

# Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough  
on Tuesday 29 April 2025 commencing at 7:00 PM.

## Agenda

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

Thursday 24 April 2025

Distribution: Public

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# Council Chamber Council Meeting seating plan

**Cr Kelly Joy**  
Edendale Ward

**Cr Naomi Joiner**  
Bunjil Ward  
**(Deputy Mayor)**

**Cr Grant Brooker**  
Blue Lake Ward

**Cr Peter Perkins**  
Ellis Ward

**Cr Kim Cope**  
Sugarloaf Ward

**Cr Kate McKay**  
Swipers Gully Ward

**Katia Croce**  
Manager  
Governance and  
Property

**Blaga Naumoski**  
Director Governance  
Communications and  
Community Safety

**Cr John Dumaresq**  
**(Mayor)**  
Wingrove Ward

**Carl Cowie**  
Chief  
Executive  
Officer

## Nillumbik Shire Council

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**17. Close of Meeting**

## Nillumbik Shire Council

### Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 29 April 2025 commencing at 7:00pm

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#### 1. Welcome

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

#### 2. Acknowledgement of Country

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

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from colonial invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

#### 3. Good Governance Pledge

As Councillors, we are mindful of our civic responsibilities and obligations. We pledge to take them seriously, and to carry them out with diligence and integrity.

We know the decisions we take will affect the people and environment of Nillumbik, now and in the future. We undertake, therefore, to make sound and principled decisions of lasting value, in a spirit of fairness and for the good of all.

We also pledge to serve the needs and wellbeing of the community and the environment, in an open and honest manner and to the best of our abilities.

#### 4. Prayer

A prayer will be read.

#### 5. Apologies/Leave of Absence

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

#### 6. Declarations of conflict of interest

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

7. Presentations

**Sporting Grants**

**Asher Andrews (Bunjil Ward)** receives \$200 for being selected to represent Victoria in Decathlon at the Australian Athletics Championships in Perth.

**Jack Beddoe (Ellis Ward)** receives \$200 as a contribution for being selected to represent Victoria at the Australian Youth Beach Volleyball Championships in Queensland.

**James Beddoe (Ellis Ward)** receives \$200 as a contribution for being selected to represent Victoria at the Australian Youth Beach Volleyball Championships in Queensland.

**Jamie Ritchie (Swipers Gully Ward)** receives \$200 as a contribution for being selected to represent Victoria in athletics at the 2025 Australian Junior Athletics Championships in Western Australia.

**Lawson Franzmann (Wingrove Ward)** receives \$200 for being selected to represent Victoria at the Auscycling 2025 Track National Champions in Queensland.

Nillumbik Shire Council wishes them every success with their future sporting pursuits.

**8. Confirmation of Minutes**

**COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 25 March 2025**

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Confirmation of the Minutes of the Council Meeting held on Tuesday 25 March 2025.

**Recommendation**

**That** Council confirms the Minutes of the Council Meeting held on Tuesday 25 March 2025 (**Attachment 1**).

**Attachments**

1.  Confirmation of Minutes Council Meeting held Tuesday 25 March 2025

**8. Confirmation of Minutes**

**COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 25 March 2025**

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**9. Petitions**

**10. Questions from the gallery**

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11. Reports of Advisory Committees

AC.002/25 Advisory Committee Report - 29 April 2025

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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. Arts & Cultural Advisory Committee Minutes meeting held 19 August 2024; and
2. Health and Wellbeing Advisory Committee Minutes meeting held 20 March 2025.

**Attachments**

- 1  Advisory Committee meeting Minutes reported 29 April 2025

**Recommendation**

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

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**12. Officers' reports****CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)**

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**Distribution: Public****Manager: Frank Vassilacos, Director Planning, Environment and Strategy****Author: Emrys Williams, Senior Strategic Planner****Sarah Shehata, Senior Strategic Planner****Summary**

This report presents the Draft Planning Scheme Review (PSR) 2025 (**Attachment 1**), outlining its findings and proposed recommendations for consideration and endorsement for public exhibition.

A review of the Nillumbik Planning Scheme is required every 4 years to enhance the effectiveness and efficiency of the planning scheme to ensure current issues relevant to Nillumbik are addressed and local policies are consistent with state planning policies.

Overall, the Nillumbik Planning Scheme is operating effectively, with most planned projects and amendments completed since the last review in 2019. Planning Services and Compliance functions are being delivered satisfactorily, with continuous improvement yielding positive outcomes. However, the draft PSR 2025 has identified opportunities to enhance and strengthen policy objectives and where future strategic work is required.

The Review has identified 24 recommendations to guide the strategic planning program over the next four years and shape the new Council Plan (2025–2029). These 24 recommendations are categorised by priority: 8 high, 10 medium, and 6 low. The high-priority items are to:

- Complete the Nillumbik Housing Strategy
- Implement the Housing and Neighbourhood Character Strategy
- Implement the Eltham Major Activity Centre Structure Plan into the Planning Scheme
- Implement the Diamond Creek Major Activity Centre Structure Plan into the Planning Scheme
- Finalise the Heritage Review
- Complete the Diamond Creek Community Infrastructure Master Plan
- Review and implement the Municipal Planning Strategy
- Progress work on Flood Modelling and Mapping

The draft PSR 2025 has been informed by feedback gathered from previous community engagement on various projects and strategies. It is recommended that the draft PSR 2025 be published on Council's Participate Nillumbik page where the community will be informed on the review's findings and recommendations.

Any feedback received during the exhibition period (May–June 2025) will inform the final version of the PSR 2025, which will be presented for Council adoption in September 2025.

**12. Officers' reports****CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)**



It should be noted that endorsing the PSR 2025 does not give officers authority to implement all recommendations. Actions identified in the PSR 2025 (starting with high priority actions) will each follow their own detailed process, including further programming, community engagement, and formal decision-making. Officers will return to Council and consult with the community before progressing any significant action to ensure full transparency.

Following the adoption of the PSR 2025, Council officers plan to immediately advance high-priority items, including the Eltham and Diamond Creek Activity Centre Amendments and the Nillumbik Housing Strategy (from late 2025). Council will receive separate briefings on these projects at that time.

**Recommendation****That Council:**

1. Endorses the Draft Planning Scheme Review 2025 (**Attachments 1 and 2**) for the purposes of community engagement;
2. Notes that the adopted Draft Planning Scheme Review 2025 and Appendices be exhibited for community engagement for a period of 4 weeks commencing early May; and
3. Authorises the Director Planning, Environment and Strategy to make any typographical or minor corrections to the Draft Planning Scheme Review 2025 (**Attachment 1**) and Appendices (**Attachment 2**), that may be necessary and are inconsequential in nature.

**Attachments**

- 1  Draft Planning Scheme Review 2025
- 2  Draft Planning Scheme Review 2025 - Appendices

**Discussion**

1. The purpose of this report is to present Council with the findings and proposed recommendations of the Draft Planning Scheme Review (PSR) 2025 (**Attachment 1**).
2. The PSR 2025 identifies 24 recommendations which will inform the strategic planning work program for the next four years and subsequently inform actions to be considered within the development of the new Council Plan 2025-29.
3. The Draft PSR 2025 will proceed to community consultation in early May 2025 for four weeks, before being finalised by Council in September 2025.

**12. Officers' reports****CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)**Why do we need a Planning Scheme Review and what does it do?

4. A planning scheme is a legal document prepared by the local council or the Minister for Planning and approved by the Minister for Planning. Planning schemes apply to all private and public land in Victoria and are generally binding on everyone, with some exemptions.
5. Nillumbik Shire Council as the planning authority for the Nillumbik Planning Scheme is required to review its planning scheme no later than one year after a Council Plan is adopted. This is in accordance with Section 12(B) of the *Planning and Environment Act 1987*.
6. The PSR 2025 seeks to enhance the effectiveness and efficiency of the planning scheme to ensure current issues relevant to Nillumbik are addressed and local policies are consistent with state planning policies.
7. The review is an audit of the performance of the planning scheme (and the performance and efficacy of statutory planning) at a point in time and will inform the continuous improvement of the planning scheme by addressing:
  - a) What has been achieved since the last review (2019)?
  - b) Is the Nillumbik Planning Scheme up to date?
  - c) What work is required in the future to strengthen policy and effectiveness of the Nillumbik Planning Scheme?
8. The review period for PSR 2025 is from 30 June 2019 to 30 June 2024 (4 years).

