

# Council Meeting

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

## Attachments

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

Thursday 20 June 2024

Distribution: Public

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## Nillumbik Shire Council

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# Council Meeting

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

## Minutes

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

Friday 31 May 2024

Distribution: Public

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone      9433 3111  
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Council Meeting Minutes

28 May 2024

**Nillumbik Shire Council**

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**28 May 2024**

**Nillumbik Shire Council**

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 28 May 2024.  
The meeting commenced at 7.02pm.**

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**Councillors present:**

Cr Ben Ramcharan	Sugarloaf Ward ( <b>Mayor</b> )
Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward ( <b>Deputy Mayor</b> )
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Frances Eyre	Swipers Gully Ward
Cr Geoff Paine	Wingrove Ward

**Officers in attendance:**

Carl Cowie	Chief Executive Officer
Melika Sukunda	Acting Chief Operating Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Corrienne Nichols	Director Communities
Renae Ahern	Acting Director Planning, Environment and Strategy
Jeremy Livingston	Director Culture and Performance
Tracey Varley	Manager Communications and Engagement
Daniel Tarquinio	Manager Information Technology
Katia Croce	Manager Governance and Property

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**1. Welcome**

**2. Acknowledgement**

Acknowledgement of Country was read by the Mayor, Cr Ben Ramcharan.

**3. Good Governance Pledge**

The Good Governance Pledge was ready by Cr Natalie Duffy.

**4. Prayer**

An apology was noted by Pastor Mel Abrasaldo, Senior Pastor of Joy of Life Christian Ministries, Inc.

**5. Apologies\Leave of Absence**

Nil.

**6. Declarations of conflict of interest**

The Mayor, Cr Ben Ramcharan declared a material conflict of interest in item. CM.050/24 Boyd Street, North Warrandyte - Proposed Special Charge Scheme.

**7. Presentations**

Nil.

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**28 May 2024**

**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>Council Resolution</b>
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**MOVED: Cr Geoff Paine**

**SECONDED: Cr Frances Eyre**

**That** Council confirms the Minutes of the Council Meeting held on Tuesday 30 April 2024  
(Attachment 1).

**CARRIED UNANIMOUSLY**

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**9. Petitions**

**10. Questions from the gallery**

**Mike Englefield has submitted the following question:**

**Question 1**

Will Council provide the Club with rent free occupancy of the Eltham Community & Reception Centre from 2025 onwards to enable to continue conducting the previously successful "Eltham Art Show" ?

**Response 1**

Council recognises and appreciates the dedication and efforts of the Rotary Club of Eltham. Council makes a significant investment and contribution to the management of community venues. It encourages use of these venues by a broad range of community groups, organisations and individual hirers on the basis that they meet the needs within the community and/or assist Council to achieve its community service, development and objectives. It's important for Council that its hire practices for community managed facilities are managed consistently, fairly, equitably, and transparently. As a community group, the club will be eligible for a discounted rate, similar to that of other community groups.

**Nina Gillespie has submitted the following questions:**

**Question 1:**

This question pertains to Compliance and Liability Concerns - The Charter of Human Rights and Responsibilities Act 2006, the Public Administration Act 2006 , the Public Administration Act 2004 and the Local Government Act 2020 require public authorities and their agents to act in a manner compatible with human rights. Israel is ignoring the recent ICJ court order to halt its military operations in Rafah, the death toll has surpassed 35,000+ Palestinians, with tens of thousands under the rubble and mass starvation being inflicted upon the population. Council needs to ensure that the current procurement policy adequately protects Council members, the CEO and ratepayers from being complicit in human rights abuses, specifically genocide. Notably, BDS Australia lists companies such as Hewlett Packard and Siemens as being complicit in genocide. Additionally, CISCO, Honeywell and Caterpillar are also tied to human rights abuses in Palestine. It is possible that Council may have contracts with these companies?

**Question 2**

In light of the concerns highlighted in Question 1, particularly with potential suppliers like Hewlett Packard, Siemens and Caterpillar, would Council consider receiving a report from APAN (Australia Palestine Advocacy Network) to undertake a thorough review of the existing suppliers and procurement policies to ensure that they are in full compliance with international human rights standards and therefore protect all associated parties from potential complicity in crimes as severe as genocide?

**Combined Response**

Council, has established a collective Procurement Policy that adheres to the principles of fairness, transparency, and value for money. This Policy complies with the requirements relating to procurement under Sections 108 and 109 of the Local Government Act 2020 and includes rigorous criteria for evaluating potential suppliers, encompassing local social and economic factors as well as environmental considerations.

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The Act mandates transparency, accountability, and local sustainability in procurement, requiring councils to adopt policies aligned with these principles. Council's Policy includes compliance checks with Australian laws, which are linked to some aspects of international human rights standards. For instance, suppliers are required to adhere to ethical sourcing practices and demonstrate corporate social responsibility including Australian Federal or State Legislated requirements such as the Modern Slavery Act 2018, Fair Work Act 2009 and Child Wellbeing and Safety Act 2005.

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**28 May 2024**

**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.

<b>Council Resolution</b>
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**MOVED:** Cr Frances Eyre

**SECONDED:** Cr Natalie Duffy

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

**CARRIED UNANIMOUSLY**

**Council Meeting Minutes**

**28 May 2024**

**11. Reports of Advisory Committees**

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

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**Council Meeting Minutes**

**28 May 2024**

**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.

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**28 May 2024**

**12. Officers' reports**

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

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<b>Council Resolution</b>
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**MOVED:** Cr Karen Egan

**SECONDED:** Cr Peter Perkins

**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.

**CARRIED**

**For:** Crs Natalie Duffy, Karen Egan, Frances Eyre, Geoff Paine, Peter Perkins and Richard Stockman

**Against:** Cr Ben Ramcharan

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**28 May 2024**

**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 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>Council Resolution</b>
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**MOVED:** Cr Geoff Paine

**SECONDED:** Cr Karen Egan

**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.

**CARRIED UNANIMOUSLY**

**Council Meeting Minutes**

**28 May 2024**

**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.

**Recommendation**

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. Resolve 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*.

**Council Resolution**

**MOVED:** Cr Geoff Paine

**SECONDED:** Cr Frances Eyre

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.
  - Elnaz Ettehad
  - Lynlee Tozer
  - Sue Rosenhain
  - Lucinda Flynn

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**12. Officers' reports**

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

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- Andrew McMahon
  - Lily van Eeden
  - Vasundhara Kandpal
  - Graeme Lang
  - Malcolm Cock
  - Anne-Marie King
  - Katrina Naish
3. Acknowledges and thank all community members who submitted applications for membership of the Environment and Sustainability Advisory Committee.
4. Resolve 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*.

**CARRIED UNANIMOUSLY**

**Council Meeting Minutes**

**28 May 2024**

**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>Council Resolution</b>
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**MOVED: Cr Natalie Duffy**

**SECONDED: Cr Karen Egan**

**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.

**CARRIED UNANIMOUSLY**

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**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: Jeremy Livingston, Director Culture and Performance**

**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.

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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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**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

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**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.

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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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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.

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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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**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.

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**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.

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**Motion**

**MOVED: Cr Geoff Paine**

**SECONDED: Cr Karen Egan**

**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**) with the following amendment:
  - a) **Amending the stormwater drainage connection fees on page 63 of the 2024-2025 Budget (Attachment 1) to read:**

Description of fee	Unit of measure	Taxable Supply	Adopted Fee (GST inclusive) 2023-24 \$	Proposed Fee (GST inclusive) 2024-25 \$
Stormwater drainage connection:				
- Easement or connection not requiring road opening	Per site		<b>\$95.40</b>	<b>Monetary fee unit</b>
- Connection requiring road opening	Per site		<b>\$373.70</b>	<b>Monetary fee unit</b>

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

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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
- 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:



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- 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.
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:

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- 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.

**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

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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.
  - 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

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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.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

**Council Resolution**

**MOVED: Cr Geoff Paine**

**SECONDED: Cr Karen Egan**

**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**) with the following amendment:
  - a) Amending the stormwater drainage connection fees on page 63 of the 2024-2025 Budget (**Attachment 1**) to read:

Description of fee	Unit of measure	Taxable Supply	Adopted Fee (GST inclusive) 2023-24 \$	Proposed Fee (GST inclusive) 2024-25 \$
Stormwater drainage connection:				
- Easement or connection not requiring road opening	Per site		\$95.40	Monetary fee unit
- Connection requiring road opening	Per site		\$373.70	Monetary fee unit

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

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**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
    - 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	0.003531 (or 0.3531 cents in the dollar of Capital Improved Value)

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Residential Zone and Specified Low Density Residential Zones	
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.
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

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- 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.

**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:

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- 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.
  - 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



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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.

**CARRIED UNANIMOUSLY**

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**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>Council Resolution</b>
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**MOVED: Cr Peter Perkins**

**SECONDED: Cr Natalie Duffy**

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

**CARRIED UNANIMOUSLY**

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**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>Council Resolution</b>
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**MOVED: Cr Natalie Duffy**

**SECONDED: Cr Peter Perkins**

**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.

**CARRIED UNANIMOUSLY**

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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.

**Council Resolution**

**MOVED:** Cr Frances Eyre

**SECONDED:** Cr Geoff Paine

**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.

**Council Meeting Minutes**

**28 May 2024**

**12. Officers' reports**

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

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5. Requests that Officers write to the submitter to the public engagement to advise them of the Council's resolution.

**CARRIED UNANIMOUSLY**



**Council Meeting Minutes**

**28 May 2024**

**12. Officers' reports**

*Cr Ben Ramcharan declared a material conflict of interest in the following item and temporarily left the meeting prior to the item being heard at 8:09pm.*

*The Deputy Mayor, Cr Karen Egan assumed the chair at 8:09pm.*

**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>Council Resolution</b>
---------------------------

**MOVED: Cr Geoff Paine**

**SECONDED: Cr Peter Perkins**

**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.

**CARRIED UNANIMOUSLY**

*The Mayor, Cr Ben Ramcharan returned to the meeting at the conclusion of this item and assumed the chair at 8:11pm.*

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**Council Meeting Minutes**

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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**

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**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>Council Resolution</b>
---------------------------

**MOVED: Cr Geoff Paine**

**SECONDED: Cr Frances Eyre**

**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.

**CARRIED UNANIMOUSLY**

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**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.

**Recommendation**

**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**).

**Motion**

**MOVED:** Cr Natalie Duffy

**SECONDED:** Cr Karen Egan

**That** Council resolves to commence Phase 1 Community Consultation from 3 June to **14 July 2024 (6 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**).

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Meeting Minutes

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CM.052/24      Domestic Animal Management Plan Review

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<b>Council Resolution</b>
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**MOVED:**        Cr Natalie Duffy

**SECONDED:**   Cr Karen Egan

**That** Council resolves to commence Phase 1 Community Consultation from 3 June to 14 July 2024 (6 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**).

**CARRIED UNANIMOUSLY**

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12. Officers' reports

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

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.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

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*.

**CARRIED UNANIMOUSLY**

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

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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>Council Resolution</b>
---------------------------

**MOVED:** Cr Peter Perkins

**SECONDED:** Cr Karen Egan

**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.

**CARRIED UNANIMOUSLY**

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**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>Council Resolution</b>
---------------------------

**MOVED: Cr Frances Eyre**

**SECONDED: Cr Natalie Duffy**

**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.

**CARRIED UNANIMOUSLY**

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

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**Council Meeting Minutes**

**28 May 2024**

**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:

**Council Resolution**

**MOVED:            Cr Natalie Duffy**

**SECONDED:    Cr Frances Eyre**

**That Council:**

1. Notes the concerns 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 to seek input from the school and school community to help in getting students to/from school safely.

**CARRIED UNANIMOUSLY**

**14. Delegates' Reports**

Nil

**15. Supplementary and urgent business**

Nil

**16. Confidential reports**

Nil

**17. Close of Meeting**

The meeting closed at 8:39pm.

Confirmed:

\_\_\_\_\_  
Cr Ben Ramcharan, Mayor

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## Environment & Sustainability Advisory Committee (ESAC)

### Minutes



**Date:** Wednesday 17 April 2024 *(final meeting of current term of ESAC)*

**Time:** 7.00pm – 9.00pm

**Venue:** Council Chambers

**Chair:** Cr Geoff Paine

**Minute taker:** K Reedy

## Order of Business

1	<p><b>Welcome and Acknowledgement of Country</b></p> <p>Nillumbik Shire Council acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located. We pay our respects 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 that sovereignty was never ceded.</p> <p>Present: Doug Evans, Malcolm Cock, Andrew McMahan, Vasundhara Kandpal, Sue Rosenhein, Kahn Franke, John Huff, Lynlee Tozer; Cr Geoff Paine; Leigh Northwood, Kirsten Reedy, Warren Tomlinson, Ian Culbard</p> <p>Apologies: Cr Ramcharan</p>	Chair
2	<p><b>Conflict of interest</b></p> <p>Conflict of interest provisions are contained in section 80C of the <i>Local Government Act 1989</i>, the Councillor's Governance Code, the Employee Code of Conduct and the Volunteer Handbook.</p>	Chair
3	<p><b>Minutes of previous meeting</b></p> <p>Confirm that the minutes of the previous meeting were a true and accurate record of the meeting.</p> <p>Moved: Kahn Franke                                  Seconded: John Huff</p>	Chair
4	<p><b>Outstanding Action Items</b></p>	Chair
5	<p><b>Urban Tree Canopy Strategy community consultation update</b></p> <p>Formal community consultation on the draft is currently underway. Update on mid-way progress.</p> <p>Forty-five submissions received in first few days. A weekend drop-in session was held at Edendale and three more are being held in the coming week. An online workshop was cancelled due to lack of registrations. The consultation period ends on 28 April and will be followed by the opportunity for people to make verbal submissions at the Planning and Consultation Meeting in June.</p> <p>ESAC and/or individual members are invited to make a formal written submission during this consultation period and are encouraged to promote the consultation opportunity to others.</p>	Kirsten

