

Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 30 September 2025 commencing at 7:00 PM.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 25 September 2025

Distribution: Public

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

Council Chamber Council Meeting seating plan

Cr Kelly Joy Edendale Ward				Cr Peter Perkins Ellis Ward
Cr Naomi Joiner Bunjil Ward (Deputy Mayor)				Cr Kim Cope Sugarloaf Ward
Cr Grant Brooker Blue Lake Ward				Cr Kate McKay Swipers Gully Ward
Katia Croce Manager Governance and Property	Blaga Naumoski Director Governance Communications and Community Safety	Cr John Dumaresq (Mayor) Wingrove Ward	Carl Cowie Chief Executive Officer	

Nillumbik Shire Council

Contents

1. Welcome	1
2. Acknowledgement of Country	1
3. Good Governance Pledge	1
4. Prayer	1
5. Apologies/Leave of Absence	1
6. Declarations of conflict of interest	1
7. Presentations	1
8. Confirmation of Minutes	3
COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 26 August 2025	3
9. Petitions	5
10. Questions from the gallery	5
11. Reports of Advisory Committees	7
AC.007/25 Advisory Committee Report 30 September 2025	7
12. Officers' reports	9
CM.103/25 Quarterly Risk and Safety Report - June 2025	9
CM.104/25 Audit and Risk Committee Meeting - September 2025	15
CM.105/25 Annual Financial Report and Performance Statement 2024-2025	19
CM.106/25 Adoption of Council Plan 2025-2029 and re-adoption of the Community Vision - Nillumbik 2040	25
CM.107/25 Communications Strategy - Action Plan update	31
CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park	37
CM.109/25 Seeking adoption of Council's Advocacy Priorities 2025	55
CM.110/25 Adoption of the Nillumbik Health and Wellbeing Plan 2025-2029	63
CM.111/25 Adoption of Asset Plan 2025-2035	69
CM.112/25 Adoption of Financial Plan 2025-2035	73
CM.113/25 Review of Road Management Plan	77
CM.114/25 BMX Jumps and Community Recreation Park Concept Plan Consultation	83
CM.115/25 Procurement Policy - Review and update	89
CM.116/25 Investment Policy and Loan & Borrowing Policy	93
CM.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)	97

Council Meeting Agenda**30 September 2025**

CM.118/25	Nillumbik Planning Scheme Review 2025 - Final Endorsement	107
CM.119/25	Seeking Adoption of the Domestic Animal Management Plan 2025-2029	115
CM.120/25	Tender Report - Contract 2425-059 IT Hardware and Infrastructure - End User Computing	125
CM.121/25	Updated Complaint Handling Policy	129
CM.122/25	Informal Meetings of Councillors Records - 26 August 2025	135
13.	Notices of Motion	139
14.	Delegates' Reports	139
15.	Supplementary and urgent business	139
16.	Confidential reports	139
CM.123/25	CEO Employment Matters - CEO Performance Plan 2025/2026	139
17.	Close of Meeting	139

Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 30 September 2025 commencing at 7:00pm

1. Welcome

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

2. Acknowledgement of Country

Nillumbik Shire Council respectfully acknowledges and recognises the Wurundjeri Woi-wurrung as the Traditional Owner of the land on which Nillumbik is located. We pay tribute to all First Peoples living in the Nillumbik Shire, give respect to Elders past, present and emerging, and extend our respect to all First Peoples. We acknowledge that sovereignty was never ceded.

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

THIS PAGE WAS LEFT INTENTIONALLY BLANK

8. Confirmation of Minutes

COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 26 August 2025

Summary

Confirmation of the Minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 26 August 2025.

Recommendation

That Council:

1. Confirms the Minutes of the Council Meeting (**Attachment 1**) and Confidential Council Meeting (**Attachment 2**) held on Tuesday 26 August 2025
2. Resolves that the Confidential Council Meeting Minutes (**Attachment 2**) remain confidential in accordance with section 3(1) (f) and (h) of the *Local Government Act 2020*.

Attachments

1.  Confirmation of Minutes Council Meeting held Tuesday 26 August 2025
2. Confirmation of Confidential Minutes Council Meeting held Tuesday 26 August 2025 - *CONFIDENTIAL*

8. Confirmation of Minutes

COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 26 August 2025

THIS PAGE WAS LEFT INTENTIONALLY BLANK

9. Petitions

10. Questions from the gallery

THIS PAGE WAS LEFT INTENTIONALLY BLANK

11. Reports of Advisory Committees**AC.007/25 Advisory Committee Report 30 September 2025**

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

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

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

1. Environment & Sustainability Advisory Committee (ESAC) Minutes meeting held 20 August 2025;
2. Inclusion and Access Advisory Committee Minutes meeting held 22 August 2025;
3. Recreation Trails Advisory Committee Minutes meeting held 27 August 2025; and
4. Youth Council Minutes meeting held 1 September 2025.

Attachments

1.  Advisory Committee Meeting Minutes reported 30 September 2025

Recommendation

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

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.103/25 Quarterly Risk and Safety Report - June 2025**

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

This report provides a summary of Council's Risk and Safety Report for the quarter ending June 2025.

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

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which occurred on 1 September 2025.

The full confidential Risk and Safety Report for June 2025 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Recommendation

That Council:

1. Notes the summary of the confidential Risk and Safety Report for the quarter ending June 2025.
2. Resolves that the Quarterly Risk and Safety Report – June 2025 (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

Attachments

1. Quarterly Risk & Safety Report - June 2025 - *CONFIDENTIAL*

Discussion

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

12. Officers' reports

CM.103/25 Quarterly Risk and Safety Report - June 2025

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

All Incidents by Type	Jul - Sep 24	Oct - Dec 24	Jan - Mar 25	Apr- Jun 25	Total Jul 24 – Jun 25	Total Jul 23 - Jun 24
Property	18	15	23	13	69	61
Motor Vehicle	4	7	13	13	37	40
Professional Indemnity	0	0	0	0	0	0
Public Liability	28	5	16	24	73	73
Occupational Health & Safety	33	36	37	29	135	130
Total all incidents	83	63	89	79	314	304

7. There were 79 incidents recorded in the June 2025 quarter. The total number of incidents (314) for the year ending June 2025 was slightly higher compared to the previous year's (June 2024) corresponding number of 304.

12. Officers' reports

CM.103/25 Quarterly Risk and Safety Report - June 2025

8. The following table summarises all incidents by directorate.

Incidents by Directorate	Jul - Sep 24	Oct - Dec 24	Jan - Mar 25	Apr - Jun 25	Total Jul 24 - Jun 25	Total Jul 23 - Jun 24
Culture and Performance	7	8	10	7	32	32
Governance, Communications and Community Safety	13	13	8	6	40	41
Planning, Environment and Strategy	10	0	1	0	11	13
Communities	12	5	9	5	31	36
Operations	41	37	61	61	200	182
Total	83	63	89	79	314	304

9. A high proportion of reported incidents during the June 2025 quarter are generated within the normal course of business in the Operations directorate (76%), and represents a minor increase compared to the previous quarter (68%).
10. All incidents relate to major classes of asset or maintenance type incidents for Council buildings, recreational facilities, playgrounds, trees, drainage, footpath, road damage and major plant.
11. Tree related risks are mitigated through the:
- Tree Management Policy
 - Reactive tree maintenance program
 - Proactive electric power line clearance program
 - Proactive box clearance program
 - Proactive inspections of high risk trees
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
12. Road, footpath, drainage and roadside related risks are mitigated through the:
- Road Management Plan
 - Road Asset Management Plans
 - Proactive and reactive maintenance programs.
13. Property incidents typically reported are property theft, break-ins, storm damage vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds and recreational facilities. Risks are mitigated through maintenance programs and insurance.
14. There were 13 property incidents reported during the June 2025 quarter. This is lower than the corresponding figure from the previous three quarters. A total of 69 property incidents were recorded for the year ending June 2025, which is eight higher compared to the year ending June 2024.

12. Officers' reports**CM.103/25 Quarterly Risk and Safety Report - June 2025**

15. Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are mitigated through maintenance, education and insurance.
16. There were 13 motor vehicle incidents during the June 2025 quarter. The total number of motor vehicle related incidents for the year ending June 2025 (37), was marginally lower compared to year ending June 2024 (40).
17. Professional indemnity relates to incidents and claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services. No new professional indemnity incidents were received this quarter.
18. Public liability incidents are reported where the third party is seeking compensation for personal injury, property damage and economic loss. Note that compensation claims are only paid where Council has been negligent or there is a clear legal liability. Claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
19. There were 24 public liability incidents reported during the June 2025 quarter and 73 for the year ending June 2025. That is the same number of public liability incidents reported in the year ending June 2024. Of the reported incidents this quarter, eight related to slip, trip and fall incidents, five related to tree falling / overhanging, and four related to tree roots.
20. Council's four major leisure facilities recorded 124 incidents in the quarter. Predominate injuries were sprains/strains, bruise and then pain.
21. Occupational health and safety incidents during the quarter (29) were noted being safety matters reported as incidents, hazards and near misses. These incidents are managed through the Occupational Health & Safety Management System. There were five more OHS incidents reported for the year ending June 2025 compared to year end June 2024.
22. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, repairs are undertaken and matters are reported to the Police.

Related Council decisions

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

Council plans and policies

25. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We are forward-thinking, data-driven and evidence-led in our decision making, always looking to identify new opportunities.
 - We act in the best interests of our community.

12. Officers' reports

CM.103/25 Quarterly Risk and Safety Report - June 2025

- We make Council's programs, services, processes and information equitable, assessable and inclusive.

Access, Equity and Inclusion

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

Sustainability implications

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

Community engagement

29. Not applicable.

Innovation and continuous improvement

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

Collaboration

31. Not applicable.

Budget considerations

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

Relevant law

33. Not applicable.

Regional, state and national plans and policies

34. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.103/25 Quarterly Risk and Safety Report - June 2025

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.104/25 Audit and Risk Committee Meeting - September 2025**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Robert Malignaggi, Acting Chief Financial Officer****Summary**

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

As resolved at the 25 June 2024 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Council Meeting.

The Audit and Risk Committee met on 1 September 2025. The minutes for the meeting are shown in **Attachment 1**.

Recommendation

That Council notes the Minutes of the Audit and Risk Committee meeting held on 1 September 2025 (**Attachment 1**).

Attachments

- 1 . Audit and Risk Committee Minutes - September 2025

Discussion

1. The minutes of the Audit and Risk Committee (ARC) are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
2. Minutes of the ARC held on the 1 September 2025 have been adopted by the Committee, and will be presented at its next meeting.
3. The items considered by the ARC were:
 - Draft 2024-2025 VAGO Final Audit Management Letter and Draft Closing Report
 - Annual Financial Report and Performance Statement for the year ended 30 June 2025
 - Annual Follow Up Internal Audit report
 - Internal Audit Report
 - Quarterly Risk and Safety report
 - Cyber Security dashboard
 - AI Policy
 - Finance policies and Procurement Policy
 - Rates in Arrears report

12. Officers' reports

CM.104/25 Audit and Risk Committee Meeting - September 2025

- Staff Smoking, Vaping, Drugs and Alcohol Policy
- Councillor Expenses report.

4. The next ARC meeting is scheduled to take place on Monday 17 November 2025.

Related Council decisions

5. As resolved at the 25 June 2024 Ordinary Council Meeting, the minutes of an ARC meeting are to be reported and presented to a subsequent Council Meeting.

Options

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

Council plans and policies

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

Access, Equity and Inclusion

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

Sustainability implications

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

Community engagement

11. Not applicable.

Innovation and continuous improvement

12. Not applicable.

Collaboration

13. The ARC meeting on 1 September 2025 was attended by VAGO representatives from HLB Mann Judd (the external auditor), the internal auditor from Pitcher Partners, as well as the CEO and CFO. Mayor Cr John Dumaresq and Deputy Mayor Naomi Joiner attended as the Councillor representatives.

Budget considerations

14. The associated costs are contained within Council's 2025-2026 Budget.

12. Officers' reports

CM.104/25 Audit and Risk Committee Meeting - September 2025

Relevant law

15. Section 53 of the *Local Government Act 2020* requires that Council must establish an Audit and Risk Committee.

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.104/25 Audit and Risk Committee Meeting - September 2025

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.105/25 Annual Financial Report and Performance Statement 2024-2025**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Robert Malignaggi, Acting Chief Financial Officer****Summary**

Council is required to produce an Annual Financial Report, containing audited financial statements and an audited Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 2020* (the Act) and the *Local Government (Planning and Reporting) Regulations 2020*.

The draft 2024-2025 financial statements and the draft 2024-2025 performance statement have been reviewed by Council's external auditors on behalf of the Victorian Auditor General.

For the 2024-2025 financial year, Council has reported an operating surplus of \$1.083 million on an accrual basis.

This report recommends that Council approves in principle the 2024-2025 financial statements and performance statement and appoints the Mayor, Deputy Mayor and Chief Executive Officer to sign the 2024-2025 financial statements and the 2024-2025 performance statement.

Council has produced a performance statement in accordance with the Local Government Performance Reporting Framework. This provides results on a range of prescribed indicators of service performance, financial performance and sustainable capacity.

The draft statements have been presented to Council's Audit and Risk Committee which has recommended that Council give in principle approval for the statements pursuant to section 99 of the Act, prior to formal presentation to the Victorian Auditor General.

Recommendation

That Council:

1. Approves 'in principle' the 2024-2025 Annual Financial Report (**Attachment 1**) and 2024-2025 Performance Statement (**Attachment 2**).
2. Authorises the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2024-2025 Annual Financial Report and the 2024-2025 Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made.

Attachments

- 1  DRAFT 30 June 2025 Financial Report
- 2  DRAFT 30 June 2025 Performance Statement

12. Officers' reports**CM.105/25 Annual Financial Report and Performance Statement 2024-2025**

Discussion

1. Council is required to produce an Annual Financial Report, containing audited financial statements and an audited Performance Statement pursuant to the requirements and process outlined in the Local Government Act 2020 (the Act) and the Local Government (Planning and Reporting) Regulations 2020.
2. Section 99 of the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020 require Council to:
 - a) Adopt a resolution giving its approval, 'in principle', to the Annual Financial Report and Performance Statement before they are submitted to the Auditor General.
 - b) Authorise two Councillors and the Chief Executive Officer to certify the statements in their final form, after any changes recommended, or agreed to, by the auditor have been made.
3. Audit work has been completed by Council's external auditors and officers have prepared drafts of the 2024-2025 Financial Report and Performance Statement for submission to the Auditor General. A copy of these statements, forming the 'in principle' statements, is provided in Attachment 1 and 2.
4. The Statements were presented to the Audit and Risk Committee on 1 September 2025. In performing its duties and responsibilities of oversight of the external audit function as set down in its Charter and required under statute, the Audit and Risk Committee:
 1. *Informs Council that the Committee has received and considered:*
 - a) *the Annual Financial Report (comprising audited Financial Statements) and the audited Performance Statement for the financial year ending 30 June 2025 ('Audited Statements'); and*
 - b) *the External Auditor's Closing Report and Final Management Letter relating to the audit process for the Audited Statements;*
 2. *Assures Council that the Committee has raised and discussed with the External Auditor and management all matters it has identified as part of such consideration and is satisfied with clarifications and advice it has received from the External Auditor and management;*
 3. *Is satisfied from its enquiries that there are no incomplete or unresolved matters of a material nature pertaining to the audit that prevents the Committee from providing the following recommendations to Council;*
 4. *Based on the Committee's considerations and enquiries, recommends that Council pass a resolution:*
 - a) *giving its approval in principle to the Audited Statements;*
 - b) *authorising the Chief Executive Officer to submit the approved-in-principle Audited Statements to the Victorian Auditor-General's Office (VAGO) for reporting on the audit;*
 - c) *if any subsequent changes recommended or agreed by VAGO are to be made to the approved-in-principle Audited Statements, authorising Council's Principal Accounting Officer:*

12. Officers' reports**CM.105/25 Annual Financial Report and Performance Statement 2024-2025**

- i. to make any changes that are of a non-material nature; and*
 - ii. to make any changes that are of a material nature after first consulting with the Committee's Chairperson;*
- d) requiring that Council's Principal Accounting Officer prepare a summary of any changes made to the approved-in-principle Audited Statements to enable them to be presented in their final form and provide this summary to both Council and the Committee for their noting;*
- e) authorise the certification (signing) of the final form of the Audited Statements by the Mayor, the Deputy Mayor and the Chief Executive Officer.*

Approval Process

5. The following process is required to ensure that Council's Financial Report and Performance Statement are submitted to the Auditor General in a timely manner, enabling the Auditor General to officially express his opinion prior to the statutory deadline of 31 October 2025:
 - a) Council must meet formally to review the draft Financial Report and Performance Statement, and resolve that Council approves the report and statements 'in principle' and authorises two Councillors and the Chief Executive Officer to sign the final report and statements on behalf of, and with the full authority of, Council. The 'in principle' report and statements and the Council resolution are given to the external auditor;
 - b) The external auditor checks the 'in principle' report and statements. The report and statements, the Council resolution, and the external auditors recommended Audit Report will then be forwarded to the Auditor General for review;
 - c) The Auditor General reviews the report and statements and requests any changes where appropriate;
 - d) The Principal Accounting Officer (Chief Financial Officer) then considers the Auditor General's requested changes and incorporates them into the 'in principle statements', where appropriate;
 - e) The Principal Accounting Officer will identify any matters of significance, including proposed qualification issues, not previously considered by the Council and formally draw Council's attention to them prior to the formal sign off of the statements by the two designated Councillors and the Chief Executive Officer;
 - f) If Council and the Auditor General are satisfied with the statements, the statements are to be signed by the delegated Councillors and the Chief Executive Officer and forwarded to the Auditor General;
 - g) The Auditor General's Audit Reports will be issued to the Council once the formally signed statements have been received and checked by the Auditor General; and
 - h) The organisation's 2024-2025 Annual Report, including the audited Financial Report and Performance Statement, must be forwarded to the Minister by 31 October 2025.

Performance Statement

6. Council has produced a Performance Statement in accordance with the Local Government Performance Reporting Framework.

12. Officers' reports**CM.105/25 Annual Financial Report and Performance Statement 2024-2025**

7. The Performance Statement reports the audited results for 2024-2025 for the prescribed indicators of service performance, financial performance and sustainable capacity.
8. The financial performance and sustainable capacity indicators include several of the indicators used by the Victorian Auditor-General to assess the financial sustainability of local government.
9. The overall assessment of Council's financial sustainability will be confirmed by the Auditor-General in the annual report on Victorian local government in late 2025, which will also confirm the indicators to be applied for 2025-2026.
10. In addition to the audited Performance Statement, the results for a range of other indicators are reported in the Report of Operations as part of the Annual Report.

Related Council decisions

11. Not applicable.

Options

12. It is recommended that Council give 'in principle' approval to the 2024-2025 Annual Financial Report, which includes the financial statements and the Performance Statement and authorise two Councillors and the Chief Executive Officer to sign the statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

Council plans and policies

13. 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

14. A Gender Impact Assessment was conducted and Gender Responsive Budgeting included within the guidelines as a priority consideration throughout the budget development process.

Sustainability implications

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

Community engagement

17. The Annual Financial Report and Performance Statement will be published within Council's Annual Report 2024-2025.

Innovation and continuous improvement

18. Not applicable.

Collaboration

19. The Annual Financial Report and Performance Statement was presented to the Audit and Risk Committee in September 2025.

Budget considerations

12. Officers' reports

CM.105/25 Annual Financial Report and Performance Statement 2024-2025

20. The costs of preparing the Annual Financial Report and Performance Report are funded from operating budget allocations.

Relevant law

21. Section 98 and 99 of the *Local Government Act 2020* applies to the collation and approval of the Annual Financial Report and Performance Statement.

Regional, state and national plans and policies

22. Not applicable.

Conflicts of interest

23. 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.105/25 Annual Financial Report and Performance Statement 2024-2025

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.106/25 Adoption of Council Plan 2025-2029 and re-adoption of the Community Vision - Nillumbik 2040**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Craig King, Manager Customer Experience and Business Performance****Summary**

This report presents the Council Plan 2025-2029, incorporating the Community Vision, (**Attachment 1**) for adoption. This follows public consultation, receipt of submissions and refinements to the plan in response to the submissions received.

This report also presents the Annual Action Plan 2025-2026 (**Attachment 2**) for adoption, which comprises 55 actions that align with the adopted Annual Budget 2025-2026 and supports the first year delivery of the new Council Plan. Reporting updates will be received by Council on a quarterly basis that will demonstrate in a practicable and tangible way how the Council Plan 2025-2029 is being delivered to the community.

The Council Plan is the Council's primary strategic document for its four-year term, and is the elected Council's statement of its priorities for the Nillumbik community. The Council Plan is a requirement under section 90 of the *Local Government Act 2020* (the Act) and must be adopted by 31 October 2025.

The information and community feedback gathered through the Nillumbik Now and Beyond community engagement program undertaken in February and March of this year has helped inform the development of the Council Plan. A two-day Community Forum in May 2025 brought together a randomly selected, representative group of 20 residents to explore key themes and priorities in depth. A series of workshops and briefings with Councillors were also undertaken in the development of the Council Plan. The Draft Council Plan 2025-2029 was then subject to public exhibition and community consultation between 18 June to 9 July 2025.

The Planning and Consultation Committee considered a report outlining the 16 written submissions received, and at the meeting on 12 August 2025 the Committee heard verbal submissions from 6 presenters.

Having considered the feedback from the written and verbal submissions, some refinements to the Council Plan have been made, and these are documented in this report.

The above-mentioned community feedback also identified strong support for the existing Community Vision, which has now been incorporated into the Council Plan and is proposed to remain unchanged. However, in order to meet the requirements of Section 88(4) of the Act, the Community Vision requires re-adoption.

