

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 27 June 2023 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 22 June 2023

Distribution: Public

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Council ChamberCouncil Meeting seating plan

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

Nillumbik Shire Council

Contents

1. Welcome by the Mayor	1
2. Acknowledgement of Country by the Mayor	1
3. Good Governance Pledge	1
4. Prayer	1
5. Apologies	1
6. Presentations	2
7. Confirmation of Minutes	2
8. Disclosure of conflicts of interest	3
9. Petitions	3
10. Questions from the gallery	3
11. Reports of Advisory Committees	5
AC.005/23 Advisory Committee Report - 27 June 2023	5
12. Officers' reports	7
CM.045/23 Seeking Adoption of Council's Governance Rule - Meeting Procedures	7
CM.046/23 Glass collection service	15
CM.047/23 Endorsement of Recreational Trails Advisory Committee Members 2023-2025	19
CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption	23
CM.049/23 Youth Hub Community Engagement Plan	35
CM.050/23 Implications of Bus Safety Act on Council's Community Bus Programs	39
CM.051/23 Quarterly Risk and Safety Report - March 2023	45
CM.052/23 Audit and Risk Committee Meeting June 2023	51
CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking Enforcement – Services and Products	53
CM.054/23 Fair Access Policy	59
CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)	63
CM.056/23 Informal Meetings of Councillors Records - 27 June 2023	71
13. Notices of Motion	75
14. Delegates' Reports	75
15. Supplementary and urgent business	76
16. Confidential reports	76
17. Close of Meeting	76

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Nillumbik Shire Council

**Agenda of the Meeting of Nillumbik Shire Council to be held
Tuesday 27 June 2023 commencing at 7:00pm**

1. Welcome by the Mayor

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 by the Mayor

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

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

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

3. Good Governance Pledge

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

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

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

4. Prayer

A prayer will be read.

5. Apologies

A request for a leave of absence was received by Cr Richard Stockman.
To accept apologies from any Councillors not in attendance at the meeting.

Recommendation

That Council;

1. Accepts the leave of absence for Cr Richard Stockman until 30 September 2023.
2. Notes the apologies received.

6. Presentations

7. Confirmation of Minutes

Summary

Confirmation of the minutes of the Council Meeting held on Tuesday 23 May 2023.

Recommendation

That Council confirms the minutes of the Council Meeting held on Tuesday 23 May 2023 (**Attachment 1**).

Attachments

- 1  Minutes of the Council Meeting held on Tuesday 23 May 2023

8. Disclosure of conflicts of interest

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

9. Petitions

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.005/23 Advisory Committee Report - 27 June 2023

Distribution: Public

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

Author: Rowena Cairns, Acting 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. Economic Development Advisory Committee meeting held 1 June 2023.

Attachments

- 1 . Advisory Committee Meeting Minutes reported 27 June 2023

Recommendation

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

11. Reports of Advisory Committees

AC.005/23 Advisory Committee Report - 27 June 2023

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12. Officers' reports

CM.045/23 Seeking Adoption of Council's Governance Rule - Meeting Procedures

Distribution: Public**Manager:** Blaga Naumoski, Director Governance, Communications and
Community Safety**Author:** Rowena Cairns, Acting Manager Governance and Property**Summary**

Council's existing Governance Rule - Meeting Procedure 2020 (**Meeting Procedures 2020**) was prepared and adopted on 25 August 2020 as required under the *Local Government Act 2020* (the Act), after a period of public exhibition and community consultation was undertaken.

On 30 November 2021, the Regulatory Legislation Amendment (Reform) Bill 2021 was introduced into Parliament, foreshadowing that the previous emergency provisions that allowed councils to conduct online meetings would expire on 1 September 2022. The *Regulatory Legislation Amendment (Reform) Act 2022* passed in March 2022.

Councils are required to review and establish their Governance Rules to allow for online attendance and participation.

A review of Council's Meeting Procedures requires Council to undertake community consultation on any amendments.

The draft Governance Rule – Meeting Procedures (**Meeting Procedures 2023**) went out on public exhibition via Participate Nillumbik in the week commencing 1 March 2023. Public exhibition closed on 30 March 2023, with ten (10) submissions received via Participate together with two written submissions.

The updated version has been informed by the experience of Council meetings and feedback from Councillors, staff and the written and verbal submissions made by members of the community during the consultation phase.

The purpose of this report is to request that Council consider adoption of the Governance Rule – Meeting Procedures (**Attachment 1**).

Recommendation



That Council:

1. Notes that ten submissions in relation to the draft Governance Rule – Meeting Procedures were received, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 06 June 2023.
2. Having considered the written and verbal submission, adopts the Governance Rule – Meeting Procedures shown at **Attachment 1**.
3. Notes that Council's existing Governance Rule - Meeting Procedure adopted on 25 August 2020 ceases to apply.

12. Officers' reports**CM.045/23 Seeking Endorsement of Council's Governance Rule - Meeting Procedures**

4. Requests that Officers write to all respondents to the public engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution.

Attachments

- 1  Governance Rule - Meeting Procedures
- 2  Draft Governance Rules - Table of Submissions

Discussion

1. On 25 August 2020, Council adopted its Governance Rule – Meeting Procedure (**Meeting Procedures 2020**) as required under the then new *Local Government Act 2020* (the Act).
2. On 30 November 2021, the *Regulatory Legislation Amendment (Reform) Bill 2021* was introduced into Parliament, foreshadowing a change to *the Local Government Act 2020* that would require all Councils to alter their Governance Rules by the end of August 2022 to accommodate processes for the conduct of Council meetings by electronic means of communication.
3. The *Regulatory Legislation Amendment (Reform) Act 2022* passed in March 2022 replaced the existing temporary emergency provisions and the changes commenced on 2 September 2022 to provide for attendance and participation in Council meetings and delegated committees by electronic means of communication.
4. The changes mean that section 60 of the Act now states:
 - 1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following —
 - a) the conduct of Council meetings (including holding Council meetings by electronic means of communication);
 - b) the conduct of meetings of delegated committees (including holding meetings of delegated committees by electronic means of communication);
 - ba) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication.
5. Other minor amendments:
 - widen the definition of being present at a meeting to include attendance by electronic means; and
 - make permanent the temporary measures relating to the need to live stream any meeting that is held solely by electronic means.

12. Officers' reports**CM.045/23 Seeking Endorsement of Council's Governance Rule - Meeting Procedures**

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6. The Minister's Good Practice Guideline MGP3-3 issued under section 87 of the Act, took effect on 2 September 2022 and states that "Electronic meetings, commonly referred to as 'virtual meetings', could include meetings where all the participants attend in person, some person attend electronically i.e., 'hybrid' or where attendees across several meeting locations join electronically i.e. 'parallel'" (or "hybrid").
 7. The phrase "electronic means of communication" is not defined in the Act nor in the *Interpretation of Legislation Act 1984* so it has its ordinary dictionary meaning, which includes telephone calls.
 8. In recognition of the requirement to amend Council's Meeting Procedures (including the requirement to undertake a community engagement process as part of the process), together with the opportunity to reflect on the first 24 months of operation of the rules, in August 2022, a decision was taken to conduct a thorough review of the Council's existing Meeting Procedures.
 9. The Meeting Procedures review was informed by the experience of Council meetings since the adoption of the current rules in mid-2020, and feedback from meeting participants during that time (staff and members of the community) and the Councillors. Benchmarking has been undertaken with interface councils, as well as with selected other councils on a number of key issues.
 10. The proposed changes to the Meeting Procedures 2020 currently in operation include:
 - making permanent the previously temporary provisions enabling the conduct of electronic Council meetings (which became necessary during the pandemic);
 - flexibility to enable members of the public to address Council meetings in a way tailored to the specific matter being considered, while ensuring there is a right to be heard on all matters before a decision is made;
 - review of the public question time provision to provide greater clarity;
 - changes to the notice of motion provisions to ensure enough time is provided for the admission of a notice of motion and clarify around appropriate formats of notice of motions. The proposed changes require Council to seek an officer report before making a change to a service level or committed to an expenditure that has not previously been budgeted for;
 - the introduction of the process for admission of delegate's reports;
 - clarifying the process for the receipt of petitions;
 - a number of administrative changes are also proposed (removal of some now redundant provisions, minor formatting and punctuation issues and renumbering of clauses throughout); and
 - clearer language and definitions.

12. Officers' reports**CM.045/23 Seeking Endorsement of Council's Governance Rule - Meeting Procedures**

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11. Importantly, the proposed Governance Rule - Meeting Procedures 2023 would regulate proceedings at Council meetings, and delegated committee meetings, for the following meeting types:
- In person: all Councillors and attendees present in the Council Chamber.
- Hybrid: a number of Councillors and attendees in the Council Chamber, with a Councillor or attendee(s) to join and participate via a video conferencing system.
- Fully remote: Councillors and attendees join via video conferencing system.
12. The clauses are proposed around requesting and approving attendance by electronic means. Recognising the importance of participating in the decision-making process in full public view, the proposed provisions pertaining to electronic meetings recommends that hybrid meetings will not proceed if more than one Councillor requests electronic participation, and introduces a process for holding wholly electronic meetings.
13. Various existing clauses have also been changed to manage remote attendance, including:
- how the Chair should manage a situation if a member attending electronically cannot hear proceedings, or cannot be seen or heard, but a quorum is present; and
 - how to close a meeting for an agenda item that is confidential or how to ensure that a Councillor with a declared conflict of interest is unable to hear a discussion are other aspects that need controls.

Related Council decisions

14. Council resolved at its 28 February 2023 Council Meeting that Council:
- 1) *Endorses the draft Governance Rule – Meeting Procedure shown at Attachment 2 for public consultation from 1 March 2023 to 30 March 2023 inclusive;*
 - 2) *Invites written submissions regarding the proposed amendments outlined in the draft Governance Rule – Meeting Procedure by 30 March 2023;*
 - 3) *Considers public submissions at the Planning and Consultation Committee meeting to be held on 13 June 2023 ; and*
 - 4) *Notes that any person who makes a written submission in relation to the draft Governance Rule – Meeting Procedure and requests to be heard in support of the written submission, be heard at the June 2023 Planning and Consultation Committee meeting.*
15. Council resolved at its March 2023 Planning and Consultation Committee Meeting to change the committee meeting on 13 June 2023 to 6 June 2023.

12. Officers' reports

CM.045/23 Seeking Endorsement of Council's Governance Rule - Meeting Procedures

Options

16. Council may choose to:

- a) Option 1 – endorse the Governance Rule - Meeting Procedures (**Attachment 1**) with no changes.
- b) Option 2 – defer the endorsement of the Governance Rule - Meeting Procedures to make further amendments, whereby officers will return for a subsequent briefing addressing the changes on any matters proposed prior to seeking endorsement of the Meeting Procedures.

Council plans and policies

17. 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

18. As this report relates to the development or review of a policy, program or service that has a direct and significant impact on the public, the *Gender Equality Act 2020* requires that a Gender Impact Assessment (GIA) be undertaken.

19. A GIA has been conducted and has identified potential gender inequality implications and recommendations, including:

- Removal of gendered references from the proposed Rules, with these replaced by neutral references or titles (for example, removing reference to the Mayor as 'Mr Mayor' or 'Madam Mayor').
- Inclusion of participation by electronic means will improve accessibility to Council and delegated committee meetings for Councillors or members of delegated committees who may have caregiving responsibilities.

20. This report does not impact negatively on any rights identified in *the Charter of Human Rights and Responsibilities Act 2006* (VIC).

Sustainability implications

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

Community engagement

22. The Minister's guideline is not written in such a prescriptive way that it could be easily "adopted" into the Governance Rules as envisaged under section 60(5) of the Act and so be exempt from the need for a process of community engagement.

23. This means that Council must use a process of community engagement in making these changes to the existing Governance Rules.

24. This public engagement via Council's Participate Nillumbik platform commenced on 1 March and concluded on 30 March 2023.