6	<p><b>Draft Biodiversity Strategy update</b></p> <p>An update was provided on the feedback received from the community during formal consultation on the draft Biodiversity Strategy, and next steps.</p> <ul style="list-style-type: none"> <li>• Received 95 submissions and 12 workshop participants</li> <li>• 566 visitors to the Participate Nillumbik project page including 279 downloads of the draft strategy</li> </ul> <p>Discussion:</p> <ul style="list-style-type: none"> <li>- Need to make sure that Participate Nillumbik saves submission content reliably</li> <li>- Commendation on content of the draft</li> <li>- Consultation fatigue with many matters being consulted on recently</li> <li>- Concerns expressed re Green Wedge Management Plan 2019 consultation process accepting admission of the minority report.</li> </ul>	Warren
7	<p><b>Climate Action Plan</b></p> <p>Update provided on progress to date in working towards achieving the goals and targets of the CAP and the types of actions that are being implemented.</p> <p>Year 1 –56 actions. Included development of a Net-zero corporate emissions roadmap to guide action to achieve the target of net-zero corporate emissions by 2030.</p> <p>Year 2 – 72 actions are underway.</p> <p>Sought ESAC feedback ahead of year 3 planning.</p> <p>Discussion:</p> <ul style="list-style-type: none"> <li>- Indicators – not rigorous enough in the context of understanding farming / rural landholder attitudes and action.</li> <li>- Best to invest in energy efficiency improvements and renewable energy rather than offsetting.</li> <li>- Life-cycle emissions discussion.</li> <li>- Community emissions profile – emissions slowly trending down.</li> <li>- The challenge of limited resourcing and budgets.</li> <li>- Need to assess outcomes of actions and identify where will get the best outcomes - deliver the right actions well, rather than many actions.</li> </ul>	Ian
8	<p><b>Other business</b></p> <ul style="list-style-type: none"> <li>- Renewal of ESAC update. Nominations were open 1 March – 4 April 2024 and are currently being considered.</li> <li>- The Nillumbik Community Awards are currently open - nominations close on Friday 10 May. <a href="#">Nillumbik Community Awards - Nillumbik Shire Council</a>. Is there someone you'd like to nominate for: <ul style="list-style-type: none"> <li>o Nillumbik volunteer of the year,</li> <li>o Nillumbik community group of the year; or</li> <li>o Contribution to Environment and Sustainability</li> </ul> </li> </ul>	Chair
9	<p><b>Thank you to outgoing ESAC members, chat and nibbles</b></p>	Chair



10	<b>Next meeting</b> – The first meeting of the new ESAC is scheduled for Wednesday 19 June at 6pm	
11	<b>Attachments to the agenda</b> - Year 1 & 2 Climate Action Plan implementation actions. Available on Council's website.	

Meeting closed 9.10pm

#### Table of Open Actions

Meeting date	Action	Owner/s	Status	Comment
28 June 2023	Agenda item to be scheduled to discuss progress to date in working towards achieving the goals and targets of the CAP, the types of actions that are being implemented and ESAC feedback ahead of year 3 planning.	Officers	Completed	April 2024 agenda item

## Economic Development Advisory Committee

### Minutes

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**Date:** Thursday 16 May 2024

**Time:** 4:30pm – 6:00pm

**Venue:** Council Chambers – 34 Civic Drive Greensborough

**Chair:** Cr Natalie Duffy

**Minute Taker:** Esmond Angeles – Economic Development and Tourism Support Officer

**Committee Members:** Kirri Romero, Chanmali Tregambe, Claire Nolle, Katrina Naish, Orianna Edmonds

**Other:** Carl Cowie – Chief Executive Officer  
Renaë Ahern – Acting Director Planning, Environment and Strategy  
Tania Treasure – Economic Development and Tourism Lead  
Leigh Northwood – Manager Strategic Planning and Environment  
Sarah Shehata – Senior Strategic Planner  
Ayman William - Traffic and Transport Coordinator

**Apologies:** George Apted, Debby Maziarz, Craig Usher, Meera Govil, Nicole Staveley, Phil Marandez, Cameron Heap

### Order of business

#### 1. Welcome

#### 2. Acknowledgement of Country

We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, we pay our respects 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 that sovereignty was never ceded.

Reconciliation Action Plan and Civic Drive Precinct – Naming Proposal 'Kirrip Park' open for feedback. More information available at [Home | Participate Nillumbik](#)

#### 3. Apologies

George Apted, Debby Maziarz, Craig Usher, Meera Govil, Nicole Staveley

#### 4. Conflict of Interest and Informal Meeting of Councillors Record

No conflict of interest stated

#### 5. Minutes of previous meeting

- **Call for motion** – Called by Kirri, Seconded by Chanmali

## **6. Strategies for Consultation**

- **Draft Housing Strategy 2024** – presented by Sarah Shehata and Leigh Northwood
  - Discussion and clarification around where the strategy applies, and its effects on policy and the Nillumbik Planning Scheme.
  - Provide feedback by 27 May: <https://participate.nillumbik.vic.gov.au/housing-strategy-2024>
- **Integrated Transport Strategy** – presented by Ayman William
  - General discussion around various forms of transport options and new/improved bus infrastructure being a solution to our limited transport options in particular in rural areas to support young residents.
  - Provide feedback by 27 May: <https://participate.nillumbik.vic.gov.au/ITS>

## **7. Economic Development and Tourism update**

- Formal thank you from Cr Duffy to current members, the Shire greatly values the advice members provided over the past 2 years to support the local economy and businesses.
- The new mentoring program that is about to commence is a recent example of how the Shire has taken your advice to develop programs to support our businesses
- Certificates of appreciation and Shop in our Shire vouchers were distributed as a thank you to members.
- Expressions of interest are currently open for new Committee members via the following webpage [Economic Development Advisory Committee - Nillumbik Shire Council](#)
- Northern Business Achievement Awards (NBAA)
  - On the 6 June the Shire will present our business nominees at the quarterly breakfast event.
  - Tickets are available: <https://www.eventbrite.com.au/e/northern-business-achievement-awards-june-2024-tickets-888777496417?aff=nlwebs>
- Promoting Agriculture – under the brand of ‘Produced in Nillumbik’ a map is currently being developed promoting agricultural business that sell to the public. The Produced in Nillumbik brand is being used as it encompasses products grown and made by our agricultural businesses.

## **8. Other updates and around the table - committee member updates**

- Workshop with Louise Mahler (body language coach) held at Manningham Council for a professional development course for businesses.
- Congratulations to Naturally Goat who has received an opportunity to trail further distribution channels nationally.

## **9. 6:00pm – Close**

**Next meeting: New committee – TBC August 2024 - 4:30 – 6:00pm - Council Chambers**

## **Items for Action**

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## Nillumbik Audit and Risk Committee minutes

Monday 6 May 2024

Zoom



Held Monday 6 May 2024 at 4.00pm, Virtually via Zoom

### 1 Present

Independent members: John Watson (Chair), Greg Rimmer-Hollyman, Jonathan Kyvelidis

Councillors:

Mayor Cr Ben Ramcharan, Deputy Mayor Cr Karen Egan

Council officers:

Carl Cowie (Chief Executive Officer), Vince Lombardi (Chief Operating Officer), Jeremy Livingston (Director Culture and Performance), Blaga Naumoski (Director Governance, Communications and Community Safety), Melika Sukunda (Manager Finance, Procurement and Assets), Lance Clark (Senior Procurement Specialist)

Other invitees:

Graham Noriskin (Pitcher Partners), Richard Wilson (Pitcher Partners)

### 2 The Chair welcomed attendees and acknowledged the traditional owners and custodians of the lands on which attendees were meeting.

### 3 Apologies

Craig Commane (Risk and Safety Lead)

### 4 Disclosure of any conflicts of interests

Nil

### 5 Declarations

i. CEO – Any impending legal action, legislation breaches or instances of fraud.

Nil

ii. Internal Auditors – Any obstructions to the work of the internal audit.

Nil

### 6 Confirmed the minutes of the meeting held 19 February 2024

#### ***Decision***

It was noted the minutes of the Audit and Risk Committee meeting held on 19 February 2024 were confirmed by circular resolution.

**7      CEO Update**

The CEO update was presented to the Committee.

***Decision***

The CEO update was received and noted.

**8      Table of actions arising**

The table of actions arising was presented to the Committee.

***Decision***

The table of actions arising was received and noted.

**9      Procurement Policy**

The Procurement Policy Memorandum and the Procurement Policy were presented to the Committee.

***Decision***

The Procurement Policy Memorandum and the Procurement Policy were received and endorsed for consideration by Council.

The Committee suggest the inclusion of an additional point regarding contract variations be considered by Council for inclusion within the appendices of the policy.

**10      Procurement Internal Audit Report**

The Operations Centre Internal Audit Report was presented to the Committee.

***Decision***

The Operations Internal Audit was received and endorsed.

**11      Internal Audit Status Report**

The internal audit status report was presented to the Committee.

***Decision***

The internal audit status report was received and noted.

**12      Recent Risk and Issues Brief**

The Recent Risk and Issues Brief was presented to the Committee.

***Decision***

The Recent Risk and Issues Brief was received and noted.

**13 Pending audit recommendations report**

The status report of pending audit recommendations report was presented to the Committee.

***Decision***

The pending audit recommendations report was received and noted.

The Committee was assured that the Child Safety matters will be completed by 30 June 2024.

**14 Risk and Safety report**

The Risk and Safety report was presented to the Committee.

***Decision***

The Risk and Safety report was received and noted.

**15 Draft Budget 2024-2025**

The Draft Budget 2024-2025 was presented to the Committee.

***Decision***

The Draft Budget 2024-2025 was received and noted.

**16 March Quarter Financial Report Summary and March Quarter Financial Report**

The March Quarter Financial Report Summary and March Quarter Financial Report were presented to the Committee.

***Decision***

The March Quarter Financial Report Summary and March Quarter Financial Report was received and noted.

**17 Rates in Arrears report**

The rates in arrears report was presented Committee.

***Decision***

The Rates in arrears report was received and noted.

**18 Councillor Expenses report**

The Councillor Expenses report was presented to the Committee.

***Decision***

The Councillor Expenses report was received and noted.

**19    Audit and Risk Committee Charter**

The Audit and Risk Committee Charter was presented to the Committee

***Decision***

The Audit and Risk Committee Charter was received and noted.

**20    Audit Committee work plan**

The Audit Committee work plan was presented to the Committee

***Decision***

The Audit Committee work plan was received and noted.

**21    Other Business**

Nil

**22    Post-meeting In Camera**

No members raised matters they wished to discuss in camera.

**23    Next meeting**

The next Audit and Risk Committee meeting is scheduled to be held on 26 August 2024, 4pm, to be held at Edendale Community Farm, 30 Gastons Road, Eltham Victoria 3095.



# Nillumbik Shire Council Audit and Risk Committee Charter

May 2024

[nillumbik.vic.gov.au](http://nillumbik.vic.gov.au)



## **1. Purpose of this charter**

The purpose of this charter is to facilitate the operation of the Audit and Risk Committee (the Committee).

## **2. Introduction**

The Committee is an advisory committee formally appointed by the Nillumbik Shire Council (Council) pursuant to section 54 of the *Local Government Act 2020* (the Act) and is responsible to the Council. The Committee does not have executive powers or authority to implement actions in areas over which management of Nillumbik Shire Council (management) has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The Committee's role is to report to the Council and provide appropriate advice and recommendations on matters relevant to its charter in order to facilitate decision making by the organisation comprising Council and management in relation to the discharge of its responsibilities.

## **3. Objectives**

The objectives of the Committee in relation to Council are to oversee:

1. The integrity of external financial reporting, including accounting policies;
2. The scope of work, objectivity, performance and independence of the external and internal auditors;
3. The establishment, effectiveness and maintenance of controls and systems to safeguard financial and physical resources;
4. The systems or procedures that are designed to ensure compliance with relevant statutory and regulatory requirements;
5. The process for recognising risks arising from operations and strategies, and to consider the adequacy of measures taken to manage those risks; and
6. The process and systems which protect against fraud and improper activities including the Protected Disclosures Act procedures.

The Committee seeks also to add to the credibility of council by promoting ethical standards through its work.

## **4. Authority**

The Committee is directly responsible to Council for its performance in discharging its responsibilities as set out in this charter.

The Committee, in relation to Council, has the authority to:

1. Review the internal and external auditor's annual audit plans and the outcomes/results of all audits undertaken.
2. Approve the annual internal audit plan.

3. Seek any information or advice it requires from Council members and management via the Chief Executive Officer and external parties.
4. Formally meet with management, internal and external auditors as necessary or if required in camera.
5. Seek resolution on any disagreements between management and the external auditors on financial reporting.
6. Seek resolution on any disagreements between management and the internal auditors on any audit findings.

The Committee has the authority to advise Council on any or all of the above as deemed necessary.

## **5. Composition**

1. The Committee will comprise of five members, three being independent and two being councillors.
2. Council will appoint Committee members. In appointing members to the Committee Council will consider gender balance.
3. The Chair will be independent of Council and management and will be appointed by the Committee, for a three year term and ratified by Council and may be reappointed consistent with the provisions of 5.7 of this charter.
4. The Committee is authorised to appoint an Acting Chair when required.
5. The independent members, taken collectively, will have expertise in financial management and risk and experience in public sector management.
6. No member of Council staff may be a member of the Committee.
7. Independent members will be appointed for an initial period not exceeding three years. Members may be re-appointed for a total period of six years (which includes their initial term) at the discretion of Council. Independent members may be appointed for a final consecutive term of up to three years in addition to the six years subject to competitive advertising.
8. Notwithstanding the terms stipulated above, Council may appoint a member for an additional term whereby the appointment will preserve the balance of continuity within the Committee membership.
9. A quorum will be a majority of members. The number of independent members at each meeting must equal or exceed the number of Councillors.
10. Independent members will be remunerated at a rate set by Council for the four meetings per year, the annual amount will be apportioned evenly across each meeting.
11. The rate will be reviewed annually, if applicable increased accordingly through either annual indexation applied or benchmarking undertaken across Committees of similar size and complexity both within the sector and from other industries.
12. Should additional meetings be required, independent members will be remunerated for the meeting at a rate equal to or greater than the apportioned meeting remuneration under point 9 of this section.

13. Committee members are required by the *Local Government Act 2020* to lodge an initial personal interests return and subsequent biannual personal interests returns and declare any conflicts of interest that apply to any matter to be considered at each meeting.
14. New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.
15. Professional indemnity cover will be provided to Independent members under Council's insurance policy.

#### **5.1 Support**

1. To facilitate the operation of the Committee, the Chief Executive Officer or their delegate has responsibility to provide:
  - a. any necessary training for members in relation to their responsibilities under the *Local Government Act 2020*.
  - b. any information required by the Committee to enact its responsibilities under this charter.
  - c. officer advice in respect of matters before the Committee.
  - d. formal meetings with Council staff, the internal auditors or the external auditors as requested by the Committee, in accordance with the execution of its responsibilities under this charter.

