

Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 25 June 2024 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 20 June 2024

Distribution: Public

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

Council Chamber Council Meeting seating plan

Cr Natalie Duffy
Edendale Ward

Cr Karen Egan
Bunjil Ward
(Deputy Mayor)

Cr Richard Stockman
Blue Lake Ward

Cr Peter Perkins
Ellis Ward

Cr Frances Eyre
Swipers Gully Ward

Cr Geoff Paine
Wingrove Ward

Katia Croce
Manager
Governance and
Property

Blaga Naumoski
Director Governance
Communications and
Community Safety

Cr Ben Ramcharan
(Mayor)
Sugarloaf Ward

Carl Cowie
Chief
Executive
Officer

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 25 June 2024 commencing at 7:00pm

1. Welcome

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

2. Acknowledgement of Country

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

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from 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 28 May 2024

Confirmation of the Minutes of the Council Meeting held on Tuesday 28 May 2024.

Recommendation

That Council confirms the Minutes of the Council Meeting held on Tuesday 28 May 2024 (**Attachment 1**).

Attachments

1.  Confirmation of Minutes Council Meeting held Tuesday 28 May 2024

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 28 May 2024

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9. Petitions**PT.002/24 Nillumbik Shire - Call for Solidarity with Palestine**

A petition containing 430 signatures (as of 13 June 2024) calls for solidarity with Palestine relating to the ongoing conflict between Israel and Palestine.

The petition is both electronic (<https://change.org/Nillumbik4Palestine>) containing 367 electronic signatures and hardcopy containing 63 hand written signatures.

The hardcopy petition contained the following statement;

“We, the residents of Nillumbik Shire want our Council to reflect our collective voices for humanity and put forward a motion of solidarity with Palestine. This includes:

- An acknowledgement of the horrific loss of Palestinian and Israeli lives, and a condemnation of all attacks targeting civilians.
- An acknowledgement that the conflict did not begin on October 7th, but with the violent Israeli occupation of Palestine in 1948 and prior;
- A minute of silence to acknowledge the grief of Palestinians everywhere, including here in Melbourne’s north-east.
- A minute of silence to mourn the untold number of lives lost in this genocide.
- An acknowledgement of the mental and physical trauma that will be passed on to future generations of Palestinians who survive this genocide.
- An acknowledgement that the International Court of Justice has found that there is a plausible case of genocide against Israel and that we support this court ruling as a community.
- Receiving a report to explore options for council to cancel contracts with companies that support Israel illegal occupation of Palestine or profit from it, especially companies which supply equipment to the Israeli Defence Force.
- A commitment to fly the Palestinian flag outside Nillumbik Shire Council for 6 months, in recognition of the ongoing genocide of Palestinians, without removing the Aboriginal and Torres Strait Islander Flags.

Specifically we request that you write to the Australian Prime Minister and Foreign Affairs Minister with requests to the Government as per the electronic petition.”

Recommendation

That Council:

1. Receives and notes the “Nillumbik Shire - Call for Solidarity with Palestine” petition relating to the ongoing conflict between Israel and Palestine, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Director Governance, Communications and Community Safety for response.
3. Notes that officers will advise the petition organiser of the outcome.

10. Questions from the gallery

11. Reports of Advisory Committees

AC.005/24 Advisory Committee Report - 25 June 2024

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

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

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

1. Environment & Sustainability Advisory Committee meeting held 17 April 2024; and
2. Economic Development Advisory Committee meeting held 16 May 2024.

Attachments

- 1  Advisory Committee meeting Minutes reported 25 June 2024

Recommendation

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

11. Reports of Advisory Committees

AC.005/24 Advisory Committee Report - 25 June 2024

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12. Officers' reports

CM.056/24 Audit and Risk Committee Meeting May 2024 and Audit and Risk Committee Charter

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Melika Sukunda, Manager Finance, Assets and Procurement

Summary

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

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

The Audit and Risk Committee met on 6 May 2024. The minutes for the meeting are shown in **Attachment 1**.

Charter review

The Audit and Risk Committee (**the Committee**) Charter was last reviewed in its entirety in June 2020 and is due for renewal. The membership, quorum, purpose and duties of the committee remain unchanged. Changes to the Charter include clearer provisions for online and hybrid meetings.

Independent Member Remuneration



The independent member remuneration is set by Council. The fees set should reflect the time, commitment and responsibility involved by independent member. In addition, fees should also reflect their respective experience and knowledge required to be a member. It is recommended to increase the remuneration by the Victorian Government rate cap set by the Minister for Local Government, annually effective from 1 September 2024.

Recommendation

That Council:

1. Notes the Minutes of the Audit and Risk Committee meeting held on 6 May 2024 (**Attachment 1**).
2. Endorses the Audit and Risk Committee Charter (**Attachment 2**).
3. Resolves to increase the independent member's remuneration by the Victorian Government rate cap set by the Minister for Local Government, annually effective from 1 September 2024.

Attachments

- 1  6 May 2024 Audit and Risk Committee Minutes
- 2  Audit and Risk Committee Charter 2024

12. Officers' reports

CM.056/24 Audit and Risk Committee Meeting May 2024 and Audit and Risk Committee Charter

Discussion

1. The Minutes of the Audit and Risk Committee (ARC) are submitted to Council after each meeting. The Minutes are confirmed by the independent members.
2. Minutes of the ARC held on the 6 May 2024 have been adopted by the Committee, and will be presented at its next meeting.
3. The items considered by the ARC were:
 - Procurement Policy;
 - Audit and Risk Committee Charter;
 - Draft Budget 2024/2025;
 - Operations Centre Internal Audit Report; and
 - March 2024 Quarterly Finance Report.
4. The next ARC meeting is scheduled to take place on Monday 26 August 2024.

Audit and Risk Committee Charter

5. Council must hold an Audit and Risk Committee Charter that meets the requirements under section 54(7) of the *Local Government Act 2020*.
6. The Charter was last reviewed in June 2020.
7. The membership, quorum, purpose and duties of the committee remain unchanged. The draft Charter incorporates changes to accommodate online and hybrid meetings.
8. The Committee meets a minimum of four times a year and has the role to assist the coordination of relevant activities of management, internal audit and the external auditor to facilitate good governance, effectiveness and efficiency.
9. Under the Act, it is required that the independent members are suitably qualified and have relevant experience to contribute to the Committee.
10. Currently the Committee comprises of three independent members.

Independent Member Remuneration

11. Section 53 of the Act allows Council to set the remuneration for independent members at its discretion.
12. The table below sets out the previous and current annual fees.

Committee member	Current Annual Fee
Chairperson	\$13,000
Member	\$10,000

13. Audit and Risk Committee fees have been benchmarked and have increased to a level commensurate with the time, commitment and responsibility involved as an independent member.