Draft PSR 2025 methodology

9. Under the Department of Planning's Planning Practice Note 32, "each council will have its own approach to reporting outcomes of the review to Council and its community". The draft PSR 2025 has involved extensive background work, including consideration of the following:
  - a) A desktop analysis of:
    - i) Changing demographics
    - ii) Housing data and statistics
    - iii) Strategic work undertaken by Council, including relevant reports, strategic documents and amendments since the last review (2019)
    - iv) Insights from previous consultations
    - v) Planning Service and Compliance performance
    - vi) Lessons learnt from VCAT decisions and Panel reports
    - vii) State and local strategic context, including recent policy changes
  - b) Feedback received from recent consultation with the community and internal and external stakeholders to identify areas of interest, strengths and weaknesses of the Planning Scheme;

**12. Officers' reports****CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)**

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- c) Identification of key planning issues facing the Nillumbik Shire, and both existing and emerging themes, including:
  - i) Overarching State Initiatives, including Smart Planning Program, Planning and Environment Act Regulations 2024, Plan for Victoria and housing targets;
  - ii) Housing Supply, Activity Centres, Built Form and Urban design;
  - iii) Green Wedge, Vegetation, and Biodiversity;
  - iv) Climate Change, Environmental Sustainable Design (ESD) and Bushfire;
  - v) Yarra River Corridor, Integrated Water Management and Flood Risk;
  - vi) Transport, Open Space and Heritage; and
  - vii) Economic Development and Social Planning.

**Key findings**

- 10. Overall, the Nillumbik Planning Scheme was found to be operating effectively and most of the previously identified projects and amendments in the 2019 review completed. Planning Services and Compliance work is being completed satisfactorily and continuous improvement is having a positive impact. However, the PSR 2025 has identified opportunities to enhance and strengthen policy objectives and required future strategic work.
- 11. Of the 16 recommendations from the 2019 PSR, five are either still underway or have yet to commence. Projects completed per recommendations include initiatives such as the Green Wedge Management Plan and the Economic Development Strategy. Including the recommendations from the previous review, a total of 34 projects and amendments have been completed. Any remaining recommendations which were not completed or underway, and that are still relevant and current, have been included in the list of recommendations for 2025.

***Planning applications***

- 12. Nillumbik has seen a steady number of planning applications with the exception of a 25% increase from the norm in the financial years of 2020/21 and 2021/22 (during post-Covid recovery). On average, the Planning Service team receives 671 applications annually.
- 13. The most prevalent categories of permits issued within Nillumbik were for single dwellings, extensions to dwellings, one or more new buildings and native vegetation removal. Each category making from 19% - 20% of total permits issued.
- 14. The bulk of applications were located in Eltham (including Eltham North) and Diamond Creek, 35% and 20% respectively. This is proportionate to the level of urban development and density in these respective suburbs.



**12. Officers' reports****CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)**

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15. Statutory timeframes for deciding on planning applications (within 60 business days) were met in 55% to 64% of cases over the review period. This is comparable with 60% to 71% across all metropolitan councils. Importantly, since 2019/20, the performance gap between Nillumbik and other outer urban councils has reduced by 50%. While our performance is slightly below the regional average, this reflects our commitment to working closely with applicants to achieve practical and considered outcomes in a complex planning environment – particularly where applications involve vegetation removal, sensitive landscapes and challenging topography.
16. The Planning Services team has undergone a significant business transformation with new positions, processes and digital improvements. The Senior Planning Advisory officer role was created in February 2020 to offer a dedicated planning pre-application meeting service to the community. In April 2020, the Planning Services team went fully digital.

*VCAT and Panels*

17. Of the planning applications received between 2019/20 and 2023/24, 3.6% of all applications have proceeded to VCAT. This is a reasonable rate when considered across other outer urban Councils (2.9%).
18. VCAT hearings have been increasing, with 60% of decisions either affirming Council's original decision or varying it by modifying permit conditions or plans.
19. Six Planning Panel hearings were held over the review period with only one recommendation that the planning scheme amendment be abandoned.

*Compliance*

20. Over the last four financial years Council have, on average, investigated approximately 280 cases per year. The most prevalent type of cases relate to unauthorised buildings and/or works and unauthorised vegetation removal/pruning.
21. Cases of unauthorised buildings and/or works have predominantly been investigated in relation to breaches to the Significant Landscape Overlay Schedules 2 and 3.

*Planning reform*

22. Over the past 18 months, the State Government's Housing and Planning Reform changes have impacted Council's ability to progress local planning work, due to the impact and influence of the State's changes. These reforms and policy changes relate to:
  - a) Victoria's Housing Statement
  - b) Future Homes
  - c) Activity Centres Program
  - d) Plan for Victoria and the Housing Targets
  - e) Housing Choice and Transport Zone and Built Form Overlay
  - f) Townhouse and Low Rise code
  - g) Introduction of Precinct Zones

**12. Officers' reports**

**CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)**

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23. Council related projects that had been put on hold due to these recent changes include:
- a) Nillumbik Housing Strategy
  - b) Neighbourhood Character Strategy implementation
  - c) Municipal Planning Strategy implementation
  - d) Eltham and Diamond Creek Major Activity Centre Structure Plan amendments (the Structure Plans themselves were endorsed by Council in 2020, but subsequently never proceeded to be implemented into the Planning Scheme).
24. These projects and strategies were put on hold to ensure that they ultimately align with the revised objectives of the State Government's planning and housing reforms.

Recommendations

25. The PSR 2025 identifies 24 recommendations with a priority of 8 high, 10 medium and 6 low and groups under major themes that highlight the pressing issues for the Nillumbik Planning Scheme.
26. The following items being considered of high priority:
- a) Complete the Nillumbik Housing Strategy
  - b) Implement the Housing and Neighbourhood Character Strategy
  - c) Implement the Eltham Major Activity Centre Structure Plan into the Planning Scheme
  - d) Implement the Diamond Creek Major Activity Centre Structure Plan into the Planning Scheme
  - e) Finalise the Heritage Review
  - f) Finalise the Diamond Creek Community Infrastructure Master Plan
  - g) Review and implement the Municipal Planning Strategy
  - h) Progress work on Flood Modelling and Mapping
27. These recommendations will inform the strategic planning work program for the next four years and subsequently support actions to be considered within the development of the new Council Plan 2025-29.
28. Recommendations with a medium or low priority will commence subject to resourcing availability and competing priorities of Council, State and Federal Government.

## 12. Officers' reports

## CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)

29. The following table lists all 24 recommendations.

No.	Recommendations	Priority
<b><u>Housing</u></b>		
1	Complete the Nillumbik Housing Strategy (HS) ensuring it is updated in accordance with Plan for Victoria.	High
2	Implement the Nillumbik Housing and Neighbourhood Character Strategies into the Planning Scheme.	High
<b><u>Heritage</u></b>		
3	Finalise Amendment C149nill - Heritage Review.	High
<b><u>Integrated Water Management</u></b>		
4	Continue to support and collaborate with Melbourne Water on the Greater Melbourne flood modelling project.	High
<b><u>Activity Centres</u></b>		
5	Finalise the Diamond Creek Community Infrastructure Master Plan project.	High
6	Review and progress Amendment C143nill - Eltham Major Activity Centre Structure Plan.	High
7	Review and progress Amendment C144nill - Diamond Creek Major Activity Centre Structure Plan.	High
8	Commence development of a Hurstbridge Township Plan.	Med
<b><u>Planning Scheme Performance</u></b>		
9	Review and update the adopted Municipal Planning Strategy (MPS) having regard to Plan for Victoria and adopted strategies including the Housing, Neighbourhood Character, Biodiversity, Climate Action, Urban Tree Canopy strategies and Major Activity Centre Structure Plans, and implement into the planning scheme via a Planning Scheme Amendment.	High
10	Improve Planning and Compliance Services through improved data collection and record keeping.	Med
11	Respond to the State Government's Planning Reforms to promote sustainable and diverse housing while ensuring the protection of Nillumbik's neighbourhood character, Green Wedge, urban tree canopy, flora and fauna.	Med
<b><u>Yarra River Corridor</u></b>		
12	Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.	Med
<b><u>Open Space</u></b>		
13	Commence development of a new Nillumbik Open Space Strategy.	Med
<b><u>Development Contributions</u></b>		
14	Review all Development Contribution Plan Overlay schedules, assess accuracy and potential to provide listed infrastructure.	Med
<b><u>Built Form and Urban Design</u></b>		
15	Review Design and Development Overlays, in particular Schedules 1 and 10, and update accordingly.	Med
16	Review all Development Plan Overlay schedules and provide an update on expected yields and outcomes.	Med
<b><u>Vegetation and Biodiversity</u></b>		
17	Prepare and implement the Nillumbik Planting Guidelines.	Med

12. Officers' reports

**CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)**

<u>Green Wedge</u>		
18	Continue to action and support Melbourne Water's Christmas Hills Land Sale project.	Med
19	Review strategic policy associated with small lots and accommodation in the Green Wedge and provide guidance on strengthening controls that aim to balance the need for rural living and conservation of the landscape and environment.	Low
20	Prepare for the next Green Wedge Management Plan.	Low
<u>Advocacy &amp; Research</u>		
21	Advocate on behalf of Council in response to State Government, Municipal and other authority plans, strategies and policies that may affect Nillumbik Shire.	Low
22	Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and appropriate strategic guidance and responses.	Low
<u>Audit and Assessment of the Planning Scheme</u>		
23	Prepare an Urban Design project focusing on fences and boundary treatments across residential areas responding to the findings of the Neighbourhood Character Strategy.	Low
24	Prepare a planning scheme amendment to correct identified errors and anomalies in accordance with Appendix 11.	Low

**Related Council decisions**

30. Not applicable.

**Options**

31. The purpose of this report is to seek Council endorsement to exhibit the draft PSR 2025 and associated appendices.

32. It is recommended that Council resolve to exhibit the draft PSR 2025 and associated appendices, subject to any requested changes, for a period of four weeks commencing in early May.