12. Officers' reports**CM.106/25 Adoption of Council Plan 2025-2029 and re-adoption of the Community Vision - Nillumbik 2040**

Recommendation

That Council:

1. Adopts the Council Plan 2025-2029 (**Attachment 1**) containing amendments and suggestions in response to the submissions received following public consultation.
2. Adopts the Annual Action Plan 2025-2026 (**Attachment 2**) and notes that Council will receive quarterly updates on progress of actions in accordance with this plan.
3. Authorises the Director Culture and Performance to make any further minor changes to the Council Plan that may be necessary and are inconsequential in nature.
4. Notes that the Community Vision has been reviewed, is now incorporated into the Council Plan, and is re-adopted as required by Section 88(4) of the *Local Government Act 2020*, with no changes made.
5. Makes the adopted Council Plan 2025-2029 and accompanying Annual Action Plan 2025-2026 publicly available on Council's website.
6. Thanks submitters and advises them of the outcome of the consultation process.

Attachments

- 1  Council Plan 2025-2029
- 2  Annual Action Plan 2025-2026

Discussion

1. The *Local Government Act 2020* (section 90) requires all Victorian councils to prepare a Council Plan for its four-year term, and to complete this by 31 October in the year following a general election.
2. The Council Plan is the key strategic document guiding the direction and objectives of the Council during its four-year term. The Council Plan is the elected Council's statement of its priorities for the Nillumbik community.
3. The information and community feedback gathered through the Nillumbik Now and Beyond community engagement program undertaken in February and March of this year, along with a deliberative community forum held in May has helped inform the development of the Council Plan 2025-2029 (**Attachment 1**).
4. The Council Plan has also been developed and refined through a series of workshops and briefings with Councillors.
5. The Council Plan 2025-2029 identifies four themes that align with the four themes within the Community Vision. The four themes in the Council Plan are:
 - Our People – Inclusive living and participation

12. Officers' reports**CM.106/25 Adoption of Council Plan 2025-2029 and re-adoption of the Community Vision - Nillumbik 2040**

- Our Place – Liveable and connected communities
 - Our Future – Sustainable futures and healthy environments
 - Our Council – Responsible governance and community leadership.
6. An objective, a set of strategies, priority actions and strategic indicators are included under each theme. Council services and key strategy and planning documents have also been included to show their alignment with the Council Plan.
7. Following the feedback received via submissions from public consultation period, minor changes have been included in the Plan, along with some other refinements which are now included in the final version of the plan.
8. These changes include:
- a) A reinforced commitment to biodiversity and environmental protection; including targeted measures to improve road and wildlife safety, protection and enhancement of Nillumbik's tree canopy and the safeguarding of the environmental and cultural significance of the Green Wedge.
 - b) An emphasis on inclusive participation; ensuring decision making processes actively engage a broad cross-section of the community, with a focus on equity, accessibility and the representation of diverse voices.
 - c) Encouraging more opportunities for unstructured social connection; supporting the use of shared trails, playgrounds, dog parks and community spaces where people can meet informally and build community connections.
 - d) Recognising the importance of housing diversity to support ageing in place; advocating for a range of housing options that allow residents to stay connected to their community, services and social networks at every stage of life.
 - e) Working towards reconciliation; embedding respect, acknowledgement and partnership with the Wurundjeri Woi-wurrung in Council's planning, programs and community initiatives.
9. The Council Plan 2025-2029 includes the existing Community Vision statement. This statement has been reviewed and no changes are proposed to be made.
10. Through the Nillumbik Now and Beyond survey and Annual Community Survey undertaken in February, 61% of the community supported the Community Vision with no changes, stating that it still resonates. The Community Forum also reviewed the Community Vision and recommended no changes be made to the existing vision statement.
11. Each year, Council will deliver the Council Plan through an Annual Action Plan, linked to the annual budget, which sets out the specific actions to achieve the plan's objectives and strategies over the four years.
12. An Annual Action Plan for the 2025-2026 financial year (**Attachment 2**) has been prepared, and is also presented with this report for adoption. The Annual Action Plan 2025-2026 comprises 55 actions which align with the adopted Annual Budget 2025-2026 and supports the first year delivery of the new Council Plan.

12. Officers' reports**CM.106/25 Adoption of Council Plan 2025-2029 and re-adoption of the Community Vision - Nillumbik 2040**

13. Reporting updates will be received by Council on a quarterly basis that will demonstrate in a practicable and tangible way how the Council Plan 2025-2029 is being delivered for the community.
14. A full graphic designed version of the Council Plan is being prepared, and will be available on Council's website following the adoption of the plan.

Related Council decisions

15. On 17 June 2025, Council endorsed the Draft Council Plan 2025-2029 for the purposes of community consultation ending on 9 July 2025.
16. On 12 August 2025, the Planning and Consultation Committee considered a report on the submissions received in response to the Draft Council Plan, and Council received 6 verbal presentations from a number of submitters.
17. Council resolved to receive and note those submissions, considered those submissions in the finalisation of the Council Plan, and noted that a report will be presented to the 30 September 2025 Council Meeting to consider its adoption.

Options

18. Adopt the Council Plan 2025-2029.

Council plans and policies

19. This report directly supports the achievement of the previous Council Plan 2021-2025 strategies:
 - We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.
 - We communicate clearly and regularly, taking the time to listen and engage with our community.

Access, Equity and Inclusion

20. Council recognises that it has a role in creating a more fair and equal society by playing an important role in supporting, facilitating and working with community to empower people to have their say and help shape the future of the Shire.
21. The development of this Plan has been guided by the principles outlined in Council's Access, Equity and Inclusion Policy.
22. Equity Impact Assessments (EIA) have been undertaken at multiple stages of the process, including assessments of the community engagement approaches, analysis of data and review of the draft plans.
23. An accessible, plain language poster summarising the Plan will also be developed to make key messages easy to understand and share across the community.
24. As the Plan is delivered, officers will assess actions and conduct EIAs where appropriate to ensure the actions are fair, inclusive and reflect the needs of the community in line with the *Gender Equality Act 2020*.

12. Officers' reports**CM.106/25 Adoption of Council Plan 2025-2029 and re-adoption of the Community Vision - Nillumbik 2040**

Sustainability implications

25. The Plan supports Council to act in the best interests of the community by promoting social, economic and environmental sustainability.
26. The Council Plan guides decision-making that is realistic and achievable within available resources, ensuring sustainable outcomes over the long term. This includes balancing community priorities with Council's capacity to deliver.

Community engagement

27. Through the Nillumbik Now and Beyond community engagement program in February and March 2025, Council sought broad community input to inform the development of the Council Plan. Engagement included surveys, pop-up sessions across the Shire, workshops, and targeted outreach activities to capture diverse perspectives and experiences.
28. Complementing the broad-based community engagement program was a 2-day Community Forum held in May. The Forum brought together a randomly selected representative group of 20 residents to explore key themes and priorities in depth.
29. These sessions, along with Councillor input, ensured that the development of the Council Plan was informed by diverse perspectives, sector expertise, and alignment with community priorities.
30. The Draft Plan was the subject of a public consultation period from 18 June – 9 July 2025 where community members and groups had the opportunity to provide their feedback.
31. The Planning and Consultation Committee considered a report outlining the 16 written submissions received, and at the meeting on 12 August 2025 the Committee heard verbal submissions from 6 presenters.

Innovation and continuous improvement

32. Opportunities for innovation and continuous improvement have been identified through the development of the draft Plan, which include:
 - Improved integration between strategic documents
 - Enhanced engagement processes.
33. Further opportunities are expected to emerge during implementation of the Plan and through the ongoing review of supporting strategies and plans.
34. The focus will be on strengthening integration across Council services, fostering collaboration with external partners, and delivering improved outcomes for the community.

Collaboration

35. Partnerships and collaboration have played and will continue to play an integral role in the implementation of the Plan.
36. Council will continue to work with other levels of government, agencies and the community in order to achieve the strategies within the plan.

12. Officers' reports**CM.106/25 Adoption of Council Plan 2025-2029 and re-adoption of the Community Vision - Nillumbik 2040**

Budget considerations

37. The Plan is a high-level strategic document and does not make specific budget commitments.
38. Each year, in line with the budget process, Council will produce an Annual Action Plan identifying how Council will work towards achieving the objectives and strategies of the Council Plan.
39. Council priorities, strategies and plans, major projects, capital works, service improvements as well as other actions will be set out in the Annual Action Plan.
40. The cost of preparing and adopting the Council Plan, including design and public consultation processes, is met from the operating budget.

Relevant law

41. The *Local Government Act 2020* requires Council to prepare a four-year Council Plan (section 90), informed by a Community Vision (section 88), to ensure that Council's strategic direction reflects the aspirations and priorities of the community.
42. The Council Plan has been developed in alignment with these legislative requirements and builds on the Nillumbik Community Vision 2040, originally adopted in 2021, which is now fully integrated into the Council Plan document.

Regional, state and national plans and policies

43. In accordance with section 9 of the *Local Government Act 2020*, Council must give effect to overarching governance principles, including consideration of regional, state and national plans and policies in its strategic planning and decision-making.

The Plan also aligns with broader state and national frameworks, including:

- Victorian Local Government Performance Reporting Framework (LGPRF) – supporting transparency and accountability in planning and reporting.
- Plan Melbourne 2017-2050 – particularly regarding housing choice, transport connectivity, and 20-minute neighbourhood principles.
- *Gender Equality Act 2020* – through Council's Gender Equality Action Plan and Equity Impact Assessments for actions with significant community impacts.
- *Climate Change Act 2017* – through alignment with Council's Climate Action Plan 2022–2032 and actions supporting climate resilience.
- *Public Health and Wellbeing Act 2008* – as reflected in the integration of health and wellbeing priorities through Council's Municipal Public Health and Wellbeing Plan.

Conflicts of interest

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

12. Officers' reports**CM.107/25 Communications Strategy - Action Plan update**

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and
Community Safety****Author: Michele Purtle, Manager Advocacy Communications and
Engagement****Summary**

The Communications Strategy 2022-2025 (**Attachment 1**) was adopted by Council on 26 July 2022 as a priority action of the Council Plan 2021-2025.

Its aim is to enhance the connection between Nillumbik's residents and the information they seek regarding Council programs, services and decisions.

The Strategy outlines an Action Plan with 36 priority actions of which nine actions were included in the Year 3 Action Plan (including seven ongoing actions carried forward from the Year 2 Action Plan).

The purpose of this report is to present the Year 3 Action Plan Outcomes Report (**Attachment 2**) to Council and conclude the Communications Strategy 2022-2025 with a review of the key achievements of the Strategy as identified in the Highlights Report - From then to now (2021-22 to 2024-25) (**Attachment 3**). Learnings from this Strategy will be built into the new communications strategy that will be developed late 2025 to reflect the actions of the new Council Plan 2025-2029.

Recommendation

That Council endorses the Communications Strategy 2022-2025 Year 3 Action Plan Outcomes Report and the Communications Strategy 2022-2025 Highlights Report which provides an overview of the key achievements of the Strategy.

Attachments

- 1  Communications Strategy 2022-2025
- 2  Communications Strategy 2022-2025 Three Year Action Plan
- 3  Communications Strategy 2022-2025 Highlights

12. Officers' reports**CM.107/25 Communications Strategy - Action Plan update**

Discussion

1. The Communications Strategy 2022-25 was adopted by Council on 26 July 2022 as a priority action of the Council Plan 2021-2025.
2. The Strategy has been made available on Council's website in PDF format, an Accessible Word version, and an Easy Read document, in line with our commitment to access, equity and inclusion.
3. The strategic objective of the Strategy is to improve how Nillumbik's people are connected to the information they need and want about relevant Council programs, services and decisions, to enable them to live supported, active, sustainable and connected lives within our community.
4. There are four Pillars of Action:
 - **Trust and transparency:** use two-way communications to seek community input and enhance our transparency about why we've made decisions or taken actions.
 - **Identity:** enhance the Nillumbik identity by embedding a strong visual presence and consistent and engaging messaging.
 - **Capability:** build council capacity to clearly communicate and champion Council and community priorities to our community and other stakeholders.
 - **Reach:** improve our digital presence with more engaging content tailored to people already using the web and social media. Strengthen our non-digital communications options to cater to people who are not online and/or require alternative formats.
5. The Year 3 Action Plan includes nine actions, incorporating seven of the actions carried over from Year 2.

Key achievements during the third and final year of the Strategy include:

- Supporting more than 331 communication projects or requests, issuing 120 website news stories and 76 media releases.
- Implementing a website auditing tool (Siteimprove) to test website accessibility. In 2025, the website scored a very good 83.9 out of 100 against accessibility standards. We are continuously improving website accessibility by reducing non-compliant PDFs and converting content to accessible HTML formats.
- Leveraging data from trackable QR codes, websites, Participate Nillumbik, social media and quarterly dashboards to support decision-making and improvements to Nillumbik News and web content. This has improved our capability to offer more timely messages digitally to compliment the printed magazine, addressing feedback requesting more frequency of news.
- Implemented a communications channel audit to support planning and optimising a multimodal targeted communications approach, ensuring we are reaching the appropriate audience through multiple channels to enhance message effectiveness and retention while improving access for community.

12. Officers' reports**CM.107/25 Communications Strategy - Action Plan update**

- Developing a draft Social Media Policy, undertaking in-depth social media analysis, drafting Social Media Guidelines and establishing new criteria for the Communications and Engagement Coordinator role to support and oversee strategic implementation and enhance effectiveness of social media channels.
 - Introducing a new staff welcome email with key resources and services outlined, including an invitation to one-on-one training for some roles. Equipping staff and new starters to champion best-practice communication, branding, and accessibility.
 - Developing a digital Writing Style Guide with a renewed focus on inclusive language and accessibility. Making this available online provides easy access for staff and allows the Guide to be updated instantaneously.
 - Completing an audit of community and Council noticeboards and analysing their effectiveness to identify risks and opportunities. Following findings of current inefficiencies and limited effectiveness of physical noticeboards, Council is now exploring opportunities for electronic community noticeboards.
6. The Communications Strategy 2022-2025 concluded in July 2025 with all 36 priority actions now complete. Many key initiatives implemented through the Strategy have been translated and embedded into our ongoing communications approach.

Key achievements and outcomes from the Strategy include:

- Integrating the Community Engagement Toolkit, policy, guidelines, and templates into project planning, along with stakeholder mapping to better identify and engage key groups. The approach is supported by 45 Community Engagement Champions who meet quarterly, and 30 staff across the organisation who have completed IAP2 Community Engagement Essentials training.
- Building a bigger, more connected community engagement audience through the Participate Nillumbik website, increasing awareness of the platform from 11 per cent to 22 per cent, with active users growing from 2.3 per cent to 9 per cent, and members increased 123 per cent – from 1,254 in 2022 to 2,796 in 2025.
- Growing the number of subscribers to the community engagement newsletter, from 1,667 in 2021 to 2,418 subscribers in 2025. Engagement with the newsletter has steadily increased with the average open rate lifting from 51 per cent to 57.7 per cent.
- Boosting the number of subscribers to Nillumbik eNews by 138 per cent. Nillumbik eNews is ranked in the Top 5 for newsletter open rates, outperforming 20 larger councils with a 62 per cent open rate in 2025 (global government average is 40.5 per cent). This far exceeds our target of 50 per cent. Targeted promotions, tailored newsletter content and engaging videos have contributed to the success.
- The 2025 Annual Community Survey found that newsletters are residents' preferred method of receiving information from Council, with 46 per cent of participants nominating this form of communication.

12. Officers' reports**CM.107/25 Communications Strategy - Action Plan update**

- Increasing the number of followers accessing information and updates from Council across social media channels. Council's Facebook page grew by 25.8 per cent, Instagram by 49.9 per cent and LinkedIn by 61.8 per cent.
- Engagement rates soared by 66.5 per cent in total across Council social media channels including Facebook, Instagram and LinkedIn. Highlights include Council's organic engagement on Facebook increasing by 88.6 per cent and LinkedIn lifting to 17.2 per cent. This exceeded our target of increasing engagements on socials by 20 per cent. These results reflect actions to reduce the number of ad hoc posts, increase targeted advertising to reach audiences with messages that are relevant to them, and engagement through video content.
- Increasing the number of video posts by 31.8 per cent to match audience preference across social platforms. Videos including mayor's updates, messages featuring community members and Council staff promoting events, services and initiatives, were successful in making topics, including strategies, more engaging and easy to understand.
- Ongoing website improvements have included better search functionality, updated content and promotion of the website as the central source of current information. These improvements continue to support user experience and increase the number of people accessing Council sites. There has been a 43 per cent increase in Council's main website page views and an increase from 358,000 users to more than 399,066 users.
- Nillumbik News remains one of the most preferred ways to receive Council news from the community. All quarterly editions have met deadlines. A shift to internal graphic design has reduced time resourcing and costs to produce the newsletter. There has been an increase in storytelling with a focus to include our community and their priorities in the publication based on survey feedback.
- Focussing on making communications more relevant through timely, accessible and community-focused messages that show the impact and benefit of Council services. This approach is now embedded, with language, content, and imagery reflecting and celebrating our diverse community.
- Strengthening shared understand of community concerns and what matters most to our community has been achieved by monitoring noise and embedding proactive issues management processes to improve two-way dialogue between the community and Council. This includes cross-department collaboration, particularly with Customer Experience and Capital Works teams, fortnightly meetings with the mayor, and weekly opportunities to connect with Councillors, enabling timely communication tools like frequently asked questions to support clear messaging to the community. This may have contributed to increases in average satisfaction of customer service which increased notably in 2025 Annual Community Survey to "very good" in 2024-25, a result above the long-term average of "good" since 2011.
- Advocacy is a key focus with an advocacy framework and plan developed to uplift Council's advocacy efforts and results.

12. Officers' reports**CM.107/25 Communications Strategy - Action Plan update**

- Increasing open rates of our internal newsletter, Wedgetales, from 55 per cent to 63.1. This includes the introduction of a CEO video which has contributed to nearly double the click through rate from 6 per cent to 11.5 per cent.
7. The key outcomes of the Strategy have been achieved, including increasing the number of 'disengaged' into 'potentially engaged' audiences, increasing the relevance of, and expanding the reach of communications. These outcomes align with Council's Community Engagement Policy, emphasising two-way communication with the community in planning and decision-making on projects and issues that will affect them.
8. The Strategy has enhanced Council's communication, achieving the Council Plan 2021-2025 priority action to effectively keep the community informed. These initiatives support our commitment to delivering our Community Vision – Nillumbik 2040, which emphasises the importance of Council working to keep our community engaged and connected. Linking closely with our Customer First Strategy to improve the experience of our community while engaging with Council.

Related Council decisions

9. Council adopted the *Communications Strategy 2022-2025* on 26 July 2022.

Options

10. Not applicable.

Council plans and policies

11. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We communicate clearly and regularly, taking the time to listen and engage with our community.

Access, Equity and Inclusion

12. A Gender Impact Assessment was completed as part of the development of the Strategy. Actions of this Strategy also support Council's Access, Equity and Inclusion Policy. In line with our Access, Equity and Inclusion Policy, our communications activities within this Strategy have improved equity, diversity and accessibility to information and enabled broader community involvement in Council activities.

Sustainability implications

13. Sustainability implications are considered in the implementation of all actions.
14. The Strategy seeks to improve sustainable digital communication options, but where required to use traditional printed communication methods, material must be printed with vegetable ink on 100 per cent recycled paper.

Community engagement

15. Community engagement was undertaken on the draft Strategy in Q4 2021-22.
16. The Council Communications Survey, a priority action from the Communications Strategy 2022-2025, was undertaken 11 June to 14 July 2024.

12. Officers' reports

CM.107/25 Communications Strategy - Action Plan update

Innovation and continuous improvement

- 17. The Strategy actions seek to continually improve Council's communication and engagement with the Nillumbik community.
- 18. The results of the Annual Community Survey, as well as other relevant data, is used to measure and guide the actions of this Strategy.

Collaboration

- 19. The Communication Strategy was completed through a whole-of-organisation approach, with collaboration across all departments supporting its delivery, led by the Advocacy, Communications and Engagement team.

Budget considerations

- 20. The Communications Strategy 2022-2025 actions fall within operational budgets.

Relevant law

- 21. *Local Government Act 2020* (s10).

Regional, state and national plans and policies

- 22. Not applicable.

Conflicts of interest

- 23. 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.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

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

At its Council Meeting on 27 May 2025, Council resolved to commence the statutory procedures in accordance with section 115 of the *Local Government Act 2020* (the Act), to undertake a community engagement process in accordance with the Council's community engagement policy in respect to the proposal to enter into a lease with Indara Corporation Pty Ltd for part of the land at 570-576 Main Road, Eltham known as Eltham Lower Park shown on the Plan in **Attachment 1**, on the following terms and conditions:

- a) **Term of lease:** 10 years, with one further term of 10 years.
- b) **Rent amount:** \$25,000 per annum plus GST.
- c) **Rent review:** Fixed 3 percent (3%) per annum increase on the anniversary of the commencement date for 10 years, then a market rental review at the end of the first 10 year period.
- d) **Permitted Use:** To construct, maintain and operate a communications facility including but not limited to installing, inspecting, constructing, storing, operating, repairing, maintaining, altering, upgrading and replacing the Tenant's equipment, in accordance with any applicable planning permit.
- e) **Tenant's outgoings:** All outgoings including but not limited to; structure and maintenance of all the Tenant's assets on the leased land, building and public liability insurance, utility supply and usage charges, and reinstatement of land at end of the lease.
- f) **Relevant approvals received:** Ministerial Approval from the Minister or their delegate responsible for the Crown Land (*Reserves Act*) 1978 must be received on the proposed lease terms and conditions (Grant and Purpose Approval) and then the final agreement (terms and conditions approval), as Council is the Committee of Management for the land. The Tenant must also receive any other relevant approvals including but not limited to planning permit approvals.

Community consultation occurred between Friday 30 May to Sunday 22 June 2025.

In response to the community engagement process, Council received 66 submissions, with 27 (40.9%) in support, 36 (54.56%) objected and 3 (4.54%) were unsure. All submissions are included in **Attachment 2 (redacted)** and **Attachment 3 (unredacted)**.

Council considered these submissions at the Planning and Consultation Committee Meeting held on 12 August 2025. Five submitters spoke on behalf of their submission at this meeting. Four of these presenters did not support the lease proposal. Downer had a representative speak to the Committee and answer a number of questions raised.

