

# Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough  
on Tuesday 30 July 2024 commencing at 7:00pm.

## Agenda

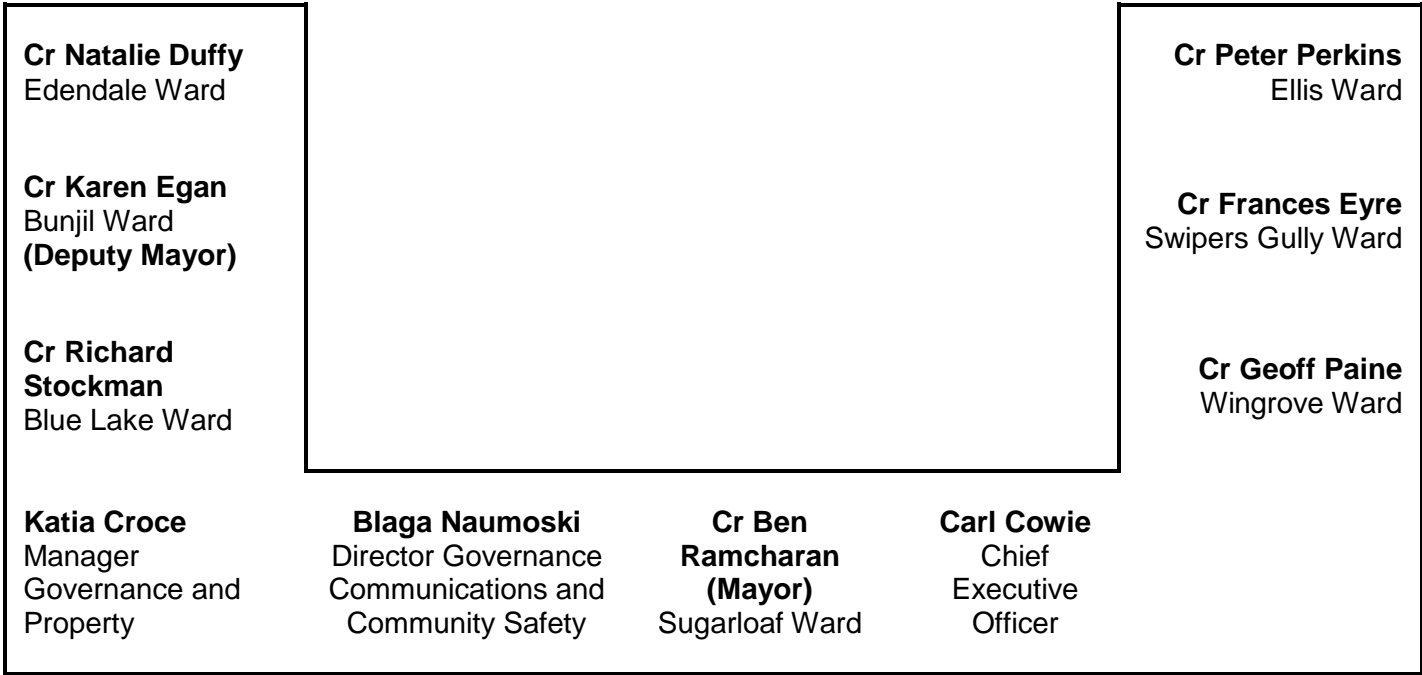
**Carl Cowie**  
**Chief Executive Officer**

Thursday 25 July 2024

Distribution: Public

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# Council Chamber Council Meeting seating plan



## Nillumbik Shire Council

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## Nillumbik Shire Council

### Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 30 July 2024 commencing at 7:00pm

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#### 1. Welcome

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

#### 2. Acknowledgement of Country

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

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

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

#### 3. Good Governance Pledge

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

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

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

#### 4. Prayer

A prayer will be read.

#### 5. Apologies/Leave of Absence

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

#### 6. Declarations of conflict of interest

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

#### 7. Presentations

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8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 25 June 2024

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Confirmation of the Minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 25 June 2024.

**Recommendation**

**That** Council:

- 1 Confirms the Minutes of the Council Meeting held on Tuesday Council Meeting and Confidential Council Meeting held on Tuesday 25 June 2024 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.

**Attachments**

- 1 Minutes of Council Meeting held Tuesday 25 June 2024  

2. Minutes of Confidential Council Meeting held Tuesday 25 June 2024 -  
*CONFIDENTIAL*

**8. Confirmation of Minutes**

**COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 25 June 2024**

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9. Petitions

**PT.003/24 Expand and Improve Facilities at Hurstbridge Dog Park**

A petition containing **134** (as at 16 July 2024) signatures from people who are advocating for the Hurstbridge Dog Park to be improved.

The petition contained the following statement;

As regular visitors to the Hurstbridge Dog Park located in Fergusons Paddock, 12 Arthurs Creek Rd, we have experienced firsthand the limitations of the current facilities. With sometimes more than 20 dogs visiting at any given time, it's clear that our beloved park is simply too small to accommodate everyone comfortably. This lack of space often leads to conflicts between dogs and forces some owners to leave prematurely - a situation that could be easily avoided with a larger area.

We propose three key improvements:

1. Fence off an extra area south of the existing dog park. This would not only increase overall size but also provide two separate areas for use when needed.
2. Install shelters for inclement weather conditions. Our commitment as pet owners doesn't waver with bad weather, but exercising our dogs in rain or shine shouldn't mean getting soaked ourselves.
3. Implement lighting solutions for winter evenings when daylight fades early, making it unsafe and inconvenient for after-work visits.

These enhancements will significantly improve both safety and enjoyment at Hurstbridge Dog Park - not just for us dog owners but most importantly, for our four-legged friends who deserve a safe and comfortable environment where they can run free.

We urge Nillumbik Council and the Councillors that represent us to consider these much-needed improvements seriously. Please sign this petition if you agree that our pets deserve better!

**Recommendation**

**That Council:**

1. Receives and notes the "Expand and Improve Facilities at Hurstbridge Dog Park Petition" petition requesting improvements at the the Hurstbridge Dog Park, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Chief Operating Officer for investigation and response.
3. Notes that officers will advise the petition organiser of the outcome.

**10. Questions from the gallery**

11. Reports of Advisory Committees

AC.006/24 Advisory Committee Report - 30 July 2024

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**Distribution:** Public

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

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

**Summary**

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

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

1. Arts & Cultural Advisory Committee meeting held 19 February 2024;
2. Positive Ageing Advisory Committee meeting held 7 June 2024;
3. Living Learning Nillumbik Advisory Committee meeting held 17 June 2024;
4. Environment & Sustainability Advisory Committee meeting held 19 June 2024; and
5. Panton Hill Bushland Reserve System User Group Advisory Committee meeting held 20 June 2024.

**Attachments**

- 1  Advisory Committee meeting Minutes reported 30 July 2024

**Recommendation**

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

**11. Reports of Advisory Committees**

**AC.006/24      Advisory Committee Report - 30 July 2024**

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## 12. Officers' reports

**CM.065/24**      **Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan**

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**Distribution:**    **Public**

**Manager:**        **Renae Ahern, Acting Director Planning, Environment and Strategy**

**Author:**         **Leigh Northwood, Manager Strategic Planning and Environment**

### Summary

Council's overarching *Nillumbik Climate Action Plan 2022-2032* was adopted in April 2022 and its Year 2 (2023/24) Implementation Plan was endorsed in July 2023.

The purpose of this report is to present the Year 2 Climate Action Plan annual performance report (**Attachments 1 & 2**) for noting; and the Year 3 (2024/25) annual Implementation Plan (**Attachment 3**) for consideration to endorse.

This work supports Council's ongoing response to its declaration of a Climate Emergency in April 2022, that:

*"As a Green Wedge Shire, Nillumbik Council is acutely aware of the multiple threats facing all communities and ecosystems as a result of climate change. This requires urgent action by all levels of government, including local government.*

*Council therefore Declares a Climate Emergency, commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions".*




The overall position, as reflected in the annual performance reporting suggests that Council has made solid progress in delivering on the goals, objectives and targets of the Climate Action Plan, with much work still to be programmed.

### Recommendation

**That Council:**

1. Receives and notes the Nillumbik Climate Action Plan – 2023/24 Annual Performance Report (**Attachment 1** and **Attachment 2**).
2. Endorses the Climate Action Plan Year 3 Implementation Plan (2024/25) (**Attachment 3**).

