

Council Meeting

to be held virtually on Tuesday 30 April 2024 commencing at 7:00pm.

Agenda

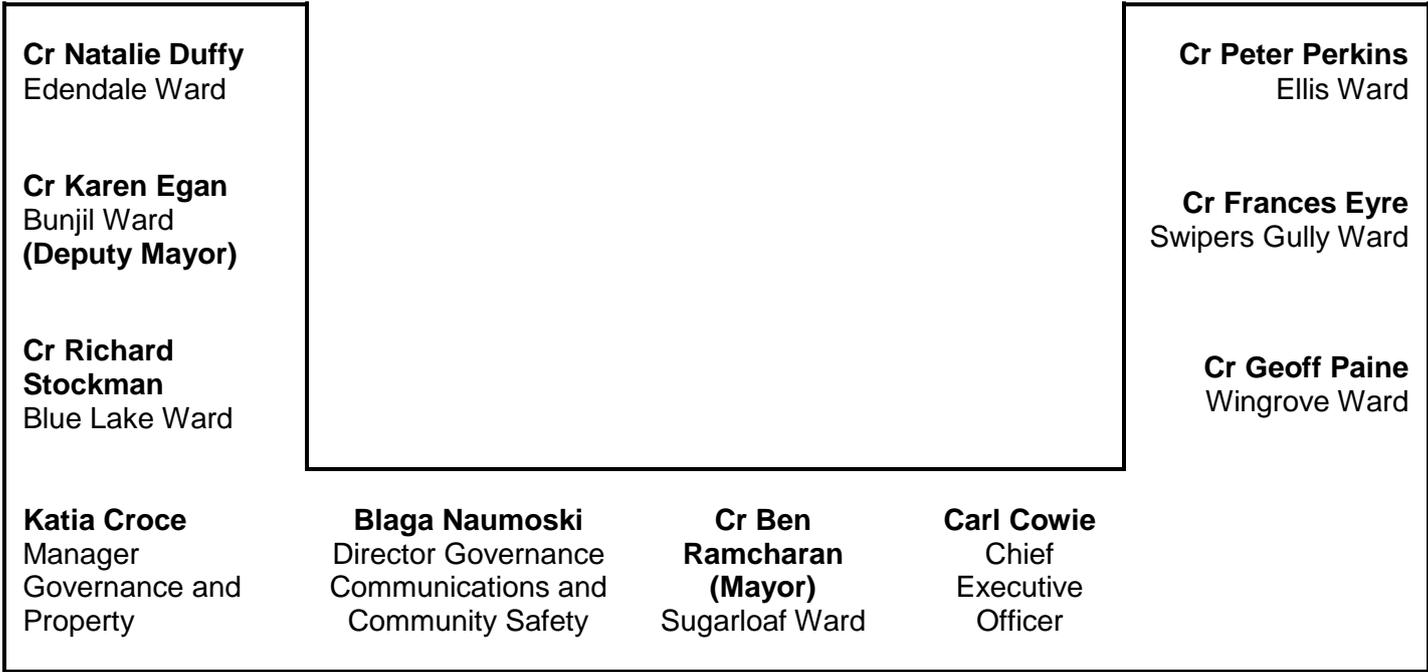
Carl Cowie
Chief Executive Officer

Wednesday 24 April 2024

Distribution: Public

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Council Chamber Council Meeting seating plan



Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held virtually on 30 April 2024 commencing at 7:00pm

1. Welcome

Members of the public are advised this meeting will be held virtually and recorded and the live stream recording will be made publicly available on YouTube and Council's website.

This meeting is being held online and Councillors are attending virtually in accordance with Part 5 of the Governance Rule – Meeting Procedures.

Council adopted its new Governance Rule – Meeting Procedures on 25 July 2023 which allows for virtual meetings to occur.

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

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 26 March 2024

Summary

Confirmation of the Minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 26 March 2024.

Recommendation

That Council:

- 1 Confirms the Minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 26 March 2024 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.

Attachments

- 1 Minutes of the Council Meeting held on Tuesday 26 March 2024
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2. Minutes of the Confidential Council Meeting held on Tuesday 26 March 2024 -
CONFIDENTIAL

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 26 March 2024

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9. Petitions

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.003/24 Advisory Committee Report – 30 April 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. Inclusion and Access Advisory Committee meeting held 23 February 2024.

Attachments

- 1  Advisory Committee meeting Minutes reported 30 April 2024

Recommendation

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

11. Reports of Advisory Committees

AC.003/24 Advisory Committee Report - 30 April 2024

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12. Officers' reports**CM.030/24 Creative Infrastructure Framework**

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

The purpose of this report is to present the draft Creative Infrastructure Framework (the draft Framework) (**Attachment 1**) for adoption following the Planning and Consultation Committee meeting held on 12 March 2024. The feedback received from community was constructive and there have been only very minor changes made to the Draft Framework.

Recommendation

That Council:

1. Adopts the Creative Infrastructure Framework (**Attachment 1**).
2. Authorises the Director Communities to make any further minor changes to the Framework that may be necessary and are inconsequential in nature.
3. Makes the adopted Creative Infrastructure Framework publically available on Council's website.
4. Notes the incorrect date was inadvertently nominated to endorse the Creative Infrastructure Framework at the Planning and Consultation Committee meeting held on the 12 March 2024.

Attachments

- 1  Creative Infrastructure Framework
- 2  Community Engagement Finding Report

Discussion

1. The draft Framework (**Attachment 1**) has been developed to guide Council's decision making on the delivery and development of creative spaces across the municipality for the next 10 years.
2. The draft Framework (**Attachment 1**) has been developed in partnership with consultants, Hodyl & Co, to guide Council's decision making on the delivery and development of creative spaces across the municipality for the next ten years.
3. The ten year lifespan of the draft Framework is intended to align with long-term infrastructure development timelines.

12. Officers' reports

CM.030/24 Creative Infrastructure Framework

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4. The purpose of the draft Framework is to:
 - a) Identify critical gaps in creative infrastructure across the municipality.
 - b) Identify key opportunities to upgrade/re-purpose existing infrastructure.
 - c) Identify strategic opportunities to guide the development of new creative infrastructure.
 - d) Identify opportunities for enhanced governance and advocacy arrangements to support improved creative outcomes across the municipality.
 5. Responding to the known needs of the community and the need for an evidence-led strategic approach for future Council investment, the draft Framework:
 - a) Draws on community feedback from the “*What We Know - Arts and Culture Strategy 2022-26*” community consultation report, a municipality-wide infrastructure audit, and mapping of arts activity, to identify gaps and community needs.
 - b) Identifies key strategic initiatives required to meet community needs, including opportunities to upgrade existing small to medium infrastructure, stand-alone development, as well as partnerships, agreements or incentives designed to enhance creative infrastructure.
 - c) Outlines required governance structures to guide the development of creative infrastructure.
 6. The draft Framework will provide Council with options for consideration. It will explore both soft and hard infrastructure: the built spaces that are accessible, as well as the incentives, funding, partnerships and agreements required to make access to spaces sustainable, including:
 - Opportunities for the delivery of small to medium purpose-built arts spaces.
 - Opportunities to store and profile the Civic Art Collection in purpose-built arts exhibition spaces.
 - Options to increase the accessibility and usage of existing creative spaces.
 - Opportunities or strategies for integration of arts activities in new private developments.
 - Advocacy priorities to support the funding and delivery of future creative spaces.
 - Guidance on the governance of creative infrastructure planning.
 7. Community engagement was undertaken from the 9 October to the 3 November 2023. The findings from this engagement have been analysed and presented in the Community Engagement Finding report (**Attachment 2**).
 8. At the close of the public consultation period, 28 formal submissions were received on the draft Framework along with three email responses and are summarised in the Public Submissions Report (**Attachment 2**).

12. Officers' reports**CM.030/24 Creative Infrastructure Framework**

9. The Community Engagement Finding report (**Attachment 2**) was presented to Councillors at a Planning and Consultation Committee meeting held on 12 March 2024. At this meeting presentations were made to the Committee. All public submissions and presentations have been considered in finalisation of the Draft Framework.
10. High level findings from the Community engagement outlined in (**Attachment 2**) as follows:
- a. Purpose-built Gallery space – strong advocacy for the community’s proposed feasibility study of Nillumbik Regional Art Gallery.
 - b. Overall support for the Overarching Principles of the Draft Framework: Equity and Inclusion, Recognition of First Nations and Playing on Council’s strengths.
 - c. Importance of building sustainable partnership with creative community, private sector, local and external art institutions/organisations.
 - d. Lack of existing exhibition spaces and accommodating for contemporary art installations.
 - e. Digital Infrastructure development and need to invest in virtual platforms.
11. At the Planning and Consultation Committee meeting held on 12 March 2024, the Committee considered all submissions on the Framework. As a result of the feedback received from community two amendments have been made to the Framework:
- Clarification requested from Councillors and public on why other facilities are not mentioned in the framework, the following statement has been added “Other sites across the Nillumbik Shire Council can be considered in the implementation of the framework subject to building assessment and financial review.” Page 29.
 - The amendments also included the inclusion of the digital platforms and virtual infrastructure. Refer Definitions on page 8 Under Creative Infrastructure.
12. It is also noted that a number of submissions were received on the proposal for a Regional Gallery in Nillumbik. As reflected in the Framework on page 40 (Option 1) Advocacy to support a new Municipal Gallery is a key element of supporting the four key strategic directions.
13. At the Planning and Consultation meeting held on the 12 March 2024 the incorrect date was inadvertently nominated for the endorsement of the Framework. All submitters have been notified of this error via email and have been advised that the report will be going up for endorsement on the 30 April 2024.

Related Council decisions

14. At the Council meeting on 29 October 2019, Council accepted the findings of the Regional Gallery Feasibility Study and resolved to:
- a. Endorse continuation of a business case and masterplan for regional or municipal gallery at:
 - i. 895 Main Street, Eltham.
 - ii. Another Council owned facility/site.