12. Officers' reports**CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

This proposal is only to consider the lease with Indara as the public land manager. The lease would then be subject to Indara/Downer submitting a planning permit to Council for the telecommunications facility through a separate process under the *Planning and Environment Act 1987*.

Following evaluation of all responses received, it is recommended that Council does not enter into a lease with Indara Corporation Pty Ltd (Indara) at Eltham Lower Park for the terms and conditions outlined in the Recommendation.

Recommendation

That Council:

1. Having completed the community engagement process in accordance with section 115 of the *Local Government Act 2020* (the Act) and Council's community engagement policy regarding the lease proposal with Indara Corporation Pty Ltd for part of the land at 570-576 Main Road, Eltham known as Eltham Lower Park shown on the Plan in **Attachment 1**, notes;
 - a) the 66 submissions received in **Attachment 2** (redacted) and **Attachment 3** (unredacted), and
 - b) that 27 of these are in support, 36 object and 3 were unsure of the lease proposal.
2. Having considered all submissions received, resolves to not enter into a lease with Indara Corporation P/L for the area shown in **Attachment 1** on the following terms and conditions:
 - a) Term of lease: 10 years, with one further term of 10 years.
 - b) Rent amount: \$25,000 per annum plus GST.
 - c) Rent review: Fixed 3 percent (3%) per annum increase on the anniversary of the commencement date for 10 years, then a market rental review at the end of the first 10-year period.
 - d) Permitted Use: To construct, maintain and operate a communications facility including but not limited to installing, inspecting, constructing, storing, operating, repairing, maintaining, altering, upgrading and replacing the Tenant's equipment, in accordance with any applicable planning permit.
 - e) Tenant's outgoings: All outgoings including but not limited to; structure and maintenance of all the Tenant's assets on the leased land, building and public liability insurance, utility supply and usage charges, and reinstatement of land at end of the lease.
 - f) Relevant approvals received: Ministerial Approval from the Minister or their delegate responsible for the Crown Land (*Reserves Act*) 1978 must be received on the proposed lease terms and conditions (Grant and Purpose Approval) and then the final agreement (terms and conditions approval), as Council is the Committee of Management for the land. The Tenant must also receive any other relevant approvals including but not limited to planning permit approvals.

12. Officers' reports**CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

-
3. Notes its commitment to addressing the telecommunications blackspot in the Eltham area and requests Indara to consider an alternative option for the siting of telecommunications infrastructure, either within Eltham Lower Park or at another suitable nearby location, that balances improved connectivity with the protection of the natural environment and present to Council for consideration.
 4. Thanks all submitters and relevant parties and advises them of the outcome on the Indara Corporation Pty Ltd lease proposal at Eltham Lower Park.
 5. Resolves the confidential un-redacted copy of the written submissions to the lease proposal (**Attachment 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  Indara Proposed Lease Plan
- 2  Submissions - Redacted
3. Submissions - Unredacted - *CONFIDENTIAL*
- 4  Existing Sites and Proposed New Coverage
- 5  Fact Sheet - Mobile Telephone Base Stations

Discussion

1. Council has received a proposal from Downer Group, on behalf of Indara Corporation Pty Ltd (Optus), to enter into a lease with Council to install mobile telecommunications infrastructure at Eltham Lower Park to improve mobile coverage and network issues in the Eltham area.
2. The proposal involves a swap out of one of the current oval light poles near the pavilion, which is 25-meters in height with a 30-meter high pole and construction of a ground based cabinet for equipment, which is estimated to be 3.2m x 1.8m in size but requires a lease area of 4m by 5m. Once the telecommunications infrastructure is on the light pole it would be at a height of 32.87 meters, subject to planning approvals and DEECA Minister consent as landowner.
3. Council resolved on the 27 May 2025 to commence the statutory procedures in accordance with section 115 of the *Local Government Act 2020* (the Act), to undertake a community engagement process in accordance with the Council's community engagement policy in respect to the lease proposal.

12. Officers' reports**CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

4. Community engagement on the Indara Corporation P/L lease proposal for Optus telecommunications infrastructure at Eltham Lower Park occurred between Friday 30 May to Sunday 22 June 2025.
5. All submissions are included in **Attachment 2 (redacted)** and **Attachment 3 (unredacted)**.
6. The contribution summary from all submissions received:

Type of submissions	Support Proposal	Object to Proposal	Unsure
Participate Nillumbik	25	35	3
Submitted by email (Written submissions)	2	1	0
Total of 66 submissions received	27 (40.9%)	36 (54.56%)	3 (4.54%)

7. Submitters via Participate Nillumbik indicated that 29 of the submitters had struggled with poor internet and mobile connectivity and 31 of submitters reported that they had no concerns.
8. Submitters who did not support the lease proposal did so for the following reasons:
 - a) Intrusive and damaging to natural surrounds.
 - b) Concerns of electromagnetic energy emitted to animals, insects and humans
 - c) Infrastructure doesn't belong in an area where people, especially children, gather and spend time playing sports, picnic or use the playgrounds.
 - d) Too close to Hohnes Road Playhouse.
 - e) Unsightly tower which destroys visual landscape and feel of Eltham Lower Park.
 - f) This proposed tower is too close to a nationally threatened Eltham Copper Butterfly population in Hohnes Hill Reserve, and Lenister Wetlands the junction of Yarra River and Diamond Creek, which is home to native animals, some who are listed as vulnerable.
 - g) Scientific evidence that electromagnetic radiation, including frequencies used in 5G technology, may negatively affect insects.
 - h) This infrastructure will only improve reception for Optus, when Telstra also has issues in the area. Don't want more antennas in the area, when only one is needed.
 - i) Not in best interest of people, more about shareholders profits before well-being
 - j) Consider different location within the Park.
 - k) Sufficient phone coverage already, insufficient detail regarding black spot area.
9. All submissions can be reviewed in **Attachment 2**.

12. Officers' reports**CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

10. Submitters were invited to attend the meeting of the Planning and Consultation Committee to speak to their submission on 12 August 2025.
11. The four submitters who did not support the lease proposal and spoke on behalf of their submission, also raised the following:
 - a) The telecommunications infrastructure impacts on public open space and is visually intrusive.
 - b) Lease could be considered south of the cricket nets.
 - c) The rental fee of \$25,000 is insufficient given that the infrastructure can be utilised by a number of carriers and is detrimental use of the public open space.
 - d) The Eltham Copper Butterfly population has now increased in numbers in Hohnes Hill Reserve and could be impacted by telecommunications infrastructure.
 - e) Not to impact other areas of Eltham Lower Park by moving to another location, such as near the creek.
 - f) Environment Protection and Biodiversity Conservation (EPBC) Act 1999 states moral and legal obligations to protect endangered species, as well as apply a precautionary principle to prevent or minimise harm.
 - g) Hohnes Hill Reserve is an important site for animals and insects, which are harmed by radio-frequency electromagnetic radiation (RF EMR).
 - h) Concerns about whether consultation has occurred with the Wurundjeri Woi Wurrung Aboriginal Heritage Corporation on the lease proposal.
 - i) Indara have breached its own codes by not listing the proposal on the RFNSA website for feedback.
 - j) Community consultation has been defective – Point 8 of the PCC Report minimised community concern, particularly around objections.
 - k) Proper consideration of the Environmental Significance Overlay and Fire Management Overlay, as well as Environmental Impact Study.
 - l) Discrepancy in report as the infrastructure is not low impact.
 - m) ARPANSA stated while there is no substantiated scientific evidence of harm, it highlights the need of more high quality research into the effects of high radio waves technology such as 5G on plants and animals, in addition 88% of the studies in that evaluation related to 2G, 3G and 4G not 5G.
 - n) The Fact Sheet says nothing about insects.
 - o) There is no evidence of safe distance for insects by ARPANSA.
 - p) Each lease option considered requires a cost and disturbance analysis.
 - q) The report and consultation provide discrepancies in information.

12. Officers' reports

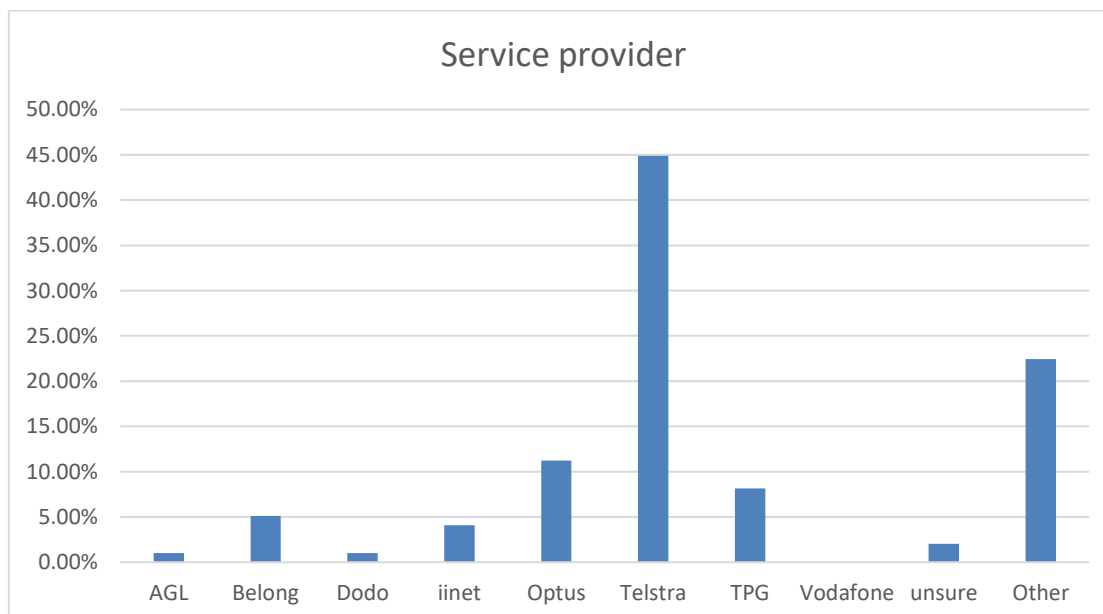
CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park

12. A representative from Downer presented online to the Committee and advised of the following for their proposal to construct new telecommunications infrastructure at Eltham Lower Park:
 - a) There are two approvals required, one being the lease with Council and the other is the Planning application (secondary approval – where it is advertised to the public).
 - b) There is a requirement by Downer/Indara to publish the proposed new infrastructure site on RFNSA website, but this forms part of the planning application and advertising process, not part of the lease consideration (lease proposal stage).
 - c) Downer/Indara have no legal issues with how this process has been completed.
 - d) Other locations including properties in Bolton Street were considered, but there was feasibility of structure issues.
 - e) Downer/Indara approached Council and assessed a number of light poles within the Park with Council Officers. The proposed location was deemed at the time the most appropriate.
 - f) Downer/Indara are bound by ARPANSA standards, which set safety requirements for telecommunications facilities. ARPANSA works with the World Health Organisation.
 - g) Australian Government has confirmed that Telecommunications Facilities operating at 100% of the Australian Safety Standards are safe. This site would be running at 2-5% (electromagnetic energy - EME) of that safety standard (<100%), which is 20 times under the safe standard.
 - h) In regard to the Butterfly, ARPANSA in 2023 reviewed 334 significant papers and did not find adverse effects on plants and animals.
 - i) Although further study is required on the impacts to insects, Downer follow all the relevant safety requirements.
 - j) The new telecommunication infrastructure will be a copy of the existing light structure, so it will not change the visual amenity.
 - k) About 49% of submissions wrote about lack of signal in this area.
 - l) The new tower would be about 31m from the Hohnes Hill Reserve.
 - m) This new telecommunications infrastructure will require planning approval.
13. Two clubs utilise the pavilion and oval regularly which are Lower Eltham Cricket Club and Eltham Lacrosse Club. Lower Eltham Cricket Club did not have any objections to the tower but did question the location near the pavilion and whether it could possibly be near the cricket nets; and the Eltham Lacrosse Club only raised concerns about the effect during installation on the facility and grounds and questioned when installation would occur.
14. Officers and Downer have provided further information and comments in response to a number of concerns raised by submitters below under Sustainability Implications.

12. Officers' reports

CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**Related Council decisions**

15. Community engagement to identify internet and mobile black spots occurred between 6 September to 30 October 2022, as 'Identifying internet and mobile black spots' project originated from the Green Wedge Management Plan which includes:
 - A1.10 - Advocate for improved internet access and mobile phone coverage to support the ability to create application based services such as ride sharing and on-call transport, as well as for emergency management, education, participation and running home-based businesses.
16. This engagement aimed to engage community members through a social mapping tool and survey that was available on Participate Nillumbik.
17. Community members were asked to share their experience with poor mobile or internet connection.
18. A total of 401 contributions were captured during the engagement period.
19. A Community Engagement Report (Report) 'Identifying internet and mobile black spots' dated November 2022, outlined townships where the community has told Council there are blackspots, what work has been done to date by government and the telecommunication companies and next steps for advocacy.
20. In the Report, 34.29% of feedback received experienced connectivity issues in Eltham. This area reported the highest number of issues.
21. Telstra and Optus are the main providers in the Eltham area, refer table below.



12. Officers' reports**CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

-
22. At its Council Meeting on 27 May 2025, Council resolved to commence the statutory procedures in accordance with section 115 of the *Local Government Act 2020* (the Act), to undertake a community engagement process in accordance with the Council's community engagement policy in respect to the proposal to enter into a lease with Indara Corporation Pty Ltd; and consider any submissions on the proposed lease at a future Planning and Consultation Committee Meeting prior to making any final decision on whether to proceed with the lease of land to Indara Corporation Pty Ltd.
23. Council acknowledged and noted the submissions received from the community and any verbal presentations made to the Committee on the lease proposal with Indara Corporation Pty Ltd at the Planning and Consultation Committee Meeting held on 12 August 2025.

Options

24. Council has the following options to consider concerning the lease proposal with Indara Corporation P/L at Eltham Lower Park:
- a) Resolves to proceed with lease proposal for the terms and conditions outlined in the Summary.
 - b) Resolves to not enter into a lease with Indara Corporation P/L for the area shown in **Attachment 1** and request that Indara Corporation provide an alternative location in Eltham Lower Park.
 - c) Resolves to not enter into a lease with Indara Corporation P/L for the area shown in **Attachment 1** and Eltham Lower Park is not further considered for telecommunications infrastructure.
25. After considering and hearing submissions in response to the lease proposal with Indara Corporation P/L, it is recommended that Council does not proceed with the lease proposal, on the terms and conditions as outlined in the Summary.
26. Council remains committed to addressing the telecommunications blackspot in this area to ensure our community has reliable connectivity, while also safeguarding the unique natural environment. Council is supportive of Indara continuing to work with officers to further assess and review options, and to present an alternative solution for telecommunications infrastructure, whether within Eltham Lower Park or at another suitable nearby location, that balances improved service with strong environmental protection.
27. Any further proposal by Indara will require internal assessment and Council endorsement prior to undertaking a community engagement process.
28. If Indara choose to provide Council with an alternative option, they will be required to choose a location which is further distance from Hohnes Hills Reserve than the proposed lease site in **Attachment 1**, to address community concerns around the environmental impact to the Eltham Copper Butterfly.

Council plans and policies

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

12. Officers' reports**CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

Access, Equity and Inclusion

30. Not applicable.

Sustainability implications

31. During the community consultation period following concerns raised by community about the Eltham Copper Butterfly, Council's Environmental Works and Land Management team provided a summary of feedback from an environmental perspective.
32. It is recommended that the applicant consider a response in its application for the proposed infrastructure taking into account the following environmental considerations:
- a. Concerns were raised that the existing sports field light currently only comes on during certain times e.g. winter nights when there is an activity going on at the oval and that the new lights will be on all the time potentially affecting the population of the ECB species at Hohnes Hill. Eltham Lower Park and adjacent Hohnes Hill Reserve have high biodiversity values, including nationally threatened flora and fauna (including presence of the Nationally Critically Endangered Matted Flax-lily within 100m of the proposal, Connectivity to the Birrarung (Yarra River) and Diamond Creek habitat corridors.)
 - b. The proposal may impact endangered species (e.g., Matted Flax-lily, Swift Parrot, Eltham Copper Butterfly, Clover Glycine) and native vegetation.
 - c. The proposal may trigger Commonwealth and State environmental legislation (*Environment Protection and Biodiversity Conservation (EPBC) Act Flora and Fauna Guarantee Act, Native Vegetation Regulations*).
 - d. Consideration of potential tree canopy loss and options to retain tree canopy where appropriate.

Leasing and Planning stages

33. Council as land manager is currently considering the lease proposal with Indara, however if this were to proceed Indara/Downer are still required to meet relevant planning requirements and approvals in order to construct the telecommunications infrastructure in Eltham Lower Park. This process would include:
- a. Council considering and resolving to enter into a lease with Indara;
 - b. Council receiving Minister or their delegate responsible for the *Crown Land (Reserves Act) 1978* Grant and Purpose Approval for the lease and then the final agreement (terms and conditions approval);
 - c. Downer/Indara submitting a planning application to Council and receiving approval; and
 - d. Downer/Indara submitting an application form for DEECA Land Owner Consent For Use and Development of Crown Land. This must include a letter of support from Nillumbik Council as the appointed Committee of Management. This is assessed by DEECA environmental officers.

12. Officers' reports**CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

-
34. If Indara/Downer does not receive planning approval then the lease would not be deemed valid.
35. Although initial planning advice forms part of the leasing assessment and consideration, the Planning assessment and approval is a separate process, which is undertaken by Indara/Downer if Council agrees to enter into a lease with Indara.
36. Downer/Indara are unable to submit a planning application until Council provides land manager consent.
37. DEECA also needs to provide Land Owner Consent to any proposed works before the works are undertaken within Eltham Lower Park. The proposed works are assessed by DEECA Environmental Planning Area.
38. The lease is subject to Indara receiving any applicable planning approvals for the new telecommunications infrastructure, as well as DEECA landowner consent.

Planning overlays and permit for telecommunication infrastructure within Eltham Lower Park:

39. As noted above Indara/Downer will be required to ensure all relevant permits and approvals have been provided prior to undertaking any works.
40. Council as the responsible authority reviews planning applications for telecommunications facilities through a separate process under the *Planning and Environment Act 1987*.
41. The following would be considered when assessing the requirements for telecommunications infrastructure in Eltham Lower Park:
- a. Clause 19.03-4L of the Nillumbik Planning Scheme, being 'Telecommunications in Nillumbik' should be considered with regard to telecommunications infrastructure in Eltham Lower Park, this includes:
 - Encourage the screening of telecommunication facilities (especially towers and poles) in rural areas, particularly in locations that are visually prominent.
 - Site telecommunication facilities so that biodiversity and the landscape and environmental values of rural areas are protected.
 - b. The park is zoned Public Park and Recreation Zone (PPRZ) and accordingly the purpose of this zoning is:
 - To recognise areas for public recreation and open space.
 - To protect and conserve areas of significance where appropriate.
 - To provide for commercial uses where appropriate.
 - c. The park is affected by the Environmental Significance Overlay Schedule 1 noting the purpose of this overlay is:
 - To identify areas where the development of land may be affected by environmental constraints.

12. Officers' reports

CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park

- To ensure that development is compatible with identified environmental values.

The environmental objective to be achieved under the Environmental Significance Overlay Schedule 1, is to protect and enhance regional and strategic habitat links, including sites of faunal and habitat significance identified in 'Sites of Faunal and Habitat Significance in North-east Melbourne (Beardsell 1997)'. Indara (Downer) will need to address in its planning application the impact to the Eltham Copper Butterfly which is referenced in the aforementioned report, as a species listed under the *Flora and Fauna Guarantee Act*.

- d. Sections of Eltham Lower Park land are covered by the Cultural Heritage Significance (overlay) mapping. It would be the responsibility of Indara (Downer) to satisfy Council's Planning Department that a CHMP is not required, usually by engaging with a Cultural Heritage consultant during the planning application stage.
 - e. The park also has a Bushfire Management Overlay and areas of land subject to Inundation Overlay, which would also be considered when Indara (Downer) apply for a planning permit.
42. Downer are proposing the location as shown in **Attachment 1**, as the proposed monopole infrastructure will have minimal ground impact on the land as it is being swapped over for existing sporting oval light pole, however works will need to occur where the cabinet is to be located including vegetation may need to be removed where the equipment cabinet is to be located and a retaining wall built. This is subject to Downer's final detailed design.
 43. Planning have conducted a preliminary review of the proposed plan provided by Downer and advised by virtue of Clause 52.19 -1 of the Nillumbik Planning Scheme a planning permit will be required as the cabin and light pole are located within an Environmental Significance Overlay (ESO1) and cannot be determined as a low impact facility as specified in the Telecommunications (Low-impact Facilities) Determination 2018 (Cth).
 44. The removal or trimming of existing trees is only noted on the proposed (draft) plans (**Attachment 1**) as "TBC", however Council would require an assessment of the trees impacted to understand whether there are any planning permit requirements for the tree works. Planning permission may be required under the ESO1 and Clause 52.17 (Native Vegetation) planning controls.
 45. When Downer submits a planning application the requirement to advertise the application is normally determined by the planning officer after a site inspection in terms of whether there would be any loss of amenity by the installation of the tower. Based on the plans provided by Downer it is likely that Planning would advertise the application as it will be located in a public area.
 46. Anyone can make a submission to a planning application once it's lodged with Council, also at any point up until Council makes a decision on the application (which can be some time after the advertising period).

12. Officers' reports

CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park

-
- 47. Essentially the notification/advertising period is done to make sure that anyone affected is made aware of the application.
 - 48. Downer have been requested to complete a pre-application meeting so that their proposed plans can be discussed with a Planner. Through this process, it is recommended that the applicant have regard to addressing the environmental feedback noted above.