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CM.056/24 Audit and Risk Committee Meeting May 2024 and Audit and Risk Committee Charter

14. It is recommended that moving forward an annual increase to the remuneration be applied at the level of Victorian Government rate cap set by the Minister for Local Government, annually effective from 1 September 2024.

Related Council decisions

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

Options

16. The ARC's function is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating good and ethical governance.
17. The ARC meets four times a year. The Internal Auditor, CEO and Chief Operating Officer (COO) attend all meetings. Other management representatives attend as required. The external auditors attend in May and August each year to present the Audit Plan and independent audit report.

Council plans and policies

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

Access, Equity and Inclusion

19. Where applicable, the Committee considers Gender Access, Equity and Inclusion.

Sustainability implications

20. The ARC plays a significant role in Council's governance framework. It provides external expert advice on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness.

Community engagement

21. Not applicable.

Innovation and continuous improvement

22. Not applicable.

Collaboration

23. The ARC meeting on 6 May 2024 was attended by the internal auditors from Pitcher Partners, as well as the CEO and the COO. Mayor Cr Ben Ramcharan and Deputy Mayor Cr Karen Egan attended as the councillor representatives.
24. The Audit and Risk Committee Charter was presented to the Audit and Risk Committee on 6 May 2024.

Budget implications

25. The associated costs are contained within Council's 2023-2024 Budget.

12. Officers' reports

CM.056/24 Audit and Risk Committee Meeting May 2024 and Audit and Risk Committee Charter

Relevant law

26. *Local Government Act 2020*, section 53 Council must establish an Audit and Risk Committee.

Regional, state and national plans and policies

27. 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.057/24 Quarterly Risk and Safety Report - March 2024**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Craig Commene, Risk and Safety Lead****Summary**

This report provides a summary of Council's Risk and Safety Report for the quarter ending March 2024.

The report is presented in accordance with the *Local Government (Planning and Reporting) Regulations 2020*, which requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 6 May 2024.

The full confidential Risk and Safety Report for March 2024 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Recommendation

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending March 2024.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

Attachments

1. Risk and Safety Report Quarter ended March 2024 - *CONFIDENTIAL*

Discussion

1. Council's commitment to risk management is outlined in the Risk Management Policy, with the following objectives:
 - Ensure that all risks that could affect the achievement of Council's goals, strategies and actions are identified, assessed and treated to a commercially and professionally acceptable level of risk;
 - Integrate risk management into Council's decision making processes and embedding it into the organisational culture;
 - Ensure necessary resources are allocated in support of the Policy and supporting Risk Management Framework;
 - Maintain stakeholders' trust and due diligence;

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CM.057/24 Quarterly Risk and Safety Report - March 2024

-
- Align all risk practices across all systems and to promote and support a consistent corporate approach to risk that can be clearly understood; and
 - Ensure that risk management is seen as the responsibility of all staff, i.e. – *risk management is everyone's business*.
2. In addition to the Risk Management Policy, Council's Risk Management Framework communicates and describes the risk management principles and processes that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
 3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
 4. This Risk and Safety report broadly reports on:
 - Risk management;
 - Business continuity;
 - (Anti) Fraud and corruption control;
 - Insurance premiums;
 - Incident management and insurance claims;
 - Occupational Health and Safety;
 - Other data; and
 - Strategic risk summary report.
 5. The Quarterly Risk and Safety Report has been prepared in accordance with Council's Risk Management Policy and Framework, and is consistent with the Australian Standard AS/NZS 31000:2018 Risk Management.
 6. Highlights from the Risk and Safety Report for the quarter ending March 2024 are as follows:
 - Strategic risk actions are on target to be completed within allocated timeframes;
 - Motor vehicle incidents continue a reducing trend and compares favourably to the benchmark of 60% of premium. It is anticipated that Council's long term improvement in motor vehicle claims will be a discussion point during the 2024 / 2025 insurance renewal process;
 - Incidents generally are now trending downwards as data for incidents and claims generated in previous storm events (2022) quarter have fallen away;
 - WorkSafe undertook an entry visit at the Civic Centre and Operations Centre in November 2023 as part of their proactive program to provide guidance and assess and enforce compliance with specific health and Safety laws. No adverse findings were noted; and

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CM.057/24 Quarterly Risk and Safety Report - March 2024

- Injury data shows a decrease in minor injuries reported and this is the second consecutive quarter of no new WorkCover claims.

7. Council's strategic risks are:

- Changing environmental conditions and climate change impacting Council's infrastructure, operations and services;
- Changes in Federal and State government policy that impact Council's strategic objectives;
- Strategic focus, infrastructure, service delivery and projects are not aligned with community expectations;
- Impacts of a disruption to Council's service delivery;
- IT disruption and cyber security attacks including data breach, fraud or theft, data loss and data privacy;
- Failure to maintain a sustainable long term financial position;
- Major failure of Council infrastructure;
- Council does not deliver on major projects, eroding reputation and influences potential future funding opportunities; and
- Good governance failure;

8. The following can be used to monitor the progress of control actions and progress of strategic risks as at the end of March 2024 through to financial year end.

Strategic Risks – Action Status	No.	%
Complete or in place	126	67%
On target	61	33%
Not on target	0	0%
Not yet due to start	0	0%
Total	187	100%

9. The following tables summarise recorded incidents by type for matters involving Council. Note that these tables show all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type	Apr - Jun 23	Jul - Sep 23	Oct - Dec 23	Jan - Mar 24	Total Apr - Mar 24	Total Apr - Mar 23
Property	4	1	11	3	19	22
Motor vehicle	6	8	6	15	35	51
Professional Indemnity	0	0	0	0	0	2
Public Liability	23	32	27	46	128	159
Occupational Health & Safety	20	23	25	16	84	99

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CM.057/24 Quarterly Risk and Safety Report - March 2024

Incidents by type	Apr - Jun 23	Jul - Sep 23	Oct - Dec 23	Jan - Mar 24	Total Apr - Mar 24	Total Apr - Mar 23
Total incidents	53	64	69	80	266	333

10. The following table summarises all incidents by directorate.

Incidents by Directorate	Apr - Jun 23	Jul - Sep 23	Oct - Dec 23	Jan - Mar 24	Total Apr - Mar 24	Total Apr - Mar 23
Culture and Performance	5	8	6	10	29	5
Governance, Communications and Community Safety	2	1	6	8	17	4
Planning, Environment and Strategy	5	3	2	1	11	31
Communities	9	6	6	6	27	25
Operations	32	46	49	55	182	268
Total incidents	53	64	69	80	266	333

11. A high proportion of reported incidents during the March 2024 quarter are generated within the normal course of business in the Operations directorate (68%), and is a decrease compared to the previous quarter (71%).

12. Overall, incidents are lower than the same period last year although significant rain and storm events were experienced during the December 2023 and March 2024 quarters.