12. Officers' reports**CM.030/24 Creative Infrastructure Framework**

- b. Endorse in investigation of options of public/private partnerships (not specific to any particular site).
15. At the Council meeting on the 23 June 2020, Council resolved to:
 - a. Wait until the official announcement from the State Government regarding the preferred site for the Community Hospital before progressing the Regional / Municipal Gallery Business Case and Masterplan further.
 16. At the Council Meeting on 23 August 2022, Council resolved to:
 - a. Defer the Business Case and Masterplan for a Regional or Municipal Gallery.
 - b. Endorse proceeding with smaller creative infrastructure development opportunities for Nillumbik Shire through the construction of a Creative Infrastructure Framework. This include identification of current facilities that could be developed into a Municipal Arts Centre.
 17. At a Councillor Briefing on 4 April 2023, the approach and timeframes for the development of the Creative Infrastructure Framework was presented to Councillors outlining the following next steps:
 - a. Engage a consultant, and then commence internal staff engagement and development of the draft Framework.
 - b. Develop a community engagement plan to outline options and considerations for seeking community feedback on the draft Framework.
 18. At the 26 September 2023 Council Meeting, Council endorsed the draft Framework (**Attachment 1**) and Community Engagement Plan for the purpose of community consultation.
 19. On 12 March 2024, the Planning and Consultation Committee considered all submissions to the draft Framework and recommended that the final Strategy be presented at a Council Meeting for adoption.

Options

20. This report seeks endorsement of the final Creative Infrastructure Framework (**Attachment 1**).

Council plans and policies

21. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We champion equity, diversity, access and inclusion for people of all abilities, ages, cultural identities, gender identities, geographic locations, religions, sexualities, and socio-economic backgrounds.
22. This report supports the Arts and Culture Strategy 2022-2026:
 - a. Provide safe, best practice art spaces in venues for performance, exhibition and creation through:
 - Complete a Nillumbik Creative Infrastructure Audit.

12. Officers' reports**CM.030/24 Creative Infrastructure Framework**

- Seek endorsement by Council to identify smaller creative infrastructure development opportunities for Nillumbik Shire through the development of a Creative Infrastructure Framework.

23. This report supports the Economic Development Strategy 2020-2030:

- a. Objective 4: Enhance the visitor economy showcasing natural, recreational and cultural strengths.
- b. Objective 4.1: Create and promote visitor attractions.

Access, Equity and Inclusion

24. A Gender Impact Assessment was undertaken prior to the development of the draft Framework, and has been reviewed and updated with consultants, Hodyl & Co, in the preparation of this strategic document.

25. The draft Framework aligns with Council's Access, Equity and Inclusion policy in the following ways:

- In developing this framework, we aim to improve the accessibility of creative spaces, and to ensure that they are developed in ways that welcoming, safe and inclusive of the needs of all community members.
- We will engage with Wurundjeri Corporation and local First Nations creatives and artists to ensure that the development of creative spaces takes into consideration the cultural safety of First Nations people, and actively enhances First Nations artists' practices in Nillumbik Shire.

Sustainability implications

26. The Creative Infrastructure Framework takes into consideration how creative infrastructure can be developed with due consideration to environmental factors, climate change adaptation and mitigation.

27. Economic and social sustainability will be a core consideration in the exploration of any opportunities for new or existing infrastructure upgrades, partnerships, agreements or incentives designed to enhance creative infrastructure.

Community engagement

28. The draft Framework (**Attachment 1**) has been informed by comprehensive community engagement undertaken through the development of the 2022-26 Arts & Culture Strategy.

29. Further community engagement on the draft Framework was conducted from 9 October to the 3 November 2023.

Innovation and continuous improvement

30. This Framework presents a new approach to the development of creative infrastructure for Nillumbik Shire Council, broadening the focus to evidence-led strategic approaches that can meet a wide range of needs in the community and be delivered over a ten year period, rather than focusing on a singular infrastructure plan.

12. Officers' reports

CM.030/24 Creative Infrastructure Framework

Collaboration

31. The draft Framework (**Attachment 1**) has been developed in partnership with Hodyl & Co. Hodyl & Co is a research and urban design consultancy focused on creating cities people love.
32. This interdisciplinary consultancy firm bring together expertise in urban design, strategic planning and social research to deliver independent design advice and urban policy recommendations.
33. The *draft Framework* is the result of internal cross-team collaboration, collective working groups and internal consultations, engagement included Strategic Planning, Economic Development, Capital and Infrastructure Team, Community Halls, Event & Place, Nillumbik Living and Learning Team, Youth & Community Development and Advisory committees of Council such as Youth Council and the Arts and Cultural Advisory Committee.

Budget implications

34. All costs associated with the development and delivery of the draft Framework (**Attachment 1**) have been accounted for in the Community Services operational budget across 2022-23 and 2023-24 financial years.
35. Any future works considered in the implementation of the Framework will be subject to building assessment and financial review.

Relevant law

36. Not Applicable.

Regional, state and national plans and policies

37. National Cultural Policy – “Revive: A place for every story, a story for every place” 2023-2027
38. Creative State 2025
39. Yarra Ranges Tourism Destination Management Plan (in development).

Conflicts of interest

40. 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.031/24 Northern Regional Trails Strategy

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Rebecca Burton, Manager Recreation and Leisure

Summary

The purpose of the Northern Regional Trails Strategy 2022 (the Strategy 2022) is to guide future planning and development of regional trails north of Melbourne.

The Strategy 2022 is the culmination of a collaboration between six local government areas: Banyule, Darebin, Hume, Merri-bek, Nillumbik and Whittlesea. All other Councils involved in the development have endorsed the strategy.

The endorsement of the Strategy 2022 will enable strengthened advocacy for regional trails across the Shire.

Recommendation

That Council endorses the Northern Regional Trails Strategy 2022 (**Attachment 1**).

Attachments

1. Northern Regional Trails Strategy 2022
2. Appendix A - Strategic Framework
3. Appendix B - Action Items
4. Appendix C - Cost Benefit Analysis

Discussion

1. The Northern Regional Trails Strategy 2022 (the Strategy 2022) builds on the work which was completed in the 2016 Northern Regional Trails Strategy, with a focus on delivering regionally significant trails that connect multiple municipalities.
2. The Strategy 2022 (**Attachment 1**) provides region-wide action items in regards to trail infrastructure, trail management and trail marketing.
3. The top 10 priority projects are:
 - i. Maroondah Aqueduct 01
 - ii. Merri Creek Trail 08
 - iii. Maroondah Aqueduct 02
 - iv. Edgars Creek Trail 01
 - v. Merri Creek Trail 02

12. Officers' reports

CM.031/24 Northern Regional Trails Strategy

- vi. Upfield Rail 02
 - vii. Whittlesea Shared 01
 - viii. Merri Creek Trail 03
 - ix. Merri Creek Trail 04
 - x. Kinglake Way 01
4. These priority projects will be the focus of advocacy efforts to seek external funding for trail improvements on a region wide basis.
 5. Three of the top ten priority trails are located within the Shire of Nillumbik.
 6. Members of the Recreational Trails Advisory Committee (RTAC) played an integral role in providing information and feedback into the Strategy.
 7. Endorsement of the strategy will strengthen and align the six local governments with advocacy.
 8. The strategy will be used collectively and for Nillumbik to build on the existing trail networks. This will have an overall long term benefit to local community.
 9. Any future trails works which arise from the strategy will be subject to final design, community consultation and endorsement from Council.

Related Council decisions

10. Council previously endorsed the Northern Regional Trails Strategy 2016 on 15 December 2015.

Options

11. Officers recommend that Council endorses the Northern Regional Trails Strategy 2022.

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We continue to enhance the Shire's shared trail network, working proactively to improve connectivity.
13. This report directly supports the achievement of the Recreation and Leisure Strategy 2022-2030:
 - Infrastructure renewal and upgrade projects that meet multiple strategy principles are prioritised.

Access, Equity and Inclusion

14. Development, upgrade and connection across the trail network will improve accessibility, leading to greater opportunities to participate in active recreation, as identified in the Recreation and Leisure Strategy 2022-2030.

Sustainability implications

15. Trails will be constructed to a quality and standard that minimises operational, maintenance and safety issues and optimises the useful life of all trail assets.

12. Officers' reports

CM.031/24 Northern Regional Trails Strategy

- 16. Any opportunities to construct trails from sustainable materials will be explored and implemented where possible.
- 17. The increased use of active transport such as walking and cycling can contribute to environmental sustainability by reducing car dependency and fuel emissions.

Community engagement

- 18. Community engagement has been undertaken over the course of development of the strategy.

Innovation and continuous improvement

- 19. The medium to long-term nature of the Northern Regional Trails Strategy allows for continuous review, refinement and improvement as projects evolve.

Collaboration

- 20. Six Councils actively worked together in consultation with respective committees and community members to develop the strategy.

Budget implications

- 21. All work with regard to the Strategy 2022 was funded within existing budget.

Relevant law

- 22. Not applicable.

Regional, state and national plans and policies

- 23. Northern Regional Trails Strategy 2016.
- 24. Eastern Regional Trails Strategy 2018.
- 25. Recreation and Leisure Strategy 2022-2030.

Conflicts of interest

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

12. Officers' reports

CM.031/24 Northern Regional Trails Strategy

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12. Officers' reports**CM.032/24 Reconciliation Action Plan (RAP) - Proposed draft**

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

This report presents the Draft Reconciliation Action Plan (RAP) (**Attachment 1**) for endorsement and the purpose of community engagement. Community engagement on the Draft RAP will be open from 2 May 2024 to 26 May 2024. Public submissions will close 11.59pm on Sunday 26 May 2024 and will be considered by the Planning and Consultation Committee on the 16 July 2024.

This report also outlines the progress of the RAP Working Group (RWG), next steps for the RAP artwork process and recommends a slight wording change to Council's Acknowledgment of Country (**Attachment 2**).

Recommendation

That Council:

1. Endorses the Draft Reconciliation Action Plan (**Attachment 1**) to go out for the purpose of community engagement from 2 May 2024 to 26 May 2024.
2. Invites written submission on the Draft Reconciliation Plan to Council by 26 May 2024.
3. Considers public submission at the Planning and Consultation Committee meeting to be held on 16 July 2024.
4. Endorses the wording change from 'European' to 'colonial' in the long-version of Council's Acknowledgment of Country (**Attachment 2**).

