

# Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough  
on Tuesday 28 May 2024 commencing at 7:00pm.

## Agenda

**Carl Cowie**  
**Chief Executive Officer**

Thursday 23 May 2024

Distribution: Public

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# Council Chamber Council Meeting seating plan

<b>Cr Natalie Duffy</b> Edendale Ward				<b>Cr Peter Perkins</b> Ellis Ward
<b>Cr Karen Egan</b> Bunjil Ward <b>(Deputy Mayor)</b>				<b>Cr Frances Eyre</b> Swipers Gully Ward
<b>Cr Richard Stockman</b> Blue Lake Ward				<b>Cr Geoff Paine</b> Wingrove Ward
<b>Katia Croce</b> Manager Governance and Property	<b>Blaga Naumoski</b> Director Governance, Communications and Community Safety	<b>Cr Ben Ramcharan</b> <b>(Mayor)</b> Sugarloaf Ward	<b>Carl Cowie</b> Chief Executive Officer	

## Nillumbik Shire Council

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## Nillumbik Shire Council

### Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 28 May 2024 commencing at 7:00pm

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#### 1. Welcome

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

#### 2. Acknowledgement of Country

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

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from colonial 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

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**8. Confirmation of Minutes**

**COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 30 April 2024**

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Confirmation of the Minutes of the Council Meeting held on Tuesday 30 April 2024.

<b>Recommendation</b>
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**That** Council confirms the Minutes of the Council Meeting held on Tuesday 30 April 2024 (**Attachment 1**).

**Attachments**

- 1  Minutes of the Council Meeting held on Tuesday 30 April 2024

**8. Confirmation of Minutes**

**COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 30 April 2024**

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**9. Petitions**

**10. Questions from the gallery**

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## 11. Reports of Advisory Committees

AC.004/24      Advisory Committee Report - 28 May 2024

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**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.    Positive Ageing Advisory Committee meeting held 5 April 2024; and
2.    Living & Learning Nillumbik Advisory Committee meeting held 15 April 2024.

**Attachments**

- 1 .    Advisory Committee meeting Minutes reported 28 May 2024

<b>Recommendation</b>
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**That** Council notes the Minutes of the Advisory Committee meetings reported (**Attachment 1**).

**11. Reports of Advisory Committees**

**AC.004/24      Advisory Committee Report - 28 May 2024**

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**12. Officers' reports****CM.042/24      Draft Wattle Glen Public Realm Framework For Exhibition**

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**Distribution:    Public****Manager:        Renae Ahern, Acting Director Planning, Environment and Strategy****Author:          Andrew Feeney, Principal Urban Designer****Summary**

Council endorsement is being sought to exhibit a draft public realm framework for Wattle Glen (**Attachment 1**). The draft framework outlines key initiatives that provide strategic direction for improving Wattle Glen's public realm. The draft framework directly addresses the community's concerns about the safety and connectivity of Wattle Glen's public realm and its sense of place, as expressed in the project's first round of engagement in 2021.

The draft framework is formally supported in-principle by the Department of Transport and Planning (DTP) to proceed to public exhibition and community consultation (**Attachment 2**). This support is essential given Wattle Glen's arterial roads are fundamental components of Wattle Glen's public realm. The arterial roads are directly implicated in the community's concerns and are key to unlocking the potential of Wattle Glen as a safe and connected place of rural character in a natural and environmental setting. DTP's support for the draft framework will assist on-going collaboration with VicTrack regarding key initiatives concerning rail land and assets. Together, these arterial road and rail initiatives will serve as catalysts for broader public realm improvements in Wattle Glen that will enhance the area's liveability and sustainability through reduced car dependency and increased opportunities for public life.

The draft framework's endorsement by DTP is critical to its exhibition and relevance as the arterial roads are owned and managed by the State agency, not Council. The strategic nature and diagrammatic level of detail in the draft framework is an express precondition of DTP's endorsement. The framework cannot imply specific solutions to State government land and assets for which there is currently no technical validation or budgetary support within DTP. The exhibition, as a consequence, will focus on assessing the community's general support for the initiatives and the level of importance and urgency to which they regard their implementation, thus providing Council with clear understanding of the community's expectations that will inform future project budgeting and advocacy.

Once adopted by Council, the framework will serve as a legitimate vehicle for Council, in partnership with DTP and VicTrack, to develop solutions to the framework's strategic directions relating to the arterial roads and railway, and to secure funding that will be required to support their delivery. As funding opportunities are secured, detailed design proposals will be shared with the community for feedback prior to any implementation, as will detailed designs for related public realm improvements on Council land that Council can program for delivery.

Subject to Council endorsement, exhibition of the draft framework is planned for three weeks immediately after the Council Meeting.

**12. Officers' reports****CM.042/24      Draft Wattle Glen Public Realm Framework For Exhibition**



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<b>Recommendation</b>
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**That Council:**

1. Endorses the Draft Wattle Glen Public Realm Framework (**Attachment 1**) for exhibition, for three weeks during May/June 2024.
2. Considers community feedback to the exhibition of the Draft Wattle Glen Public Realm Framework at the Planning and Consultation Committee meeting to be held on the 16 July 2024.

**Attachments**

- 1  Draft Wattle Glen Public Realm Framework (For CM 28-05-2024)
- 2  DTP letter of in-principle support for the draft framework (8-05-2024)

**Discussion**Background

1. The Wattle Glen Public Realm Framework project is a priority action of the Place and Space theme of the Council Plan 2021-2025.
2. Work on the public realm framework project commenced in 2021. Site investigations were undertaken and the project's first round of community engagement established community values and aspirations for the area that were reported on at the 16 November 2021 Planning and Consultation Committee (PCC) meeting (PCC.031/21).
3. The community's values and aspirations predominantly concern maintaining and enhancing Wattle Glen's rural character and natural and environmental setting as the area's distinctive qualities, and improving Wattle Glen's unsafe and inadequate conditions for non-motorist connectivity among key points within and beyond Wattle Glen.
4. Wattle Glen's arterial roads and railway are core components of the public realm and are directly implicated in the community's concerns. Any potential for improvement to Wattle Glen's public realm, therefore, must address the challenges and opportunities the arterial roads and railway presents, as they are key to unlocking the latent potential of Wattle Glen as a safe and connected place of rural character in a natural and environmental setting.
5. The arterial roads and railway are, however, owned and managed by the Department of Transport and Planning (DTP) and VicTrack, not Council. This necessitated the need for officers to collaborate with the State agencies to gain their support for the project and to ensure the framework's relevance. Collaboration has been occurring since the project's first round of community engagement in 2021.

## 12. Officers' reports

## CM.042/24      Draft Wattle Glen Public Realm Framework For Exhibition

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6. The collaboration established DTP and VicTrack's specific requirements for the framework in terms of its purpose and application and the level of detail that they could support. The framework was required to serve as a strategic document with a diagrammatic level of detail only, without prescription of specific solutions to State government land and assets for which there is currently no technical validation or budgetary support within DTP and VicTrack.
  7. The collaboration involved the review of comprehensive preliminary work undertaken by Council that included detailed analysis and exploration of possible solutions for improvement, and a Movement and Place assessment that was required by DTP, and which Council's preliminary work enabled.
  8. The Movement and Place assessment, significantly, resulted in refinements to DTP's own road, cycling, walking and place classifications assigned to Wattle Glen. These refined classifications now better reflect existing movement and place conditions and strategic intentions and opportunities as a result of Council's preliminary work, and enabled DTP and VicTrack to consider the draft framework for endorsement.

The draft public realm framework — purpose and value

9. The draft public realm framework (**Attachment 1**) outlines a range of key initiatives that provide strategic direction for improving Wattle Glen's public realm.
10. The draft framework directly addresses the community's concerns about the safety and connectivity of Wattle Glen's public realm and its sense of place, as expressed in the project's first round of engagement in 2021.
11. The draft framework is formally supported in-principle by DTP to proceed to public exhibition and community consultation (**Attachment 2**). This support is essential as Wattle Glen's arterial roads are fundamental components of Wattle Glen's public realm. The arterial roads are directly implicated in the community's concerns and are key to unlocking the latent potential of Wattle Glen as a safe and connected place of rural character in a natural and environmental setting. DTP's support for the draft framework will assist on-going collaboration with VicTrack regarding key initiatives concerning rail land and assets. Together, these arterial road and rail initiatives will serve as catalysts for broader public realm improvements in Wattle Glen that will enhance the areas liveability and sustainability through reduced car dependency and increased opportunities for public life.
12. The value created in the draft framework, critically, is the shared understanding within DTP that 'something needs to be done' in Wattle Glen. This is a breakthrough step in the long term process of bringing about improvement to Wattle Glen's jurisdictionally fragmented public realm. The status of shared agency responsibility established by the framework is a significant development in the history of Wattle Glen and an essential condition for facilitating meaningful change for the community.

**12. Officers' reports****CM.042/24      Draft Wattle Glen Public Realm Framework For Exhibition**

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13. Once adopted by Council, the framework will serve as a legitimate platform for Council, in partnership with DTP and VicTrack, to develop solutions to the framework's key initiatives relating to the arterial roads and railway in the form of concept designs. These concept designs will be critical to determining what is technically feasible to implement, and to securing funding that will be required to support the delivery of arterial roads and railway improvements that will be catalysts for broader public realm improvements.
14. As funding opportunities are secured for the delivery of arterial roads and railway improvements, detailed design proposals will be shared with the community for feedback prior to implementation, as will detailed designs for related public realm improvements on Council land that Council can fund and program for delivery.

The draft public realm framework — description

15. The draft framework comprises a comprehensive analysis of existing conditions (Part A of the Framework) and diagrammatic framework plans (Part B of the framework).
16. The analysis in Part A of the framework will demonstrate to the community a comprehensive understanding of the issues raised by the community, namely:
  - That Wattle Glen is severely disconnected externally. The community are particularly disconnected from neighbouring Diamond Creek and the diverse range of essential goods and services the Major Activity Centre provides. There is inadequate infrastructure to support the community's safe and expedient access to Wattle Glen station (and to Diamond Creek and beyond) and directly to Diamond Creek other than by motor vehicle. This places pedestrians, cyclists and the area's horse riders at significant risk to motor vehicle accidents in navigating the area's rail line and arterial roads, and supports car dependency at the everyday level.
  - Wattle Glen is severely disconnected internally. Important community places within Wattle Glen are disconnected from each other. There is inadequate infrastructure to support the community's safe and expedient access to the range of natural spaces and community infrastructure within the area, limiting their ability to enjoy their place and to strengthen their own community.
17. The plans in Part B of the framework outline the key strategic initiatives that need to be realised to overcome the issues presented in the analysis. These include:
  - i. Connecting Wattle Glen externally:
    - Connecting the Wattle Glen community to Wattle Glen station and the Diamond Creek Trail (DCT) — and beyond.
    - Connecting the Wattle Glen community to Diamond Valley College and Bendigo Bank Stadium (community infrastructure not offered in Wattle Glen).
    - Improving the existing shared path connection from the Diamond Creek Trail (DCT) through Diamond Valley College and Bendigo Bank Stadium to Main Hurstbridge Road to better connect Wattle Glen and Diamond Creek.



**12. Officers' reports****CM.042/24      Draft Wattle Glen Public Realm Framework For Exhibition**

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- Connecting the Diamond Creek Trail (DCT) to Diamond Creek station to better connect Wattle Glen to Diamond Creek.
- Linking the Green Wedge Trail to the Diamond Creek Trail (DCT) through Wattle Glen via Wattle Glen station.
- ii. Connecting Wattle Glen internally
  - Connecting Peppers Paddock to Wattle Glen station.
  - Connecting Wattle Glen Primary School to the General Store and Peppers Paddock.
  - Linking Wattle Glen's places together along Watery Gully Creek.

Exhibition of the draft public realm framework

18. The exhibition of the draft public realm framework is provided as a formative step in the design of public realm improvements in Wattle Glen.
19. The platform for shared agency the draft framework has established for Council and DTP 'closes the loop' on the project's first round of community engagement by expressly focusing on the challenges and opportunities that are key to unlocking the latent potential of Wattle Glen to become a safe and connected place of rural character in a natural and environmental setting.
20. Due to the strategic nature of the draft framework and the framework's dependency on ongoing collaboration with DTP and VicTrack, Council is not, at this stage, requesting specific community input on possible solutions to the key initiatives outlined in the draft framework. The exhibition, instead, will focus on assessing the community's degree of support for the key initiatives, as well as the level of importance and urgency for which they regard the initiatives and their implementation. This feedback will provide Council with a clear sense of community expectation that will help in the implementation and advocacy of the framework.
21. Opportunity for community feedback on specific proposals will be provided when arterial road and rail improvements that are critical catalysts to broader improvements to the public realm, are technically resolved and supported by DTP and VicTrack.