### **6. Meetings**

1. The Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
2. Additional meetings may be called by the Chair of the Committee, or at the request of the Mayor or Chief Executive Officer. If additional meetings are called, independent members will be remunerated for their attendance at a rate reflective of the allowance paid.
3. The Committee meetings shall be 'Closed' and therefore not open to the public.
4. All Councillors are invited to attend each Committee meeting.
5. All Committee members are expected to attend each meeting in person, unless the meeting is held virtually by prior agreement.
6. The Chief Executive Officer and Chief Financial Officer will facilitate the meetings of the Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary.
7. The Committee will develop a forward meeting schedule that includes the dates, location, and proposed work plan for each meeting for the forthcoming year, that cover all the responsibilities outlined in this charter.
8. Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.
9. Minutes will be taken at each meeting and presented to the subsequent meeting for confirmation, unless confirmed earlier by circular resolution via email.

### **7. Responsibilities**

The Committee will carry out the following responsibilities:

### **7.1 Risk management**

1. Review whether management has in place a current and comprehensive enterprise risk management framework and associated procedures for effective identification and management of Council's business and financial risks.
2. Determine whether a sound and effective approach has been followed in managing Council's major risks including those associated with individual projects, program implementation and activities.
3. Assess the impact of Council's enterprise risk management framework on its control environment and insurance arrangements.
4. Monitor, review and provide advice on Council's strategic risk register.
5. Review the process of developing and implementing Council's fraud control arrangements to assist Council in ensuring it has appropriate processes and systems in place to detect, capture and effectively respond to fraud and improper activities.

### **7.2 Business continuity**

1. Consider whether a sound and effective approach has been followed in establishing Council's business continuity planning arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested.

### **7.3 Internal control**

1. Review whether management's approach to maintaining an effective internal control framework is sound and effective.
2. Review whether management has in place relevant policies and procedures, including Chief Executive Officer's Instructions or their equivalent, and that these are periodically reviewed and updated.
3. Consider whether the appropriate processes are in place to assess, at least once a year, whether key policies and procedures are complied with.
4. Review whether appropriate policies and supporting procedures are in place for the management and exercise of delegations.
5. Consider how management identifies any required changes to the design or implementation of key internal controls.

### **7.4 Compliance**

1. Review the systems and processes to monitor the effectiveness of the system for monitoring compliance with legislation, including the overarching governance principles in the Act, regulations and Ministerial Directions and the results of management's investigation and follow-up (including disciplinary action) of any instances of material non-compliance.
2. Keep informed of the findings of any examinations by regulatory agencies and any auditor (internal or external) observations and monitor management's response to these findings.
3. Obtain regular updates from management about compliance matters.

### **7.5 Internal audit**

1. Ratify the appointment and dismissal of the internal auditor.

2. Review with management and the internal auditor the charter, activities and resourcing of the internal audit function.
3. Review the specifications for the Provision of Internal Audit Services contract and participate in the tender evaluation process.
4. Review and recommend the annual internal audit plan for endorsement by Council and all major changes to the plan.
5. Monitor that the internal auditor's annual plan is aligned to and covers the material business risks.
6. Monitor processes and practices to ensure that the independence of the internal audit function is maintained.
7. Annually review the performance of internal audit including the level of satisfaction with the internal audit function having consideration of the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing.
8. Provide an opportunity for the Committee to meet with the internal auditor to discuss any matters that the Committee or internal auditor believes should be discussed privately.
9. Review all internal audit reports and provide advice to Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
10. Monitor management's implementation of internal audit recommendations.

#### **7.6 External audit**

1. Note the external auditor's proposed audit scope and approach for financial and performance audits, including any reliance on internal auditor activity.
2. Consider the findings and recommendations of relevant Performance Audits undertaken by the external auditor and ensure Council implements relevant recommendations.
3. Monitor processes and practices to ensure that the independence of the external audit function is maintained.
4. Provide an opportunity for the Committee to meet with the external auditors to discuss any matters that the Committee or the external auditors believe should be discussed privately.
5. Review all external audit reports and provide advice to Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
6. Annually review the performance of external audit including the level of satisfaction with the external audit function.
7. Monitor management's implementation of external audit recommendations.

#### **7.7 Financial report**

1. Review significant accounting and reporting factors, including complex or unusual transactions and areas requiring expert judgement, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.

2. Review with management and the external auditors the results of the audit, including any difficulties encountered.
3. Review the annual financial report and performance report of Nillumbik Shire Council and consider whether it is complete, consistent with information known to Committee members, and reflects appropriate accounting principles and standards.
4. Review with management and the external auditors all matters required to be communicated to the Committee under the Australian Auditing Standards.
5. Recommend in principle that Council approve the Financial Statements and Performance Statements.
6. Review the appropriateness of the framework and content of periodic management financial reporting to Council.

#### **7.8 Reporting responsibilities**

1. Report to Council about Committee activities, issues, and related recommendations through circulation of minutes and the Committee's annual report. Additional updates may be appropriate should issues of concern arise.

#### **7.9 Other Responsibilities**

1. Perform other activities related to this charter as requested by Council.
2. Annually review and assess the adequacy of the Committee Charter, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.
3. Annually confirm that all responsibilities outlined in this charter have been carried out.
4. The minutes of each meeting be presented to Council.
5. Internal audit reports and external audit reports shall not be made public.

### **8. Transparency measures adopted**

The Committee shall undertake a process to evaluate its performance against this Charter and overall performance annually, reporting the outcomes of the evaluation process to Council.

### **9. Conflicts of Interest and Personal Interests Returns**

Members of the Committee must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as a member of the Committee. Management of interests includes the proper management of any conflicts of interest as and when they may arise.

Members of the Committee must also be fully aware of the statutory definitions of a general conflict of interest and a material conflict of interest. These are set out in Division 2 of Part 6 of the Act. Members of the Committee are required to comply with section 123 (misuse of position), Division 2 of Part 6 (disclosure of conflict of interest) and Division 3 of Part 6 (personal interests returns of the Act, which include, among other things, the following requirements:

1. Lodgement of personal interest returns on the forms specified by Council in accordance with the Act; and
2. Declaration and management of any conflicts of interest which arise in accordance with the Act.

In addition, members of the Committee shall comply with Council's Code of Conduct in carrying out their duties as a member of the Committee. In broad terms, and for guidance to members of the Committee:

- a) Committee members must disclose any conflicts or perceived conflicts of interest at the commencement of each meeting;
- b) Where members are deemed to have a conflict of interest, they will be excused from discussions and deliberations on the matter. Failure to comply with the provisions of the Act regarding conflicts of interest may result in prosecution and the member's appointment being terminated by Council.

## **10. Confidentiality**

All information received by Committee members in the course of their work as Committee members is confidential and must not be shared with any party outside the Committee.

Councillor members must comply with the requirements of section 125 of the Act in this regard. Section 53(5) of the Act provides that sections 123 (misuse of power) and 125 (confidential information) and Division 2 of Part 6 (Conflict of interest) apply to a member of the Audit and Risk Committee who is not a Councillor as if he were a member of a delegated committee. Failure to comply with the provisions of the Act with regard to confidential information may result in prosecution and the member's appointment being terminated by Council.

## **11. Indemnity**

The Council will indemnify and keep indemnified each independent member of the committee against all actions or claims whether arising during or after their term of appointment in respect of anything necessarily done or reasonably done or omitted to be done in good faith:

- a) In the performance of a duty or function or the exercise of any matter under the Act, regulations, a local law or this charter.
- b) In the reasonable belief that the act or omission was in the performance of a duty or a function or the exercise of a matter under the Act, regulations, a local law or this charter.



## **Birrarung Valley Walk – DRAFT – Guiding Principles**

### **A 200+ km journey into landscape and imagination**

BVW is seeking endorsement of our proposal to explore the possibility of a continuous way-marked walking trail through the Birrarung Valley. Our objective is to create a 200+km, multi-day walk from Port Phillip Bay to the Upper Yarra Reservoir. BVW is steadfast in our commitment to achieving unanimous support from our stakeholders.

Below is a **draft** set of **principles** that we would develop with our stakeholders as the project proceeds:

1. Develop a Memorandum of Understanding to be signed by each of the stakeholders, including the LGAs, Traditional Custodians, Parks Victoria and Melbourne Water. Unanimous support is essential.
2. Form a steering committee comprising of all signatories to the Memorandum of Understanding. All aspects of the project would be subject to steering committee approval.
3. Agree BVW's development principles with the steering committee, which might include:
  - a. Use existing trails wherever possible
  - b. Obtain the explicit agreement of all governing agencies
  - c. Avoid privately-owned land
  - d. Seek to create cultural and environmental gains
  - e. Consider safety issues – in particular, walker safety, snakes, seasonal bushfires, etc. and mitigate for them.
4. Consult with Traditional Custodians on:
  - a. Cultural values to ensure the walk travels appropriately through Country.
  - b. The use of First Nations' languages for the digital platform and other materials.
5. Negotiate with each stakeholder to finalise the route of the waymarked trail through their "jurisdiction". The route to remain at their discretion into the future.
6. Negotiate with the Victorian Government and other funding bodies if infrastructure is required.
7. Develop Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation's existing endorsement into a formal partnership.
8. Later phases of the project may involve further enhancements that support walkers and their experience.

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## **Birrarung Valley Walk Memorandum of Understanding**

### **Between the Parties**

Birrarung Valley Walk Inc.  
Level 32, 360 Collins Street  
Melbourne VIC 3000

### **and**

Nillumbik Shire Council  
34 Civic Drive  
Greensborough VIC 3088

### **Introduction**

The object of this Memorandum of Understanding (MOU) is to record the support of all project partners to identify, maintain, protect, preserve, and enhance the walking path to be known as the Birrarung Valley Walk (working title).

As a cornerstone of this MOU, the Parties agree to:

- Establish a relationship based on mutual trust.
- Share a common intention to achieve each Party's outcomes.
- Ensure openness, promptness, consistency, and fairness in all dealings.
- Commit to maximising efficiency, cost effectiveness and sharing of ideas.

### **Birrarung Valley Walk Inc.**

Birrarung Valley Walk Inc. is an Incorporated Association that seeks to link existing walking tracks and paths from the mouth of the Birrarung (Yarra River) to the Upper Yarra Reservoir. The Association will create and make available the information needed to enable walkers to plan and undertake the 220+km, multi-day continuous walk. A key purpose is to protect, enhance and promote the natural environment and First Nations culture of the Birrarung Valley.

### **Purpose of MOU**

The purpose of this MOU is to:

1. Provide a basis on which the parties can jointly progress and support the Project;
2. Document a commitment by each party to work together to:

- Agree on a defined route for the walking path, using existing pathways and trails wherever possible, on public land;
- Maintain and promote a waymarked walking path from the mouth of the river to the Upper Yarra Reservoir.

### **Authorised Representatives**

Each party will nominate an Authorised Representative to sign the MOU. Each party commits to nominating a representative to join a steering committee, which will make all key decisions for the Walk. BVW will provide secretarial services to the committee.

### **Intention not to be Legally Binding**

It is the intention of each Party that this MOU is not legally binding. This MOU merely constitutes a statement of the mutual intentions of the Parties.

This Memorandum of Understanding is executed as follows:

#### **Signed on behalf of Birrarung Valley Walk Inc.**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

#### **Signed on behalf of Nillumbik Shire Council**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_





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**APPORTIONMENT - BOURCHIER'S ROAD SPECIAL CHARGE SCHEME, KANGAROO GROUND**

Property Address	Frontage	Sideage/ Rearage	Abuttal Unit	Abuttal Cost	Access Benefit Unit	Access Benefit Cost	Total Cost
20 Bouchiers Road	153.13	0.00	153.13	\$7,606.93	1.00	\$26,875.00	\$34,481.93
40 Bouchiers Road	376.83	0.00	376.83	\$18,719.14	1.00	\$26,875.00	\$45,594.14
60 Bouchiers Road	183.00	0.00	183.00	\$9,090.69	1.00	\$26,875.00	\$35,965.69
80 Bouchiers Road	183.00	0.00	183.00	\$9,090.69	1.00	\$26,875.00	\$35,965.69
100 Bouchiers Road	134.00	0.00	134.00	\$6,656.57	1.00	\$26,875.00	\$33,531.57
110 Bouchiers Road	70.50	0.00	70.50	\$3,502.15	1.00	\$26,875.00	\$30,377.15
120 Bouchiers Road	0.00	0.00	0.00	\$0.00	1.00	\$26,875.00	\$26,875.00
15 Bouchiers Road	390.89	0.00	390.89	\$19,417.82	1.00	\$26,875.00	\$46,292.82
35 Bouchiers Road	279.70	0.00	279.70	\$13,894.35	1.00	\$26,875.00	\$40,769.35
85 Bouchiers Road	267.98	0.00	267.98	\$13,312.15	1.00	\$26,875.00	\$40,187.15
95 Bouchiers Road	15.00	0.00	15.00	\$745.14	1.00	\$26,875.00	\$27,620.14
105 Bouchiers Road	110.00	0.00	110.00	\$5,464.35	1.00	\$26,875.00	\$32,339.35
			<b>2164.03</b>		<b>12.00</b>		<b>\$430,000.00</b>

TOTAL SCHEME COST	\$430,000.00
<b>COUNCIL CONTRIBUTION</b>	<b>\$57,252.15</b>
AMOUNT TO BE LEVIED	\$372,747.85

ABUTTAL RATE PER METER	\$49.68
BENEFIT RATE PER UNIT	\$26,875.00

ABUTTAL PERCENTAGE	25%
ACCESS BENEFIT PERCENTAGE	75%

TOTAL ABUTTAL COST	\$107,500.00
TOTAL ACCESS BENEFIT COST	\$322,500.00

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## **Unsealed Roads Improvement Prioritisation Policy**

11 June 2024

### **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.

### **Access, equity and inclusion statement**

Nillumbik Shire Council is committed to creating a fair, equitable and inclusive community where human rights are respected, participation is facilitated, barriers are reduced and diversity is celebrated. We support the rights of all people regardless of age, gender, ability or background. We value the diverse and changing nature of our community and understand that some groups and individuals experience more barriers than others.