Attachments

- 1  Draft Reconciliation Action Plan (RAP)
- 2  Acknowledgment of Country
- 3  RAP timeframe
- 4  RAP collaterals

12. Officers' reports**CM.032/24 Reconciliation Action Plan (RAP) - Proposed draft**

Discussion

1. In line with the Council Plan 2021-2025, Nillumbik Shire Council is committed to developing a RAP. A RAP is a formal commitment to support First Nations peoples' rights, culture, heritage, needs and aspirations.
2. Following the Cultural Reflections Survey conducted in 2020, it was recommended that Nillumbik Shire Council develop a *Reflect* RAP. This type of RAP has a 12 month lifespan and outlines steps to prepare the organisation for reconciliation initiatives in future RAPs.
3. Nillumbik Council's *Reflect* RAP will outline the shared approach Council will take to progress reconciliation and work alongside First Nations people in all Council services.
4. The Nillumbik *Reflect* RAP will be formally endorsed by Reconciliation Australia and published on the Reconciliation Australia website.
5. Development of the RAP remains on track for endorsement by Council on 27 August 2024 and submission to Reconciliation Australia in September 2024. This aligns with the RAP timeframe (**Attachment 3**).

Draft RAP

6. The draft RAP (**Attachment 1**) has been developed using the *Reflect* RAP template and guidelines from Reconciliation Australia. Uncle Joel Wright, Corporate Development Manager at Mob Jobs, has been engaged to lead this work.
7. The 'Actions' and 'Deliverables' columns in the draft RAP are prescribed by Reconciliation Australia.
8. The 'Activities' column in the draft RAP has been informed by extensive community engagement that occurred throughout 2023. The summary report from this community engagement is available for the public to view on the Participate Nillumbik webpage.
9. The RAP Vision Statement has been developed by the RWG and is included at the beginning of the draft RAP.
10. The RWG has meet twice to review and refine the draft RAP and the Wurundjeri Woiwurrung Traditional Owners have been consulted and kept informed through monthly Cultural Consultation meetings.
11. Any ideas or suggestions from the community engagement and RAP Working Group that were deemed beyond the scope of a *Reflect* RAP, have been listed in the Appendix at the end of the draft RAP. This ensures they are not lost and can be re-considered through the development of future RAPs.
12. The final RAP document will include an executive summary and introductory and background information, as listed in **Attachment 4**. This information will be added into the RAP document after the community engagement has concluded, this information is factual and/or position statements and/or messages of support, and is therefore not open for community feedback. This information will be presented to Councillors at the Councillor Briefing on 6 August 2024.

12. Officers' reports**CM.032/24 Reconciliation Action Plan (RAP) - Proposed draft**

Community Engagement

13. The next round of community engagement is scheduled for the 2 - 26 May 2024. This will take place online via Participate Nillumbik.
14. In-person focus group sessions regarding the draft RAP will also be offered to the 2023 focus group participants.
15. One-drop in session will be run, during this period, for community members. This will be held at Hurstbridge Community Hub or one of the libraries. Details will be posted on Participate Nillumbik.
16. The aim of this round of community engagement is for the public to provide comment and feedback on the draft RAP and vision, rather than generating new ideas.
17. The Community Engagement Plan has been developed in consultation with the RWG.

RAP Working Group

18. The RWG consists of 16 members including Wurundjeri Traditional Owners, First Nations community members, and key stakeholders from across Council and Nillumbik.
19. The RWG has meet twice to date, both meetings have been facilitated by Corrienne Nichols, RAP Champion, and Uncle Joel Wright, Corporate Development Manager at Mob Jobs.
20. The focus of the meetings has been on reviewing and refining the draft RAP, developing the RAP Vision Statement, and planning the upcoming Community Engagement activities.
21. The RWG have also contributed to idea generation and oversight regarding Council's National Reconciliation Week event planning and Reconciliation grants.

RAP Artwork

22. The finished RAP document will include a 'hero piece' of First Nations artwork on the cover, this artwork will be used as a graphic design feature throughout the document.
23. The artwork will also feature on communications templates and collaterals, once the RAP has been developed and launched.
24. It is proposed that the artwork be added to Council's art collection.
25. Quotes were sought from a number of First Nations artists and designers, these contacts were provided by Uncle Joel Wright and Wurundjeri Woi-wurrung Traditional Owners.
26. In consultation with Wurundjeri Woi-wurrung Traditional Owners, Kinya Lerrk and Yakuwa Designs were successful with their joint quote to create the RAP Artwork. Kinya Lerrk will design the artwork, and Yakuwa Designs will do the graphic design, these two First Nations businesses work in partnership with one another.
27. Officers will facilitate consultation between the artist and Wurundjeri Woi-wurrung Traditional Owners regarding the themes and motifs that will be incorporated into the artwork. This will take place during April and May 2024.

12. Officers' reports

CM.032/24 Reconciliation Action Plan (RAP) - Proposed draft

28. Wurundjeri Woi-wurrung Traditional Owners will select the final hero piece. Councillors and Officers will not be involved in this part of the process. This is important and appropriate in order to ensure the cultural authority and respect cultural protocols of the Wurundjeri Woi-wurrung Traditional Owners.

Acknowledgement of Country

29. Feedback was received regarding the wording of the 'long-version' of Council's Acknowledgment of Country (**Attachment 2**). It has been requested that the word 'European' be removed.
30. Wurundjeri Woi-wurrung Traditional Owners were consulted regarding this request. Their feedback was to change the word 'European' to 'colonial'.
31. The 'short-version' of the Acknowledgment of Country remains as is.

Related Council decisions

32. In line with the Council Plan 2021-2025, Nillumbik Shire Council is committed to developing a Reconciliation Action Plan (RAP).
33. Council's Acknowledgment of Country was endorsed by Councillors on 24 August 2021.

Options

34. Endorse the draft RAP and Vision Statement (**Attachment 1**) for community engagement between 2 May 2024 and 26 May 2024.
35. Council endorses the wording change from 'European' to 'colonial' in the long-version of Council's Acknowledgment of Country (**Attachment 2**).

Council plans and policies

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

Access, Equity and Inclusion

37. Recommendations from the Gender Impact Assessment undertaken in February 2023 have been reviewed prior to stage 2 of the community engagement commencing in May 2024.
38. The RAP directly aligns with the Access, Equity and Inclusion Policy principals, commitment and priority groups. Implementing the RAP will improve access, equitability and inclusion for First Nations people.

Sustainability implications

39. Care of Country has been considered, discussed and incorporated into the RAP deliverables, this approach responds to aspects of sustainability.

Community engagement

40. Extensive community engagement was undertaken in 2023.
41. A second round of community engagement is planned for 2-26 May 2024.

12. Officers' reports

CM.032/24 Reconciliation Action Plan (RAP) - Proposed draft

42. The draft RAP will be available for further public comment at the Planning and Consultation Committee meeting scheduled for 16 July 2024.

Innovation and continuous improvement

43. The RAP provides numerous opportunities for innovation and continuous improvement, particularly within the Human Resources, Procurement and Communications spaces.

Collaboration

44. Collaboration and cultural consultation regarding the RAP development occurs on a monthly basis with Wurundjeri Woi-wurrung Traditional Owners.

45. Council Officers participate in the LG Pro Special Interest Group: Reconciliation. This provides an opportunity to collaborate and share with local Councils across Victoria.

Budget implications

46. Costs associated with the development of the Nillumbik *Reflect* RAP have been accounted for within the 2023/2024 and 2024/2025 operational budgets.

47. The majority of costs associated with the implementation of the Nillumbik *Reflect* RAP have been accounted for within the 2024/2025 operational budget. Additional funding will be sought through grant opportunities and major initiative funding to support implementation and embedment of larger and ongoing actions.

Relevant law

48. Not applicable.

Regional, state and national plans and policies

49. Victorian Aboriginal and Local Government Strategy 2021-2026

Conflicts of interest

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

12. Officers' reports

CM.032/24 Reconciliation Action Plan (RAP) - Proposed draft

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12. Officers' reports

CM.033/24 Economic Development Advisory Committee (EDAC) - revised Terms of Reference and Expressions of Interest for new committee

Distribution: Public

Manager: Renae Ahern, Acting Director Planning, Environment and Strategy

Author: Tania Treasure, Economic Development & Tourism Lead

Summary

The current term of Council's Economic Development Advisory Committee (EDAC) is nearing completion.

This report provides an overview of the remit and work of the current Economic Development Advisory Committee (EDAC), 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 May 2024, and the first meeting of the new committee will be in August 2024.

Recommendation

That Council:

1. Acknowledges and thanks members of the Economic Development Advisory Committee for their advice and practical contribution to economic and tourism outcomes for the Shire over the term of the committee.
2. Endorses the revised Terms of Reference for the Economic Development Advisory Committee for public exhibition in May 2024 seeking expressions of interest for membership nomination to renew the Committee by August 2024.
3. Instructs officers to report nominations for the Economic Development Advisory Committee to Council for endorsement.

Attachments

- 1  Economic Development Advisory Committee Endorsed Terms of Reference 2022-2024
- 2  Economic Development Advisory Committee Terms of Reference 2024-2026 DRAFT

12. Officers' reports**CM.033/24 Economic Development Advisory Committee (EDAC) - revised Terms of Reference and Expressions of Interest for new committee**

Discussion

1. Council's Economic Development Advisory Committee (EDAC) was created in March 2017.
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 EDAC (2022-2024)

3. The current Committee was appointed by Council in July 2022 and the Committee meets quarterly. During its term there has been one resignation.
4. The last meeting of the current Committee will be in May 2024.
5. Its Terms of Reference (TOR) were endorsed by Council on 26 July 2022 and are included in **Attachment 1**.
6. As per those Terms of Reference, the objectives of the current Committee have been to:
 - Identify and provide advice on a range of economic development opportunities and issues facing Nillumbik's business community and prioritise actions to address these issues;
 - Provide a forum for discussion on a range of topics impacting on the prosperity of the business community;
 - Ensure consultation and ongoing liaison between Council and key business and community stakeholders;
 - Support the implementation of the Nillumbik Economic Development Strategy 2020 - 2030 and provide recommendations to deliver on the strategic actions;
 - Provide feedback and advice to Council on Council strategies, plans, policies and related documents;
 - Represent the views and needs of business within Nillumbik;
 - Assist Council to communicate, consult and engage more effectively with the broader Nillumbik business community;
 - Strengthen partnerships with industry partners and groups, business associations and support services in Nillumbik and the broader Northern region; and
 - Contribute to a cycle of continually assessing and improving Nillumbik's business community.
7. During its current term, the Economic Development Advisory Committee (EDAC) has made a contribution to, or considered, a wide range of matters, including but not limited to:
 - Post COVID19 Business Support programs;
 - Outdoor dining activations;

12. Officers' reports

CM.033/24 Economic Development Advisory Committee (EDAC) - revised Terms of Reference and Expressions of Interest for new committee

-
- Formalising EDAC's Priorities;
 - Better Business Approvals Process;
 - Circular Economy Program;
 - Destination Management Plan (Yarra Ranges Tourism);
 - NORTHLink Regional Investment Attraction Strategy;
 - Agricultural Support Program; and
 - Business events and workshops.