13. All incidents relate to major classes of asset or maintenance type incidents for Council buildings, recreational facilities, playgrounds, trees, drainage, footpath, road damage and major plant.

14. Tree related risks are mitigated through the:

- Tree Management Policy;
- Reactive tree maintenance program;
- Proactive electric power line clearance program;
- Proactive box clearance program;
- Proactive inspections of high risk trees; and
- Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.

15. Road, footpath, drainage and roadside related risks are mitigated through the:

- Road Management Plan;

12. Officers' reports**CM.057/24 Quarterly Risk and Safety Report - March 2024**

- Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.
16. Property incidents typically reported are property theft, break-ins, storm damage vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds and recreational facilities. Risks are mitigated through maintenance programs and insurance.
 17. Overall, reported property incidents are consistent when compared this year (19) to the same period last year (22). Incident primarily related to building water damages.
 18. Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are mitigated through maintenance, education and insurance.
 19. There were 16 motor vehicle incidents during the March 2023 quarter and one new motor vehicle insurance claim lodged with Council's insurer relating to damages to a mower. The number of incidents and dollar value continues to be positive, showing claims have fallen when compared to the previous year.
 20. Professional indemnity relates to incidents and claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services. No new professional indemnity incidents occurred during this quarter.
 21. Public liability incidents are reported where the third party is seeking compensation for personal injury, property damage and economic loss. Note that compensation claims are only paid where Council has been negligent or there is a clear legal liability. Claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
 22. A total of 46 incidents were notified during the March 2024 quarter. A total of 18 incidents were related to tree or tree root issues, 16 incidents resulted in personal injuries or property damage, and 8 related to vehicle damage, primarily caused by the road surface or road related infrastructure. (Note that the *Road Management Act 2004* threshold is currently \$1,480).
 23. Occupational Health and Safety incidents during the quarter (18) were noted being safety matters reported as incidents, hazards and near misses. Typical incidents are cuts and lacerations, insect and animal bites, musculoskeletal injuries and slip trips and falls. These incidents are managed through the Occupational Health and Safety Management System.
 24. The overall occupational health and safety annual trend data for the quarter ending March 2024 suggests incidents (84) are reducing comparable to the same period ending March 2023 (99).
 25. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

12. Officers' reports

CM.057/24 Quarterly Risk and Safety Report - March 2024

Related Council decisions

26. This summary, along with the confidential Risk and Safety Report, has been provided to meet the requirements of the *Local Government (Planning and Reporting) Regulations 2020* and consolidation of management reporting.
27. Ongoing reporting to Council on risk and safety matters is presented quarterly following each meeting of Council's Audit and Risk Committee.

Council plans and policies

28. This report directly supports the achievement of the following Council Plan 2021-2025 strategies:
 - We act in the best interests of our community.
 - We are forward-thinking, data-driven and evidence-led in our decision making, always looking to identify new opportunities.
 - We make Council's programs, services, processes and information equitable, assessable and inclusive.

Access, Equity and Inclusion

29. A Gender Impact Assessment has not been applied to this report.

Sustainability implications

30. Trend data from this report is used to inform management processes for the mitigation of risks associated with property, motor vehicle, professional indemnity, public liability and safety as they relate to Council's strategic and operational risks.
31. Council's risk profile includes environmental risks and climate change, as a consequence of failure to adequately mitigate those risks.

Community engagement

32. Not applicable.

Innovation and continuous improvement

33. Trend data from this report is used to inform management processes and gap analysis to identify continuous improvement opportunities associated with property, motor vehicle, professional indemnity, public liability and occupational health and safety.

Collaboration

34. Not applicable.

Budget implications

35. This report is part of Council's monitoring of the Council Plan 2021-2025 and Budget. The resources for managing and reporting are accommodated within existing operational budgets.

Relevant law

36. Not applicable.

12. Officers' reports

CM.057/24 Quarterly Risk and Safety Report - March 2024

Regional, state and national plans and policies

37. Not applicable.

Conflicts of interest

38. 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.057/24 Quarterly Risk and Safety Report - March 2024

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12. Officers' reports**CM.058/24 Birrarung Valley Walk Memorandum of Understanding (MOU)**

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

Nillumbik Shire Council, as one of 15 Responsible Public Entities (RPE's), endorsed the Yarra Strategic Plan (Burndap Birrarung burndap umarkoo) at its ordinary Council meeting in May 2021.

In a significant development for the Yarra Strategic Plan, the Birrarung Valley Walk Inc., an Incorporated Association, is seeking to link existing walking tracks and paths from the mouth of the Birrarung (Yarra River) to the Upper Yarra Reservoir for the purpose of protecting, enhancing and promoting the natural environment and First Nations culture of the Birrarung Valley. This is the first "whole of river" project to be endorsed by the Yarra Collaboration Committee.

Birrarung Valley Walk Inc. seeks to connect existing trails into a continuous path that allows walkers to tread lightly on the land, adopting the below key principles:

- The Birrarung Valley Walk is to be on public land.
- Each section of the trail is to be agreed with the relevant landowners.



The bulk of the proposed trail in proximity to Nillumbik is located on the southern side of the Yarra River (not in Nillumbik's urban areas), however there are some reaches of trail identified/planned for areas along and north of Sugarloaf Reservoir.

Birrarung Valley Walk Inc. is asking each of the Responsible Public Entities to enter a Memorandum of Understanding (MoU) to jointly progress and support the Project. No financial commitment is sought or required by entering into the MoU. Birrarung Valley Walk Inc. will be using the signed MoU's to seek philanthropic support for the project.

Recommendation**That Council:**

1. Notes the Guiding Principles for the Birrarung Valley Walk Memorandum of Understanding (MoU) which includes formation of a steering committee comprising all signatories to the MoU and that all aspects of the project would be subject to steering committee approval in consultation with Traditional Custodians at **Attachment 1**; and
2. Approves the CEO to sign the Memorandum of Understanding (MoU) at **Attachment 2**.