Implementation of the framework

22. Subject to Council endorsement, the framework will be used to inform an implementation plan that Council will prepare.
23. The implementation plan will define the scope and budgetary requirements of the concept design work that Council will be required to undertake, in partnership with DTP and VicTrack in advocating for implementation.
24. The concept design work which is unfunded and subject to future Council budget/grant funding is necessary to be able to identify future projects and secure their funding for delivery.
25. Subject to Council funding (or other funding source) for the completion of concept design work, and the subsequent successful advocacy to secure funding support for delivery projects that will be identified, specific detailed proposals will be exhibited for community feedback prior to their implementation.

**12. Officers' reports**

**CM.042/24      Draft Wattle Glen Public Realm Framework For Exhibition**

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**Related Council decisions**

26. Council endorsed the commencement of the first round of community engagement at its June 2021 Council Meeting.
27. At the 16 November 2021 PCC meeting, it was resolved that the Committee (acting under delegation from Council):
  1. *Notes the public response, as outlined in this report, to the first round of consultation for the Wattle Glen Public Realm Framework Project.*
  2. *Resolves that the confidential un-redacted copy of submissions to the exhibition of the public engagement for Council's Wattle Glen Public Realm Framework Plan Project (Attachment 3) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the Local Government Act 2020.*
  3. *Notes that a first draft of the Public Realm Framework Plan is scheduled to be presented to a Council meeting in early to mid-2022 with a view to Council endorsing it for public engagement.*
  4. *Writes to all respondents to the community engagement to express Council's gratitude for their contribution and to advise them of the Committee's resolution and the next steps in the project.*

**Options**

28. Not applicable.

**Council plans and policies**

29. This report directly supports the achievement of the Council Plan 2021-2025 strategies of the Movement and Place theme:
  - *We work to understand what residents, businesses and visitors need from modes of transport, to ensure that getting around is easy, accessible, safe and sustainable*
  - *We champion the notion of living locally; making it easier for people to meet most of their daily needs within the Shire*
  - *We facilitate the enjoyment of the Green Wedge by residents and visitors through the development and maintenance of shared trails*
  - *We continue to deliver on our road management responsibilities; working to enhance infrastructure that aligns with the character of the neighbourhood*
  - *We prioritise and actively advocate for new and better public transport options and a reduction of private car use and dependence*
  - *We work with our community, neighbouring councils and transport and planning agencies to advocate for improved transport solutions.*

**12. Officers' reports****CM.042/24      Draft Wattle Glen Public Realm Framework For Exhibition**

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**Access, Equity and Inclusion**

30. The project commenced before the introduction of requirements for the preparation of a Gender Impact Assessment, however in meeting relevant objectives of Council's Access, Equity and Inclusion Policy, and as relevant to areas the project may influence with regard to such, the first round of community engagement in the project has been extensive, and was carefully designed to access as many stakeholder groups as possible. The need to exhibit a draft public realm framework before its adoption by Council will provide opportunity to review the engagement approach to date and prepare a Gender Impact Assessment prior to exhibition.

**Sustainability implications**

31. The project and the draft framework respond directly to the climate emergency and seeks sustainable outcomes, especially by the prioritisation of safe and connected public realm infrastructure within Wattle Glen that can reduce car dependency and:
- *reduce fossil fuel consumption;*
  - *reduce motor vehicle-induced pollution;*
  - *reduce risk of road accidents, and deaths;*
  - *encourage human activity in everyday travel to combat obesity;*
  - *remove wasted space and reduce opportunities for anti-social behaviour and improve conditions for public life;*
  - *support economic activity in the Shire through improved opportunities for visitation to Wattle Glen and surrounds, and*
  - *enhance environmental values.*

**Community engagement**

32. Refer 16 November 2021 PCC (PCC.031/21) for community engagement undertaken to date (the project's first round of engagement).
33. The essential themes established from the first round of community engagement that have directly informed the draft framework, are:
- Wattle Glen's rural character and natural and environmental setting are valued as the distinctive qualities of the settlement;
  - a fundamental lack of connectivity among key points within the settlement; and
  - unsafe conditions for travel, especially for non-motorists, among key points within the settlement.
34. This programmed engagement, as with the earlier engagement, is targeted at the Wattle Glen community and will involve:
- a) Register to attend community Q&A sessions (to be held face to face);
  - b) Participate Nillumbik page; and
  - c) Social media and other collateral to support exhibition.

**12. Officers' reports**

**CM.042/24      Draft Wattle Glen Public Realm Framework For Exhibition**

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**Innovation and continuous improvement**

35. Not applicable.

**Collaboration**

36. Collaboration with DTP and VicTrack has been on-going since the inception of the project in 2021.

37. The collaboration has confirmed the project's dependency on DTP and VicTrack for support in the development of initiatives concerning State land and assets of a public realm framework (as well as for further development and implementation of the initiatives in the framework in the future).

**Budget implications**

38. Budget allocation has been made in the 2023-2024 Strategic Planning budget for the completion of the public realm framework.

39. On adoption of the framework by Council, a framework implementation plan would be developed by officers as an in-house plan over three months without the need for additional Council project budget.

40. On completion of an implementation plan, additional budget would be required for preparation of concept design work (not yet scoped or budgeted). The concept work would be undertaken by an urban design/traffic consultancy team, in consultation with DTP and VicTrack, and would span approximately one to two years (noting this timeframe considers State government feedback loops).

**Relevant law**

41. Not applicable.

**Regional, state and national plans and policies**

42. The project and the draft public realm framework supports all relevant State and local planning policy.

**Conflicts of interest**

43. 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.043/24 Adoption of Visual and Public Art Policies**

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

The purpose of this report is to present the draft Draft Visual Arts Policy (**Attachment 1**) and the Draft Public Arts Policy (**Attachment 2**) (the Policies) for adoption.

The policies have been updated taking into consideration Council strategic changes and processes and broader governmental and institutional art policies.





The Policies (**Attachment 1 and 2**) outline the processes for the management of the Nillumbik Shire Art Collection, provides guidance to its development through arts programs, acquisitions and commissions that strategically align with Nillumbik Shire Council's goals and policies.

<b>Recommendation</b>
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**That** Council:

1. Adopts the updated Visual Arts Policy 2023 – 2026 (**Attachment 1**).
2. Adopts the Public Arts Policy 2023 – 2026 (**Attachment 2**).
3. Authorises the Director Communities to make any minor changes to the Visual Arts Policy 2023 – 2026 and Public Arts Policy 2023 – 2026 that may be necessary and are inconsequential in nature.

**Attachments**

- 1  Visual and Civic Art Collection Policy 2023-2026
- 2  Public Art Collection Policy 2023-2026
- 3  Current Visual Art Collection Policy 2019-2022
- 4  Current Public Art Policy 2019-2022

**Discussion**

1. Nillumbik Shire Council's Visual, Civic and Public Art Collections represent an important archival depository that narrates the unique and rich artistic heritage of the its community, it continues to mirror the community's achievements and provide support to Nillumbik's creative community through showcasing works that is diverse and unique to the Shire.
2. The current Visual and Public Art policies 2019-2022 (**Attachment 3 and 4**) are outdated and due for review.

**12. Officers' reports****CM.043/24 Adoption of Visual and Public Art Policies**

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3. The Draft Visual and Public Arts policies (**Attachments 1 and 2**) reflect the strategic changes that the Nillumbik Shire Council adopted since the draft of the previous policies in 2019. The updated policies ensures alignment with Council's adopted Arts and Culture Strategy 2022-2026, Equity and Inclusion Policy 2022-2025, Customer First Strategy 2023-2026, Gender Equity Action Plan 2022-2025, Health and Wellbeing Plan 2021-2025 and Procurement Policy 2021-2025.
4. The revised policies take into consideration the recent emergence of broader governmental and institutional art policies that impact the creative practice as a whole, including the National Cultural Policy – Revive 2023, National Association of Visual Arts – NAVA code of Practice 2023, National Standards for Australian Museums and Galleries - 2nd Edition 2023, Gender Equity Act 2020.
5. The revised policies also takes into account new processes that align with the Council's new Art Management Collection Systems (Vernon), the updated terms of Reference for the Arts and Cultural Advisory Committee and the role the committee play in providing guidance and advice to the Council in managing, conserving, and promoting the Visual and Public Art Collections of Nillumbik Shire Council.
6. The revised Public Art Collection Policy (Attachment 4) provides a more defined strategic approach to the 1% contribution of the Council's capital works budgets exceeding \$2 million. Currently the policy requires the 1% contribution to be allocated to the site of the infrastructure project. The key change being recommended in the policy would allow for the 1% contribution to be pooled together into an Arts Fund with the aim of contributing to a larger public art outcome in Nillumbik. This approach would enable stronger curatorial and visual impact for future public art commissions.

**Related Council decisions**

7. The Visual and Public Art Policies 2019-2022 were endorsed at a Future Nillumbik Committee (acting under delegation from Council) on 15 October 2019.
8. At a Council Meeting on the 27 September 2022 Council adopted the Arts and Culture Strategy 2022-2026.

**Options**

9. This report seeks endorsement of the final Visual and Civic Art Collection Policy 2023- 26 (**Attachment 1**) and the Public Art Policy 2023-26 (**Attachment 2**).

**Council plans and policies**

10. 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.
11. This report also supports the Council Annual Action Plan 2022-2023 Place and Space:
  - Action 12: Implement the Arts and Culture Strategy 2022-2026.

**Access, Equity and Inclusion**

12. A Gender Impact Assessment was carried out during the review process of draft Policies.

**12. Officers' reports**

**CM.043/24 Adoption of Visual and Public Art Policies**

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13. The revised Draft Policies include Acknowledgement of Country and Inclusion Statement.

**Sustainability implications**

14. The new policies promotes and encourages sustainable, creative practice in line with the Climate Action Plan, facilitating the commission of sustainable art installations that address environmental issues or interact with natural surroundings.
15. The Public Art Policy (Attachment 2) references Council's Climate Action Plan 2022- 2032 to ensure sustainable approach in public art commissions.

**Community engagement**

16. Not Applicable

**Innovation and continuous improvement**

17. The Visual Arts Policy (**Attachment 1**) and Public Arts Policy (**Attachment 2**) ensure best industry practice in managing, caring, and promoting the Nillumbik Shire Council art collection by incorporating the most advance method in collection care and management. The draft policies also ensure compatibility with the newly adopted Collection Management System (Vernon).

**Collaboration**

18. The Arts and Cultural Advisory Committee have been provided the opportunity to provide feedback on the Draft polices as per the Terms of Reference for the Committee.
19. The revised policies ensure alignment with internal Council policies and external national policies that guide the creative practice, encouraging cross-institutional collaborations such as artist in residence programs and exhibition loans.

**Budget implications**

20. Not Applicable.

**Relevant law**

21. Not Applicable.

**Regional, state and national plans and policies**

22. National Cultural Policy – Revive 2023.
23. National Association for Visual Arts – NAVA – Public Art.
24. National Association for Visual Arts – NAVA – Code of Practice for Visual Arts, Crafts and Design 2022.
25. National Standards for Australian Museums and Galleries – 2<sup>nd</sup> Edition 2023.
26. *Gender Equity Act 2020*.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.043/24      Adoption of Visual and Public Art Policies**

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**12. Officers' reports****CM.044/24      Environment and Sustainability Advisory Committee 2024-2026 membership recommendation**

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**Distribution:    Public****Manager:        Renae Ahern, Acting Director Planning, Environment and Strategy****Author:          Kirsten Reedy, Coordinator Environment****Summary**

This report provides a recommendation for membership of the 2024-2026 term of Council's Environment and Sustainability Advisory Committee (ESAC).

The ESAC terms of reference are provided in **Attachment 1**.

Nominations were sought from 1 March to 7 April 2024 and were assessed against selection criteria. See **Confidential Attachments 2 (membership recommendation)** and **3 (verbatim application content)**.


Council endorsement of the recommended 11 general community members is sought.