Minor updates to the Terms of Reference for the new Economic Development Advisory Committee (EDAC) (2024-2026)

8. The current Economic Development Advisory Committee (EDAC) 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**. The changes include:
 - a) Responsible Council Directorate name updated.
 - b) Updating the Policy Statement purpose of the Committee to be specific to the role of the Committee rather than a general statement. The new wording is '*The Economic Development Advisory Committee is a broad interest group providing advice to Council on matters relating to economic development and tourism*'.
 - c) Updated membership to reflect the number of Councillors on the Economic Development Advisory Committee (EDAC), this now reads as '*Two representatives of the Nillumbik Shire Council (Councillors) – one as Chair, one as alternate Chair.*'
 - d) Amended selection criteria to be relevant to the Committee rather than general in nature. The wording has been changed to '*A strong understanding of local issues that are relevant to the Advisory Committee Terms of Reference*'.
 - e) Selection criteria also updated to include '*genuine and valuable reasons for wanting to join the Advisory Committee*'. This will bring the Economic Development Advisory Committee (EDAC) in line with other Council advisory committees and provides an opportunity to consider the key drivers for interest in joining the Committee.
 - f) Inclusion of the requirement for active participation by including the following statement under Role of Committee members '*It is expected that each member attend a minimum of 60 per cent of all meetings unless reasons are provided to the Chairperson. No reasonable explanation will be denied*'.
 - g) Reference to child safety and wellbeing in response to meeting Council's obligations under the new Child Safety Standards have been added.
10. It is proposed meetings will be held quarterly. This is consistent with the existing Economic Development Advisory Committee (EDAC) meeting frequency.

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CM.033/24 Economic Development Advisory Committee (EDAC) - revised Terms of Reference and Expressions of Interest for new committee

11. It is proposed the Committee will have up to 14 members:
- a) Two Councillor representatives;
 - b) A representative, or alternate, nominated by key business and industry Associations:
 - Eltham Chamber of Commerce and Industry (1);
 - Diamond Creek Traders Association (1);
 - Hurstbridge Traders Association (1);
 - Nillumbik Tourism & Business Association (1);
 - c) One youth representative from the Nillumbik community;
 - d) One agricultural representative from the Nillumbik community; and
 - e) Six general business and industry representatives.

Related Council decisions

12. In July 2022, Council endorsed the current Economic Development Advisory Committee (EDAC) Terms of Reference which stipulate that they are due for review in July 2024 and endorsed the current EDAC membership.

Options

13. Provide any feedback on the proposed Expressions of Interest process, seeking new Committee members for the 2024-2026 Economic Development Advisory Committee (EDAC) term which will commence in August 2024.

Council plans and policies

14. 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 support businesses, industries and events, and encourage investment within Nillumbik.
15. The Economic Development Advisory Committee (EDAC) provides Council with a forum for two-way consultation consistent with the Community Engagement Policy.

Access, Equity and Inclusion

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

Sustainability implications

17. The Economic Development Advisory Committee (EDAC) provides Council with advice on a range of sustainability matters relevant to our business community.

Community engagement

18. The draft Terms of Reference were presented to the existing Committee for feedback in February 2024.

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CM.033/24 Economic Development Advisory Committee (EDAC) - revised Terms of Reference and Expressions of Interest for new committee

19. Community engagement will be undertaken via an Expression of Interest process to seek committee members for the next term of the Economic Development Advisory Committee (EDAC).
20. Direct notification will be sent to local business associations, and broader promotion will occur via Council's social media, website, business e-newsletter, and Business in Nillumbik social media.

Innovation and continuous improvement

21. The operation of the Economic Development Advisory Committee (EDAC) is a mechanism for Council to receive feedback to support innovation and continuous improvement.

Collaboration

22. Not applicable.

Budget implications

23. Administrative support for the Economic Development Advisory Committee (EDAC) is provided within Council's operating budget.

Relevant law

24. *Local Government Act 2020.*

Regional, state and national plans and policies

25. Not applicable

Conflicts of interest

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

12. Officers' reports

CM.033/24 Economic Development Advisory Committee (EDAC) - revised Terms of Reference and Expressions of Interest for new committee

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CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

In 2017, the Governor in Council and Minister approved the transfer of 288 hectares of Melbourne Water Corporation (MWC) surplus land to the Crown for the extension of the existing Warrandyte Kinglake Nature Conservation Reserve.

As part of the transfer of land from MWC to the Crown, Department of Energy, Environment and Climate Action (DEECA) require that all land parcels divested to the Crown are appropriately zoned, have correct road status and appropriate land data particulars.

It has been identified by DEECA and MWC that part of Simpson Road and Ridge Road, Christmas Hills (as constructed) does not conform with the title boundary of the Government Road, as the road has been constructed on part of the adjoining land owned by MWC as shown on the aerial plan in **Attachment 1** and lot 4 of the title plan in **Attachment 2** (Title Plan).

Council has been requested by MWC to realign the title boundaries so that they are consistent with the location of Simpson Road and Ridge Road as constructed.

To achieve this outcome, officers propose that Council resolves to:

1. write to the Minister administering the *Land Act 1958* (Minister) to seek the Minister's consent to the proposed road deviation described in paragraph 2 below, under clause 2(2) of Schedule 10 of the *Local Government Act 1989* (Act), as part of the land affected by the road deviation is on Crown land;
2. deviate Simpson Road and Ridge Road as follows:
 - a. discontinue the road shown cross hatched on the plan contained in Attachment 3 to this report, being those parts of the Government Road that are not used as a road (Unused Road); and
 - b. deviate the road to the location shown hatched on the plan contained in Attachment 3 to this report, being that part of MWC's land currently constructed as part of Simpson Road and Ridge Road (Constructed Road),
(together the 'Road Deviation'); and
3. if Council resolves to deviate Simpson Road and Ridge Road, then following the completion of the Road Deviation, Council proposes that:
 - a. the title to the Unused Road will be transferred from Council to MWC; and
 - b. the title to the Constructed Road will be registered in Council's name
(Land Transfers).

Council is able to carry out a Road Deviation pursuant to clause 2 of Schedule 10 of the Act and the Land Transfers pursuant to section 116 of the *Local Government Act 2020* (2020 Act).

12. Officers' reports

CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills

This report provides background information on the proposed Road Deviation and Land Transfers and seeks Council's endorsement to commence the road deviation and transfer of land process including public consultation as outlined in **Attachment 4**.

Recommendation

That Council:

1. Authorises the Chief Executive Officer to enter into a Deed with Melbourne Water Corporation (MWC) regarding the realignment of title boundaries to be consistent with the location of Simpson Road and Ridge Road as constructed, including setting out the necessary statutory processes and resolution(s) required by Council to proceed with the proposal.
2. Resolves to commence the statutory procedures with respect to the proposed road deviation of part of Simpson Road and Ridge Road, Christmas Hills (Road) which comprises the following:
 - a) discontinuing that part of the Road shown as Lot 5 and cross-hatched on the plan contained in **Attachment 3** to this report (Unused Road); and
 - b) deviate the Road shown as Lot 4 and hatched on the plan contained in **Attachment 3** to this report, being part of the land contained in certificates of title volume 8222 folio 900, volume 8480 folio 275 and volume 8480 folio 278, which is registered in the name of MWC (Constructed Road),
(together the Road Deviation) under clause 2 of Schedule 10 and sections 206, 207 and 223 of the *Local Government Act 1989* (1989 Act); and
3. Notes that subject to the outcome of the Road Deviation proposal, Council proposes that:
 - a) the title to the Unused Road will be transferred from Council to MWC under section 116 of the *Local Government Act 2020*; and
 - b) the title to the Constructed Road will be registered in Council's name
(together the Land Transfers).
4. Authorises the Chief Executive Officer to write to the Minister administering the *Land Act 1958* (Minister) to seek the Minister's consent to the proposed Road Deviation described in paragraph 2 above, under clause 2(2) of Schedule 10 of the 1989 Act.
5. Authorises the Chief Executive Officer to:
 - a) give public notice of the proposed Road Deviation pursuant to 207A and 223 of the 1989 Act;
 - b) the public notice will note that the proposed Road Deviation is subject to Council obtaining the consent of the Minister for the Department of Energy, Environment, and Climate Action (Minister) to the proposed Road Deviation pursuant to clause 2(2) of Schedule 10 of the 1989 Act; and
 - c) undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the 1989 Act in relation to this matter.

12. Officers' reports**CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills**

6. Considers any public submissions received in respect of the proposed Road Deviation and Land Transfers:
 - a) at the Planning and Consultation Committee (PCC) meeting on 16 July 2024; and
 - b) receives a further report following the completion of the procedures required under clause 2 of Schedule 10 and 207A and 223 of the 1989 Act, prior to making a final decision on whether to proceed with the proposed Road Deviation and Land Transfers.

Attachments

1.  Aerial Plan of Ridge Road, Christmas Hills
2.  Proposed Title Plan - Ridge Road, Christmas Hills
3.  Proposed Road Exchange Plan - Ridge Road
4.  Public Consultation Overview

Discussion

1. MWC approached Council in early 2018 concerning their request for Council to complete a road discontinuance process for part of Simpsons Road and Ridge Road in Christmas Hills and then to exchange this land for the Constructed Road, which sits within three of their land parcels, refer to **Attachment 1** and **Attachment 2**.
2. Council's lawyers, have made enquiries with Land Use Victoria regarding the most effective process to complete the Road Deviation and Land Transfers to ensure the land is appropriately zoned, has the correct road status and appropriate land data particulars. . Land Use Victoria advised that if Council resolves to deviate the Unused Road onto the Constructed Road, upon publication of the relevant notice in the *Victorian Government Gazette*:
 - a) the Unused Road will be discontinued and vest in Council, subject to obtaining the Minister's consent; and
 - b) the Constructed Road will simultaneously be created as a road on title which vests in Council's ownership as a road title.
3. MWC has considered all options provided by Council and requested that Council proceed with a Road Deviation and Land Transfer with Council.