### Attachments

- 1  Multi-year Indicators CAP progress report
- 2  Year 2 (23/24) CAP Implementation Report
- 3  Year 3 (24/25) CAP Implementation Plan

**12. Officers' reports****CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan**

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**Discussion**

1. Council's *Climate Action Plan 2022-2032* was adopted in April 2022.
2. Its implementation is guided each year by the preparation of an annual implementation plan, which is then subsequently evaluated in terms of delivery outcomes and step-progress towards achieving the overarching goals and targets of the *Climate Action Plan*.
3. The Year 1 (2022-2023) Implementation Plan was endorsed by Council in July 2022; and the Year 2 (2023-2024) Implementation Plan was endorsed in July 2023.
4. The purpose of this report is to present the Year 2 annual performance report for noting and discussion; and the draft Year 3 (2024/25) annual implementation plan for consideration and discussion.
5. This work supports Council's ongoing response to its declaration of a Climate Emergency in April 2022:

*"As a Green Wedge Shire, Nillumbik Council is acutely aware of the multiple threats facing all communities and ecosystems as a result of climate change. This requires urgent action by all levels of government, including local government.*

*Council therefore Declares a Climate Emergency, commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions".*

6. The implementation plans are required to be developed and reported on annually. They are structured around the eight focus areas of the Climate Action Plan and its associated climate change mitigation and adaptation goals, objectives and targets.

**Annual performance report – Year 2 (2023/24)**

7. Performance Indicators
8. The Climate Action Plan contains 18 performance indicators to track performance against a range of key metrics over the life of the Plan. Detail is provided in **Attachment 1**.
9. Note that 2024/25 data is not yet available for all indicators which means that we don't yet have two data points to track progress against for every indicator.
10. In terms of the Climate Action Plan targets of achieving net-zero Council emissions by 2030, and using 100% renewable energy by 2030, according to the most recently available data (which is for 2022/23):

12. Officers' reports

CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan

- a) In total, 23.35% of Council's stationary energy use (gas and electricity) is being supplied via a renewable energy source. These are the yellow and green wedges of the below pie chart below in Figure 1.

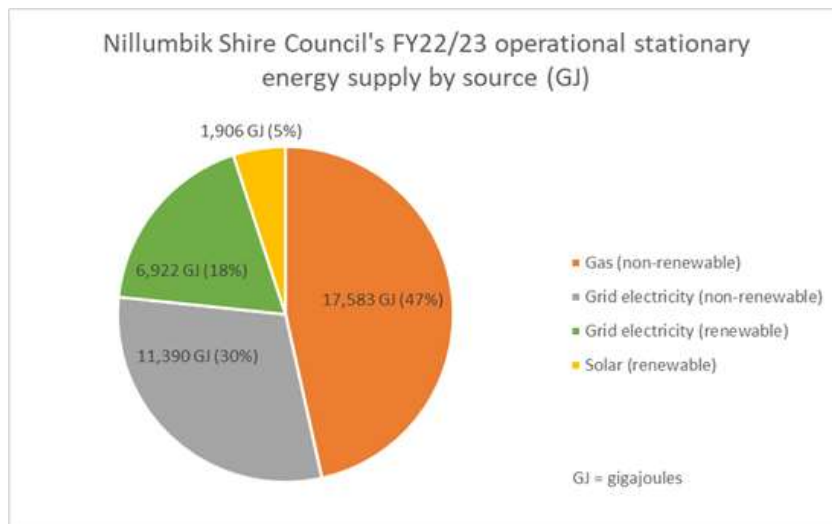


Figure 1: FY22/23 operational stationary energy supply by source

- b) In total, 43.66% of Council's (grid and solar) electricity use is being supplied via a renewable energy source.
- c) In total, 5,911 tonnes CO<sub>2</sub>e (Scope 1 and 2 emissions) were emitted by Council facilities and operations during the 2022/23 financial year. This represents a decrease since the 2019 baseline (much of which can be attributed to outsourcing the waste service). We have insufficient data to report on Scope 3 (indirect) emissions currently.

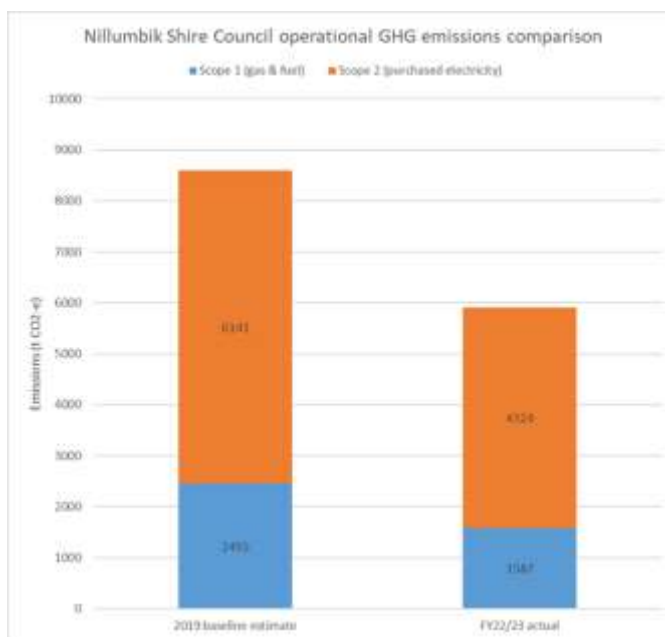


Figure 2: Council operational GHG emissions comparison

12. Officers' reports

**CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan**

- 11. Council's *Net-Zero Emissions Roadmap 2023 – 2030* sets out the steps that will need to be followed to bring these renewable energy percentages up to 100% by 2030. Moving to 100% renewable electricity is on track, however getting off all gas is complex.
- 12. Associated actions will continue to be proposed for annual Climate Action Plan implementation plans and associated resourcing sought.
- 13. Action taken in Year 2 (2023/24)
- 14. The Year 2 Implementation Plan contained 85 actions (70 actions and 15 sub-actions) aimed at supporting Council to progressively achieve the goals and objectives of the overarching 10-year Climate Action Plan. Of these:
  - A total of 57 actions are complete or complete and ongoing (67%)
  - A total of 22 actions are on track and should be completed in Year 3 (26%).
  - Seven actions experienced minor issues (7%)
  - One action did not commence

Detail on each action is provided in **Attachment 2** and a summary in Section 16 below.

- 15. Delivery required an all-of-Council implementation approach and the Year 2 Implementation Plan comprised actions from every Council directorate.

Directorate	Number of Actions (Year 2)	% of actions within each Directorate
Culture and Performance	8	9%
Governance, Communications and Community Safety	10	12%
Planning, Environment and Strategy	33	37%
Operations	31	36%
Communities	5	6%
<b>Total</b>	<b>87</b>	<b>100%</b>

- 16. Year 2 implementation demonstrates a high level of achievement in the implementation of Council's Climate Action Plan objectives. Highlights amongst the many actions included:

*Council operations and assets focus (including staged implementation of Zero Emissions Roadmap 2023-2030):*

- i. Feasibility studies were undertaken for necessary upgrades to the electricity-supply infrastructure at both Edendale Farm and the Operations Centre. Major upgrades are required to enable these facilities to host/charge any electric fleet vehicles and to increase their rooftop solar generation capacity. A Federal 'Community Energy Upgrades' grant has been applied for to potentially assist in funding essential upgrades at the Recycling & Operations Centre.
- ii. Continued staged transition of Council's (Civic Centre based) passenger fleet, with new charging infrastructure options explored and three additional electric vehicles purchased as of April 2024.
- iii. Alternatives to the solar farm for the supply of renewable energy to Council were investigated, and officers have negotiated to participate in the Victorian Energy Collaboration (VECO), with approximately 60 other local government authorities.



## 12. Officers' reports

**CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan**

- iv. Officers have continued to support facilities such as preschools, halls and sporting clubs with sustainability upgrades such as LED lighting, draught sealing, heat pump hot water systems, rooftop solar PV installations, gas to electric cooker replacements and annual maintenance of solar and battery storage systems.
- v. Work to incorporate ESD principles into the Diamond Creek Pool and pavilion upgrades.
- vi. Continuation of Council's collection service which diverts Nillumbik's green waste from landfill to reduce methane emissions and return carbon to soils. Nillumbik's residential green waste bin service continues with 7,866 tonnes of food and garden organics collected and processed from June 2023-March 2024. The kerbside bin collection service for recycling, food and garden organics and landfill has diverted 70.5 per cent of waste from landfill. This is a slight decrease compared to the previous year to date due to lower recycling and food and garden organics tonnes.
- vii. Updating of Council's community tenancy lease agreement template to incorporate reference to the Climate Action Plan and Climate Emergency Declaration, and updated sustainability clauses.
- viii. A review of Council's ESD policy for Council delivered capital works, infrastructure and maintenance projects commenced.