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## 1 INTRODUCTION

### Glossary of Terms:

“Capital Works program”	Annual program of projects approved by the Council as a part of the annual Council budget process.
“Council”	Nillumbik Shire Council
“Policy”	Unsealed Roads Improvement Prioritisation Policy
“Unsealed Roads Priority List”	Prioritised listing of Council’s unsealed roads proposed for improvement, established by assessing a range of criteria for each road.

### 1.1 Purpose

This Policy recognises the need to achieve the best value of funds allocated by Council for road sealing and associated improvement works. The Policy has a focus of ensuring that a fair, reasonable and consistent approach is applied in the assessment and prioritisation of unsealed roads for the allocation of funding by Council.

### 1.2 Objectives

The objectives of this Policy are to:

- facilitate the improvement of unsealed roads on an objective needs basis within the capacity of Council's funding availability;
- provide a strategic, consistent, transparent and equitable approach in the prioritisation of unsealed roads for improvement;
- establish the criteria for determining and prioritising which unsealed roads are to be considered for improvement;
- provide guidance and direction in applying the criteria for the improvement of unsealed roads;
- improve the liveability of the built and natural environment by endeavouring to provide effective infrastructure improvements that meet the needs of the community;
- enhance economic, social, environmental and cultural wellbeing of the community and ensure increasing community expectations are considered in decision making; and
- efficiently allocate Council resources in the investigation, development and prioritisation of road improvement projects.

### **1.3 Scope**

The scope of this Policy is to provide a strategic framework for the assessment and prioritisation of unsealed roads across the municipality for future sealing and improvement.

The Policy will provide guidance on options available to Council for funding road improvement projects, including the allocation of Council funding towards the sealing and improvement of unsealed roads.

The Policy will apply to roads listed on Council's Public Road Register which are identified as being the responsibility of Council for inspection and maintenance, as outlined in the Road Management Act 2004.

### **1.4 Legislative Context**

The Local Government Act 2020 defines the role and purpose of a Council in relation to providing good governance. The Act identifies the overarching governance principles for Councils of which the following are considered particularly relevant to this Policy:

- priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted; and
- the ongoing financial viability of the Council is to be ensured.

The Road Management Act 2004 provides key objectives for Councils in relation to roads including:

- provides the statutory framework for the management of the road network;
- sets out certain rights and duties of road users;
- establishes the general principles which apply to road management;
- provides for the role, functions and powers of a road authority;
- provides for a road authority to keep a register of public roads in respect of which the road authority is the coordinating road authority;
- provides for the construction, inspection, maintenance and repair of public roads;
- sets out the road management functions of road authorities;
- sets out the road management functions of infrastructure managers and works managers in providing infrastructure or conducting works; and
- provides for issues relating to civil liability arising out of road management.

The Local Government Act 1989 contains provisions for 'Special Rate and Special Charge' legislation, primarily outlined under Section 163 and associated Sections of the Act. The provisions enable a Council to recover the cost of works or services, and any associated financing costs, from property owners receiving a special benefit from those works or services. The provisions are utilised by Councils to undertake infrastructure improvements, including road, drainage and footpath improvements.

It is at Council's discretion to determine the prioritisation of roads for future sealing and improvement and the approach to funding these works, having regard to the powers available to Council in the above legislation.

### **1.5 Related Legislation**

Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006*, the *Equal Opportunity Act 2010* and the *Gender Equality Act 2020*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental rights under four key values that include freedom, respect, equality and dignity.

It is considered that this Policy does not adversely impact any rights identified in these Acts.

### **1.6 Related Council Policies**

Council's *Community Engagement Policy 2021* provides a commitment to the community that engagement will be centred around the core objectives of Transparency, Timeliness, Simplicity and Opportunity. Any engagement in relation to the outcomes and directions of this Policy will be undertaken in accordance with Council's Community Engagement Policy 2021.

Council's *Special Rate and Special Charge Policy and Guidelines 2024* recognises the need to achieve the best value of funds allocated by Council and property owners towards infrastructure improvement works. The Policy has a focus of ensuring that a fair, reasonable and consistent approach is applied in the development and implementation by Council of a Special Rate or Special Charge Scheme in accordance with the Local Government Act 1989.

## 2 HISTORIC CONTEXT

Council's goal is to build, maintain and manage community assets which meet the needs of the community now and into the future, and to continually demonstrate environmental best practice. This is done in the context of conserving and managing the character and amenity of Nillumbik as the "Green Wedge Shire".

Roads are generally constructed and improved through:

- Council funded programs via Council's Capital Works program. Generally, this funding has been allocated towards roads that carry medium to high traffic volumes, have a strategic function within Council's road network and are utilised significantly by the broader local community to travel between key locations.
- Grant funding provided by other levels of government. Council has benefited for a number of years from the Federal Government's Roads to Recovery program. Funding from this program has been utilised to maintain and improve Council's road network.
- Planning permit obligations on developers where it has been required that roads are constructed or improved as part of a planning permit. In new subdivisions, the cost of infrastructure (such as sealed roads, footpaths and drainage) is shared across all lots to be sold by the developer. The purchaser of the new lot and any subsequent purchasers indirectly fund this infrastructure, which becomes associated with the value of the property.
- Property owners funding the sealing of a road as a Special Charge Scheme implemented by Council in accordance with the provisions of the Local Government Act 1989. Prior to this, construction of roads occurred through property owner contributions under the Local Government Act 1958 and its predecessor Acts and were known as Private Street Schemes.

Council has historically had a program for sealing unsealed rural roads across the municipality where sealing can provide environmental benefits through reduced erosion and run-off, provide a safer road environment, eliminate repetitive and on-going maintenance problems or manage traffic and transport to defined and particular routes. Under this program, roads have been strategically prioritised having regard to:

- Strategic intent;
- Current road and road reserve use;
- Maintenance effort;
- Environmental factors;
- Traffic volume;
- Amenity for local residents and road users; and
- Resident support or comments.

This prioritisation approach has generally resulted in the upgrade of key link and collector roads in rural areas. These roads are utilised by the broader local community to travel between different regions or townships, significantly support local tourism, or connect to key local destinations and facilities. The program has successfully delivered improvements to these unsealed rural roads across Nillumbik, with most roads that qualified for upgrading under this program now considered to have been improved.

A review of the process for prioritisation of sealing and improving unsealed roads will allow Council to determine how future improvements should be undertaken, such that there is a strategic, consistent, transparent and equitable approach in the prioritisation of unsealed roads for improvement that is affordable within the financial constraints of Council's Capital Works program and budget.



### **3 PRIORITISING UNSEALED ROADS FOR IMPROVEMENT**

#### **3.1 Policy Principles**

The upgrade of road and associated pathway and drainage infrastructure across the municipality shall be funded in a fair and reasonable manner for all current and future ratepayers.

The prioritisation of unsealed roads for improvement will be undertaken utilising a strategic, consistent, transparent and equitable approach.

Council may pursue the implementation of a special rate or special charge, where it can be demonstrated that properties will receive special benefit from a potential road improvement.

Delivery of any identified infrastructure requirement will be consistent with the objectives of the Council Plan and Council's Planning Scheme.

#### **3.2 Funding Proposed Improvements**

Council operates within an environment of limited financial capacity with a range of competing tensions for infrastructure maintenance, upgrade and improvement across the Capital Works program.

Funding sources that may be utilised for proposed road sealing and improvement include:

- direct Council contribution through the annual Capital Works program;
- external grants, funding or contributions;
- property owner contributions via a special rate or special charge undertaken in accordance with Section 163 of the Local Government Act 1989; and/or
- a combination of the above.

Where a road or intersection meets the criteria for the Federal Black Spot program, Council may first seek external funding through that grant program before consideration of a road upgrade.

The improvement of the roads in the Unsealed Roads Priority List will be dependent on Council's financial capacity, resource allocation and budgetary decisions.

The extent of Council's contribution may vary for a project and will be primarily influenced by the extent of community benefit associated with a proposal and the strategic purpose that the road supports.

The inclusion of a road in the Unsealed Roads Priority List does not provide any obligation or commitment on the Council for a road to be sealed or improved. It is at Council's discretion as to how and when a road may be improved, and this will be guided by decision making as part of the Council's annual budget process.

### 3.3 Prioritisation Criteria

The prioritisation of unsealed roads for improvement will be informed by criteria established around:

- **Road Function** – the strategic purpose of the road in the context of Council's road network and the volume and type of traffic that uses the road.
- **Community Safety** – an assessment of the identified risks associated with the road including road crash history, road geometry factors and emergency management considerations.
- **Community Benefit** – the value to the local community from having the road improved, represented by the history of requests associated with the road, and the extent of abutting development and community facilities that rely on access from the road.
- **Environment and Economy** – the improvement of the environment that will occur from the road upgrade, and the businesses and economic development the road supports.
- **Financial Implications** – the cost of upgrade works, potential external funding opportunities and the reduced costs to Council of ongoing maintenance if the unsealed road was improved.

Criteria are identified in Appendix 1 – Road Prioritisation Criteria.

In general, roads that will receive the higher priority are those roads that:

- provide links between key locations or areas of significant activity;
- are in the highest-trafficked areas;
- provide the greatest safety benefits;
- provide the greatest community benefits;
- provide improved environmental outcomes;
- support economic development;
- provide the greatest long-term cost savings to Council (by reducing maintenance); and
- are within Council's financial capacity to facilitate improvements.

### 3.4 Criteria Evaluation Process

Prioritisation criteria shall be used to evaluate and score individual roads from Council's road network.

The relative priority of roads in the Unsealed Roads Priority List will be based on the aggregate score against the evaluation criteria, with roads ranked from highest to lowest score.

The Unsealed Roads Priority List may only contain a selection of roads from Council's road network. Some roads may undergo an initial screening and prioritisation based on a selection of the criteria. The higher priority roads may be subject to more detailed assessment and prioritisation based on all the criteria.

The program for the sealing and improvement of unsealed roads will be determined by the available financial resources allocated through Council's annual budgeting process.

Where it is considered that a group of roads can be improved more economically as a single project due to their local proximity and economies of scale, the priority allocated to that Road Group may be determined by evaluating each road in the group individually and using the ranking of the highest priority road of the group as the overall priority for the Road Group's ranking.

### **3.5 Program Flexibility**

Council operates within an environment of limited financial capacity with a range of competing tensions for infrastructure maintenance, upgrade and improvement across the Capital Works program.

Where external funding sources (e.g. government grants such as Federal Black Spot funding) are achieved for sealing and/or improvement of a specific unsealed road, this may elevate the road within the Unsealed Roads Priority List to be a current priority despite its ranked priority.

Where property owners are supportive of a Special Charge Scheme being implemented for the sealing and/or improvement of their road, as per Council's Special Rate and Special Charge Policy and Guidelines, this may elevate a road within the Unsealed Roads Priority List, subject to the extent of any Council contribution that may be required.

### **3.6 Community Engagement**

Council's *Community Engagement Policy 2021* provides a commitment to the community that engagement will be centred around the core objectives of Transparency, Timeliness, Simplicity and Opportunity.

The process of evaluating and prioritising unsealed roads for improvement will largely be undertaken by Council. However, with the identification of roads that are prioritised for sealing and improvement and the subsequent processes to allocate funding through Council's annual budget process and then design projects for construction, it will be ensured that these objectives are met.

### **3.7   Unsealed Roads Priority List Review**

The Unsealed Roads Priority List will be reviewed on a four yearly basis to ensure that relative priorities are considered to be current.

Any road may be reassessed on an ad hoc basis as a result of community requests or known significant change in an area relating to the evaluation criteria.

Recommendation of the sealing and/or improvement of a road(s) from the Unsealed Roads Priority List will be referred to Council's annual budget process for consideration of funding by the Council.

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## Appendix 1 - ROAD PRIORITISATION CRITERIA

To allow a comparison of roads across Council's network, evaluation criteria have been developed across the key themes of:

- Road Function
- Community Safety
- Community Benefit
- Environment and Economy
- Financial Implications

An assessment of each road against these criteria will develop the overall prioritisation of roads. Roads are prioritised according to the aggregate scoring of the evaluation criteria and ranked from highest to lowest score.

### A. Road Function

The function that the road performs across Council's road network is a key influence in prioritisation. Roads with a higher order function and that carry a greater traffic volume will receive a higher priority.

Road Function Criteria		Score	Description
<b>Hierarchy</b>	Road status listed in Council's Public Road Register	5	Link
		4	Collector
		2	Access Road
<b>Bus Route</b>	Road designation as an existing PTV bus route or school bus route	4	PTV Bus Route
		3	School Bus Route
		0	Not an identified Bus Route
<b>Recreational Route/Trail</b>	Road reserve designated as an existing cycling, walking or riding route/trail on Council or State Government maps	2	Designated recreational route along the road
		0	Not a designated recreational route
<b>Traffic Volumes</b>	5 or 7 day average traffic volume (whichever is greater) at typical location along the road <i>Note 1</i>	5	Greater than 500 veh/day
		4	351 to 500 veh/day
		3	201 to 350 veh/day
		2	101 to 200 veh/day
		1	51 to 100 veh/day
		0	0 to 50 veh/day
<b>Through Traffic Usage</b>	Usage of the road by through traffic (average weekday or day) <i>Note 2</i>	4	Greater than 100 veh/day
		3	61 to 100 veh/day
		2	31 to 60 veh/day
		0	0 to 30 veh/day

Road Function Criteria		Score	Description
<b>Commercial Vehicle Use</b>	Usage of the road by heavy vehicles (average weekday or day) <i>Note 3</i>	4	Greater than 40 trucks/day
		3	21 to 40 trucks/day
		2	11 to 20 trucks/day
		0	0 to 10 trucks/day

Note 1: Where detailed traffic volume breakdowns are not available or out-of-date, volumes will be estimated based upon the number of properties with direct access to the road, and similar roads with data available.

Note 2: Traffic with an origin or destination on the road (or adjacent section of the same road) is considered local traffic. All other traffic is considered through traffic.

Note 3: AUSTROADS Class 3 and above vehicle classifications are considered to be trucks.

## B. Community Safety

Safety for the community is a key focus of the Council, and the road network plays an important role in supporting Community Safety. Roads with a greater safety risk will receive a higher priority.