Officer comment in response to considering other site options:

- 49. Downer approached multiple other candidates before proceeding with this location, including two in Bolton Street shops and a few locations within Eltham Lower Park.
- 50. As the telecommunications cabinet needs to be close to the telecommunications monopole, this had to be taken into account when considering which light pole around the oval was most suitable.
- 51. Downer approached Council with a few other options within Eltham Lower Park, however these areas were not feasible following assessment by Council officers and Downer representatives for a number of reasons, including the impact to other areas within the park (including oval, cricket nets, car parking, more impact to vegetation) and more underground wiring across further distances within the park (easements) which could cause more long term problems and ground disturbance.
- 52. In 2024, Downer provided Council officers with a few other site locations within Eltham Lower Park. These locations were assessed and considered by Council officers, and Downer and Indara representatives at an onsite visit to Eltham Lower Park and determined to not be suitable, these locations included:

a) Site near pavilion and cricket nets (north of existing site – shown by yellow marker)

There are existing assets within the ground (drainage), although maybe still possible for additional infrastructure.

At the onsite inspection, the Downer team found there was not sufficient space to complete the construction of the facility with the playing fields being in such close proximity.

It is approximately 102m from Hohnes Hill Reserve, which is one of the six bushlands reserves for the conservation of the Eltham Copper Butterfly in Nillumbik.

CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park



b) Light pole near cricket nets

Concerns existing area used for driveway and car park may need to be upgraded in time. Previous Recreation and Leisure Manager advised of scar tree in area.

If cabinet located here limits area for cars.

Further distance for cabling, which means more ground disturbance along entrance driveway (depends on final plans by Downer) and AusNet approval.

This site is closer to the river (approximately 150m), so may raise more concerns about the impact to the environment.

This part of the land at Eltham Lower Park is an area of cultural heritage sensitivity.

12. Officers' reports

CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower ParkIncrease in lighting

53. Indara's proposed plan does not increase lighting in the area, it only reinstates the existing sports field lighting to the monopole. This light would only come on at the existing times with the other sports field lights.

Downer's response around potential effects of radiation to humans and insects

54. As part of Downer's work, they complete a search of the EPBC protected matters database for all proposed sites. To obtain council planning approval Downer will review the proposed location to identify any matters of national environmental significance under the EPBC Act.
55. If any issues are flagged Downer and Indara will engage a qualified ecologist to confirm there will be no impact on the species or habitat as part of the EPBC Act.
56. The ecology report does not assess radiofrequency electromagnetic energy (RF EME) impacts to insects including the Eltham Copper Butterfly, the ecologist report addresses earthworks and direct disturbance to the environment.
57. Telecommunication facilities are bound by the rules that Australian regulatory agency ARPANSA (Australian Radiation Protection & Nuclear Safety Agency) set. The ARPANSA RF Standard is intended for protecting humans against the known harmful effects of exposure to radiofrequency electromagnetic energy (RF EME) and does not specifically consider protection of flora and fauna in its principles. However, existing studies on the effects of the low-level RF EME exposure on plants and animals indicate that the exposure limits set within the Standard are adequate in providing protection to the environment.

12. Officers' reports**CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

Refer to: <https://www.arpana.gov.au/regulation-and-licensing/regulatory-publications/radiation-protection-series/codes-and-standards/rpss-1-qa#the-environment-animals-and-plants>.

58. Telecommunications towers generally have a minimal impact on wildlife, particularly when they are carefully planned and sited to avoid environmental risks. These facilities typically require a small footprint, causing limited land disturbance and reducing disruption to wildlife habitats. By placing them on previously disturbed land or near existing infrastructure, such as buildings, the need for land clearing is minimised, ensuring that larger areas of native vegetation or wildlife corridors remain intact.
59. Downer has provided the attached Factsheet on Mobile Telephone Base Stations and Health to support their infrastructure in this public area, refer to **Attachment 5**. This Fact Sheet is in relation to human health.

Downer's response to black spot and colocation by Telstra:

60. Downer have advised that Indara are aware that Telstra is also looking into a new proposal in the area which would indicate they also have issues with coverage in this same area. **Attachment 4** shows existing nearby towers and the carriers.
61. Telecommunication carriers can and do commonly share structures. In this case Indara are a neutral host and offer colocation opportunities to all telco carriers. For this particular site Telstra have approached Indara for the feasibility of Telstra co-locating and the structure will be designed to hold both Optus and Telstra assets if Telstra do intend on co-locating.
62. The plan shown on page 3 of **Attachment 4**, shows the "black spot" areas where there is lack of Optus signal in the area and how this will be improved with the proposed new telecommunication infrastructure.

Officer comment - Other approvals

63. Eltham Lower Park is Crown land located at 570-576 Main Road, Eltham, being Crown Allotment 6G Township of Eltham, Parish of Nillumbik, which Council is Committee of Management.
64. Any lease or licence for Committee of Management land requires the relevant Minister or their delegates to consent to the proposed lease terms and conditions (Grant and Purpose Approval) and then the final agreement (terms and conditions approval).
65. Initial advice from DEECA's Environmental Planning area has been that as the Indara new infrastructure will require ground disturbance and is a new use it will require landowner consent for the works to occur. An application for Land Owner Consent For Use and Development of Crown Land form should be completed by the proponent (Downer) and include a letter of support from Nillumbik Council as the appointed Committee of Management.

12. Officers' reports

CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park

Officer comment in response to rental amount and reviews:

66. Council's practice in negotiating commercial leases is to engage a qualified external valuer to assess and complete a formal market rental valuation prior to commencing negotiations on key lease terms and conditions, although there is no legal requirement for Council to obtain a market rental valuation prior to granting a lease of Council owned or managed premises under the *Local Government Act 2020*.
67. Council considers the Local Government Best Practice Guidelines for the Sale and Exchange of Land dated June 2009, which extends to cover leasing.
68. As Council manages the Land on behalf of DEECA, Council is obligated to complete market valuations for commercial tenants to determine the market rent.
69. Council's external valuer, Matheson Stephen Valuations (MSV) has completed an assessment of the market rent for this lease proposal and confirmed by a certificate of valuation that the market rent is \$25,000 net of GST and outgoings, this takes into account the above and underground infrastructure connecting the site to the main road; and Eltham is a prime location.
70. MSV advised that there is not enough evidence of rent increasing due to colocation for them to provide a market rental fee in the event that Indara have more than one carrier (Optus & Telstra etc) utilising their infrastructure. Under the lease Indara will be responsible for all infrastructure, compliance, maintenance and upgrades. The way in which they manage colocation is ultimately their responsibility.
71. MSV considered similar lease proposals and existing leases for similar infrastructure on public land managed by Victorian Councils, including Yarra Ranges and Merri-bek.
72. Council's lawyers have advised that Local Government Professionals (LGPro's) position was that Tenants can bring on carriers (Telstra, Optus etc) without Landlord consent and uplift in rent. Council still however has the option to consider negotiating a lease with an uplift in rent if more than one carrier, although this maybe a difficult to negotiate given that it is becoming less common practice.

Community engagement

73. The leasing of Council land is subject to the requirements of Section 115 of the *Local Government Act 2020*, which requires Council to undertake a community engagement process in accordance with the Council's community engagement policy in respect of the lease proposal if the proposed lease is over 10 years or the rent is over \$100,000 per annum.
74. As this lease proposal involves new telecommunications infrastructure on public land, it is appropriate for Council to engage with its community on the matter.
75. Community engagement on the leasing proposal commenced Friday 30 May to Sunday 22 June 2025.
76. Consultation took the form of a survey on Council's Participate Nillumbik site <https://participate.nillumbik.vic.gov.au>.
77. The consultation was promoted through:
 - a) Notice and survey on Participate Nillumbik - Have your say on the lease proposal;

12. Officers' reports

CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park

-
- b) News release on website – explain Participate Nillumbik community engagement;
 - c) E-News – June 2025 publication;
 - d) Email with letter to Eltham Lower Park tenants and sports clubs (Eltham Lower Park Pavilion and Oval);
 - e) Letters to adjoining and nearby properties; and
 - f) The ability to submit hard copy submissions if requested.

78. Submitters were invited to attend the Planning and Consultation Committee to speak to their submission.

Innovation and continuous improvement

79. Council has committed through the Green Wedge Management Plan 2019 to advocate for improved internet access and mobile phone coverage. This proposal provides an opportunity for Council to improve coverage for residents, businesses and emergency services within Eltham.

Collaboration

80. Internal consultation has been completed with a number of teams and feedback was provided by Recreation and Leisure, Economic Development and Tourism, Amenities, Traffic and Transport, Capital Works, and Strategic Planning. These areas of Council preferred that if telecommunications infrastructure is to be erected in Eltham Lower Park it is located as indicated in **Attachment 1**. Council's Environmental team provided further feedback after the internal consultation process which is outlined above.

81. Communications and Economic Development and Tourism have previously completed work and community engagement on black spot areas within the Shire, which supports this lease proposal in Eltham.

Budget considerations

82. Costs associated with the lease proposal have been accounted for in the Governance and Property Department operational budget.

83. There will be legal costs associated with negotiating a lease with Indara Corporation, however Council Officers will request as part of the lease terms and conditions that Indara pay Council's legal fees of \$3,000 plus GST.

84. Council will receive \$25,000 per annum income from the lease, with 3% increases annually.

Relevant law

85. Section 115 of the *Local Government Act 2020*, states that a Council must include any proposal to lease land in a financial year in the budget, where the lease is—

- (a) or one year or more and—
 - (i) the rent for any period of the lease is \$100 000 or more a year; or
 - (ii) the current market rental value of the land is \$100 000 or more a year; or
- (b) for 10 years or more.

12. Officers' reports**CM.108/25 Indara Corporation P/L Lease proposal for Optus telecommunications infrastructure at Eltham Lower Park**

-
86. If a Council proposes to lease land that is subject to any of the points above and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.
87. The *Crown Land Reserves Act 1978* (the Crown Land Act) enables reservation of land for a range of public purposes, stipulates how reserved land must be dealt with and prescribes some governance arrangements for committees of management appointed to manage reserved land.
88. The leasing provisions in the Crown Land Act are used to authorise a wide range of leases for commercial and non-commercial purposes on reserved Crown land.
89. Section 17D of the Crown Land Act provides that trustees or committees of management with the approval in writing of the Minister may enter into an Agreement to Lease.
90. Indara is not a licensed carrier under the *Telecommunications Act 1997* and therefore has no legal right to occupy land without a lease (or other agreement) with Council. However, it is important to note that under Schedule 3 of the *Telecommunications Act 1997*, licensed telecommunication carriers (for Low Impact Facilities) have the right to enter onto Land, including public land, for the following purposes:
- a) To inspect the land, to determine whether the land is suitable for the carrier's purposes;
 - b) To install a facility on the land; and
 - c) To maintain facilities situated on the land.

Regional, state and national plans and policies

91. The Victorian Government is fast-tracking better mobile coverage and broadband across the state through the \$550 million *Connecting Victoria* program. Victorian Government is working with telecommunications partners to improve mobile services across Victoria between 2022 and 2026 by co-funding projects.
92. The Eltham Lower Park site has now been proposed by Optus for Connecting Victoria funding.

Conflicts of interest

93. 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.109/25 Seeking adoption of Council's Advocacy Priorities 2025**

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and
Community Safety****Author: Michele Purtle, Manager Advocacy Communications and
Engagement****Summary**

This report provides a strategic overview of Council's advocacy activities and recommends a refreshed approach to strengthen Nillumbik's capacity to influence government policy and secure external funding. It outlines the current advocacy approach, examines the changing political and funding landscape, and proposes a more coordinated and forward-looking strategy. Central to this is resetting Council's advocacy platform to reflect evolving community needs and to leverage emerging opportunities in the lead-up to future State and Federal elections.

To achieve this, the report seeks Council endorsement on the establishment of an Advocacy Framework and four-year Action Plan to guide Council's advocacy efforts and presents a draft set of 2025–2026 advocacy priorities for Council's consideration.

Recommendation

That Council:

1. Endorses the Advocacy Framework (**Attachment 1**).
2. Endorses the 2025–2026 Advocacy Priorities (**Attachment 2**).
3. Endorses the four-year Advocacy Action Plan (**Attachment 3**) and requests officers commence implementation of the Action Plan.
4. Requests officers to progress early advocacy initiatives aligned with the adopted 2025–2026 Advocacy Priorities, including the identification and preparation of suitable projects for upcoming State and Federal budget processes and election commitments.

Attachments

- 1  Attachment 1 - Advocacy Framework
- 2  Attachment 2 - Advocacy Action Plan
- 3  Attachment 3 - 2025-2026 Advocacy Priorities

12. Officers' reports**CM.109/25 Seeking adoption of Council's Advocacy Priorities 2025**

Discussion

1. Advocating on the community's behalf is a key responsibility of Council. The majority of our advocacy is directed to the State and Federal Governments to:
 - Receive financial investment from the State or Federal Government for delivery of infrastructure or services; or
 - Influence policy reform or a change in legislation.

This report sets out to achieve the following:

- Outlines Council's current approach to advocacy and explores the shifting landscape that is influencing Nillumbik's funding opportunities.
- Proposes the development of an Advocacy Framework and accompanying four-year Action Plan to provide strategic direction and consistency in future advocacy efforts.
- Recommends a reset of Council's advocacy platform to ensure alignment with the evolving needs of the community and political context.
- Presents a draft set of advocacy priorities for 2025–2026 for Council's consideration.

Council's current approach to advocacy

2. Council endorsed the current set of advocacy priorities in December 2021. A total of 23 priorities were identified and these have guided Council's approach to advocacy in the lead up to State and Federal elections and annual pre-budget opportunities.
3. The priorities were informed by community feedback in various forums, including the development of the Community Vision 2040, Council Plan 2021-2025 and Health and Wellbeing Plan.
4. These priorities were revisited and refined in the lead up to the 2025 Federal Election to support pre-election meetings with candidates to help secure funding from election pledges.

Changes affecting funding opportunities

5. There have been a number of significant changes over recent years that have impacted funding from State and Federal Governments and reduced opportunities for Council to financially prop up major infrastructure initiatives. These changes include:
 - The financial landscape has undergone major change over the past three years as the 'cost' of COVID is felt. The cost of materials has increased the price of delivering community infrastructure.
 - Having less funds to deliver more expensive projects has been felt at all levels of Government and funds for new projects are limited.
 - Cost of living pressures, rate capping and new state taxes have impacted Council's ability to 'top up' state funded projects.
 - The expectation that Council will match state funding for projects limits what can be added to our priority list or budget bids.

12. Officers' reports**CM.109/25 Seeking adoption of Council's Advocacy Priorities 2025**

- More Councils and 'not for profit' organisations have employed advocacy personnel to secure funding. This makes the competition for Nillumbik even greater.
- Traditional advocacy methods such as email campaigns and billboard messaging are becoming less effective in influencing politicians. In the context of increasing funding pressures, these approaches can create challenges for MPs and may limit opportunities for constructive discussion on community projects.

Advocacy Framework and four-year Action Plan to guide future advocacy

6. To be effective in our advocacy, Officers have developed an Advocacy Framework (**Attachment 1**) to provide the methodology and transparency around our decision-making process. The Framework provides the foundation for how we identify community priorities and the best approach to advocate in this changing landscape.
7. There are many issues that Council can advocate on. To ensure that our advocacy efforts are focussed and positioned to have the best chance for success, six principles guide Council's advocacy. These principles help us assess the viability of advocacy opportunities and determine where to focus our efforts for the greatest chance of success.
8. Our approach is shaped by six core principles:
 - Purpose – Clear 'asks' Advocacy is aligned with community needs and Council's strategic objectives.
 - Evidence base – All positions are grounded in credible data, lived experience, and research.
 - Strategic and consistent – Advocacy is timely, targeted to achieve Council objectives, and consistently reinforced across platforms.
 - Equality and diversity – We advocate for outcomes that reflect and support the full diversity of our community.
 - Collaboration and partnership – We work with others to amplify our influence and share responsibility for solutions.
 - Transparency – We build trust through open, honest, and accountable advocacy practices.
9. All advocacy issues are important, but it is not possible to advocate at an equal level for all issues. This is crucial for the effective use of resources and the coordination of advocacy activities. Council will agree each year on a set of advocacy priorities that will provide a laser sharp focus on where we will devote our advocacy efforts. Some advocacy issues will remain a focus for several years whereas others will be for a shorter period of time.
10. All advocacy priorities have an identified 'ask' and are supported by a sound evidence base. Fact Sheets are developed and reviewed and adjusted annually using the advocacy principles, to ensure they are relevant, responsive to the community and supported by current statistical data.

12. Officers' reports

CM.109/25 Seeking adoption of Council's Advocacy Priorities 2025

11. Council's Advocacy team will monitor and review annual state and federal budgets and other funding opportunities and refine priorities for inclusion in pre-budget submissions to the State and Federal Governments. Once handed down, the government budgets will be analysed and a scorecard developed to track investment received against Council's priorities. This will be summarised in a report to ELT and the community.
12. A four-year Action Plan (**Attachment 2**) has also been developed that includes four key directions designed to equip Council and the community with more opportunities for positive outcomes to their advocacy. These include:
- Key Direction 1 – Build the community's capacity to advocate
 - Key Direction 2 – Build the organisation's capacity to advocate
 - Key Direction 3 – Develop partnerships for joint advocacy
 - Key Direction 4 – Communicate with our community

Resetting Council's advocacy platform for 2025-2026

13. To adapt to the changing landscape, Council's advocacy approach must pivot from a long list of projects and adopt a more sophisticated model that responds to how we will advocate for government investment.
14. The proposed model supports a shorter list (no more than 10) of key priorities that are also complemented by partnering priorities, electorate priorities and policy positions.

Key Priorities	Electorate Priorities	Partnership Priorities	Policy Priorities
1. _____	Yan Yean 1.	NCA 1	1 Family Violence etc etc
2. _____	2.	2	2
3. _____	3.	3	3
4. _____	Eltham 1.	4	4
5. _____	2.	MAV 1	5
6. _____	3.	2	
7. _____		3	
8. _____			
9. _____			
10. _____			

12. Officers' reports

CM.109/25 Seeking adoption of Council's Advocacy Priorities 2025

Key priorities	Less is more. Stocktake advocacy actions that sit in strategies across the organisation and identify key priorities that require government investment. Key priorities should have a defined 'ask', evidence to support why needed, an identified government funding path and an ability for Council to match funding if applicable.
Partnering priorities	The Advocacy team continues to work with the MAV, NCA, OMC, NAGA etc to actively support and influence their advocacy programs. When there are issues that affect Nillumbik, the Advocacy team will proactively take on a lead role with these agencies to roll out statewide campaigns and enable councils to come together and show united direction on an initiative.
Electorate priorities	A list of smaller initiatives will be developed for each state electorate and federal division that is included in the municipality. Many of these projects will include initiatives from our future capital works program which will enable Council to match funding if needed. Having a number of 'shovel ready' projects available and concept plan developed will greatly support Council's success in obtaining annual budget bids.
Policy positions priorities	Identifying priorities that improve the wellbeing of our residents will be advocated for on an ongoing basis with relevant Ministers and through regional partnerships. I.e. Family violence, mental health.

Projects not listed within the advocacy model will still be actioned as they arise.

2025-2026 Advocacy Priorities

15. The Advocacy framework has guided the development of the 2025-2026 Advocacy Priorities (**Attachment 3**), with all projects assessed against the guiding principles. Officers took a stocktake of previous advocacy priorities along with initiatives included in the draft 2025-2029 Council Plan to compile the 2025-2026 list.
16. The 2025-2026 includes a list of five **key priorities** including:
 1. Upgrade of the Greensborough Bypass / Diamond Creek Road roundabout
 2. Installing a pedestrian crossing over the Hurstbridge train line at Coolabah Reserve, Eltham North
 3. A bus review to consider expansion of the service into the rural areas and a new service between Diamond Creek and Mernda stations.
 4. Improvements to be included as part of the Yan Yean Road upgrade, including sealing of Eisemans, DeFredericks and Hacketts roads in Yarrambat, virtual fencing to protect wildlife and protection of six River Red Gums near the Bridge Inn Road intersection.

12. Officers' reports**CM.109/25 Seeking adoption of Council's Advocacy Priorities 2025**

5. Extension of the Plenty River Trail in Greensborough to connect with the Diamond Creek Trail in Eltham North
17. There are five State Government electorates that represent part of Nillumbik Shire. A list of 23 **electorate projects** have been matched with their relevant electorate and Council will work with the local MP for each electorate to consider funding opportunities.
18. Council will continue to partner with the Municipal Association of Victoria (MAV), Northern Councils Alliance (NCA), Outer Melbourne Councils (OMC) and other local councils to advocate for improvements across a range of **partnering projects** that benefit the sector, including pausing the glass kerbside collection service and abandoning the Emergency Services and Volunteers Fund.
19. Council recognises the ongoing need for access to mental health and family violence services and the ongoing funding for bushfire preparedness and protection of our green wedge and has included a **policy position** to advocate for these at any opportunity.

Related Council decisions

20. Council has in the past endorsed documents outlining priority items and issues on which to advocate to Federal and State Governments in the community's interests.
21. Council endorsed a suite of priorities in December 2021 to inform the State Election. A review of these priorities was undertaken in preparation for the 2025 Federal Election.

Options**22. Endorse the updated 2025–2026 Advocacy Priorities (recommended)**

This option reflects the outcomes of the Councillor Briefing held on 16 September and previous engagement with Councillors, where feedback was used to refine the advocacy priorities. Endorsing the updated list will enable Council to position key projects for consideration in upcoming State and Federal funding cycles, including as part of pre-budget submissions or election commitments.

23. Defer endorsement of the 2025–2026 Advocacy Priorities

This option would delay Council's ability to act on advocacy opportunities in a timely manner and risks missing the State Government's upcoming budget timelines. It may also impact Council's ability to influence emerging policy and funding discussions in the lead-up to the next election cycle.

Council plans and policies

24. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We act in the best interests of our community.
 - We source alternative and innovative funding sources to support and complement Council services and infrastructure.