**Council plans and policies**

33. This report directly supports the achievement of the Council Plan 2021-2025 strategy, by effectively upholding the planning scheme, delivering on actions that amend or improve the planning scheme, undertake strategic planning work and seek to positively impact planning application and permit performance.

**Access, Equity and Inclusion**

34. An Equity Impact Assessment (GIA) has been prepared and will be reviewed following the exhibition period and before the final PSR 2025 is endorsed by Council.

35. Council acknowledges the complexity of the issues and the breadth of external research relating to gender, race, and feminist critiques of conventional urban planning theory and practice. The PSR 2025 must be undertaken in accordance with Victorian State Government legislation, policy, and guidance. The Strategic Planning team is progressing the review within these parameters.

**12. Officers' reports****CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)**

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**Sustainability implications**

36. The Planning Scheme Review is required to consider the economic, social, and environmental sustainability of the municipal district, to ensure the planning scheme can efficiently help our community achieve its sustainability goals. The project can provide direct benefits regarding sustainability across social, environmental, and economic outcomes.

**Community engagement**

37. Internal consultation and engagement for the draft PSR 2025 included:

- a) Four internal workshops with Council's Planning Service team. These sessions focused on reviewing the overlay schedules and identifying errors, gaps, or issues that require clarification within the planning scheme.
- b) Discussions with internal teams to flag content requiring future review within their areas of expertise, such as Social Planning, Traffic, and Environment.

38. To inform the PSR 2025 and its recommendations, officers drew on feedback from previous community engagement undertaken across a range of projects and strategies. This included 2023/24 consultations on the Transport, Biodiversity, Urban Tree Canopy, Housing, Neighbourhood Character, and Climate Action strategies, as well as more recent data collected to inform the Health and Wellbeing Plan. In addition, feedback gathered over the past four years from community members, views from Councillors, officers, and other stakeholders in relation to general planning matters was also considered.

39. In light of this previous comprehensive engagement, it is recommended that the draft PSR 2025 be published on Council's Participate Nillumbik page where the community will be informed on the review's findings and recommendations.

40. Any feedback received during the exhibition period (May–June 2025) will inform the final version of the PSR 2025, which will be presented for Council adoption in September 2025.

41. It should be noted that endorsing the PSR 2025 does not give officers authority to implement all recommendations. Actions identified in the PSR 2025 will each follow their own detailed process (starting with high priority actions), including further programming, community engagement, and formal decision-making. Officers will return to Council and consult with the community before progressing any significant action. This approach ensures transparency, reduces risk, and helps manage community expectations.

**Innovation and continuous improvement**

42. Recommendations in PSR 2025 reflect current and future community needs and the goals of the Council Plan. This report has demonstrated continuous improvement by undertaking a thorough review of the planning scheme and recommending improvements.

**Collaboration**

43. Not applicable.

**12. Officers' reports**

**CM.036/25 Draft Planning Scheme Review (PSR) 2025 - Findings and Recommendations (for Community Engagement)**

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**Budget considerations**

44. The review of the Planning Scheme has been undertaken entirely in-house by Council officers.
45. Funding to deliver the initial recommendations of the PSR 2025 is subject to Council endorsement of the proposed 2025/26 budget.
46. This will include to progress the Housing Strategy, implement the Housing and Neighbourhood Character strategies and planning scheme amendments to implement both the Eltham and Diamond Creek activity centre structure plans.
47. It is proposed to deliver the ongoing recommendations through a regular annual budget allocation, subject to Council's annual budget approval. Alternatively, new budget requests will be made as new initiatives as part of the development of future annual budgets.

**Relevant law**

48. The *Planning and Environment Act 1987, Section 12(B)* requires a planning authority to review its Planning Scheme no later than one year after the approval of its Council Plan and report on the findings to the Minister for Planning.

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

49. The Draft PSR 2025 has been prepared in accordance with the Planning Practice Note 32: Review of Planning Schemes and the Continuous Improvement Review Kit for Planning and Responsible Authorities.

**Conflicts of interest**

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

**12. Officers' reports****CM.037/25 March Quarter Financial Report**

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**Distribution: Public****Manager: Melika Sukunda, Acting Chief Operating Officer****Summary**

This report outlines Council's financial performance and financial position for the period ended 31 March 2025.

The Income Statement shows an overall favourable year to date (YTD) variance of \$2.53 million representing 7.47 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$3.09 million, offset by higher than budgeted operating expenses of \$556,779.

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

**Recommendation**

**That** Council receives and notes the Financial Report for the period ended 31 March 2025 (**Attachment 1**).

**Attachments**

1. Quarterly Finance Report March 2025

**Discussion**

1. In May 2024, Council adopted the 2024-2025 Budget.
2. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works and investments, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year.

**Income statement**

5. Council closed the period ending 31 March 2025 with a favourable YTD variance of \$2.53 million. This represents 7.47 per cent of the YTD Budget.
6. The overall variance is made up of the following:
  - Income – \$3.09 million (2.80 per cent) favourable variance. This includes new/additional grant funding \$782,237, user charges \$88,857, supplementary rates \$375,738, capital contributions \$1,054,670 and other revenue (including leisure contracted amount, container deposit refunds and WorkCover refunds) \$817,530.
  - Expenditure – \$556,779 (0.83 per cent) unfavourable, mainly attributed to increased spending across external contracts expenditure \$591,461 and materials and related costs \$1,089,671 offset by reduced employee benefits expenditure \$1.44 million, due to current vacancies.

**12. Officers' reports****CM.037/25 March Quarter Financial Report**

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**Balance sheet**

7. The balance sheet reflects Council's financial position at 31 March 2025 and is prepared in compliance with the Australian Accounting Standards.
8. Council's balance sheet as detailed on page 4 of **Attachment 1** continues to show a strong net position. This is represented by \$1.11 billion of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$55.44 million, which results in net assets of \$1.06 billion.

**Statement of cash flows**

9. The statement of cash flows as detailed on page 5 of **Attachment 1** captures Council's actual cash transactions for the period.
10. Council is showing a cash position of \$33.88 million after all cash transactions for the period to date (\$38.88 million including the term deposit held for twelve months, classified as a financial asset).
11. \$35.52 million is currently held in term deposit investments as detailed on page 9 of **Attachment 1**, with the balance held in the general account for operational purposes.

**Capital works**

12. The capital works report detailing YTD spend by asset class is detailed on page 8 of **Attachment 1**.
13. This shows a variance of \$2.7 million relative to YTD budget, largely driven by the close out of works commenced in the prior financial year.

**Related Council decisions**

14. Council adopted the 2024-2025 Budget at the Council Meeting held on 28 May 2024.

**Options**

15. The detailed Financial Report for the period ended 31 March 2025 is provided in **Attachment 1**. This report is an analysis of Council's financial performance and financial position as at 31 March 2025. The report also includes an analysis of budget variances.

**Council plans and policies**

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

**Access, Equity and Inclusion**

17. A Gender Impact Assessment has been conducted on the budget process and Gender Responsive Budgeting included within the guidelines as a priority consideration throughout the development of the draft 2024-2025 budget.

**Sustainability implications**

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



**12. Officers' reports**

**CM.037/25 March Quarter Financial Report**

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

**Community engagement**

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

**Innovation and continuous improvement**

21. Not applicable.

**Collaboration**

22. Not applicable.

**Budget considerations**

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

**Relevant law**

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

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

28. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.037/25      March Quarter Financial Report**

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**12. Officers' reports****CM.038/25 Draft Revenue and Rating Plan 2025-2029**

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**Distribution: Public****Manager: Melika Sukunda, Acting Chief Operating Officer****Summary**

This report presents the draft Revenue and Rating Plan 2025-2029 (the Plan) for Council approval prior to exhibition for public consultation. The Revenue and Rating Plan 2025-2029 (the Plan) is a requirement under section 93 of the *Local Government Act 2020* (the 2020 Act).

The purpose of the Revenue and Rating Plan is to establish a rating and revenue strategy.

The Draft Revenue and Rating Plan outlines Council's most significant sources of income and provides a framework for informing the income projections in Council's Financial Plan 2025-2029.