Community Safety Criteria		Score	Description
<b>Reported Crash History</b>	Reported fatality/injury crashes <i>Note 4</i>	5	Fatality Crash – 1 or more
		3	Injury Crash – 1 or more
		0	None
<b>Road Safety and Geometry</b>	Road width and horizontal and vertical alignment and impact this is having on road safety	5	Substandard (or challenging) geometry along most of the road length
		3	Substandard (or challenging) geometry along about half of the road length
		2	Short, isolated sections with substandard (or challenging) geometry
		0	Generally acceptable geometry
<b>Emergency Management Risk</b>	Bushfire risk associated with the location of the road	2	Road is within a bushfire management overlay (and hence also in a bushfire prone area)
		1	Road is within a bushfire prone area, but not within a bushfire management overlay
		0	Road is not within a bushfire management overlay or bushfire prone area

Note 4: Based on Department of Transport and Planning Crash Data for most recent 5 year period.

### C. Community Benefit

Consideration of Community Benefit includes both local residents and the broader community. Roads that have a greater number of properties and provide greater benefit to the broader community will receive higher priority.

Community Benefit Criteria		Score	Description
<b>Community Requests and Advice</b>	Nature and number of requests from the community regarding the need to upgrade the road	3	High number of requests, including multiple advices regarding safety and amenity issues
		2	Medium number of requests
		1	Low number of requests
		0	No requests
<b>Abutting Properties</b>	Number of properties that abut the road	5	Greater than 50 properties
		4	41 to 50 properties
		3	31 to 40 properties
		2	21 to 30 properties
		1	11 to 20 properties
		0	1 to 10 properties
<b>Community and Recreational Facilities</b>	Council or State Government community and recreational facilities that abut the road and generate significant traffic	4	Council or State Government building/facility regularly used by the community (e.g. school, community centre, playground)
		2	Park or reserve (without any building/facility) regularly used by the community for recreational purposes
		0	No facilities that generate significant traffic

### D. Environment and Economy

Roads that support current and longer-term Community liveability, including environmental outcomes and economic benefits, will receive a higher priority.

Environment and Economy Criteria		Score	Description
<b>Environmental Impacts</b>	Environmental impacts that currently exist and will be mitigated by the works	4	Significant improvement to the environment or a designated waterway
		2	Some environmental or waterway improvement
		0	Negligible improvement (or potential disbenefit due to tree removal associated with road widening)
<b>Economic Benefits</b>	Businesses that abut the road and generate significant traffic	3	3 or more businesses
		2	1 to 2 businesses
		0	No identified businesses

## E. Financial Implications

Considering the financial implications of a proposal is necessary to ensure that it is within Council's financial capacity. Lower cost road improvements that reduce future maintenance costs will receive a higher priority.

Financial Implications Criteria		Score	Description
<b>Cost of Upgrade works</b>	Estimated cost of upgrade works to Council Note 5	5	Cost to Council is less than \$100,000
		4	Cost to Council is between \$100,000 and \$250,000
		3	Cost to Council is between \$250,001 and \$500,000
		2	Cost to Council is between \$500,001 and \$750,000
		1	Cost to Council is between \$750,001 and \$1,000,000
		0	Cost to Council is greater than \$1,000,000
<b>Annual Maintenance Liability</b>	Extent of maintenance costs, due to existing conditions, that would be reduced by upgrade works. Based on the number of scheduled/required maintenance operations.	5	Significant reduction in maintenance costs
		3	Moderate reduction in maintenance costs
		0	Negligible reduction in maintenance costs

Note 5: Score is based on the cost to Council, not the total project cost in the case of projects partially funded by external sources such as State Government grants or property owners through a Special Charge Scheme.





## **Special Rate and Special Charge Policy and Guidelines**

11 June 2024

### **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.

### **Access, equity and inclusion statement**

Nillumbik Shire Council is committed to creating a fair, equitable and inclusive community where human rights are respected, participation is facilitated, barriers are reduced and diversity is celebrated. We support the rights of all people regardless of age, gender, ability or background. We value the diverse and changing nature of our community and understand that some groups and individuals experience more barriers than others.

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## 1 INTRODUCTION

### Glossary of Terms:

“Act”	Local Government Act 1989
“Council”	Nillumbik Shire Council
“Ministerial Guidelines”	Special Rates and Charges Ministerial Guideline 2004
“Policy”	Special Rate and Special Charge Policy and Guidelines
“Scheme”	a Special Rate or Special Charge Scheme carried out under the provisions of the Local Government Act 1989
“VCAT”	Victorian Civil and Administrative Tribunal

### 1.1 Purpose

This Policy recognises the need to achieve the best value of funds allocated by Council and property owners towards infrastructure improvement works. The Policy has a focus of ensuring that a fair, reasonable and consistent approach is applied in the development and implementation by Council of a Special Rate or Special Charge Scheme in accordance with the Local Government Act 1989 (the Act).

The Policy is structured having regard to the requirements of the Act, associated Ministerial Guideline, and past decisions of VCAT in relation to proposals for a Special Rate and/or Special Charge.

### 1.2 Objectives

The objectives of this Policy are:

- To work in partnership with property owners to improve Council's infrastructure through the implementation of property owner funded Schemes to enhance property access and amenity and protect neighbourhood character.
- To ensure fairness, reasonableness and consistency occurs through the development and implementation of a Special Rate or Special Charge Scheme.
- To ensure that Special Rate or Special Charge Schemes effectively respond to the needs of the community.
- To encourage community participation in relation to Special Rate and Special Charge Schemes.
- To efficiently allocate Council resources in the investigation and development of Special Rate and Special Charge Schemes.
- To ensure compliance with the requirements of the Local Government Act 1989, and Special Rates and Charges Ministerial Guideline 2004.

### **1.3 Scope**

The scope of this Policy is to provide a strategic and procedural framework to guide Council in the implementation of Special Rate or Special Charge Schemes for infrastructure improvement works. The framework of the Policy can also be utilised to guide Schemes for other initiatives such as marketing and promotion schemes for local township groups.

A Special Rate is rarely expected to be used for infrastructure improvements, and therefore the focus of this Policy is for Special Charges. The Policy however has the ability for a Special Rate to apply in place of a Special Charge if required.

The Policy provides direction for involving property owners that will receive a Special Benefit from particular works or services in contributing towards the cost of those works or services.

The Policy covers key aspects of the Scheme process, including community engagement, design standards, guidelines for apportionment of costs and Council contributions towards proposals.

The Scheme process is summarised in Appendix 1, with details associated with each stage of the process described in Sections 2 to 5 and Appendices 2 to 4.

### **1.4 Legislative Context**

The 'Special Rate and Special Charge' legislation, as outlined primarily under Section 163 and associated Sections of the Local Government Act 1989 (the Act), enables a Council to recover the cost of works or services and any associated financing costs from property owners receiving a special benefit from those works or services.

### **1.5 Related Legislation**

Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006*, the *Equal Opportunity Act 2010* and the *Gender Equality Act 2020*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental rights under four key values that include freedom, respect, equality and dignity.

It is considered that this Policy does not adversely impact any rights identified in these Acts.

## **1.6 Related Council Policies**

Council's Community Engagement Policy 2021 provides a commitment to the community that engagement will be centred around the core objectives of Transparency, Timeliness, Simplicity and Opportunity. Any engagement in relation to the outcomes and directions of this Policy will be undertaken in accordance with Council's Community Engagement Policy 2021.

Council's Unsealed Roads Improvement Prioritisation Policy 2024 recognises the need to achieve the best value of funds allocated by Council for road sealing and associated improvement works. The policy has a focus of ensuring that a fair, reasonable and consistent approach is adopted in the assessment and prioritisation of unsealed roads for the allocation of funding by Council for improvement.

Council's Financial Hardship Policy 2020 recognises that some ratepayers may from time to time experience financial difficulty, which will vary in its extent and duration depending on individual circumstances. The policy provides guidelines for delegated staff to assist in the process and assessment of applications received for the deferment of rates and charges due to financial hardship.

## **2    SCHEME INVESTIGATION AND CONSULTATION**

### **2.1   Initiation of a Scheme**

Considerable staff time is involved in investigating and developing a proposed Scheme and undertaking consultation with property owners. To ensure that Council's staff resources are utilised effectively, initiation of the investigation and consultation process for a proposed Scheme will require the demonstrated support of property owners.

This support shall be in the form of a petition or joint letter signed by a majority of property owners who would be required to contribute towards the Scheme, acknowledging their responsibility to contribute towards the cost of the Scheme if it were to progress.

To assist property owners wishing to initiate this process, a template petition and preliminary information will be made available by Council.

A proposed Scheme may also be initiated by Council in response to a Council strategy, broader community interest, road and/or drainage management requirements, or an identified risk.

### **2.2   Special Beneficiaries**

Following initiation of the proposed Scheme, Council will identify the properties that will receive a special benefit from the proposed works. These properties will be included in the Scheme and required to pay the special rate or special charge.

A special benefit applies to a property if the proposed works will provide a benefit that is additional to or greater than the benefit to properties remote from the proposed works. Benefits include improved access or safety, and/or improvements in physical or environmental amenity. It is not necessary for the benefit to be used by the property owner/occupier for a special benefit to be attributed to a property.

All properties abutting the road, or section of road, proposed for upgrade will be assessed to determine whether a special benefit applies.

### **2.3   Preliminary Consultation**

An initial letter will be sent to all property owners identified as receiving a special benefit, outlining:

- (a) that Council has received an indication of community interest in the development of a Scheme;
- (b) the nature of the concerns that have led to a Scheme being investigated; and
- (c) what a Scheme is and how it works, including reference to this policy.

The letter will include an initial questionnaire requesting property owners to respond on whether they support or oppose investigation into the Scheme, and to provide any comments they consider relevant.

Results from individual property owners will remain confidential.

For an investigation to progress, 60 percent or more of the rateable properties that would be included in the Scheme must respond in support of the questionnaire. Where questionnaire results indicate support from less than 60 percent of the rateable properties involved, the proposal will not proceed.

If there are any properties for which Council may have a liability, these properties are excluded from the determination of the level of property owner support for the Scheme.

Property owners who do not return the initial questionnaire will be sent a follow-up letter if their response could change the outcome of the initial questionnaire. A nil response to both the original letter and follow up letter will be considered to represent a lack of support to the proposed Scheme.

Results of the questionnaire will be mailed out to all property owners.

#### **2.4 Initial Information Session**

Where questionnaire results indicate support from 60 percent or more of the rateable properties, all property owners will be invited to an initial information session.

Council officers will give a presentation on the Special Charge Scheme process along with the background, purpose and objectives of the proposed Scheme and the potential form of road upgrade. Property owners will have the opportunity to ask questions and provide feedback about the proposal.

#### **2.5 Concept Design and Preliminary Cost Estimate**

With consideration given to the feedback provided at the initial information session and the standards described in Appendix 3, a concept design and preliminary cost estimate for the proposed works will be developed by Council officers.

The cost estimate will only include the costs associated with the design and construction of the upgrade works.

The costs to property owners will not include Council staff costs and any future costs associated with ongoing maintenance of the upgraded road. A cost apportionment will be prepared in accordance with Section 5.



## **2.6 Formal Consultation**

A letter will be sent to all property owners included in the Scheme, outlining:

- (a) the purpose and objectives of the proposed Scheme;
- (b) the proposed design standards and project scope; and
- (c) an estimated cost range, specifying upper and lower limits, for each property.

The letter will include a formal questionnaire requesting property owners to respond on whether they support or oppose the development of a Scheme, and to provide any comments they consider relevant.

Property owners who do not return the questionnaire will be sent a follow-up letter by registered mail if their response could change the outcome of the questionnaire. A nil response to both the original letter and follow up letter will be considered to represent a lack of support to the proposed Scheme.

Results from individual property owners will remain confidential.

## **2.7 Council Consideration of the Proposed Scheme**

An overview of the proposed Scheme will be reported to a Council meeting, along with the results of the initial and formal questionnaires.

Where the formal questionnaire demonstrates support from 60 percent or more of the rateable properties that would be included in the proposed Scheme, it will be recommended that Council proceed with the development of the proposed Scheme. The development process will involve further property owner consultation, preparation of a detailed design for the proposal and refinement of the cost estimate.

If support for the Scheme is less than 60 percent, it will generally be recommended that Council does not proceed with the Scheme. However, where there is reasonable justification, it may be recommended to proceed with a Scheme where support for the scheme is less than 60 per cent. Aspects that may be taken into consideration when making this recommendation include:

- (a) The extent of property owner support based on the responses and comments to the questionnaires.
- (b) The seriousness of any existing problems (health, loss of amenity, safety concerns, public nuisance, etc).
- (c) Existing environmental impacts, including dust and impact on water quality.
- (d) The benefits the Scheme would deliver to the property owners directly affected and the broader community.
- (e) The extent of complaints regarding the area.
- (f) The amount, if any, of Council contribution towards the cost of the works.

If there are any properties for which Council may have a liability, these properties are excluded from the determination of the level of property owner support for the Scheme.

## **2.8 Council Resolves Not to Proceed**

Where Council resolves not to proceed with a Scheme, there will be a moratorium of three years on instigating another proposal for the same Scheme or part thereof.

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### **3      DESIGN DEVELOPMENT**

#### **3.1   Task Group Formation**

Following the resolution of Council to proceed with the development of a Scheme, a letter will be sent to all included property owners, advising:

- (a) that Council has resolved to support the proposed Scheme and to continue with property owner consultation, commencing with the formation of a Task Group;
- (b) that nominations are being sought from property owners, aiming for a balanced representation across the Scheme area, to form a representative Task Group to be involved with further consultation; and
- (c) the process to select the members of a Task Group.

Following the selection of the Task Group, another letter will be sent to all included property owners, which will include:

- (a) the names and contact details of the Task Group members; and
- (b) an invitation for owners to nominate issues and concerns that they would like addressed through the Scheme.

The Task Group will work with Council officers to develop a design for the works of the Scheme. The Task Group is also responsible for consulting with other property owners in the Scheme, as described in Appendix 4.

#### **3.2   Task Group Meetings**

Council officers will develop the design for the Scheme in consultation with the Task Group, over the course of one to two separate meetings, giving consideration to comments received from property owners and road design standards and guidelines.

One of the meetings with the Task Group will be held on-site, so that officers can understand local issues and explain how the design will affect the area. Further Task Group meetings may be scheduled, as required.

#### **3.3   Design Activities**

Council officers will prepare a detailed design and cost estimate for the proposed works. Various investigations and activities will be undertaken to support the design, including feature survey and where necessary arborist and other specialist assessments.