12. Officers' reports**CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills**

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4. Council has the power to complete the Road Deviation under clause 2 of Schedule 10 of the *Local Government Act 1989* (1989 Act), and the Land Transfers under section 116 of the *Local Government Act 2020* (2020 Act), subject to Council complying with its obligations under section 223 of the 1989 Act in respect of the Road Deviation proposal. The two proposals can be considered concurrently by Council.
 5. MWC's surveyor has provided to Council the Title Plan and proposed Road Exchange Plan between MWC and Council (**Attachment 3**) required to carry out the Road Deviation and Land Transfers.
 6. These plans will be used if Council resolves to give Public Notice of the proposed Road Deviation and Land Transfers between Council and MWC.
 7. The area of road reserve to be discontinued is 7,106m² and the creation of the Constructed Road within Melbourne Water land is 8,920m² as shown in **Attachment 2**.
 8. Council proposes to enter into a Deed with MWC to record the terms of the proposed Land Transfers. This is recommended to ensure that all parties are aware of their respective obligations in connection with the Road Deviation and Land Transfers.
 9. It is proposed that the Deed will provide that:
 - a) the Unused Road, once vested in Council's ownership, will be transferred by Council to MWC for nominal consideration; and
 - b) the Constructed Road will be created as a new road and vested in Council's ownership (at nil consideration).
 10. MWC has confirmed that it will pay for all other related costs associated with the Road Deviation and Land Transfer process.

Related Council decisions

11. Not applicable.

Options

12. As the Unused Road is on Crown land and the land onto which the road is to be deviated is not Crown Land, Council may only exercise its road deviation power if the consent of the Minister administering the *Land Act 1958* (Land Act) (Minister) is first obtained pursuant to clause 2(2) of Schedule 10 of the 1989 Act.
13. As the realignment of Simpsons Road and Ridge Road, Christmas Hills essentially regularises the existing constructed road alignment on title and long term will assist MWC with divesting surplus land to the Crown for the Warrandyte-Kinglake Nature Conversation Reserve. Council Officers recommend that Council endorses the commencement of the public consultation process on the proposed Road Deviation and seek the Minister's consent.
14. Any submissions received in response to the proposed Road Deviation can be considered and heard at the Planning and Consultation Committee meeting to be held on 16 July 2024.

12. Officers' reports

CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills

Council plans and policies

15. 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

16. Not applicable

Sustainability implications

17. DEECA has advised MWC that the road alignment and title boundaries need to be regularised prior to the land to the north of Ridge Road being transferred to DEECA for future management by Parks Victoria.
18. The proposal under the Planning Scheme Amendment is to rezone the land surrounding Old Simpson Road and Simpson Road to 'Public Conversation and Resource Zone'. Basically this means that the intended future use will be Crown land and form part of the 'Warrandyte-Kinglake Nature Conversation Reserve'.

Community engagement

19. Council must give public notice of the Road Deviation, pursuant to section 207A of the 1989 Act and consider any submissions received in respect of the proposal, pursuant to section 223 of the 1989 Act.
20. Under 223 of the 1989 Act, Council must publish a public notice and allow 28 days for submissions to be received. Any person making a submissions is entitled to request in the submission that they wish to be heard in support of the submission.
21. Council will need to consider any public submissions received on the matter at a Planning and Consultation Committee meeting, which is proposed to be held on 16 July 2024.
22. The Public Consultation Overview in **Attachment 4** outlines the proposed process and dates.

Innovation and continuous improvement

23. Not applicable.

Collaboration

24. Council Officers have been working with MWC on the proposed Road Deviation which will benefit both organisations in essentially regularises the road boundaries on title.
25. This road deviation also forms part of MWC's planning scheme amendment and transfer of some land parcels to the Crown.
26. Internal consultation has occurred with Traffic and Transport, Strategic Planning, Assets, and Roads, Drains and Cleansing teams, which all have no objections to the road deviation provided that access arrangements and maintenance responsibilities for the end road user remain unchanged from existing conditions.

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CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills

Budget implications

27. MWC has advised Council that they will reimburse Council \$5,000 plus GST to cover Council's expenses related to the road deviation. Additionally, Melbourne Water will cover any additional disbursements, encompassing costs such as public notices, Government Gazette notices, Land Use Victoria registration fees for the title application, survey expenses, and all stamp duty fees associated with the transfer of the Unused Road to Melbourne Water.
28. Any relevant costs which should be paid by Council in relation to the matter will be paid through Governance and Property's operational budget.

Relevant law

29. Section 206 and Schedule 10 of the 1989 Act provides powers to a Council in relation to roads in its municipal district.
30. The statutory procedures to carry out the Road Deviation are pursuant to clause 2 of Schedule 10 and sections 206, 207 and 223 of the 1989 Act.
31. Council must obtain the Minister's consent to the proposal under clause 2(2) of Schedule 10 of the 1989 Act.
32. If the Minister's consent is received to proceed with the road deviation, Council must then:
 - a. publish a public notice of the proposed road deviation pursuant to section 207A of the 1989 Act; and
 - b. consider any public submissions received in respect of the Road Deviation proposal, pursuant to section 223 of the 1989 Act.

Regional, state and national plans and policies

33. Victorian Government agencies, which includes Melbourne Water Corporation must comply with the Victorian Government Land Transactions Policy dated April 2022 in respect of its land dealings, including obtaining approval of the Victorian Government Land Monitor (VGLM) to certain transactions.

Conflicts of interest

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

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CM.035/24 Parliamentary Inquiry into securing the Victorian food supply

Distribution: Public

Manager: Renae Ahern, Acting Director Planning, Environment and Strategy

Author: Leigh Northwood, Manager Strategic Planning and Environment

Summary

The purpose of this report is to seek Council's endorsement for a submission to the Victorian Parliamentary Inquiry into securing the Victorian food supply.

The Victorian Parliament's Legislative Assembly, Environment and Planning Committee is conducting the Inquiry. The Committee's terms of reference are to examine the Victorian food supply in the context of urban sprawl and the impact of population growth on the farming industry and arable land.

The submission has been prepared with consideration of previous Council endorsed plans, strategies and submissions that are relevant to this subject matter including Council's endorsed submission to the State Government's Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper (endorsed by Council in February 2021).

It is noted that in March 2024 the State Government released its 'Planning for Melbourne's Green Wedges and Agricultural Land Action Plan (the Action Plan). The Action Plan is in response to its proposed reform options in its Consultation Paper, noting it effectively responds to key matters raised by Council in its submission to such. Importantly, and particularly in light of the State government mandates in regard to provision of housing through its September 2023 Housing Statement, the Action Plan re-affirms the continued application of the Urban Growth Boundary and ongoing protection of Green Wedge policy settings.

Notwithstanding, the submission (**Attachment 1**) to the Victorian Parliament's Legislative Assembly, Environment and Planning Committee in regard to Victorian food supply highlights some key matters that require consideration, specifically with regard to food supply issues.

Recommendation

That Council:

1. Adopts the submission to the Victorian Parliamentary Inquiry into securing the Victorian food supply (**Attachment 1**).
2. Instructs officers to formally lodge the adopted submission to the Legislative Assembly Environment and Planning Committee by the 1 May 2024.

Attachments

- 1  Nillumbik Shire Submission Parliamentary Inquiry Securing the Victorian Food Supply April 2024

12. Officers' reports**CM.035/24 Parliamentary Inquiry into securing the Victorian food supply**

Discussion

1. In November 2023, the Victorian Parliament's Legislative Assembly requested the Environment and Planning Committee to undertake an inquiry into securing Victoria's food supply, examine the impacts of urban sprawl and population growth on arable land and the farming industry in Victoria. Planning protections and restrictions, urban growth boundaries, climate change and Melbourne's green wedges may also be considered by the Inquiry.
2. The Inquiry is focussed on the peri-urban food system, which encompasses the production of food on the urban fringe. Three focus areas for the Inquiry are:
 - a. The impacts of urban sprawl and population growth on arable land and the farming industry in Victoria;
 - b. The use of planning controls to protect agricultural land in green wedge and peri-urban areas; and
 - c. The resilience of the Victorian food system, including the production of food, its transportation and sale.
3. The submission has been prepared with consideration of previous Council endorsed plans, strategies and submissions that are relevant to this subject matter including Council's endorsed submission to the State governments Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper (endorsed by Council in February 2021).
4. Other Council endorsed documents that the submission (**Attachment 1**) refers to include the Municipal Planning Strategy (MPS), Green Wedge Management Plan, and the Climate Action Plan 2022–2032. The Future of Agriculture in Nillumbik report commissioned by Council has also been referred to in the submission.
5. It is noted that in March 2024 the State Government released its 'Planning for Melbourne's Green Wedges and Agricultural Land Action Plan' (the Action Plan). The Action Plan is in response to its proposed reform options in its Consultation Paper, noting it effectively responds to key matters raised by Council in its submission to such. Importantly, and particularly in light of the State Government mandates in regard to the provision of housing through its September 2023 Housing Statement, the Action Plan re-affirms the continued application of the Urban Growth Boundary and ongoing protection of Green Wedge policy settings.
6. This includes as related to Victorian food supply and agricultural areas:
 - a. Updating agricultural planning policy to better protect agricultural land within 100 kilometres of Melbourne and make the best use of fertile soils;
 - b. The update of planning policy to emphasise the non-urban values, purpose and character of the Green Wedges;
 - c. The 'Right to Farm' legislation and 'Agent of Change' principle being introduced into legislation, along with updated land use terms and conditions; and
 - d. Increase of flexibility for primary produce/farm gate sales.

12. Officers' reports**CM.035/24 Parliamentary Inquiry into securing the Victorian food supply**

7. The submission (**Attachment 1**) makes reference to a number of key policy matters and issues as identified through various adopted positions of Council, including but not limited to:
 - a. Strategic Directions from the Municipal Planning Strategy relating to Settlement and the Nillumbik Green Wedge and Natural Resource Management. These sections specifically reinforce Nillumbik Shire's commitment to protect its Green Wedge areas through the use of the key strategic planning tool of the Municipal Planning Strategy.
 - b. The Green Wedge Management Plan highlighting the importance of maintaining the Green Wedge areas with the Urban Growth Boundary and the many roles of Nillumbik's Green Wedge area that include environmental and biodiversity conservation and agricultural uses.
 - c. Council's Climate Action Plan and the Future of Agriculture in Nillumbik Report that highlights the challenges the natural environment faces with the impacts of climate change. The submission also expresses that the community is concerned with the effects of climate change, with one of the six effects the community are most concerned with being the impacts on agriculture and land productivity. Also the Future of Agriculture in Nillumbik Report's findings on the impact of climate change with increased temperatures and changes in rainfall. Highlighting that more severe climatic changes in other locations may place agriculture as a competitive advantage in areas on the urban fringe such as in Nillumbik.
8. The submission also provides commentary that protecting Nillumbik's green wedge is strategically important to Victoria due to the Shire's close proximity to a growing metropolitan population and key infrastructure such as Melbourne's Wholesale Fruit, Vegetable and Flower Market.
9. While public submissions to the Committee were due by Friday 26 April 2024, Council has received an extension of time to put forward an endorsed submission by the 1 May 2024.
10. Following the written submission stage, the Environment and Planning Committee will conduct public hearings in relation to this Inquiry. It is expected that public hearings will take place before the Inquiry reports its findings, expected by December 2024.