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

1. Adopts the draft Revenue and Rating Plan 2025-2029 (**Attachment 1**) for the purposes of section 93 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance with section 223 of the *Local Government Act 1989* and section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council meeting proposed to be held at 7:00 pm on Tuesday 17 June 2025, the Revenue and Rating Plan 2025-2029 (**Attachment 1**).
3. Notes that any person who makes a written submission in relation to the draft Revenue and Rating Plan 2025-2029 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting to be held in the Council Chamber, Civic Centre, at 7:00 pm on Tuesday 10 June 2025.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the *Local Government Act 1989*.

**Attachments**

- 1  Draft Revenue and Rating Plan 2025-2029

**Discussion**

1. Council is required to adopt the Plan prior to 30 June in the year following a general election, under section 93 of the 2020 Act.
2. The purpose of the Plan is to establish a rating and revenue strategy which, in conjunction with other income sources.

**12. Officers' reports**

**CM.038/25 Draft Revenue and Rating Plan 2025-2029**

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3. The Plan outlines Council's most significant sources of income and provides a framework for informing the income projections in Council's Financial Plan 2025-2029 and future budgets.

**Rates and charges**

4. The Plan outlines the rates and changes councils are able to levy in order to generate income.
5. The basis of valuations, the use of differential rates and the waste service charge are detailed in the Plan.

**Fees and charges**

6. The Plan outlines the methodologies behind the calculation of fees and charges.
7. Council's underlying principals in the setting of fees and charges are as follows:
- a) Fees and charges are set in line with other like services through benchmarking.
  - b) Fees and charges are set at a level that is deemed to be fair and equitable to enable the majority of residents to access the services.
  - c) Full cost or direct cost recovery is achieved where possible.
  - d) Fees are charged in line with State or Federal government legislation or Local Laws.
  - e) Fees are charged in line with State or Federal government funding requirements.
  - f) Fees and charges are comparable to private industry.

**Grants and other income**

8. The Plan promotes advocacy in the seeking of grant funding for capital works and enhanced service delivery.
9. While other income represents a comparatively small percentage of Council's revenue, the Plan recognises this as a valuable ancillary revenue source, which should be maximised wherever possible.

**Related Council decisions**

10. Not applicable.

**Options**

11. Adoption the draft Revenue and Rating Plan 2025-2029 for the purposes of sections 93 and 96 of the 2020 Act.

**Council plans and policies**

12. This report directly supports the achievement of the Council Plan 2025-2029 strategy:
- We continue to exercise sustainable and responsible financial management.

**Access, Equity and Inclusion**

13. A Gender Impact Assessment will be conducted on the Debt Management and Hardship Policy, which supports the Revenue and Rating Plan.

**12. Officers' reports**

**CM.038/25 Draft Revenue and Rating Plan 2025-2029**

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**Sustainability implications**

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

**Community engagement**

16. Following Council's adoption of the Revenue and Rating Plan 2025-2029, public notice will be provided that allows the community the opportunity to lodge submissions. Public exhibition will be for 28 days, and the draft plan will be available for inspection at the Civic Centre and on Council's website.
17. Public submissions in relation to the draft Plan will be considered at the Planning and Consultation Committee meeting on Tuesday 10 June 2025.
18. Following the consideration of any submissions reviewed, the Plan will then be presented for adoption at the Council Meeting on Tuesday 17 June 2025, whereby Council is then required to formally adopt the Revenue and Rating Plan 2025-2029.

**Innovation and continuous improvement**

19. Not applicable.

**Collaboration**

20. The drafting of revenue and rating strategy is conducted in consultation with Executive Leadership Team and managers across the organisation during the budget process.
21. At the February 2025 Budget Workshop Councillors and the Executive Leadership Team were briefed on the rating principals discussed in the Plan and in this paper and how they have been applied at Nillumbik Shire Council.
22. The Budget 2025-26 workshop and briefings held during February and March provided information to Councillors regarding Council's significant income streams, including:
  - a. Rates
  - b. Service charges
  - c. Fees and charges
  - d. Grants
  - e. Other income

**Budget implications**

23. The costs of preparing and exhibiting the Rating and Revenue Plan are funded from operating budget allocations.

**Relevant law**

24. *Local Government Act 2020*, section 93.

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

25. Not applicable.

**12. Officers' reports**

**CM.038/25 Draft Revenue and Rating Plan 2025-2029**

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**Conflicts of interest**

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

**12. Officers' reports****CM.039/25 Draft Diamond Creek Dog Park Upgrade Concept Plan**

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

The purpose of this report is to seek approval to consult on the project, in line with the Diamond Creek Dog Park Concept Plan (**Attachment 1**).

Community consultation on the dog park upgrade is proposed to commence on 30 April 2025 and conclude on 21 May 2025. Submissions received during this period will be considered by the Planning and Consultation Committee on 10 June 2025.

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

1. Endorses the draft Diamond Creek Dog Park Upgrade Concept Plan (**Attachment 1**) for the purpose of community consultation.
2. Approves Council officers to undertake community consultation for the period of 30 April 2025 to 21 May 2025 inviting written submissions for the Diamond Creek Dog Park Upgrade in line with the endorsed concept plan.
3. Considers all public submissions at the Planning and Consultation Committee meeting to be held on 10 June 2025.

**Attachments**

- 1  Diamond Creek Dog Park Upgrade Concept Plan

**Discussion**

1. The Diamond Creek Dog Park, located at 28 Main Hurstbridge Road, Diamond Creek (Diamond Creek Reserve), is a valued community asset frequented by dog owners and their pets.
2. In December 2023, Department of Energy, Environment and Climate Action (DEECA) advised Council that the Diamond Creek Dog Park had been identified as a priority site and was eligible for funding under the New and Upgraded Dog Parks Program - Round 1. This was a non-competitive grant opportunity.
3. In March 2024, an application was submitted requesting \$300,000 in funding for the project, which represented the maximum amount available without a co-contribution requirement.
4. Council were advised of the successful grant application and the funding agreement was executed May 2024.

**12. Officers' reports**

**CM.039/25 Draft Diamond Creek Dog Park Upgrade Concept Plan**

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5. The draft concept plan has been developed to support meaningful community engagement, outline desirable features and encourage input regarding preferred additional inclusions in the project where feasible.
6. The draft concept plan includes:
  - a) Relocation and enhancement of the passive dog area (designed for smaller or less active dogs) to the front of the park, featuring a dedicated entry and exit point
  - b) Installation of two small shelters with a bench seat to provide shade and weather protection
  - c) Improved paths including:
    - i) Construction of an accessible sealed loop path around the main area of the park (charcoal coloured concrete).
    - ii) Widening and renewal of existing gravel paths around the remainder of the park, including the existing agility equipment area.
    - iii) Installation of new gravel paths to provide connection to the entire park.
  - d) Upgraded drinking fountains
  - e) Additional accessible seating adjacent to the paths
  - f) Additional dog waste bins within park
  - g) Solar lighting at entry points and shelters
  - h) Upgrading of existing signage
  - i) Surface drainage improvements
  - j) Landscaping and vegetation protection
  - k) Retention of existing agility equipment

**Related Council decisions**

7. Not applicable

**Options**

8. Endorse the draft Diamond Creek Dog Park Upgrade Concept Plan (Attachment 1) and undertake community consultation on the design.

**Council plans and policies**

9. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We carefully protect, plan, maintain and improve open spaces, streetscapes and places to ensure that they are safe, accessible and enjoyable.

**Access, Equity and Inclusion**

10. A Gender Impact Assessment has been completed and will be reviewed at key stages of the project which to ensure the upgrade of the dog park is inclusive, user-friendly and responsive to the diverse needs of the community.



**12. Officers' reports**

**CM.039/25 Draft Diamond Creek Dog Park Upgrade Concept Plan**

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11. An accredited access consultant has been engaged to review the concept plan and community feedback to provide officers with recommendations for consideration during design development.
12. Consideration of the best practise regarding accessibility, park safety and risk management will be considered as part of the accessibility consultant's review.

**Sustainability implications**

13. This project supports social sustainability by providing a safe space for the community to connect.
14. Wherever possible, recycled or sustainable construction materials will be used for the proposed park upgrade works.

**Community engagement**

15. Community consultation will be undertaken 30 April – 21 May 2025 via Participate Nillumbik to capture community feedback.
16. The consultation will be promoted through Council's website, social media platforms, E-newsletters and on-site signage.
17. As part of the consultation process, officers will attend the Diamond Creek Dog Park during the consultation period for informal discussions with existing park users to gain existing user feedback.
18. The community will be given the opportunity to speak to their submission at the Planning and Consultation Meeting on 10 June 2025.

**Innovation and continuous improvement**

19. The concept design incorporates learnings from previous projects of this nature and aims to manage existing operational challenges where possible.
20. Any opportunities for innovation or improvements that are highlighted through the community consultation process will also be considered as part of the final design development process.