Attachments

- 1  Birrarung Valley Walk Memorandum of Understanding - Guiding Principles
- 2  Birrarung Valley Walk - Nillumbik Shire Council - Memorandum of Understanding

12. Officers' reports**CM.058/24 Birrarung Valley Walk Memorandum of Understanding (MOU)**

Discussion

1. The landmark *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* (the Act) recognises Traditional Owners' custodianship of the river, Birrarung, and identifies the Yarra River corridor as 'one living and integrated natural entity for protection and improvement'.
2. The Act requires a *Yarra Strategic Plan* to be developed to coordinate and harmonise planning for the use, development and protection of the Yarra River, its parklands and other land in its vicinity. Its legislated purpose is to:
 - a) guide future use and development; and
 - b) identify areas for protection within 1 km either side of the Yarra's banks.
3. The *Yarra Strategic Plan* is a 10 year strategy that sets the foundation to achieve *the Yarra River 50 Year Community Vision* and deliver on the aspirations contained in the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation's Birrarung Water Policy - *Nhanbu narrun ba ngargunin twarn Birrarung*. It is an integrated river corridor plan which enables authorities and Traditional Owners to work collaboratively to plan, protect and manage the river corridor as one living and integrated natural entity.
4. The four performance objectives in Part 1 represent the change the community is seeking over the next 10 years. These objectives set the foundation for achieving the 50 Year Community Vision and align with the protection principles in the Act and the Birrarung Water Policy.
5. The four key performance objectives are:
 - a) A healthy river and lands;
 - b) A culturally diverse river corridor;
 - c) Quality parklands for a growing population; and
 - d) Protecting the natural beauty of the Yarra River corridor.
6. Although its production is led by Melbourne Water, the plan is a whole of government initiative. Its development has been informed by the Yarra Collaboration Committee (YCC). Membership includes senior representatives from each of the 15 State and local authorities listed as Responsible Public Entities (RPEs) in the Act (a Responsible Public Entity being Nillumbik Shire), Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation representatives, and an independent Chair.

Yarra Strategic Plan Implementation

7. Council officers attend quarterly meetings with the Yarra Collaboration Committee (at which each Responsible Public Entity is represented) and undertake rigorous annual reporting to demonstrate efforts and achievements against the Yarra Strategic Plan Implementation Plan.

12. Officers' reports**CM.058/24 Birrarung Valley Walk Memorandum of Understanding (MOU)**

8. One of the most important requirements of the Yarra Strategic Plan is to adhere to the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) Burndap Birrarung burndap umarkoo (BBBU) Engagement Framework, which ensures appropriate engagement with the Wurundjeri for all works affecting the Birrarung.
9. The combined efforts of all Responsible Public Entities are presented in a comprehensive report to the Victorian Parliament each year.

Birrarung Valley Walk Inc. and Birrarung Valley Walk proposal

10. Birrarung Valley Walk Inc. is an Incorporated Association (the Association) that seeks to link existing walking tracks and paths from the mouth of the Birrarung to the Upper Yarra Reservoir – the Birrarung Valley Walk (BVW).
11. The Association will create and make available the information needed to enable walkers to plan and undertake the 220+km, multi-day continuous walk with the key purpose being to protect, enhance and promote the natural environment and First Nations culture of the Birrarung Valley.
12. Prior to incorporating, the Association spent 15 months engaging with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC). The project was endorsed by the WWCHAC Board of Directors in August 2023.
13. Since then, the Association has incorporated, the project has received endorsement from the Yarra Collaborative Committee (in December 2023) and the team is investigating appropriate routes and identifying appropriate technology and apps that can be used by walkers to navigate the route and identify special features and places along the way.
14. To note, all key decisions will be made by the stakeholders (Responsible Public Entities), who will form the “decision making” body for the project.
15. The alignment of the proposed trail utilises existing trails where available, noting the entire walk can feasibly already be walked (albeit some of it is less accessible) and there is limited wayfinding signage through many parts. The development of navigation and technology aids is particularly inherent to the project, as the intent of the walking track is not to be a fully accessible, sealed (or other hardstand) pathway (although some already available tracks are finished to that level), rather many connections may be simple ‘goat tracks’. Again, the intent is to provide another way to experience the Birrarung.
16. The bulk of the trail in proximity to Nillumbik is identified to be located on the southern side of the Yarra River (not in Nillumbik’s urban areas), however there are some reaches of trail identified/planned for areas along and north of Sugarloaf Reservoir. No part of the walk is identified within proximity to the Bend of Islands area. To note, there is no intention to entertain anything other than pedestrian access along the walk (not bikes/horses/other).
17. Positively, the Birrarung Valley Walk project provides Council with the opportunity to promote local features such as:
 - a) Our bushland reserves/threatened species/natural environment;
 - b) Arts/cultural/community spaces; and

12. Officers' reports

CM.058/24 Birrarung Valley Walk Memorandum of Understanding (MOU)

- c) Tourism/recreation/events and other areas/matters of interest in Nillumbik Shire.

Memorandum of Understanding (MoU)

18. The Association is asking each of the Responsible Public Entities to enter a Memorandum of Understanding (MoU) (refer **Attachment 2** for proposed MoU and **Attachment 1** for MoU Guideline Principles) to:
- a) Provide an agreed basis on which the parties can jointly progress and support the Project; and
 - b) Document a commitment by each party to work together to:
 - i) Agree on a defined route for the walking path, using existing pathways and trails wherever possible, on public land; and
 - ii) Maintain and promote a waymarked walking path from the mouth of the river to the Upper Yarra Reservoir.
19. No financial commitment is required by entering into the MoU. The Association will be using the signed MoU's to seek philanthropic support for the project.
20. In kind support from Council officers will be required over time, to ensure the best outcome for each Responsible Public Entity.
21. The MoU states that it is the intention of each Party that this MoU is not legally binding, but rather it constitutes a statement of the mutual intentions of the Parties.
22. To note, the Association is requesting that the CEO be the signatory to the MoU, noting Section 7 of the Local Government Act allows for Senior officers (including the CEO) to sign and execute funding and service agreements where the reasons for signing the agreement match the priorities already endorsed by Council (in this case the Yarra Strategic Plan).
23. Advice from the Yarra Collaborative Committee is that other member councils have sought endorsement for the CEO to sign on behalf of council via Council meeting to make the project and its intent visible to the community.
24. Nillumbik are part of the Yarra Collaborative Committee, the Birrarung Council have endorsed the proposal and we are obliged under the relevant legislation to advance the objectives of the Yarra Strategic Plan. Officers note there is general alignment with the intent of the Birrarung Valley Walk and Council's adopted position in regard to our Green Wedge, as outlined in our Green Wedge Management Plan.

Related Council decisions

25. At its 25 May 2021 Council Meeting, Council formally adopted the Yarra Strategic Plan (CM.069/21).
26. Future Nillumbik Committee Meeting held 10 March 2020:
*'That the Committee (acting under delegation from Council) endorses and submits the submission (**Attachment 1**) to the draft Yarra Strategic Plan by 22 March 2020'.*

Options

27. Councillors are requested to consider the objectives/intent of the Birrarung Valley Walk and its alignment with the objectives of the Yarra Strategic Plan.

12. Officers' reports**CM.058/24 Birrarung Valley Walk Memorandum of Understanding (MOU)**

28. Councillors are requested to note the Guiding Principles for the MoU (**Attachment 1**) and to approve the CEO to sign the MoU (**Attachment 2**), noting in consideration of this approval, Council would be briefed on any future specific consultation/works that would be proposed as part of the Birrarung Valley Walk as it impacts on Nillumbik Shire.