<b>Recommendation</b>
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That Council:

1. Endorses the 11 recommended applicants listed for membership of the Nillumbik Environment and Sustainability Advisory Committee (**refer to confidential Attachment 2**).
2. Resolves that the successful applicants be named.
3. Acknowledges and thank all community members who submitted applications for membership of the Environment and Sustainability Advisory Committee.
4. Resolves that the applications and assessment (**Attachments 2 and 3**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

**Attachments**

1.  ESAC Terms of Reference - 2024-2026
2. ESAC membership recommendation - *CONFIDENTIAL*
3. Verbatim ESAC application content - *CONFIDENTIAL*

**Discussion**

1. The Environment and Sustainability Advisory Committee (ESAC) provides a formal opportunity for Council to work with representatives of the community in developing and implementing environment and sustainability policies, strategies and plans. Committee members can also influence Council's direction on environment and sustainability matters by recommending action for Council consideration.

**12. Officers' reports****CM.044/24      Environment and Sustainability Advisory Committee 2024-2026  
membership recommendation**

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2. The endorsed ESAC Terms of Reference (**Attachment 1**) outline that membership will consist of up to 14 members and will include up to:
    - a) Eleven individual members representing the community;
    - b) One representative of the Nillumbik Youth Council; and
    - c) Two representatives of the Nillumbik Shire Council (Councillors) – one as Chair and one as alternate Chair.
  3. Collaboratively, the membership is required to comprise a diverse mix of urban and rural representatives, who provide a breadth of knowledge and expertise across environment and sustainability matters including:
    - a) climate action (climate resilience, net-zero emissions, sustainable transport, waste management and circular economy, and integrated water management); and
    - b) biodiversity and land management.
  4. The final meeting of the current Environment and Sustainability Advisory Committee was held on 17 April 2024. All positions were then vacated.
  5. Expressions of interest for membership of the new (two-year) term of the Committee were sought from community members over a period of five weeks from 1 March to 7 April 2024.
  6. In total 15 expressions of interest were received. A copy of the information provided by applicants is provided in **Confidential Attachment 3**.
  7. The applications were assessed against the following selection criteria as specified in the Terms of Reference:
    - a. Genuine and valuable reasons for wanting to join the advisory committee;
    - b. Qualifications, knowledge, skills and/or lived experience that are relevant to the advisory committee;
    - c. A strong understanding of local issues that are relevant to the advisory committee terms of reference;
    - d. Strong community and industry network linkages; and
    - e. Balanced makeup of committee: an ability to represent a broad range of views that reflect the diversity of the community (including age; gender; rural and urban representatives; and climate action and biodiversity & land management representatives).

**Related Council decisions**

8. At the February 2024 Council Meeting, Council:
  - a) Acknowledged and thanked members of the outgoing Environment and Sustainability Advisory Committee for their advice and practical contribution to environment and sustainability outcomes for the Shire over the term of the committee.

**12. Officers' reports**

**CM.044/24 Environment and Sustainability Advisory Committee 2024-2026 membership recommendation**

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- b) Endorsed a revised terms of reference for the Environment and Sustainability Advisory Committee.
- c) Endorsed an expression of interest process to renew the Committee by June 2024.

**Options**

- 9. A summary of the evaluation scoring of the applications received is provided in **Confidential Attachment 2**.
  - a) Based on scoring, the 11 applicants that scored highest are recommended to Council for endorsement.
  - b) In addition, as per the Terms of Reference, a position on the Environment and Sustainability Advisory Committee is reserved for a Youth Council representative.
- 10. Officers recognise the high standard of applications received and recommend that Council formally acknowledge and thank all community members who submitted applications for vacant positions.
- 11. Environment and Sustainability Advisory Committee meetings are held bi-monthly in accordance with the Terms of Reference, with the first meeting of the new Committee to take place on 19 June 2024.

**Council plans and policies**

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

**Access, Equity and Inclusion**

- 13. The assessment process was conducted in line with Council's Access, Equity and Inclusion Policy.

**Sustainability implications**

- 14. The function of the Environment and Sustainability Advisory Committee includes provision of advice to Council on environmental and climate change matters.

**Community engagement**

- 15. Expressions of interest for community members to apply to join the Environment and Sustainability Advisory Committee were invited through Council communication avenues including Nillumbik News, e-newsletters, social media posts and a media release. Invitations were also circulated through relevant Council committees and networks.

**Innovation and continuous improvement**

- 16. A purpose of the Environment and Sustainability Advisory Committee is to support Council in identifying opportunities for continuous improvement in environment and sustainability matters.

**12. Officers' reports**

**CM.044/24      Environment and Sustainability Advisory Committee 2024-2026  
membership recommendation**

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**Budget implications**

17. Administrative support for the Environment and Sustainability Advisory Committee is provided within Council's operating budget.

**Relevant law**

18. *Local Government Act 2020.*

**Conflicts of interest**

19. 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.045/24      Committee Report Consideration of Submissions - Draft Budget 2024-2025**

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**Distribution:    Public**

**Manager:        Melika Sukunda, Acting Chief Operating Officer**

**Author:          Robert Malignaggi, Acting Manager Finance, Assets and Procurement**

**Summary**

This report outlines submissions received from the public regarding the Draft Budget 2024-2025 for Council consideration.

Council adopted the Draft Budget 2024-2025 at the Council Meeting on 27 February 2024 for the purpose of community consultation. The Draft Budget was made available to the public for a period of 28 days. Seven written submissions were received.

The Planning and Consultation Committee considered the written submissions as well as verbal presentations from submitters at its meeting held on 16 April 2024.

The following people addressed the Committee with respect to the Draft Budget 2024-2025:

1.    Neil McCoy - Eltham Men's Shed Incorporated Treasurer (Virtual via Zoom)
2.    Anne Bailey - Eltham Junior Football Club – Treasurer (Virtual via Zoom)
3.    Dale Anstis (Typed three-minute presentation)
4.    Mary Salce-Morabito (Typed three-minute presentation)
5.    John F Smith - The Eltham Club - Facility & Grounds Manager (Typed three-minute presentation)
6.    Rebekha Naim (Typed three-minute presentation).

After considering the submissions and presentations, the Committee resolved that this report be presented to Council.

<b>Recommendation</b>
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**That Council:**

1.    Notes that seven written submissions in relation to the Draft Budget 2024-2025 were received, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 16 April 2024.
2.    Considers the matters contained in the submissions and the Committee's report during finalisation of the Budget 2024-2025.

**Attachments**

Nil

**12. Officers' reports**

**CM.045/24      Committee Report Consideration of Submissions - Draft Budget 2024-2025**

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**12. Officers' reports****CM.046/24      Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025**

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**Distribution:    Public****Manager:        Melika Sukunda, Acting Chief Operating Officer****Author:          Robert Malignaggi, Acting Manager Finance, Assets and Procurement****Summary**

This report recommends that Council formally adopts the annual Budget, declare the rates and charges for the 2024-2025 financial year and adopts the (Council Plan) Annual Action Plan for 2024-2025.

Council commenced preparation of the 2024-2025 Budget in late 2023 in order to meet all legislative requirements.

The Draft Budget was exhibited and the community invited to comment. Written submissions were received and considered by a meeting of the Planning and Consultation Committee held on 16 April 2024.

**Rates and charges for 2024-2025**

The 2024-2025 Budget has been prepared in compliance with the rate capping legislation introduced by the Victorian Government.

The Budget proposes a 2.75 percent increase in rates per property, the maximum allowable set by the Minister under the Fair Go Rates System.

**Capital Works**

The Budget proposes a number of significant capital works projects that have been identified through planning and community consultation.

A full list of capital works projects is included in the draft Budget document (**Attachment 1**).

**Policy, planning and services initiatives**

The Budget also includes resources for a range of initiatives regarding policy, planning and services.

**Strategic Resource Plan**

The Strategic Resource Plan has also been reviewed and updated.

The Strategic Resource Plan shows that Council can maintain a balanced Budget within the rate cap, provided that the assumptions in the Plan are met.

**Council Plan - Annual Action Plan 2024-2025**

The (Council Plan) Annual Action Plan is also presented for adoption. This action plan comprises 30 key actions which will support the fourth and final year delivery of the Council Plan 2021-2025. The Annual Action Plan has been developed in line with the annual budget process.

## 12. Officers' reports

**CM.046/24      Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025****Recommendation**

**That** Council having advertised the Proposed Annual Budget 2024-2025 and having considered all submissions received in respect of such Budget resolves:

1. To adopt as presented the 2024-2025 Budget (**Attachment 1**).
2. To authorise the Chief Executive Officer to submit a copy of the adopted Budget to the Minister for Local Government.
3. The amount of rates and charges intended to be raised are:

- a) An amount of \$79,627,776 million (or such greater amount as is lawfully levied as a consequence of this recommendation being adopted) be declared as the amount which Council intends to raise by general rates and annual service charge (described later in this recommendation). The amount declared is calculated as follows:

General Rates                      \$64,569,068

Annual Service Charge      \$15,058,708

**General Rates**

4. That general rates be declared in respect of the 2024-2025 Financial Year.
5. That it be further declared that the general rates be raised by the application of differential rates.
6. That a differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.

I. Farm Land

Any land which is 'farm land' within the meaning of section 2(1) of the *Valuation of Land Act 1960*.

II. Commercial/Industrial Land

Any land which is used or adapted to be used primarily for commercial or industrial purposes.

III. Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

Any land located in a General Residential / Activity Centre Zone / Neighbourhood Residential Zone, or in the Low Density Residential Zone (LDRZ) to which DPO4 applies, on which no habitable dwelling is erected.

IV. Other Land

Any land which is not:

- Farm Land
- Commercial/Industrial Land or



## 12. Officers' reports

**CM.046/24 Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025**

- Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

7. That the quantum of rates payable in respect of each rateable land will be determined by multiplying the Capital Improved Value of such land (categorised by the characteristics described in point 6 above) by the relevant rates indicated in the following table:

Category	Rate in Dollar
Farm Land	0.002021 (or 0.2021 cents in the dollar of Capital Improved Value)
Commercial / Industrial Land	0.002758 (or 0.2758 cents in the dollar of Capital Improved Value)
Vacant land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones	0.003531 (or 0.3531 cents in the dollar of Capital Improved Value)
General Rate / Other Land	0.002378 (or 0.2378 cents in the dollar of Capital Improved Value)

8. That it be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that the:
- I. respective objectives, uses and levels of each differential rate be those specified in section 4.1.1 of the Budget document (**Attachment 1**).
  - II. respective types or classes of land which are subject to each differential rate be those defined in part 7. above.
9. That it be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
10. That in accordance with section 4(4) of the *Cultural and Recreational Lands Act 1963*, the amount of rates payable in respect of each of the rateable lands to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.000927 (or 0.0927 cents in the dollar of Capital Improved Value).

**Annual Service Charge**

11. That an annual service charge be declared in respect of the 2024-2025 Financial Year.
12. That the annual service charge be declared for the collection and disposal of residential refuse and other waste.

**12. Officers' reports**

**CM.046/24      Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025**

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13. That except in the case of elderly persons units, the amount of the annual service charge so declared is dependent upon the option chosen by the owner of the land.
14. That the options of the annual service charge are:
- Option 1: \$658.35 per service in respect of the following three bins:
- 120 litre green waste bin
  - 240 litre recycling bin
  - 120 litre landfill bin.
- Option 2: \$526.68 per service in respect of the following three bins:
- 120 litre green waste bin
  - 240 litre recycling bin
  - 80 litre landfill bin.
- Option 3: \$921.69 per service in respect of the following four bins:
- 120 litre green waste bin
  - 240 litre recycling bin
  - 2 x 120 litre landfill bins.
- Option 4: \$724.19 per service in respect of the following three bins:
- 120 litre green waste bin
  - 240 litre recycling bin
  - 140 litre landfill bin.
- Option 5: \$1,185.03 per service in respect of the following three bins:
- 120 litre green waste bin
  - 240 litre recycling bin
  - 120 litre landfill bin – weekly collection.
15. That the amount of the annual service charge so declared in respect of elderly persons units, being units occupied by elderly persons or persons with a disability where the applicable form of declaration has been received by Council, is \$164.59.
16. That for each rateable land or non-rateable land in respect of which an annual service charge may be levied, the annual service charge will apply irrespective of whether the owner or occupier of the land avails himself, herself or itself of the service.
17. That the annual service charge is not declared in respect of, and is not be levied on, any land on which no habitable dwelling is erected.