**Collaboration**

21. Benchmarking has been undertaken, assessing 35 dog parks across 16 Local Government Areas.
22. The concept design incorporates feedback based on experience and learnings from previous projects from a range of internal stakeholders including Parks & Open Space, Waste Management and Infrastructure Design teams.

**Budget considerations**

23. The Diamond Creek Dog Park Upgrade is fully funded by the Victorian Government through the Open Space for Everyone - Dog Park Upgrades Program.

**Relevant law**

24. Not applicable

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

25. Not applicable

**12. Officers' reports**

**CM.039/25 Draft Diamond Creek Dog Park Upgrade Concept Plan**

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**Conflicts of interest**

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

**12. Officers' reports****CM.040/25 Endorsement of the Tourism East Visitor Economy Partnership**

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**Distribution: Public****Manager: Frank Vassilacos, Director Planning, Environment and Strategy****Author: Tania Treasure, Economic Development & Tourism Lead****Summary**

1. The purpose of this report is to seek Councillors endorsement for the establishment and support of the Tourism East Visitor Economy Partnership.
2. In 2021 the Victorian Government released the Visitor Economy Recovery and Reform Plan. The Plan outlined the Victorian Government's intention to support Victoria's visitor economy and transition Regional Tourism Boards into a network of Visitor Economy Partnerships (VEP's). Council has a partnership agreement with Yarra Ranges Tourism (YRT), Regional Tourism Board until June 2026.
3. This report details the transitioning of YRT, Regional Tourism Board, into a Visitor Economy Partnership (VEP), named Tourism East, for the local government areas of Yarra Ranges Council, Cardinia Shire Council and Nillumbik Shire Council.
4. The benefits of Nillumbik Shire participating in a VEP include working as a region to leverage into a \$1.2 million budget for regional tourism marketing and industry development and eligibility for the Shire and businesses to apply for tourism grants.
5. Should Council not to participate in a VEP Yarra Ranges Tourism, Yarra Ranges Council and Cardinia Shire Council will be unable to form a VEP due to State Government requirements to have a minimum of 3 Local Government Authorities (LGA) partner and financially contribute to a VEP. This will limit the regions' ability to access State Government funding for marketing and industry development to support the tourism sector and for the Shire and businesses to access tourism related grant funding.

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

1. Endorses the establishment of the new Tourism East Visitor Economy Partnership for the region.
2. Provides support to transfer Nillumbik's agreement with Yarra Ranges Tourism to the new Tourism East Visitor Economy Partnership with an extension of the agreement to be for 3 years, until June 2028.
3. Supports the required funds of \$72,500 per year, with 0.2 FTE of Nillumbik Shire staff's time as a contribution to the Visitor Economy Partnership in the 2025/2026 Council budgetary process, and for the 3-year term of the agreement.
4. Delegates responsibility for the implementation of the new Visitor Economy Partnership, Tourism East, to the Chief Executive Officer.
5. Notes that both Yarra Ranges Council and Cardinia Shire Council have endorsed their respective Councils' participation on the Tourism East Visitor Economy Partnership.

**12. Officers' reports****CM.040/25 Endorsement of the Tourism East Visitor Economy Partnership**

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**Attachments**

Nil

**Discussion**

1. Tourism, often referred to as the Visitor Economy, is an important sector within Nillumbik Shire with 381,000 visitors per year. The sector contributes \$107 million to our local economy, with 645 businesses, providing 1,386 jobs.
2. Council has a current partnership agreement with Yarra Ranges Tourism (YRT) Regional Tourism Board until 30 June 2026 providing funding of \$72,520 for the 2024/25 financial year with a CPI increase due for the 2025/26 financial year.
3. In 2021 the Victorian Government released the Visitor Economy Recovery and Reform Plan. The Plan outlined the Victorian Government's intention to support Victoria's visitor economy and transition Regional Tourism Boards into a network of Visitor Economy Partnerships (VEP's). Visitor Economy Partnerships are the official peak tourism bodies for regions, delivering marketing, advocacy, and industry development to support growth of the regions' visitor economy and provide a direct link to Visit Victoria's marketing activities.
4. State Government's requirements for a Visitor Economy Partnership is to have a minimum of 3 Local Government Authorities (LGA's) participate and contribute funding to the one Visitor Economy Partnership.
5. Nillumbik Shire, Yarra Ranges Council, Cardinia Shire Council and Yarra Ranges Tourism were invited by State Government to form a project working group to transition the Regional Tourism Board into a Visitor Economy Partnership.
6. Visitor Economy Partnerships are required to be an independent entity, the new entity with the name of Tourism East Visitor Economy Partnership will continue to be a company limited by guarantee due to the relative ease of transitioning YRT as a Regional Tourism Board into a VEP.
7. The project working group established Tourism East VEP's statement of purpose:
  - a) To work collaboratively to support a vibrant, thriving and sustainable Visitor Economy while maintaining the region's natural beauty for the benefit of our businesses, visitors and the community.
8. This purpose will be accomplished through four identified core priority areas:
  - a) Visitor attraction.
  - b) Industry support, growth, and resilience.
  - c) Product development and investment attraction.
  - d) Advocacy for the region.
9. Nillumbik's tourism industry will be represented on the Tourism East VEP board with one local industry representative being a board member. The Chief Executive Officers of all three Local Government Authorities will also be board members of the VEP.

**12. Officers' reports****CM.040/25 Endorsement of the Tourism East Visitor Economy Partnership**

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10. Under the new State Government Visitor Economy Partnership funding model, VEP's with 3 or more councils will be eligible for \$350,000 of funding per year. This is an increase on the current funding provided to Yarra Ranges Tourism of \$271,500 per annum. To be eligible for the Victorian Government funding, all 3 Council's must financially contribute to the VEP. Council contributions are not prescribed due to the different nature of partner Council's and structures of each VEP.
11. It is proposed that Nillumbik Shire's financial contribution to become a member of the new Tourism East VEP will be \$72,500 annually with in-kind of 0.2 FTE (\$21,000 of value) of Nillumbik Shire staff's time and that Council commits this funding for the next 3 years through the annual budget process. Following this time the membership will be reviewed.
12. On 8 April 2025, Yarra Ranges Council endorsed their participation in the Tourism East VEP with a contribution of \$300,000 per year and 1 FTE of Yarra Ranges staff time.
13. On 14 April 2025, Cardinia Shire Council endorsed their participation in the Tourism East with a contribution of \$72,500 per year, adjusted annually for CPI, and 0.6 FTE of staff's time.
14. Participating in the Tourism East VEP is strategically important for Nillumbik Shire. This investment enables Council and businesses to leverage into a \$1.2 million budget that includes local government and industry contributions and \$350,000 the State Government provide. Nillumbik Shire would not be able to achieve this funding as a single Council.
15. With Council being a member of the Tourism East VEP, Nillumbik Shire and our business will continue to have access to apply for State Government tourism related funding programs such as the Enabling Tourism Fund, Regional Tourism Investment Fund and Regional Events Fund. Nillumbik Shire and a local business have previously been a recipient of some of this funding.
16. Yarra Ranges Tourism's Destination Management Plan identified the current tourism region will see annual day trip visitation increase from 4.5 million to 9.1 million visitors over the next 10 years. Working as a region through the Tourism East VEP to deliver actions in the Destination Management Plan will help address industry challenges to grow a sustainable visitor economy while not significantly impacting our local communities.

**Related Council decisions**

17. At an Ordinary Council Meeting on 26 September 2023, a resolution was passed for the Renewal of the Yarra Ranges Regional Tourism Partnership Agreement and that Council:
  - a) Recognises the value of the Yarra Ranges Tourism Partnership and its benefit to the local visitor economy.
  - b) Commits to a new 3-year partnership agreement with Yarra Ranges Tourism to remain at \$70,000 for year one with an increase each year based on the Consumer Price Index - All Groups Melbourne.

**12. Officers' reports****CM.040/25 Endorsement of the Tourism East Visitor Economy Partnership**

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**Options**

18. It is recommended that Council support its participation in the Tourism East VEP together with Yarra Ranges Council, Cardinia Shire Council and State Government to support our Visitor Economy to rebound from the previous and current challenging times, and to ensure tourism growth is managed. The business community will see Nillumbik Shire's involvement in the Tourism East VEP as a way that Council is supporting tourism in the region.
19. Participation in the VEP also enables Council and businesses to continue to have access to State Government funding programs and leverage our contribution through a larger pool of funding we would not otherwise have access to.
20. Should Council not to participate in a Visitor Economy Partnership:
  - a) Yarra Ranges Tourism, Yarra Ranges Council and Cardinia Shire Council will not be able to form a VEP due to State Government requirements to have a minimum of 3 LGA partners participate in a VEP. With no VEP this tourism region will not receive the \$350,000 State Government funding for marketing and industry development to support the tourism sector. This will impact the viability of the Regional Tourism Board continuing to operate, supporting businesses and severely impact the tourism region's ability to market itself to visitors.
  - b) Nillumbik Shire and our businesses will no longer be eligible to apply for various State Government tourism related funding programs outlined in item 15. It is also important to note that other metropolitan Councils do not have access to this funding unless they are a member of a VEP.
  - c) With no VEP, the region will not be an officially recognised tourism region within State Government and miss out on tourism marketing through Visit Victoria to help attract interstate and international visitors. Visit Victoria has an annual marketing budget of \$6m for the 2024-25 financial year.