12. Officers' reports**CM.045/23 Seeking Endorsement of Council's Governance Rule - Meeting Procedures**

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25. Primarily community awareness of the consultation and engagement process was undertaken via Council's websites and social media channels. This was supported by direct email to people registered to receive alerts on Participate Nillumbik and Council officers raised awareness through their networks.
26. The Meeting Procedures website was visited 198 times with a total of 263 views during the exhibition period.
27. A total of ten (10) submissions were received via Participate together with two written submissions. A summary of the submissions and officer response can be found in the Combined Public Submissions - Draft Meeting Procedures (**Attachment 2**).
28. On 6 June 2023, the community had a further opportunity to make verbal submissions to the Committee on the Meeting Procedures 2023. Four (4) submissions were made.
29. The consistent theme from the submissions related to the Prayer being included in the Order of Business. Nine out of the ten submissions asked for the removal of the Prayer.
30. Other themes included rectification of minor drafting, improving transparency of voting by Councillors, investment in technology to allow for additional requests for virtual attendees without potentially compromising in person meetings, and clarification of the intent of Delegates Reports and Petitions.
31. While Council recognises the importance of participating in the decision-making process in full public view, it must be balanced by the significant investment required to change the aging technology of the existing audio visual equipment currently in the Council Chamber. The current infrastructure does not allow for two or more Councillors to seamlessly appear at the public meeting via virtual means. Any requests or improvements to such equipment will be brought back to Council for consideration at a future time.
32. Proposed changes in the Governance Rule – Meeting Procedures since the public consultation period are:
- The removal of the Prayer in the Order of Business;
 - Provision to record in the Minutes how Councillors vote on each item;
 - Removal of the rule "*Recording of opposition to motion*";
 - Amendment to the rule on Petitions to allow non-residents to sign petitions by reinserting the wording "*Any resident of Victoria may sign a petition*"; and
 - Minor wording changes which will assist in providing clarity and consistency of intent and approach and address submissions made. Refer to **Attachment 2**.

Innovation and continuous improvement

33. The development of the Meeting Procedures will facilitate improvements in the experience of meetings.

Collaboration

34. Knowledge has been shared informally between several councils as to both the process and content of changing the Meeting Procedures to support Council in allowing for online attendance and participation in meetings on an ongoing basis.

12. Officers' reports

CM.045/23 Seeking Endorsement of Council's Governance Rule - Meeting Procedures

Budget implications

35. There are no budget impacts of this report, with no proposed changes to the audio visual equipment in the Council Chamber and the impact on staff resourcing largely officer time associated with undertaking the community engagement program and preparing the subsequent reports for Council. These impacts are allowed for within the relevant staff work plans.

Relevant law

36. Section 60 of the *Local Government Act 2020* and the Ministerial Best Practice Guideline issued under section 87 of that Act; as well as *the Regulatory Legislation Amendment (Reform) Act 2022* are applicable to the consideration of this matter.
37. Council's Community Engagement Policy and guidelines have been referenced and will be followed in the preparation of this review.
38. In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
39. It is considered that the subject matter does not raise any human rights issues.

Regional, state and national plans and policies

40. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.045/23 Seeking Endorsement of Council's Governance Rule - Meeting Procedures

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12. Officers' reports**CM.046/23 Glass collection service****Distribution: Public****Manager: Vince Lombardi, Chief Operating Officer****Author: Heath Gillett, Manager Operations Centre****Summary**

This report considers the potential early introduction of a kerbside bin collection service for glass (purple-lidded bin), to meet the Victorian Government requirements of a four-stream household waste and recycling service.

Recommendation

That Council:

1. Does not commit to early introduction of a kerbside bin collection service for glass by end of 2024.
2. Continues to investigate the introduction of a separate glass collection service in Nillumbik, which considers impacts of Victoria's container deposit scheme, legislated requirements, service options and design.

Attachments

Nil

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 separate kerbside glass collection services.
2. According to the Victorian Government's circular economy policy *Recycling Victoria: a new economy 2020*, the expected timeframe for introducing a separate glass service is by 2027.
3. Details in the proposed draft Service Standard Discussion Paper released by the Victorian Government for public consultation in 2022, indicate that councils need to provide each household with a purple-lidded glass bin for kerbside collection.
4. Further details about these requirements will be clarified and confirmed in late 2023 through the development and release of the Service Standard and other subordinate legislation under the CE Act.
5. In September 2020, Nillumbik submitted a draft kerbside reform transition plan to the Department of Energy, Environment and Climate Action (DEECA), outlining proposed plans for delivering a glass service to households.
6. The plan proposed to introduce a separate glass service in 2027, following further information and data from the Victorian Government, assessment of the impacts of Victoria's forthcoming container deposit scheme on the materials placed in household bins, community consultation and further analysis on service delivery options and costs.

12. Officers' reports**CM.046/23 Glass collection service**

7. Thirteen out of 79 council across Victoria have chosen to introduce a separate glass service early.

Related Council decisions

8. Nil

Options**Early adoption by end 2024**

9. Council has the option to be an early adopter of the kerbside glass collection service and introduce the service by the end of 2024.
10. Early adoption would incur additional collection costs to ratepayers for the period prior to 2027 that would not be incurred if the service was introduced by the 2027 timeframe.
11. It is estimated if the service were to be adopted early (in 2024) this would drive an additional cost increase of 8% to the overall service.
12. This cost increase would be in addition to any increases to the cost of delivering the current service which includes the rehabilitation of the former land fill site at Kangaroo Ground in compliance with statutory requirements. The current forecast increase to the existing service in 2024 would be approximately 10%.
13. When considering the exist service along with early adoption of separate glass collection, the estimated overall increase would be approximately 18%.

Adoption by the prescribed date

14. Council may decide to introduce a kerbside bin collection service for glass any time after 2024 and by the prescribed date which is yet to be confirmed.

Council plans and policies

15. 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

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

Sustainability implications

17. Recovering and recycling glass into new glass production reduces costs and emissions associated with extracting and transporting raw materials.
18. Recovered glass is increasingly being used to create new glass packaging locally and can also be used as a substitute for sand in construction.
19. There are costs and emissions associated with transport of glass collected separately from the mixed recycling bin.

12. Officers' reports

CM.046/23 Glass collection service

Community engagement

20. A communications strategy and plan will be developed and implemented to support the delivery and use of a glass collection service.

Innovation and continuous improvement

21. The introduction of a separate glass service is designed to improve the quality of recovered materials and create cleaner, higher-value materials streams for reuse by local industry.

Collaboration

22. Council officers continue to engage with DEECA, Sustainability Victoria, other councils and industry in planning and delivery options for a separate glass collection service.

Budget implications

23. Costs associated with introduction of a kerbside glass collection service will be referred to future budget cycles.

Relevant law

24. 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

25. National Waste Policy 2018 and National Waste Action Plan 2019
26. Victorian Government circular economy policy and plan, *Recycling Victoria: a new economy 2020*

Conflicts of interest

27. Officers involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.046/23 Glass collection service

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12. Officers' reports

CM.047/23 Endorsement of Recreational Trails Advisory Committee Members 2023-2025

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

The Recreation Trails Advisory Committee's (RTAC) role is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development and review of new and existing recreation trails within the Shire of Nillumbik.

Recommendation


That Council:

1. Endorses the eleven applicants listed (**Attachment 1**) as Committee members of the Recreational Trails Advisory Committee:
 - a) Applicant 1 _____
 - b) Applicant 2 _____
 - c) Applicant 3 _____
 - d) Applicant 4 _____
 - e) Applicant 5 _____
 - f) Applicant 6 _____
 - g) Applicant 7 _____
 - h) Applicant 8 _____
 - i) Applicant 9 _____
 - j) Applicant 10 _____
 - k) Applicant 11 _____
2. Authorises officers to appoint the next available applicant according to the Confidential: RTAC Committee recommendations (**Attachment 1**), if an appointed applicant declines the offer to be appointed to the advisory committee.
3. Acknowledges and thanks community members who submitted applications to the Recreational Trails Advisory Committee.
4. Resolves that the Confidential: RTAC Committee recommendations (**Attachment 1**) are to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. Resolves that the successful applicants be named.

12. Officers' reports

CM.047/23 Endorsement of Recreational Trails Advisory Committee Members
2023-2025

Attachments

1. CONFIDENTIAL: RTAC Committee recommendations - *CONFIDENTIAL*
2.  Terms of Reference 2023

Discussion

1. The Recreational Trails Advisory Committee's (RTAC) role is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development and review of new and existing recreation trails within the Shire of Nillumbik.
2. As detailed in the Terms of Reference (**Attachment 2**), the purpose of the advisory committee is to:
 - a) Provide relevant advice and feedback to Council in relation to works and other matters as they may arise along the trails.
 - b) Provide a forum for dissemination and consideration of information to the local community.
 - c) To assist and support Council prepare recreational trail development proposals and funding applications.
 - d) Provide advice on the design of proposed trails.
 - e) Assist Council with the development of recreation trail promotional material and events.
 - f) Assist Council monitor recreation trail use and condition.
 - g) Promotes opportunities to participate in activities on the trails.
 - h) Strengthen partnerships with residents, community groups and services about issues and actions surrounding the trails.
3. Advisory Committee meetings will be held on a quarterly basis with an agenda and minutes.
4. RTAC members are appointed for a two year term, however all members reserve the right to reconsider their role on RTAC each year according to work, study or personal commitments.
5. When a community representative is absent from a meeting, they may nominate another person from the same interest group to attend the meeting in their place. From time to time, the user group may invite other people from the community or government agencies to provide input into a particular topic or project.
6. Recruitment for Recreational Trails Advisory Committee 2023-25 opened on Tuesday 11 April 2023 and closed Monday 8 May 2023.
7. A total of 24 applications were received for the RTAC and were assessed against a selection criteria by an internal assessment panel.

12. Officers' reports

CM.047/23 Endorsement of Recreational Trails Advisory Committee Members 2023-2025

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8. The panel then reviewed the scores and discussed overall suitability in order to shortlist applicants and ensure representation across various user groups of Nillumbik's trail network.
 9. A full copy of the assessment outcomes against the 24 applications, including officer comments to support the recommendations is attached (see **Attachment 1**).
 10. A total of 11 applicants are being recommended for the Recreation Trails Advisory Committee.
 11. This proposed membership represents a diverse and broad range of people across Nillumbik Shire.
 12. Officers acknowledge the very high standard and diversity amongst the applications received and commend all applicants on their Expressions of Interest.
 13. Any unsuccessful applicants will be advised and offered opportunities to express opinions and ideas for Nillumbik's trail network.

Related Council decisions

14. In July 2017, the 11 community representatives were appointed for a two year term, ending July 2019. At the Ordinary Council Meeting on 29 January 2019, Council resolved to extend the existing Committee's term for a further 12 month period.
15. At the Ordinary Council Meeting on 28 July 2020, Council resolved to extend the current Recreation Trails Advisory Committee term for another 12 months.
16. The most recent RTAC membership had been extended to 30 July 2022, to align with the Trail audit report conducted by XYST.

Options

17. To endorse the Recreational Trails Advisory Committee's newly elected members
18. To not elect new members and conduct another EOI process
19. Extend tenures of previous RTAC members

Council plans and policies

20. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We facilitate the enjoyment of the Green Wedge by residents and visitors through the development and maintenance of shared trails.
21. This report directly supports the Recreation and Leisure Strategy 2022-2030:
 - Priority 4: Community Engagement and Partnerships, Objective 4.4:
Nillumbik Shire Council proactively seeks to form partnerships with groups and organisations that support the participation of underrepresented community groups in sport and recreation.

12. Officers' reports

**CM.047/23 Endorsement of Recreational Trails Advisory Committee Members
2023-2025**

Access, Equity and Inclusion

22. The EOI process encouraged applications from people with disability and/or carer. A specific question was asked of all applicants regarding which interest group they would represent to ensure a representation across all groups were included.