Related Council decisions

11. A number of Council endorsed Plans and Strategies relate to the topic covered in this Inquiry. Please refer to Council Plans and Strategies below for the specific documents.
12. Council resolution from the 15 September 2020 Ordinary Council Meeting (OCM.183/20 – Confidential) Submission to DELWP Green Wedge Provisions Review Consultation Paper.

Council Resolution:

- *1. Adopt the submission to the Green Wedge Provisions Review Consultation Paper (Attachment 2), and direct Council officers to formally lodge the adopted submission with DELWP; and*

12. Officers' reports

CM.035/24 Parliamentary Inquiry into securing the Victorian food supply

- *2. Make the adopted submission publicly available on Council's Participate Nillumbik website, at completion of the formal Council 'Caretaker Period' and only where public engagement has formally started as notified by DELWP.*

13. Council Amended Submission - DELWP's Planning for Melbourne's Green Wedges & Agricultural Land Consultation Paper, at the 23 February 2021 Ordinary Council Meeting (CM.014/21)

Council Resolution:

- *1. Adopt the amended submission to the Green Wedge Provisions Review Consultation Paper (Attachment 2), and direct Council officers to formally lodge the adopted submission with DELWP by 26 February 2021; and*
- *2. Make the adopted submission publicly available on Council's Participate Nillumbik website.*

Options

14. The Victorian Legislative Assembly Environment and Planning Committee has invited Council to put forward a submission in response to the Inquiry into Victoria's food supply.

15. While Council is not formally required to provide a submission, it is important that Council's views are put forward to ensure the Committee takes into consideration Council's feedback in preparation for their report.

Council plans and policies

16. This report directly supports the achievement of the following:

- Council Plan 2021-2025 strategy:
 - We support sustainable agricultural pursuits and their contribution to Nillumbik and the broader community.
- Municipal Planning Strategy Strategic Directions:
 - 02.03-1 Settlement and the Nillumbik Green Wedge
 - 02.03-4 Natural resource management.
- Green Wedge Management Plan Goals:
 - Goal 2: Safe and healthy environments
 - Goal 4: A prosperous economy
 - Goal 5: Responsible leadership.
- Climate Action Plan 2022 -2032:
 - Focus Area 3: Having a climate resilient natural environment
 - Focus Area 8: Integrated Water Management.
- Economic Development Strategy:
 - Objective 3: Facilitate economically and environmentally sustainable use of land within the Shire's green wedge.

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CM.035/24 Parliamentary Inquiry into securing the Victorian food supply

- Future of Agriculture Action Plan Objectives:
 - 2. Investigate and advocate for positive policy relating to diverse, innovative farming systems that foster ecological responsible economic development, local employment, circular resource use and local food systems and security.
 - 4. Advocate for expansion for an array of food production and farm gate sales of produce.

Access, Equity and Inclusion

17. Not Applicable

Sustainability implications

18. The submission has taken into consideration the impacts of climate change in relation to food production based on the Future of Agriculture in Nillumbik Report commissioned by Council, and work undertaken through the development of the Climate Action Plan. These documents are directly referred to in the submission.

Community engagement

19. Due to the timeframe the Environment and Planning Committee has provided for public submissions, consultation specific to the submission was unable to be obtained. Agricultural businesses that the Economic Development and Tourism Unit have engaged with previously have been provided with details of the Inquiry to encourage them to provide a submission direct to the Inquiry.
20. The Council endorsed Plans and Strategies referred to in the draft submission have undertaken their own community consultation prior to seeking Council endorsement.

Innovation and continuous improvement

21. Not Applicable

Collaboration

22. The Legislative Assembly's Environment and Planning Committee is seeking public submissions. Council providing a submission is an opportunity to put forward Council's views based on the Inquiry's Terms of Reference and focus areas.

Budget implications

23. There are no immediate budget implications posed by this Inquiry by the Environment and Planning Committee.

Relevant law

24. Planning and Environment Act (1987).

Regional, state and national plans and policies

25. In March 2024 the State Government released its 'Planning for Melbourne's Green Wedges and Agricultural Land Action Plan'. The Action Plan is in response to its proposed reform options in its Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper.

12. Officers' reports

CM.035/24 Parliamentary Inquiry into securing the Victorian food supply

Conflicts of interest

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

12. Officers' reports**CM.036/24 Naming proposal for Civic Drive Precinct (Park)**

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Katia Croce, Manager Governance and Property****Summary**

Council has received a proposal to name Civic Drive Precinct (reserve area) 'Kirrip Park'. 'Kirrip' is the Woi-wurrung word for friend.

The park area at present does not have a registered name with the Registrar of Geographic Names – Vicnames.

The name 'Kirrip Park' has received Wurundjeri Woi-wurrung Cultural Heritage Aboriginal formal approval to use this name and Geographic Names Victoria have provided informal in principle support for the use of the name.

At present Council officers have been referring to this park as Civic Drive Reserve, however Council resolved when the Civic Drive Community Facilities Upgrade Masterplan was adopted in 2016 to include with the detailed planning and appropriate naming of the precinct.

Some previous names have been proposed since that date, but have not proceeded for various reasons.

This report is seeking endorsement to commence a public consultation process on the proposed name 'Kirrip Park' for the Civic Drive Precinct (Park) and proposed naming of four areas within this Park, as required under section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.

Recommendation

That Council:

1. Endorses the commencement of the public consultation process as outlined in **Attachment 1** and shown on the plan in **Attachment 2** on the following naming proposals as required under Section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy:
 - a) The entire Civic Drive Precinct (Park) to be named 'Kirrip Park';
 - b) The Building within the Civic Drive Precinct (Park) area to be named 'Kirrip Pavilion';
 - c) The Outdoor Performance Area within the Civic Drive Precinct (Park) area to be named 'Kirrip Outdoor Performance Space';
 - d) The Playground within the Civic Drive Precinct (Park) area to be named 'Kirrip Playspace'; and
 - e) The Exercise / Flat Open Space Area within the Civic Drive Precinct (Park) to be named 'Kirrip Recreation Space'.

12. Officers' reports

CM.036/24 Naming proposal for Civic Drive Precinct (Park)

2. Requests all residents and businesses abutting Civic Drive Precinct be formally advised of Council's intention to apply official names to the Civic Drive Precinct (Park) and other assets within the Park as outlined in Point 1.
3. Invites public submissions on the naming proposal between 3 May to 2 June 2024.
4. Considers public submissions at the Planning and Consultation Committee meeting to be held on 16 July 2024.
5. Notes that any person who requests to make a verbal submission in relation to the naming proposal be heard at the 16 July 2024 Planning and Consultation Committee meeting.

Attachments

- 1  Community Consultation Overview
- 2  Plan of Kirrip Park and other Areas

Discussion

1. At the launch for the Civic Drive Precinct (Park) in mid-March 2019, Council used the opportunity to seek suggestions via a survey from the community and visitors on names for the Park area.
2. Initial name suggestions were to include the name 'Apollo Parkways'. Geographic Names Victoria (GNV) were not supportive of this name due to duplication within the area.
3. Since then a few other name suggestions have been submitted but have also not received support from GNV. These included 'Diamond Snake Playspace/Playground and Coinda Parklands but both of these names were not suitable due to duplication searches.
4. An applicant submitted a name request to name Civic Drive Precinct (Park) to 'Kirrip Park' in February 2024. This name has received support by the local community as represented by The Friends of Apollo Parkways.
5. A new naming request form was submitted to Wurundjeri Woi-wurrung Cultural Heritage Aboriginal to use the name 'Kirrip Park', and Council received approval for this name.
6. The proposed name 'Kirrip Park' for Civic Drive Precinct includes the area outlined yellow in **Attachment 2** to this report.
7. The Civic Drive Precinct has artwork completed by Fiona Clarke which is on the Diamond Valley Sports Centre external wall. This art work is called 'Family and Future' (Past, Present and Future...emerging).

12. Officers' reports

CM.036/24 Naming proposal for Civic Drive Precinct (Park)

-
8. The proposed name – 'Kirrip Park' is appropriate for the Park given:
- the existing artwork by Fiona Clark;
 - the name complies with the naming principles within the Naming Rules in particularly 'Recognition and use of Traditional Owner languages'; and
 - the proposed name 'Kirrip Park' meaning 'Friend' suits the Park area as it will be a meeting place for friends to utilise the playground, future exercise equipment, tables and chairs, open space, basketball and Outdoor Performance Centre.
9. Council resolved at the May 2016 Council Meeting:
- That Council officers commence the detailed design process in consultation with the community and stakeholders in 2016-2017, subject to the adoption of the 2016-17 Budget. The detailed planning to include appropriate naming of the precinct after community consultation and retention of the existing Outdoor Performing Arts Centre with a view to using the building for multipurpose use, making the existing toilets public and a future upgrade of the building if further community consultation so wishes.*
 - Refers the required planning scheme amendment to rezone the land at Civic Drive to Public Park and Recreation Zone to the budget process for 2017-2018 and receive a further report to seek authorisation to commence the amendment.*
10. On 15 August 2017, at the Future Nillumbik Committee Meeting, the Committee acknowledged key stakeholders and community members involvement in the development of the detailed concept plan and to commence construction on the open space south of the carpark abutting Greensborough Bypass.
11. On 29 October 2019, Council adopted the Planning Scheme Amendment C117, to rezone 15 parcels of land in Diamond Creek, Eltham, Greensborough, Hurstbridge and Research, the Civic Drive Precinct land shown in **Attachment 1** formed part of this Amendment and was rezoned Public Park and Recreation Zone (PPRZ) in February 2020.