**Council plans and policies**

21. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We promote Nillumbik's unique offerings; supporting a vibrant local economy and encouraging tourism.
22. Supporting a Visitor Economy Partnership will assist Council to deliver on the Economic Development Strategy 2020-2030 through a number of the Strategy's Objectives in particular:
  - *Objective 2: Create vibrant activity centres and employment precincts in Eltham and Diamond Creek*, specifically identifies the importance of working with Yarra Ranges Tourism to enhance Nillumbik as a place to live and visit.
  - *Objective 4: Enhance the visitor economy showcasing natural, recreational and cultural strengths*, identifies the importance of promoting Nillumbik as a destination for visitors through a partnership with Yarra Ranges Tourism. Potential funding opportunities available as a VEP partner also support the implementation of actions to achieve this Objective.

**12. Officers' reports**

**CM.040/25 Endorsement of the Tourism East Visitor Economy Partnership**

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**Access, Equity and Inclusion**

23. Yarra Ranges Tourism and the new Tourism East VEP initiatives will consider accessibility, equity and inclusion elements within their activities.

**Sustainability implications**

24. Council's participation in the Tourism East VEP and implementation of the Destination Management Plan is focused on delivering sustainable tourism growth that improves the quality of living for residents and protects the natural and cultural assets for future generations.

**Community engagement**

25. Targeted stakeholder engagement with local tourism associations led by Yarra Ranges Tourism was undertaken in March and April 2025.

**Innovation and continuous improvement**

26. Tourism visitation to the region is expected to grow over the next 10 years, the VEP will support growth of the visitor economy, delivering a positive visitor experience whilst upholding good quality of living for residents and the wider community.

**Collaboration**

27. Tourism East VEP is a demonstration of a collaborative approach between Councils, industry and State Government to support our visitor economy.

**Budget considerations**

28. The \$72,500 per year is an existing budget allocation that does not require additional resources.
29. Nillumbik Shire's 0.2 FTE is acknowledging the existing work Shire staff do with Yarra Ranges Tourism. No additional FTE funds are requested at this time.

**Relevant law**

30. Not applicable.

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

31. The Victorian Government's Visitor Economy Recovery and Reform Plan and Experience Victoria 2023 Strategic Plan.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.040/25      Endorsement of the Tourism East Visitor Economy Partnership**

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**12. Officers' reports****CM.041/25 Kangaroo Ground Landfill Rehabilitation - Project Management Services Contract Extension**

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**Distribution: Public****Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Lance Clark, Senior Procurement Specialist****Summary**

As part of the Kangaroo Ground Landfill Rehabilitation, it was necessary to appoint a suitably qualified and experienced project management consultant to oversee the delivery of the project on behalf of Council. Landfill rehabilitation is a technically complex project that is monitored by an independent auditor on behalf of the Environment Protection Authority Victoria (EPA) and Council does not have the technical experience or knowledge to ensure a compliant and safe project is delivered.

At the Ordinary Council Meeting of March, 2019, SMEC Pty Ltd were appointed as Project Managers for the Kangaroo Ground Landfill Rehabilitation project. The contract was for an initial two years, with the option to extend the contract on a yearly basis, for a further two years until April 2025. These options were exercised and the current contract will conclude at the end of April 2025.

As the landfill project still has approximately 18 months before construction works are scheduled to conclude and up to an additional 12 months to achieve compliance certification, it is necessary to appoint a project manager for the remainder of the project.

This report is seeking Council approval to extend the current contract arrangement with SMEC Pty Ltd, based on the rates and cost estimate provided for the remaining duration of the project.

**Recommendation****That Council:**

1. Extend the existing Kangaroo Ground Landfill Rehabilitation - Project Management Services Contract Extension with SMEC Pty Ltd from 1 May 2025 to 30 December, 2028 based on the rates outlined in Attachment 1.
2. Authorises the Acting Chief Operating Officer to finalise and execute the contract extension documents.
3. Makes public the decision regarding the Project Management Service Contract Extension and (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

**Attachments**

1. Attachment 1 – Proposed Rates for Project Management Services – Kangaroo Ground Landfill - *CONFIDENTIAL*

**12. Officers' reports****CM.041/25 Kangaroo Ground Landfill Rehabilitation - Project Management Services Contract Extension**

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**Discussion**

1. As part of the Kangaroo Ground Landfill Rehabilitation works, Council appointed SMEC Pty Ltd to the role of project manager to assist Council in the management of the construction contract and the delivery of the project.
2. It was necessary to appoint a suitably experienced and qualified project manager as Council did not have the experience or technical knowledge in-house to undertake the role.
3. The delivery of a landfill rehabilitation is very technically complex and heavily regulated. It is critical Council has a highly competent Project Management team in place to deliver the project within the legislation and requirements of the EPA and ensure minimal risk to both the community and Council.
4. The initial contract was for a two year period, with the option to extend the contract annually for an additional two years. Due to initial delays in commencing the onsite rehabilitation contract, the project was delayed approximately 18 months. These delays were due to mainly budget constraints and ensuring the project could be funded prior to commencement.
5. These delays meant the initial contract with SMEC for the project services would not cover the duration of the construction period for the landfill rehabilitation project.
6. As the current contract is about to conclude, it is necessary to seek Council approval to extend the current contract with SMEC Pty Ltd for the remaining duration of the project.
7. SMEC has performed to a high standard to date in role of project manager and has extensive knowledge of the works completed, the intricate complex details of the works, the site conditions and the problems faced and solved to date. This is valuable experience that Council is reliant upon in order to successfully complete the rehabilitation project.
8. The rates provided by SMEC to provide the Project Management services for the remainder of the project have been assessed and are considered competitive and in line with the original tender rates, allowing for adjustments in line with CPI and the current industry rates.
9. The current fee proposal from SMEC Pty Ltd has been included in **Attachment 1 (Confidential)**.

**Related Council decisions**

10. The tender for the current contract for the provision of project management services for the Kangaroo Ground Landfill Rehabilitation with SMEC Pty Ltd was accepted by Council at its meeting on the 26 March, 2019.
11. The contract was for an initial 2 year term with options to extend the contract on an annual basis, for an additional 2 years.

**12. Officers' reports**

**CM.041/25 Kangaroo Ground Landfill Rehabilitation - Project Management Services Contract Extension**

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**Options**

12. Extend the contract with SMEC Pty Ltd for the period 1 May 2025 to 30 December 2028, based on the rates provided; or
13. Seek quotations from other suitably qualified consultants to undertake the role of Project Manager.
14. The appointment of another project manager would likely increase the cost and risk to Council. Additional time and resources to review the project and all documentation to date would be costly and time consuming. The key knowledge lost from the project may expose Council to risk in terms of ensuring compliance and safety.

**Council plans and policies**

15. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We address the social, environmental and economic factors of health to improve health and wellbeing outcomes for our communities.

**Sustainability implications**

16. Completion of the project is essential for the ongoing management of residual landfill gasses and leachate.

**Community engagement**

17. The surrounding community has been constantly updated on the project via mail.
18. The project is also listed on Councils website.

**Budget considerations**

19. Provision has been made in the annual capital works budget for the cost of these services.
20. The proposed rates over the next three financial years are detailed in **Attachment 1 (Confidential)**.

**Relevant law**

21. The project must be completed in line with EPA regulations and legislation relating to post closure landfill management.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.041/25 Kangaroo Ground Landfill Rehabilitation - Project Management Services Contract Extension**

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**12. Officers' reports****CM.042/25 Glass Collection Service (Purple Bin) Advocacy Position**

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**Distribution: Public****Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Hannah Burns, Senior Waste Management Specialist  
Michele Purtle, Manager Advocacy Communications and Engagement****Summary**

This report provides an update on the legislated requirement to introduce a separate glass collection service (purple bin) to households, including findings from an independent report commissioned by a group of councils on the cost and benefits of separate glass collection. A growing number of councils are advocating to the Victorian Government to defer and reconsider the mandatory requirement to introduce the service.

**Recommendation****That Council:**

1. Notes its commitment to provide best value services for the community, reduce emissions from waste, divert waste from landfill and maximise resource recovery.
2. Advocates to the Victorian Government in partnership with other councils to defer and reconsider the mandatory requirement for a separate kerbside bin for glass.
3. Continues to collaborate with local members of Parliament, state and federal governments to advocate in our community's best interests.