Sustainability implications

23. Not applicable.

Community engagement

24. Applications for the Recreational Trails Advisory Committee opened on Tuesday 11 April and remained open for 4 weeks until Monday 8 May 2023.
25. The opportunity was promoted within the community through a number of platforms including:
- a) Online - via Council website and social media platforms (reaching 6162 people).
 - b) Emails – previous members of RTAC were invited to reapply.
 - c) Internally – promoted to Council staff and various teams to support promotions.
 - d) Signage at three high traffic points along trails along the Diamond Creek Trail.

Innovation and continuous improvement

26. Not applicable

Collaboration

27. Not applicable

Budget implications

28. Not applicable.

Relevant law

29. *Local Government Act 2020.*

Regional, state and national plans and policies

30. Not applicable.

Conflicts of interest

31. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports**CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption**

Distribution: Public**Manager: Rosa Zouzoulas, Director Planning, Environment and Strategy****Author: Leigh Northwood, Manager Strategic Planning and Environment****Summary**

The purpose of this report is to seek Councils endorsement of the final draft of each the Municipal Planning Strategy (MPS) and Clause 74.02 Further Strategic Work of the Nillumbik Planning Scheme, that have been updated subject to recommended final changes as an outcome of Phase 3 engagement. This report also seeks Councils approval to seek authorisation to prepare and exhibit a planning scheme amendment to the Nillumbik Planning Scheme to insert the new adopted MPS and Clause 74.02.

There are specific requirements and format that the MPS must follow. The MPS must succinctly explain the context for a municipality and provide the overarching strategic directions for the major land use and development matters that affect it. The content of the MPS should be easily read, expressed in a logical sequence and grouped by related land use and development themes. The draft MPS must also be structured to meet the drafting requirements of Department of Transport and Planning (DTP).

Engagement on the MPS was initiated as part of the Our People, Our Place, Our Future (OPOPOF) community engagement program (February to April 2021) involving a Shire-wide survey used to inform the themes within the MPS. Subsequently, throughout the months of September and October 2021 (Phase 2 engagement) (458 submissions), and then again through June and July 2022 (Phase 3 engagement) (100 submission), officers conducted an extensive program of consultation on MPS themes and subsequently consulted on a draft of the MPS. Submitters were invited to attend the February 2022 Planning and Consultation Committee Meeting (PCC) to speak to Phase 1 engagement, and subsequently the November 2022 PCC to speak to their submissions to the draft MPS (Phase 2 engagement).

All submissions and feedback were considered and were used in drafting the new MPS where appropriate and relevant.

As part of consideration of the final draft of the MPS and Clause 74.02, Council may choose to:

1. Adopt the MPS and Clause 74.02 and request the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to insert the MPS and amended Clause 74.02; or
2. Request officers make further refinements to the final draft MPS and Clause 74.02; or
3. Abandon the process.

Note: the planning scheme amendment process will involve another formal round of consultation whereby the final adopted version of the MPS will be exhibited to the community and stakeholders pursuant to the notification requirements of the Planning & Environment Act 1987 (VIC), who will have another opportunity to provide comment.

12. Officers' reports







CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption

Recommendation

That Council:

1. Notes the Summary of Feedback to Phase 3 Engagement on the MPS and Clause 74.02 at Attachment 2, and instructs officers to make the summary available on Council's Participate Nillumbik page;
2. Adopts the Municipal Planning Strategy (MPS) which is provided as **Attachment 4**;
3. Adopts amended Clause 74.02 *Further Strategic Work* which is provided as **Attachment 6**;
4. Advises all submitters in writing of Council's decision;
5. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to insert the MPS and amended Clause 74.02; and
6. On receipt of that authorisation, places the amendment to the Nillumbik Planning Scheme on exhibition.

Attachments

- 1  MPS FAQ Sheet
- 2  MPS Summary of Feedback to Phase 3 Engagement
- 3  MPS Tracked Changes (Phase 3 Update)
- 4  MPS Clean Version (Phase 3 Updated)
- 5  Clause 74.02 Future Strategic Work Tracked Changes (Phase 3 Updated)
- 6  Clause 74.02 Future Strategic Work Clean Version (Phase 3 Updated)

12. Officers' reports**CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption**

Discussion

1. The Municipal Planning Strategy (MPS) is a concise expression of the overarching strategic policy directions of a municipality. It provides for the planning scheme's policy foundation, based on the municipality's location and regional context, history, assets, strengths, key attributes and influences. The MPS supports, but does not form part of, the Planning Policy Framework (PPF). The PPF and MPS work together to form the strategic basis of a planning scheme. Most importantly, the MPS may only address land use and development issues capable of being influenced by the planning scheme. The intent and limitations of what the MPS can address must be taken into account. Refer to **Attachment 1** for detail in regards to what the MPS can and should address and requirements.
2. Subject to extensive community engagement (refer to section *Community Engagement* below), generally many of the themes and matters addressed in the current MPS have been brought across into the new draft as they were still relevant, supported current planning development themes unique to the Shire and/or supported existing local policy context located within the planning scheme (and therefore has limited scope for change).
3. The word count in the current final draft of the MPS now sits at 4,996 words, which is very close to the word limit allowed for an MPS (max 5000 words)(note the word count does not include headings, clause labels or Strategic framework plans).
4. A summary of feedback to Phase 3 Engagement has been prepared by officers in responding to feedback to the draft MPS and draft Clause 74.02 – Further Strategic Work (refer **Attachment 2**). This summary will be made available on the projects Participate Nillumbik page subject to Council endorsement. This summary identifies how officers have captured feedback or responded where the MPS cannot address the feedback. On this, some elements of feedback were not incorporated into consideration of the new MPS, mainly as they are:
 - a) not within the mandate of land use and development (e.g. encourage more sustainable practices at home and private vehicle use);
 - b) too specific for the MPS where it sets 'higher order' principles rather than detailed outcomes (e.g. more dog friendly spaces, listing endangered species); or
 - c) seeking a specific land use outcome for personal gain which is not the mandate of the MPS, which is about 'net community benefit' – some of the written submissions fell into this area.

Key Matters in feedback

5. The following outlines the key changes that have been made to the draft MPS (refer to **Attachment 3** for tracked changes version of the draft MPS, blue updates being changes made in response to Phase 2 engagement, and red updates being changes made in response to engagement. Note a 'clean' version of the draft MPS is also available at **Attachment 4**. It should be noted these documents are not the final planning scheme ordinance – that would need to be generated through Department of Transport and Planning's online authorising system (ATS) which officers use to update our planning scheme and would include uploading of the Strategic framework plans in high resolution):

12. Officers' reports**CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption**

Clause 02.01 – Context

- a. Added context as to the formation of the Shire by adding *'Nillumbik Shire was formed in 1994 from the merger of parts of the Shires of Eltham, Diamond Valley, Healesville and the City of Whittlesea'*.
- b. Added further discussion as to threats to biodiversity and climate emergency by adding *'As a Green Wedge Shire, Nillumbik's communities and ecosystems face multiple threats as a result of climate change. A large proportion of the shire already experiences high bushfire risk. In recognition, Council have declared a Climate Emergency, and commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions. (Nillumbik Shire Council Climate Action Plan 2022 – 2032, page 4)'*.
- c. Added further context including acknowledgement of 'conservation areas', and adding key threatened species *'including the threatened Southern Toadlet and Powerful Owl, and the endangered Eltham Copper Butterfly'*.

Clause 02.02 – Vision

- d. Including acknowledgement of threats to biodiversity by adding *'Enhance Nillumbik's sustainability and resilience to climate change, bushfire and threats to biodiversity'*.

Clause 02.03-3 – Strategic Directions – Environmental risks and amenity

- e. Under potentially contaminated land, adding *'apply the Environmental Audit Overlay (EAO) to land that is identified as being potentially contaminated'*.

Clause 02.03-4 – Strategic Directions – Natural resource management

- f. Under 'Agriculture' *'Promote sustainable agriculture that preserves and enhances food security for the Nillumbik and wider population, and land management practices that minimise adverse impacts on the primary production and environmental values of surrounding land and the catchment'*.

Clause 02.03-6 – Strategic Directions – Housing

- g. With regard to Strategic Directions include *'Develop a housing strategy that identifies Nillumbik's housing needs and the infrastructure needed to support any projected population growth, especially within the existing Urban Growth Boundary'*.

Clause 02.04 – Strategic Framework Plans

- h. During the preparation of updates to the draft MPS, the Strategic Planning unit gained the capability to prepare and update plans in-house – a function previously not available within the unit.
- i. Given there is no budget to outsource actions required update the draft MPS and this new asset, all of the Strategic Framework Plans were updated for legibility and clarity, including:
 - i. Updates to labelling, hatching and colours to optimise legibility;
 - ii. Updates to legends, again to provide optimal clarity; and

12. Officers' reports

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption

- iii. Inclusion of adjoining local government administrative boundaries onto all plans to enhance the Shire's overall context to individual adjoining council's.

Clause 02.04-3 – Strategic Framework Plans – Open Space and Recreation Facilities Plan

- j. Any reference to the 2023 Northern Trails Strategy has been removed, where only the existing 2016 version already referenced in the MPS within the Planning Scheme (currently) has been retained. It is noted Council are still considering support for the 2023 Draft of the Northern Trails Strategy and particular proposed alignments may not be supported. Should Council resolve to adopt the 2023 draft of the Northern Trails Strategy, an amendment of this plan could be made as an 'add-on' to a future administrative amendment as this change would be policy neutral.

Clause 02.04-4 – Strategic Framework Plans – Indicative Land Suitability Plan

- k. The Future of Agriculture in Nillumbik (FOAN) Project provided Council with valuable information including mapping based on soil type and depth, climate change impacts and other geophysical characteristics. The intent of the FOAN was to provide a basis to inform government, the local agricultural sector and the broader community of the possible impacts and opportunities for food and fibre production as the climate changes in Nillumbik. The information in the FOAN was developed with the intention of increasing the adaptability and sustainability of agricultural production and provide options for the regeneration of the farming landscape.
- l. In advancing recommendations of the adopted FOAN Action Plan, 4 new plans have been prepared (in-house) and added to the draft MPS. Based on the evidence provided within the FOAN, the plans denote indicative (given the scale of the data prepared for the FOAN the plans can only be indicative) areas for certain planting suitability within the Shire for citrus, wine grapes, apples and raspberries. The intent of this data and its analysis was to assist in informing preparation of future policy and strategies to protect the Green Wedge.
- m. It is noted areas of conservation are excluded from this mapping and the plans include identification of:
 - i. Areas which have some properties that render them permanently not suitable for the production of a given crop and have no capacity (for economic or management reasons) to become suitable, i.e., high salinity, very shallow soil profile.
 - ii. Areas which have some properties that render them temporarily not suitable for the production of a given crop but have the capacity to become suitable through management changes, i.e., pH levels.
 - iii. The maps are indicative only and decision-making for individual properties should be informed by site-specific land capability or other tests (soil tests, agronomic assessments) etc.

12. Officers' reports**CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption**

Clause 74.02 – Further Strategic Work

- n. Clause 74.02 Further Strategic Work (note a tracked changes version of Clause 74.02 is available at **Attachment 6**, and a 'clean' version is available at **Attachment 7**).
6. Clause 74.02 has been updated to reflect the current and future strategic planning reviews, investigations, and preparation, to align to current initiatives and their implementation into the planning scheme i.e. neighbourhood character strategy, housing strategy and heritage review; but also importantly to align to future work that will be required to support implementation into the planning scheme i.e. investigating an ESD policy, developing an urban tree canopy strategy and reviewing the environmental framework within the planning scheme as an outcome of some of the work being prepared as part of the draft Biodiversity Strategy.