Proposed named for areas within Park

12. As part of the proposed naming of Civic Drive Precinct (Park) to 'Kirrip Park', it is proposed that the following areas of the Park are also named in connection with the word 'Kirrip', these include:
- Building being named 'Kirrip Pavilion';
 - Outdoor Performance Area named 'Kirrip Outdoor Performance Space';
 - Playground being named 'Kirrip Playspace'; and
 - Exercise / Flat Open Space Area being named 'Kirrip Recreation Space'.
13. The outdoor performance area appears on Vicnames Register as Greensborough (Outdoor Performance Area) NSP, which is a CFA Neighbourhood Safer Place and is registered as such, this is what the NSP stands for. These names are not the same as registered feature names, they are registered for safety reasons on behalf of the Country Fire Authority (CFA).

12. Officers' reports

CM.036/24 Naming proposal for Civic Drive Precinct (Park)

14. As part of the naming proposal for the building and outdoor performance area, consultation will occur with the CFA and other relevant emergency service providers.
15. Naming the above areas within the Park will assist Council Officers, visitors and emergency services with clearly identifying areas within the Park.
16. Initial consultation has occurred with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. They had no concerns for the word 'Kirrip' to be used for other areas within Kirrip Park.
17. Consultation also occurred with GNV who advised that the name 'Kirrip' could be applied to other features but the names will need to keep within the guidelines of Principle K - Language, "Geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters".

Options

18. That Council undertake a public consultation process on the proposed name as required under section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.

Council plans and policies

19. 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

20. The Naming Rules include Principle G - Gender equality, which states 'Gender equality in the naming of roads, features and localities is encouraged. When developing a naming proposal consideration should be given to gender equality'.
21. Proposed names must conform to the Principles in the Naming Rules.
22. The proposed name 'Kirrip' for the Park and other features complies with this principle as the name is neutral and inclusive of all genders.

Sustainability implications

23. Not applicable.

Community engagement

24. Council must undertake a public consultation process on the proposed name as required under section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules).
25. This is a key component in the process of naming roads, features and localities. Naming authorities typically consult the public on any naming proposal and must comply with the minimum requirements under Section 7.1, where relevant.
26. Section 7.1 of the Naming Rules include that consultation with the immediate and/or extended community must be a minimum of 30 days, though may be longer.

12. Officers' reports**CM.036/24 Naming proposal for Civic Drive Precinct (Park)**

27. The community consultation process as outlined in **Attachment 1** to seek the views of the Nillumbik community and other relevant stakeholders on the proposed names complies with the Naming Rules and Council's Community Engagement Policy.

Innovation and continuous improvement

28. The Naming Rules - Statutory requirements for naming roads, features and localities, was reviewed and updated to fulfil Geographic Names Victoria's requirement under the *Geographic Place Names Act 1998* section 6 to review the 'guidelines' once every five years.
29. The Naming Rules were developed following consultation with municipal councils, government departments and emergency response and public service providers.
30. The Naming Rules focus on and support Traditional Owner languages and commemorative naming of places after women.
31. Council as a statutory naming authority must comply with the Naming Rules, which includes naming principles.

Collaboration

32. Internal consultation has occurred with Governance, Social Planning and Equity, Recreation and Community Infrastructure, Community Facilities, Environment and Sustainability, Environmental Works, Recreation and Leisure, Strategic Planning, and Spatial IT Business Analyst on the proposed name 'Kirrip Park' and the proposed names for the additional areas outlined in Item 12. All of the relevant teams supported the name proposal for the Park and areas within the Park.
33. Consultation and approval has been received from Wurundjeri Woi-wurrung Cultural Heritage Aboriginal to use the name 'Kirrip Park' and Geographic Names Victoria have provided informal in principle support for the use of the name.
34. Initial approval has also been received from Wurundjeri Woi-wurrung Cultural Heritage Aboriginal and GNV to name other areas within the Park 'Kirrip'.
35. The applicant has advised that the proposed names have been endorsed by the local community as represented by The Friends of Apollo Parkways.

Budget implications

36. Naming request submitted to Wurundjeri Woi-wurrung Cultural Heritage Aboriginal cost between \$350 to \$750 for word translation and approval. Should Council resolve at a later date to officially name the Civic Drive Precinct (Park) 'Kirrip Park' and Geographic Place Names approves the name usage fees for ongoing use of a name will be approximately \$3,500.
37. Council will also need to consider the additional cost implications of officially naming the four Areas within the Civic Drive Precinct (Park) in the event that Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation charges a fee of \$3,500 plus GST for each name proposal.
38. Costs associated with the naming proposal and community consultation process will be costed to the Governance and Property Department operational budget.

12. Officers' reports

CM.036/24 Naming proposal for Civic Drive Precinct (Park)

Relevant law

39. The Naming Rules for places in Victoria 2022, statutory requirements for naming roads, features and localities are commonly referred to as the Naming Rules.
40. The Naming Rules uphold the guidelines in the *Geographic Place Names Act 1998*. They are mandatory for naming authorities in Victoria.

Regional, state and national plans and policies

41. Not applicable.

Conflicts of interest

42. 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.037/24 Naming Rights Agreement - Community Bank Stadium**

Distribution: Public**Manager: Vince Lombardi, Chief Operating Officer****Author: Rebecca Burton, Manager Recreation and Leisure****Summary**

Council's naming rights arrangement for Community Bank Stadium with Valley Community Financial Services Limited (VCFSL) (as known as Bendigo Bank) has been in place from 15 December 2011 and expired on 14 December 2021.

VCFSL is a community based financial institution with a focus on supporting local community groups through its own business activities.

VCFSL has expressed an interest in continuing the partnership with Council which includes retaining the naming rights to the stadium. Under a new agreement VCFSL, where possible, will contribute to projects benefiting the local community.

Recommendation

That Council:

1. Authorises the Chief Operating Officer to finalise and execute the new agreement with Valley Community Financial Services Limited that will expire ten years from the commencement date.
2. Resolves that the Naming Rights Agreement – Community Bank Stadium (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Attachments

1. Naming Right Agreement - Community Bank Stadium - *CONFIDENTIAL*

Discussion

1. The Community Bank Stadium in Diamond Creek is constructed on land owned by the Minister for Education and is occupied by Council as licensee under an agreement between the Minister and Council dated 23 November 2010 (Development and Joint Use Agreement).
2. The Minister authorised Council to enter into a naming rights agreement for the Stadium (Community Bank Stadium) with VCFSL.
3. Council entered into an agreement with VCFSL for the naming rights for a term of 10 years commencing on 15 December 2011 and ending on 14 December 2021.
4. In accordance with Council legal advice, the Agreement records the Minister's permission for Council to grant naming rights to Valley Community Financial Services Pty Ltd. Council is doing no more than renewing those rights and therefore there is no obligation to go back to the Minister for Education and obtain any further permission.

12. Officers' reports

CM.037/24 Naming Rights Agreement - Community Bank Stadium

5. Since expiry of the agreement, the Stadium has continued to be named and known as Community Bank Stadium.
6. VCFSL have advised officers of their desire to continue the partnership and retain the naming rights under a new agreement.
7. Given the current financial climate, ensuring an annual fixed allocation of funds cannot be guaranteed. Nevertheless, under the proposed new agreement, VCFSL is committed to supporting Council-led community projects.
8. As a demonstration of this commitment, VCFSL has informed the Council of its intention to contribute to the Hurstbridge Men's Shed project.
9. VCFSL and officers are committed to meeting on a quarterly basis to explore upcoming Council-led community projects and determine how VCFSL can provide support.
10. The duration of the new agreement between VCFSL and Council will expire ten years from the commencement date.

Related Council decisions

11. Not applicable.

Options

12. Council considered options with regard to the naming of the facility.
13. VCFSL is considered to be the optimum option with regard to the naming of the facility.
14. The following points highlight the motivation for extending the Naming Rights agreement with VCFSL:
 - a) VCSFL has a history of providing substantial financial support for community-led projects in Nillumbik.
 - b) VCSFL possesses the capacity and capability to deliver the maximum benefits to the local community over the next 10 years of the agreement.
 - c) There is a strong connection and association between the community and the existing name.

Council plans and policies

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

Access, Equity and Inclusion

16. All Council-led community projects supported by VCFSL will have Gender Impact Assessments (GIA) completed. Recommendations for each GIA will be considered by council officers.

Sustainability implications

17. Community Bank Stadium is classified as a 'shelter in place' (a place of last resort in an emergency).

12. Officers' reports

CM.037/24 Naming Rights Agreement - Community Bank Stadium

Community engagement

18. Not applicable.

Innovation and continuous improvement

19. Not applicable.

Collaboration

20. VCFSL and Council have demonstrated a positive and collaborative partnership since the agreement commenced in 2011 and are committed to continuing into the future.

Budget implications

21. There is no direct impact as financial contributions from VCFSL would not be accounted for in Council's annual budget.

Relevant law

22. Not applicable.

Regional, state and national plans and policies

23. Not applicable.

Conflicts of interest

24. All officers 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.037/24 Naming Rights Agreement - Community Bank Stadium

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12. Officers' reports**CM.038/24 March 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 March 2024.

The Income Statement shows an overall favourable year to date (YTD) variance of \$2.05 million representing 6.30 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$3.21 million and higher than budgeted operating expenses of \$1.16 million.

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 March 2024 (**Attachment 1**).

Attachments

1. Quarterly Finance Report March 2024

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 31 March 2024 with a favourable YTD variance of \$2.05 million based on operating revenue and costs. This represents 6.30 per cent of the YTD Budget.

12. Officers' reports**CM.038/24 March Quarter Financial Report**

6. The overall variance is made up of the following:

- Income – \$3.21 million (3.01 per cent) favourable variance. This includes new/additional grant funding \$1.30 million, user charges \$476,832, supplementary rates \$341,606, interest income \$342,113, capital contributions \$253,473 and other revenue (including insurance and WorkCover refunds) \$205,155 as detailed on pages 6 of **Attachment 1**.
- Expenditure – \$1.16 million (1.79 per cent) unfavourable, mainly attributed to reduced employee benefits expenditure \$1.30 million due to current vacancies, offset by additional spend across external contracts expenditure \$892,451 and materials and related costs \$1.291 million, as detailed on page 7 of **Attachment 1**.

Balance sheet

7. The balance sheet reflects Council's financial position at 31 March 2024 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 \$996.81 million of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$41.93 million, which results in net assets of \$954.88 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 \$35.61 million after all cash transactions for the period to date (\$40.61 million including the term deposit held for twelve months, classified as a financial asset).
11. \$40.14 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 (\$1.28) 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 March 2024 is provided in **Attachment 1**. This report is an analysis of Council's financial performance and financial position as at 31 March 2024. The report also includes an analysis of budget variances.