**12. Officers' reports****CM.046/24      Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025**

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**Rebates – Sustainable Agricultural Land**

- 18 That it be recorded that subject to point 6 of this recommendation, Council may grant a rebate to each owner (or, where applicable, occupier) of land which:
- i) is not less than 30 hectares in area.
  - ii) is otherwise 'farm land' under section 2(1) of the *Valuation of Land Act 1960*.
- 19 That the rebate be granted to:
- i) assist the proper development of the municipal district.
  - ii) preserve places within the municipal district which are of environmental interest.
  - iii) restore or maintain places of environmental importance within the municipal district.
  - iv) more generally achieve the objectives outlined in the Sustainable Agricultural Rebate (SAR) Guidelines.
20. That the grant of the rebate be:
- i) subject to the criteria detailed in the SAR Guidelines.
  - ii) set at a level based on the following two components:
    - Component A - a single fixed amount of \$100 per eligible property (or per single aggregate of 'continuous' properties, as defined in section 13 DC (6) of the *Valuation of Land Act 1960*).
    - Component B - \$15 per hectare of 'productive agricultural land' across each eligible property. The area of productive agricultural land is calculated for each property by subtracting the apparent area of bushland and domestic use from the total property area. Landowners will be given a single opportunity to challenge this area calculation, after which that figure will be set and documented within the relevant Property Management Plan. Any future change in bushland area will not change the set figure for productive agricultural land.
  - iii) subject to development of an approved Property Management Plan (PMP) for each eligible property. The development of a PMP will replace the need for an annual SAR application form, yet each Plan must satisfy the following conditions:
    - PMP Condition A - The PMP must be submitted for approval to the Environment Department of Council. The approval date for each ratified PMP will be noted and a copy of the document will be retained for Council records.
    - PMP Condition B - A separate PMP will be required for each property or aggregate of properties where the owner receives the \$100 fixed payment component of the SAR.

**12. Officers' reports****CM.046/24      Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025**

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- PMP Condition C - Landowners who have previously received the SAR must return their PMP by the date indicated in correspondence that has been sent to the recipient (further detail regarding this point can be obtained from the Sustainability and Environment Unit of Council).
  - PMP Condition D - All SAR applicants who have not previously received the SAR will require an approved PMP prior to being eligible for the rebate.
  - PMP Condition E - All PMPs will need to be revised by the owner and submitted for re-approval every four years (approximately). Council's Environment Team will notify landholders when PMP revision is required and will allow ample time and assistance to facilitate this process. The approval date for the revised ratified PMP will be noted and a copy of the document will be retained for Council records.

**Payment**

21. That in accordance with section 167 of the *Local Government Act 1989*, Council determines that rates and charges may be paid by four equal quarterly instalments due on:

30 September 2024

30 November 2024

28 February 2025

31 May 2025



**Consequential further actions**

22. That the Finance Manager be authorised to levy and recover the general rates and annual service charge in accordance with the *Local Government Act 1989* and the *Local Government Act 2020*.
23. That pursuant to section 172(1) of the *Local Government Act 1989*, Council records that it will require the payment of interest on any amounts of rates and charges which have not been paid by the date specified under section 167 of the said Act for their payment.
24. To authorise the Finance Manager to write to all those who have made a submission on the 2024-2025 Budget, thanking them for their input and advising them of Council's decision and reasons for the decision.
25. To adopt the Annual Action Plan 2024-2025 (**Attachment 2**), including its 30 actions which will support the fourth and final year delivery of the Council Plan 2021-2025, and receives quarterly updates on the progress of this plan.

**12. Officers' reports****CM.046/24      Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025**

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**Attachments**

- 1  Budget 2024-2025
- 2  (Council Plan) Annual Action Plan 2024-2025

**Discussion****Background**

1. Council is required by the *Local Government Act 2020* to prepare a Budget for each financial year. The Budget has been prepared in accordance with statutory requirements.
2. Adoption of the Budget is an important policy decision by Council in terms of resource allocation for services and projects in the coming year.
3. The Annual Action plan has been developed alongside the Budget to deliver actions from the Council Plan.

**Budget 2024-2025**

4. This report is presented to enable Council to formally adopt the Budget and declare the rates and charges for the 2024-2025 Financial Year.
5. This report outlines the key elements of the Budget. Details are provided in the full 2024-2025 Budget document (**Attachment 1**).

**Capital works**

6. The Budget includes \$16.07 million of capital works projects, of which \$1.55 million will be externally funded by grants. The balance will be funded by Council from rates and reserve funds.
7. A full list of capital works projects is included in the draft Budget document (**Attachment 1**).

**Strategic projects and service improvements**

8. The Budget provides resources for policy development, as well as policy implementation and service improvements. A full list is provided in the 2024-2025 Budget document (**Attachment 1**).

**Services (Operating Budget)**

9. Recurrent operating budgets for Council services have been adjusted to reflect changes in unit costs, including inflationary impacts and contracted prices.

**Rates, charges and other revenue**

10. The Budget proposes a 2.75 percent increase per property in rates and a 6.81 per cent increase to the standard Waste Management Charge.

**12. Officers' reports**

**CM.046/24 Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025**

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11. Other fees and charges increases are reflective of cost increases, regulatory requirements and market considerations.

**Differential rating**

12. At present, Council levies a General Rate, a Farm Rate (15 per cent below the General Rate), a Commercial/Industrial Rate (16 per cent above the General Rate), a Vacant Land Rate (50 per cent above the General Rate) and a Cultural and Recreational Land Rate (61 per cent below the General Rate).

**Borrowings**

13. No additional loan borrowings are proposed in 2024-2025.
14. The Strategic Resource Plan provides a ten year forecast of Council's finances, using projections of expenditure and revenue which are based on a series of assumptions about Council's services and infrastructure. This information is then used to assess Council's long-term financial sustainability.
15. Council is forecast to remain within the Auditor-General's low-risk range on the Indebtedness measure of financial sustainability.

**Strategic Resource Plan**

16. Council adopts the Strategic Resource Plan in conjunction with the Budget.
17. The Strategic Resource Plan is the financial plan which is required to enable Council to achieve its Council Plan goals over the coming years.
18. The updated version of the Strategic Resource Plan is included in the 2024-2025 Budget (**Attachment 1**). It incorporates the financial projections in expenditure and revenue which are based on a series of assumptions about the community's needs and how Council plans to continue to address these needs for services and infrastructure.
19. The Strategic Resource Plan incorporates the 2024-2025 Budget and projections for the next 10 years based on the assumptions.

**Financial Sustainability Measures**

20. These measures include all those used by the Auditor-General to assess financial sustainability for local government across Victoria.
21. The 2024-2025 Budget includes details of Council's projected performance over the next ten years, based on the Strategic Resource Plan.

**Annual Action Plan 2024-2025**

22. Each year, Council operationalises the Council Plan through an Annual Action Plan, which aligns with the annual budget process and details the specific actions committed to delivering for the year to achieve the objectives and strategies of the Council Plan.

## 12. Officers' reports

### CM.046/24 Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025

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23. The Annual Action Plan 2024-2025 (**Attachment 2**) has been developed, identifying how the organisation will work towards achieving the intent of the Council Plan in the fourth and final year of the plan. In line with the annual budget process, this action plan includes 30 actions, and has been informed by:
- Initiatives outlined in the Budget 2024-2025 informed by the Council Plan 2021-2025;
  - Opportunities to report quarterly on deliverables under key strategy and planning documents adopted by Council.
24. Reporting updates will be received by Council on a quarterly basis that will demonstrate in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

#### Related Council decisions

25. Not applicable.

#### Options

26. Having considered the Budget submissions, Council is now able to formally adopt the Budget 2024-2025 and resolve to declare the rates and charges. It can also adopt the differential rates applied to the classes of land which are listed in the recommendation.
27. Preparation of the annual Budget is a major decision for Council in allocating resources to services and projects for the coming year.
28. The Budget has been prepared with regard to the strategic context provided through the Council Plan and various individual policies, strategies and plans.
29. The Budget and the Strategic Resource Plan are recommended for Council approval.

#### Council plans and policies

30. This Budget has been developed in the context of the Council Plan 2021-2025. It is also developed in the context of the Strategic Resource Plan which demonstrates how the outcomes of the Council Plan can be resourced in a way which ensures Nillumbik's ongoing sustainability.
31. In developing the Budget, Council has also considered the key priorities emerging from the master-plans for Council's major recreation facilities and reserves, the structure plans for Nillumbik's activity centres, and other Council policies and strategies.
32. The development and adoption of a 2024-2025 Annual Action Plan to support the delivery of the third year of the Council Plan 2021-2025, and its alignment to the Budget, directly supports the achievement of Council Plan 2021-2025 strategy:
- We continue to exercise sustainable and responsible financial management.

#### Access, Equity and Inclusion

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

**12. Officers' reports****CM.046/24      Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025**

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**Sustainability implications**

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

**Community engagement**

- 36. Council adopted the draft Budget 2024-2025 at the 27 February 2024 Council Meeting for the purpose of community consultation. The draft Budget was made available to the public for a period of 28 days.
- 37. Submissions in relation to the draft Budget have been sought from the public. Submissions were received and considered at the meeting of the Planning and Consultation Committee on 16 April 2024.
- 38. The draft Budget was made available on Council's website, at the Civic Centre and at the Eltham and Diamond Valley libraries.
- 39. At the meeting of the Planning and Consultation Committee on 16 April 2024, the Committee, acting under delegation from Council, received and considered the submissions in relation to the draft Budget.
- 40. There is no legislative requirement for Council to consult publicly on the (Council Plan) Annual Action Plan. The key inputs into this plan are the Council Plan and the Annual Budget.

**Innovation and continuous improvement**

- 41. Continuous improvement and innovation opportunities identified have been considered as part of the budget process.

**Collaboration**

- 42. The drafting of budget is conducted in consultation with managers and EMT across the organisation.
- 43. The draft Budget 2024-2025 was presented to the Audit and Risk Committee at the 6 May 2024 meeting.

**Budget implications**

- 44. The costs of preparing the Budget and annual action plan are funded from operating budget allocations.

**Relevant law**

- 45. *Local Government Act 1989 and Local Government Act 2020.*
- 46. The approach to the budget and the composition of the financial statements are prepared reflective of the overall compliance with the Australian Accounting Standards.

**Regional, state and national plans and policies**

- 47. Not applicable.



**12. Officers' reports**

**CM.046/24      Adoption of Budget 2024-2025, declaration of Rates and Charges and  
Council Plan - Annual Action Plan 2024-2025**

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**Conflicts of interest**

48. 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.046/24      Adoption of Budget 2024-2025, declaration of Rates and Charges and  
Council Plan - Annual Action Plan 2024-2025**

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**12. Officers' reports****CM.047/24 Council Plan Quarterly Performance Report 2023-2024 – Quarter 3**

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**Distribution: Public****Manager: Jeremy Livingston, Director Culture and Performance****Author: Craig King, Manager Customer Experience and Business Performance****Summary**

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

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

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

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

Of the 17 actions reported quarterly, one action is 'completed', 12 actions are 'on track', three actions are experiencing minor issues, and one action is yet to commence.

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

<b>Recommendation</b>
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**That** Council receives and notes the Council Plan Quarterly Performance Report (**Attachment 1**) for the third quarter of 2023-2024.

**Attachments**

- 1  Q3, 2023-2024 Council Plan Performance Report (Jan-Mar 2024)

**Discussion**

1. The Council Plan 2021-2025 was developed throughout 2021 and adopted by Council in October 2021. The Council Plan 2021-2025 has four high-level strategic themes:
  - Community and Connection – to encourage inclusion and participation to support health and wellbeing and ensure that all our residents have equitable access to services, programs, events and initiatives.

**12. Officers' reports****CM.047/24 Council Plan Quarterly Performance Report 2023-2024 – Quarter 3**

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- Place and Space – to protect, enhance, maintain, plan and design places and spaces that strengthen identity, reinforce character, improve accessibility, encourage social connection and enjoyment, support biodiversity and respect the environment.
  - Sustainable and Resilient – to manage and adapt to changing circumstances that affect our community to ensure it remains sustainable and resilient, both now and into the future.
  - Responsible and Accountable – to facilitate the best possible outcomes for our community, by demonstrating strong leadership and working actively to achieve the community's objectives.
2. The Annual Action Plan 2023-2024, adopted by Council in May 2023 along with the 2023-2024 Annual Budget, contains 37 actions contributing to delivery of the Council Plan within the corresponding financial year. Of those 37 actions, 17 are identified for quarterly reporting, while the remainder of the actions are subject to an update in the corresponding report in the final quarter of the financial year.