Related Council decisions

7. The 'Our People, Our Place, Our Future' (OPOPOF) community engagement program sought to capture the views and priorities of the Nillumbik community and subsequently to inform the development of a number of key strategic planning documents in line with legislative and regulatory requirements. This included the MPS. The program was endorsed by Council at the Future Nillumbik Committee on 9 February 2021. Council resolved to:
- a. *Notes and endorses:*
- i. *The proposed timelines for the integrated community planning engagement approach.*
- ii. *The proposed survey content.*
- iii. *The proposed community engagement plan.*
8. In relation to the Municipal Planning Strategy (MPS), the preparation of the MPS has taken regard to the key objectives within the key strategies/plans of the OPOPOF program, but particularly the Nillumbik Community Vision as like the Community Vision, the MPS is a 'future-looking' document that addresses issues over a longer timescale.
9. At the 27th July 2021 Council Meeting, officers presented a report to Council outlining the Phase 2 community consultation for the MPS project, which explored issues of the existing MPS and subsequent opportunities that the new MPS could and should respond to. Council resolved to:
- a. *Endorse Phase 2 of public consultation to occur over 4 weeks from 23 August to 19 September 2021, as outlined in this report for the Municipal Planning Strategy of the Nillumbik Planning Scheme.*
- b. *Notes that, following Phase 2 of public consultation, the next scheduled milestones for the project include:*
- i. *The November 2021 meeting of Council's Planning and Consultation Committee will consider the outcomes of the Phase 2 of public consultation.*
- ii. *The February 2022 Council Meeting will consider a draft of the Municipal Planning Strategy and a recommendation that it be endorsed for Phase 3 community consultation.*

12. Officers' reports**CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption**

10. At the 8 February and 8 March 2022 Planning and Consultation Committee Meetings, officers provided an update to Council in regards to submissions received to Phase 2 consultation for the MPS project. The Committee (acting under delegation from Council) resolved to:
 - a. *Note the public response, as outlined in this report, to the second phase of consultation for the Municipal Planning Strategy (MPS) Project.*
 - b. *Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the MPS Phase 2 consultation (at Attachments 3 and 4) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the Local Government Act 2020.*
 - c. *Notes that a first draft of the new MPS is scheduled to be presented to the May Council meeting with a recommendation for Council to endorse it for public engagement.*
 - d. *Writes to all respondents to the community engagement to express Council's gratitude for their contribution and to advise them of the Committee's resolution and the next steps in the project.*
11. At the 24 May 2022 Council Meeting, officers presented a report to Council outlining Phase 3 of community consultation for the MPS project including exhibiting the draft MPS. Council resolved to:
 - a. *Notes the Draft Municipal Planning Strategy (MPS) and Draft Clause 74.02 Further Strategic Work.*
 - b. *Endorses a third round of engagement for the MPS, which will exhibit the draft MPS and draft Clause 74.02 which is scheduled to be conducted from early June to mid July 2022 for a period of 6 weeks.*
 - c. *Notes a report will be presented to an upcoming meeting of Council's Planning and Consultation Committee which will consider the response to this round of engagement.*
12. At the 8 November 2022 PCC the Committee heard the communities verbal submissions to Phase 3 engagement on the draft MPS, with the Committee (acting under delegation from Council) resolving to:
 - a. *Notes the public responses, as outlined in this report, to the Phase 3 engagement for the Draft Municipal Planning Strategy (MPS) project.*
 - b. *Resolves that the confidential un-redacted copies of written submissions and survey responses to the Phase 3 public engagement of the Draft MPS (at Attachments 1 and 2) remain confidential on the grounds specified in the definition of confidential information in Section 3(1)(f) of the Local Government Act 2020.*
 - c. *Writes to all respondents to the public engagement to express Council's gratitude for their contribution and to advise them of the Committee's resolution and the next steps in the project.*

12. Officers' reports**CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption**

- d. *Notes officers will bring a final Draft of the MPS to a Council meeting in early-mid 2023, to seek adoption and Council's approval to seek authorisation from the Minister for Planning, to prepare and exhibit a planning scheme amendment pursuant to Section 8A of the Planning and Environment Act 1987 to the Nillumbik Planning Scheme to insert the new MPS.*

Options

13. As part of consideration of the final draft of the MPS and Clause 74.02, Council may choose to:
 - a. Adopt the MPS and Clause 74.02 and request the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to insert the MPS and amended Clause 74.02; or
 - b. Request officers make further refinements to the final draft MPS and Clause 74.02; or
 - c. Abandon the process.
14. Note the planning scheme amendment process will provide another round of consultation and opportunity for the community provide feedback to the final adopted version of the MPS.

Council plans and policies

15. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - *We effectively uphold the planning scheme, including fill dumping and unauthorised removal of vegetation.*
 - *We act in the best interests of our community.*
 - *We respect and enhance the unique neighbourhood character in our communities to ensure a considered approach to planning and development.*
 - *We celebrate and prioritise the protection of our heritage, arts and culture, places and spaces by focusing on the diversity of experiences that have shaped our shared history.*
 - *We value, appreciate and enjoy our Green Wedge Shire, including our rural areas and leafy urban areas, which we work hard to protect and enhance.*
 - *We are committed to protecting and enhancing the environmental integrity of our community's unique surroundings, Aboriginal heritage, natural environment and diverse wildlife.*

The new Municipal Planning Strategy (MPS) also has incorporated relevant contributions from the following Council strategies

- Community Vision – Nillumbik 2040
- Municipal Health & Wellbeing Plan 2021-2025
- Nillumbik Arts and Culture Strategy 2018-2022
- Climate Action Plan 2022-2032

12. Officers' reports**CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption**

- Economic Development Strategy 2020-2030
- Green Wedge Management Plan 2019
- Ageing well in Nillumbik Action Plan 2019-2022
- Municipal Emergency Management Plan 2020-2023.

Access, Equity and Inclusion

16. The preparation of the draft MPS commenced before introduction of requirements for the preparation of Gender Impact Assessment, however, in meeting relevant objectives of Council's *Access, Equity and Inclusion Policy*, and as relevant to areas the MPS may influence with regard to such, consultation on the draft MPS has been extensive, and carefully designed to access as many stakeholder groups as possible.

Sustainability implications

The new Municipal Planning Strategy (MPS) is expected to have positive economic, social and environmental effects for the Shire's essential businesses, diverse community and unique environs and landscapes.

Economic Implications

17. The new MPS will support a range of economic growth and development opportunities that capitalises on Nillumbik's strengths, is innovative and is compatible with the natural environment.

Social Implications

18. The new MPS will strengthen Nillumbik's identity and facilitate enjoyable and connected places that reinforces character, fosters social connection and improves accessibility, wellbeing and safety for all whilst protecting and enhancing its natural environment, heritage, arts and culture.

Environmental Implications

19. The new MPS will support the protection and enhancement of Nillumbik's unique environs and landscapes by protecting the Shire's green wedge across all aspects of planning.

Climate Change Implications

20. The new MPS will enhance Nillumbik's sustainability and resilience to both climate change and other environmental risk such as bushfire.

Community engagement

21. The following community engagement program approach was endorsed by Council on the 9th February 2021 in regard to consultation around the Our People Our Place Our Future consultation to inform preparation of the Council Plan, Health & Wellbeing Plan, Nillumbik Vision 2040 and the Municipal Planning Strategy (MPS). The program includes the following phases for the MPS:
22. **Phase 1** – Our People, Our Place, Our Future (OPOPOF) community engagement program (February to April 2021). This phase involved a Shire-wide survey used to inform the themes within the MPS. The Climate Action Plan survey was also used to inform the MPS themes **(completed)**.

12. Officers' reports**CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption**

23. **Phase 2** – MPS themes community engagement (August to October 2021). This phase involved a review of the existing MPS and planning themes that influence the MPS. It included a six-week survey, four virtual community workshops, extensive internal department workshops and associated communications **(completed)**.
24. **Phase 3** – Draft MPS community engagement (June to July 2022). This phase involved a review of the new draft MPS including specific clause ordinances and maps. Feedback from the Phase 2 was used to draft a new MPS. The draft MPS was brought to Council on the 24 May 2022 for its consideration and has been endorsed to be exhibited for community input and feedback. Consultation involved an online survey or the ability to provide a written submission on the four sections of the MPS and Clause 74.02, as well as correspondences to internal Council departments and previous submitters. Feedback received from this engagement will be incorporated into the final draft of the MPS and brought to Council again for adoption **(completed)**.
25. **Phase 4** – Final MPS (mid-late 2023). Subject to Council's adoption of a final draft of the MPS, officers will also seek Council's approval to seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to the Nillumbik Planning Scheme to insert the updated MPS (represents further consultation as part of any planning scheme amendment to implement the new MPS).

Innovation and continuous improvement

26. The project will provide improved certainty to users of the Nillumbik Planning Scheme. It will facilitate a necessary and overdue update to the Municipal Planning Strategy (MPS) to capture a new overarching strategic policy for the municipality that is reflective of the Nillumbik community's current and future key interests for the Shire with respect to land use planning and development.

Collaboration

27. The project requires significant collaboration across relevant Council units due to the various specialist areas the Municipal Planning Strategy (MPS) covers. Relevant teams include Planning Services, Environment, Infrastructure, Recreation and Leisure. Various meetings have been conducted to inform the drafting of the MPS with these teams. Collaboration with Councillors also occurred during the Phase 2 engagement.

Budget implications

28. The project is being prepared predominantly in-house. The limited funds allocated to this project have now been exhausted. A future amendment to insert the new Municipal Planning Strategy (MPS) into the Nillumbik Planning Scheme will be subject to budget allocation through the amendments budget for the 2022/2023 financial year.

Relevant law

29. *Planning and Environment Act 1987 (VIC)*
30. *Local Government Act 2020 (VIC)*

12. Officers' reports

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption

Regional, state and national plans and policies

31. By updating Nillumbik's Municipal Planning Strategy (MPS) with input from the community, this will clarify and modernise the Nillumbik Planning Scheme and achieve implementation of the objectives of planning in Victoria set out in Section 4(1) of the *Planning and Environment Act 1987*:
- a. To provide for the fair, orderly, economic and suitable use, and development of the land.
 - b. To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
 - c. To facilitate development in accordance with the objectives of planning in Victoria.
32. As has also been mentioned, the draft MPS has been prepared in accordance with the Victoria Planning Provisions (VPP) and the Ministerial Direction on the Form and Content of Planning Schemes.

Conflicts of interest

33. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption

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12. Officers' reports**CM.049/23 Youth Hub Community Engagement Plan**

Distribution: Public**Manager: Corrienne Nichols, Director Communities****Author: Katie Camilleri, Acting Manager Community Partnerships /
Coordinator Youth & Community Development****Summary**



This report presents the draft designs for the Nillumbik Youth Hub (**Attachment 1**) for endorsement and the purpose of public consultation. Public consultation on the draft designs of the redevelopment of 32-34 Elizabeth Street, Diamond Creek into a dedicated, standalone Youth Hub will be open from 30 June to 20 July 2023. Public submissions will close 11.59pm on Sunday 20 July 2023 and will be considered by the Planning and Consultation Committee on 8 August 2023.

Recommendation

That Council:

1. Endorses the draft designs for the Nillumbik Youth Hub (**Attachment 1**) for the purposes of public consultation.
2. Invites written submissions on the draft designs to Council by 20 July 2023.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 8 August 2023.

Attachments

- 1  Draft designs - Nillumbik Youth hub
- 2  Youth Hub Research & Engagement Report

Discussion

1. The Victorian Government announced on 30 March 2023 that Nillumbik Shire Council was successful for \$300,000 in funding under the Victorian Governments Youth Hubs Grant Program 2022-2023, to redevelop an existing Council facility at 32-34 Elizabeth St, Diamond Creek, into a dedicated, stand-alone youth hub to provide centralised support for young people aged 12-25 years old.
2. Officers have engaged DB Architects to commence preparation of the draft designs (**Attachment 1**) which will be presented for public consultation via Participate Nillumbik.
3. The draft designs for the Nillumbik Youth Hub have been informed by the Youth Hub Research and Engagement Report (**Attachment 2**) undertaken in 2022, which was supported by engagement with Youth Council, young people, Council staff, youth services and other stakeholders.