### **3.4 Final Information Session**

At the completion of the Task Group process, an invitation to a Final Information Session will be sent to all included property owners, where:

- (a) draft design plans will be presented to property owners; and
- (b) the continuation of the Scheme process will be explained.

Comments from property owners at the Final Information Session will be considered during the preparation of the final design plans by Council officers.

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## **4    STATUTORY PROCESS AND CONSTRUCTION**

### **4.1   Introduction**

The process for declaring, levying and varying the Special Rate or Special Charge must be undertaken in accordance with the requirements of the Local Government Act 1989. The process is described in more detail in Appendix 2.

### **4.2   Resolution to Give Notice of Intention to Declare**

After the Final Information Session, a report will be prepared to Council, recommending that Council give notice of its intention to declare a Special Rate or Special Charge in accordance with the requirements of Section 163 of the Local Government Act 1989 (the Act).

### **4.3   Public Notification and Property Owner Notification**

Council must give public notice of its intention to declare a Special Rate or Special Charge at least 28 days before making the formal declaration. A public notice will be placed in the 'The Age' or 'Herald Sun' newspaper and in the 'Public Notices' section of Council's website, advising of the Special Charge Scheme.

All property owners liable to pay the Special Rate or Special Charge will also be notified.

### **4.4   Consideration of Submissions**

Council or a Committee of Council will consider all submissions made under Section 223 of the Local Government Act 1989 in relation to the intention to declare. Anyone who has made a submission must be given the opportunity to address the Council or Committee in support of their submission.

### **4.5   Formal Declaration**

After the submissions have been considered, a report will be provided to Council outlining any alterations made in response to the submissions. Council will then determine whether to declare or abandon the Scheme.

### **4.6   Levy the Special Rate or Special Charge**

The Special Rate or Special Charge will be levied by sending a notice to all property owners who are liable to pay the levy. This notice will be sent to property owners within 12 months of the date of declaration of the Scheme by Council.

#### **4.7 VCAT Appeal Period and Council Consideration of VCAT Determination**

Property owners have 30 days from the date of the above notice to appeal to VCAT. After the 30 day period has passed, officers will make contact with VCAT to determine whether an appeal has been lodged.

All property owners will be updated as to whether or not an appeal has been lodged with VCAT and the anticipated timeframe(s) on the progress of the Scheme.

If an appeal has been lodged and the matter is to be referred to VCAT for review, the outcome of the VCAT hearing will be reported to Council. If Council considers that the VCAT imposed conditions render the Scheme unviable it may resolve to abandon the Scheme. All property owners will be updated of the VCAT determination and any Council resolution resulting from consideration of the report.

#### **4.8 Commence Construction Works and Issue Invoice for Payment**

If the Scheme is to proceed, an invoice for payment will be sent to the person(s) liable to pay, generally at the time of commencement of construction of the works.

##### **4.8.1 Payment Options**

The Special Rate or Special Charge is to be paid in either of the following ways:

- (a) Payment in full as a lump sum, or
- (b) By way of an instalment plan with payments made Quarterly. The length of the instalment period will be determined by the value of the average levy amount with a minimum period of four years made available for payments and a maximum of 15 years. Generally ten years will be made available for the instalment period.

##### **4.8.2 Interest on an Instalment Plan**

Paying by instalments will accrue interest which will be calculated at a fixed rate for the term of the Special Rate or Special Charge.

- (a) The interest rate to be charged will be equivalent to the estimated borrowing costs of Council, plus a 1 per cent administration fee for Council to administer the loan over the instalment period.
- (b) Where Council is to borrow to fund the proposed Special Rate or Charge Scheme, the interest rate to be charged will be determined on advice from Council's financial institution based upon current fixed rates for the period of the loan.
- (c) Where Council intends to fund the proposed Special Rate or Charge Scheme from its cash reserves, the interest rate will be determined utilising the Victorian State Government Department of Treasury and Finance "indicative borrowing rate for Local Governments".

- (d) Interest on late payments will be charged as set by the Minister for Local Government by notice published in the Government Gazette. Interest will not be charged on any component of an unpaid amount that is interest already charged.

#### **4.8.3 Financial Hardship**

Where a person is financially unable to make the required payment(s), they may apply for assistance in accordance with Council's Financial Hardship Policy.

#### **4.9 Completion of Works / Variation of Special Rate or Special Charge**

After the construction works and defects liability period are complete, a final report to Council certifying completion of all necessary works and including a final cost apportionment will occur.

At this stage all costs are known and Council may vary the Special Rate or Special Charge to recover the actual cost of the Scheme in accordance with Section 166 of the Act.

A final cost statement will be issued to all current property owners, and where savings have been achieved these will be distributed to current property owners in accordance with the framework for the initial apportionment of costs.

## **5 APPORTIONMENT OF COSTS**

### **5.1 Complexities of Schemes**

In preparing the apportionment of costs for the properties involved in a Scheme there will often be complexities that may require variation to the principles described below. With proper consideration and justification, flexibility will be applied to ensure that a fair and reasonable distribution of costs occurs. Should there be a variation to the principles below, this will be described in reporting to Council on a scheme-by-scheme basis.

### **5.2 Apportionment of Costs to Property Owners**

In determining the apportionment of costs for properties involved in a Scheme, Council may consider aspects such as the nature of benefit, nature of property abuttal (front, side or rear), property dimensions, current Nillumbik Planning Scheme, existing and potential use of a property, and other criteria that may be considered relevant.

For road improvement Schemes, properties will generally be attributed 75 percent of the charge based upon Access Benefit Unit plus 25 percent of the charge based upon Amenity Benefit Unit as described below.

For drainage improvement Schemes, the charge to properties will generally be based upon the area of the property within the catchment benefitting from the works. Other factors may be considered to ensure a fair and reasonable distribution of costs.

For footpath and kerb and channel Schemes, generally the same methodology as used for road improvement Schemes will be utilised.

### **5.3 Access Benefit Unit**

A property derives 'special benefit' through having adjacent road infrastructure improved. This benefit includes property access improvements associated with ride quality, road safety and vehicle operating costs.

This benefit is generally related to the use of the property and its interaction and reliance on the road to be upgraded in the Scheme, rather than the dimensions of the property. This benefit effects all properties regardless of property dimensions and 75 per cent of the total cost of infrastructure improvement is apportioned on this basis.

The concept of Access Benefit Unit is used, as follows:

- Residential properties whether developed or otherwise, to which direct vehicle access may reasonably be obtained by means of the road to be constructed in the Scheme will be apportioned one (1) Access Benefit Unit, where primary vehicle access and building orientation is identified to be aligned with the road being constructed.



- Residential properties whether developed or otherwise that do not front the road and have a side and/or rear boundary abuttal to the Scheme will be apportioned 0.1, 0.3 or 0.5 of an Access Benefit Unit, considering the form and use of any existing access to the road, the likelihood and difficulty of providing an access in the future, and the potential form and use of any future access. For example, a property that has an existing access to the road that has some existing or potential future use will be apportioned 0.5 of an Access Benefit Unit. Whereas a property without an existing access to the road and with an access to another road, and that would require significant earthworks and/or tree removal to create an access to the road to be upgraded will be apportioned 0.1 Access Benefit Unit.
- Properties with multiple abutments will be apportioned based on one abuttal only, whichever results in the greater portion of an Access Benefit Unit. For example, residential properties with front and side abutments will be apportioned one (1) Access Benefit Unit.
- Multi-unit development and dual occupancies that have a frontage to the Scheme will be apportioned 0.6 of an Access Benefit Unit for each unit/occupancy, with reductions for side and rear abutments as described above.
- Residential properties that are rated twice, such as due to having a second dwelling or small second dwelling, will be apportioned one additional Access Benefit Unit or an additional portion of an Access Benefit Unit, depending on the size and form of the development and considering the principles described above.
- Bed and Breakfast (B&B) establishments will be apportioned an additional portion of an Access Benefit Unit, considering the size and form of the development and its interaction and reliance on the road to be constructed in the Scheme.
- Where a portion of the property abuts a road that has previously been sealed or the proposed upgrade works do not extend for the full length of the property abuttal, then a pro rata Access Benefit Unit will be allocated to the property based upon the proportion of the property abutting the road to be upgraded. This principle will not apply to a property at the end of a no through road.
- Properties considered to have subdivisional potential in accordance with Council's Planning Scheme may be allocated an additional Access Benefit Unit for each additional allotment that could be established along the road to be constructed in the Scheme. An assessment will be carried out to determine whether there are practical limitations to this occurring such as the need to demolish an established dwelling, or terrain or vegetation constraints.
- Commercial, retail, industrial, community and other non-residential properties may be used more or less intensely than residential properties and will have a specific assessment carried out to determine the comparative special benefit that should apply. The assessment shall consider the volume of traffic generated by the development and any other relevant factors, and allocate a fair and reasonable number or portion of Access Benefit Units to each of these properties. For example, a property that generates twice as much traffic as a residential property fronting the road may be apportioned two (2) Access Benefit Units.

## **5.4    Amenity Benefit Unit**

The environmental and amenity benefits that a property receives from infrastructure improvements varies with the dimensions of the property and the exposure that it has to a road. For example, a property with a long frontage has more exposure to the dust problem from a gravel road than a property with a short frontage, and therefore considered to receive more benefit from sealing of the road.

The remaining 25 per cent of the total cost of infrastructure improvement is apportioned on this basis of the length of abuttal to the road.

The concept of Amenity Benefit Unit is as follows:

- Properties with a frontage to the Scheme will be apportioned one (1) Amenity Benefit Unit per metre of frontage for that property.
- Properties with a side boundary abuttal to the Scheme will be apportioned one half (0.5) Amenity Benefit Unit per metre of side boundary abuttal for that property.
- Properties with a rear boundary abuttal to the Scheme will be apportioned one third (0.33) of an Amenity Benefit Unit per metre of rear boundary abuttal for that property.

## **5.5    Council Contributions**

### **5.5.1    Council Land**

Council-owned land within the Scheme area will attract a liability in accordance with Sections 5.1 to 5.4 of this Policy. Council (as the landowner) shall be responsible for this liability. This does not include land designated as road reserve.

### **5.5.2    Crown Land**

Crown Land is exempt from participating in a Scheme for street construction under Section 221(3) of the Act. Council will take responsibility for the liability of any land that is exempt from Schemes. This liability shall be in accordance with Sections 5.1 to 5.4 of this Policy.

### **5.5.3    Community Benefit**

Council will make a contribution for 'community benefit' where the Scheme will provide tangible and direct benefits to people in the broader community, other than those properties involved directly in the Scheme.

Broader community benefit from infrastructure improvement works will be assessed from a comparison of local traffic use (by properties abutting the road) to through traffic use (by vehicles with no origin or destination along the road). In the case where the Scheme does not extend for the full length of a particular road, all traffic generated by the properties abutting the full length of that road, as well as any traffic from properties in abutting courts or dead end roads, will be considered to be local traffic.

It will be assumed that each residential dwelling fronting the road generates ten vehicle trips per day. For community, commercial and other non-residential uses abutting the road, a study of the facility will be undertaken to establish trips per day.

A traffic volume assessment will not be undertaken for dead-end, no through roads. All traffic using these roads will be assumed to be local traffic associated with the properties abutting these roads.

A traffic count will be undertaken on through roads over a seven day period during the time of the year expected to correspond to the highest typical volumes.

Where through traffic is calculated to exceed 30 percent of all traffic using an existing road, then Council will consider providing a contribution of 2 percent of the cost of works that landowners would otherwise be apportioned for every 3 percent increase in through traffic volume greater than 30 percent.

In cases where the design standard needs to be increased beyond that of a typical residential road, to cater for existing and/or potential future through traffic, Council will consider a contribution based on the cost differential between the required standard and the standard that would be required solely for local traffic.

In undertaking these assessments, care will be taken to avoid double counting of any benefit or liability.

#### **5.5.4 Direct Financial Contribution**

Council may consider a financial contribution if it wishes to upgrade or replace existing infrastructure within or near the Scheme area, at the same time as the Scheme works. Such a contribution would typically apply to works that provide broader community benefits and/or are not consistent with the purpose of the Scheme.

Council may also consider a financial contribution where it has been determined that the Scheme will provide benefit to those not included in the Scheme.

#### **5.5.5 Limits to Council Contributions**

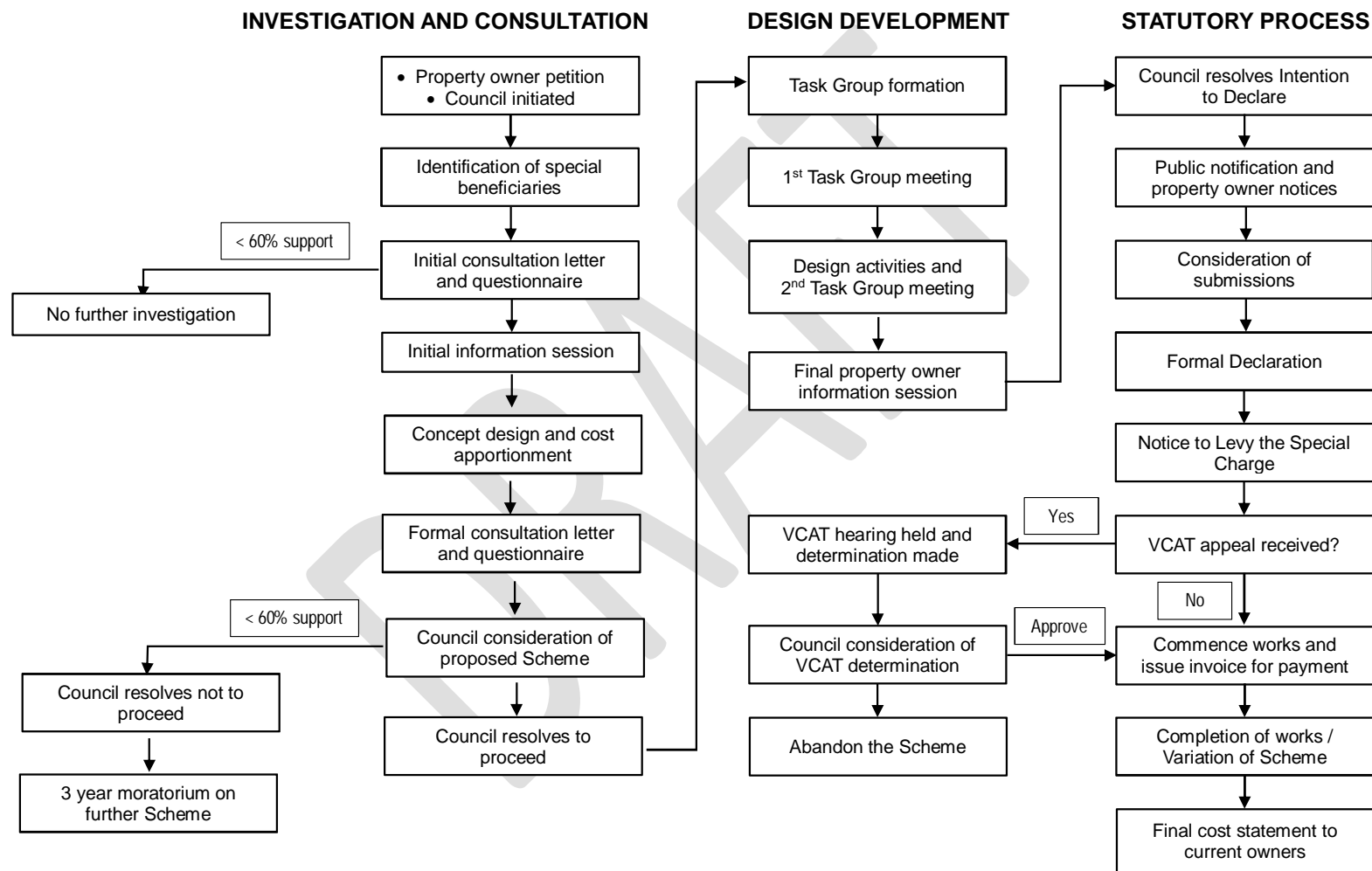
The limit on Council's contribution to a Scheme will not exceed \$1,000 per property involved in the Scheme without specific Council approval. Should the required Council contribution exceed \$10,000 in total, it will need to be considered as part of the Council's Capital Works budget estimates and approval processes.