*Community and education focus:*

- i. Delivery of a circular economy pilot program for 10 businesses in the Shire in partnership with Monash Business School.
- ii. Commenced the development of a five year plan to evolve Edendale Community Environment Farm into a community Climate Action Hub.
- iii. Community awareness program implemented in regard to energy/energy efficiency bulk buy initiatives that they can participate in (e.g. Solar Homes, Victorian Efficiency Upgrades, CEN bulk buy program).
- iv. Edendale delivered or hosted over 50 sustainability oriented courses and workshops, reaching over 600 people.
- v. A three year contract was awarded to Going Green Solutions who will be implementing a comprehensive program of 'Nillumbik Community Sustainability Events and Programs' (formerly Practically Green), commencing in 2024/2025.
- vi. Around 4,500 kitchen caddies for separation of food waste have been provided to residents, and campaign activity underway, including social media, Nillumbik News and pop-up engagement events at festivals and shopping precincts. This project was launched in August 2023 and caddies will continue to be available for residents to pick up from Council facilities.
- vii. Collection hubs for small e-waste and batteries continue to be provided at Hurstbridge, Diamond Creek, Eltham and Greensborough. The Recycling Centre continues to provide recycling options for garden waste, metal, e-waste, batteries, light globes, mobile phones, CDs/DVDs and video tapes, motor oil, paper and cardboard, tyres, mattresses, fridges/freezers/air conditioners and x-rays. This is supported by the on-site Reuse Shop.
- viii. Various bushfire / emergency preparation outreach has been delivered across the Shire - including a community bushfire safety expo, discussions and simulated emergency exercises with communities, drop-in sessions, and print and social media communications.
- ix. A proposal from an electric vehicle charge station developer to install four high-powered electric vehicle charge stations (two 75kW twin outlet stations) for public use that would be located within a Council carpark in the Eltham activity centre precinct is being considered. This location and proposal is in line with the regional recommendations proposed in the Community Electric Vehicle Transition Plan developed for the Northern Council Alliance.

*Council advocacy:*

12. Officers' reports

**CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan**

<p>i. Officers have continued to advocate on matters as they relate to Council's adopted position in its Climate Action Plan. This includes submissions to the Federal Government's Inquiry into the transition to electric vehicles, the proposed Federal Government First Nations Clean Energy Strategy and advocacy to relevant Federal and State Ministers including matters such as:</p> <ul style="list-style-type: none"> <li>• implementation of the Energy Savings Package, Draft Energy Performance Strategy, and establishing an 'Accord' between the three tiers of government;</li> <li>• seeking ongoing Victorian government commitment to working effectively with local government to achieve emission reduction targets; and</li> <li>• harmonising changes to the National Construction Code with a broader suite of reforms to Victoria's planning system and capturing the economic benefits of urban and regional cooling and protecting vegetation.</li> </ul>
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17. Six actions experienced minor issues and one action is yet to commence, noting most have been related to funding/resourcing issues:

Action #	Action	Commentary
33	Install a Shade Sail over the amphitheatre at Edendale to support sunsmart outdoor learning and school education programs.	The design is being re-scoped to reduce cost. It is now intended that additional shade will be provided at this location in Year 3 (2024/25), subject to an affordable suitable shade solution being identified.
41c	Commence a phased implementation of the Edendale Energy Master Plan 2023, which is seeking to lead Edendale to net zero emissions before 2030.	A feasibility assessment has identified electrical capacity barriers to implementing the Edendale Energy Master Plan which needs to be addressed as a phase 1 priority. Implementation has begun with finalising the study on the electricity capacity of Edendale to enable new electrification projects. The plan was to go off gas by June 2024, however the capacity of the electrical infrastructure and grid connection is currently inadequate.
41e	Progress the replacement of Nillumbik's existing mercury vapour street lighting with LED lighting.	The timing of these works has been rescheduled. This will be undertaken next financial year (Year 3).
41f	Audit other street lighting managed by Council (including T5, sodium and decorative) to confirm future energy efficiency upgrade options.	Options to fund and progress this task are being considered.
44	Consider whether any upgrades to bike parking facilities at or near Council facilities are required to help encourage and support staff to ride.	Item is on hold. There are instability issues and exterior building works planned around the proposed location at the rear of the Civic Offices that will influence the type of bike parking and where it can be installed. This action has been transferred to Year 3.
65	Increase the use of recycled road material in Council's annual grading program. Baseline and target to be nominated this year.	Repurposelt - this has been trialled but has been challenging due to a lack of the quantity that the team require.

12. Officers' reports

**CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan**

Action #	Action	Commentary
69	Commence a review of Council's Integrated Water Management Plan	Background consideration has progressed, including with Melbourne Water and other stakeholders. Flood modelling will commence in 2024/25. The timing to commence the formal Integrated Water Management review will be subject to resourcing.

**Year 3 (2024/25) annual implementation plan**

18. Each year Council operationalises the Climate Action Plan through an annual Implementation Plan that details specific actions, which will be delivered that year to help achieve the goals, objectives and targets of the ten-year Climate Action Plan.
19. The draft Year 3 Implementation Plan (2024-2025) identifies how the Organisation will work collaboratively towards achieving the intent of the Climate Action Plan. In line with the annual budget process, it has been informed by (and contributed towards the development of):
  - Initiatives included within the Council Plan Annual Action Plan 2024-2025;
  - Initiatives included within other Council strategies such as the Health and Wellbeing Plan and Youth Strategy;
  - Initiatives that will be included within team Business Plans;
  - Community and stakeholder climate action initiatives; and
  - Ongoing initiatives from the Climate Action Plan, Year 2 Implementation Plan.
20. This report presents the draft Year 3 Implementation Plan in **Attachment 3**.
21. It contains 69 actions, including 48 initiatives that are included within the Climate Action Plan for the first time, and 21 ongoing climate action initiatives of Council; and it specifies which Council Action Plan goal(s) and focus areas each will contribute to.
22. Reporting updates will be received by Council on an annual basis.

**Related Council decisions**

23. The Climate Action Plan, Year 2 Implementation Plan 2023-2024 was endorsed at the 25 July 2023 Council Meeting; and it was noted that a review of climate action progress and outcomes would be presented to Council annually.

**Options**

24. That Council notes the Climate Action Plan Annual Performance Report, Year 2 (divided into **Attachment 1 and Attachment 2**).
25. That Council considers for endorsement the Year 3 (2024/25) Annual Implementation Plan (**Attachment 3**).

**Council plans and policies**

26. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We work proactively to reduce Council’s direct contribution to climate change, and support our community to do the same.

**12. Officers' reports**

**CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan**

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- We prepare for, respond and adapt to the risks and impacts of a changing climate on our community, environment, infrastructure and services; and support our community to do the same.
27. It directly supports the achievement of the Climate Action Plan 2022-2032.
28. It directly supports the achievement of the Health and Wellbeing Plan 2021-2025:
- Support the community to be prepared for, stay connected and build resilience before and during emergencies, disaster and extreme weather events (with particular regard for vulnerable communities)
  - Engage with the community to raise awareness of climate change impacts on health and actions that can be taken to stay healthy and well in a changing climate
  - Build capacity of community to lead and deliver climate action and other community resilience initiatives.

**Access, Equity and Inclusion**

29. The actions contained within the Implementation Plans seek to support climate mitigation, adaptation and resilience for and by all members of Nillumbik's diverse community.
30. A Gender Impact Assessment was undertaken to support the development of the Climate Action Plan and is undertaken for key implementation actions.

**Sustainability implications**

31. The Climate Action Plan 2022-2032 provides the strategic direction for Council's climate action over the decade. The annual Implementation Plans specify how this will be contributed to each year.

**Community engagement**

32. Community engagement was undertaken to inform the development of the Climate Action Plan, which is the strategic document that guides the annual operational implementation plans.
33. In the 2024 Annual Community Survey, respondents rated Council leadership in delivering climate action at 6.90 'good' out of 10. This was similar to the 2023 rating of 6.92.

**Innovation and continuous improvement**

34. Implementation of the Climate Action Plan is guided by the following principles:
- a) Council has diverse roles in responding to the challenge of climate change so we have created a whole-of-Council proactive climate response; and
  - b) Climate action decision making needs to be dynamic and responsive to innovation opportunities.

**Collaboration**

35. Partnerships and collaboration play an integral role in the implementation of the Climate Action Plan. Council will continue to work with other levels of government, agencies and the community in order to help achieve its goals.

**12. Officers' reports**

**CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan**

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**Budget implications**

- 36. Year 3 (2024-2025) Climate Action Plan implementation was considered in the development of the 2024-2025 budget.
- 37. There are no additional budget implications for 2024-2025.

**Relevant law**

- 38. Under Section 9 of the Local Government Act 2020, Council must give effect to a number of overarching governance principles in the performance of its role. They include:
  - a) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
  - b) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

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

- 39. The Victorian Climate Change Strategy 2021 and the Building Victoria's Climate Resilience Strategy are applicable to the subject matter of this report. They set out the Victorian government targets and processes for action, which will be primary levers to support Council's community targets.

**Conflicts of interest**

- 40. 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.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan**

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## 12. Officers' reports

**CM.066/24 Nillumbik Biodiversity Strategy 2024 - 2034 - adoption of strategy**

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**Distribution: Public**

**Manager: Leigh Northwood, Manager Strategic Planning and Environment**

**Author: Warren Tomlinson, Senior Environment Project Officer**

### Summary

This report presents the Nillumbik Biodiversity Strategy 2024-2034 (**Attachment 1**) to Council for consideration for adoption.