12. Officers' reports**CM.049/23 Youth Hub Community Engagement Plan**

4. Additional workshops were held with Council Officers, Youth Council, and a Councillor Workshop across May and June, seeking input and feedback on designs, which has now been incorporated prior to going out for public consultation.
5. The engagement period on the draft designs will run from 30 June – 20 July 2023 on Council's participate Nillumbik website.
6. In line with Nillumbik's Community Engagement Policy, and in an effort to reach as many people as possible, a range of promotional tools and information resources will be provided to young people and the community to encourage and support meaningful participation in the program.
7. A copy of the draft designs will be made available on Participate Nillumbik, alongside a short survey and opportunity for the public to provide comments and feedback on the proposed designs for the Youth Hub.
8. The public consultation will also be supported by interactive workshops with young people and key partners onsite at 32-34 Elizabeth Street Diamond Creek, at local schools and with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation.
9. Officers will also continue to work closely with Youth Council to inform and lead the project.

Related Council decisions

10. At the 13 December Council meeting, Council endorsed Officers proceed with a submission under the Victorian Government's Youth Hubs grant program 2022-23 by 5pm 14 December 2022 and if successful, commits to funding the ongoing operational and staffing costs to operate the Youth Hub over at least the next three financial years 2023-24, 2024-25 and 2025-26.

Options

11. Endorse the draft designs (**Attachment 1**) for public consultation between 30 June and 20 July 2023.

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We actively engage people of all ages and stages in decisions that affect them, ensuring that initiatives meet current and emerging needs.
13. This report also directly supports objectives in the Youth Strategy 2022-2026.

Access, Equity and Inclusion

14. A Gender Impact assessment was completed in May, including consideration for access, equity and inclusion requirements to ensure a broad reach throughout the public consultation process.
15. A Gender Impact Assessment has also be completed on the draft designs to ensure the overall project considers gender, access, equity and inclusion in construction and ongoing operations.

12. Officers' reports

CM.049/23 Youth Hub Community Engagement Plan

Sustainability implications

16. Not applicable

Community engagement

17. This report seeks Council endorsement for public consultation on the draft designs to redevelop 32-34 Elizabeth Street Diamond Creek into a dedicated Youth hub for young people aged 12-25 years old.
18. A Youth Hub has been identified as a priority through the Nillumbik Youth Strategy 2022-2026, which has been co-designed by Nillumbik Youth Council and informed by the Young Minds: Your Voice, Our Future youth engagement program which ran from 14 June to 20 July 2021 and heard from a total of 897 young people aged 12-25 years old.
19. A 'Youth Hub' was also identified as one of the top recommendations that came out of the 2022 Nillumbik Youth Summit, that heard from more than 50 students from Diamond Valley College, Eltham High School, Catholic Ladies College, St Helena Secondary College and Montmorency Secondary College.
20. The draft designs have been informed and guided by findings from the Research and Engagement Report (**Attachment 2**), which included a Youth Hub Forum with local young people undertaken in June-July 2022.

Innovation and continuous improvement

21. Not applicable.

Collaboration

22. Officers are working collaboratively with a number of key stakeholders to support the detailed design of the Youth Hub. This includes Youth Council, Council staff and Youth Service Providers.

Budget implications

23. Council have been successful in receiving \$300,000 under the Victorian Governments Youth Hubs grant program 2022/23 towards the project.
24. Council resolved at the 13 December 2022 Council Meeting to contribute an additional \$300,000 towards the completion of the capital works from the 2023/24 capital expenditure budget if the grant application was successful.

Relevant law

25. Not applicable.

Regional, state and national plans and policies

26. *Our promise, Your future: Victoria's youth strategy 2022-2027*

Conflicts of interest

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

12. Officers' reports

CM.049/23 Youth Hub Community Engagement Plan

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12. Officers' reports**CM.050/23 Implications of Bus Safety Act on Council's Community Bus Programs**

Distribution: Public**Manager: Corrienne Nichols, Director Communities****Author: Narelle Hart, Manager Community Programs****Summary**

The purpose of this report is provide Councillors with information about the changes to the Bus Safety Act 2009 resulting in the requirement that Council become an accredited bus operator.

The report will also outline the implications of the new Act on the bus hire service offered by Council and provides advice and recommendation that Council discontinue the hire service to non-accredited community groups and users.

Recommendation

That Council:

1. Discontinues providing bus hire to non-accredited community groups.
2. Continues to provide bus hire to community groups/users who have their own accreditation.
3. Requests officers to support and provide information to non-accredited community groups about other bus hire options that are available to them.

Attachments

- 1  Bus Hire Risk Assessment

Discussion

1. Changes to the Bus Safety Act 2009 by the Victorian Government came into effect on 1 March 2022 which consolidate existing bus operator accreditation and registration requirements (two separate requirements) into a single accreditation system.
2. Under the previous system, Council was a registered bus operator, however the transition meant that Council automatically moved to being an accredited bus operator.
3. Staff have managed the changes to comply by 1 March 2023.
4. Council's fleet of three buses currently provides the following functions:
 - i. Door to door transport by Council volunteer drivers, for eligible Nillumbik residents who are over 65 years old and need support to access services, shopping and social activities.
 - ii. Transport of community members/groups by Council Officers to Council delivered programs.

12. Officers' reports**CM.050/23 Implications of Bus Safety Act on Council's Community Bus Programs**

iii. Bus hire service to external community groups/users.

Note: Council does not hire the bus to business or private individuals for non-community purposes i.e. birthday parties, etc.

5. The implementation of the new Bus Safety Act 2009 has not resulted in any significant impact on the community transport functions that Council delivers as listed in (4) (i) and (ii) however it has impacted the bus hire service (4) (iii) requiring management consideration and a decision whether to continue to offer the hire service to the community.
6. Previously, hirers of Nillumbik Shire buses were required to gain registration status through Safe Transport Victoria (STV) before being permitted to hire a Nillumbik Council bus. This meant the liability and responsibility to meet all bus safety requirements when hiring the bus fell under the hirer's registration with STV.
7. Under the changed legislation, Council's previous hirers now fall into two categories:
 - i. Those who are required to have accreditation status because (1) they transport people with special care or support needs associated with age and/or disability and/or (2) they transport children under the age of 18 years.
 - ii. Those community groups/users that do not require accreditation to hire a bus.
8. The concern and consideration for Council is the continuation of bus hire to groups who are not accredited (7) (ii).
9. Non accreditation means that in a hire situation these hirers would need to be covered under Council's accreditation and under the legislation must comply with the same requirements that Council is subject to. This would mean that Council takes on increased liability, responsibility, training and administration cost to ensure that the hirer conforms to the accreditation requirements.
10. Under the legislation requirements, each hirer's driver is required to complete the same training program as Council volunteers and staff that demonstrates an understanding of driving a bus under accreditation, and induction includes Council's minimum requirements of:
 - An overview of the bus and general operations including hire guidelines, bus orientation, key access system, hoist, seatbelt, emergency and incident reporting
 - Legal requirements of accreditation including 0.0 BAC, number of passengers, consequences of failing to report, and transporting wheel chair passengers
 - Compliance checks - Working with Children Check; Police check; Driver history check and medical check.
11. The risk assessment (**Attachment 1**) outlines the risks associated with noncompliance of the hirer with the major risk being that the hirer does not comply with Bus Safety Act 2009 resulting in Council receiving fines, sanctioning or loss of accreditation.
12. The major consequence is that loss of accreditation jeopardises all of Council's community bus services. (4 (i) and (ii) above).

12. Officers' reports**CM.050/23 Implications of Bus Safety Act on Council's Community Bus Programs**

13. Primary reasons for hirers non-compliance are:

- Driver failure to maintain 0.0 blood alcohol;
- Hirer substitutes the trained driver with an untrained driver;
- Hirer fails to adhere to maximum passenger numbers;
- Not following legal requirements for children and wheelchair restraints;
- Failure to report accidents to Transport Safety Victoria (TSV); and
- Audit by TSV.

14. Other implications are:

- Additional budget costs for Council or these costs passed on to hirers (refer to Budget Implications)
- Compliance may become too complicated for both the hirer and Council to monitor and manage
- Even with the required training the hirer can choose to ignore them; and this places Council further at risk of litigation, loss of accreditation and reputation.

15. Since the pandemic, a number of regular hirers have ceased their programs/services and no longer require the bus hire service. Enquiries and hires over the last 12 months indicate low level of demand and minimal potential income for Council.**16. Council currently has five semi-regular hirers who hired the bus in the past 12 months and there have been three queries for potential ad hoc hirers.**

Note that Council bus hire to the St Andrews Community Centre for the weekend market has ceased as the service was no longer required.

17. The current hire fee for a Council bus is \$120 for a full day or \$75 for a part day plus refuelling.**18. For comparison purposes, commercial hire options were investigated and are approximately \$150 to \$200 per day with additional variable rates for km travelled.****Related Council decisions****19. In late 2018 Council's Future Nillumbik Committee adopted a number of resolutions to guide and support a considered response to the National Aged Care Reform. One of the resolutions was to realign Council's role in supporting older people toward improving the opportunities and choices for older residents to live and age well in Nillumbik by continuing to provide Community Transport and conduct a service delivery review.****Options****Option to discontinue hire of Community Bus****20. Council's transition to accreditation has not impacted the Council provided bus services (4) (i) and (ii). Cessation of the hire service is being considered for non-accredited hirers only. (Council will continue the hire service to groups that have accreditation).**

12. Officers' reports**CM.050/23 Implications of Bus Safety Act on Council's Community Bus Programs**

21. Council's bus service provides door to door transport to eligible residents and use of the bus to transport community groups is a valued and highly utilised service. A high proportion of these services are funded through the Commonwealth Home Support Program and user fees.
22. The implementation of the requirement for Council to be an accredited operator has not impacted these services to Council clients and has not placed any additional risk to Council. The program will continue delivering these services to Nillumbik residents.
23. Consideration to discontinue hire to non-accredited groups is based on:
 - a. Risk to Council's accreditation if community groups hiring the bus fail to comply with accreditation requirements.
 - b. Increased effort for Council and hirers to ensure compliance.
 - c. Low level of demand from community.
 - d. Income generated for Council by hire service is minimal.
 - e. Comparable commercial hire options are available.
24. Council's Community Transport Officer has been proactive in advising of other hire options available through commercial operators and businesses and has not received any negative feedback in relation to the service not being available via Council's bus fleet.

Option to continue

25. Continuation of current arrangements under Council accreditation would mean that Council could continue to offer a hire service to non-accredited community groups.
26. Costs incurred by Council to implement additional processes as per item (10) could be met through an increase in the Council's Community Transport budget or passed on to users through the bus hire cost as outlined in (20).

Preferred option

27. There is a major risk to Council's current bus services and it is recommended that Council ceases any hire arrangements under Council's accreditation

Council plans and policies

28. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We ensure people of all ages and stages have access to inclusive services that respond to their individual needs.

Access, Equity and Inclusion

29. Council's Community Support Services have assessed and determined that there are other options that would meet the needs of non-accredited community groups/users that would be impacted by the cessation of the service.

Sustainability implications

30. Not applicable

12. Officers' reports

CM.050/23 Implications of Bus Safety Act on Council's Community Bus Programs

Community engagement

31. Not applicable

Innovation and continuous improvement

32. The implementation of the new *Bus Safety Act 2009* requirements has led to improvements in the existing processes and documentation for the Community Bus Program.

Collaboration

33. Not applicable

Budget implications

34. Ceasing the bus hire would result in minimal lost income to Council as the bus hire service has declined significantly since the pandemic.
35. To continue the service, Council would need additional EFT to resource approximately two hours of officer time per bus hire to undertake additional screening, induction, training and documentation for each community group/user.