Priority actions

3. Of the 17 actions reported quarterly, one action is 'completed', 12 actions are 'on track', three actions are experiencing minor issues, and one action is yet to commence.
4. Some of the highlights of activities and deliverables achieved throughout this quarter include:
- a) Development of the Reflect Reconciliation Action Plan (RAP) is on track for endorsement prior to the local government election caretaker period, followed by submission to Reconciliation Australia. A second round of community consultation on the draft RAP will take place in May 2024;
  - b) Implementation of the Year 3 Action Plan for the Nillumbik Health and Wellbeing Plan 2021-2025 is underway and on track. The Plan includes 113 actions. Of these, 7 are complete, 105 are on track, and one is experiencing minor issues;
  - c) Progress on actions in the second year of the Youth Strategy 2022-2026 has continued, with highlights including four school holiday events engaging 79 attendees featuring music and life skills, the Nillumbik Youth Hub project progressed with permits and demolition started, and the Nillumbik Young Women Leaders awards delivered to 6 recipients;
  - d) The procurement process for the age friendly audit of Council owned community facilities was delayed due to a redirection of funds for an urgent matter. Funding has now been confirmed and the procurement to appoint an auditor will be completed next quarter, with the audit to be completed by the end of the first quarter of 2024-2025;
  - e) Progress on delivery of the Arts and Culture Strategy 2022-2026 continued, with further development of the Creative Infrastructure Framework and delivery of two exhibitions at Eltham Library Community Gallery;

**12. Officers' reports****CM.047/24 Council Plan Quarterly Performance Report 2023-2024 – Quarter 3**

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- f) Community engagement on the draft Biodiversity Strategy was undertaken, with feedback from the consultation now informing refinement of the draft following the hearing of submissions at Council's April 2024 Planning and Consultation Meeting;
- g) Implementation of the Recreation and Leisure Strategy 2022-2030 continued, with key actions including submission of three grants under the Local Sports Infrastructure Fund, and delivery of the Rainbow Golf Cup at Yarrambat Park;
- h) Actions completed as part of the Climate Action Plan 2022-2032 included Council endorsing a recommendation to enter into a Renewable Energy Supply Agreement from 1 July 2024 with the Victorian Energy Collaboration (VECO). Consisting of over 50 Victorian LGAs, this is the largest emissions reduction project undertaken by the local government sector in Australia and will facilitate Council to purchase 100% renewable wind energy that is carbon neutral; and
- i) Actions completed as part of the Economic Development Strategy 2020-2030 included the 2024 Women in Business Networking Event (with over 160 attendees), and completion of the Your Business is Our Business Sustainability Edition podcast series.

**Overall status**

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

**Related Council decisions**

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

**Options**

- 8. The report is for noting.

**Council plans and policies**

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

**Access, Equity and Inclusion**

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

**Sustainability implications**

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

**12. Officers' reports****CM.047/24 Council Plan Quarterly Performance Report 2023-2024 – Quarter 3**

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**Community engagement**

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

**Innovation and continuous improvement**

15. Not applicable.

**Collaboration**

16. Not applicable.

**Budget implications**

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

**Relevant law**

18. Not applicable.

**Regional, state and national plans and policies**

19. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports****CM.048/24      2024 Annual Community Survey results**

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**Distribution:    Public****Manager:        Jeremy Livingston, Director Culture and Performance****Author:          Craig King, Manager Customer Experience and Business Performance****Summary**

The results of the 2024 Annual Community Survey have been received (**Attachment 1**). This annual survey was conducted by Metropolis Research in February 2024. It is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community.

The survey also assists Council in meeting the Victorian Government's mandatory performance reporting requirements for councils by measuring community satisfaction in a number of areas covered by this survey.

The 2024 survey findings are generally positive, with community satisfaction with Council's overall performance rated a 6.90 out of 10 (categorised as 'good'), an increase of 0.3% compared to the 2023 result. This overall score is the equal highest result achieved by Nillumbik since this annual survey commenced in 2011, and is now up 10% over the life of the survey since 2011.

Beyond this headline statistic, the survey provides a rich amount of data on community sentiment. With the level of data and information provided in this survey, Council will be able to analyse the results as they apply to individual areas and activities, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future planning and making budgetary decisions.

<b>Recommendation</b>
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**That Council:**

1. Receives and notes the results of the 2024 Annual Community Survey (**Attachment 1**).
2. Makes the report's findings available to the public on Council's website.

**Attachments**

- 1  2024 Annual Community Survey - Full Report

**Discussion**

1. Metropolis Research undertook the thirteenth Annual Community Survey in February 2024. The survey is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community. The survey also assists Council in meeting the Victorian Government's performance reporting requirements by measuring community satisfaction in a number of areas covered by this survey.

**12. Officers' reports****CM.048/24      2024 Annual Community Survey results**

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2. The survey was conducted primarily as door-to-door, face-to-face interviews, with a small sample conducted by phone in rural areas due to occupational health and safety (OH&S) and access issues. In total, 501 randomly selected community members completed the survey.
3. The results have been weighted to ensure the results are representative of the Nillumbik population and the diversity of the entire Nillumbik community.
4. The 2024 survey covers a range of aspects, including:
  - Satisfaction with Council's overall performance;
  - Community issues, behaviours and attitudes on various Council activities;
  - Satisfaction with planning and housing development;
  - Satisfaction with key aspects of governance and leadership;
  - Customer service;
  - Satisfaction with Council's communications tools and preferred methods of receiving information from Council; and
  - Importance and satisfaction ratings of a range of Council services and facilities.
5. **Attachment 1** outlines the results from the survey in a comprehensive report by Metropolis Research.
6. Key results and findings from the 2024 survey are:
  - a) *Overall satisfaction in Council's performance* rates at 6.90 out of 10, a slight increase of 0.3% compared to the 6.88 result in 2023. This is the equal highest satisfaction score recorded in the 13 surveys since 2011, equal with 2015 (6.90);
  - b) The 6.90 result maintains Council's overall performance rating at 'good'. Satisfaction with most aspects of performance was stable or increased somewhat this year, with many at historically high levels for Council;
  - c) Nillumbik's result is marginally lower than the Melbourne metropolitan average of 7.0 out of 10, the same as for interface councils (6.90 out of 10) and slightly above the northern region council's average (6.80 out of 10);
  - d) Overall satisfaction is now up 10% over the life of the survey since 2011, which is a very pleasing result;
  - e) In terms of satisfaction levels across the five precincts in the Shire, Diamond Creek and Rural precincts were more satisfied than average, while Greensborough/Plenty and Eltham respondents were less satisfied.



## 12. Officers' reports

## CM.048/24      2024 Annual Community Survey results

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- f) Respondents have identified that the *top five important issues in Nillumbik* are:
- (1) Roads maintenance and repairs (up from second last year)
  - (2) Traffic management (down from first last year)
  - (3) Parks, gardens and open space (fourth last year)
  - (4) Council rates (third last year)
  - (5) Bushfire prevention (sixth last year).

Of note is that rubbish and waste issues dropped from the fifth top issue last year to the twelfth top issue in 2024, indicating an improvement in performance in this area.

- g) There was an increase this year in the proportion of respondents who were “very satisfied” (i.e., rated satisfaction at eight or more) to 40% (up from 39%), whilst 9% were “dissatisfied” (i.e., rated satisfaction at less than five). This was the largest proportion of “very satisfied” respondents recorded for Council over the life of the survey;
- h) Respondents were asked whether Council’s performance had improved, stayed the same or deteriorated over the past year. There is a decrease in the proportion of respondents who considered performance had improved (down from 11.0% to 7.0%). There was also an increase in the proportion of respondents who considered performance has deteriorated (from 10.0% to 14.0%);
- i) Reasons provided for why performance had improved included a general perception that performance had improved, improved communication and consultation, along with some comments related to specific areas including footpaths, parks and gardens, roads, traffic, and the capping of rates;
- j) Reasons provided for why performance had deteriorated included a range of generally negative comments about Council performance in areas such as roads, communication, kerbside collections, planning and development, and comments about various services and facilities;
- k) Respondents more satisfied than the overall average include young adults (aged 18 to 34 years), rental households, residents of the Shire for less than 10 years, and two-parent families (with youngest child aged 0 to 18 years);
- l) Respondents less satisfied than average include older adults (aged 60 to 74 years), respondents who had contacted Council in the last 12 months, mortgagor households, group households, culturally or linguistically diverse respondents, respondents with disability, and carers of a person with disability;
- m) Satisfaction in all aspects of *governance and leadership* was steady at 6.9 out of 10. This keeps the satisfaction rating at ‘good’. Council’s performance in the various surveyed aspects of governance and leadership rated the same as metropolitan Melbourne councils and interface councils, but higher than northern councils;
- n) Satisfaction with *consultation and engagement* also remained stable at 6.9 out of 10, remaining at a ‘good’ rating. This is measurably above the long-term average satisfaction since 2015 of 6.50;

## 12. Officers' reports

## CM.048/24      2024 Annual Community Survey results

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- o) There is a marked shift in *preferred communication method* in 2024, with increases in telephone (up 11%), SMS/text message (up 6%) and e-mail (up 5%), and decreases in direct mail (down 4%), e-newsletters (down 1.0%) and website (down 1.0%);
  - p) A total of 20% of survey respondents identified that they contacted Council in the last 12 months (down 12% on last year). *Customer service* consolidated last year's improved results, recording a further 3% improvement to 7.2 out of 10, with all aspects of satisfaction with performance increasing;
  - q) Satisfaction with all aspects of the *planning approvals process* increased significantly in 2024, with a 26% increase overall (from 5.0 to 6.2 out of 10). Three of the 4 aspects of performance now rate above the metropolitan Melbourne average, with only timeliness of decisions (5.1 against 5.2) rated lower;
  - r) Satisfaction with the *appearance of quality of newly constructed developments* decreased by 3.0% to 7.2 out of 10 - rated 'very good'. This rated marginally above metropolitan Melbourne, the same as northern councils and slightly lower than interface councils;
  - s) This year, the survey question related to *addressing the needs of LGBTIQA+ residents* changed to include a focus on both importance and satisfaction. Satisfaction rated 7.2 out of 10 – a slight improvement on last year. Importance rated 8.0 out of 10, rated lower than all but one other service (horse riding trails);
  - t) *Average satisfaction across the 34 surveyed services across Council* was stable at 7.5 out of 10 (rated as 'very good').
  - u) Local libraries, sports ovals, kerbside waste collections, education and learning and services for children aged 0 to 5 years rated higher than average satisfaction. Services for youth (up 5%), animal management (up 3%), fire prevention works (up 3%), Nillumbik News (up 3%) and education and learning (up 3%) recorded the most notable increases in satisfaction;
  - v) Of note is that satisfaction with 17 of the 34 services increased, compared to 25 last year;
  - w) The average *importance of the same 34 services* increased this year from 8.5 to 8.9 – a 4.7% increase. This compares favourably to Melbourne metropolitan councils, which decreased slightly from 8.76 to 8.70. 33 services increased in importance, compared to 15 services in 2023 (note – addressing LGBTIQA+ needs was added as a service to the survey this year). The services most valued by respondents include kerbside waste collections, maintenance and repairs of local sealed roads, fire prevention works, services for children aged 0 to 5 years and services for older people;
  - x) *Perception of safety* in public areas is again very high and continues to rank higher than Melbourne metropolitan, interface and northern region councils. Only 11 respondents (2.0% of survey sample) rated safety, policing and crime as one of the top 3 issues to address in Nillumbik;

**12. Officers' reports****CM.048/24      2024 Annual Community Survey results**

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- y) Respondents were asked to rate their satisfaction with the level of *traffic congestion*, how safe they feel *travelling on roads* and *availability of parking spaces* in their local area. Traffic congestion (7.0 out of 10) rated lowest and safety while walking rated the highest (8.10 out of 10);
- z) Respondents were also asked how they typically travel in the Shire as part of a new question to assist in informing the development of the Integrated Transport Strategy. A total of 78% of respondents travel by car, with 38% frequently walking and 7% cycling;
- aa) For the third year, questions concerning *climate change* were asked in the survey, supporting Council's Climate Action Plan. Respondents rated Council leadership in delivering climate action at 6.9 out of 10 (rated as 'good'), the same as last year. Only 8% of respondents are dissatisfied with Council's performance in delivering climate change leadership, with 42% 'very satisfied'; and
- bb) A new question to support the development of Council's Biodiversity Strategy was included in the survey this year, asking respondents whether they had undertaken any environmental initiatives in the past 12 months. The majority of residents had purchased green products to reduce environmental harm, picked up litter, visited bushland reserves and/or planted trees or removed pest weeds and animals on their own property.