It incorporates changes arising from the public exhibition period that was held from 1 February to 3 March 2024, and from verbal submissions heard at the Planning and Consultation Committee meeting held on 14 May 2024.

It includes two goals and four focus areas for biodiversity action, with associated targets and indicators.

Supporting information regarding community feedback on the draft Strategy, and how this has been considered, is provided in **Attachments 2** and **3**.




A 'Year 1 Implementation Plan' is scheduled to be presented to Council for endorsement at the December 2024 Council meeting. It will detail Council's biodiversity initiatives for 2024-25.

### Recommendation

**That** Council:

1. Adopts the Nillumbik Biodiversity Strategy 2024-2034 (**Attachment 1**) and notes the strategy, subject to graphic design, will be made available on Council's website.
2. Receives a Year 1 Implementation Plan (2024/25) for endorsement at the first Council meeting of the new Council term.
3. Receives an annual update on the implementation of the Biodiversity Strategy, and that a summary be provided to the community on Council's website and in Council's Annual Report.

### Attachments

- 1  Draft Nillumbik Biodiversity Strategy 2024-2034
- 2  Consultation Summary Report
- 3  Consultation feedback with officer responses

### Discussion

1. The draft Nillumbik Biodiversity Strategy 2024-2034 (**Attachment 1**) has been informed by:
  - a. A review of the previous Biodiversity Strategy 2012 and Invasive Species Action Plan 2015.

**12. Officers' reports****CM.066/24 Nillumbik Biodiversity Strategy 2024 - 2034 - adoption of strategy**

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- b. A review of State, National and International biodiversity policy context and benchmarking; and publically available biodiversity data.
  - c. Engagement with the Nillumbik community.
  - d. Councillor, officer and stakeholder engagement.
2. The following principles, along with a decision to align with the Victorian government's *Biodiversity 2037* goals and priorities, guided the draft Biodiversity Strategy's development:
- a. Council values the Shire's biodiversity and appreciates its intrinsic importance and its interconnections with the health and wellbeing of our community.
  - b. We acknowledge that Wurundjeri Woi-wurrung have an ongoing connection to the lands, water, plants and animals of Nillumbik; they have knowledge of Country and cultural obligations that their traditional lands and waters are managed to keep Country healthy.
  - c. Protecting biodiversity is an essential tool in fighting the climate emergency.
  - d. We seek to protect, maintain and improve the quality and extent of native vegetation cover, terrestrial and aquatic wildlife habitats.
  - e. We take a biosecurity approach to pest plants, animals, diseases and pathogens which threaten environment and economic values in Nillumbik.
  - f. We apply adaptive management practices using the best available information. Spatially explicit data and information about biodiversity values and threats is needed to make evidence-based decisions about where resources and investment should be directed.
  - g. Partners and community volunteers are valued, supported and celebrated, to galvanize transformative action through broad participation, enabling actions and capacity building.
  - h. We take a collaborative and landscape-scale approach to biodiversity management so that all knowledge systems, including Indigenous knowledge, are included in decision making.
  - i. Key implementation actions and indicators to track progress will be reported on annually and will help inform Council planning and resourcing considerations, subject to annual Council Plan and budget processes.
3. The draft Strategy includes two goals and four focus areas with associated objectives, supporting strategies, targets and indicators.
4. The Strategy will be supported by a separate annual implementation plan that will specify key initiatives to deliver on the goals and targets of the Biodiversity Strategy; and progress will be reported on each year.

**Related Council decisions**

5. On 23 May 2023, Council adopted its Annual Action Plan 2023-2024 which included action 16 'Complete and adopt the new Biodiversity Strategy, including investigation into measures to establish and enhance the urban tree canopy and protect wildlife'.



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6. On 6 June 2023, Councillors endorsed the Stage 1 community engagement process which commenced on 26 June 2023 and concluded on 30 July 2023.
7. On 12 December 2023, Councillors endorsed the draft Biodiversity Strategy for the purpose of Stage 2 community engagement, which commenced on 1 February 2024 and concluded on 3 March 2024.
8. On 14 May 2024, Council heard verbal submissions on the draft, and requested that a report be presented at the July 2024 Council meeting to consider adoption of the final version of the Biodiversity Strategy 2024-2034.

**Options**

9. The Draft Biodiversity Strategy has been updated following the outcome of the consultation and is presented to Council for adoption.

**Council plans and policies**

10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - a. *We understand and value biodiversity and its importance to human health and wellbeing, and take action to protect and enhance biodiversity in Nillumbik.*
11. Once adopted by Council, the Biodiversity Strategy 2024-2034 will replace the Biodiversity Strategy 2012 and Invasive Species Action Plan 2015.
12. Once adopted, the Biodiversity Strategy 2024-2034 will require that consideration of biodiversity protection and enhancement is embedded within Council's decision making processes and into new Council policies, strategies and plans.

**Access, Equity and Inclusion**

13. A Gender Impact Assessment has been applied to development of this Strategy.
14. The community engagement process was designed to be accessible to, and collect feedback from, diverse community representation – including rural and urban voices, young people and adults, day time and evening feedback opportunities, and in-person and on-line feedback opportunities.

**Sustainability implications**

15. The finalised Biodiversity Strategy will provide strategic direction for Council to support positive environmental outcomes.

**Community engagement**

16. Community engagement to inform the Draft Biodiversity Strategy included:
  - a. A stage 1 community consultation process, conducted in June-July 2023, to ascertain community views and values with regard to biodiversity. There were 350 respondents. In total, 98% of survey respondents indicated that biodiversity is important or very important to them.
  - b. Discussions with:
    - Council's Environment and Sustainability Advisory Committee and Youth Council.
    - Representatives of Wurundjeri Woi-wurrung.

## 12. Officers' reports

## CM.066/24 Nillumbik Biodiversity Strategy 2024 - 2034 - adoption of strategy

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- Professional stakeholders via a collaborative workshop, to confirm regional-scale priorities that the Strategy can help to address (including the Department of Energy, Environment and Climate Action, Parks Victoria, Melbourne Water, Trust for Nature and neighbouring councils).
- c. Consideration of feedback that relates to biodiversity matters collected via alternate consultations undertaken by Council over the past several years (including via Neighbourhood Character, Local Laws and Climate Action consultations).
- d. A stage 2 community consultation process, conducted from 1 February to 3 March 2024, to obtain written feedback on the draft Strategy, and a subsequent Planning and Consultation Committee meeting to hear from people verbally.
- In total, 95 written submissions were received, including 82 survey responses and 13 freeform written submissions. A summary of this community feedback is provided in **Attachment 2**.
  - In addition, 20 people spoke at the Planning and Consultation Committee on 14 May 2024 (15 of these people also made written submissions).
17. Community submissions have been reviewed and considered (**Attachment 3**) and have informed the updated draft Biodiversity Strategy. Changes made include:
- a. In response to questions asking what is meant by the term 'healthy' in goal one, a box in the introduction has been included, that signposts that detail on the goal is provided in Section 4 of the Strategy. The definition and context of healthy is provided there.
- b. The threats to the health of biodiversity in Nillumbik have been re-considered and are now presented according to the globally recognised *International Union for Conservation of Nature Red List* that has been adapted for use in federal *State of the Environment* reporting.
- c. Three additional indicators have been included:
- i. Proportion of rural and urban Forest Health monitoring sites that two or more of the following native fauna Forest Health indicator species are detected at: *Brush-tailed Phascogale, Eastern Whipbird, Powerful Owl, Sacred Kingfisher, Scarlet Robin, Southern Boobook, White-throated Nightjar, White-throated Treecreeper, Gang-Gang Cockatoo and Superb Lyrebird*. Measured annually.
  - ii. Proportion of rural and urban Forest Health monitoring sites that rabbits and/or foxes are detected at.
  - iii. Proportion of Council bushland reserves ranked as being of national, state, regional, local or basic conservation significance.
- d. Targets have now been assigned to the indicators.
- e. A greater focus on indigenous vegetation has been incorporated into the Strategy.