Relevant law

36. *Bus Safety Act 2009*

Regional, state and national plans and policies

37. Not applicable

Conflicts of interest

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

12. Officers' reports

CM.050/23 Implications of Bus Safety Act on Council's Community Bus Programs

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12. Officers' reports**CM.051/23 Quarterly Risk and Safety Report - March 2023**

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

This report provides a summary of Council's Risk and Safety Report for the quarter ending March 2023.

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

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 5 June 2023.

The full confidential Risk and Safety Report for March 2023 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Recommendation

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending March 2023.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

Attachments

1. Risk and Safety Report - March 2023 - *CONFIDENTIAL*

Discussion

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

12. Officers' reports**CM.051/23 Quarterly Risk and Safety Report - March 2023**

- Maintain stakeholders' trust and due diligence;
 - Align all risk practices across all systems and to promote and support a consistent corporate approach to risk that can be clearly understood; and
 - Ensure that risk management is seen as the responsibility of all staff, i.e. – *risk management is everyone's business*.
2. In addition to the Risk Management Policy, Council's Risk Management Framework communicates and describes the risk management principles and processes that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
 3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
 4. This Risk and Safety report broadly reports on:
 - Risk management;
 - Business continuity;
 - (Anti) Fraud and corruption control;
 - Insurance premiums;
 - Incident management and insurance claims;
 - Occupational Health and Safety;
 - Other data; and
 - Strategic risk summary report.
 5. The Quarterly Risk and Safety Report has been prepared in accordance with Council's Risk Management Policy and Framework, and is consistent with the Australian Standard AS/NZS 31000:2018 Risk Management.
 6. Highlights from the Risk and Safety Report for the quarter ending March 2023 are as follows:
 - Council's (Anti) Fraud and Corruption Control Policy and system to align with AS8001:2021 is now complete and endorsed by the Executive Leadership Team, and Risk and Audit Committee.
 7. The following tables summarise recorded incidents by type for matters involving Council. Note that these table show all reported incidents, rather than all claims, as not every incident results in a claim being made.

12. Officers' reports

CM.051/23 Quarterly Risk and Safety Report - March 2023

Incidents by type	Apr – Jun 22	Jul – Sep 22	Oct – Dec 22	Jan-Mar 23	Total Apr – Mar 23	Last Year Apr – Mar 23
Property	8	3	6	5	22	33
Motor vehicle	14	11	13	13	51	35
Professional Indemnity	0	0	0	2	2	2
Public Liability	20	28	76	35	159	164
Occupational Health & Safety	24	20	30	25	99	91
Total incidents	66	62	125	80	333	325

8. The following table summarises all incidents by directorate.

Incidents by Directorate	Apr – Jun 22	Jul – Sep 22	Oct – Dec 22	Jan-Mar 23	Total Jan – Dec 22	Last Year Jan – Dec 21
Corporate Services	1	0	4	0	5	3
Communications, Governance and Engagement	1	1	1	1	4	5
Planning and Community Safety	9	4	10	8	31	41
Community Services	3	10	6	6	25	18
Operations and Infrastructure	52	47	104	65	268	258
Total incidents	66	62	125	80	333	325

9. A high proportion of reported incidents during the March 2023 quarter are generated within the normal course of operations in the Operations and Infrastructure directorate (81%) and is an increase of 1% from the December 2022 quarter.
10. Overall, incidents are consistent with the previous year; however note that significant rain and storm events were experienced during the December 2022 quarter. These were predominately public liability incidents.
11. All incidents relate to major classes of asset or maintenance type incidents for Council buildings, recreational facilities, playgrounds, trees, drainage, footpath, road damage and major plant.
12. Tree related risks are mitigated through the:
 - Tree Management Policy;
 - Reactive tree maintenance program;
 - Proactive electric power line clearance program;

12. Officers' reports**CM.051/23 Quarterly Risk and Safety Report - March 2023**

- Proactive box clearance program;
 - Proactive inspections of high risk trees; and
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
13. Road, footpath, drainage and roadside related risks are mitigated through the:
- Road Management Plan;
 - Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.
14. Property incidents typically reported are property theft, break-ins, storm damage vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds and recreational facilities. Risks are mitigated through maintenance programs and insurance.
15. Overall, reported property incidents are substantially lower when compared to the same period last year (22 in 2023 compared to 33 in 2022). Incidents resulted in minor damage to a building and reserve assets. All incidents were reported to the Police where appropriate.
16. Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are mitigated through maintenance, education and insurance.
17. There were 13 motor vehicle incidents during the March 2023 quarter and there were no motor vehicle insurance claims lodged with Council's insurer. The number of incidents has risen, however the dollar value of claims has fallen when compared to the previous year.
18. Professional indemnity relates to incidents and claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services. One new professional indemnity incidents was reported to Council's insurer this quarter, and one possible claim noted.
19. Public liability incidents are reported where the third party is seeking compensation for personal injury, property damage and economic loss. Note that compensation claims are only paid where Council has been negligent or there is a clear legal liability. Claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
20. A total of 35 incidents were notified during the March 2023 quarter. 17 incidents related to tree or tree root issues and 7 related to vehicle damage, primarily caused by the road surface or road related infrastructure. (Note that the *Road Management Act 2004* threshold is currently \$1,460).
21. There was one reported water damage incident, along with 12 reported tree damage incidents, causing property damage.

12. Officers' reports**CM.051/23 Quarterly Risk and Safety Report - March 2023**

-
22. Occupational Health and Safety incidents during the quarter (25) relate to safety matters reported as incidents, hazards and near misses. Typical incidents are cuts and lacerations, insect and animal bites, musculoskeletal injuries and slip trips and falls. These incidents are managed through the Occupational Health and Safety Management System.
23. The overall occupational health and safety annual trend data for the year ending March 2023 incidents (99) was comparable to the same period ending March 2022 (91).
24. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

Related Council decisions

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

Council plans and policies

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

Access, Equity and Inclusion

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

Sustainability implications

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

Community engagement

31. Not applicable.

Innovation and continuous improvement

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

12. Officers' reports

CM.051/23 Quarterly Risk and Safety Report - March 2023

Collaboration

33. Not applicable.

Budget implications

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

Relevant law

35. Not applicable.

Regional, state and national plans and policies

36. Not applicable.

Conflicts of interest

37. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports**CM.052/23 Audit and Risk Committee Meeting June 2023**

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

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

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

The Audit and Risk Committee met on 5 June 2023. The minutes for the meeting are shown in **Attachment 1**.

Recommendation

1. **That** Council notes the minutes of the Audit and Risk Committee meeting held on 5 June 2023 (**Attachment 1**).

Attachments

- 1  5 June 2023 Audit Committee Minutes

Discussion

1. The minutes of the Audit and Risk Committee (ARC) are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
2. Minutes of the ARC held on the 5 June 2023 have been adopted by the Committee, and will be presented at its next meeting.
3. The items considered by the ARC were:
 - Draft 2022/2023 VAGO Interim Management Letter
 - Fair Access Policy Roadmap;
 - Child Safe Standards Internal Audit Report;
 - Fraud and Corruption Control Policy and System; and
 - March 2023 Quarterly Financial Report.
4. The next ARC meeting is scheduled to take place on Monday 28 August 2023.

Related Council decisions

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

12. Officers' reports

CM.052/23 Audit and Risk Committee Meeting June 2023

Options

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

Council plans and policies

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

Access, Equity and Inclusion

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

Sustainability implications

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

Community engagement

11. Not applicable.

Innovation and continuous improvement

12. Not applicable.

Collaboration

13. The ARC meeting on 5 June 2023 was attended by the internal auditor from Pitcher Partners, as well as the CEO and COO. Mayor Cr Ben Ramcharan and Deputy Mayor Cr Geoff Paine attended as the councillor representatives.

Budget implications

14. The associated costs are contained within Council's 2022-2023 Budget.

Relevant law

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

Regional, state and national plans and policies

16. Not applicable.

Conflicts of interest

17. No officer involved in the preparation of this report has declared a conflict of interest.

12. Officers' reports**CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking Enforcement – Services and Products**

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Elishia Jansz, Acting Manager Community Safety and Amenity****Summary**

This report recommends the awarding of contract 2223-016 for Infringement and Parking Enforcement – Services and Products.

The contract term is for an initial period of 5 years, with 2 x 1 year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed 7 years.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2223-016 for Infringement and Parking Enforcement – Services and Products.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2223-016
Title: Infringement and Parking Enforcement – Services and Products.
Term: 1 July 2023 to 30 June 2028
Options: Term extensions up to 30 June 2030
2. Authorises the Director of Governance, Communications and Community Safety to finalise and execute the contract documentation.
3. Authorises the Director of Governance, Communications and Community Safety to approve contract term extensions.
4. Authorises the Director of Governance, Communications and Community Safety to approve additional cost variations that are a result of changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Summary Report 2223-016 (**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*.

12. Officers' reports

CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking Enforcement – Services and Products

7. Resolves that the preferred tenderer be named.

Attachments

1. Attachment 1 - Tender Evaluation Summary Report 2223-016 - *CONFIDENTIAL*

Discussion

1. Council is responsible for parking management, compliance and law enforcement throughout the Municipal District which spans an area of 431.94 square kilometres or 43,194 hectares and features both urban and rural areas. Parking is an increasingly scarce resource that requires careful management to ensure the best outcomes for all stakeholders in the community. This includes residents, visitors and local businesses.
2. The suburban profile of Nillumbik Shire Council is changing to a more urbanised environment. A higher and more densely populated Council means there are greater demands on car parking, transport infrastructure and traffic management by a complex set of stakeholders and uses.
3. A successful trial of the technology was undertaken in recent years with the installation of 248 parking sensors into some of the main high\medium parking areas in Nillumbik Shire Council business districts.
4. Whilst the primary aim of this contract is to expand on the existing parking sensor coverage and upgrade technology to enable parking assistance, enforcement and data collection as well as improve safety and efficiency, it is also expected to inform enhanced parking management by collection and use of data.
5. Ultimately, Council is anticipating to use enhanced technology for a broader approach of parking related data collection and diverse parking service offering to residents.
6. The solution also has the capability of issuing infringements other than parking related and includes, but is not limited to local laws and animal management.

Council plans and policies

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

Tender overview

The Tender Evaluation Panel (TEP) advises that:

8. A public Expression of Interest (EOI) tender was issued on 28 January 2023 and advertised in the Melbourne Age.
9. The period for tender submissions closed at 2pm on Thursday 9 March 2023.
10. The following tenders were received:

12. Officers' reports

CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking Enforcement – Services and Products

TENDERER
Tenderer A – Preferred Tender
Tenderer B
Tenderer C
Tenderer D
Tenderer E

11. Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation.

12. The following tenders were evaluated as non-conforming or not sufficiently competitive and were subsequently set aside from further evaluation.

TENDERER	Reasons why tender was set aside from further evaluation
Tenderer E	Submission was incomplete and non-compliant as EOI Response Form not returned.

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

Criteria	Weighting %
Capability (Quality/Technical)	50%
Capacity (Resources)	25%
Collaboration	10%
Asset Management	5%
Social and Local	10%

14. The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value.
15. The members of the TEP were:

12. Officers' reports

CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking Enforcement – Services and Products

Position Title	Business Unit	Scoring Member or Advisory Member
Community Safety Coordinator	Community Safety and Amenity	Scoring
Prosecution Officer	Corporate Information and Integrity	Scoring
Senior Procurement Specialist	Finance, Assets & Procurement	Advisory

16. The Expression of Interest technical evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A* – Preferred Tender	80/100	1
Tenderer B*	65/100	2
Tenderer C	36/100	3
Tenderer D	21/100	4

* The two highest scored tenderers were then invited on May 7, 2023 to provide pricing for their proposed solution and products based on a defined schedule of rates format issued by Council.