12. Officers' reports**CM.109/25 Seeking adoption of Council's Advocacy Priorities 2025**

Access, Equity and Inclusion

25. Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct an Equity Impact Assessment (EIA) for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
26. In developing this report, the subject matter has been considered in accordance with the requirements of the Section 9 of the *Gender Equality Act 2020*.
27. In accordance with the requirements of the Section 9 of the *Gender Equality Act 2020* transport, and sporting facilities, as well as public health and wellbeing strategies relating to safety, accessibility, and inclusion. Council acknowledges that the advocacy priorities have a gender impact and work on these projects can address gender inequality.
28. As such, it is required that advocacy priority project leads conduct an EIA to ensure Council is meeting the different needs of women, men, and gender diverse people. The associated recommendations are to be provided to ELT.
29. It is also expected that the research from the EIA's, including any relevant data, community feedback and benchmarking is provided to the Advocacy Lead to form part of Council's evidence-based approach. any relevant data, community feedback and benchmarking is provided to the Manager Advocacy Communications Engagement to form part of Council's evidence-based approach.
30. Council is committed to promoting gender equality and will further embed Gender Impact Assessment into selecting the advocacy priorities for 2025-2026 to ensure that Council is addressing gender inequality across the community.
31. The EIA process also identified that the Manager Advocacy Communications Engagement can also play a role in promoting the need for EIAs when delivering and reviewing Council projects.

Sustainability implications

32. The Advocacy Priorities covers a range of policy areas, with the aim of:
 - a) Preserving and enhancing the natural environment including infrastructure and activities, climate mitigation and response and enhancing our natural amenities; and
 - b) Improving the health and wellbeing of our residents through improved recreational facilities and enhanced health and social services, programs and facilities.

Community engagement

33. The 2025-2026 Advocacy Priorities will be informed by feedback received from the community engagement undertaken as part of the Nillumbik Now and Beyond consultation that shaped the Council Plan.

12. Officers' reports

CM.109/25 Seeking adoption of Council's Advocacy Priorities 2025

Innovation and continuous improvement

34. Development of the Advocacy Framework and new advocacy model are the result of reviewing the changing economic and political landscape and refining current advocacy practices. The 2025-2026 Advocacy Priorities will reflect current and future community needs and the goals of the Council Plan as well as include items that would resonate in a pre-election context.

Collaboration

35. Officers from across Council have been heavily involved in the development of the current priorities and helping to shape the new Council Plan. Current and new priorities are the result of consultation with all relevant Council departments.

Budget considerations

36. Advocacy efforts, including the development of priorities and related advocacy initiatives are resourced through Council's operating budget. The new advocacy model may require Council to agree on funding feasibility studies as part of the evidence needed to support key priorities. Additionally, a financial strategy may need to be proposed for projects whereby Council may need to match government funding.

Relevant law

37. There are no legal repercussions associated with this report.

Regional, state and national plans and policies

38. State and Federal Government funding is tied to the policies of the respective government in power. It is important that Council's advocacy priorities are considerate and aware of government policies.

Conflicts of interest

39. 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.110/25 Adoption of the Nillumbik Health and Wellbeing Plan 2025-2029**

Distribution: Public**Manager: Corrienne Nichols, Director Communities****Author: Nichole Johnson, Manager Community Partnerships****Summary**

This report presents the Nillumbik Health and Wellbeing Plan 2025-2029 (the Plan) **(Attachment 1)** for adoption, following public consultation and refinements in response to community feedback.

This report also presents the Annual Action Plan 2025-2026 **(Attachment 2)** for adoption which supports the first-year delivery of the new Nillumbik Health and Wellbeing Plan 2025-2029 (the Plan). Reporting updates will be received by Council on a quarterly basis, demonstrating practicable and tangible ways the Nillumbik Health and Wellbeing Plan is delivering key health and wellbeing outcomes for the community.

Recommendation

That Council:

1. Adopts the Nillumbik Health and Wellbeing Plan 2025-2029 **(Attachment 1)**.
2. Adopts the Annual Action Plan 2025-2026 **(Attachment 2)**.
3. Authorises the Director Communities to make any further minor changes to the Plan and Action Plan that may be necessary and are inconsequential in nature.
4. Publishes the adopted Plan and Annual Action Plan 2025-2026 publicly on Council's website.
5. Thanks contributors to the Plan and advises them of the outcome of the consultation process.

Attachments

- 1  Nillumbik Health and Wellbeing Plan 2025-2029
- 2  Annual Action Plan 2025-2026

Discussion

1. The Nillumbik Health & Wellbeing Plan 2025–2029 has been developed in line with Council's legislative obligations under the *Public Health and Wellbeing Act 2008*, that all Victorian councils prepare a Municipal Public Health and Wellbeing Plan within 12 months of a new Council being elected.
2. The Plan also incorporates the Disability Action Plan to meet requirements under the *Disability Act 2006*.

12. Officers' reports**CM.110/25 Adoption of the Nillumbik Health and Wellbeing Plan 2025-2029**

3. The Plan is informed by:
 - a) A review of local, state and national policy context
 - b) The Nillumbik Community Profile 2025
 - c) Community engagement through the Nillumbik Now and Beyond program
 - d) A Health and Wellbeing Partnership Forum
 - e) A review of the Nillumbik Health and Wellbeing Plan 2021-2025
4. The Plan identifies six priority areas that will guide Council's actions over the next four years. The six priority areas are:
 - a) Improving mental wellbeing and social connection
 - b) Preventing discrimination and violence
 - c) Increasing active living
 - d) Improving food systems
 - e) Reducing harm from alcohol, drugs, vaping, tobacco and gambling
 - f) Advocating for and improving access to services, facilities and housing
5. The draft Plan was publicly exhibited between 18 June and 9 July 2025, enabling the broader community and stakeholders to review and provide feedback on the Plan. These were considered by the Planning and Consultation Committee on 12 August 2025.
6. Submissions reflected strong overall support for the direction and intent of the Plan. Feedback was carefully considered, with changes incorporated into the final plan **(Attachment 1)**.
7. The changes include:
 - a) Embedding Council's updated Acknowledgement of Country, developed in partnership with the Wurundjeri Woi-wurrung, as a key expression of respect and partnership, strengthening reconciliation through its integration across Council's planning, programs and community initiatives.
 - b) Strengthening LGBTIQ+ representation through the inclusion of local data and specific actions in the Annual Action Plan **(Attachment 2)** that are focused on inclusion, improved mental health outcomes (especially for young people), raising visibility through recognising dates of significance, fostering inclusive work practices and ensuring that LGBTIQ+ voices are meaningfully included in decision making.
 - c) Reframing the strategies to strengthen clarity of strategic intent, ensuring that they articulate long-term priorities and community outcomes, with operational details redirected to supporting action plans.
8. The Annual Action Plan 2025-2026 **(Attachment 2)** has been developed collaboratively across Council teams and in partnership with community organisations and outline key actions which will support the delivery of the Plan.

12. Officers' reports**CM.110/25 Adoption of the Nillumbik Health and Wellbeing Plan 2025-2029**

9. Annual action plans enable Council to remain responsive to emerging issues, evolving community needs, and new opportunities, ensuring initiatives remain relevant and effective throughout the Plan's four-year duration.
10. The actions presented in the Annual Action Plan 2025-2026 represent key activities only and do not encompass all Council initiatives. They provide a high-level snapshot of the activities being undertaken to deliver on the strategies under each health priority in the Plan.
11. It is important to note that Council's additional strategies and plans also play a key role in improving health and wellbeing outcomes for the Nillumbik community.
12. The Annual Action Plan (**Attachment 2**) outlines the actions and initiatives to be delivered in the 2025-2026 financial year, noting that delivery has been adapted into the already adopted 2025-2026 Annual Budget.
13. A full graphic designed version of the Plan will be available on Council's website following the adoption of the plan.

Related Council decisions

14. On 17 June 2025, Council endorsed the draft Nillumbik Health & Wellbeing 2025-2029 for the purposes of community consultation ending on 9 July 2025.
15. On 12 August 2025, the Planning and Consultation Committee considered a report on the nine submissions received.
16. Council resolved to receive and note the submissions, consider the submissions in the finalisation of the Plan and note that a report will be presented to the 30 September 2025 Council Meeting to consider their adoption of the Plan.

Options

17. Council adopts the Nillumbik Health and Wellbeing Plan 2025-2029 and the Annual Action Plan 2025-2026.

Council plans and policies

18. 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.
 - We address the social, environmental and economic factors of health to improve health and wellbeing outcomes for our communities.
 - We work with our local partners, government and non-government agencies to respond to health and wellbeing priorities in Nillumbik.

Access, Equity and Inclusion

19. Council recognises that it has an important role in creating a more fair and equitable society by supporting, facilitating and working with the community to empower people to have their say and help shape the future of the Shire.
20. The development of the Plan has been guided by the principles outlined in Council's Access, Equity and Inclusion Policy. An equity, disability inclusion, ageing, and gender lens has been applied to both plans.

12. Officers' reports**CM.110/25 Adoption of the Nillumbik Health and Wellbeing Plan 2025-2029**

21. Equity Impact Assessments (EIA) have been undertaken at multiple stages of the process, including assessments of the community engagement approaches, analysis of data and review of the draft plans.
22. As the Plan is delivered, officers will assess actions and conduct EIAs where appropriate to ensure the actions are fair, inclusive and reflect the needs of the community in line with the *Gender Equality Act 2020*.

Sustainability implications

23. The Plan supports Council to act in the best interests of the community by promoting social, environmental and economic sustainability.
24. The Plan will guide decision-making that is realistic and achievable within available resources, ensuring sustainable outcomes over the longer term.

Community engagement

25. Through the Nillumbik Now and Beyond community engagement program in February and March 2025, Council sought broad community input to inform the development of the Plan. Engagement included surveys, pop-up sessions across the Shire, workshops, targeted outreach activities, a partnership forum and input from advisory committees to capture diverse perspectives and experiences.
26. Together with input from Councillors, these processes ensured the Plan was shaped by a wide range of community voices, sector expertise, and local priorities.

Innovation and continuous improvement

27. Opportunities for innovation and continuous improvement have been identified through the development of the Plan and the Annual Action Plan 2025-2026, which include:
 - a) Alignment of reporting timelines with the Council Plan 2025-2029
 - b) Improved integration between strategic documents
 - c) Enhanced integration of work between teams and community partners
 - d) Enhanced engagement processes.
28. Further opportunities are expected to emerge during implementation of the Plan with a focus on strengthening integration across teams, fostering collaboration with external partners, and delivering improved outcomes for the community.

Collaboration

29. Partnerships and collaboration were central to the development of the Plan and Annual Action Plan 2025-2026 and will remain critical to their implementation.
30. Council will continue to work closely with other levels of government, partner agencies, the Health and Wellbeing Advisory Committee and the community to deliver strategies and actions.

Budget considerations

31. The Plan is a high-level strategic document and does not make specific budget commitments. The action plans will set out the specific actions Council will deliver in that financial year to progress the objectives and strategies of each plan.

12. Officers' reports

CM.110/25 Adoption of the Nillumbik Health and Wellbeing Plan 2025-2029

32. Where gaps exist in resources or new opportunities for initiatives are presented, additional budget or grant funding opportunities may be sought.

Relevant law

33. The *Public Health and Wellbeing Act 2008*, requires Council to prepare and adopt a Municipal Public Health and Wellbeing Plan within 12 months of a general election.
34. The *Gender Equality Act 2020* requires defined entities, including councils, to take positive action towards achieving workplace gender equality and to consider gender equality in their policies, programs, and services.
35. The *Disability Act 2006* provides a framework for enabling the rights, inclusion, and participation of people with disability in the community. It guides Council to remove barriers, improve accessibility, and ensure our services, facilities, and programs are inclusive and responsive to the needs of people with disability.
36. The *Climate Change Act 2017* provides a framework for reducing climate-related risks and building community resilience. It guides Council to mitigate environmental health impacts, strengthen adaptation and support healthier, more sustainable environments.

Regional, state and national plans and policies

37. A number of local, state and national plans have been considered when developing the Plan including the *Victorian Public Health and Wellbeing Plan 2023–2027*.

Conflicts of interest

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

12. Officers' reports

CM.110/25 Adoption of the Nillumbik Health and Wellbeing Plan 2025-2029

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.111/25 Adoption of Asset Plan 2025-2035**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Robert Malignaggi, Acting Chief Financial Officer****Summary**

This report presents the Asset Plan 2025-2035 (**Attachment 1**) for adoption, following public consultation, receipt of submissions and refinements to the plan in response to the submissions received.

The Asset Plan is a requirement under section 92 of the *Local Government Act 2020* and must be adopted by 31 October 2025. The Asset Plan provides a high level strategic and financial view of how Council intends to manage its transport, building, drainage and open space assets over the next ten (10) financial years.

The Asset Plan 2025-2035 was subject to public exhibition and community consultation between 18 June to 9 July 2025. At its meeting on 12 August 2025, the Planning and Consultation Committee considered a report outlining the four written submissions received. The Committee did not hear any verbal submissions.

Having considered the feedback from the written and verbal submissions, some refinements to the Asset Plan have been made, and these are documented in this report.

Recommendation

That Council:

1. Adopts the Asset Plan 2025-2035 (**Attachment 1**) containing amendments and suggestions in response to the submissions received following public consultation.
2. Authorises the Director Culture and Performance to update legislative and Council requirements listed in the Asset Plan 2025–2035 which may occur over the life of the Asset Plan.
3. Makes a copy of the adopted Asset Plan 2025–2035 publicly available on Council's website.
4. Thanks submitters and advises them of the outcome of the consultation process.

Attachments

- 1  Attachment 1 - Asset Plan 2025-2035

Discussion

1. Council is required to adopt the Asset Plan 2025-2035 prior to 31 October 2025, under section 92 of the *Local Government Act 2020*. The Asset Plan has effect from 1 July 2025.
2. The scope of the Asset Plan is for the next ten year period, 2025-2035.

12. Officers' reports**CM.111/25 Adoption of Asset Plan 2025-2035**

3. The Asset Plan is a high-level strategic document, with financial projections aligned with Council's Financial Plan 2025-2035.
4. The Asset Plan has been prepared in compliance with the *Local Government Act 2020*.
5. The Draft Asset Plan 2025-2035 was publicly exhibited for 21 days. Four submissions were received.
6. Minor changes have been made to the Asset Plan following the community feedback, which are now included in the final version of the plan (**Attachment 1**).
7. These changes include:
 - The wording in the requirements section for the Eltham Lower Park Masterplan has been updated to include passive users alongside other park stakeholders.
 - Rewording impact of services for:
 - Buildings category, demand driver: population change
 - Drainage category, demand driver: climate change
 - Drainage category, demand driver: cultural change
 - Drainage category, demand driver: demand for increased services in areas where drainage is not currently provided
 - Open Space category, demand driver: increased female participation and gender diversity in sports
 - Open Space category, demand driver: population growth.

Related Council decisions

8. Prior to the introduction of Section 92 of the *Local Government Act 2020*, there was no requirement on Council to adopt an Asset Plan. On 28 June 2022, Council adopted the first Asset Plan (2022-2032) under Section 92 of the Act.
9. On 17 June 2025, Council endorsed the Draft Asset Plan 2025-2035 for the purposes of community consultation ending on 9 July 2025.
10. On 12 August 2025, the Planning and Consultation Committee considered a report on the four submissions received in response to the Draft Asset Plan. There were no verbal presentations to the Committee on the Asset Plan.
11. The Committee resolved to note the submissions received, consider those submissions in the finalisation of the Asset Plan, and note that a report will be presented to the 30 September 2025 Council Meeting to consider its adoption.

Options

12. Adopt the Asset Plan 2025–2035.

Council plans and policies

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

12. Officers' reports

CM.111/25 Adoption of Asset Plan 2025-2035

Access, Equity and Inclusion

14. The Asset Plan considers accessibility within the Levels of Service, Legislative and Council Requirements and also within the Future Demand section along with gender diversity and participation in sports.

Community engagement

15. The Draft Asset Plan was the subject of a public consultation period from 18 June – 9 July 2025 where community members and groups had the opportunity to provide their feedback.
16. The Planning and Consultation Committee considered a report outlining the four written submissions received. At the Committee meeting on 12 August 2025, the Committee did not hear any verbal submissions.

Innovation and continuous improvement

17. The Asset Plan has also been designed as a digitally interactive document, allowing exploration of the data behind the decision-making processes. This innovative approach presents the information in a dynamic and user-friendly manner that could be made available through Council's website following its endorsement.

Collaboration

18. As part of the development of the Asset Plan 2025-2035, consultation occurred across relevant teams within Council. They are listed below;
- Capital and Infrastructure
 - Finance, Assets and Procurement
 - Operations Centre
 - Recreation and Leisure.

Budget considerations

19. The Asset Plan is a high-level strategic document, with financial projections aligned with Council's Financial Plan 2025-2035.

Relevant law

20. This Asset Plan follows the requirements of section 92 of the *Local Government Act 2020*, which states Council must develop, adopt and keep in force an Asset Plan that has an outlook of at least 10 years.
21. The Asset Plan must include:
- a) Information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning of each class of infrastructure under its control and outline any other resource requirements considered appropriate.
 - b) The Plan has a longer-term outlook (10+ years). It provides a view (both strategic and in financial terms) of how the Council proposes to manage the whole portfolio of assets that it owns and controls.

12. Officers' reports

CM.111/25 Adoption of Asset Plan 2025-2035

Regional, state and national plans and policies

22. Not applicable.

Conflicts of interest

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

12. Officers' reports**CM.112/25 Adoption of Financial Plan 2025-2035**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Robert Malignaggi, Acting Chief Financial Officer****Summary**

This report presents the Financial Plan 2025–2035 (**Attachment 1**) for adoption, following public consultation, receipt of submissions and refinements to the plan in response to the submissions received.

The purpose of the Financial Plan is to demonstrate Council's financial sustainability in order to fund the aspirations of the Community Vision and the Council Plan.

The Financial Plan has been prepared in compliance with the *Local Government Act 2020*, the Department of Jobs, Precincts and Regions' Financial Plan Better Practice Guide and model, and the Australia Accounting Standards Board accounting standards.

The information and community feedback gathered through the 'Nillumbik Now and Beyond' community engagement program has been considered throughout the development of the Financial Plan.

The Financial Plan 2025– 2035 was subject to public exhibition and community consultation between 18 June to 9 July 2025. At its meeting on 12 August 2025, the Planning and Consultation Committee considered a report outlining the four written submissions received. The Committee did not hear any verbal submissions.

Having considered the feedback from the written and verbal submissions, some minor refinements to the Financial Plan have been made, and these are documented in this report.

Recommendation

That Council

1. Adopts the Financial Plan 2025–2035 (**Attachment 1**).
2. Authorises the Director Culture and Performance to make any further minor changes to the Financial Plan that may be necessary and are inconsequential in nature.
3. Makes a copy of the adopted Financial Plan 2025–2035 publicly available on Council's website.
4. Thanks submitters and advises them of the outcome of the consultation process.

Attachments

- 1  Financial Plan 2025-2035

12. Officers' reports**CM.112/25 Adoption of Financial Plan 2025-2035**

Discussion

1. Council is required to adopt the Financial Plan 2025-2035 prior to 31 October 2025, under section 91 of the *Local Government Act 2020*. The Financial Plan takes effect from 1 July 2025.
2. The scope of the Financial Plan is for the next ten-year period 2025-2035.
3. The Financial Plan provides the context through which the objectives of the Council Plan can be funded in order to achieve the Community Vision. The Financial Plan includes financial statements outlining the financial resources required to give effect to the Council Plan and contains information about the decisions and assumptions that underpin the forecasts in the statements.
4. The Financial Plan has been prepared in compliance with the *Local Government Act 2020*, the Department of Jobs, Precincts and Regions' Financial Plan Better Practice Guide and model, and the Australia Accounting Standards Board accounting standards.
5. The information and community feedback gathered through the 'Nillumbik Now and Beyond' community engagement program has been considered throughout the development of the Financial Plan.
6. The Draft Financial Plan 2025-2035 was publicly exhibited for 21 days. Four submissions were received.
7. Minor changes have been made to the Financial Plan following the community feedback, which are now included in the final version of the plan (**Attachment 1**).
8. Specifically, an appendix has been added which provides a more detailed overview of key assumptions applied in the Financial Plan.

Related Council decisions

9. On 17 June 2025, Council endorsed the Draft Financial Plan 2025-2035 for the purposes of community consultation ending on 9 July 2025.
10. On 12 August 2025, the Planning and Consultation Committee considered a report on the four submissions received in response to the Draft Financial Plan. There were no verbal presentations to the Committee on the plan.
11. The Committee resolved to note the submissions received, consider those submissions in the finalisation of the Financial Plan, and note that a report will be presented to the 30 September 2025 Council Meeting to consider its adoption.

Options

12. Adopt the Financial Plan 2025-2035.

Council plans and policies

13. The Financial Plan directly supports the achievement of the Council Plan 2025-2029.

Access, Equity and Inclusion

14. Not applicable.

12. Officers' reports

CM.112/25 Adoption of Financial Plan 2025-2035

Sustainability implications

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

Community engagement

- 17. Through the 'Nillumbik Now and Beyond' community engagement initiative, feedback was received which was considered in developing the draft Financial Plan.
- 18. The Draft Financial Plan was the subject of a public consultation period from 18 June – 9 July 2025 where community members and groups had the opportunity to provide their feedback.
- 19. The Planning and Consultation Committee considered a report outlining the four written submissions received. At the Committee meeting on 12 August 2025, the Committee did not hear any verbal submissions.

Innovation and continuous improvement

- 20. Not applicable.

Collaboration

- 21. Not applicable.

Budget considerations

- 22. This is a standard reporting item to Council, the associated costs for which are included in the current budget.

Relevant law

- 23. This Financial Plan follows the requirements of section 91 of the *Local Government Act 2020*, which states Council must develop, adopt and keep in force a Financial Plan that has an outlook of at least 10 years.

Regional, state and national plans and policies

- 24. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.112/25 Adoption of Financial Plan 2025-2035

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.113/25 Review of Road Management Plan**

Distribution: Public**Manager: Claire Quinlan, Chief Operating Officer****Author: Heath Gillett, Manager Operations Centre****Summary**

Nillumbik Shire Council (Council) is reviewing and updating its Road Management Plan, as required by the *Road Management Act 2004*. In accordance with these requirements Council advertised its review on 17 July 2025 and invited submissions to the proposed amendments.