**Attachments**

1.  Research summary - glass collection service

**Discussion**

1. The *Circular Economy (Waste Reduction and Recycling) Act 2021* (CE Act) places a legislative requirement on Victorian councils and alpine resorts to introduce a separate glass collection service by a prescribed date.
2. Details in the proposed draft service standards, regulations and regulatory impact statement (subordinate legislation under the CE Act) released by the Victorian Government for public consultation in August 2024 indicate that councils need to provide each household with a purple-lidded glass bin for kerbside collection by 1 July 2027.
3. The regulations also include compliance and enforcement provisions for penalties and audits as per the CE Act.
4. The final service standards and regulations are expected to be released by mid-2025 (revised from the initial timeframe of late 2023).
5. In late 2024, 22 councils including Nillumbik engaged an independent consultant to undertake research on the costs and benefits of a separate kerbside glass collection.

**12. Officers' reports****CM.042/25 Glass Collection Service (Purple Bin) Advocacy Position**

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6. Key findings from the research report include:
  - a) The service will cost:
    - i) an estimated \$75 million to implement across the participating councils (approximately \$70 per household on average)
    - ii) an average additional \$27 per household each year for collection and processing
  - b) The saving to councils presented in the regulatory impact statement (RIS) was not able to be recreated using financial modelling based on data from participating councils.
  - c) There is a lack of evidence to demonstrate improved circular or environmental outcomes of a separate kerbside bin for glass when compared to expansion of Victoria's container deposit scheme.
  - d) There are minimal circularity benefits when compared to glass collected in the mixed recycling bin.
7. A summary report prepared by Maroondah and partner councils is provided in Attachment 1.
8. There are now more than 30 councils involved in the collective work.
9. 20 out of the 79 councils in Victoria have already introduced a purple bin, and a further 17 provide a drop-off service for glass.
10. On average, approximately one third of the households in these councils put their glass bin out for collection on their scheduled collection day.

**Related Council decisions**

11. Council Resolution – CM.046/23 Glass collection service, 27 June 2023
12. That Council:
  - a) Does not commit to early introduction of a kerbside bin collection service for glass by end of 2024.
  - b) Continues to investigate the introduction of a separate glass collection service in Nillumbik, which considers the impacts of Victoria's container deposit scheme, legislated requirements, service options and design.

**Options****Option 1**

13. Advocate to the Victorian Government in partnership with other councils to:
  - a) Defer the implementation date for a separate glass bin, to allow time to better consider:
    - i) the impacts of Victoria's container deposit scheme (CDS) on kerbside glass tonnages and feasibility of capturing remaining glass in a separate kerbside bin compared to expanding the items accepted through the CDS
    - ii) nation-wide standards and consistency for kerbside bins

**12. Officers' reports**

**CM.042/25 Glass Collection Service (Purple Bin) Advocacy Position**

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- iii) national alignment of container deposit schemes to expand to include wine and spirit bottles
  - b) Consider the group of council's research findings, and how local and state government can collaborate to minimise the cost imposition on local government while achieving increased circularity and environmental benefits.
  - c) Reconsider the mandatory requirement for a separate kerbside bin for glass.
14. Continue to plan and prepare for introducing the service by the prescribed date, subject to the final service standards and regulations.

**Option 2**

15. Not participate in advocacy, and continue work towards introducing the service by the prescribed date, subject to the final service standards and regulations.

**Council plans and policies**

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We develop clear and effective initiatives designed to reduce the impact of waste and materials from procurement to disposal.
  - We continue to exercise sustainable and responsible financial management.

**Access, Equity and Inclusion**

17. Council's Access, Equity and Inclusion Policy will be considered and an Equity Impact Assessment applied in planning and delivery of a separate glass service.

**Sustainability implications**

18. Recovering and recycling glass into new glass production reduces costs and emissions associated with extracting and transporting raw materials.
19. Recycled glass is increasingly being used to create new glass packaging locally and can also be used in construction.
20. There is lack of evidence from industry to demonstrate increased circularity benefits or higher-value commodities when glass is collected in a separate kerbside bin, when compared to expansion of the container deposit scheme or glass recovered from the mixed recycling bin.
21. There are costs and emissions associated with transport of glass collected separately from the mixed recycling bin.
22. Expansion of the container deposit scheme to accept wine and spirit bottles would be funded by the producers and consumers of the packaging, rather than ratepayers.
23. There is potential for the mixed recycling contamination rate to increase (as glass is the heaviest material, removing it from the mixed recycling bin will make the portion of contamination, by weight, increase).
24. Some households have lack of space to store and place bins out for collection.
25. The service would result in increased truck movements in residential roads.
26. Additional bins presented for collection could have negative impacts on street amenity.

**12. Officers' reports****CM.042/25 Glass Collection Service (Purple Bin) Advocacy Position**

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**Community engagement**

27. The proposed draft service standards under the Circular Economy (Waste Reduction and Recycling) Act 2021 indicate that councils need to provide each household with a purple-lidded bin for glass; there is limited opportunity for Council to consult the community on alternative service options.
28. Deferring the implementation date would provide an opportunity for the Victorian Government to consult the community on the need for a separate glass collection service, including releasing the business case for a kerbside bin.
29. A communications plan would be developed and implemented to support the introduction and use of the service.

**Innovation and continuous improvement**

30. According to Victorian Government policy and plan, *Recycling Victoria: a new economy 2020*, the intent of introducing a separate bin for glass is to improve the quality and value of all material streams.

**Collaboration**

31. Council officers are continuing to collaborate and liaise with other councils, the Department of Energy, Environment and Climate Action and Recycling Victoria around the requirement to introduce a separate glass service.

**Budget considerations**

32. Preliminary implementation costs have been included in the draft budget 2025–26 and further costs will be referred to future budget cycles.

**Relevant law**

33. *The Circular Economy (Waste Reduction and Recycling) Act 2021*:
  - a) Part 5 – Waste and recycling services, Division 1 – Mandatory service provision by councils,
  - b) Section 60(1) A council must provide the following services, in accordance with this Act and the regulations—(c) on and from a prescribed date—a municipal recycling service for glass to land in its municipal district that is used primarily for residential purposes.

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

34. Victorian Government circular economy policy and plan, *Recycling Victoria: a new economy 2020*

**Conflicts of interest**

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



12. Officers' reports

**CM.043/25 Sunsetting of the Panton Hill Bushland Reserves System Advisory Committee**

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**Distribution: Public**

**Manager: Frank Vassilacos, Director Planning, Environment and Strategy**

**Author: Bridget Russell, Coordinator Environment Works and Land Management**

**Summary**

1. This report is presented for Council to formally resolve to sunset the Panton Hill Bushland Reserves System (PHBRS) User Group Advisory Committee.
2. The PHBRS Advisory Committee was established in 2011 to facilitate community engagement on recreational trail development and ecological conservation within the PHBRS.
3. Over the past 14 years, the committee has effectively fostered collaboration among various user groups, balanced conservation efforts with recreational needs, and promoted the reserves as an important community asset.
4. The Committee formally concluded its most recent 2-year term as per the Terms of Reference in October 2024.
5. Council has considered that the Committee has achieved the outcomes and objectives set out when it established the Committee, and therefore, recommends that the Committee now be formally sunset.

**Recommendation**

**That Council:**

1. Formally sunset the Panton Hill Bushland Reserves System (PHBRS) User Group Advisory Committee as its purpose has been fulfilled.
2. Officers write to all previous committee members via letter to inform them of Council's decision to sunset the committee and thank them for their time and contribution to the Committee.
3. Notes that any minor matters that continue to arise from this former committee and/or the Panton Hill community can be addressed through Customer Service Requests (CSRs) or alternatively referred through Council's existing Environment and Sustainability Advisory Committee (ESAC).

**Attachments**

Nil

**12. Officers' reports****CM.043/25 Sunsetting of the Panton Hill Bushland Reserves System Advisory Committee**

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**Discussion**

1. The PHBRS encompasses seven reserves across 140 hectares in the Watsons Creek catchment near Panton Hill and Smiths Gully.
2. The Panton Hill Bushland Reserves System Management Plan was adopted in 2011 after six years of community consultation, highlighting the need to balance conservation with recreational activities, particularly horse and mountain bike riding.
3. The Advisory Committee was formed to address these concerns and promote community understanding of the reserves' natural, educational, and recreational values.
4. The committee consisted of nine community representatives from diverse user groups, including environmentalists, horse riders, bushwalkers and mountain bikers.