This requirement is to ensure both equity and financial control, and to manage Council's obligations in cases where the contribution required by Council may be an

excessive subsidy provided to property owners in the Scheme by the ratepayers of Nillumbik.

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## Appendix 1 – SCHEME PROCEDURE



## **Appendix 2 – STATUTORY PROCESS**

### **1      Resolution to Give Notice of Intention to Declare a Special Charge**

After the Final Information Session, a report will be prepared to Council, recommending that Council give notice of its intention to declare a Scheme in accordance with the requirements of Section 163 of the Local Government Act 1989 (the Act).

The report to Council will include:

- (a) A statement of the purpose of the proposed works or services;
- (b) A statement as to whether the proposal is a Special Rate or Special Charge or a combination of both;
- (c) The total amount of the Special Rate or Special Charge to be levied, including the benefit ratio;
- (d) The criteria that forms the basis of the Special Rate or Special Charge, including:
  - the wards, groups, uses or areas involved. For privacy purposes property owner names will not be used in the report to Council.
  - the land (by property description) in relation to which the Special Rate or Special Charge is to be declared.
  - the manner in which the Special Rate or Special Charge will be assessed and levied (the apportionment).
  - details of the period for which the Special Rate or Special Charge remains in force. This will be dependent on financing plan and instalment plan available for repayment.

#### **1.1 Public Notification**

Council must give public notice of its intention to declare a Scheme at least 28 days before making the formal declaration.

A public notice will be placed in the 'The Age' or 'Herald Sun' newspaper and in the 'Public Notices' section of Council's website, advising of the Special Charge Scheme. The notice will be in accordance with Sections 163(1B) and 223 of the Act and:

- (a) outline the proposed declaration;
- (b) set out the date on which it is proposed to make the declaration;
- (c) advise that copies of the proposed declaration are available for inspection at the Council office for at least 28 days after the publication of the notice;

- (d) advise that the proposed declaration will expire if the Special Rate or Special Charge is not levied to each person liable to pay it within 12 months after the day on which the declaration to which the rate or charge relates is made; and
- (e) include a statement that submissions on the proposed Scheme are invited under Section 223 and:
  - i. specify the matter in respect of which the right to make a submission applies;
  - ii. contain the prescribed details in respect of that matter;
  - iii. specify the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published; and
  - iv. state that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.

The additional objection process outlined in Section 163B of the Act will apply to Schemes where Council will recover more than two thirds of the total cost, unless exempted under Section 163B(2). Under this section, the public notice outlined above must also:

- (a) advise which persons have a right to object to the proposed declaration;
- (b) advise how those persons may object; and
- (c) advise that objections in writing must be lodged with the Council within 28 days of the day on which the public notice is published.

Council cannot proceed to make the proposed declaration if objections are received from the majority of rateable properties.

## **1.2 Property Owner Notification**

Council must send a copy of the above public notice to all persons who will be liable to pay the charge within three working days of the day on which the public notice is published.

## **1.3 Consideration of Submissions**

Council or a Committee of Council will consider all submissions made under Section 223 of the Local Government Act in relation to the intention to declare. Anyone who has made a submission must be given the opportunity to address the Council or Committee in support of their submission.

#### **1.4 Formal Declaration**

After submissions have been considered, a report will be provided to Council outlining any alterations made in response to the submissions and including a recommendation to declare or abandon the Scheme.

If Council resolves to formally declare the Scheme, it must specify the following in the declaration as required by Section 163(3) of the Act:

- (a) the wards, groups, uses or areas for which the Special Rate or Special Charge is declared; and
- (b) a description of the function to be performed or the power to be exercised; and
- (c) the total cost of the performance of the function or the exercise of the power; and
- (d) the total amount of the Special Rates and Special Charges to be levied; and
- (e) the land in relation to which the Special Rate or Special Charge is declared; and
- (f) the manner in which the special charge will be assessed and levied; and
- (g) details of the period for which the Special Rate or Special Charge remains in force; and
- (h) that the declaration expires if the Special Rate or Special Charge is not levied to each person liable to pay it within 12 months after the day on which the declaration to which the rate or charge relates is made.

Council may also declare that incentives are to be given by it for the payment of the Special Rate or Special Charge before the due date, and must include in the declaration details of the circumstances in which an incentive will be given.

Where land that is non-rateable and not Crown Land is to be included in a Scheme, this will be specified in the declaration by Council in accordance with Section 221(3) of the Act.

To ensure compliance with Section 185 of the Act, the report to Council shall confirm that:

- (a) if Council's planning scheme for the area contains any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of any land are consistent with those policies or objectives; and
- (b) if Council's planning scheme for the area does not contain any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of any land are necessary, reasonable, not excessive, sufficient, suitable or not costly, having regard to the locality or environment and to the probable use of the road or drainage of the land.



To ensure compliance with Section 163(7) of the Act, Council shall also be certain that:

- (a) If a private street (within the meaning of section 575(1) of the Local Government Act 1958) is constructed wholly or partly at the cost of the owners or occupiers of any land which abuts or fronts the street, the Council may not at any future time recover any further costs in respect of the construction of a component of the private street if that component has been previously constructed to the satisfaction of the Council from the owners or occupiers of the land under sections 163 or 221 of the Local Government Act 1989 by way of a special rate or special charge, or Division 10 of Part XIX or Part XLII of the Local Government Act 1958.

Council must not make a declaration 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%.

### **1.5 Levy the Special Rate or Special Charge**

Once Council has resolved to formally declare the Scheme, the Special Rate or Special Charge is levied by sending a notice to all property owners who are liable to pay the levy that contains the following information as required by Sections 163(4) and 163(5) of the Act:

- (a) the prescribed information described in the Local Government (General) Regulations 2015, including:
  - the name and address of the person who is liable to pay the rate or charge
  - a description of the land in respect of which the rate or charge is levied
  - the amount for which the person is liable
  - the method of calculating the rate or charge
  - the penalties for failing to pay
  - the manner in which the rate or charge may be paid
  - the rights of the person to apply to VCAT for a review under Section 185 of the Act in relation to a Special Rate or Special Charge
- (b) a statement about when the Special Rate or Special Charge is payable; and
- (c) details of the period for which the Special Rate or Special Charge remains in force.

## **1.6 VCAT Appeal Period**

Property owners have 30 days from the date of the above notice to appeal to VCAT based upon grounds specified in Section 185 of the Act.

After the 30-day period has passed, officers will verify with VCAT whether an appeal has been lodged.

## **1.7 Council Consideration of VCAT Determination**

If an appeal has been lodged and the matter is to be referred to VCAT for review, it will be necessary to wait for VCAT to set a hearing date and undertake their review. The outcome of the VCAT hearing will be reported to Council. If Council considers that the VCAT imposed conditions render the Scheme unviable it may resolve to abandon the Scheme. All property owners will be updated of the VCAT determination and any Council resolution resulting from consideration of the report.

If there are no appeals with VCAT, property owners will be updated and Council will proceed with the declaration of the Scheme.

## **1.8 Commence Works and Issue of Invoice for Payment**

If the Scheme is to proceed, an invoice for payment will be sent to the person(s) liable to pay, generally at the time of commencement of the works.

Where a person is financially unable to make the required payment(s), they may apply for assistance in accordance with Council's Financial Hardship Policy.

## **1.9 Completion of Works / Variation of Special Rate or Special Charge**

When the construction works are complete, a final report to Council certifying completion of all necessary works and including a final cost apportionment will occur.

At this stage all costs are known and Council may vary the Special Rate or Special Charge to recover the actual cost of the Scheme in accordance with Section 166 of the Act.

If a variation of a special rate or special charge will result in:

- (a) persons being required to pay a special rate or special charge who were not previously required to do so; or
- (b) an increase equal to or greater than 10% in the amount of the special rate or special charge payable by a person,

then Council must comply with subsections (1A), (1B) and (1C) of Section 163 as if the variation were a declaration, including that a person may make a submission under Section 223.

A final cost statement will be issued to all current property owners, and where savings have been achieved these will be distributed to current property owners in accordance with the framework of the initial apportionment of costs.

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### **Appendix 3 – INFRASTRUCTURE DESIGN STANDARDS**

The design standards for infrastructure improvements, generally undertaken as a Special Charge Scheme, will be mindful of neighbourhood character while providing a suitable solution to the issues of access, safety, drainage, bank erosion and dust that an unsealed road generates.

#### **Urban Roads**

The most commonly used standard of road design in urban areas consists of asphalt pavement, concrete kerb and channel and underground drainage. Existing properties will be connected to the underground stormwater drainage network where appropriate. This standard is similar to that of roads in new subdivisions.

This 'urban' standard of road design is recommended where property sizes are less than 0.4 hectare, on the basis that properties of this size are generally not able to absorb sufficient stormwater within the property.



Figure 1 – Urban Road Construction

#### **Rural Roads**

In rural areas the most common standard of road design consists of the road being sealed along existing widths and alignments, with open table drains. Where required, roads may be widened to improve safety or provide vehicle passing bays.

Stormwater connections to properties are not provided. Where required, open table drains may be sealed to prevent erosion or increase the driveable road width.

Elements of the urban design standard may also be incorporated into sections of a rural road design (e.g. kerb and channel, underground drainage).

Most rural roads are constructed using a sprayed seal. This takes the form of two coats of bitumen and aggregate. The process involves an initial seal followed by a final seal six to twelve months later.

This standard of road design is recommended in areas where the majority of properties are more than 0.4 hectare and are able to absorb sufficient stormwater within the property.

Where existing drainage issues are present in an area, the application of a 'rural' standard of road construction may not address these issues.



Figure 2 – Rural Road Construction

### **Design Considerations**

In assessing the appropriate design standards in urban and rural areas, Council will consider a number of factors, including:

- Requirements of relevant design standards and guidelines
- Road safety
- CFA access requirements
- Compatibility with the adjacent land use zone
- Size and use of the properties
- Views of property owners
- Topography of the area and proximity of buildings to the road

- Wider impact of the works on the drainage catchment
- Neighbourhood character
- Environmental impacts
- Maintenance requirements
- Impact of the works on other road users (e.g. pedestrians, cyclists, horse riders)

These considerations will be documented in the rationale for the proposed design standards.

### **Road Width**

The absolute minimum recommended seal width to accommodate two-way traffic flow is 5.5m. However, on local access roads with low traffic volumes Council may reduce the seal width to match the existing road formation to minimise impact to native vegetation, and thereby only accommodate one direction of traffic flow at a time. A width greater than 5.5m may be provided around bends or to accommodate vehicle passing opportunities.

Traffic safety and traffic volume will be taken into consideration when determining the appropriate widths along a road.

### **Neighbourhood Character**

The design will be informed by Council's Neighbourhood Character Strategy (December 2023).

To protect neighbourhood character, Schemes are typically designed to accommodate road construction mostly within the existing road formation, and native vegetation is not removed unless it is absolutely necessary or required for safety reasons. It is also noted that a Planning Permit may be required for native vegetation removal.

### **Land Use Zoning**

A 'rural' standard of construction is the general preference for road sealing projects in rural conservation zones and outside the Urban Growth Boundary and Township Zones. The use of concrete kerb and channel will be minimised in the Green Wedge and any proposed use may be coloured to match the colour of the road.

### **Traffic Management Options**

The design proposal may include speed humps, slow points, road narrowing and footpaths, particularly in urban areas. These would assist in controlling traffic speeds and promoting the overall safety of the road. Property owners will be given the opportunity to assist officers in identifying locations for traffic control devices and footpaths, throughout the design process.

### **Extent and Scope of Works**

The extent and scope of works for a road construction Scheme must be acceptable to Council.

To avoid maintenance and safety issues, the following principles will be adopted to determine the extent of a Scheme:

- A Scheme must continue from an existing sealed section of road, unless the Scheme is of significant length (in excess of 1km) or involves the sealing of the entire length of a no-through road.
- A Scheme must extend to the end of the road, nearest intersection and/or a safe and practical end point.
- A Scheme may need to extend a short distance beyond the properties involved for maintenance and/or safety reasons.

## **Appendix 4 – SCHEME TASK GROUP TERMS OF REFERENCE**

### **1      Definition**

A Task Group is a group of property owners that will work with Council officers to ensure that a Scheme achieves the desired outcomes of property owners and Council.

### **2      Aim of the Task Group**

To consider and explore road and drainage improvement options for a proposed Scheme.

To facilitate feedback between Council officers and property owners.

### **3      Role of the Task Group**

To keep all property owners informed of design options and the Scheme process.