19 submissions were received in total.

Council's Planning and Consultative Committee considered these submissions at its meeting on 9 September 2025.

Having received and considered the submissions, there are no recommendations to significantly alter the plan from what was advertised. However, there are some minor amendments to the plan recommended, based on further internal review of the document.

This report recommends that Council endorses the amended Road Management Plan (**Attachment 1**), following the review process.

Recommendation

That Council:

1. Adopts the Road Management Plan 2025 as shown in **Attachment 1**.
2. Publishes the adopted Road Management Plan 2025 on the Council website.
3. Advises all submitters (that provided contact details) of the adopted Road Management Plan 2025.

Attachments

- 1  Road Management Plan 2025
- 2  Road Management Plan 2021
- 3  Submissions summary

Discussion

1. The *Road Management Act 2004* grants power to a road authority (Council) to make a Road Management Plan (RMP) to establish the management system and standards for the exercise of Council's road management functions.

12. Officers' reports**CM.113/25 Review of Road Management Plan**

-
2. In accordance with section 8 (1) of the Road Management (General) Regulations 2016 and section 90 (3) of the *Local Government Act 2020*, Council is required to prepare and approve a review of its RMP by 31 October in the year following a general election.
 3. The main purpose of the RMP is to document Council's Road management responsibilities, including the level of service relating to how often Council inspects its roads and footpaths network (*inspection frequency*), what Council defines as a defect / hazard (*defect intervention level*) and within what timeframe Council will rectify that defect or hazard (*repair timeframe*).
 4. No major changes to the consulted RMP are recommended, following the submissions process. However, several minor amendments to the RMP, listed below, have been recommended following further review of the document and incorporated into the version being considered for endorsement (**Attachment 1**):

Layout

- Redesign of cover page and minor formatting edits throughout the document.

Governance Table

- Populating of 'Guideline Governance' and 'Review History' tables on page 2.

Updated Acknowledgement of Country

- Acknowledgement of Country updated to recently revised wording.
- Inclusion statement added, as per Access, Equity and Inclusion Policy.

Bulk Inspections

- Addition of statement regarding the allowance of a 'rectification program' to be developed, where typical response time are unable to be met, due to bulk inspections.

Road Hierarchy Categories

- Minor wording changes to the descriptions of 'collector' and 'access' roads.

Inspection Frequencies

- Separate reactive inspection timeframes for vegetation clearance, as these are typically managed by a contractor and Council has a pre-existing service level agreement.

Defect Intervention Levels and Repair Timeframes

- For sealed roads, all timeframes listed as one week have been amended to five working days, so that the available repair time is not reduced due to public holidays.
- Addition of text to clarify that vegetation pruning timeframes may be impacted where planning permits are required.
- Error correction in timeframe for 'Roadside vegetation obstructing sightlines' for unsealed road - Cat 4, changed from four to eight weeks, as initially intended.

12. Officers' reports

CM.113/25 Review of Road Management Plan

-
- Footpath defect time frames have been increased from 4 weeks, 6 weeks and 12 weeks (Cat 3, 2, 1) to 2 months 4 months and 6 months. This was due to the risk of non-compliance with the initial timeframes, as concrete repairs often require the use of contractors. This can require waiting for multiple jobs to accumulate, to make it worthwhile for contractors. It is noted that the new timeframes are still an increase in service level from RMP 2021, which were predominantly between 6 to 12 months.

Related Council decisions

5. The current RMP was endorsed by Council on 29 June 2021 – *Adoption of Road Management Plan 2021 (Attachment 2)*.
6. At the Planning and Consultation Committee meeting on 8 July 2025, Council resolved to give public notice of its intention to review its RMP and invite submissions to the draft RMP (**Attachment 1**).
7. At the Planning and Consultation Committee meeting on 9 September 2025, Council noted that 19 submissions were received with respect to the review of, and proposed updates to the Road Management Plan.

Options

8. Following consideration of the submissions and the amended Road Management Plan, Council can resolve to:
 - Endorse the draft RMP in its current format; or
 - Propose amendments to the RMP.

Council plans and policies

9. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We continue to deliver on our road management responsibilities; working to enhance infrastructure that aligns with the character of the neighbourhood.

Access, Equity and Inclusion

10. An 'equity inclusion assessment' has been undertaken as part of the RMP review. Predominantly, the recommendations of the assessment relate to:
 - Acknowledgement of Country and flags in relevant documents related to consultation promotion and socialisation of the RMP.
 - Engagement with relevant sections of the community
 - Use of plain language and consideration for translation services
11. Officers presented the RMP to the Inclusion and Access Advisory Committee on 27 June 2025. Notice of the submissions period was also included in the minutes of the meeting and the disability inclusion e-newsletter.

Sustainability implications

12. The RMP covers Council's level of service for footpaths and shared / bicycle pathways, promoting social and environmental sustainability.
13. The RMP enables Council to pursue economic sustainability, by being central to a policy defence for public liability claims relating to the road and footpath network.

12. Officers' reports**CM.113/25 Review of Road Management Plan**

Community engagement

14. The communications plan for the RMP has involved an online page on Participate Nillumbik, with promotion of the engagement via social media and E-newsletters, with the opportunity to provide feedback on the draft. This has included a summary of the proposed changes being made to this plan.
15. In accordance with section 54(5) of the *Road Management Act 2004* Council gave public notice (via The Age newspaper and the Government Gazette) on 17 July 2025, of its intention to conduct a review of the RMP.
16. The public were invited to make a submission within 28 days of the notice. As per the communications plan, this was also advertised on the Participate Nillumbik page, along with social media and E-newsletters.
17. The submissions period concluded on 15 August 2025, and 19 submissions were received.
18. Council considered the submissions to the committee at the Planning and Consultation Committee meeting on 9 September 2025.
19. A summary of the submissions received, during the formal consultation period and the officer response can be seen in **Attachment 3**.
20. Updates to the relevant Nillumbik webpages are also proposed to support community understanding of the RMP.

Innovation and continuous improvement

21. The review process for Council's RMP embraces a continuous improvement philosophy.
22. A review of Council's RMP is performed every four years.
23. The 2025 version of Council's RMP will be the sixth iteration of this plan. With each iteration, Council refines its level of service and one of the benefits of this is building in efficiencies gained through program and process improvement

Collaboration

24. The review of the current RMP has involved collaboration between the Roads team and:
 - Traffic and Transport
 - Risk and Safety
 - Parks and Open Space
 - Assets
 - Planning and Environment
 - Recreation and Leisure
 - Community Programs
 - Capital and Infrastructure.

12. Officers' reports

CM.113/25 Review of Road Management Plan

Budget considerations

25. Proposed changes have been reviewed by the responsible teams and are not anticipated to result in any change to internal resourcing requirements.

Relevant law

26. The *Road Management Act 2004* grants power to a road authority (Council) to make a Road Management Plan (RMP) to establish the management system and standards for the exercise of Council's Road management functions.
27. In accordance with section 301(3) of the Road Management (General) Regulations 2016 and section 90 (3) of the *Local Government Act 2020*, Council is required to prepare and approve a review of its RMP by 31 October in the year following a general election.

Regional, state and national plans and policies

28. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.113/25 Review of Road Management Plan

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.114/25 BMX Jumps and Community Recreation Park Concept Plan Consultation**

Distribution: Public**Manager: Claire Quinlan, Chief Operating Officer****Author: Stewart Broussard, Manager Recreation and Leisure****Summary**

The purpose of this report is to seek approval to consult on the BMX Jumps and Community Recreation Park concept plan (**Attachment 1**).

Community consultation on the community recreation park is proposed to commence on 1 October 2025 and conclude on 21 October 2025. Submissions received during this period will be considered by the Planning and Consultation Committee on 11 November 2025.

Community will be given the opportunity to speak to their submission at the Planning and Consultation meeting on 11 November 2025.

Recommendation

That Council:

1. Endorses the attached BMX Jumps and Community Recreation Park Concept Plan for the purpose of community consultation.
2. Approves Council officers to undertake community consultation for the period of 1 October 2025 to 21 October 2025, inviting written submissions for the BMX Jumps and Community Recreation Park in line with the endorsed concept plan.
3. Considers all public submissions at the Planning and Consultation Committee meeting to be held on 11 November 2025.

Attachments

- 1  BMX Jumps and Community Recreation Park Concept Plan

Discussion

1. In November 2021, Council resolved to initiate investigations into BMX and off-road biking opportunities across the Shire, and to actively pursue external funding for future project initiatives.
2. Between late 2021 and throughout 2022, Council undertook extensive community consultation regarding BMX and off-road biking opportunities near the Diamond Creek Trail on Allendale Road. Feedback gathered during this process directly informed the planning and design stages, resulting in a final BMX jumps layout shaped by community input.
3. In October 2022, Council secured \$2,163,424 in funding from the State Government through the Growing Suburbs Fund (GSF). Council also committed a contribution of \$650,000 towards the project.

12. Officers' reports

CM.114/25 BMX Jumps and Community Recreation Park Concept Plan Consultation

-
4. The BMX Jumps and Community Recreation Park project was initially planned for construction at 145 Allendale Road, Diamond Creek. However, due to Cultural Heritage requirements and flood level implications, the project could not proceed at this location.
 5. At the Council Meeting on 27 May 2025, Council endorsed Challenger Street Reserve as the new site for the BMX Jumps and Community Recreation Park project.
 6. Following the change in location, the BMX Jumps design was adapted to suit the new site by mirroring the original layout to accommodate existing trees. This adjustment ensures that no trees will be removed and positions the beginner runs adjacent to the 'learn-to-ride' track, enhancing both safety and integration.
 7. Whilst the design intent is not changing, consideration is being given to surface finish type. Two options have been identified:
 - a) Natural compacted dirt finish
 - i) The jumps would need to remain covered with tarps when not in use. This would also result in limited use during winter.
 - ii) Users would be required to uncover and lightly hose the jumps before riding to protect their integrity. This helps bind the surface, ensures the lips are firm, provides a consistent launch, and slows deterioration.
 - iii) After each session, users would be required to re-shape the jumps to maintain their structure and design. A light hose and re-covering with tarps would also be necessary at the end of use.
 - iv) Regular maintenance would be required to undertake more substantial reshaping and repairs.
 - v) There is potential to establish a community-led volunteer Committee of Management or Friends of group to support education, engagement, and participation in ongoing maintenance activities.
 - b) Sealed surface finish
 - i) Consideration is being given to the application of a sealed finish of the dirt jumps known as 'Sic Surface'. Sic Surface is a durable, weatherproof polymer aggregate coating.
 - ii) Use of this product could decrease ongoing maintenance costs and resources by up to 75%.
 - iii) This surface type does not require covering when not in use, nor does it require pre- or post-use maintenance.
 - iv) This option would not require a community-led volunteer Committee of Management or Friends of group to maintain the site.
 8. To enhance the user's experience and support the use of the BMX Jumps, a community recreation park will be built around the jumps.

12. Officers' reports

CM.114/25 BMX Jumps and Community Recreation Park Concept Plan Consultation

9. A concept plan has been developed that features:
 - a) Disabled car park and drop off area
 - b) Toilet facilities – minimum one DDA compliant toilet
 - c) 1.8m concrete path connection
 - d) Learn-to-ride 'pump-track'
 - e) Shelters
 - f) Bike racks and bicycle repair station
 - g) Bench seating at various locations throughout the activity site
 - h) BBQ
 - i) Waste Bins
 - j) Water fountain stations
 - k) Safety lighting at car park and toilet facilities
 - l) Vegetation and tree planting.
10. The recreation park has been designed to cater for the wider community by:
 - a) Ensuring the site is accessible and offers amenities for all community members
 - b) Giving new or younger riders the facilities required to learn how to ride the jumps
 - c) Providing necessary facilities to support 'long stays' such as toilets, seating and shelter
 - d) Providing necessary features to create a safe, enjoyable community space including water fountain stations, waste bins, BBQ and landscaping.
11. Council will seek feedback on the concept plan through a community consultation process.

Related Council decisions

12. At the Council Meeting on 27 May 2025, Council endorsed Challenger Street Reserve as the new site selection for the BMX dirt jumps and Community Recreation Park project.

Options

13. Undertake community consultation on the attached concept plan for the period 1 October 2025 – 21 October 2025.

Council plans and policies

14. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We facilitate participation in sports, leisure and recreational activities.

12. Officers' reports**CM.114/25 BMX Jumps and Community Recreation Park Concept Plan Consultation**

Access, Equity and Inclusion

- 15. The recreation park concept plan incorporates Universal Design Principals.
- 16. An Equity Impact Assessment has been completed and will be reviewed at key stages of the project to ensure the project delivers an inclusive space that meets the diverse needs of the community.

Sustainability implications

- 17. The activity area sits outside the Land Subject to Inundation Overlay (LSIO).
- 18. The activity area is outside the area of Cultural Sensitivity. A heritage consultant has provided formal advice that the project would be exempt from a mandatory Cultural Heritage Management Plan (CHMP).
- 19. Challenger Street Reserve is a highly valued environmental site. The design addresses this by including fencing around high valued areas and other environmental initiatives.
- 20. Protection measures for high value vegetation and the existing wetlands will be incorporated in a site-specific Environmental Management Plan which will be developed prior to construction.

Community engagement

- 21. Community consultation will be undertaken 1 October 2025 – 21 October 2025 via Participate Nillumbik to capture community feedback.
- 22. The consultation will outline the components of the concept plan that cannot be influenced by the community, such as;
 - a) Project activity area
 - b) BMX jumps design
 - c) Environmental protection features
 - d) Inclusion of funding agreement deliverables:
 - i) DDA compliant toilet
 - ii) Amenities and pathways
 - iii) Seating
 - iv) Learn to-ride track
 - v) Car parking
 - vi) Vegetation and tree planting
 - vii) Safety lighting.
- 23. The project consultation page will include a questionnaire that will provide community with the opportunity to influence:
 - a) Preference on BMX Jumps surface (sealed or compacted dirt), including;
 - i) Information regarding conditions of use for BMX jumps constructed from compacted dirt

12. Officers' reports

CM.114/25 BMX Jumps and Community Recreation Park Concept Plan Consultation

- ii) Opportunity to express interest in joining a community-led group to help maintain the jumps
 - b) Location of toilets
 - c) Location of BBQ
 - d) Quantity and location of seats
 - e) Quantity and location of shelters
 - f) Quantity and location of water fountain stations
 - g) Quantity and location of bins
 - h) How users will travel to and access the site.
24. Community will be given the opportunity to speak to their submission at the Planning and Consultation Committee Meeting on 11 November 2025.

Innovation and continuous improvement

25. Consideration is being given to the application of a sealed finish of the dirt jumps known as 'Sic Surface'. Sic Surface is a durable, weatherproof polymer aggregate coating. Use of this product could decrease ongoing maintenance costs and resources by up to 75%.

Collaboration

26. The concept design incorporates feedback from internal stakeholders, including the Environment & Sustainability and Parks & Open Space teams, and draws on learnings from similar projects experienced by the consulting designers.

Budget considerations

27. The project is jointly funded with the State Government, with Council receiving \$2,163,424 through the Growing Suburbs Fund and committing an additional \$650,000.

Relevant law

28. Not applicable

Regional, state and national plans and policies

29. Not applicable

Conflicts of interest

30. 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.114/25 BMX Jumps and Community Recreation Park Concept Plan
Consultation**

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.115/25 Procurement Policy - Review and update**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Robert Malignaggi, Acting Chief Financial Officer****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 four-year term.

The current version of the Procurement Policy 2021-2025 was adopted by Council in June 2021. The current policy was developed in collaboration with the Northern Council Alliance in compliance with the *Local Government Act 2020*.

The review of the current policy has been undertaken by Council's procurement officers and the Chief Financial Officer.

The updated Procurement Policy was presented to the Audit and Risk Committee on 1 September 2025.

The updated Procurement Policy (**Attachment 1**) is presented to Council for endorsement.

Recommendation

That Council:

1. Adopts the Procurement Policy 2025-2029 (**Attachment 1**).
2. Makes the Procurement Policy available on Council's website.

Attachments

- 1  Attachment 1 - Procurement Policy 2025-2029
- 2  Attachment 2 - Summary of updates to Procurement Policy 2025-2029

Discussion

1. Following a detailed review, an updated Procurement Policy is presented to Council for endorsement (**Attachment 1**).
2. Section 108(5) of the *Local Government Act 2020* (the Act) requires councils to have a Procurement Policy, and at least once during each four-year term of Council, review and amend the policy.
3. The Act requires that the Procurement Policy must:
 - include the principles, processes and procedures applying in respect of the purchase of goods and services by Council, including for carrying out of works; and
 - seek to promote open and fair competition and provide value for money.

12. Officers' reports**CM.115/25 Procurement Policy - Review and update**

4. Under the Act, a Procurement Policy must include the following:
 - the contract value above which Council must invite a tender or seek an expression of interest;
 - a description of the criteria to be used by Council to evaluate whether a proposed contract provides value for money;
 - a description of how Council will seek collaboration with other councils and public bodies in the procurement of goods or services;
 - the conditions under which Council may purchase goods or services without inviting a public tender or expression of interest; and
 - a description of the process to be undertaken in inviting a public tender or expression of interest.
5. The current Procurement Policy was adopted by Council in June 2021. The policy was developed in collaboration with the Northern Council Alliance (NCA) in compliance with the *Local Government Act 2020*.
6. The policy is structured as follows:
 - Body of policy Sections 1-5 are compliance aspects common to the NCA councils and have been adopted by all of the NCA councils.
 - Appendices hold Council specific information and these can be changed as required any time.
7. Any required changes to Sections 1-5 require a collaborative review by the NCA Procurement Leads and NCA Council resolutions to adopt changes.
8. 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.
9. The review of the current policy has been undertaken by Council's procurement officers and the Chief Financial Officer, and subsequent minor amendments are proposed.
10. The full list of the proposed amendments is provided in **Attachment 2**.
11. A summary of the proposed minor changes are as follows:
 - New and updated definitions included to provide additional clarity
 - Minor changes to existing clauses to ensure clear and consistent application
 - Wording update to ensure flexibility in the case of natural disaster and emergencies.
 - Appendices update to provide broader guidelines governing contract variations
 - New clauses necessary in the context of emerging priorities and issues.

Related Council decisions

12. The current version of the Procurement Policy was adopted by Council at the June 2021 Council Meeting.

12. Officers' reports

CM.115/25 Procurement Policy - Review and update

Council plans and policies

13. This report directly supports the achievement of the Council Plan 2021-2025 strategies:

- We continue to exercise sustainable and responsible financial management.

Access, Equity and Inclusion

14. Gender equality is addressed in the policy, with tenderers needing to demonstrate how they are promoting gender equality in their practices.

Sustainability implications

15. The policy seeks to drive sustainability outcomes through procurement processes.

Community engagement

16. Not applicable.

Innovation and continuous improvement

17. The regional Procurement Policy developed by the NCA Procurement Leads was the first complete regional group policy developed by Councils in Victoria.

Collaboration

18. The updated Procurement Policy as presented to Council's Audit and Risk Committee on 1 September 2025. The Committee recommended the inclusion of broader guidance for governing contract variations.

Budget considerations

19. The review and update of the Procurement Policy has no direct budget implications.

Relevant law

20. Section 108 of the *Local Government Act 2020*.

Regional, state and national plans and policies

21. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.115/25 Procurement Policy - Review and update

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.116/25 Investment Policy and Loan & Borrowing Policy**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Robert Malignaggi, Acting Chief Financial Officer****Summary**

This report presents an updated Investment Policy and new Loan and Borrowing Policy for Council's endorsement.

Council's Investment Policy provides guidance for the investment of Council's cash holdings. The policy takes a conservative approach to investment, in accordance with the requirements section 103 of the *Local Government Act 2020*. Updates include references to the *Local Government Act 2020*, review of counterparty limits and a more detailed consideration of investment priorities.

Council's Loan and Borrowing Policy is a new policy, to provide Councillors and officers with a framework of underlying principles to consider when making decisions and undertaking borrowing processes.

Recommendation

That Council:

1. Endorses the updated Investment Policy (**Attachment 1**).
2. Endorses the new Loan and Borrowing Policy (**Attachment 2**).

Attachments

- 1  Investment Policy
- 2  Loan and Borrowing Policy

Discussion**Investment Policy**

1. Council invests cash with authorised deposit-taking institutions (banks) in accordance with the provisions of the *Local Government Act 2020*.
2. Council holds cash for purposes which do not always require immediate expenditure (for example, developer contributions that will be used to fund future infrastructure works). Investments are made through term deposits for periods of up to one year.
3. Council's Investment Policy provides guidance for cash investments, taking account of the credit rating of each bank, and also the interest rate.

12. Officers' reports**CM.116/25 Investment Policy and Loan & Borrowing Policy**

4. The updated Investment Policy (**Attachment 1**) addresses the following:
 - a) Purpose and legislative scope
 - b) Investment objectives
 - c) Portfolio implementation
 - d) Investment guidelines
 - e) Reporting on investments
 - f) Review of policy.
5. Council takes a conservative approach to cash investment. This is consistent with the requirements of the *Local Government Act 2020* (section 103) which restricts Council's to low-risk investments.
6. The policy stipulates that preservation of capital shall be the principal objective of Council's investment.
7. Risk is minimised in two ways through the policy:
 - a) By restricting the amount that can be invested with any individual bank, according to the credit rating of that bank. This is known as the Counterparty Limit in the policy. Spreading Council's investments across multiple banks assists Council to minimise the level of risk.
 - b) By restricting the cumulative amount that can be invested in banks that have particular credit ratings. The better the credit rating, the greater the proportion of funds that can be invested with banks in that category.
8. Subject to these two conditions being satisfied, the policy then seeks the highest interest rate available through quotations from banks, with preference then given to institutions fully divested of fossil fuel investment.
9. Minor changes have been made to the individual counterparty limit, increasing the amount that can be invested with any single A-1+ rated institution to 75% (previously 50%). This will increase Council's ability to maximise investment returns across government guaranteed institutions.

