December Council Meeting;
- h) Actions undertaken in the Climate Action Plan this quarter included: publicity to support the launch of the Victorian Container Deposit Scheme; heat health awareness promotions; bushfire mitigation programs; the awarding of a new 3-year Practically Green contract to deliver climate action/sustainability education to the community; and Councillors were briefed on the Net Zero Emissions Roadmap which will guide Council action to achieve the endorsed target of net zero emissions by 2030;
- i) Key activities undertaken as part of the Economic Development Strategy this quarter included: the Shop in Our Shire Christmas campaign; the Northern Business Achievement Awards; the Home Based Business Forum; and the Nillumbik Business Support and Connect Roadshow;
- j) With respect to budgeting, Council's overall financial position at the end of the second quarter is sound, however active monitoring of operational budgets will continue to be a focus for the financial year ahead; and
- k) Progress on the 2023-2024 capital works program is slightly behind schedule at the end of Quarter 2. Several large contracts have just been rewarded and the expectation is that the delay will be rectified in the next quarter.

Overall status

- 5. The overall position as reflected in the report suggests that Council continues to make solid progress in delivering on the key actions supporting the Council Plan.
- 6. Reporting updates will continue to be received by Council on a quarterly basis that demonstrates in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

Related Council decisions

- 7. In concert with the adoption of the 2022-2023 Council Budget, the Annual Action Plan 2023-2024 was adopted at the May 2023 Council Meeting.

Options

- 8. The report is for noting.

12. Officers' reports

CM.009/24 Council Plan Quarterly Performance Report - 2023-2024 - Quarter 2

Council plans and policies

9. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We communicate clearly and regularly, taking the time to listen and engage with our community.

Access, Equity and Inclusion

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

Sustainability implications

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

Community engagement

12. Through the Our People, Our Place, Our Future community engagement program that occurred in February and March 2021, feedback was received which helped inform the development of the Council Plan 2021-2025. The Council Plan was also developed and refined through a series of workshops with Councillors following the general election in November 2020.
13. The Council Plan was subject to a four-week public consultation process across July and August 2021, with refinements made following the receipt of submissions. The Council Plan was subsequently adopted by Council in October 2021.
14. The Annual Action Plan 2023-2024, reflecting the third year of delivery of the four-year Council Plan, was also adopted at the May 2023 Council Meeting.

Innovation and continuous improvement

15. Not applicable.

Collaboration

16. Not applicable.

Budget implications

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

Relevant law

18. Not applicable.

Regional, state and national plans and policies

19. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.010/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

File: GF/20/96

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Katia Croce, Manager Governance and Property

Summary

Section 224 of the *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer makes these appointments by authority conferred by Instrument of Delegation by Council dated 27 July 2021.

Section 147(4) of the *Planning and Environment Act 1987* provides for the appointment and authorisation of Council Officers for the purpose of the *Planning and Environment Act 1987*.


To strengthen Council's decision making and enforcement processes, appointment of authorisation under the *Planning and Environment Act 1987* is being recommended by Council Resolution.

Recommendation

That Council in the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, resolves that:

- a) The Nillumbik Shire Council staff referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) (**Attachment 1**) be appointed and authorised as set out in the instrument.
- b) The common seal of Council be affixed to the Instrument.
- c) The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

Attachments

- 1  Instrument of Appointment and Authorisation for Planning and Environment Act 1987

Discussion

1. The purpose of this report is for Council to consider executing an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (Instrument).

12. Officers' reports

CM.010/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

2. Instruments of Appointment and Authorisation enable Council staff to exercise powers permitted to authorised officers under legislation or Council local laws.
3. Council subscribes to the Maddocks Authorisations and Delegations service. The appointment and authorisation of officers for the purposes of enforcing the *Planning and Environment Act 1987* enables day to day statutory and operational decisions to be made in relation to this Act.
4. The proposed Instrument (**Attachment 1**) is based on the model developed by Maddocks Lawyers and available through the subscription service.
5. Maddocks recommend that Officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis. The instruments are reviewed by Governance as required to ensure they are up to date.

Related Council decisions

6. The current Instrument is dated 12 December 2023.

Options

7. It is recommended by Officers that Council resolves that the Officers referred to in the instrument (**Attachment 1**) be appointed and authorised as set out in the instrument.

Council plans and policies

8. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We act in the best interests of our community.

Access, Equity and Inclusion

9. Not applicable.

Sustainability implications

10. Not applicable.

Community engagement

11. As a legislative requirement and an administrative function of Council, Community engagement is not required.

Innovation and continuous improvement

12. Council's appointments and authorisations under the *Planning and Environment Act 1987* have been signed under delegation to the CEO in accordance with legal advice. In order to strengthen Council's decision making and enforcement process it is recommended that Council make these appointments by Council Resolution.

Collaboration

13. Not applicable.

12. Officers' reports

CM.010/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Budget implications

14. The appointment of authorised officers is an administrative exercise undertaken by Council Officers. There is no additional resourcing required if Council supports and resolves the officer recommendation.

Relevant law

15. Section 224 of the *Local Government Act 1989*
16. Section 147(4) of the *Planning and Environment Act 1987*

Regional, state and national plans and policies

17. Not applicable.

Conflicts of interest

18. 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.010/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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12. Officers' reports

CM.011/24 Informal Meetings of Councillors Records - 27 February 2024

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Katia Croce, Manager Governance and Property

Summary

In accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, adopted on 25 July 2023, 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 12 December 2023.

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

1. Positive Ageing Advisory Committee meeting held 1 December 2023;
2. Youth Council Formal Advisory Committee meeting held 5 December 2023;
3. Councillor Briefing held 5 December 2023;
4. Council Meeting pre-meet 12 December 2023;
5. Inclusion and Access Advisory Committee meeting held 15 December 2023;
6. Positive Ageing Advisory Committee meeting held 2 February 2024;
7. Youth Council Formal Advisory Committee meeting held 5 February 2024;
8. Councillor Briefing held 5 February 2024;
9. Councillor Workshop held 8 February 2024; and
10. CEO Employment Matters Committee meeting held 12 February 2024.

Recommendation

That Council, in accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

Attachments

- 1  Informal Meeting of Councillors record reported 27 February 2024

Discussion

1. *Item 20 of Council's Governance Rule – Meeting Procedures*, requires records of Informal Meetings of Councillors be reported to a Council Meeting and recorded in the minutes of that meeting.

12. Officers' reports

CM.011/24 Informal Meetings of Councillors Records - 27 February 2024

Related Council decisions

2. Not applicable.

Options

3. An Informal Meetings of Councillors is defined in *Item 20 of the Governance Rule – Meeting Procedures*. 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 20 of the Governance Rule – Meeting Procedures*, 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 20 of the Governance Rule – Meeting Procedures*.

Council plans and policies

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

Access, Equity and Inclusion

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

Sustainability implications

10. Not applicable.

Community engagement

11. Not applicable.

12. Officers' reports

CM.011/24 Informal Meetings of Councillors Records - 27 February 2024

Innovation and continuous improvement

12. Not applicable.

Collaboration

13. Not applicable.

Budget implications

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

Relevant law

15. *Local Government Act 2020.*

Regional, state and national plans and policies

16. None applicable.

Conflicts of interest

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

12. Officers' reports

CM.011/24 Informal Meetings of Councillors Records - 27 February 2024

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

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

CM.012/24 Unused Government Road (Joslyn Drive, Research)

This item is confidential because it is law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person pursuant to paragraph (d) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*; and personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs pursuant to paragraph (f) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*.

These grounds are applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

Recommendation

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

- 17. Close of Meeting