Council plans and policies

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

Access, Equity and Inclusion

30. Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public. A Gender Impact Assessment was not required for this Report, because the Report did not result in the creation or review of a Council led project, strategy or plan that had a direct and significant impact on the public.

Sustainability implications

31. The governance arrangements for the Yarra River proposed by the Yarra Strategic Plan are of critical importance to ensure that it is managed to meet the needs of a growing Melbourne. 'Best practice' management arrangements require an integrated and coordinated approach to managing four key elements of the river:
- a) its overall environmental health (waterway and riparian lands);
 - b) community use, access and amenity of the river and its parklands;
 - c) the interface of the river corridor with adjacent (private) land use; and
 - d) its cultural and heritage values.

Community engagement

32. Development of the Yarra Strategic Plan has been informed by community feedback, background studies, and complementary strategies and policies already in operation for the Yarra River (see below).
33. Further consultation would need to be undertaken subject to investigations and any agreement/intent to extend lengths of the Birrarung Valley Walk.

Innovation and continuous improvement

34. The Yarra Strategic Plan is an integrated river corridor plan which enables authorities and Traditional Owners to work collaboratively to plan, protect and manage the river corridor as one living and integrated natural entity. This is an innovation in the way local governments, State agencies and Traditional Owners plan.

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CM.058/24 Birrarung Valley Walk Memorandum of Understanding (MOU)

Collaboration

35. The Yarra Strategic Plan is a whole of government initiative. Its development has been informed by the Yarra Collaboration Committee (YCC). Membership includes senior representatives from each of the 15 State and local authorities listed as Responsible Public Entities in the Act, Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation representatives, and an independent Chair.

Budget considerations

36. Birrarung Valley Walk Inc. is asking each of the Responsible Public Entities to enter a Memorandum of Understanding (MoU) to jointly progress and support the Project. No financial commitment is sought or required by entering into the MoU.
37. Birrarung Valley Walk Inc. will be using the signed MoUs to seek philanthropic support for the project.
38. To note however, in-kind support from Council officers will be required to implement the project in time, noting Council as part of its obligations under the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017*, already provides resourcing, among other matters by participating in the Yarra Collaboration Committee (YCC), annual reporting as part of the Yarra Strategic Plan's implementation and projects as they relate to the Yarra Strategic Plan.

Relevant law

39. The *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017*.

Regional, state and national plans and policies

40. Plan Melbourne 2050 (currently under review)

Conflicts of interest

41. 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.059/24 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Intention to Declare**

Distribution: Public**Manager: Vince Lombardi, Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Summary**

Council received a petition on 25 October 2019 from property owners in Bouchiers Road requesting the road to be sealed.

After conducting a survey and determining that 6 of 10 (60 per cent) property owners support road sealing, Council resolved on 26 October 2021 to proceed with the development process for the Bouchiers Road Special Charge Scheme, Kangaroo Ground (Item CM.157/21). This process has now been completed.

This report commences the statutory process to declare the scheme and levy the special charge. Council must first give notice of its intention to declare a special charge, and subsequently hear any submissions and/or objections to the scheme. Following this, Council may resolve to declare, vary or abandon the scheme.

Recommendation



That Council:

1. Gives public notice of its intention to declare a Special Charge Scheme in accordance with Section 163(1A) of the *Local Government Act 1989* for the purposes of defraying the expenses to be incurred by Council for the sealing of Bouchiers Road subject to the following conditions:
 - a) The Special Charge Scheme shall apply to the twelve (12) properties at 15, 20, 35, 40, 60, 80, 85, 95, 100, 105, 110 (Crown Land) and 120 (Council's Reserve) Bouchiers Road, Kangaroo Ground (refer Attachment 1).
 - b) The total estimated cost to each property may be paid as a lump sum within 30 days of invoice or by quarterly instalments over a ten (10) year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.
 - c) The Special Charge Scheme for Bouchiers Road, Kangaroo Ground shall remain in force for ten (10) years.
 - d) The estimated total project cost is \$430,000 and the amount levied between the ten (10) private properties is \$372,747.85. The estimated Council contribution for the remaining two (2) properties is \$57,252.15 (refer Attachment 2).
2. Sends a copy of the public notice to each person who will be liable to pay the special charge.

12. Officers' reports

CM.059/24 Bourchiers Road Special Charge Scheme, Kangaroo Ground - Intention to Declare

Attachments

- 1.  Scheme Area
- 2.  Cost Apportionment

Discussion

1. On 25 October 2019, Council received a petition signed by property owners in Bourchiers Road requesting that Council investigate road sealing.
2. Initial questionnaires were sent to all property owners in Bourchiers Road, Kangaroo Ground in early January 2020 to determine the level of interest to further investigate sealing of the road.
3. The result of the initial questionnaire demonstrated that 70 per cent or '7' of '10' property owners were in favour to proceed with a Special Charge Scheme to seal Bourchiers Road. A sufficient level of support was achieved to proceed with further investigation.

	Construction	No Change	Total
Votes	7	3	10
Percentage	70%	30%	100%

Table 1 – initial questionnaire results

4. Council officers held an information session online via the Microsoft Teams application on 3 September 2020. General information was discussed relating to the construction standard, cost apportionment, scheme procedure, statutory process and reconciliation of the scheme.
5. On 15 March 2021, formal questionnaires with estimated liabilities for each property were sent to all property owners in Bourchiers Road, Kangaroo Ground to ascertain the level of support for sealing the road.
6. The result of the formal questionnaire demonstrated that 60 per cent or '6' of '10' property owners were in favour to proceed with a Special Charge Scheme to seal Bourchiers Road. A sufficient level of support was achieved to proceed with further development of the scheme.

	Construction	No Change	Total
Votes	6	4	10
Percentage	60%	40%	100%

Table 2 – formal questionnaire results

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CM.059/24 Bourchiers Road Special Charge Scheme, Kangaroo Ground - Intention to Declare

7. Task group meetings were held on 18 May 2022, 15 December 2022 and 20 July 2023 to develop the proposed design.
8. A final information session for property owners involved in the scheme was held on 28 February 2024, with attendance from property owners representing eight (8) properties involved in the scheme.
9. Bourchiers Road is a no through road, and hence does not carry through traffic. The special benefit of the road sealing is improved access and/or amenity to the properties included in the scheme. There is no special benefit to the broader community and hence the benefit ratio is one.
10. Following the final information session Council officers prepared a revised cost estimate for the sealing of Bourchiers Road. The revised cost estimate was greater than the liability range provided in the formal questionnaire sent to property owners on 15 March 2021.
11. On 30 April 2024, a second formal questionnaire with updated estimated liabilities for each property were sent to all property owners in Bourchiers Road, Kangaroo Ground to verify whether property owners supported the increased estimated cost to the scheme.
12. The result of the second formal questionnaire demonstrated that 60 per cent or '6' of '10' property owners were in favour to proceed with a Special Charge to seal Bourchiers Road with the increased estimated cost to the scheme.