Loan and Borrowing Policy

10. Section 104 of the *Local Government Act 2020* mandates Council cannot borrow money unless the proposed borrowing is included in either the budget or a revised budget.
11. To ensure best practice, good governance and financial prudence is consistently applied, councils should develop and adopt a Loan and Borrowing Policy.
12. The policy promotes financial sustainability, and provides a framework for responsible and sustainable loan debt management.
13. The policy promotes transparency and accountability, through establishing clear decision-making processes around when and why to borrow.
14. The intention of the policy is also to supports the principles of good governance by ensuring borrowing is justified, disclosed, and regularly monitored.

12. Officers' reports

CM.116/25 Investment Policy and Loan & Borrowing Policy

15. Within the context of the rate-capped environment, the policy enables Council to fund critical infrastructure projects where up-front funding is not available or financially prudent.
16. The policy promotes intergenerational equity – spreading the cost of assets over the life of the asset, so current and future users share the burden fairly.
17. A risk management framework is established within the policy through **controls** around debt levels, interest rate exposure, and repayment schedules.
18. The Loan and Borrowing Policy (**Attachment 2**) addresses the following:
 - a) Purpose and legislative scope
 - b) Scope and objectives
 - c) Limits and risk indicators
 - d) Principles and structure
 - e) Monitoring and reporting
 - f) Roles and responsibilities
 - g) Review of policy.

Related Council decisions

19. Not applicable.

Options

20. Not applicable.

Council plans and policies

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

Access, Equity and Inclusion

22. Not applicable.

Sustainability implications

23. Not applicable.

Community engagement

24. Not applicable.

Innovation and continuous improvement

25. Continuous improvement and innovation opportunities identified have been considered as part of the review of the Investment Policy and preparation of the Loan and Borrowing Policy.

Collaboration

26. The policies were presented to the Audit and Risk Committee in September 2025.

12. Officers' reports

CM.116/25 Investment Policy and Loan & Borrowing Policy

Budget considerations

- 27. Investment income is an important revenue source for Council.
- 28. Borrowings must be included and endorsed within the budget for the period in which the loan is to be drawn upon.

Relevant law

- 29. *Local Government Act 2020.*

Regional, state and national plans and policies

- 30. Not applicable.

Conflicts of interest

- 31. 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.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)**

Distribution: Public**Manager: Frank Vassilacos, Director Planning, Environment and Strategy****Author: Amanda Kern, Manager Strategic Planning, Transport and Environment****Summary**

This report seeks to progress Planning Scheme Amendments C143nill (Eltham Major Activity Centre) and C144nill (Diamond Creek Major Activity Centre), which implement the adopted 2020 Structure Plans for both activity centres into the Nillumbik Planning Scheme.

Amendment C143nill (Eltham) has been split into two parts:

- Part A – Eltham Town Centre
- Part B – Bridge Street Business Area (BSBA), where further work is required to address economic development opportunities and potential land contamination in the existing Industrial Precinct.

For Amendment C144nill (Diamond Creek), officers recommend that unresolved submissions be referred to an independent Planning Panel for review.

The Structure Plans were adopted in 2020 and the associated amendments were exhibited for community feedback in June–July 2024. Fourteen (14) submissions were received (seven for each centre). Council has considered the feedback, made changes where appropriate, and recommend referring remaining unresolved matters for Diamond Creek to a Planning Panel to ensure transparency. This includes the proposed removal of notice and review exemptions.

The Structure Plans do not propose major changes to the built form or character of either centre. Key elements include:

- Maintaining existing building height limits (3–5 storeys).
- Improving public spaces through clearer design controls.
- Enhancing transparency and participation by removing exemptions from notice and review.

Overall, the current planning provisions are considered appropriate to guide development and growth in both centres over the next 5–10 years. This includes to satisfactorily accommodate demand for future dwellings in response to the Housing Targets which stipulate the need for 6,500 new dwellings across the Shire by 2051.

12. Officers' reports**CM.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)**

Recommendation

That Council:

1. Progresses Planning Scheme Amendments C143nill and C144nill to implement the Eltham and Diamond Creek Activity Centre Structure Plans into the Nillumbik Planning Scheme by:
 - a) Resolving to split amendment C143nill (Eltham MAC) into Part A and Part B.
 - b) Resolving to adopt C143nill - Part A (as in **Attachment 1**) and submit to the Minister for Planning, pursuant to Section 23 of the *Planning and Environment Act 1987*.
 - c) Resolving to delay Part B (as in **Attachment 2**) to enable further work, pursuant to Section 23 of the *Planning and Environment Act 1987*.
 - d) Resolving to refer C144nill (Diamond Creek MAC) (as in **Attachment 3**) to an independent Planning Panel to deal with unresolved submissions (as in **Attachment 4**), pursuant to Section 23 of the *Planning and Environment Act 1987*.

Attachments

- 1  C143nill Eltham MAC - Part A Ordinance
- 2  C143nill Eltham MAC - Part B Ordinance
- 3  C144nill Diamond Creek MAC Ordinance
- 4  Submissions Response Table

Discussion**Amendment Background**

1. The Eltham and Diamond Creek MAC Structure Plans were adopted by Council in 2020, following two years of comprehensive background research and extensive community consultation. Every Council in Victoria is required to complete structure plans for their respective Major Activity Centers (MAC) to ensure long-term orderly planning.
2. The adopted structure plans provide improvements to urban design, pedestrian experience, landscaping and advocates to the State government for transport improvements, among other matters. The Eltham and Diamond Creek structure plans are available on Council's website.

12. Officers' reports

CM.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)

3. In addition to implementing the adopted structure plans, the proposed amendments largely provide updates and improvements to the settings for modest growth already applied by the Nillumbik Planning Scheme since 2014. For example, the amendments **do not**:
- Alter the fact that, since 2014, the height limit applied in each centre has been 3 to 5 storeys (10.5 to 17.5 metres); and
 - Increase the land area in each activity centre available for commercial/industrial activity or medium density housing.
4. The amendments also initially set out to apply the Activity Centre Zone (ACZ) to the Bridge Street Business Area (BSBA) / Industrial precinct (precincts 10, 11 and 12) in Eltham (no longer the case, see section 17 for more on this), and remove the exemptions from notice and review in both activity centres to provide the community with more transparency and an opportunity to participate in planning matters.

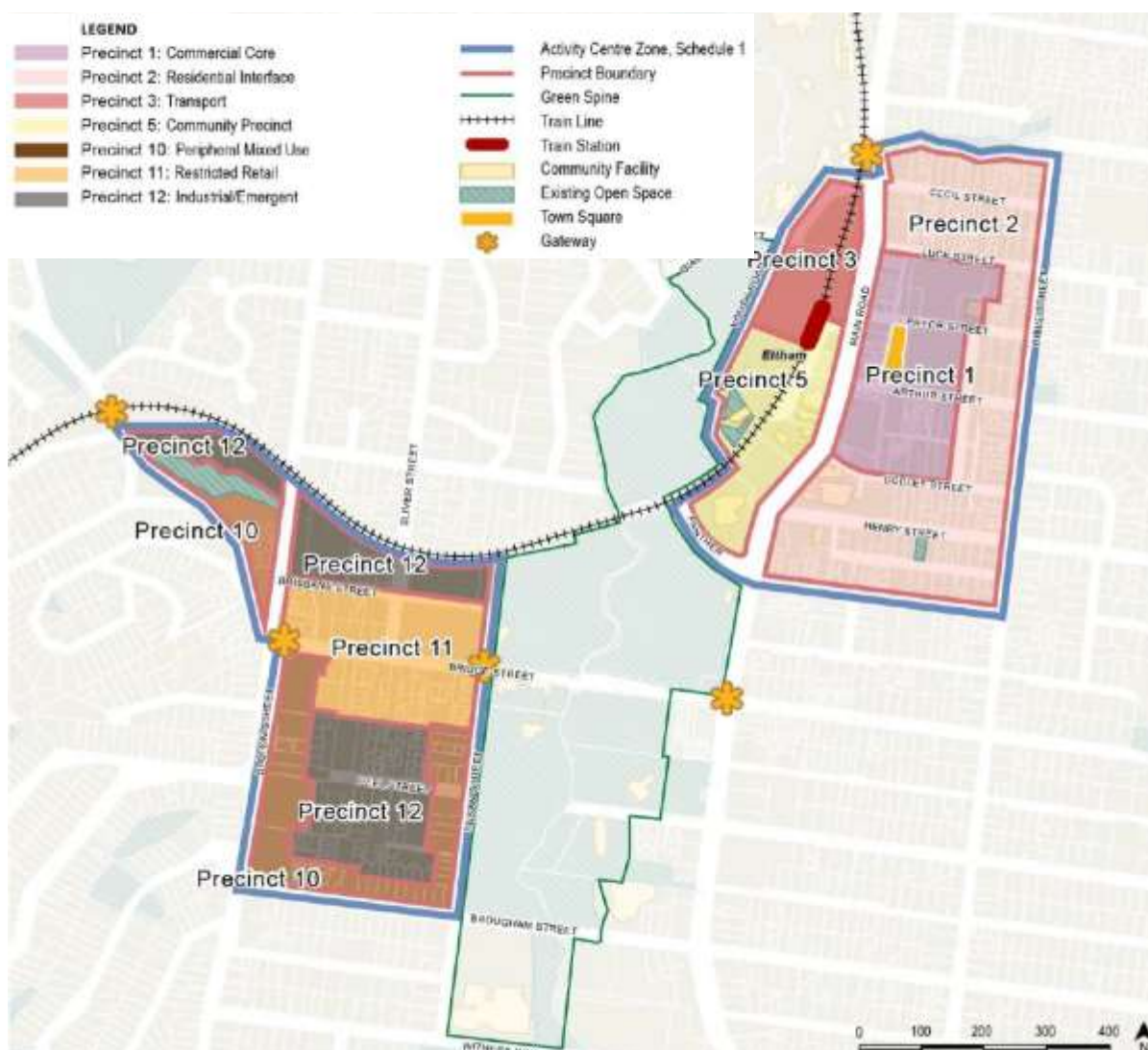


Figure 1 Eltham MAC including initially proposed BSBA

12. Officers' reports**CM.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)**Authorisation of amendment from Minister for Planning

5. Following Council adoption, Council staff sought authorisation from the Minister for Planning (the Minister) to prepare the Amendments.
6. Authorisation to prepare the Amendments was delayed due to subsequent changes to Ministerial Directions on Form and Content, requiring significant redrafting of amendment materials.
7. Council received authorisation for each amendment and publicly exhibited both together from 6 June 2024 via Participate Nillumbik.

Notifying the community

8. Pursuant to the statutory requirements of the P&E Act, Section 19, Council mailed 1,015 letters on 31 May 2024 to owners and occupiers within and directly abutting the Eltham and Diamond Creek MACs. Affected authorities, Prescribed Ministers, and the broader community were also notified through various channels.
9. Public exhibition of the amendments commenced on 6 June 2024 to 19 July 2024 via Council's Participate Nillumbik webpage, with amendment materials also available at the customer service desk. Notifications were sent to followers of the webpage, surrounding Councils, Traditional Owner Groups, local MPs, and community groups.

Submissions received

10. Collectively, 14 submissions were received for both centres (seven each).
11. **C143nill (Eltham MAC):** Seven submissions received — 2 requesting changes and the remainder in support, no objections. Key changes included:
 - a) The Environment Protection Authority (EPA) seeking Council to make a determination on whether there is potentially contaminated land in the BSBA / Industrial area, and whether land uses are impacted by this (**unresolved – proposing to split this out of the current Amendment and address this as a separate process**).
 - b) Resident group seeking clearer language and residential precinct setbacks (resolved).
12. **C144nill (Diamond Creek MAC):** Seven submissions received – one requesting changes and one objection. The remainder are in support. Key themes / changes include:
 - a) Resolve a VicTrack zoning anomaly along rail line (resolved).
 - b) Objection to removing exemptions from notice and review. **This objection is unresolved and will be referred to an independent Planning Panel.**
13. Item 12b above refers to the current control which does not require applications in the centre to be advertised or third parties to appeal to VCAT unless height limits or setbacks are exceeded in an application for building and works. Council is seeking to change this to enable advertising for all applications and to enable third parties (the community) to appeal to VCAT if they feel necessary. This is to maintain and improve public participation in the planning process.

12. Officers' reports**CM.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)**

-
14. Council officers have revised the amendment material, where appropriate, to address requested changes from submissions. Not all requested changes were able to be resolved. Officers have engaged directly with submitters and objectors in an effort to reach common ground (Refer to **Attachment 4** for Council's response to all submissions).
15. Under the P&E Act Council must consider all submissions and decide whether:
- a) to change the amendment,
 - b) refer it to a panel (if submissions cannot be resolved), or
 - c) abandon it in full or in part (e.g., if an issue raised required further work).
16. *Note:* At the 6 August 2024 Council Briefing (post-exhibition), officers recommended pausing the amendments following the release of draft housing targets under the State Government's emerging *Plan for Victoria*. Officers highlighted potential implications for existing and draft strategic work, including the MAC Structure Plans, and sought DTP's agreement to pause the process in light of this uncertainty and the upcoming caretaker period. On 23 December 2024, DTP provided in-principle support to proceed, noting the amendments had already been exhibited.

Splitting amendment C143nill (Eltham MAC)

17. Following the EPA's submission regarding potential contamination in the BSBA, officers undertook a desktop review of historical land uses in accordance with Planning Practice Note 30 (PPN30).
18. This review sought to identify properties in the BSBA with a high risk of contamination, however the information available was inconclusive and therefore the EPAs submission cannot be resolved.
19. Ministerial Direction 1 and PPN30 require Council to ensure that sensitive and other uses (e.g. retail, office, open space) are not exposed to contamination without appropriate investigations such as environmental audits or risk screening.
20. Without conclusive evidence of contamination, to manage risks, and to maintain the integrity of the amendment process, officers recommend splitting Amendment C143nill into two parts:
- a) **Part A** – Eltham Town Centre, to proceed to adoption; and,

12. Officers' reports

CM.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)

- b) **Part B** – BSBA, to be delayed at this stage, to allow further investigation.

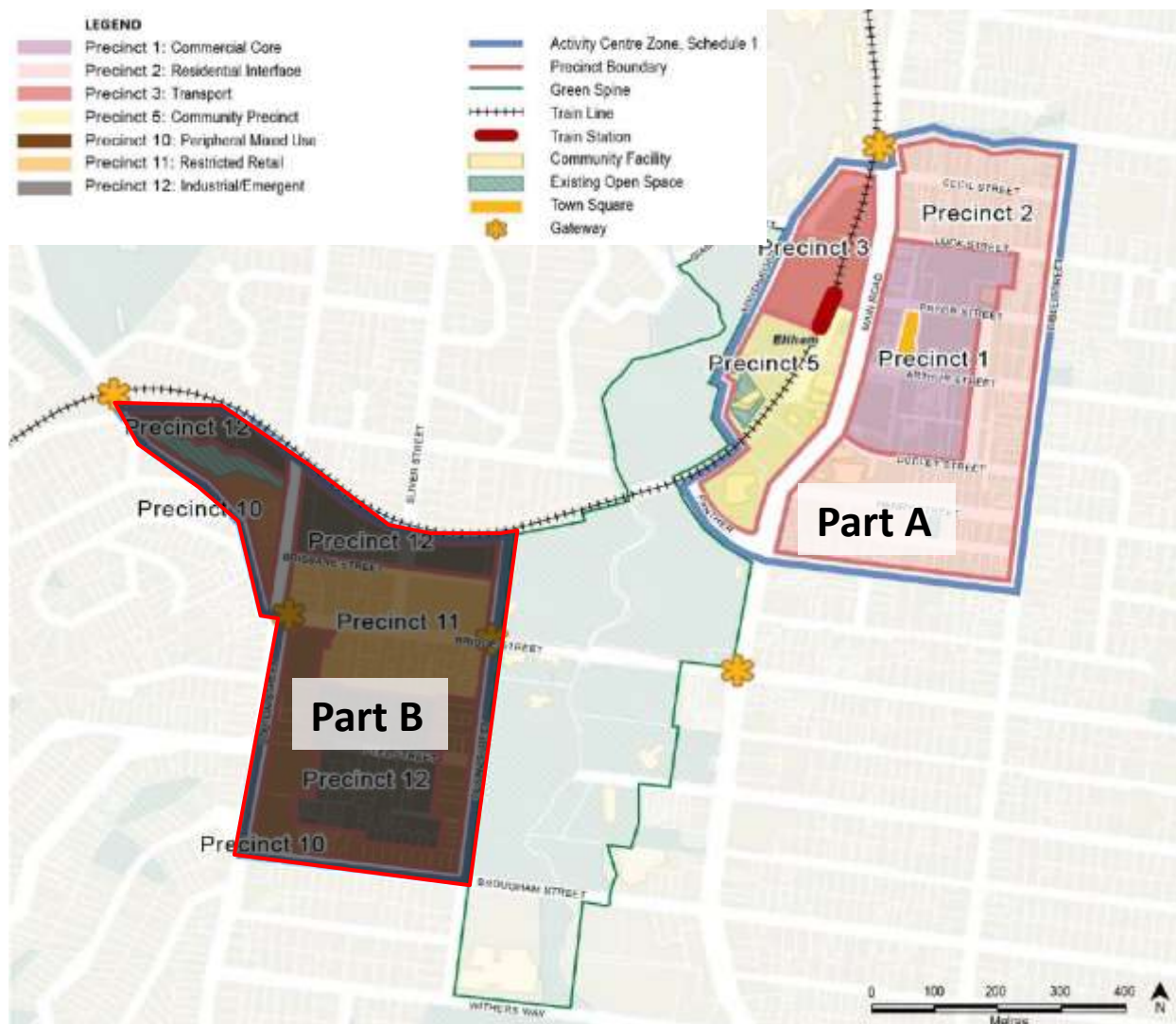


Figure 2: Eltham MAC - Part A to be adopted, Part B to be delayed pending further investigation

21. Furthermore, in the period following COVID-19, the Eltham Town Centre has experienced increased vacancies. Further work is needed to better understand these economic impacts and ensure the vitality of the town centre is not compromised. Additional analysis of market demand and land supply in the BSBA is also required.
22. This staged approach allows improvements in the Eltham Town Centre to proceed, while deferring changes to the BSBA until issues relating to land contamination and economic development are more comprehensively understood and can be addressed appropriately.
23. While this will delay rezoning for some landowners, Council has a duty under the *Environment Protection Act 2017* to respond where there is a reasonable belief that land may be contaminated.

12. Officers' reports**CM.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)**

-
24. This approach is consistent with Sections 23 and 29 of the *Planning and Environment Act 1987*, which allow an amendment to be adopted (or abandoned) in parts.
25. Amendment C144 (Diamond Creek) will proceed separately to a Planning Panel to address an unresolved submission regarding notice and review exemptions.

Strategic justification for progressing the amendments

26. Despite the issues raised during exhibition, the amendments will deliver clearer, more enforceable built form controls that strengthen the character of the MACs and reduce the risk of VCAT disputes. They also support greater housing and economic diversity in Nillumbik.
27. The amendments implement Council's adopted 2020 Structure Plans, which remain current and relevant, being only midway through their intended 10-year lifespan.
28. Council is now confident that recent State planning reforms and housing targets have minimal impact on these amendments.
29. The existing planning provisions within both centres are considered appropriate to accommodate any immediate development demand and can accommodate initial dwelling demand to fulfil the 6,500 new dwelling target imposed by the State Government, if needed.
30. Significant time and resources have already been invested in the development of these amendments. Reworking or delaying them in response to evolving policy settings would be inefficient and place unnecessary financial strain on Council.

Related Council decisions

31. At the 22 March 2022 Council Meeting, Council resolved to:
- a) *Requests the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, to authorise the preparation and exhibition of Amendments C143 and C144 to the Nillumbik Shire Planning Scheme, as detailed in Attachments 1-8.*
 - b) *On receipt of that authorisation, places Amendments C143 and C144 to the Nillumbik Planning Scheme on exhibition.*

Options

32. It is recommended that **C143nill (Eltham MAC)** be split into Part A – Eltham Town Centre (**Attachment 1**) and Part B – BSBA (**Attachment 2**), and that Council delay Part B pending further work. Part A is recommended for adoption.
33. It is recommended that amendment **C144nill (Diamond Creek MAC – Attachment 3)** proceed to a Planning Panel to ensure the community are provided an opportunity to review the changes requested for the amendment, and that a Panel provide its direction on the appropriateness of those changes.
34. Officers note that these amendments are due to lapse in June 2026. If an amendment lapses, all progress is lost and the amendment can no longer continue. An extension may be requested from the Minister for Planning, however, approval is not guaranteed.

12. Officers' reports

CM.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)

Council plans and policies

35. This report directly supports action 2f of the Council Plan 2025-2029.

Access, Equity and Inclusion

36. The preparation and exhibition of the Amendments is a statutory requirement and a function of the Council under the *Planning and Environment Act 1987*. In alignment with the Council's *Access, Equity and Inclusion Policy* and the objectives of the Act, Amendments C143nill and C144nill have been exhibited with measures to minimise barriers to accessing relevant information. These measures include making content available on Participate Nillumbik and ensuring officers are accessible to discuss the technical aspects interested parties, over the phone and in person.

Sustainability implications

37. Important social, environmental and economic objectives are sought by the State Government's activity centre planning. For example, to:
- a) Reduce car dependency by consolidating housing, employment, public transport and shops and services in close walking distance of each other.
 - b) Plan for our ageing population by consolidating housing diversity in close walking distance to shops and public transport.
 - c) Strengthen the local economy by consolidating commercial activity and providing more local employment.
 - d) Reflect a preferred local character for each MAC.
 - e) Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating urban development within the boundary.

Community engagement

38. Formal notification of the Amendments took place pursuant to the requirements of the P&E Act - refer to paragraph 8 above.
39. The community was provided a further opportunity to have their say on the amendments at the Planning and Consultation Committee meeting on 9 September 2025.

Innovation and continuous improvement

40. The intent of the proposed planning scheme amendments is to enhance Council's planning policies that guide development of the two MAC's in the Shire.

Collaboration

41. Development and implementation of the structure plans has and will continue to be based on effective collaboration between relevant units within Council and with external agencies, such as the Department of Transport and Planning (DTP) and other government agencies.