**Key Management Plan Actions Completed:**

5. The Advisory Committee has supported the following key achievements addressing key PHBRS Management Plan actions:

***Recreation and Access***

- Trail Use Implementation: Recommendations for trail use, as outlined in Part D of the Management Plan, were successfully completed through the Capital Works Program, with input from the Advisory Committee.
- Signage Installation: Signage has been erected at each reserve to educate visitors on permitted activities, way finding, weather considerations, environmental protection, and the Code of Conduct, with consultation from the Advisory Committee.
- Sustainable Trail Development: The Advisory Committee provided valuable input on trail development, incorporating sustainable trail principles into the design. A Friends of PHBRS Trails group was established by the Smiths Gully Mountain Bike Riding Group.
- Educational Materials & Communication: Maps, trail protocols, and biodiversity information are now displayed at the Smiths Gully Store, which serves as a hub for trail users, promoting responsible trail use.
- Trail Maintenance & Reporting: Trail maintenance issues are effectively reported and addressed through multiple communication channels, including Snap, Send Solve, CSRs, and email. Periodic inspections and repairs are conducted in line with Recreational Trails Levels of Service.

***Community Education and Involvement***

- Interpretation Strategy Development: The 'PHBRS Interpretation and Communications Plan' was created through consultation with the Advisory Committee.

**12. Officers' reports****CM.043/25 Sunsetting of the Panton Hill Bushland Reserves System Advisory Committee**

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- Cultural and Environmental Interpretive Features:
  - Wurundjeri artwork was carved on a seating circle to represent the Wurundjeri 7 seasons, and a replica Aboriginal bark shelter (Mia Mia) was constructed by Wurundjeri craftsmen.
  - Interpretive signage for the Bunjil Indigenous Food Fibre and Medicine Garden is in progress, along with the installation of a 'Listening Post' for audio stories of European history in the area.
  - Wildflower Walks and Environmental Education: The reserves have been regularly used for environmental educational walks, with themes covering orchids, significant fauna, fungi, ecosystem and indigenous plant identification, and European history. These activities are organized through Council events and community groups such as Nillum-bio.
  - School and Volunteer Engagement: Panton Hill Primary School utilizes the reserves for educational activities, and the PH Living and Learning Centre has organized a volunteer walking group guide for reserve walks. Additionally, volunteers have been recruited to monitor significant species such as the Brush-tailed Phascogale, Slender-tailed Dunnart, and Powerful Owl.
  - Friends of Bunjil Group: The Friends of Bunjil Group has been successfully established to further support conservation and educational efforts in the area.
6. These actions have not only improved access and recreation opportunities but also fostered strong community involvement, education, and sustainable environmental practices.

**Related Council decisions**

7. On 28 June 2011, Council adopted the PHBRS Management Plan as the key document to manage the important conservation, social and recreation values of the reserves.
8. As part of the adoption of the Plan, Council sought to facilitate community engagement with the establishment of a broad-interest advisory group for the PHBRS.

**Options**

9. It is recommended to retire the Panton Hill Bushland Reserves System (PHBRS) User Group Advisory Committee.
10. It is considered that the PHBRS User Group Advisory Committee has successfully met its goals of fostering community engagement and balancing ecological and recreational values, with most actions completed.
11. Ongoing matters related to the PHBRS can be further considered in broader discussions through Council's existing Environment and Sustainability Advisory Committee (ESAC).

**Council plans and policies**

12. This report has reference to the Panton Hill Bushland Reserves System Management Plan 2011.

**12. Officers' reports**

**CM.043/25 Sunsetting of the Panton Hill Bushland Reserves System Advisory Committee**

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**Access, Equity and Inclusion**

13. Not Applicable

**Sustainability implications**

14. Not Applicable

**Community engagement**

15. Previous advisory committee members were advised that the term of the Committee concluded in October 2024. All former members will be notified of Council's final decision via letter.

**Innovation and continuous improvement**

16. Not Applicable

**Collaboration**

17. Not Applicable

**Budget considerations**

18. Not Applicable

**Relevant law**

19. Not Applicable

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

20. Not Applicable

**Conflicts of interest**

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

## 12. Officers' reports

### CM.044/25 Notice of Change to June Council Meeting Dates

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**Distribution:** Public

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

**Author:** Katia Croce, Manager Governance and Property

#### Summary

The 31<sup>st</sup> Australian Local Government Association (ALGA) National General Assembly (NGA), is taking place in Canberra from 24-27 June 2025. This major event provides councils with the opportunity to influence national local government policy.

This report seeks to reschedule the Council Meeting from 24 June to 17 June 2025 to enable Councillor attendance.

#### Recommendation

**That Council:**

1. Resolves to reschedule the Council Meeting from Tuesday 24 June to Tuesday 17 June 2025 to be held in the Council Chamber at Civic Drive, Greensborough at 7pm to allow Councillors to attend the Australian Local Government Association, National General Assembly.
2. Requests officers to update the 2025 schedule of meetings and Council website with the revised Council meeting date accordingly.

#### Attachments

Nil

#### Discussion

1. The Australian Local Government Association (ALGA) advocates for local governments and represents their interests at the federal level. Submitting motions to the ALGA National General Assembly (NGA) aligns with Council's commitment to advocacy on behalf of the community. The 2025 NGA, with the theme *National Priorities Need Local Solutions*, highlights the critical role councils play in addressing both local and national priorities. The NGA will focus on how councils can partner with the Australian Government to meet local needs.

To enable councillors to attend the National General Assembly in Canberra, it is proposed to reschedule the Council Meeting from 24 June to 17 June 2025.

#### Related Council decisions

2. At the Extraordinary Council Meeting held on 24 November 2024, Council resolved the 2024/2025 Meeting schedule.
3. At its 25 March 2025 Council resolved to:
  - *“Adopts the motions to the Australian Local Government Association National General Assembly as outlined in **Attachment 2**, to be held in Canberra from 24-27 June 2025.*

**12. Officers' reports**

**CM.044/25 Notice of Change to June Council Meeting Dates**

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- *Requests officers to lodge the motions as outlined in **Attachment 2** to the Australian Local Government Association Board by no later than 31 March 2025”.*

**Options**

4. Not applicable

**Council plans and policies**

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

**Access, Equity and Inclusion**

6. Not applicable

**Sustainability implications**

7. There are no Sustainability implications to Council resolving to change the dates.

**Community engagement**

8. Not applicable

**Innovation and continuous improvement**

9. Not applicable

**Collaboration**

10. Not applicable

**Budget considerations**

11. There are no budget implications arising from the rescheduling of the June council meeting due to the ALGA National General Assembly. The meeting will be incorporated into the existing operating budget.

**Relevant law**

12. *Local Government Act 2020*  
13. Nillumbik Shire Council's Governance Rule – Meeting Procedures.

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

14. Not applicable

**Conflicts of interest**

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

## 12. Officers' reports

**CM.045/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)****Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Emma Christensen, Governance Coordinator****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 25 March 2025.

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


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

**Recommendation**

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

1. 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.
2. The common seal of Council be affixed to the Instrument.
3. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

**Attachments**

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

**Discussion**

1. The purpose of this report is for Council to consider executing an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (Instrument).
2. Instruments of Appointment and Authorisation enable Council staff to exercise powers permitted to authorised officers under legislation or Council local laws.

**12. Officers' reports**

**CM.045/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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

**Related Council decisions**

6. The current Instrument is dated 25 March 2025.

**Options**

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

**Council plans and policies**

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

**Access, Equity and Inclusion**

9. Not applicable.

**Sustainability implications**

10. Not applicable.

**Community engagement**

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

**Innovation and continuous improvement**

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

**Collaboration**

13. Not applicable.

**Budget considerations**

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



**12. Officers' reports**

**CM.045/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**Relevant law**

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

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

- 17. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.045/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**12. Officers' reports****CM.046/25 Informal Meetings of Councillors Records - 29 April 2025**

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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 25 March 2025.

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

1. Councillor Briefing held 18 March 2025;
2. Recreation Trails Advisory Committee held 19 March 2025;
3. Health and Wellbeing Advisory Committee held 20 March 2025;
4. Council Meeting Pre- Meet 25 March 2025;
5. Councillor Briefing held 1 April 2025;
6. Positive Ageing Advisory Committee held 4 April 2025;
7. Councillor Briefing held 8 April 2025; and
8. Planning and Consultation Committee Pre-Meet held 8 April 2025.

**Recommendation**

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

**Attachments**

- 1  Informal Meetings of Councillors record reported 29 April 2025

**Discussion**

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

**Related Council decisions**

2. Not applicable.

**12. Officers' reports**

**CM.046/25 Informal Meetings of Councillors Records - 29 April 2025**

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**Options**

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

**Conclusion**

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

**Council plans and policies**

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

**Access, Equity and Inclusion**

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

**Sustainability implications**

10. Not applicable.

**Community engagement**

11. Not applicable.

**Innovation and continuous improvement**

12. Not applicable.

**12. Officers' reports**

**CM.046/25 Informal Meetings of Councillors Records - 29 April 2025**

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**Collaboration**

13. Not applicable.

**Budget considerations**

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

**Relevant law**

15. *Local Government Act 2020.*

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

16. None applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.046/25 Informal Meetings of Councillors Records - 29 April 2025**

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## **Council Meeting Agenda**

**29 April 2025**

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