17. The recommended tender was the highest ranked and is considered best value because the proposed solution meets the requirements and needs of the Council.
18. **Attachment 1** - Tender Evaluation Summary Report 2223-016 – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
19. The Tender Evaluation Summary Report 2223-016 (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Capability

20. Has clearly evidenced experience with similar scope and size projects and has worked with Local Government Agencies to deliver similar projects.
21. The customer service approach is detailed and suitable for this type of project which will attract some focus of Nillumbik residents.
22. Solution conforms to mandatory functionality requirements as issued in the EOI specifications required and can deliver against other desired technical options if required by Council.
23. Product and system is easy for officers to use.
24. Has capability for future enhancements.
25. Equipment functionality adequate and fit for purpose.
26. Has ISO certified management systems.

12. Officers' reports

CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking Enforcement – Services and Products

Capacity

- 27. Has clear project methodology and customer service approach and support.
- 28. Key nominated staff are skilled and experienced in product and solution delivery.

Tender Interviews and Reference checks

- 29. As the preferred tenderer is the current provider of service and solution to Council, not reference checks or interviews were required.

Collaboration

- 30. Not applicable

Budget implications

- 31. The ongoing contract costs will be budgeted for as part of the annual budget processes.
- 32. The expansion on the existing parking sensor coverage results in a lower annual cost per sensor than Council has historically paid.
- 33. Further benefits are realised due to IP that already exists, with no additional licensing costs and existing solution hardware can be used.

Sustainability implications

- 34. Provides employment to more than 70 residents from within the Northern Council Alliance group municipal areas.
- 35. Partners with, and currently provides, employment and training support to the Asylum Seeker Resource Centre (ASRC).
- 36. Participates in the University of Melbourne Science and Engineering mentorship program

Stakeholder Consultation/communication

- 37. Not applicable

Innovation and continuous improvement

- 38. Company invests a percentage of annual revenue in internal Research and Development which provides further innovation enhancements to solution.

Relevant law

- 39. Section 109 of the *Local Government Act 2020*.

Regional, state and national plans and policies

- 40. Not applicable

12. Officers' reports

**CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking
Enforcement – Services and Products**

Conflicts of interest

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

12. Officers' reports**CM.054/23 Fair Access Policy**

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

The Victorian government has developed a Fair Access Policy Roadmap in partnership with local governments, the state sport and active recreation sector and other key stakeholders. The intent is to improve gender equitable access and use of publicly owned community sports infrastructure across Victoria.

Gender equity is the provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.

Recommendation

That Council endorses the proposed Nillumbik Shire Council Fair Access Policy.

Attachments

- 1  Fair Access Policy

Discussion

1. The Victorian Government is committed to developing an environment for all Victorians to live in a safe and equal society, have access to equal power, resources, and opportunities, and are treated with dignity, respect, and fairness.
2. A reform agenda has been developed to change the systems that have perpetuated gender inequality by designing an enduring structure that requires implementation and tracking of progress over time.
3. Gender equality is the attainment of equal rights, responsibilities, and opportunities of all gender diverse people. Equality means rights, responsibilities, and opportunities will not depend on gender.
4. This reform agenda includes addressing the traditional structures and way community sport and recreation organisations operate through the implementation all nine recommendations from the 2015 Inquiry into Women and Girls in Sport and Active Recreation.

12. Officers' reports

CM.054/23 Fair Access Policy

5. The three key pillars of success that will assist Council in planning and implementation of the Fair Access Policy Roadmap are:
 - a) The Fair Access Principles.
 - i) Six principles which are inclusivity, full participation, equal representation, encouraging, supporting and prioritising user groups committed to equality. These principles were developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector.
 - b) The Fair Access Policy
 - i) This addresses known barriers accessing and using community sports infrastructure. The Policy aims to progressively build capacity and capabilities of Council in the identification, and elimination of systemic causes of gender inequality in policy, programs, communications, and delivery of services in relation to community sports infrastructure.
 - c) The Fair Access Action Plan.
 - i) A tool to assist Council to record specific, measurable and timely goals in line with each of the Fair Access Principles.
6. Timelines for the rollout of the Fair Access Policy Roadmap are:
 - a) 1 July 2024 - Victorian Government funding criteria for community sport infrastructure to require gender equitable access and use policies (or equivalent) to be in place.
 - b) 1 October 2024 - All local governments in Victoria have gender equitable access and use policies (or equivalent) in place for community sports infrastructure.
 - c) 1 July 2027 - More reported equitable access to community sports infrastructure and improved experiences participating in community sport.
7. The proposed Nillumbik Shire Council Fair Access Policy has been supported by Council's Audit and Risk Committee to progress to Councillors for endorsement.
8. Council is well positioned to design and implement place-based, integrated actions plans that progress gender equality in community sport.

Related Council decisions

9. Not Applicable.

Options

10. Not Applicable.

12. Officers' reports

CM.054/23 Fair Access Policy

Council plans and policies

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

- We champion equity, diversity, access and inclusion for people of all abilities, ages, cultural identities, gender identities, geographic locations, religions, sexualities, and socio-economic backgrounds.

Recreation and Leisure Strategy 2022-2030:

- Priority 1: Increasing Participation and Usage of Facilities and Open Space.
- Priority 2: Promoting Equity and Inclusion.

Access, Equity and Inclusion

12. This document supports and considers Nillumbik's Access Equity and Inclusion Policy and Gender Equity Policy Statement 2018.

Sustainability implications

13. Not Applicable.

Community engagement

14. Not Applicable.

Innovation and continuous improvement

15. Not Applicable.

Collaboration

16. Council will work closely with sports clubs within the shire to address the Fair Access Policy and develop action plans with the aim to support and improve participation, governance structures and access and use of community infrastructure.

Budget implications

17. Not Applicable.

Relevant law

18. Not Applicable.

Regional, state and national plans and policies

19. This document supports and considers Gender Equity Act 2020.

Conflicts of interest

20. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.054/23 Fair Access Policy

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12. Officers' reports

CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)

Distribution: Public

Manager: Rosa Zouzoulas, Director Planning, Environment and Strategy

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

Summary

Local Food Connect has received a Department of Energy, Environment and Climate Action grant (Suburban Grants Program) to operate a proposed urban farm on Council-managed land at 2 Bell Street, Eltham, known as Fabbro Fields.

Local Food Connect's aim is that Fabbro Fields becomes a financially viable not-for-profit urban agriculture centre. There are a number of approvals required before Local Food Connect can operate including obtaining a lease from Council to use the land, obtaining consent from the land manager to apply for a planning permit application and obtaining planning permit approval.

Separate to any engagement that may be undertaken by Council through its statutory processes as the Responsible Authority and the Responsible Planning Authority for the lease of land which Council is the Committee of Management and the Planning Permit Application, Council can also seek community feedback to inform the potential use of Council managed land. This report contains a proposed approach to do so.

Recommendation

That Council:

1. Endorses the commencement of a community consultation process as outlined in Proposed Community Engagement Next Steps (**Attachment 1**) to seek the views of the Nillumbik community with respect to the potential use of land at 2 Bell Street Eltham for the purpose of an urban farm.
2. Following the conclusion of the community engagement period, hears from submitters at the Planning and Consultation Committee meeting on 8 August 2023 with respect to the potential use of land at 2 Bell Street Eltham for the purpose of an urban farm.

Attachments

1. Community Engagement Overview - Future use of land as 2 Bell Street, Eltham (Fabbro Fields)

12. Officers' reports**CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)**

Background

1. In early 2010, the State Government purchased the 4.87 hectare property at 2 Bell Street, Eltham (the land), formerly a farm and market, for 'conservation, recreation, leisure and tourism purposes pursuant to section 5(1) of the *Crown (Reserves) Act 1978*' and appointed Nillumbik Shire Council as the Committee of Management in August 2011. This followed a community-led campaign to buy the land for public use.
2. Between 2012 and 2013 Council worked in partnership with the community to determine a use for the land and develop a masterplan for the site.
3. The Bell Street Masterplan was adopted at the 27 August 2013 Ordinary Council Meeting and was scheduled for review in June 2017. Two hundred (200) local residents were involved in developing the Bell Street Masterplan. The officer report states, *"Council and the community have worked together to develop the draft Bell Street Masterplan. Its implementation will also be a shared responsibility. Council will focus on site remediation and core infrastructure such as pathways. The community can focus on activating the site, with advice and guidance from Council."* The Masterplan nominates a series of uses for the site, such as a pedestrian pathway, unstructured recreational space, riparian zone, and an area of vegetable garden and a netball and basketball court area.
4. In 2014, following community consultation, the land was officially supported by Council to be renamed 'Fabbro Fields' to 'commemorate the long history and active farming involvement of the Fabbro family on the extensive tracts of farmland along the western side of the Diamond Creek in Eltham'.
5. During the latter part of 2018, the then Nillumbik Shire Council Director of Business and Strategy was approached by Local Food Connect (LFC) to discuss the possibility of using the land for a Community Supported Agriculture (CSA) pursuit. LFC requested Council support to undertake a feasibility study exploring the land (or 'Fabbro Fields') for this CSA endeavour. This proposal was given support by the Director on the 18 October 2018. Council also encouraged LFC to consider other land parcels in the Shire in the context of a feasibility study.
6. LFC is a local community group established some 10 years ago with the purpose of increasing appreciation of the importance of Nillumbik's local food system and to strengthen the community's ability to produce food locally (home grown or commercially).
7. In September 2020, LFC submitted the 'An Urban Farm for Nillumbik' Discussion Paper to Council exploring urban farming options on the Edendale site. A feasible option between Council and LFC on the Edendale site has not been achieved or agreed to.

12. Officers' reports**CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)**

Discussion

8. LFC has received a Department of Energy, Environment and Climate Action (DEECA) grant (Suburban Grants Program) to operate a proposed urban farm on the land, known as Fabbro Fields.
9. Council is the Land Manager (Committee of Management) for the land. DEECA is the Land Owner.
10. The land is currently used as open space and adjoins the Diamond Creek Trail and the Diamond Creek to its west. The Eltham High School is located east of the land opposite the site.
11. Officers have been advised that LFC's aim is that Fabbro Fields become a financially viable not-for-profit urban agriculture centre that is established and managed by the community for the community.
12. In addition to the use of the land, LFC is seeking to develop the land by modifying/redeveloping the existing shed, introducing garden beds, amenities, fencing, car parking and associated facilities.
13. The land is zoned Public Park and Recreation Zone (PPRZ) and is affected by the Environmental Significance Overlay Schedules 1 and 4, and the Land Subject to Inundation Overlay.
14. An application will be required pursuant to:
 - Clause 36.02 (zone) Use of the land for Horticulture and retail and associated buildings and works within the Public Park and Recreation Zone.
 - Clause 44.04 Buildings and works within the Land Subject to Inundation Overlay.
 - Clause 42.01 buildings and works within the Environmental Significance Overlay (Schedules 1 and 4).
15. Melbourne Water as the relevant flood plain authority will be a statutory referral authority should a planning permit application be lodged. Their views on the use and development of the land that is subject to inundation will be sought during the planning permit application process.
16. As defined in the Nillumbik planning scheme, an application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally to the application for permit being made and to the proposed use or development.
17. Prior to Council as Land Manager providing written consent to LFC to apply for a planning permit to use and develop the land, it is advisable that Council also consider if it would agree and provide a lease/licence to LFC for the proposed use and development.
18. In order for Council to effectively and on balanced view decide on these matters, it is advised that consultation on the use of the land occur first.