**Related Council decisions**

7. Not applicable.

**Options**

8. Not applicable; the survey results and report are for noting.

**Council plans and policies**

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

**Access, Equity and Inclusion**

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

**Sustainability implications**

11. Not applicable.

**Community engagement**

12. The Annual Community Survey involved face-to-face interviews with 501 randomly selected residents across five precincts in the Shire. The data collection methodology for this survey meets mandatory Victorian Government reporting requirements.

**12. Officers' reports**

**CM.048/24      2024 Annual Community Survey results**

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13. Fieldwork was undertaken in February 2024. To provide some community awareness of this fieldwork, Council placed posts through its website and social media channels shortly before the fieldwork was conducted.

**Innovation and continuous improvement**

14. With the level of data and information provided in this survey, there are opportunities to analyse the results as they apply to individual service areas, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future Council and service planning, and making budgetary decisions.

**Collaboration**

15. Not applicable.

**Budget implications**

16. The cost of undertaking the Annual Community Survey is met within the existing operational budget.

**Relevant law**

17. The data collection methodology for this survey, as well as a number of survey outputs, meets State Government reporting requirements for councils.

**Regional, state and national plans and policies**

18. Not applicable.

**Next steps**

19. The survey report and results will be published on the Council website. A summary of the survey results will also be published in Council's 2023-2024 Annual Report.
20. Information gained from the survey will be used by Council to inform future planning and decision-making, as well as budgetary decisions. Directorate and team specific information will also be forwarded to assist in business planning processes for 2024-2025.

**Conflicts of interest**

21. 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.049/24      Seeking Adoption of Council's Governance Rule - Election Period Policy**

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

Following endorsement for public consultation at the 27 February 2024 Council Meeting, the draft Governance Rule - Election Period Policy was open for community consultation for the period 1 March 2024 to 24 March 2024.

A report was presented the Planning and Consultation Committee on 16 April 2024 outlining the feedback received and providing the opportunity for community members to be heard by the Committee.

The purpose of this report is to request that Council considers adoption of the Governance Rule – Election Period Policy (Election Period Policy) (**Attachment 1**).

The Governance Rule – Election Period Policy outlines the election period as it applies to Council.

The Minister for Local Government introduced the Local Government Amendment (Governance and Integrity) Bill 2024 (**the Bill**) into Parliament on 30 April 2024. If passed, the Bill will amend the *Local Government Act 2020* (**the Act**) in a number of key areas which has the potential to change the dates as referred to as the 'election period' in the Election Period policy being considered.

<b>Recommendation</b>
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**That Council:**

1. Notes that one submission in relation to the draft Governance Rule – Election Period Policy was received, and that this submission was considered and the submitter was provided with the opportunity to be heard by the Planning and Consultation Committee on 16 April 2024.
2. Having considered the written submission, adopts the Governance Rule – Election Period Policy shown as **Attachment 1**.
3. Authorises Officers to amend the election period dates within the Governance Rule – Election Period Policy shown as **Attachment 1** in accordance with legislative changes to the *Local Government Act 2020* and the Local Government (Electoral) Regulations 2020 affecting the election period dates prior the 2024 election.
4. Notes that Council's existing Governance Rule – Election Period Policy adopted on 25 August 2020 ceases to apply.
5. Requests that Officers write to the submitter to the public engagement to advise them of the Council's resolution.

**12. Officers' reports****CM.049/24      Seeking Adoption of Council's Governance Rule - Election Period Policy**

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**Attachments**

- 1  Governance Rule - Election Period Policy

**Discussion**

1. On 25 August 2020, Council adopted its Governance Rule – Election Period Policy as required under the then new *Local Government Act 2020*.
2. The Election Period Policy outlines the requirements of Councillors, candidates and Council Officers to ensure integrity and compliance before and during the election period, as well as in the immediate period following the election.
3. This review considers minor administrative changes to the existing policy including dates and officer positions to make the references relevant to the 2024 election and the current organisational structure.
4. Other notable changes include:
  - Defining significant and delegated decisions and making clear prohibitions on any consultations during the election period, except when exemptions apply under the *Planning and Environment Act 1987* and section 223 of the *Local Government Act 1989*.
  - The section on social media has been expanded to further clarify how Council will manage the organisations social media accounts. In addition, further information is provided in relation to media and publicity and media releases.
  - The Policy has been updated to incorporate provisions pertaining to Council staff members who nominate as a candidate for election, strengthening the requirements related to election nominations.
  - Key provisions relating to Councillor conduct have been included in the draft Policy to reflect Local Government best practice. This section is taken directly from the Act and does not apply any further expectation or requirement on Councillors than what is legislatively required under the Act.
  - Clear language and definitions.
5. Some minor changes to amend grammatical errors and anomalies to the exhibited draft Governance Rule – Election Period Policy have been made. There are no changes that add or remove content within the policy.
6. Since the draft Election Period Policy was endorsed by Council for public consultation, the Minister for Local Government introduced the Bill into Parliament aiming to enhance integrity, accountability, and governance within the local government sector.
7. The Bill provides for the bringing forward of the date of the close of the electoral roll (the last date people can be added to the electoral roll) by approximately three weeks.
8. By moving this date forward other key dates such as the opening and closing of nominations and the date for ballot pack mail-outs can also be brought forward through the Local Government (Electoral) Regulations 2020 (**Regulations**).

## 12. Officers' reports

### CM.049/24 Seeking Adoption of Council's Governance Rule - Election Period Policy

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9. A change to the closing date for nominations is likely to change the period referred to as the 'election period'.
  10. As it is unclear at this point what the opening and closing of nominations and the date for ballot pack mail-outs is proposed to be, the formal date for the election period is still unknown.
  11. This report recommends that Council adopt the Election Period Policy and provides for the date of the election period to be amended in accordance with any change to the Act and Regulations effecting the election period.

### Related Council decisions

12. In August 2020, Council adopted the suite of Governance Rules as required under the stage two implementation of the Act, including the existing Governance Rule – Election Period Policy.
13. Council resolved at the Council Meeting on 27 February 2024 to commence public consultation for the period 1 March 2024 to 24 March 2024, inviting written submissions regarding the draft Governance Rule – Election Period Policy.
14. A report was presented to the Planning and Consultation Committee meeting held 16 April 2024 to consider any person who registered to be heard regarding the draft Governance Rule – Election Period Policy.

### Options

15. Option 1 –  
After considering the one written submission and no verbal submissions, it is recommended that Council adopts the Election Period Policy (**Attachment 1**) authorising Officers to amend the election period dates within the Election Period Policy in accordance with any change to the Act and Regulations.
16. Option 2 –  
Council may adopt the Election Period Policy, requesting Officers prepare a report to Council requesting an amendment to the election period as outlined in the Election Period Policy (**Attachment 1**).
17. As the timeframe and outcome for the Amendment Bill is unknown and Regulations, Option 1 is presented as the preferred option.

### Council plans and policies

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

### Access, Equity and Inclusion

19. Minor amendments were made to the draft policy to remove gender references such as his or her, with references amended to 'their'.

**12. Officers' reports**

**CM.049/24      Seeking Adoption of Council's Governance Rule - Election Period Policy**

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20. The draft Election Period Policy was provided to Council's Gender Equity Lead for consideration. It has been deemed that given the content relates to behaviours of Councillors, Candidates and Council Officers equally, that a Gender Impact Assessment is not required in this instance.
21. This report does not impact negatively on any rights identified in the Charter of Human Rights and *Responsibilities Act 2006* (VIC).

**Sustainability implications**

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

**Community engagement**

23. Council followed a process of community engagement in order to socialise it with the municipal community and obtain any feedback.
24. Community engagement was targeted to increase the diversity of community members and perspectives included in the engagement. This included Participate Nillumbik page, media release, promotional communications including email, e-news, and social media.
25. Community engagement occurred between 1 March 2024 and 24 March 2024 with one response received.
26. The submission to community engagement was positive with the submitter noting that they understood the purpose of the Election period Policy and the policy 'seems good'.
27. Whilst amending a Governance Rule has a mandatory requirement to engage with the community, we are mindful of the limited changes that can be made to this Policy due to the legislative nature of the content.
28. No submitters registered to be heard at the Planning and Consultation Committee meeting on 16 April 2024.

**Innovation and continuous improvement**

29. Not applicable.

**Collaboration**

30. Not applicable.

**Budget implications**

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

**Relevant law**

32. Section 60 of the *Local Government Act 2020*.
33. Section 69 of the *Local Government Act 2020*.
34. Council's Community Engagement Policy and guidelines have been referenced and will be followed in the preparation of this review.



**12. Officers' reports**

**CM.049/24      Seeking Adoption of Council's Governance Rule - Election Period Policy**

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35. In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
36. It is considered that the subject matter does not raise any human rights issues.

**Regional, state and national plans and policies**

37. Not applicable.

**Conflicts of interest**

38. The *Local Government Act 2020* requires members of Council staff and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
39. The officers involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

**12. Officers' reports**

**CM.049/24      Seeking Adoption of Council's Governance Rule - Election Period Policy**

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**12. Officers' reports****CM.050/24 Boyd Street, North Warrandyte - Proposed Special Charge Scheme**

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**Distribution: Public****Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Summary**

On 21 February 2020, investigation of a Special Charge Scheme for a section of Boyd Street was initiated by a Councillor due to complaints about dust from the road. An initial questionnaire was sent to property owners between the northern boundary of 4 Boyd Street and the southern boundary of 21 Boyd Street to gauge interest on sealing this section of Boyd Street via a Special Charge Scheme.

The results of the initial questionnaire confirmed sufficient support to proceed further with an investigation into a Special Charge Scheme to seal the section of Boyd Street.

On 9 October 2023, a formal questionnaire and cost apportionment were sent to property owners to determine their support for sealing a section of Boyd Street. The level of support for a Special Charge Scheme for Boyd Street was 53 percent (9 out of 17 property owners).

The level of support is below the 60 percent threshold in Council's policy for a Special Charge Scheme.

Therefore, it is recommended that Council abandon the Scheme for Boyd Street and place further investigation for sealing of Boyd Street on a three year moratorium.

<b>Recommendation</b>
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**That Council:**

1. Abandons further investigations into the Special Charge Scheme for the section of Boyd Street, North Warrandyte, between 4 and 21 Boyd Street.
2. Places any further investigations into a Special Charge Scheme for this section of Boyd Street on a three year moratorium.
3. Notifies affected property owners accordingly.

**Attachments**

- 1  Boyd Street - Scheme Area

**Discussion**

1. On 21 February 2020 a Councillor proposed an investigation for a Special Charge Scheme to seal the section of Boyd Street, North Warrandyte, between the northern boundary of 4 Boyd Street and the southern boundary of 21 Boyd Street.
2. Initial questionnaires were sent to all property owners in the section of Boyd Street, North Warrandyte, to establish the level of support to seal the road via a Special Charge Scheme.

**12. Officers' reports****CM.050/24 Boyd Street, North Warrandyte - Proposed Special Charge Scheme**

3. The questionnaire result demonstrated a sufficient level of support to proceed with further investigation of the scheme (refer table below)

	Construction	No Change	Total
Votes	11	6	17
Percentage	64.7%	35.3%	100%

4. Council officers held an information session on 12 July 2023 with property owners.
5. Boyd Street is a local access road. Available traffic counts suggest that the traffic using Boyd Street is largely generated by residents of Boyd Street, and that there is limited through traffic.
6. The estimated cost of the project is \$242,000 to \$291,000. The cost would be fully apportioned to abutting property owners in accordance with Council's policy.
7. On 9 October 2023 a formal questionnaire and cost apportionment were sent to all affected property owners along Boyd Street (refer Attachment 1 for Scheme Area) to ascertain the level of support.
8. The results of the formal questionnaire are shown in the table below

	Construction	No Change	Total
Votes	9	8	17
Percentage	52.9%	47.1%	100%

9. As the level of support is below the 60 percent threshold in Council's policy, it is recommended that the scheme be abandoned and put on a three year moratorium.

**Related Council decisions**

10. Not applicable.

**Options**

11. The options available to Council are:
- Abandon further investigation into a Special Charge Scheme reflective of the responses provided and as recommended in this report.
  - Proceed with development of the Scheme despite the lack of sufficient support.