	Construction	No Change	Total
Votes	6	4	10
Percentage	60%	40%	100%

Table 3 – second formal questionnaire results

Related Council decisions

13. At the Council Meeting on 26 October 2021 (Item CM.157/21), Council resolved to proceed with the development of a Special Charge Scheme for the sealing of Bourchiers Road, Kangaroo Ground with a rural standard of construction.

Options

14. To proceed as per the recommendation of this report reflective of the consultation undertaken with property owners.

Council plans and policies

15. 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.
16. The scheme is consistent with the policies and objectives of the Nillumbik Planning Scheme, including the protection of neighbourhood character and environment.

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CM.059/24 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Intention to Declare

Access, Equity and Inclusion

17. Not applicable.

Sustainability implications

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

Community engagement

19. 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

20. Not applicable.

Collaboration

21. Not applicable.

Budget implications

22. All internal costs associated with the scheme's investigation and design are accommodated within existing operational budgets.

23. Council is liable for \$57,252.15 of the total cost of the Scheme, which represents the contribution of a crown land property and Council owned property accessed via Bouchiers Road.

Relevant law

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

Regional, state and national plans and policies

25. Not applicable.

Conflicts of interest

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

12. Officers' reports**CM.060/24 Eltham Bowling Club - Bank Loan Guarantor**

Distribution: Public**Manager: Vince Lombardi, Chief Operating Officer****Author: Mike Dean, Coordinator Recreation and Leisure Facilities****Summary**

This report considers a request from the Eltham Bowling Club (EBC), operating from a Council-owned facility at 20-50 Susan Street, Eltham.

The Club has approached Council requesting that Council act as bank loan guarantor for a \$100,000 loan. The loan in addition to EBC's savings will cover the costs to replace the grass green surface with a synthetic playing surface.

Council have estimated the total costs for replacing the grass green with a synthetic playing surface will be \$190,000 exc GST. EBC currently have \$254,469 in savings as of 31 March 2024.

Recommendation

That Council:

1. Acts as bank loan guarantor for the Eltham Bowling Club (EBC) to enable the club to replace the grass green surface with a synthetic playing surface.
2. Provides a letter confirming Council's intention to guarantee a loan to EBC for \$100,000 over a five year term.
3. Affixes the common seal of Nillumbik Shire Council to the necessary loan guarantee documentation.
4. Notes that any potential future redraw request must be endorsed through a Council resolution.

Attachments

Nil

Discussion

1. EBC is a tenant of 20-50 Susan Street, Eltham.
2. EBC was founded in the late 1970s, is a non-for-profit organisation and currently has 140 members.
3. EBC is seeking to replace the grass green surface with a synthetic playing surface with quotes suggesting works will be to the value of \$190,000 exc GST.
4. Given the scale of the project, Council will oversee project management, with expenses covered by EBC.
5. EBC will apply for a bank loan of \$100,000 with the provision that Council is loan guarantor. The loan is for a period of five years.
6. To ensure EBC pays the loan within the approved time period EBC will provide the following information to officers over the life of the loan:

12. Officers' reports

CM.060/24 Eltham Bowling Club - Bank Loan Guarantor

- Quarterly loan statements from the Bank are provided, to demonstrate the loan repayments are being made as scheduled
- Annual cash flow reports and projections to ensure Council is informed of any possible adverse financial projections
- Business plan forecasting memberships, programs and services

7. A council resolution is required to authorise the use of Common Seal of Nillumbik Shire Council to be affixed to the loan guarantee documents, upon approval of the loan.

Related Council decisions

8. Not applicable.

Options

9. A bank loan is the only identified option for EBC to assist in funding the total project costs.

Council plans and policies

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

- We work with our local partners, government and non-government agencies to respond to health and wellbeing priorities in Nillumbik.

Access, Equity and Inclusion

11. Not applicable.

Sustainability implications

12. Not applicable.

Community engagement

13. Not applicable.

Innovation and continuous improvement

14. Not applicable.

Collaboration

15. EBC have worked and will continue to work closely with Council throughout the project.

Budget implications

16. There is no direct impact on Council's annual budget.

17. The total of all Council loan guarantees is reflected in the annual report as a contingent liability to the extent of Councils' potential exposure.

18. Council will only guarantee a loan over Council's own asset.

Relevant law

19. Not applicable.

Regional, state and national plans and policies

20. Not applicable.

12. Officers' reports

CM.060/24 Eltham Bowling Club - Bank Loan Guarantor

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.

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CM.060/24 Eltham Bowling Club - Bank Loan Guarantor

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12. Officers' reports**CM.061/24 Unsealed Roads Improvement Prioritisation Policy**

Distribution: Public**Manager: Vince Lombardi, Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Summary**

This report presents the new Unsealed Roads Improvement Prioritisation Policy for consideration and adoption by Council. This is a new internal policy that outlines the process as to how an unsealed road will be assessed and prioritised for consideration to be sealed as part of Council's road sealing program. There is currently no policy covering this process.

The policy details set criteria under which each unsealed road will be assessed to develop a priority listing to be used to determine which unsealed roads may be the next sealed.

The policy aims to provide a fair, reasonable and consistent methodology in developing the priority list.

Recommendation**That Council:**

1. Adopts the Unsealed Roads Improvement Prioritisation Policy (**Attachment 1**).
2. Authorises the Chief Operating Officer to make any minor changes to the Unsealed Roads Improvement Prioritisation Policy that may be necessary and are inconsequential in nature.
3. Authorises the Chief Operating Officer to review and approve any changes required to Appendix 1 – Road Prioritisation Criteria as may be required.
4. Maintains a Unsealed Road Improvement Priority List, in line with the policy and that the full list is made available and published on the Council website by 1 January 2025.

Attachments

- 1  Draft Policy - Unsealed Roads Improvement Prioritisation Policy - June 2024

Discussion

1. Nillumbik has a road network of approximately 790km of Council managed roads. Of these, over 300km are unsealed.
2. The sealing of certain roads, in particular residential unsealed roads has been the subject of many enquiries.
3. As a result, the development of a fair, reasonable and consistent policy of how roads are assessed and prioritised for sealing/improvement under Council's Road Sealing Program is necessary.
4. Presently there is no formal policy.