12. Officers' reports**CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)**

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19. Following the outcome of the consultation phase, Council can consider to lease/licence the land to LFC and consider if it wishes to provide written consent to submit a planning permit application.
 20. Important to note that as this land is Crown Land, when deciding whether Council should enter onto a lease, it will be required to adhere to 3 principles as outlined in the Leasing Policy for Victorian Crown Land 2023 when leasing Crown land. These principles are to:
 - provide benefits to the public through leasing including Traditional Owner rights;
 - ensure consistency and transparency in leasing; and
 - manage leased Crown land in an environmentally sustainable manner.
 21. To ensure consistency and transparency in leasing processes, and to adhere to legislative requirements, a two-stage process applies to the granting of leases. First, all lease proposals require the Approval in Principle (AIP) of the Minister to lease before a land manager agrees or commits to lease Crown land.
 22. Second, all leases require the Minister's approval of the terms and conditions of the lease which must align with the permitted purpose and conform to government policy and statutory requirements.
 23. Generally, a competitive selection process will apply to the leasing of Crown land, although in special circumstances direct negotiations will be permitted.
 24. LFC has not provided to Council details with respect to a potential lease/licence. Further information pertaining to area of the land LFC wish to lease, use details, development details, indemnity, etc are unknown at the time of writing this report.
 25. Further to the zone and overlay details outlined at 12 and 13 above, Council's Open Space Strategy is relevant to ascertain the broader future use of the land. As mentioned above, the land adjoins the Diamond Creek to the west. The land also adjoins the Wingrove Park Public Recreation Reserve to its south, the Eltham Leisure Centre and Susan Street Oval to its north. Accordingly the land forms part of a north-south linear green spine through Eltham that provides for a range of public open spaces accessible to the community.
 26. It is understood the land currently performs a public open space reserve function that is used by the public for recreational purposes in addition to its use as overflow training areas for sporting groups. The Open Space Strategy identifies this north-south spine as key open space for public purposes.
 27. As mentioned at point 3 of this report, a masterplan was developed and adopted by Council in August 2013. The masterplan was developed following a community consultation process. The masterplan identified the potential for a community garden as part of the mix of uses for the land. Specifically the masterplan identifies the scale, format and governance as key matters to be determined. Moreover, the potential community garden as identified in the adopted masterplan in contrast to other public open space use accounts for 2.5 per cent of the land.

12. Officers' reports**CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)**

28. In the absence of detail pertaining to the proposed use and development of the land from LFC, and on the basis of discussions with officers, it is understood the proposed use and development of the land will constitute a far greater percentage of the land than that envisaged by the masterplan. It is also understood the governance arrangements of the proposed use will differ from the small community garden to a not-for-profit urban farm with a greater footprint on the land.
29. While in principle the concept of the urban farm aligns with the original masterplan developed by Council in 2013, the proposed size, scale, layout and governance differences are substantially different than originally considered.
30. In light of the aforementioned differences in master-planning for the land, officers consider it appropriate that community consultation be undertaken to ascertain the views of the community for the proposed use and development having regard to the public open space objectives for the land.

Related Council decisions

31. There are no other Council decisions related to the potential use and/or development of an urban farm by LFC at the land identified as 2 Bell Street Eltham.

Options

32. Council to consent to community consultation to help determine whether an urban farm is supported by the community. Following feedback, Council will have the relevant information to consider the leasing of the land or not to LFC and to provide land manager consent to Local Food Connect.
33. In addition to considering the principles of the Leasing Policy for Victorian Crown Land 2023, Council may also undertake in line with the *Local Government Act 2020* its own community consultation process to inform its decision with respect to developing terms of lease in the event it resolves to lease the land for the purposes of an urban farm, to ensure lease allocation processes are fair, open and impartial.

Council plans and policies

34. 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

35. Not applicable

Sustainability implications

36. Not applicable

12. Officers' reports**CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)**

Community engagement

37. The Bell Street Masterplan was adopted at the 27 August 2013 Ordinary Council Meeting and was scheduled for review in June 2017. Two hundred (200) local residents were involved in developing the Bell Street Masterplan.
38. Council has not sought community views on the potential use of Council managed land to LFC. As the matter involves the potential use of public land, it is appropriate for Council to engage with its community on the matter. A proposed consultation approach is outlined in **Attachment A**.

Innovation and continuous improvement

39. Not applicable

Collaboration

40. At the request of LFC in 2021, officers provided high-level advice on the information required for Council to decide on the proposal.
41. Officers have sought the advice of the DEECA to ascertain the appropriate approvals and processes required from the State Government relevant to the proposed use and development.

Budget implications

42. Costs associated with community consultation can be met within operational expenditure.

Relevant law

43. Section 115 of the *Local Government Act 2020*, states that a Council must include any proposal to lease land in a financial year in the budget, where the lease is—
- (a) or one year or more and—
 - (i) the rent for any period of the lease is \$100 000 or more a year; or
 - (ii) the current market rental value of the land is \$100 000 or more a year; or
 - (b) for 10 years or more.
44. If a Council proposes to lease land that is subject the points above and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.
45. The *Crown Land Reserves Act 1978* (the Crown Land Act) enables reservation of land for a range of public purposes, stipulates how reserved land must be dealt with and prescribes some governance arrangements for committees of management appointed to manage reserved land.
46. The leasing provisions in the Crown Land Act are used to authorise a wide range of leases for commercial and non-commercial purposes on reserved Crown land.
47. Section 17D of the Crown Land Act provides that trustees or committees of management with the approval in writing of the Minister may enter into an Agreement to Lease for a lease to be issued under Section 17D(1).

12. Officers' reports

CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)

48. The *Planning and Environment Act 1987* establishes a framework for planning the use, development and protection of land in Victoria. Crown land tenants need to comply with relevant local planning schemes and obtain any required planning permits associated with the use of leased premises.

Regional, state and national plans and policies

49. Leasing Policy for Vic Crown Land 2023 provides a consistent framework for the leasing of Crown land by formalising 'Crown Land Leasing Principles' at a State-wide level. These principles will guide Council as land managers help inform decision-making around leasing and improve community awareness of government policy for the leasing of Crown land.
50. The *Crown Land Leasing Guidelines 2012* outlines the process for Council as land manager, and ministerial assessment and approval process. The guidelines state that decisions to lease need to consider social, economic and environmental outcomes that may result from a lease proposal.

Conflicts of interest

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

12. Officers' reports

CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)

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12. Officers' reports**CM.056/23 Informal Meetings of Councillors Records - 27 June 2023**

Distribution: Public**Manager:** Blaga Naumoski, Director Governance, Communications and
Community Safety**Author:** Rowena Cairns, Acting Manager Governance and Property**Summary**

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, 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 23 May 2023.

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

1. Kangaroo Ground War Memorial Park Governance Meeting held 19 April 2023;
2. Arts & Culture Advisory Committee Meeting held 15 May 2023;
3. Councillor Briefing held 16 May 2023;
4. Councillor Briefing held 30 May 2023;
5. Positive Ageing Advisory Committee Meeting held 2 June 2023; and
6. Planning and Consultation Committee Meeting Pre-Meet and Councillor Briefing held 6 June 2023.

Recommendation

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

Attachments

- 1  Informal Meetings of Councillors Records reported 27 June 2023

Discussion

1. *Item 19 of Council's Governance Rule – Meeting Procedure*, 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.056/23 Informal Meetings of Councillors Records - 27 June 2023**

Options

3. An Informal Meetings of Councillors is defined in *Item 19 of the Governance Rule – Meeting Procedure*. 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 19 of the Governance Rule – Meeting Procedure*, 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 19 of the Governance Rule – Meeting Procedure*.

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. None required.

Community engagement

11. Not applicable.

Innovation and continuous improvement

12. Not applicable.

12. Officers' reports

CM.056/23 Informal Meetings of Councillors Records - 27 June 2023

Collaboration

13. None required.

Budget implications

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

Relevant law

15. *Local Government Act 2020.*

Regional, state and national plans and policies

16. None applicable.

Conflicts of interest

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

12. Officers' reports

CM.056/23 Informal Meetings of Councillors Records - 27 June 2023

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13. Notices of Motion**14. Delegates' Reports****Delegate's Report for Council Meeting 27 June 2023**

Delegated Committee: Nillumbik Reconciliation Group

Report by: Cr Natalie Duffy

During National Reconciliation Week on Sunday 28 May 2023, Nillumbik Reconciliation Group (NRG) held a free community event to celebrate 25 Years of Reconciliation in Nillumbik.

Wurundjeri Woi-wurrung Elder Ian Hunter started the event with a Welcome to Country and concluded it with a Smoking Ceremony. Ian was involved in the original event 25 years ago and instructed the removal of bark from a tree to create a *coolamon* at the time. Nillumbik Shire Council treasures this artifact in its Art Collection and enabled the coolamon to be displayed and used at the event.

Wurundjeri women's dance group *Djirri Djirri* performed cultural dances to songs sung by Mandy Nicholson in Woi-wurrung language. Mandy shared stories and reflected on the meaningful and personal connection for her to be involved in the celebration as her late father was present at the original event.

Yorta Yorta singer songwriter Scott Darlow entertained us with his music, yidaki (didgeridoo) and powerful words. Local choir The Chocolate Lilies sang and the Eltham High School Symphonic Band composed and performed a moving tribute piece, as they had done 25 years ago.

The celebration, held at the Eltham Community and Reception Centre, was attended by 300 locals including The Hon. Kate Thwaites MP Federal Member for Jaga Jaga, Vicki Ward MP Member for Eltham, Cindy McLeish MP Member for Eildon along with Mayor Cr Ben Ramcharan, Deputy Mayor Cr Geoff Paine, Cr Frances Eyre and myself, Cr Natalie Duffy. We were joined by past Councillors Margaret Jennings, John Graves, Warwick Leeson, Greg Johnson, Helen Coleman OAM and Bill Penrose, along with past NRG President Carol Leeson.

We heard from Jan Mackenzie current President of NRG and Jan Aitken past President of NRG that the event was to commemorate Nillumbik Shire Council's first Reconciliation ceremony, the Shire's progressive journey at the time and since then.

We heard that Nillumbik Shire Council created an Advisory Committee to arrange the 1998 ceremony promoting Reconciliation. This advisory committee then became the Nillumbik Reconciliation Group.

The original ceremony included locals walking together along Main Street Eltham into Wingrove Park in May 1998 with the then Mayor Robert Marshall reading out Statements of Recognition, Apology, Acknowledgment and Commitment to Wurundjeri Woi-wurrung Elders and presenting this letter of commitment to Elders. Wurundjeri Elders spoke of the importance of this action for the time.

Other guest speakers at the 25 year anniversary celebration included the Nicholson Family, The Hon. Kate Thwaites MP, Vicky Ward MP, Mayor Ben Ramcharan, Youth Mayor Kirra Imbriano, Nerida Kirov and Dr Jodie Blackshaw.

Kate Thwaites spoke of the upcoming Referendum for a Voice, Vicki Ward spoke of the steps towards Treaty in Victoria and Mayor Ramcharan spoke of Council's recent decisions

to step away from holding citizenship ceremonies and community awards on January 26 and to start a Reconciliation Action Plan.

Many attendees recalled being at the original event. It was especially significant that Elizabeth Savage Kooroonya and John Browning two of the original organisers along with Marg Jennings and John Graves two of the 1998 Councillors were able to attend.

Nillumbik Reconciliation Group continues to invite and assist our community, schools, groups and sports clubs to embrace action to advance Reconciliation. We were able to see some of the wonderful actions taken by our community over the years through a photo slide show.

I would like to acknowledge and thank Nillumbik Reconciliation Group for all they have done over the past 25 years and continue to do to celebrate First Nations people, to educate and facilitate conversations in our community. Thank you NRG for bringing our community together to celebrate the historic and truly meaningful action of Nillumbik Shire Council back in 1998 and our shared journey since. The 25 Year Celebration of Reconciliation in Nillumbik was a joyful event. I am pleased that Council was able to help NRG with grant funding and Officer assistance when needed for this event.

I would like to thank the special guest performers and speakers and all those who participated to make this event a wonderful occasion including representatives from Nillumbik Youth Council, Catholic Ladies College, Eltham High School, Eltham Lacrosse Club, Diamond Valley Basketball Association, Diamond Creek Women's Football Club, Lower Eltham Cricket Club and Eltham Rugby Club.

Kind regards, Natalie Duffy

15. Supplementary and urgent business

16. Confidential reports

17. Close of Meeting