**Council plans and policies**

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We continue to deliver on our road management responsibilities; working to enhance infrastructure that aligns with the character of the neighbourhood.

**12. Officers' reports**

**CM.050/24 Boyd Street, North Warrandyte - Proposed Special Charge Scheme**

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**Access, Equity and Inclusion**

13. Not applicable.

**ustainability implications**

14. Council is committed to using environmentally sustainable materials where available and appropriate.

**Community engagement**

15. Consultation has been undertaken in accordance with Council's Special Charge Schemes for Road and Drainage Works Policy & Guidelines (August 2018).

**Innovation and continuous improvement**

16. Not applicable.

**Collaboration**

17. Not applicable.

**Budget implications**

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

**Relevant law**

19. The 'Special Charge Scheme' legislation under Section 163 of the *Local Government Act 1989* enables a Council to recover the cost of works from abutting property owners where the works will be of special benefit to them.

**Regional, state and national plans and policies**

20. Not applicable.

**Conflicts of interest**

21. 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 of this report.

**12. Officers' reports**

**CM.050/24      Boyd Street, North Warrandyte - Proposed Special Charge Scheme**

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**12. Officers' reports****CM.051/24      Terms of Reference and Expression of Interest Process for Arts and Culture Advisory Committee 2024 - 2026****Distribution:    Public****Manager:        Corrienne Nichols, Director Communities****Author:          Nichole Johnson, Manager Community Partnerships****Summary**

In June 2024, the current two year term for nine committee members will end, and Council will call for Expressions of Interest for Arts and Cultural Advisory Committee for members to serve two year terms from 2024-2026.

The purpose of this is to seek endorsement of the Terms of Reference 2024-2026 (**Attachment 1**) and recruitment process that will open on 30 May and close on 20 June 2024.

<b>Recommendation</b>
-----------------------

**That Council:**

1. Thanks and acknowledges the nine outgoing members of the Arts and Cultural Advisory Committee 2022-24 for their advice and contribution to Council's work to represent the diverse views, ideas and needs of the community.
2. Endorses the updated Arts and Cultural Advisory Committee Terms of Reference 2024-2026 (**Attachment 1**).
3. Endorses the recruitment process for the Arts and Cultural Advisory Committee 2024-2026 open on 30 May and close on 20 June 2024.
4. Instructs Officers to report nominations to the Arts and Cultural Advisory Committee to Council for endorsement in August 2024.

**Attachments**

1.  Terms of Reference Arts and Culture Advisory Committee 2024- 2026

**Discussion**

1. Council's Arts and Cultural Advisory Committee enables community members with appropriate expertise and experience to provide advice to Council concerning key issues relating to arts and culture.
2. In June 2024, the current two year term for nine committee members will end, and Council will call for Expressions of Interest for Arts and Cultural Advisory Committee for members to serve two year terms from 2024-2026.
3. Up to 16 committee members form the committee, collectively represent a diverse range of arts and cultural expertise.
4. All nominees will be individually scored by a selection panel against evaluation matrix that considers the nominees :

**12. Officers' reports****CM.051/24      Terms of Reference and Expression of Interest Process for Arts and Culture Advisory Committee 2024 - 2026**

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- a) Qualifications, skills and/or expertise in the focus areas of the advisory committee.
  - b) A strong understanding of the local community and its social, environmental and economic influences.
  - c) An ability to represent a broad range of views that reflect the diversity of the community.
5. A dedicated position within the committee will be reserved for a First Nations artist, curator, producer or creative.
  6. Consideration will be given to the diversity of age groups on the committee.
  7. The selection panel for making recommendations of members on the Advisory Committee consists of a Senior Member of Council (CEO or Director – or delegated Manager) and up to three nominated Council staff members from Arts and Cultural Development.

**Related Council decisions**

8. Arts and Cultural Advisory Committee Terms of Reference were last endorsed at Council Meeting on 23 May 2023.

**Options**

9. The updated Terms of Reference are presented in **(Attachment 1)**.
10. The Terms of Reference were updated and reviewed in 2023 and it is recommended that one minor change for clarity reasons be made to the 2024-26 Terms of Reference.
11. It is recommended that the membership section **(Attachment 1 page 2)** of the Terms of Reference be updated in line with the original intent. The Arts and Culture Advisory Committee have historically worked with a membership of 14 community members and two Councillors however in the 2023-25 Terms of Reference it incorrectly states that a maximum membership of 16 community members. The total of 16 is intended to include the two Councillor representatives.
12. Expressions of Interest for Arts and Cultural Advisory Committee members will open on 30 May and close at 11.59pm on 20 June 2024.
13. To be eligible for applications, applicants must meet the criteria outlined in the terms of reference.

**Council plans and policies**

14. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We recognise and celebrate our community's significant contributions to art and culture.
  - 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.



**12. Officers' reports**

**CM.051/24 Terms of Reference and Expression of Interest Process for Arts and Culture Advisory Committee 2024 - 2026**

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**Access, Equity and Inclusion**

15. Council's Access, Equity and Inclusion policy has informed inclusion of new measures in the Terms of Reference (**Attachment 1**), which support increase in the representation of diverse and varied needs of the arts community on the committee.

**Sustainability implications**

16. Not Applicable

**Community engagement**

17. Calls for nominations will be broad, and the proposed communication plan is summarised below:
- a. Expression of Interest will launch on 30 May, and will close on to 20 June 2024 if nomination numbers are reached.
  - b. A recruitment approach which includes targeting diverse community groups and stakeholders will be conducted, reaching local arts leaders, creative practitioners working across all art forms, arts organisations, arts groups, creative businesses, First Nations artists, artists living with a disability and creatives from diverse backgrounds and age groups.
  - c. The use of various Council social media platforms to ensure a wide range of Council social media followers are aware of nominations.
  - d. Invitations to nominate will be disseminated through community group networks, and to be promoted through existing contact databases, including current First Nations networks.
  - e. A call for nominations to be included on Arts and Culture webpages and in the monthly e-newsletter.
  - f. Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation will be engaged to support First Nations nominations through the Corporation's own creative network.

**Innovation and continuous improvement**

18. The Terms of Reference 2024-2026 (**Attachment 1**) ensure continuous improvement in meeting Advisory Committee Policy and Access, Equity and Inclusion Policy objectives.

**Collaboration**

19. Not Applicable.

**Budget implications**

20. Not Applicable.

**Relevant law**

21. Not Applicable.

**Regional, state and national plans and policies**

22. Not Applicable.

**12. Officers' reports**

**CM.051/24      Terms of Reference and Expression of Interest Process for Arts and Culture Advisory Committee 2024 - 2026**

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**Conflicts of interest**

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

## 12. Officers' reports

## CM.052/24 Domestic Animal Management Plan Review

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**Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Elishia Jansz, Manager Community Safety (Municipal Recovery Manager)****Summary**

The current Domestic Animal Management Plan 2021-2025 (DAMP 2021-2025) (**Attachment 1**) was developed in line with section 68A of the *Domestic Animal Act* 1994 (the Act). Council has a legislated responsibility under the Act to ensure compliance and delivery of animal management services related to community expectations around responsible pet ownership.

The current DAMP 2021-2025 provides Council with a strategic framework, policy direction and action plan for domestic animal management practices throughout the municipality over the lifetime of the plan.

The purpose of this report is to seek endorsement on the proposal to initiate consultation and interaction with the community to better understand the needs and perspectives of the community and key stakeholders on the core areas of animal management, animal welfare, responsible pet ownership, Local Laws (including the cat curfew), as well as the importance of educating the community of desexing and microchipping.

This comprehensive understanding gained from the initial phase of community engagement will support the development of new Domestic Animal Management Plan 2025-2029 (DAMP 2025-2029) and enable officers to tailor the new DAMP 2025-2029 effectively.

<b>Recommendation</b>
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**That** Council resolves to commence Phase 1 Community Consultation from 3 June to 7 July 2024 (5 weeks) to support the development of Nillumbik Shire Council's Draft Domestic Animal Management Plan 2025 -2029, in line with the attached Community Engagement Plan (**Attachment 2**).

**Attachments**1  Domestic Animal Management Plan 2021-20252  Community Engagement Plan 2024-2025

**12. Officers' reports****CM.052/24 Domestic Animal Management Plan Review**

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**Discussion**

1. Council is required to develop and adopt a new Domestic Animal Management Plan (DAMP) prior to the expiration of the current DAMP 2021-2025 in October 2025. The review, development, consultation and adoption of the DAMP will require extensive community consultation and engagement with key stakeholders.
2. Engagement for the DAMP will likely focus on the core areas of animal management, animal welfare, responsible pet ownership, Local Laws (including the cat curfew), as well as the importance of educating the community of desexing and microchipping.
3. The first phase of community consultation is scheduled to begin in June 2024. Officers will utilise the insights gained from this research to understand community sentiment regarding animal management, validate data, and ensure the relevance of content in the DAMP.
4. It is expected that the review of a new DAMP 2025-2029 will present an opportunity to attract a high level of external engagement with key stakeholders. The community is also likely to identify current issues that are not yet dealt with by the current DAMP 2021-2025.
5. This information gathered through this initial stage will help inform the drafting of a new DAMP which will occur in the second half this year. A draft of the revised DAMP 2025-2029 and additional engagement initiatives proposed to be carried out will be presented to Councillors for consideration in the new Council term.

**Related Council decisions**

6. The current DAMP 2021-2025 was adopted at the 30 November 2021 Ordinary Council Meeting. It is a requirement of the *Domestic Animals Act 1994* to be reviewed every 4 years.
7. On 28 October 2014, Council resolved to adopt an order under s26 of the *Domestic Animals Act 1994* which made the following orders:
  - 1) *Dogs must be under effective control of a person by means of a leash no longer than three metres:*
    - a. *In all public parks and reserves except where designated by signs in areas listed in section (4).*
    - b. *Within five metres of a shared use path.*
    - c. *On all streets, roads, public car parks and footpaths.*
  - 2) *Dogs and cats are not permitted whether restrained or otherwise:*
    - a. *Within five metres of any children's playground or public barbeque.*
    - b. *In environmentally sensitive areas where designated by signs (i.e. in the parks listed below).*
    - c. *In schools, kindergartens and childcare centres unless with the prior permission of the Principal or Director.*
  - 3) *Cats are required to be securely confined between the hours of 7.30 pm and 6 am.*

**12. Officers' reports****CM.052/24 Domestic Animal Management Plan Review**

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- 4) *Dogs are permitted off-leash but must be under effective control whether restrained or otherwise in the following parks and reserves (as designated by signs):*
- a. *Eltham Lower Park, Eltham*
  - b. *Griffith Park, Eltham*
  - c. *Plenty River Drive Reserve, Greensborough*
  - d. *Eltham East Linear Reserve north of Diosma Road, Eltham*
  - e. *Falkiner Street Park, Eltham (Barrack Bushland))*
  - f. *Susan Street, Eltham*
  - g. *Gumtree Reserve, Research*
  - h. *Woodridge Linear Park, Eltham*
  - i. *Fergusons Paddock, Hurstbridge South side of path only: Dogs are prohibited from entering the wetlands areas as signposted*
  - j. *Nillumbik Park, Diamond Creek: Dogs are prohibited from entering sporting oval and wetlands*
  - k. *Diamond Creek Reserve, Diamond Creek: Dogs prohibited from entering wetlands areas where signposted and sporting oval (except at Council approved events).*
- 5) *Council may exempt any of the provisions of this Order at any time.*

**Options**

8. Officers are seeking endorsement on the proposed engagement process and timeframes provided in (**Attachment 2**) outlining the suggested approach to consult with community during the initial phase of the project.

**Council plans and policies**

9. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We seek to enhance community safety, public health, amenity and the environment through improved planning and community engagement, prioritising fair and transparent approaches to managing compliance and enforcement.
  - [If you require more one strategy reference – please cut and paste the additional strategy from the [Council Plan 2021-2025](#) – otherwise please delete this line]

**Access, Equity and Inclusion**

10. A Gender Impact Assessment (GIA) has been undertaken on the community engagement plan and recommendations formed from the assessment have been considered in the finalisation of this plan.
11. A further Gender Impact Assessment (GIA) will be undertaken on the DAMP once the draft DAMP has been established.

**12. Officers' reports**

**CM.052/24 Domestic Animal Management Plan Review**

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**Sustainability implications**

12. The DAMP demonstrates Council's approach to ensure that effective animal management and responsible pet ownership is achieved in an accountable manner that protects animal welfare, promotes education, responsible pet ownership and encourage ways to reduce domestic animal impact on the environment, including Council controlled land and residential properties.