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CM.061/24 Unsealed Roads Improvement Prioritisation Policy

5. The development of a new policy and prioritisation process was initiated in 2023 and to assist with the process, specialist local government consultants were engaged.
6. The process included
 - a. A review of current practice
 - b. Considerations of any legislative context and compliance
 - c. Benchmarking against other peri urban Councils
 - d. The development of robust and fair prioritisation assessment criteria
7. The assessment criteria developed were informed by five key areas of consideration:
 - a. **Road Function** - strategic purpose in the road network, traffic volumes and type
 - b. **Community Safety** – identified risks, crash history, road geometry factors and emergency management
 - c. **Community Benefit** – Value to the local community, access to community facilities and other traffic generators
 - d. **Environment/Economic** – significant improvements to the environment and local business/economic activity
 - e. **Financial Implications** – cost of upgrade, potential external funding opportunities, maintenance cost savings
8. Each criteria has been assigned a score, scaled according to significance.
9. The higher the score, the higher the road would be positioned of the priority listing.
10. The highest ranked roads would then be considered for sealing as part of the road sealing program.
11. The proposed roads to be sealed annually would be presented to Council as part of the annual budget process for consideration.

Related Council decisions

12. Not Applicable.

Options

13. Not Applicable.

Council plans and policies

14. 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.

Access, Equity and Inclusion

15. Gender and Access assessments would be undertaken prior to any construction.

Sustainability implications

16. Sustainability considerations would be considered as part of the assessment process.

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CM.061/24 Unsealed Roads Improvement Prioritisation Policy

Community engagement

17. This policy relates to an internal process.

Innovation and continuous improvement

18. Where appropriate continuous improvements and innovation will be applied.

Collaboration

19. The review has included industry benchmarking with similar peri urban Councils.

Budget considerations

20. The policy development has been accommodated within the operating budget.

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.061/24 Unsealed Roads Improvement Prioritisation Policy

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12. Officers' reports**CM.062/24 Special Rate and Special Charge Policy and Guidelines**

Distribution: Public**Manager: Vince Lombardi, Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Summary**


This report presents the revised Special Rate and Special Charge Policy and Guidelines. The existing policy has been reviewed, with the assistance of experienced Local Government consultants and in line with the relevant sections of the *Local Government Act 1989*.

This policy sets the process and guidelines applied when Council is considering and implementing a Special Charge Scheme.

Recommendation**That Council:**

1. Adopts the revised Special Rate and Special Charge Policy and Guidelines **(Attachment 1)**.
2. Authorises the Chief Operating Officer to make any minor changes to the Special Rate and Special Charge Policy and Guidelines that may be necessary and are inconsequential in nature.
3. Authorises the Chief Operating Officer to review and approve any changes required to Appendix 3 – Infrastructure Design Standards and Appendix 4 – Scheme Task Group Terms of Reference as may be required.

Attachments

- 1  Draft Policy - Special Rate and Special Charge Policy and Guidelines - 11 June 2024

Discussion

1. The *Local Government Act 1989* enables Council to declare a special rate or special charge to recover the cost of works or services from property owners.
2. Council has used Special Charge Schemes (SCS) to seal/upgrade local access roads that service abutting residential properties and attract little or no through traffic.
3. Council's SCS for Road and Drainage Works Policy and Guidelines (August 2018) has provided the framework for Council's implementation of SCSs for the last six years.
4. The policy reviewed involved the engagement of a specialist consultant.
5. The review process involved
 - a. The compliance with all relevant legislation and Ministerial Guideline.
 - b. Benchmarking against similar peri urban Councils.

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CM.062/24 Special Rate and Special Charge Policy and Guidelines

6. The policy was expanded to Special Rates and Charges to cover a broader range of works and services into the future.
7. Legislation informs:
 - a. The process for declaring and levying a special charge.
 - b. The need to identify properties that receive special benefits, and estimate the broader community benefits of a proposed scheme.
 - c. That crown land is exempt from a scheme, and Council must pay the liability for this land.
 - d. That all rateable properties included in a proposed scheme are entitled to equal rights of objection.
8. The minimum level of support for the scheme to progress through each stage prior to declaration remains at 60%.
9. Consistent with legislation, Council cannot declare a scheme if it receives objections from more than 50% of rateable properties.
10. Changes to the policy include:
 - a. An expansion to include both special rates and special charges
 - b. Incorporate any legislative changes or updates
 - c. Determining which properties would receive special benefit from the scheme
 - d. Adjusted cost apportionment to ensure a fair, reasonable and consistent application of costs for all property owners
 - e. Consideration whether there is reasonable community benefit, measured by through traffic use, and if Council should contribute to cover the cost of this benefit
 - f. A strengthening of design standards, particularly around road safety and emergency access considerations

Related Council decisions

11. Adoption of the existing Special Charge Schemes for Road and Drainage Works Policy and Guidelines in August 2018.

Options

12. Not Applicable

Council plans and policies

13. 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.

Access, Equity and Inclusion

14. Gender and Access assessments would be undertaken prior to any construction.

12. Officers' reports

CM.062/24 Special Rate and Special Charge Policy and Guidelines

Related Council decisions

15. Adoption of the existing Special Charge Schemes for Road and Drainage Works Policy and Guidelines in August 2018.

Council plans and policies

16. 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.

Access, Equity and Inclusion

17. Gender and Access assessments would be undertaken prior to any construction.

Sustainability implications

18. Sustainability considerations would be considered as part of the assessment process.

Community engagement

19. This policy relates to a statutory and internal process.

Innovation and continuous improvement

20. Where appropriate continuous improvements and innovation will be applied.

Collaboration

21. The review has included industry benchmarking with similar peri urban Councils.

Budget implications

22. The policy development has been accommodated within operating budget.

Relevant law

23. *The Victorian Local Government Act 1989.*

Next steps

24. Upon adoption, the revised policy and guidelines would be made available to the public via Council's website.

Conflicts of interest

25. 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.062/24 Special Rate and Special Charge Policy and Guidelines

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12. Officers' reports**CM.063/24 Endorsement of Motions for Municipal Association Victoria State Council 23 August 2024.****Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Tracey Varley, Manager Communications and Engagement****Summary**

The Municipal Association of Victoria (MAV) State Council meets bi-annually to consider matters of state-wide significance. The next State Council meeting has been brought forward from its original date of 13 September to Friday, 23 August 2024, in response to changes to the Victorian Electoral Commission's candidate nomination dates for the upcoming Victorian Council elections.

As a result, the deadline for submission of motions to MAV was brought forward to 24 June, the day before Council was due to consider proposed motions. Given the change in deadlines and tight timeframes, MAV has advised Council that proposed motions can be submitted through the MAV portal in draft form as an interim measure prior to being considered for endorsement at a Council meeting. If endorsed, the draft motions can be confirmed with MAV by 1 July.

In order to meet tight timelines for the amended MAV State Council dates, motions contained in this report have been submitted to MAV in draft form. Should Council decide to endorse these motions, the motions will then be confirmed with MAV by no later than 1 July. This process will ensure Nillumbik Shire Council's motions can be considered with the MAV State Council papers, and will also allow for any changes that Council may decide to make when considering this item at its 25 June Council meeting.