12. Officers' reports

CM.038/24 March Quarter Financial Report

Council plans and policies

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

- Ensure responsible and efficient management of Council's financial resources.

Access, Equity and Inclusion

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

Sustainability implications

18. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO). These indicators comprise of both short term and longer term measures. This is monitored through the annual external audit and presented to the Audit and Risk Committee.

19. The quarterly financial statements are used as an ongoing mechanism to monitor Council's financial position during the year.

Community engagement

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

Innovation and continuous improvement

21. Not applicable.

Collaboration

22. Not applicable.

Budget implications

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

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

Relevant law

25. *Local Government Act 2020*, section 101 Financial Management Principles.

26. *Local Government Act 2020*, section 97 Quarterly Budget Report

27. Australian Account Standards.

Regional, state and national plans and policies

28. Not applicable.

Conflicts of interest

29. 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.038/24 March Quarter Financial Report

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12. Officers' reports

CM.039/24 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 26 March 2024.

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).
2. Instruments of Appointment and Authorisation enable Council staff to exercise powers permitted to authorised officers under legislation or Council local laws.

12. Officers' reports

CM.039/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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 26 March 2024.

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.

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.

12. Officers' reports

CM.039/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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.039/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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12. Officers' reports**CM.040/24 Tender Report - Contract 2324-021 Consulting Arborist Services - Parks and Open Space****Distribution: Public****Manager: Vince Lombardi, Chief Operating Officer****Author: Lance Clark, Senior Procurement Specialist****Heath Gillett, Manager Operations Centre****Summary**

This report recommends the awarding of a panel contract 2324-021 for Consulting Arborist Services - Parks and Open Space.

There are four different service categories as part of this contract:

- Customer Request Inspections
- Firefighting Water Tanks
- Hazardous Trees on Priority Roads
- High Use Sites Lvl 1 and Lvl 2

The contract term is for an initial period of 3 years, with a 1 x 3 year option to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed 6 years.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2324-021 for Consulting Arborist Services - Parks and Open Space.

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

Recommendation**That Council:**

1. Accepts the tenders and tendered schedule of rates submitted by the **preferred tenderers** and enter into a panel contract arrangement for the **listed categories** by tenderers as disclosed in (**Attachment 1**):

Number: 2324-021

Title: Consulting Arborist Services - Parks and Open Space

Term: 1 May 2024 to 30 April 2027

Options: Term extension up to 30 April 2030

2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve contract term extension.
4. Authorises the Chief Operating Officer to approve changes to operational requirements throughout the term of the contract.

12. Officers' reports

CM.040/24 Tender Report - Contract 2324-021 Consulting Arborist Services - Parks and Open Space

5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

Attachments

1. Attachment 1 - Tender Evaluation Summary Report 2324-021 - *CONFIDENTIAL*

Discussion

1. This report provides a recommendation to appoint suitable consultants to provide arboricultural services to support Council's tree inspection services.
2. The services proposed as part of these contracts are critical to service delivery relating to safety within the Shire.
3. These services will enable Council to continue to deliver on its level of service relating to Tree Inspections.

Tree Inspections

4. Nillumbik Shire Council receives over 2500 requests per year for tree inspections from members of the public or staff concerned with the risks associated with individual or groups of trees.
5. Approximately 55% of these requests are categorised as urgent or do not require inspection which are actioned immediately.
6. As a guide, in the last six months, Council has received an average of around 3.5 no-urgent requests per day.

Firefighting Water Tanks (once every 3 years)

7. The primary purpose of this service is to undertake tree assessments of trees surrounding each of the 56 firefighting water tanks located through the Shire.

Hazardous Trees on Priority Roads

8. These tree assessments will identify and record tree details that pose a hazard, along approximately 200 km of Council roadsides per year.
9. The area of potential impacts that are assessed is limited to a tree or part of a tree likely to fall on the road or crossover and the impact to road users and their ability to use the road for access and/or egress.

High Use Site Tree Inspections

10. The High Use Site Tree Inspection program incorporates the assessment of the health and condition of the trees throughout 130 sites across the Shire.

12. Officers' reports

CM.040/24 Tender Report - Contract 2324-021 Consulting Arborist Services - Parks and Open Space

- 11. Within these 130 sites, there are 200 individual areas with different Risk Zone Categories.
- 12. Depending on the Risk Zone Category of the site, the trees will either be inspected annually or biannually.
- 13. Within the program, there are two levels of assessment:
 - a) Level 1 is a re-assessment of trees that have previously been assessed and recorded.
 - b) Level 2 is an initial assessment and establishment of records for trees that have not previously been assessed

Council plans and policies

- 14. This report directly supports the achievement of the Council Plan 2021-2025 strategy
 - Open spaces
 - We carefully protect, plan, maintain and improve open spaces, streetscapes and places to ensure that they are safe, accessible and enjoyable.
 - Good governance
 - We continue to exercise sustainable and responsible financial management.

Tender overview

The Tender Evaluation Panel (TEP) advises that:

- 15. A public tender was issued on Saturday 10 February 2024.
- 16. The period for tender submissions closed at 2:00pm on Thursday 7 March 2024.
- 17. There were eight (8) tendered submissions received.
- 18. The following list (provided on the next page) provides detail around list of tenders received and for which categories each tenderer applied for.

	Customer Request Inspections	Firefighting Water Tanks	Hazardous Trees on Priority Roads	High Use Sites - Lvl 1 & Lvl 2
Tenderer A	✓	✓		✓
Tenderer B	✓	✓	✓	
Tenderer C	✓	✓	✓	✓
Tenderer D	✓	✓	✓	✓
Tenderer E	✓	✓	✓	✓
Tenderer F	✓	✓		
Tenderer G	✓	✓	✓	
Tenderer H	✓	✓	✓	✓

- 19. Only tenders that were conforming and competitive were fully scored.

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- 20. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation.
- 21. The following tenders were evaluated as non-conforming or not sufficiently competitive and were subsequently set aside from further evaluation.

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer G	Limited evidenced qualified staff/resources to undertake the tendered requirements. Reliance on trainee resources which is not acceptable for Councils requirements
Tenderer H	Due to a current active contract for arborist consulting services for Councils Planning department, tenderer could not be considered for Customer Request Inspections category, as it could cause conflict of interests. For the other three tendered categories, the tenderer was the highest priced.

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

Criteria	Weighting %
Price	40%
Capability (Quality/Technical) & Capacity (Resources)	40%
Collaborative Approach	10%
Economic and Social Sustainability	10%

- 24. The weightings reflect the relative importance of each element to this particular contract.

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25. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value.

26. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Team Leader Arboriculture	Operations – Parks and Open Space	Scoring
Team Leader Amenity	Operations – Parks and Open Space	Scoring
Parks and Open Space Coordinator	Operations – Parks and Open Space	Scoring
Manager Operations Centre	Operations	Advisory
Senior Procurement Specialist	Finance, Procurement and Assets	Advisory

27. The following table on provides the overall score ranking by each tenderer for their tendered categories

	Customer Request Inspections	Firefighting Water Tanks	Hazardous Trees on Priority Roads	High Use Sites - Lvl 1 & Lvl 2
Tenderer A	2	1		2
Tenderer B	4	2	1	
Tenderer C	1	4	3	1
Tenderer D	3	6	4	4
Tenderer E	6	3		3
Tenderer F	5	5	2	

28. The table on the following page shows the final tender evaluation outcome.

29. The awarded categories by Tenderer A and Tenderer B are indicated with a tick and the records highlighted in orange indicate that the tenderer has not been successful in the tender evaluation process.

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	Customer Request Inspections	Firefighting Water Tanks	Hazardous Trees on Priority Roads	High Use Sites - Lvl 1 & Lvl 2
Tenderer A	✓			✓
Tenderer B		✓	✓	
Tenderer C				
Tenderer D				
Tenderer E				
Tenderer F				

- 30. The recommended tenderers for their respective categories were selected based on their overall technical capability and capacity to deliver against the tendered categories and provide value for money outcomes.
- 31. The highest ranked tenderer for Customer Request Inspections and High Use Sites Lvl 1 & Lvl 2 (Tenderer C) was not recommended due their lower qualitative technical scores.
- 32. The highest ranking result was due to pricing which was lower than the average schedule of rates for the respective categories and was not supported by qualitative outcomes.
- 33. **Attachment 1** - Tender Evaluation Summary Report 2324-021 – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
- 34. The Tender Evaluation Summary Report 2324-021 (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Capacity & Capability

- 35. Both the preferred tenderers were able to reference and evidence in their submissions their ability to deliver against the categories they have been recommended to be awarded.

Child Safe Standards

- 36. All suppliers and any of their staff engaged in the delivery of services, must hold a current Working with Children card and must be able to provide it, if requested before undertaking the required services.
- 37. In the event that a supplier or their representative is unable to provide on request, evidence of a current Working with Children card, then Council reserves the right to cancel the booked services at no cost to Council.

Tender Interviews and Reference checks

- 38. As the two preferred tenderers are known to Council, there was no requirement to undertake tender interviews or reference checks.

Collaboration

- 39. Not applicable.

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Budget implications

40. All costs associated with the service requirements, are planned for as part of Councils annual budget planning processes.

Sustainability implications

41. Tenderer A is a locally based company within Nillumbik Shire Council.

Stakeholder Consultation/communication

42. Not applicable.

Innovation and continuous improvement

43. Not applicable.

Relevant law

44. Sections 108 and 109 of the Local Government Act 2020.

Regional, state and national plans and policies

45. Not applicable.

Conflicts of interest

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

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CM.041/24 Informal Meetings of Councillors Records - 30 April 2024

Distribution: Public

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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 26 March 2024.

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

1. Planning and Consultation Committee Meeting Pre-Meet held 12 March 2024;
2. Councillor Briefing held 19 March 2024;
3. Recreation Trails Advisory Committee held 20 March 2024;
4. Council Meeting Pre-Meet held 26 March 2024;
5. Positive Ageing Advisory Committee held 5 April 2024;
6. Youth Advisory Council Meeting held 8 April 2024;
7. Councillor Briefing held 9 April 2024; and
8. Planning and Consultation Committee Pre-Meet meeting held 16 April 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 30 April 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.

Related Council decisions

2. Not applicable.

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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.

Innovation and continuous improvement

12. Not applicable.

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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.

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Council Meeting Agenda

30 April 2024

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