**Community engagement**

13. The proposed engagement process and timeframes provided in (**Attachment 2**) outlines the suggested approach to consult with community during the initial phase of the project.
14. Phase 1 of the consultation is scheduled for 5 weeks proposed to commence from 3 June 2024 following Council's endorsement. This feedback will inform the development of the draft DAMP 2025-2029.
15. Phase 2 of community engagement, aimed at gathering feedback on the new draft DAMP 2025-2029 is expected to begin in early 2025 following consideration and endorsement from the new Council.
16. Community engagement will include promoting participation to formulate the draft DAMP 2025-2029 with QR codes to allow direct access to Participate Nillumbik.
17. Consultation will also occur through:
- Networking
  - case investigations
  - pop ups
  - attendance at dog parks
  - advertising on corflute signage posted at dog parks
  - social media posts
  - promoting in various newsletters.

**Innovation and continuous improvement**

18. Opportunities for innovation and continuous improvement will be identified through the development and implementation of the DAMP.

**Collaboration**

19. Partnerships and collaboration play an integral role in the implementation of the DAMP.
20. Council will continue to work with other levels of government, relevant agencies and the community in order to achieve the strategies within the DAMP.

**Budget implications**

21. Costs associated with the development of the DAMP have been accounted for within the operational budget.

**12. Officers' reports**

**CM.052/24 Domestic Animal Management Plan Review**

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**Relevant law**

22. Pursuant to Section 68A of the *Domestic Animals Act 1994* every Council in Victoria is required to produce a DAMP which is renewed every four years
23. In addition, Nillumbik Shire Council's General Local Law 1 holds provisions which are relevant to this DAMP process, including:
  - Clause 29 - Collection and disposal of animal excrement
  - Clause 30 - Keeping of animals
  - Clause 31 – Animal buildings and cleanliness
  - Clause 32 – Animal noise

**Regional, state and national plans and policies**

24. Not applicable

**Conflicts of interest**

25. 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.052/24      Domestic Animal Management Plan Review**

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## 12. Officers' reports

## CM.053/24 Jalna Court Special Charge Scheme - Declaration

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**Distribution:** Public

**Manager:** Melika Sukunda, Acting Chief Operating Officer

**Author:** Steven Blight, Manager Capital and Infrastructure

**Summary**

Council resolved on 27 February 2024 (Item CM.005/24) its Intention to Declare a Special Charge Scheme for the construction of the partial length Jalna Court, Eltham (between the western boundary of 1 Jalna Court and Sweeneys Lane).

Council's notice of its Intention to Declare a scheme was publicly advertised in the *Herald Sun* newspaper on 14 March 2024. A notice of the Intention to Declare was sent to all property owners with a liability under the scheme.

Council has not received any submissions or objections for the Special Charge Scheme under the Local Government Act 1989 (the Act).

This report recommends that Council formally declares the Jalna Court Special Charge Scheme, Eltham (between the western boundary of 1 Jalna Court and Sweeneys Lane) and levies the special charge.

<b>Recommendation</b>
-----------------------



**That Council:**

1. Notes that no submissions or objections were received for this scheme.
2. Gives notice under Section 163(1) of the *Local Government Act 1989* of the declaration of a special charge for the purposes of defraying the expenses to be incurred by Council for road construction works in Jalna Court, Eltham between the western boundary of 1 Jalna Court and Sweeneys Lane.
3. Bases the declaration on the following key matters:
  - a) The Special Charge Scheme for road sealing works in Jalna Court shall apply to the properties at 1 and 6 Jalna Court, as shown in **Attachment 1**.
  - b) The estimated total project cost is \$46,070 with a benefit ratio of one. The total amount to be levied under the special charge is \$46,070.
  - c) The total estimated cost to each property is shown in **Attachment 2** and may be paid as a lump sum within 30 days of invoice or by quarterly instalments over a 10 year period with interest.
  - d) The scheme shall remain in force for 10 years.
4. Levies the special charge to each person liable to pay it by giving notice under Section 163(4) of the *Local Government Act 1989*.

**12. Officers' reports****CM.053/24 Jalna Court Special Charge Scheme - Declaration**

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**Attachments**

- 1  Jalna Court Scheme Area
- 2  Jalna Court Special Charge Scheme Apportionment

**Discussion**

1. Council resolved its Intention to Declare the Jalna Court Special Charge Scheme, Eltham (between the western boundary of 1 Jalna Court and Sweeneys Lane) on 27 February 2024 (Item CM.005/24). The public was advised of the resolution via notice in the *Herald Sun* newspaper on 14 March 2024. A notice of the Intention to Declare was also sent to the property owners with a liability to the scheme.
2. The public notice of the Intention to Declare a scheme outlined the rights of any person to make a submission under Section 223 or an objection under Section 163B of the *Local Government Act 1989* (the Act). Submissions and objections were required to be made in writing within 28 days after the date of the public notice.
3. No submissions or objections were received for this scheme
4. The special benefit of the road construction is improved access and amenity to the two property owners in the scheme. There is no Council land, non-rateable land or Crown land within the scheme and the standard of the road will not need to increase beyond the normal residential standard in the area. Considering this, it has been determined that there is no special benefit to the community and no special benefit to properties not included in the Scheme. Therefore, the benefit ratio is one.
5. Given that no objections or submissions were received, it is recommended that Council declare the Special Charge Scheme for the sealing of Jalna Court, Eltham, between the western boundary of 1 Jalna Court and Sweeneys Lane. It is also recommended that Council levy the special charge for the scheme to the persons liable to pay.
6. Subject to Council resolving to declare the scheme the next steps will involve:
  - a) Property owners will be sent notices advising of the formal declaration and levy, and outlining their appeal rights to the Victorian Civil and Administrative Tribunal (VCAT).
  - b) Tenders for the construction of the road will be requested, following and subject to any appeal to VCAT.

**Related Council decisions**

7. Council at its meeting on 26 April 2023 resolved to proceed with the development of a Special Charge Scheme for the sealing of Jalna Court (between the western boundary of 1 Jalna Court and Sweeneys Lane), with a rural standard of construction.
8. Council resolved on 27 February 2024 (Item CM.005/24), to give public notice of its Intention to Declare a Special Charge Scheme for the sealing of Jalna Court, Eltham (between the western boundary of 1 Jalna Court and Sweeneys Lane).

**12. Officers' reports**

**CM.053/24 Jalna Court Special Charge Scheme - Declaration**

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**Options**

9. Options available to Council are to:

- a) formally declare the Special Charge Scheme for the construction of Jalna Court, Eltham (between the western boundary of 1 Jalna Court and Sweeneys Lane), as per the recommendation of this report;
- b) not declare a Special Charge Scheme for the construction of Jalna Court Eltham; or
- c) alter the proposed declaration, provided that it is in accordance with Section 163(2BA) of the Act.

**Council plans and policies**

- 10. The scheme is consistent with the achievement of the Council Plan 2021-2025 strategy:
  - We continue to deliver on our road management responsibilities; working to enhance infrastructure that aligns with the character of the neighbourhood.
- 11. The scheme is consistent with the policies and objectives of the Nillumbik Planning Scheme, including the protection of neighbourhood character and environment.

**Access, Equity and Inclusion**

12. Not applicable.

**Sustainability implications**

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

**Community engagement**

- 14. Consultation was carried out in accordance with Council's Special Charge Schemes for Road and Drainage Works Policy and Guidelines (August 2018).

**Innovation and continuous improvement**

15. Not applicable.

**Collaboration**

16. Not applicable.

**Budget considerations**

- 17. All internal costs associated with the scheme's investigation and development are accommodated within existing operational budgets. All external scheme costs incurred will be recovered if the scheme proceeds and the charge is levied.

**Relevant law**

- 18. The authority of Council to declare and levy a special charge is in accordance with Section 163(1) and 163(4) of the Act respectively.
- 19. The rights of a person to lodge a submission are in accordance with Sections 163A and 223 of the Act.

**12. Officers' reports**

**CM.053/24 Jalna Court Special Charge Scheme - Declaration**

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20. The rights of a person to lodge an objection are in accordance with Section 163B of the Act.
21. As referred to in the options part of this report, Section 163(2BA) of the Act states:
- “A Council must not make a declaration under subsection (1) which has been altered from the proposed declaration specified in the public notice if the effect of the alteration is to increase the liability of any person to pay the special rate or special charge to be imposed by the proposed declaration unless —*
- a) the alteration is made in response to a submission or objection received by the Council in response to the proposed declaration; and*
  - b) the increase in the liability of any person to pay the special rate or special charge does not exceed 10%. ”*

**Regional, state and national plans and policies**

22. Not applicable.

**Conflicts of interest**

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

## 12. Officers' reports

**CM.054/24**      **Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**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.

<b>Recommendation</b>
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**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

**12. Officers' reports****CM.054/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**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.
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 30 April 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.

**12. Officers' reports**

**CM.054/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**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.

**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.054/24      Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**12. Officers' reports****CM.055/24      Informal Meetings of Councillors Records - 28 May 2024**

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

In accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, adopted on 25 July 2023, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 30 April 2024.

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

1. Living & Learning Nillumbik Advisory Committee held 15 April 2024;
2. Councillor Briefing held 23 April 2024;
3. Council Meeting Pre-Meet held 30 April 2024;
4. Inclusion and Access Advisory Committee held 3 May 2024;
5. Youth Council Meeting held 6 May 2024;
6. Councillor Briefing held 7 May 2024;and
7. Planning and Consulation Committee Pre-Meet held 14 May 2024.

<b>Recommendation</b>
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**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 28 May 2024

**Discussion**

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

**12. Officers' reports**

**CM.055/24 Informal Meetings of Councillors Records - 28 May 2024**

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**Related Council decisions**

2. Not applicable.

**Options**

3. An Informal Meetings of Councillors is defined in *Item 20 of the Governance Rule – Meeting Procedures*. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
- Planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These meetings do not include meetings of Councillors and Council staff that are not planned or scheduled.
  - Meeting of an Advisory Committee where at least one Councillor is present. An Advisory Committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
4. A record must be kept of any Informal Meeting of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
5. In accordance with *Item 20 of the Governance Rule – Meeting Procedures*, Council is required to report as soon as practicable to a Council Meeting, a record of any Informal Meetings of Councillors held.
6. The recommendation contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council at the last Council Meeting.

**Conclusion**

7. It is recommended that Council receives the records of recent records of Informal Meetings of Councillors as contained in this report, fulfilling *Item 20 of the Governance Rule – Meeting Procedures*.

**Council plans and policies**

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

**Access, Equity and Inclusion**

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

**Sustainability implications**

10. Not applicable.

**Community engagement**

11. Not applicable.

**12. Officers' reports**

**CM.055/24      Informal Meetings of Councillors Records - 28 May 2024**

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**Innovation and continuous improvement**

12. Not applicable.

**Collaboration**

13. Not applicable.

**Budget implications**

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

**Relevant law**

15. *Local Government Act 2020.*

**Regional, state and national plans and policies**

16. None applicable.

**Conflicts of interest**

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

12. Officers' reports

CM.055/24      Informal Meetings of Councillors Records - 28 May 2024

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**13. Notices of Motion**

**NOM.002/24 Pedestrian & Traffic Safety around Eltham North Primary School**

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

<b>Motion</b>
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**That Council:**

1. Notes the concerns and communication received regarding pedestrian safety around supervised school crossing sites, particularly at the supervised school crossing on Wattletree Road, Eltham North, near Eltham North Primary School, where a recent near miss incident occurred.
2. Requests Council Officers to provide a report to Council regarding pedestrian safety and traffic safety in the vicinity around Eltham North Primary School with consideration given to any recommendations for improvement that Council can undertake or could advocate for with the Victorian Government's Department of Transport and the Federal Government's Black Spot program, including:
  - a. The urgent extension of traffic bumpers in front of the wire fencing at the Wattletree Road traffic lights:
  - b. Possible traffic calming measures:
  - c. Signage treatments, including southbound from Banks Road: and
  - d. Assessing traffic and pedestrian flows around Lower Road.
3. Requests the CEO to write to the Principal of Eltham North Primary School as a matter of urgency to seek input from the school and school community to help in getting students to/from school safely.

**14. Delegates' Reports**

**15. Supplementary and urgent business**

**16. Confidential reports**

**17. Close of Meeting**