To advise on the provision of information to property owners, in line with Council's Community Engagement Policy, as well as to advise when further information may be required from property owners (for example, additional comments forms).

To provide input to the development of road and drainage options for a proposed Scheme, which represent the interests of all property owners involved.

The Task Group has no delegated powers. They may only comment on proposed design options or suggest other design options. The final recommendations for road or drainage improvements shall be determined by Council.

### **4      Membership**

Membership shall typically comprise a maximum of five members, from different properties within a Scheme area.

Where possible the Task Group shall consist of one property owner from each road in the Scheme area, where multiple roads are involved in the proposal. If a representative cannot be found from a road the next closest road may have an additional representative.

Representatives shall nominate in writing in response to a Council request for nominations. A vote may be taken to elect the Task Group.

### **5      Accountability**

The Task Group will present its views and recommendations to all property owners involved in the Scheme.

From time-to-time Council may request reports regarding the progress of the Task Group.



The names and contact details of Task Group members will be made available to all property owners in the Scheme. They can then be contacted for property owner input, information regarding progress of the group, or explanation of options.

## **6 Meetings**

A meeting will be held approximately once every three months, and shall include a site meeting at the start of the design development process. Meetings will be held during normal business hours (i.e. 9am to 5pm, Monday to Friday).

To conduct effective business, it is desirable that the majority of the property owners on the Task Group are in attendance at a Task Group meeting.

Minutes of all meetings will be kept and circulated to Task Group members by Council officers.

## **7 Design Standards**

The improvement options developed by the Task Group must show consideration for relevant standards and guidelines relating to road design, road safety and traffic management.

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MAV State Council 23 August 2024 – proposed motions for Nillumbik Shire Council

### **Protection of Green Wedge**

**That the State Government provides a dedicated and ongoing funding commitment to better support Green Wedge councils in their management and enforcement responsibilities.**

#### **Rationale:**

Green Wedge councils carry out significant day-to-day management of Melbourne's Green Wedge, but also manage significant threats to Victoria's biodiversity as located in the Green Wedge including managing deer and other pest animals, and significant weed proliferation. Additionally through their strategic planning function, Councils are required to respond to enforcement matters on private land that contribute to an increase in threats.

Green Wedge Councils responsibilities have broader implications than simply local outcomes, rather they deal with landscape scale impacts and require significant resourcing in order for them to be effectively fulfilled. These responsibilities and resourcing/cost implications set Green Wedge Councils apart from Metropolitan Council's.

As the State Government continues to implement its planning reform to address the housing shortage, and as populations in urban areas become higher in density, protecting our Green Wedge areas for its biodiversity values and as 'the lungs of Melbourne' will become even more critical.

It is essential that the State Government shares responsibility for Green Wedge areas, so that they can continue providing communities with lush green corridors, fresh air and food security, while also ensuring the State's biodiversity is protected for our future generations.

### **Road Safety**

#### **Motion:**

**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.**

#### **Rationale:**

Many rural roads are in poor condition due to a number of factors, including narrow width, unsealed surfaces, sight issue and challenging terrain or geometry. Many of these roads sit under the 'Default Rural Speed Limit' of 100km/hour, however, the optimal travel speed is substantially less and is often not aligned with the default speed limit.

Existing processes to amend speed limits, even on Council roads, is complex, requiring Department of Transport and Planning (DTP) and Ministerial approval. Subsequently, the majority of speed limit assessments undertaken on rural roads, with the aim of reducing the speed limit, result in a recommendation to leave the 100km/hour unchanged or only marginally decreased.

Local councils, road users and rural communities would benefit greatly by having a new approach where delegation is granted to local government to undertake very specific changes to default speed limits along rural roads.

Implementing speed reduction initiatives along rural road networks would significantly improve driver safety and enable intervention or enforcement to be applied where motorists are driving at dangerous speeds.

## **Buses**

### **Motion:**

**That the State Government provides funding to increase bus infrastructure and provide better connectivity to townships and existing rail infrastructure.**

### **Rationale:**

Buses provide essential transport for many people in our community, particularly for the many younger and older residents who don't drive and do not live close to a train station. These community members rely on buses to access health services, employment and education. However, the current availability of services, particularly in outer suburbs and rural areas, makes those trips longer and in most cases isolates and disconnects the community from public transport.

Upgrading bus infrastructure, including bus shelters and features that improve accessibility, and increasing the volume and frequency of bus services would achieve better coordination of bus and rail transportation, while also reducing the overall reliance on motor vehicles.

This action would play a critical role in providing better connections across municipalities and improving outcomes for currently isolated and vulnerable communities, while easing congestion on our roads.

## Informal Meeting of Councillors Record

The Meeting commenced at 5.05pm

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing
	<b>Date:</b>	Tuesday 21 May 2024
	<b>Location:</b>	Virtual meeting
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman, Cr Peter Perkins (arrived at 5.25pm)
	<b>Council Staff:</b>	Carl Cowie, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Renae Ahern, Melika Sekunda, Leigh Northwood, Narelle Hart, Steve Blight, Tracey Varley, Rhona Allen, Lynn Turner
	<b>Other:</b>	Nichola Lefroy Executive Director Birrarung Valley Walk Inc
<b>APOLOGIES:</b>		

<b>MATTERS CONSIDERED</b>		<b>DISCLOSURES AND COMMENTS</b>
1	Birrarung Valley Walk Proposal	No disclosures were made
2	Kindergarten Infrastructure and Services Plan - update	No disclosures were made
3	Local Government (Governance and Integrity) Bill 2024 - Update	No disclosures were made
4	CEO update to Councillors	No disclosures were made
5	Councillor only discussion	No disclosures were made

The Meeting concluded at 6.55pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b> <b>Officer Title:</b>	Blaga Naumoski Director Governance Communications and Community Safety
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## Informal Meeting of Councillors Record

The Meeting commenced at 5:05pm

<b>MEETING DETAILS:</b>	<b>Title:</b>	Council Meeting Pre-Meet
	<b>Date:</b>	Tuesday 28 May 2024
	<b>Location:</b>	Council Chamber
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman
	<b>Council Staff:</b>	Carl Cowie, Melika Sukunda, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Renae Ahern, Leigh Northwood, Steven Blight, Elishia Jansz, Lance Clark, Tracey Varley, Nichole Johnson, James Hartigan, Daniel Tarquinio, Saleh Hadi, Andrew Feeney, Katia Croce
	<b>Other:</b>	
<b>APOLOGIES:</b>		

<b>MATTERS CONSIDERED</b>		<b>DISCLOSURES AND COMMENTS</b>
1	Draft Wattle Glen Public Realm Framework For Exhibition	No disclosures were made
2	Adoption of Visual and Public Art Policies	No disclosures were made
3	Environment and Sustainability Advisory Committee 2024-2026 membership recommendation	No disclosures were made
4	Committee Report Consideration of Submissions - Draft Budget 2024-2025	No disclosures were made
5	Adoption of Budget 2024-2025, declaration of Rates and Charges and Council Plan - Annual Action Plan 2024-2025	No disclosures were made
6	Council Plan Quarterly Performance Report 2023-2024 – Quarter 3	No disclosures were made
7	2024 Annual Community Survey results	No disclosures were made
8	Seeking Adoption of Council's Governance Rule - Election Period Policy	No disclosures were made
9	Boyd Street, North Warrandyte - Proposed Special Charge Scheme	No disclosures were made
10	Terms of Reference and Expression of Interest Process for Arts and Culture Advisory Committee 2024 - 2026	No disclosures were made
11	Domestic Animal Management Plan Review	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
12	Jalna Court Special Charge Scheme - Declaration	The Mayor Cr Ramcharan raised a conflict of interest for this item (matter not discussed – leaving meeting was not required)
13	Instrument of Appointment and Authorisation (Planning and Environment Act 1987)	No disclosures were made
14	Informal Meetings of Councillors Records - 28 May 2024	No disclosures were made

**The Meeting concluded at 6:10pm**

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b> <b>Officer Title:</b>	Katia Croce Manger Governance and Property
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## Informal Meeting of Councillors Record

The Meeting commenced at 9:30am

<b>MEETING DETAILS:</b>	<b>Title:</b>	Health and Wellbeing Partnership Forum
	<b>Date:</b>	Tuesday 28 May 2024
	<b>Location:</b>	Eltham Community & Reception Centre; 801 Main Road, Eltham Victoria 3095
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Ben Ramcharan, Cr Richard Stockman, Cr Frances Eyre
	<b>Council Staff:</b>	Angela Clare, Cassie Zurek, Corrienne Nichols, Erin Elderhurst, Heather Macmillan, Kirsten Reedy, Lauren Treby, Leanne Horvath, Meg Excell, Mitchell Walker, Natalie Bucknell, Nichole Johnson, Reyshyl Gresola, Rhonda Allen, Richard Rowe, Vanessa Veldman, Zoe Taylor
	<b>Other:</b>	Alex Veljanovski, Alisa Huynh, Andre Leslie, Ann Hutchinson, Courtney Walsh, Debby Maziarz, Eliza Pitson, Emma White, Jade Louise O'Brien, Johanna Mithen, Karen Kennedy, Kate Hansen, Ladan Warsame, Matt Weisheit, Phoebe Maude, Robyn Ellard, Sacha L'Huillier, Seane Cumming, Shea Shelton, Steve Marks, Sydel Fernandes, Theo Morris
<b>APOLOGIES:</b>		N/A

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>1</b>	Welcome and introduction	Cr Ben Ramcharan gave the opening speech. No disclosures were made Cr Ben Ramcharan, Cr Richard Stockman and Cr Frances Eyre arrived at 9:15am.
<b>2</b>	Presentation and Case Studies: Health and Wellbeing in Nillumbik	No disclosures were made Cr Ben Ramcharan left the meeting at the commencement of this item at 9:45am.



MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>3</b>	Year 4 Collaboration Actions: Part 1. (Developing collaboration projects for the Year 4 Health and Wellbeing Action Plan).	No disclosures were made
<b>4</b>	Priority Area Brainstorm (brainstorming ideas and sharing current work and challenges relating to the Health and Wellbeing Priority Areas).	No disclosures were made
<b>5</b>	Year 4 Collaboration Actions: Part 2. (Developing collaboration projects for the Year 4 Health and Wellbeing Action Plan).	No disclosures were made
<b>6</b>	Next steps and closing remarks.	Cr Richard Stockman and Cr Frances Eyre gave the closing speech. No disclosures were made Cr Richard Stockman and Cr Frances Eyre left the meeting at 2:40pm.

**The Meeting concluded at 2:45pm**

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b> <b>Officer Title:</b>	Cassie Zurek Social Planning and Policy Officer
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## Informal Meeting of Councillors Record

The Meeting commenced at 5.04pm

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing
	<b>Date:</b>	Tuesday 4 June 2024
	<b>Location:</b>	Virtual meeting
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Frances Eyre, Cr Natalie Duffy, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman
	<b>Council Staff:</b>	Carl Cowie, Blaga Naumoski, Corrienne Nichols, Renae Ahern, Nichole Johnson, Lauren Treby, Kirsten Reedy
	<b>Other:</b>	Uncle Joe Wright – Mob Jobs
<b>APOLOGIES:</b>		Cr Peter Perkins, Cr Karen Egan

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Reconciliation Charter Workshop	No disclosures were made
2	Draft Urban Tree Canopy Strategy - consultation findings	No disclosures were made

The Meeting concluded at 7.00pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b> <b>Officer Title:</b>	Blaga Naumoski Director Governance Communications and Community Safety
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## Informal Meeting of Councillors Record

The Meeting commenced at 10.30am

<b>MEETING DETAILS:</b>	<b>Title:</b>	Positive Ageing Advisory Committee
	<b>Date:</b>	Friday 7 June 2024
	<b>Location:</b>	Council Chamber , Civic Centre and via Zoom
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Frances Eyre
	<b>Council Staff:</b>	Narelle Hart (Manager Community Programs), Leanne Horvath (Coordinator Community Support Services), Heather Macmillan (Positive Ageing Officer), Julie-Anne Grech (Business and Program Support Officer) and Craig King (Manager Customer Experience and Business Performance)
	<b>Other:</b>	Tanya Cottrell, Sandra Verdam, Ann Hutchinson, Kate Puls, Tom Fisher, Deanna Finn, Chantal Blitenthall, Annie Lee, Richard Kottek, Mahshid Ghorbani and Paige Redman (Liaison Coordinator, HealthAbility)
<b>APOLOGIES:</b>		Yuqi Yan, Joy Ferguson, Sheila Cheary and Janice Crosswhite

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>1</b>	Conflict of Interest and Informal Meeting of Councillors Record	No disclosures were made
<b>2</b>	Minutes of previous meeting & Outstanding Action Items	No disclosures were made
<b>3</b>	Business Arising	No disclosures were made
<b>4</b>	HealthAbility Service Connection Program & After-Hours Mental Health Nursing Service update, Paige Redman Liaison Coordinator	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
5	Community Support Services - Update	No disclosures were made
6	Council service sites, Craig King - Manager Customer Experience and Business Performance	No disclosures were made
7	Roundtable	No disclosures were made
8	Other Business	No disclosures were made

**The Meeting concluded at 1:16pm**

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Julie-Anne Grech
	<b>Officer Title:</b>	Business and Program Support Officer

## Informal Meeting of Councillors Record

The Meeting commenced at 5:05pm

<b>MEETING DETAILS:</b>	<b>Title:</b>	Planning and Consultation Committee Pre-Meet
	<b>Date:</b>	Tuesday 11 June 2024
	<b>Location:</b>	Council Chamber
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy and Cr Geoff Paine, Cr Ben Ramcharan
	<b>Council Staff:</b>	Carl Cowie, Vince Lombardi, Blaga Naumoski, Corrienne Nichols, Jeremy Livingston, Renae Ahern, Tracey Varley, Natalie Campion, Leigh Northwood, Warren Tomlinson, Yannick Colakowski, Katia Croce,
	<b>Other:</b>	
<b>APOLOGIES:</b>		Cr Karen Egan and Cr Richard Stockman

<b>MATTERS CONSIDERED</b>		<b>DISCLOSURES AND COMMENTS</b>
1	Draft Urban Tree Canopy Strategy - Consultation Findings and Verbal Submission	No disclosures were made
2	Draft Leasing and Licensing Policy	No disclosures were made

The Meeting concluded at 5:28pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b> <b>Officer Title:</b>	Katia Croce Manager Governance and Property
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