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- f. To help demonstrate that the Strategy covers all forms of indigenous biodiversity, two additional case studies have been included that focus on education and healthy forests. Sufficient existing objectives already covered general species and habitat enhancement.
  - g. Objectives 3.1 and 3.2 were merged.
  - h. The 'strategic biodiversity values' map has been relocated from the appendix to the body of the report.
  - i. The threatened species lists in the Appendix have been updated to reflect 2024 records.
  - j. The addition of photos was requested. Following adoption of the Strategy wording, the document will be graphic designed and photos will be added.
18. Matters raised in written and oral submissions that have not resulted in changes to the wording of the draft Strategy include:
- a. Many people sought greater action by Council to address the severity of biodiversity decline. The need for such action is acknowledged in the draft but it is subject to what is within the influence and resourcing of Council.
  - b. Many people sought commitment from Council that additional and appropriate funding would be allocated to the implementation of the Strategy.
  - c. Many people requested that matters of concern to them be covered by the Strategy and in the majority of instances, those matters were already included so edits were not necessary.
  - d. There were some suggestions of alternative goals and targets for the Strategy which were not pursued. The existing draft goals are intended to mirror those of the Victorian government's *Biodiversity 2037* strategy.
  - e. Many people sought greater detail on exactly what will be delivered through the Strategy, operationally. This level of detail has not been added to the Strategy, because it is a higher level, ten-year direction. Instead it will be provided in an accompanying Implementation Plan that will be updated and reported on every year. This accords with allocation of resourcing and funding over a 10 year timeframe. It will be made available on Council's website.
19. In addition, some specific implementation initiatives/actions were recommended within the submissions. Over the life of the Biodiversity Strategy such initiatives will be explored for action via the annual implementation plans, where they are possible.

**Innovation and continuous improvement**

20. The draft Biodiversity Strategy has been developed with continuous improvement as a guiding principle.

**Collaboration**

21. Partnerships and collaboration will play an important role in the implementation of the Strategy.

**12. Officers' reports**

**CM.066/24 Nillumbik Biodiversity Strategy 2024 - 2034 - adoption of strategy**

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**Budget considerations**

22. The draft Biodiversity Strategy is a high-level strategic document and does not make specific budget commitments.
23. There are no implications for the 2024/25 budget.
24. The cost of implementing the Strategy will need to be considered on a regular basis. In particular, there is an opportunity to review future budget allocations for roadside weed control, bushland reserve management, environmental volunteer programs and forest health monitoring.
25. Budget requirements will be considered via the formal annual budget setting process.

**Relevant law**

26. *Conservation and Land Management Act (CALP Act) 1994*
27. *Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999*
28. *Flora and Fauna Guarantee Act (FFG Act) 1988*

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

29. Australia's Strategy for Nature 2019-2030
30. Protecting Victoria's Environment – Biodiversity 2037
31. Eastern Region Pest Animal Strategy 2021

**Conflicts of interest**

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

**12. Officers' reports****CM.067/24 Leasing and Licensing Policy**

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**Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Natalie Campion, Coordinator Property****Summary**

At its Council Meeting on 26 March 2024, Council endorsed the draft Leasing and Licensing Policy for the purpose of community exhibition and community consultation process to seek the views of the Nillumbik community and relevant stakeholders with respect to the draft Policy.

The draft Leasing and Licensing Policy was exhibited and open for community consultation for the period 4 April to 25 April 2024.

Two submissions were received (**Attachment 1**), one in support of the draft Policy and the other generally supportive but raised concerns about insurance requirements for Historical Societies (not-for-profit organisations).



This report presents the Leasing and Licensing Policy (Policy) (**Attachment 2**) for adoption, following public consultation, receipt of submissions and refinements in response to submissions received.

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

1. Notes that two submissions were received in relation to the draft Leasing and Licensing Policy, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 11 June 2024.
2. Adopts the Leasing and Licensing Policy with the minor amendments highlighted in red in **Attachment 2**, following a review of the written and verbal submissions.
3. 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  Submissions
- 2  Leasing and Licensing Policy

**12. Officers' reports****CM.067/24 Leasing and Licensing Policy**

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**Discussion**

1. The Leasing and Licensing Policy (Policy) proposes no changes to Council's existing practice or fee structure for tenants. The intent in updating the Policy is to ensure its currency and formalise Council's current practices.
2. The Policy in **Attachment 2** formalises Council's current practice, which includes:
  - agreed objectives and principles for leasing and licensing;
  - types of tenure and relevant policy and legislation;
  - tenant categories which determine the fee structure and obligations;
  - consistent terms and conditions of agreements;
  - expression of interest process for vacant Council assets;
  - set eligibility criteria for tenants;
  - formalise a Council position in relation to community tenants refusing to sign agreements (but continue to occupy Council assets); and
  - clarify responsibilities for Council and tenants including maintenance, risk and insurance.
3. This Policy ensures Council's ongoing support to not-for-profit organisations across the Shire that provide valuable services to the Nillumbik community.
4. The Policy was developed through a process of:
  - a. Reviewing relevant Council policies and plans, along with legislative requirements;
  - b. Discussions with Council's external valuer;
  - c. Benchmarking with other similar Council's leasing and licensing policies and guidelines and Department of Energy, Environment and Climate Action (DEECA) guidelines;
  - d. Internal consultation especially with those areas who hold relationships with existing tenants; and
  - e. Community engagement seeking feedback from the community on the draft policy.
5. Council's Audit and Risk Committee reviewed the draft Leasing and Licensing Policy and approved the draft Policy for community consultation.
6. Following community consultation, Officers have reviewed the Policy further and only made minor amendments to the Policy to clarify insurance responsibilities across Council's property portfolio; and the inclusion of a few relevant Acts that had not been included in the draft Policy but are relevant to Council leasing and licensing Council owned or managed assets.

**Related Council decisions**

7. Council at its Meeting held on 29 October 2013 adopted Guiding Principles as the basis for the development of uniform policy relating to the community use of Council assets.

**12. Officers' reports**

**CM.067/24 Leasing and Licensing Policy**

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8. These guiding principles focused only on community tenants not Council's entire leasing and licensing portfolio and are outdated.
9. Following benchmarking with a number of Council's Leasing and Licensing Policies and consideration of Council's entire property portfolio, new high-level objectives have been included in the Policy in **Attachment 2**.
10. At its Council Meeting on 26 March 2024, Council endorsed the draft Policy for the purpose of community exhibition and community consultation process to seek the views of the Nillumbik community and relevant stakeholders with respect to the draft Policy.
11. Council considered feedback on the draft Policy at the Planning and Consultation Committee meeting on 11 June 2024, no verbal presentations were heard at this meeting.

**Options**

12. Council adopts the Leasing and Licensing Policy (**Attachment 2**) with the minor amendments shown in red.

**Council plans and policies**

13. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We act in the best interests of our community.
  - We facilitate participation in sports, leisure and recreational activities.
  - We continue to exercise sustainable and responsible financial management.
  - We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

**Access, Equity and Inclusion**

14. A Gender Impact Assessment was completed on the Policy and the recommendations were incorporated into the Policy where appropriate, lease and licence templates and Leasing and Licensing Procedures including First Nations acknowledgements, simple use of language, gender inclusive facilities and language, accessibility to facilities and no discrimination by Council or Tenants.

**Sustainability implications**

15. The Policy ensures Council exercises sustainable and responsible financial management of Council assets leased and licensed; and efficient use of Council facilities that supports a diverse range of community groups to provide benefit for the Nillumbik community.
16. If requested under the standard lease conditions, the lessee in conjunction with Council's Environmental Works and/or Climate and Sustainability Units, will prepare and implement an environmental management plan (EMP) for the Premises that encompasses energy conservation, emissions reduction, water conservation, waste management, biodiversity enhancement measures and where appropriate, a ground re-instatement plan, as the Council reasonably requires.

**12. Officers' reports****CM.067/24 Leasing and Licensing Policy**

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**Community engagement**

17. Consultation took the form of a survey on Council's Participate Nillumbik site <https://participate.nillumbik.vic.gov.au>.
18. The consultation was promoted through:
  - a) An email to targeted audience – 707 received the email with 59.5% (421 recipients) opening the email;
  - b) a series of posts on Council's Facebook site;
  - c) Email to all current Tenants (stakeholders);
  - d) an offer to obtain a hard copy of the survey upon request.
19. The Participate Nillumbik site was open for community engagement from 4 April to 25 April 2024.
20. On conclusion of the process, only two responses were received, although the Participate Nillumbik website received 150 views and 98 individual visitors to the site. A redacted copy of the submissions is included in **Attachment 1**.
21. Submitters were invited to attend the Planning and Consultation Committee to speak to their submissions.
22. Whilst Council did seek community feedback on the Policy, there were limited changes that could be made to sections of the Policy due to the legislative and statutory obligations nature of the content.
23. The two submissions overall supported the Policy, however one submission raised concerns about their capacity as a not-for-profit organisation and requirements for their organisation and similar organisations to insure the building assets and contents.
24. In response to the submission which raised concerns about a not-for-profit organisation paying for insurance, the Policy was reviewed and the following amendments have been made to Clause 10. Insurance in the Policy shown in red in **Attachment 2**:
  - a) Instead of requiring all Tenants to hold at least \$20 million public liability insurance, this requirement has been amended to 'Public liability insurance for a value determined by Council'.
  - b) To reflect Council's current practice, which is to cover building insurance for some fixed assets on the Property owned by not-for-profit organisations the Building Insurance clause has been amended to 'All tenants are required to hold Building Insurance, where the tenant has constructed the building or other infrastructure on Council land, unless agreed otherwise with Council.
  - c) The contents insurance clause has not been amended as Council cannot cover third parties contents on the Property.