Recommendation

That Council resolves to adopt the following three (3) motions for formal submission to the Municipal Association of Victoria's State Council Meeting to be held on 23 August 2024:

1. That the State Government provides a dedicated and ongoing funding commitment to better support Green Wedge councils in their management and enforcement responsibilities.
2. That the State Government implements measures that will enhance road safety on rural road networks by empowering local governments with the ability to reduce the default speed limit on rural roads.
3. That the State Government provides funding to increase bus infrastructure and provide better connectivity to townships and existing rail infrastructure.

Attachments

- 1  Proposed Motions for MAV State Council 23 August 2024 - Nillumbik Shire Council

12. Officers' reports**CM.063/24 Endorsement of Motions for Municipal Association Victoria State Council 23 August 2024.**

Discussion

1. The MAV State Council Meeting provides the opportunity for Councils to submit motions on matters of state-wide significance to the Victorian Local Government sector. MAV State Council Meetings are convened twice a year.
2. The second meeting for the year was brought forward to 23 August 2024 from its original date of 13 September 2024, in response to changes to the Victorian Electoral Commission's candidate nomination dates for the upcoming Victorian Council elections. As a result, the date for submission of motions was brought forward to midnight on 24 June (originally 15 July). However, given this date falls before the date where Council will consider Nillumbik's proposed motions for adoption, and to ensure Nillumbik Shire Council motions can be submitted on time, proposed motions have been submitted to MAV in draft form only.
3. Should Council decide to endorse the proposed motions contained in this report, the final motions, including any changes to wording that may be agreed to as part of the endorsement, will be confirmed with MAV as official resolutions of Council.
4. If Council does not endorse the motions, a request will be made for the draft motions to be withdrawn from the MAV State Council portal.
5. The MAV Strategy 2021-25, adopted at the May 2021 State Council Meeting, identifies six MAV Strategic Outcomes:
 - Economically sound councils;
 - Healthy, diverse and thriving communities;
 - Well-planned, connected and resilient built environment;
 - Changing climate and a circular economy;
 - Sector capability and good governance, and;
 - Effective and responsive MAV.
6. The MAV Rules require motions to be of state-wide significance to local government. Motions received and initially assessed as 'not of state-wide significance' will be the subject of follow-up communication with the submitting council's designated representative. These motions will then be reviewed by the MAV CEO, and finally by the MAV Board, who will determine whether the motions will be submitted for State Council consideration. The Board will also determine whether motions received after the due date, but prior to the circulation of business papers, will be included as 'late motions'.
7. The resolutions of the MAV State Council Meeting enable issues of significance and strategic importance for the local government sector to be acted upon through a peak organisation. Endorsement at the State Council indicates an issue has state-wide support and strengthens the profile of these issues, facilitating stronger advocacy with other levels of government.

12. Officers' reports

CM.063/24 Endorsement of Motions for Municipal Association Victoria State Council 23 August 2024.

8. Under the MAV Rules, all motions are due to be submitted by no later than midnight on Monday, 24 June 2024 (see note above regarding submission of motions in draft form to meet amended deadline).
9. Submitters may amend their motions prior to the State Council meeting. Amended motions must be submitted no later than 5pm on Monday 1 July 2024.
10. The business papers for State Council will be emailed to MAV representatives and posted on the MAV website on Wednesday 24 July 2024.
11. Cr Peter Perkins will attend the August State Council as Council's endorsed representative.

Related Council decisions

12. Not applicable.

Options

13. The following motions being put forward for Council endorsement to submit for the 23 August 2024 MAV State Council Meeting are considered to be of state-wide significance to the Victorian Local Government sector, and will influence the future direction of many local councils and communities:
 - a) That the State Government provides a dedicated and ongoing funding commitment to better support Green Wedge councils in their management and enforcement responsibilities.
 - b) That the State Government implements measures that will enhance road safety on rural road networks by empowering local governments with the ability to reduce the default speed limit on rural roads.
 - c) That the State Government provides funding to increase bus infrastructure and provide better connectivity to townships and existing rail infrastructure.
14. **Attachment 1** provides details of the three (3) proposed motions, including rationales, being put forward on behalf of Council.

Council plans and policies

15. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We partner with state and federal governments to advocate in our community's best interests.

Access, Equity and Inclusion

16. Not applicable.

Sustainability implications

17. The motions being considered at State Council cover a range of matters.
18. The motions being proposed in this report relate to issues that have economic, environmental, social and economic sustainability implications.
19. The motions proposed by Council have the potential to achieve worthwhile results for the Nillumbik community and the broader Victorian community.

12. Officers' reports

CM.063/24 Endorsement of Motions for Municipal Association Victoria State Council 23 August 2024.

Community engagement

20. Not applicable.

Innovation and continuous improvement

21. The motions recommended in this report may represent continuous improvement opportunities by pursuing solutions to issues that have been identified as important to local communities across the state.

Collaboration

22. Not applicable.

Budget considerations

23. There are no budget implications associated with submitting motions to the MAV.

Relevant law

24. Not applicable.

Regional, state and national plans and policies

25. The MAV State Council is an important opportunity for Council to influence actions that support key priorities of the sector that are of state-wide significance.

Conflicts of interest

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

12. Officers' reports

CM.064/24 Informal Meetings of Councillors Records - 25 June 2024

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

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

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 28 May 2024.

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

1. Councillor Briefing held 21 May 2024;
2. Council Meeting Pre-Meet held 28 May 2024;
3. Health and Wellbeing Partnership Forum held 28 May 2024;
4. Councillor Briefing held 4 June 2024;
5. Positive Ageing Advisory Committee held 7 June 2024;and
6. Planning and Consultation Committee Pre-Meet held 11 June 2024.

Recommendation

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

Attachments

1. Informal Meeting of Councillors record reported 25 June 2024

Discussion

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

Related Council decisions

2. Not applicable.

12. Officers' reports

CM.064/24 Informal Meetings of Councillors Records - 25 June 2024

Options

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

Conclusion

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

Council plans and policies

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

Access, Equity and Inclusion

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

Sustainability implications

10. Not applicable.

Community engagement

11. Not applicable.

Innovation and continuous improvement

12. Not applicable.

12. Officers' reports

CM.064/24 Informal Meetings of Councillors Records - 25 June 2024

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.064/24 Informal Meetings of Councillors Records - 25 June 2024

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13. Notices of Motion

NOM.003/24 Notice of Motion - Councillor Expenses - Legal Advice/Support is listed in item 16. Confidential reports.

14. Delegates' Reports

15. Supplementary and urgent business

16. Confidential reports

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

NOM.003/24 Notice of Motion - Councillor Expenses - Legal Advice/Support

This item is confidential because it is internal arbitration information, being information specified in section 145 pursuant to paragraph (i) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

Recommendation

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

17. Close of Meeting