**Innovation and continuous improvement**

25. A Leasing and Licensing Policy will assist Council with delivering an equitable, transparent process for leasing and licensing of Council owned and managed properties.



**12. Officers' reports**

**CM.067/24 Leasing and Licensing Policy**

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26. Property officers have collaborated with Communications officers over the past 12 months to create webpages with information and forms for external applicants to submit request to lease/licence council land.
27. The Policy can be reviewed in five years or as legislation requires or Council determines a need has arisen.

**Collaboration**

28. Internal consultation on the Policy occurred and all feedback was considered and incorporated where necessary.
29. Council Officers collaborate and work regularly with DEECA Program Managers to ensure compliance with Crown land leasing and licensing.

**Budget considerations**

30. The total rental income that is derived from all community and commercial leases and licence arrangements is approximately \$348,628 per annum excluding GST.
31. The income derived from leasing and licensing assist with ongoing maintenance of Council facilities for community use.
32. All costs associated with the adoption and implementation of a Leasing and Licensing Policy have been accounted for within Council's operational budget.

**Relevant law**

33. Local government leasing and licensing property transactions need to comply with the *Local Government Act 2020*, *Crown Land (Reserves) Act 1978*, *Retail Leases Act 2003* and *Residential Tenancies Act 1997*.
34. 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*.
35. It is considered that the subject matter does not raise any human rights issues.

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

36. Council should have regard to the *Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land* revised August 2009, which is considered to extend to cover leasing.

**Conflicts of interest**

37. 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.067/24      Leasing and Licensing Policy**

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**12. Officers' reports****CM.068/24 Economic Development Advisory Committee 2024-2026 membership recommendation****Distribution: Public****Manager: Renae Ahern, Acting Director Planning, Environment and Strategy****Author: Tania Treasure, Economic Development & Tourism Lead****Summary**

This report provides the recommendations for membership of the 2024-2026 term of Council's Economic Development Advisory Committee (EDAC).

The Terms of Reference for EDAC are provided in **Attachment 1**


Nominations were sought from the 6 May to 13 June 2024 and were assessed against the selection criteria. See **Confidential Attachments 2 (membership recommendation)** and **3 (verbatim applications)**.

Council endorsement of the recommended 12 committee members which includes general committee members, a Youth representative an Agricultural representative and representatives from the business groups is sought.

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

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

**Attachments**

- 1 Economic Development Advisory Committee Terms of Reference 2024 -2026 .
- 2 Economic Development Advisory Committee Officer recommendations - **CONFIDENTIAL**
- 3 Economic Development Advisory Committee verbatim applications - **CONFIDENTIAL**

**12. Officers' reports****CM.068/24 Economic Development Advisory Committee 2024-2026 membership recommendation**

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**Discussion**

1. The Economic Development Advisory Committee (EDAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in all matters relating to economic development and tourism in Nillumbik.
2. The endorsed Economic Development Advisory Committee Terms of Reference **Attachment 1** outline that membership will consist of up to 14 members and will include representation from:
  - a. Six individual members representing businesses and industry;
  - b. One Youth representative;
  - c. One Agricultural representative;
  - d. Four representatives from Nillumbik's business and industry associations; and
  - e. Two representatives of the Nillumbik Shire Council (Councillors) – one as Chair and one as alternate Chair.
3. Membership is to comprise of a diverse mix of representatives who provide a breadth of knowledge and expertise on matters relating to economic development and tourism.
4. The final meeting of the current Economic Development Advisory Committee was held on the 16 May 2024. All positions were then vacated.
5. Expressions of interest for membership of the new (two-year) term of the Committee were sought from community members over a period of four weeks from the 6 May to 13 June 2024.
6. In total 13 expressions of interest were received. One each from the four business and industry associations and nine for the general committee. A copy of the information provided by applicants is provided (**Confidential Attachment 3**).
7. The nine general committee applications were assessed against the following selection criteria that is consistent with the Economic Development Advisory Committee Terms of Reference:
  - a. Current involvement in the community in the interest area that relates to the purpose of the Economic Development Advisory Committee;
  - b. Has the skills, knowledge or experience they can bring to the Committee;
  - c. A strong understanding of key issues impacting economic development in Nillumbik;
  - d. An understanding of the role of Council in relation to economic development in the Shire; and
  - e. Balanced makeup of the committee that is representative of a broad range of views of the community relevant to matters relating to economic development and tourism.

12. Officers' reports

**CM.068/24 Economic Development Advisory Committee 2024-2026 membership recommendation**

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**Related Council decisions**

8. At the April 2024 Council Meeting, Council:
  - a. Acknowledged and thanked members of the 2022-2024 Economic Development Advisory Committee for their advice and practical contribution to economic and tourism outcomes for the Shire over the term of the Committee.
  - b. Endorsed a revised Terms of Reference for the Economic Development Advisory Committee.
  - c. Endorsed an expression of interest process seeking expressions of interest for membership nomination, to renew the Committee by August 2024.

**Options**

9. A summary of the evaluation scoring of the nine general committee applications received is provided in **Confidential Attachment 2**.
10. Based on the scoring, the eight applicants that scored highest are recommended to Council for endorsement as general committee members.
11. In addition, as per the Terms of Reference, positions on the Economic Development Advisory Committee are reserved for a Youth representative and an Agricultural representative, that are included as part of the eight applicants recommended for Council's endorsement as general committee members.
12. Four industry representatives are recommended for Council endorsement from each of the following business and industry associations:
  - a. Nillumbik Tourism and Business;
  - b. Eltham Chamber of Commerce;
  - c. Hurstbridge Traders Association; and
  - d. Diamond Creek Traders Association.
13. Economic Development Advisory Committee meetings are held quarterly in accordance with the Terms of Reference, with the first meeting of the new Committee to take place on 29 August 2024.

**Council plans and policies**

14. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We support businesses, industries and events, and encourage investment within Nillumbik.
  - We act in the best interest of our community.
  - We communicate clearly and regularly, taking the time to listen and engage with our community.

**Access, Equity and Inclusion**

15. The assessment process was conducted in line with Council's Access, Equity and inclusion policy.

**12. Officers' reports**

**CM.068/24 Economic Development Advisory Committee 2024-2026 membership recommendation**

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**Sustainability implications**

- 16. Nillumbik's Economic Development Advisory Committee provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in all matters relating to economic development and tourism in Nillumbik.
- 17. The Economic Development and Tourism team regularly support and facilitate sustainability projects where businesses can improve their current practices or learn and implement new skills relating to such topics as waste reduction, circularity and regenerative agriculture.

**Community engagement**

- 18. Expressions of Interest for community members to apply to join the Economic Development Advisory Committee were invited through Council's communication avenues including e-newsletters, social media posts and a media release. Invitations were also circulated through relevant Council committees and networks.

**Innovation and continuous improvement**

- 19. A purpose of the Economic Development Advisory Committee is to support Council in identifying opportunities for programs and initiatives relating to the continuous improvement in economic development and tourism matters.

**Collaboration**

- 20. Not applicable.

**Budget implications**

- 21. Administrative support for the Economic Development Advisory Committee is provided through Council's operating budget.

**Relevant law**

- 22. *Local Government Act 2020.*

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

- 23. Not applicable

**Conflicts of interest**

- 24. 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.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court Resurfacing – Courts 3 & 4

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**Distribution:** Public

**Manager:** Vince Lombardi, Chief Operating Officer

**Author:** Lance Clark, Senior Procurement Specialist

Steven Blight, Manager Capital and Infrastructure

**Summary**

This report recommends the awarding of contract 2324-057 for Diamond Creek Tennis Court Resurfacing – Courts 3 & 4

The contract commencement date is 1 August 2024 with a completion date of 31 October 2024.

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 2324-057 for Diamond Creek Tennis Court Resurfacing – Courts 3 & 4.

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.

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

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **#[Redacted]** plus **#[Redacted]** for contingency (inclusive of GST) and enter into the following contract:  
Number: 2324-057  
Title: Diamond Creek Tennis Court Resurfacing – Courts 3 & 4  
Term: 1 August 2024 to 31 October 2024  
Options: Not applicable
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than the total approved budget for the project
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report – 2324-057 (**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*.
7. Resolves that the preferred tenderer be named.

**12. Officers' reports**

**CM.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court Resurfacing – Courts 3 & 4**

**Attachments**

- Attachment 1 - Tender Evaluation Summary Report 2324-057 - *CONFIDENTIAL*

**Discussion**

- This project is for the resurfacing and refurbishment of courts 3 & 4 at the Diamond Creek Tennis Courts at Phipps Crescent, Diamond Creek.
- Nillumbik Shire Council has received \$300,000 under the Victorian Government’s Sports and Recreation Victoria funding program.
- Council is contributing \$200,000 towards the project.

**Council plans and policies**

- 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:

- A public tender was issued on Saturday 16 March 2024.
- The period for tender submissions closed at 2pm on Thursday 11 April 2024.
- The following tenders were received:

<b>TENDERER</b>
<b>Tenderer A – Preferred Tender</b>
Tenderer B
Tenderer C
Tenderer D
Tenderer E
Tenderer F
Tenderer G
Tenderer H
Tenderer I
Tenderer J



12. Officers' reports

**CM.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court Resurfacing – Courts 3 & 4**

- 8. Due to the initial received tendered costs, there was a revision of project work scope and tenderers were asked to review reduced scope and submit revised tendered pricing.
- 9. Tenderers were provided with a closing date and time to submit their revised pricing.
- 10. Those tenderers that did not submit their revised pricing by the closing date and time could not be considered any further.
- 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.

<b>TENDERER</b>	<b>Reasons why tender was set aside from further evaluation</b>
Tenderer B	Incomplete Tender Response Form submitted. Tenderer had opportunity to provide fully compliant and completed Tender Response Form as part of the revised pricing requests, but failed to do so.
Tenderer H	Did not submit revised tendered pricing by required closing date and time. Was the second highest original tendered price.
Tenderer I	Did not submit revised tendered pricing by required closing date and time. Was the highest original tendered price.
Tenderer J	Submission was marketing material for a product

12. Officers' reports

**CM.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court Resurfacing – Courts 3 & 4**

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.

<b>Criteria</b>	<b>Weighting %</b>
Price	50%
Capability & Capacity	30%
Collaboration	10%
Supporting Local Economic and Social Development	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:

<b>Position Title</b>	<b>Business Unit</b>	<b>Scoring Member or Advisory Member</b>
Capital Works Coordinator	Capital and Infrastructure	Scoring
Project Management Officer	Capital and Infrastructure	Scoring
Coordinator Recreation and Leisure Facilities	Leisure Facilities	Scoring
Manager Capital and Infrastructure	Capital and Infrastructure	Advisory
Senior Procurement Specialist	Finance, Procurement and Assets	Advisory

12. Officers' reports

CM.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court Resurfacing – Courts 3 & 4

16. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	86/100	1
Tenderer C	81/100	2
Tenderer D	78/100	3
Tenderer E	73/100	4
Tenderer F	67/100	5
Tenderer G	61/100	6

- 17. The recommended tender was the highest ranked and is considered best value as has clearly evidenced experience delivering similar or larger scale projects of this nature. The provided methodology is clear and shows a thorough understanding of the requirements.
- 18. **Attachment 1** - Tender Evaluation Summary Report 2324-057 – Confidential, provides the tenderer names and the Evaluation Scorecard Summary.
- 19. The Tender Evaluation Summary Report (**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 & Capacity**

- 20. Tenderer has evidenced clear experience delivering similar or larger scale projects of this nature.
- 21. Tendered project references provided are for similar projects with other Local Govt. Agencies and Dept. of Education.
- 22. The methodology is clear and shows a thorough understanding of the requirements.
- 23. Nominated staff details provided evidence experience and capability required to deliver this project.
- 24. The company has access to a significant workforce.
- 25. The nominated Project Manager is known to Council officers, due to previous contracted projects with Nillumbik Shire Council for other similar projects.
- 26. Customer service approach is sound.

**Tender Interview**

- 27. Tender interview was held on 28 May 2024 and no issues or concerns identified.

**12. Officers' reports**

**CM.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court Resurfacing – Courts 3 & 4**

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**Contingency and risks**

- 28. Due to the age of the existing courts 3 & 4 that are to be resurfaced, there are possible latent conditions that are at this point in time, unable to be verified/confirmed.
- 29. There is also some aged infrastructure such as electrical conduits that will need to be replaced, at which time, may uncover some further additional requirements to bring electrical requirements up to current standards requirements.

**Collaboration**

- 30. Not applicable.

**Budget considerations**

- 31. This is a funded project with a committed approved contribution by Council.

**Sustainability implications**

- 32. There may be some opportunity to reuse some of the existing pavement sub-base materials, which if possible, could reduce costs as well as to support Councils Waste to Landfill objectives as part of Councils Climate Action plans. This will not be known until the project is underway and the existing sub-base materials can be tested.
- 33. The existing synthetic court surface will be sent for recycling.
- 34. Company is based within the Northern Council Alliance (NCA) area and has 24 full time staff residing in Nillumbik Shire Council area and has 150+ staff that reside within the NCA.
- 35. Environmental Green Asphalt and Concrete products will be used in the project, as well as recycled crushed concrete products.
- 36. Appointed contractor will be required to provide a Waste to Landfill Minimisation report detailing the type and volume of waste materials removed from site and the end state of those materials – recycled or sent to landfill due to no available recycling stream.

**Stakeholder Consultation/communication**

- 37. The Diamond Creek Tennis Club has been involved and consulted with during the development of the project.
- 38. Council sought tendered costings for the clubs preferred synthetic surface product and tenderers were invited to provide costings for similar alternative synthetic surface products and the alternate proposed surface options were discussed.
- 39. The club has indicated their preference to use the preferred synthetic surface product.

**Innovation and continuous improvement**

- 40. Not applicable.

**Relevant law**

- 41. Sections 108 and 109 of the Local Government Act 2020.

**12. Officers' reports**

**CM.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court Resurfacing – Courts 3 & 4**

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

42. Not applicable.

**Conflicts of interest**

43. As part of the tender process, all members of the Tender Evaluation Panel were required to declare any disclosable conflicts of interest.

44. There were no disclosable conflicts of interest raised.

**12. Officers' reports**

**CM.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court  
Resurfacing – Courts 3 & 4**

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## 12. Officers' reports

## CM.070/24 Tender Report - Upcoming Contracts during Election Period

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**Distribution:** Public

**Manager:** Vince Lombardi, Chief Operating Officer

**Author:** Lance Clark, Senior Procurement Specialist

Melika Sukunda, Manager Finance, Assets and Procurement

**Summary**

This report is to provide notice of a range of tender activities and resulting contracts via Nillumbik Shire Council public tender processes or tender processes via Appointed Agencies – MAV, Procurement Australia and State Purchasing Contracts via Department of Treasury and Finance, for which contracts will need to be entered into during the period September 2024 to December 2024.

Due to the timing of some of the tender dates there are some contracts which have a commencement date later than December 2024, but notification of contract award will need to be made by no later than 31 December 2024.

These agency arrangements are subject to a public tender process and conform to Council's procurement requirements as per the relevant provisions of the *Local Government Act 2020* – Sections 108 and 109 and Councils Procurement Policy 2021-2025.

Aside from one Capital Works tender, all other tender activities are to replace existing business as usual goods and services or to manage Councils fleet requirements.

The list of current tenders that will require contracts to be executed during the stated period are provided in **Attachment 1- List of Future Contracts**. The details of the contract periods and anticipated contractual spend based on historical expenditure over the full possible term of the contract is also provided in **Attachment 1- List of Future Contracts**.

A CEO Tender Report will be provided to the Chief Executive Officer for each of these tenders and contracts as part of the contract execution process.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the individual value of these contracts exceed the specified financial limits and a Council resolution is therefore required to award the contracts.

## 12. Officers' reports

## CM.070/24 Tender Report - Upcoming Contracts during Election Period

<b>Recommendation</b>
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That Council:

1. Authorises the Chief Executive Officer to finalise and execute the contract documentation for the list of provided tenders below.

Contract Number	Contract Name	Capital Works or Operations
2324-048	Herberts Lane Playspace – Construction	Capital Works
2324-073 2324-074 2324-075	Supply and Delivery of; 1 x 5.5 tonne Hybrid Tip Truck with Winch and Removable Litter Cage 1 x 8.5 tonne Hybrid truck with 6-8m <sup>3</sup> storage bin/hopper and 2.2 tonne towing capacity 1 x 8.5 tonne Hybrid Truck with specified trade body	Operations
2324-083	Finance Lease of Combination Vac Hydro Excavation Truck	Operations
2324-084	Insurance Brokerage Services	Operations
2324-087	Provision of Internal Audit Services	Operations
2324-090	Provision of Banking Services	Operations
2324-093	Cleaning Services - Collaborative Joint Council Tender	Operations
2425-002	Fuel Cards via Procurement Australia	Operations
2425-003	Electricity Large Sites and Street Lighting - MAV	Operations
2425-004	Fleet (incl. EV) Services and Consumables	Operations

2. Delegates the powers and authorisation to the Chief Executive Officer to review and approve the options to extend the individual contract terms as per the listed options in **Attachment 1- List of Future Contracts**.
3. Authorises the Chief Operating Officer to approve contract variations that are a result of changes to operational requirements throughout the term of the contracts.
4. Notes that for Contract 2324-048, that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Makes public the future decisions regarding these contracts but the individual CEO Tender Reports for each contract, remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
6. Advises all tenderers accordingly.



**12. Officers' reports**

**CM.070/24 Tender Report - Upcoming Contracts during Election Period**

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**Attachments**

1. Attachment 1 - List of Future Contracts

**Discussion**

1. This request in seeking delegation to the Chief Executive Officer, is to ensure that Council operations can continue unencumbered during the upcoming local councils elections.
2. The stated period September to December has been positioned, to ensure that newly appointed Councillors have time to settle into their new roles as councillors.
3. The majority of the contracts listed are for business as usual goods and services requirements only.
4. There is one capital works project listed for 2324-048 - Herberts Lane Playspace – Construction which has an approved budget of \$360,000.
5. The finance lease of Combination Vac Hydro Excavation Truck is a result of a recent 9 month trial by Councils Roads and Drainage team, which will enable a more proactive maintenance approach to Councils on-going management of our drainage network, which has, and will continue to reduce claims resulting from weather events, as well as bringing some current contracted services in-house.

**Council plans and policies**

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

**Tender for supply**

7. The public tender for supply activities have been or will be undertaken by Council or the stated appointed agency on behalf of Nillumbik Shire Council and other LGAs.
8. A CEO Tender Report will be provided to the Chief Executive Officer for each of the tenders as part of the execution of contracts.

**Budget implications**

9. The associated costs for the resulting works, goods and services are included as part of the annual budget process.

**Consultation/communication**

10. Where required, the respective business units will be engaged via Procurement.

**Collaboration**

11. The tender for contract 2324-093 Cleaning Services - Collaborative Joint Council Tender will be a collaborative tender between Banyule City Council, Merri-bek City Council, Nillumbik Shire Council and Yarra Plenty Regional Libraries (YPRL).

**Relevant law**

12. Sections 108 and 109 of the *Local Government Act 2020*.

**12. Officers' reports**

**CM.070/24 Tender Report - Upcoming Contracts during Election Period**

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

13. Not applicable.

**Sustainability implications**

14. Where applicable and achievable, sustainability outcomes will be included and accessed as part the resulting tender evaluation processes.

**Conflicts of interest**

15. As part of the tender process, all members of Tender Evaluation Panels will required to declare any disclosable conflicts of interest.

16. In the event a Tender Evaluation Panel member declares a disclosable conflict of interest, the member will be removed from the evaluation process and any recommendations in respect to the awarding of a contract.

**12. Officers' reports****CM.071/24 Procurement Policy 2021-2025 - Update**

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**Distribution: Public****Manager: Vince Lombardi, Chief Operating Officer****Author: Lance Clark, Senior Procurement Specialist****Melika Sukunda, Manager Finance, Assets and Procurement****Summary**

Under Section 108 (5) of the Local Government Act 2020, Council is required to undertake a review of its Procurement Policy at least once during each 4 year term.

The current version of the Procurement Policy 2021-2025 was adopted by Council on Tuesday 29 June 2021. The current policy was developed in collaboration with the Northern Council Alliance in compliance with the Local Government Act.

The review of the current policy has been undertaken by Council's Senior Procurement Specialist and Manager Finance, Assets and Procurement officers.



The proposed amendments made to the Procurement Policy 2021-2025 were presented to the Audit and Risk Committee at the meeting held on Monday 6 May 2024.

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

**That Council:**

1. Adopts the Procurement Policy – Procurement Policy 2021 - 2025 - Version 1 July 2024.
2. Makes the updated Procurement Policy 2021 - 2025 available for public inspection on Council's website.

**Attachments**

- 1  Attachment 1 - Amendments to Procurement Policy 2021-2025 - May 2024
- 2  Procurement Policy 2021 - 2025 - Version 1 July 2024 for Review and Adoption

**Discussion**

1. Under Section 108 (5) of the Local Government Act 2020, Council is required to undertake a review of its Procurement Policy at least once during each 4 year term.
2. The review of the current policy has been undertaken by Council's Senior Procurement Specialist and Manager Finance, Assets and Procurement officers.
3. The current policy is a joint collaborative policy across the Northern Council Alliance (NCA) group of Councils. The amendments that have been made are specific to Nillumbik Shire Council and are managed via appendices that are unique for Nillumbik Shire Council and do not apply to the other NCA Councils.
4. The proposed amendments made to the Procurement Policy 2021-2025 have been presented to Council's Audit and Risk Committee at the meeting held on Monday 6 May 2024.

**12. Officers' reports**

**CM.071/24 Procurement Policy 2021-2025 - Update**

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5. The full list of amendments is provided in **Attachment 1** - Amendments to Procurement Policy 2021-2025 - May 2024.

**Related Council decisions**

6. The current version of the Procurement Policy 2021-2025 was adopted by Council on Tuesday 29 June 2021.

**Amendments to Policy**

7. The amendments have been made to the following sections of the Procurement Policy 2021-2025

- Appendix 1 – Nillumbik Shire Council Procurement Methodology Thresholds
  - Minor changes in wording and clearer stated requirements
- Appendix 2 – Performance KPIs
  - Minor changes in wording.
  - Removal of reporting KPI's that are not possible within Council's current finance purchasing systems.
  - Addition of recommendation from Internal Audit and Audit and Risk Committee.

- Appendix 3 – Council Specific Exemptions to Section 2.3.2.1 and Appendix 1  
This is a new appendix to deal with exemptions to Section 2.3.2.1 and Appendix 1.

The intent of this new appendix is to allow purchasing flexibility in relation to future requirements around electrification of Council's fleet as part of Council's Climate Action Plans and to support Council's current and future Reconciliation Action Plans in respect to engaging with the traditional owners of the lands on which Nillumbik is located.

- Appendix 4 – Local, First Nations and Social Enterprise Businesses  
This is a new appendix.  
Council has always had a focus on supporting and engaging with local businesses. This appendix expands this focus further and extends it to First Nations and Social Enterprise businesses.

**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. Not applicable.

**Sustainability implications**

10. Not applicable.

**12. Officers' reports**

**CM.071/24 Procurement Policy 2021-2025 - Update**

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**Community engagement**

11. Not applicable.

**Innovation and continuous improvement**

12. Not applicable.

**Collaboration**

13. Not applicable.

**Budget considerations**

14. Not applicable.

**Relevant law**

15. Section 108 (5) of the *Local Government Act 2020*.

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

16. Not 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.071/24 Procurement Policy 2021-2025 - Update**

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## 12. Officers' reports

**CM.072/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**Distribution: Public**

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

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

### Summary

Section 224 of the *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer makes these appointments by authority conferred by Instrument of Delegation by Council dated 26 March 2024.

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

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

### Recommendation

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

- a) The Nillumbik Shire Council staff referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) (**Attachment 1**) be appointed and authorised as set out in the instrument.
- b) The common seal of Council be affixed to the Instrument.
- c) The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

### Attachments

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

### Discussion

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

**12. Officers' reports**

**CM.072/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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

**Related Council decisions**

6. The current Instrument is dated 28 May 2024.

**Options**

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

**Council plans and policies**

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

**Access, Equity and Inclusion**

9. Not applicable.

**Sustainability implications**

10. Not applicable.

**Community engagement**

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

**Innovation and continuous improvement**

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

**Collaboration**

13. Not applicable.

**Budget implications**

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



**12. Officers' reports**

**CM.072/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**Relevant law**

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

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

- 17. Not applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.072/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**12. Officers' reports****CM.073/24 Informal Meetings of Councillors Records - 30 July 2024**

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

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

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 25 June 2024.

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

1. Arts and Cultural Advisory Committee held 20 May 2024;
2. Living & Learning Nillumbik Advisory Committee held 17 June 2024;
3. Councillor Briefing held 18 June 2024;
4. Environment and Sustainability Advisory Committee Meeting held 19 June 2024;
5. Panton Hill bushland Reserve System User Group Advisory Committee held 20 June 2024;
6. Council Meeting Pre-Meet held 25 June 2024;
7. Inclusion and Access Advisory Committee held 28 June 2024; and
8. Planning and Consultation Committee Pre-Meet held 16 July 2024.

**Recommendation**

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

**Attachments**

- 1  Informal Meeting of Councillors record reported 30 July 2024

**Discussion**

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

**Related Council decisions**

2. Not applicable.

12. Officers' reports

CM.073/24 Informal Meetings of Councillors Records - 30 July 2024

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**Options**

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

**Conclusion**

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

**Council plans and policies**

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

**Access, Equity and Inclusion**

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

**Sustainability implications**

10. Not applicable.

**Community engagement**

11. Not applicable.

**Innovation and continuous improvement**

12. Not applicable.

**12. Officers' reports**

**CM.073/24 Informal Meetings of Councillors Records - 30 July 2024**

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**Collaboration**

13. Not applicable.

**Budget implications**

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

**Relevant law**

15. *Local Government Act 2020.*

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

16. None applicable.

**Conflicts of interest**

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

**12. Officers' reports**

**CM.073/24 Informal Meetings of Councillors Records - 30 July 2024**

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**Council Meeting Agenda**

**30 July 2024**

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