Budget considerations

42. No new budget is being requested at this time.

12. Officers' reports

CM.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and C144nill (Diamond Creek Activity Centre)

43. Funding the administrative costs to complete the Amendment will be derived from the existing operational budget, as approved in the 2025/2026 Council Budget.

Relevant law

44. The P&E Act sets the legal framework for the planning scheme amendment process and gives legal force to Victorian planning schemes.
45. The *Environment Protection Act 2017* to set out the legislative framework for the protection of human health and the environment from pollution and waste.

Regional, state and national plans and policies

46. Council is required by the State Government's planning framework to implement Activity Centre Policy in the municipality.

Conflicts of interest

47. 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.117/25 Planning Scheme Amendments C143nill (Eltham Activity Centre) and
C144nill (Diamond Creek Activity Centre)**

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.118/25 Nillumbik Planning Scheme Review 2025 - Final Endorsement**

Distribution: Public**Manager: Frank Vassilacos, Director Planning, Environment and Strategy****Author: Amanda Kern, Manager Strategic Planning, Transport and Environment****Summary**

This report presents the Final Planning Scheme Review (PSR) 2025 (**Attachment 1**) for Council's endorsement and outlines the changes made to finalise the document in response to community and internal engagement.

Community engagement was conducted from 9 May 2025 to 6 June 2025, with one submission received. Submissions were presented to Council at its 9 September Planning and Consultation Committee (PCC) meeting. In response, relevant changes have been made to the PSR 2025, including removing reference to buffer zones.

Overall, the findings of the Review identified that the Nillumbik Planning Scheme was found to be operating effectively and most of the previously identified projects and amendments in the 2019 review were completed. Planning services and compliance work is being completed satisfactorily and continuous improvement is having a positive impact. At the same time, the PSR 2025 has identified opportunities to enhance and strengthen policy objectives and required future strategic work.

The final PSR, updated with any changes as directed by Council, will be presented to the Minister for Planning in accordance with Section 12B(5) of the *Planning and Environment Act 1987*. Following adoption, priority projects such as the Eltham and Diamond Creek Activity Centre amendments, the Nillumbik Housing Strategy and Neighbourhood Character Strategy will be further progressed. The priorities are also aligned to the actions of the new Council Plan 2025-2029.

Recommendation

That Council:

1. Notes the recent changes made to the Final Planning Scheme Review 2025 as in **Attachment 5**, and in response to feedback provided at the 9 September 2025 Planning and Consultation Committee (PCC) meeting.
2. Endorses the Planning Scheme Review 2025 (**Attachment 1**) and the Appendices (**Attachment 2**).
3. Supports Council Officers to submit the adopted document to the Minister for Planning in accordance with Section 12B(5) of the *Planning and Environment Act 1987*.
4. Authorises the Director Planning, Environment and Strategy to make any typographical or minor corrections to the Planning Scheme Review 2025 that may be necessary and are inconsequential in nature.

12. Officers' reports

CM.118/25 Nillumbik Planning Scheme Review 2025 - Final Endorsement

Attachments

- 1  Planning Scheme Review 2025 - Final
- 2  Appendices - Planning Scheme Review 2025 - Final
- 3  Recommendations - Planning Scheme Review 2025 - Final
- 4  Submissions Response Table - Planning Scheme Review 2025
- 5  Summary of Changes to Planning Scheme Review 2025

Discussion

Why do we need a Planning Scheme Review?

1. The Nillumbik Planning Scheme is a legal document that applies to all land within the Shire and is generally binding on all landowners. As the responsible planning authority, Nillumbik Shire Council is required under Section 12B of the *Planning and Environment Act 1987* to review its planning scheme within one year of adopting a new Council Plan. This review meets that legislative requirement.
2. The PSR 2025 is an audit of the planning scheme's performance from 2019 to 2024. It aims to improve the effectiveness and efficiency of the scheme, ensuring it addresses current local issues and aligns with state policy. The review considers past achievements, whether the scheme is up to date, and what future work is needed to strengthen policy and statutory planning outcomes.
3. In line with the new Council Plan 2025-2029, the PSR 2025 sets out recommendations to guide strategic planning work over the next four years. These recommendations are detailed in **Attachment 3**.

The PSR 2025

4. The PSR 2025 was informed by extensive background work, including analysis of demographic and housing data, relevant Council strategies and amendments, insights from previous consultations, planning service performance, VCAT and Panel outcomes, and recent state and local policy changes. It also incorporates feedback from recent community and stakeholder engagement and identifies key planning issues and emerging themes for Nillumbik Shire.
5. Overall, the Nillumbik Planning Scheme was found to be operating effectively and most of the previously identified projects and amendments in the 2019 review were completed. Planning services and compliance work is being completed satisfactorily and continuous improvement is having a positive impact. At the same time, the PSR 2025 has identified opportunities to enhance and strengthen policy objectives and required future strategic work.

12. Officers' reports

CM.118/25 Nillumbik Planning Scheme Review 2025 - Final Endorsement

Submissions and changes made to the PSR

6. One late submission was received for the PSR 2025. The submission highlighted a number of areas for improvement (refer to *Community Engagement* in section 15).
7. Based on community feedback, internal engagement, the new Council Plan 2025-2029, and a review of the document, a number of changes have been made (as detailed in **Attachment 5**), as follows:
 - a) Inclusion of a 25th recommendation (high priority) supporting the Council Plan 2025-29 action to explore options to prepare Environmental Sustainable Development guidelines for Council buildings and the development community.
 - b) Tightening and clarity of intention on matters concerned with conservation, the green wedge and vegetation removal.
 - c) Addition of newly identified administrative errors and anomalies in the planning scheme.
 - d) Removal of actions associated with buffer zones in response to community submissions.
 - e) Updates to recommendation priorities to align with actions identified in the new Council Plan, including:
 - i) Preparation of the Nillumbik Planting Guidelines priority increased from Medium to High for better alignment with Neighbourhood Character Strategy implementation.
 - ii) Focusing on conservation and clarity for prospective owners regarding Recommendation 18 – Melbourne Water Christmas Hills land divestment.
 - iii) Focusing on conservation in the Green Wedge through appropriate land use and sensitive development.
 - f) Removal of any reference to future research of buffer zones.
8. The updated recommendations are summarised below. The recommendations with greater detail, including costing estimates and legislative requirements can be found in **Attachment 2**.

No.	Recommendations	Priority
<u>Housing</u>		
1.	Complete the Nillumbik Housing Strategy (HS) ensuring it is updated in accordance with Plan for Victoria.	High
2.	Implement the Nillumbik Housing and Neighbourhood Character Strategies into the Planning Scheme.	High
<u>Heritage</u>		
3.	Finalise Amendment C149nill - Heritage Review.	High
<u>Integrated Water Management</u>		
4.	Continue to support and collaborate with Melbourne Water on the Greater Melbourne flood modelling project.	High
<u>Vegetation and Biodiversity</u>		
5.	Prepare and implement the Nillumbik Planting Guidelines.	High

12. Officers' reports

CM.118/25 Nillumbik Planning Scheme Review 2025 - Final Endorsement

<u>Environmental Sustainable Development (ESD)</u>		
6.	Explore options to develop and implement local policy for Council and the development community to support ESD.	High
<u>Activity Centres</u>		
7.	Finalise the Diamond Creek Community Infrastructure Master Plan project.	High
8.	Review and progress Amendment C143nill - Eltham Major Activity Centre Structure Plan.	High
9.	Review and progress Amendment C144nill - Diamond Creek Major Activity Centre Structure Plan.	High
10.	Commence development of a Hurstbridge Township Plan.	Med
<u>Planning Scheme Performance</u>		
11.	Review and update the adopted Municipal Planning Strategy (MPS) having regard to Plan for Victoria and adopted strategies including the Housing, Neighbourhood Character, Biodiversity, Climate Action, Urban Tree Canopy strategies and Major Activity Centre Structure Plans and implement into the planning scheme via a Planning Scheme Amendment.	High
12.	Improve Planning and Compliance Services through improved data collection and record keeping.	Med
13.	Respond to the State Government's Planning Reforms to promote sustainable and diverse housing while ensuring the protection of Nillumbik's neighbourhood character, Green Wedge, urban tree canopy, flora and fauna.	Med
<u>Development Contributions</u>		
14.	Review all Development Contribution Plan Overlay schedules, assess accuracy and potential to provide listed infrastructure.	Med
<u>Open Space</u>		
15.	Commence development of a new Nillumbik Open Space Strategy.	Med
<u>Built Form and Urban Design</u>		
16.	Review Design and Development Overlays, in particular Schedules 1 and 10, and update accordingly.	Med
17.	Review all Development Plan Overlay schedules.	Med
<u>Green Wedge</u>		
18.	Continue to action and respond to Melbourne Water's Christmas Hills Land Sale project, encouraging conservation and clarity for prospective owners.	Med
19.	Review Green Wedge strategic policy to encourage landscape and environmental conservation through appropriate land use and sensitive development.	Low
20.	Prepare for the next Green Wedge Management Plan.	Low
<u>Yarra River Corridor</u>		

12. Officers' reports**CM.118/25 Nillumbik Planning Scheme Review 2025 - Final Endorsement**

21.	Review the 'waterways' controls with the Department of Planning and Transport's waterways Planning Practice Note.	Low
<u>Advocacy & Research</u>		
22.	Advocate on behalf of Council in response to State Government, Municipal and other authority plans, strategies and policies that may affect Nillumbik Shire.	Low
23.	Research areas and topics of interest to the Nillumbik Shire Council to ensure accurate and appropriate strategic guidance and responses.	Low
<u>Audit and Assessment of the Planning Scheme</u>		
24.	Prepare an Urban Design project focusing on fences and boundary treatments across residential areas responding to the findings of the Neighbourhood Character Strategy.	Low
25.	Prepare a planning scheme amendment to correct identified errors and anomalies.	Low

Next steps

9. Following adoption, work will progress on the Housing Strategy, Neighbourhood Character Strategy implementation, and planning scheme amendments to implement the Eltham and Diamond Creek activity centre structure plans (recommendations 1, 2, 8 and 9). It will also enable the continuation of the Nillumbik Tree Planting Guidelines (recommendation 5) and ongoing work with Melbourne Water to progress the flood modelling and mapping project (recommendation 4).

Related Council decisions

10. Ordinary Council Meeting 29 April 2025 resolved that Council endorse the Draft PSR for the purposes of community engagement and public exhibition.

Options

11. It is recommended that Council adopt the final PSR 2025 and submit to the Minister for Planning in accordance with Section 12B(5) of the *Planning and Environment Act 1987* – with or without minor edits, as directed by Council.

Council plans and policies

12. This report directly supports the implementation of key actions identified in the new Council Plan 2025-2029.

Access, Equity and Inclusion

13. An Equity and Inclusion Assessment (EIA) was completed and primarily recommended that the PSR recommendations align with Health and Wellbeing priorities at the project stage.

Sustainability implications

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

12. Officers' reports**CM.118/25 Nillumbik Planning Scheme Review 2025 - Final Endorsement**

Community engagement

15. Community engagement was undertaken for a period of four weeks from 9 May 2025 to 6 June 2025.
16. Council received one late submission from a community group and has responded to the submission, making relevant changes as in **Attachment 4**. The submission called for:
 - a) Greater protections for agricultural land;
 - b) More input and guidance for Melbourne Water's Christmas Hills land divestment;
 - c) Improving support and protection of Nillumbik's unique biodiversity and vegetation conservation;
 - d) Concern around changes to the Urban Growth Boundary and surrounding areas;
 - e) Detail for proposed Fence Guidelines;
 - f) Climate change adaptation and responses;
 - g) Reconsideration of future research into buffer zones.
17. On 9 September 2025 the Community was provided an additional opportunity to speak with Council regarding the PSR 2025, with one speaker addressing Council. As a result, further changes were made to the PSR 2025, including the removal of reference to buffer zones.
18. Internal consultation and engagement for the PSR 2025 included workshops with various specialised teams.
19. To inform the initial PSR, officers considered feedback received from previous community engagement conducted for various projects and strategies. This included consultation in 2024 on various strategies, including the Integrated Transport Strategy, Biodiversity Strategy, Urban Tree Canopy Strategy and Climate Action Plan. It also included data from the development of the new 2025-29 Council Plan and Health and Wellbeing Plan, and feedback captured by officers over the last four years from Councillors, officers and other stakeholders.
20. Although the PSR is technical in nature and may be complex to interpret, it is grounded in extensive community feedback gathered across multiple projects between 2019 and 2025.

Innovation and continuous improvement

21. Recommendations in the PSR 2025 reflect current and future community needs and the goals of the Council Plan 2025-2029. The PSR 2025 has demonstrated continuous improvement by undertaking a thorough review of the planning scheme and recommending improvements.

Collaboration

22. Council has used guidance from the State Government to inform the methodology of the PSR 2025.

12. Officers' reports

CM.118/25 Nillumbik Planning Scheme Review 2025 - Final Endorsement

23. The final PSR 2025 will be presented to the Department of Transport and Planning (DTP) and the Minister for Planning in accordance with Section 12B(5) of the *Planning and Environment Act 1987*.

Budget considerations

24. The review of the Planning Scheme has been undertaken entirely in-house by Council officers (Strategic Planning Team).
25. Funding to deliver the initial high-priority recommendations of the PSR will be derived from existing budgets, as approved within the 2025/2026 Council Budget.
26. This includes progressing the Housing Strategy, Neighbourhood Character Strategy implementation, and planning scheme amendments to implement the Eltham and Diamond Creek activity centre structure plans (recommendations 1, 2, 8 and 9).
27. Ongoing PSR recommendations will be delivered through future budget requests.

Relevant law

28. Section 12B of the *Planning and Environment Act 1987* requires a planning authority to review its Planning Scheme no later than one year after the approval of its Council Plan and report on the findings to the Minister for Planning. The adoption of the PSR 2025 now fulfils this requirement.

Regional, state and national plans and policies

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

Conflicts of interest

30. 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.118/25 Nillumbik Planning Scheme Review 2025 - Final Endorsement

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029**

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Elishia Jansz, Manager Community Safety (Municipal Recovery Manager)****Summary**

The purpose of this report is to seek Council endorsement of the Domestic Animal Management Plan 2025–2029 (DAMP 2025–2029) (**Attachment 1**), developed in accordance with section 68A of the *Domestic Animals Act 1994*.

The *Domestic Animals Act 1994* requires councils to develop and implement a Domestic Animal Management Plan (DAMP) every four years, addressing key animal management priorities. The DAMP 2025–2029 reflects Council's legislative obligations and incorporates updated strategies in response to evolving community needs, consultation feedback, and best practice across the sector.

The DAMP outlines Council's strategic direction for domestic animal management over the next four years, in accordance with the *Domestic Animals Act 1994*, and must be adopted by October 2025. The DAMP 2025-2029 has been developed through extensive community engagement, benchmarking with other councils, and cross-departmental collaboration.

The DAMP 2025-2029 has been shaped by community feedback and includes several new initiatives. Key changes proposed include a Section 25 Cat Confinement Order, introducing 24-hour confinement with a 12-month education and transition period before enforcement begins and a revised Section 26 Dogs and Cats in Public Places Order, clarifying off-leash areas and dog access to ovals when not in sporting use.

Other key elements focus on stronger enforcement of animal-related offences, clearer guidance such as signage and definitions, and improved education through social media, pop-ups, and partnerships with organisations like the RSPCA. Practical measures include additional dog poo bag dispensers and bins, more park patrols, and refined processes for issues such as barking dogs and dog attacks. The plan also places greater emphasis on responsible pet ownership, with initiatives to promote desexing (including reduced-cost options).

This report also seeks Council endorsement on a new Animal Registration Refund Policy (**Attachment 4**), aimed at improving fairness principles and transparency in application of animal registration processes.

12. Officers' reports**CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029**

Recommendation

That Council:

1. Endorses the Domestic Animal Management Plan 2025-2029 (**Attachment 1**) prepared in accordance with section 68A of the *Domestic Animals Act 1994*.
2. Resolves to make the following Order pursuant to section 25 of the *Domestic Animals Act 1994*:
 - a) cats within the municipality are to be confined to the owner's property, or the property where they are kept at all times. Cats may leave the property if they are securely confined with an appropriate cat carrier or other reasonable means of constraint as detailed in **Attachment 2**.
3. Resolves to make the follow Orders pursuant to section 26(2) of the *Domestic Animals Act 1994*:
 - a) prohibit the presence of dogs (and/or cats, where relevant) in specified public places, and/or require dogs to be on a leash in designated areas, as detailed in the **Attachment 3**.
4. Maintains mandatory desexing of cats requirement as per section 10A of *Domestic Animal Act 1994*.
5. Adopts the Animal Registration Refund Policy (**Attachment 4**).
6. Authorises the Chief Executive Officer (or delegate) to:
 - a) give public notice of the Orders in in Victorian Government Gazette accordance with the requirements of the *Domestic Animals Act 1994* and on Councils Website.
 - b) undertake any administrative or procedural steps necessary to bring the Orders into effect; and
 - c) submit a copy of the Domestic Animal Management Plan 2025-2029 to the Secretary of the Department of Energy, Environment and Climate Action (DEECA) as required.

Attachments

- 1  Domestic Animal Management Plan 2025-2029
- 2  Section 25 Order - Cat Confinement
- 3  Section 26 Order - Dog and Cats in Public Places
- 4  Animal Registration Refund Policy

12. Officers' reports**CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029**

Discussion

1. The *Domestic Animals Act 1994* requires councils to develop and implement a Domestic Animal Management Plan every four years, addressing key animal management priorities. The Domestic Animal Management Plan 2025–2029 (DAMP 2025-2029) reflects Council's legislative obligations and incorporates updated strategies in response to evolving community needs, consultation feedback, and best practice across the sector.
2. Each theme in the DAMP is supported by defined objectives, strategic actions, and indicators for success.
3. The DAMP 2025–2029 has been shaped by strong community feedback, benchmarking with other councils, and alignment with state strategies such as the Victorian Cat Management Strategy and the RSPCA's Rethink Roaming campaign.
4. The two most significant policy shifts proposed are the introduction of a 24-hour cat confinement order as referenced in Section 25 Order (**Attachment 2**) and updates to the Section 26 Order relating to dog access on ovals as referenced in Section 26 Order (**Attachment 3**).
5. In addition, a range of other initiatives have been considered for inclusion, reflecting community input and focusing on education, enforcement, and improved facilities to support responsible pet ownership. These include:
 - Implement animal registration refund policy
 - Stronger enforcement for non-compliance with animal related offences
 - Increase targeted educational social media posts and video series
 - Install clearer signage, permitting dog on ovals outside of sporting use for specific areas, referenced in Section 26 Order
 - Provide feedback around dog park construction and potential recommendations for betterment
 - Conduct more pop ups, promoting responsible pet ownership
 - Install more dog poo bag dispensers and bins
 - Elaborate on definition of under effective control of a dog
 - Promote benefits of desexing cats (mandatory)
 - Review barking dog process and educate community on strategies to mitigate nuisance barking matters
 - Increase park patrols
 - Explore initiatives for reduced cost desexing
 - Improve Council website, include information on dog attack process
 - Deliver cat containment/enclosure building sessions in conjunction with RSPCA and Cat Protection Society.

12. Officers' reports

CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029

24-Hour Cat Confinement Order

6. Should Council resolve to introduce a 24-hour cat confinement order, a 12-month transition period (Year 1) is proposed to allow the community time to adjust. During this period, the focus would be on education and support rather than enforcement.
7. Under such an order, cats would be required to remain within the property where they are registered. Owners would be responsible for ensuring confinement, either through enclosures or other suitable means.
8. Council's existing practices, such as responding to complaints of wandering cats, providing traps to residents, and managing impounded cats, would continue. Currently, Council has 18 cat traps, with several typically in use at any given time.
9. To support the community during the transition, the following measures are proposed:
 - a) Provide clear instructions with traps to ensure responsible use and animal welfare;
 - b) Publish information on safe confinement practices and enclosure options on the Council website; and
 - c) Explore opportunities to partner with organisations such as the RSPCA and Cat Protection Society to deliver workshops on cat enclosures.
10. Enforcement, should the order be introduced, would be guided by Council's graduated compliance approach, combining proactive and reactive measures. This hybrid approach enables flexibility, balances community expectations, and ensures consistent and fair outcomes.

Changes to the Section 26 Order Relating to Dog Access on Ovals

11. The DAMP 2025–2029 proposes updates to the Section 26 Order to formalise off-leash access to designated ovals when they are not in use by sporting clubs. This responds to strong community feedback and recognises the importance of balancing recreational use with safety and environmental considerations.
12. The proposed changes include designating specific ovals and reserves for off-leash use outside of sporting times, while also identifying locations where dogs will not be permitted due to safety, use of space, or environmental reasons. Clear and consistent on-site signage will be installed across all designated areas by the end of Year 1 to support community understanding and compliance. Maps of off-leash areas are included in the Draft DAMP and will transition into Council's upgraded POZI mapping system to provide accurate and accessible information for the community.
13. Ongoing monitoring, signage audits, and adherence to shared use principles will help ensure safe and fair access to open spaces while balancing the needs of dog owners, sporting clubs, and other community members.

Related Council decisions

14. At Ordinary Council Meeting held on 23 November 2010 Council resolved to pursuant to Section 10A of the *Domestic Animals Act 1994*, not to register any cat after 10 April 2011 that has not been desexed or is otherwise exempt under the Act.

12. Officers' reports**CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029**

-
15. The current Domestic Animal Management Plan 2021-2025 (**DAMP 2021-2025**) was adopted at the 30 November 2021 Council Meeting.
16. On 30 November 2021, Council resolved to adopt an existing order under s26 of the *Domestic Animals Act 1994* which made the following orders:
- *Dogs must be under effective control of a person by means of a leash no longer than three metres:*
 - a. *In all public parks and reserves except where designated by signs in areas listed in section (4).*
 - b. *Within five metres of a shared use path.*
 - c. *On all streets, roads, public car parks and footpaths.*
 - *Dogs and cats are not permitted whether restrained or otherwise:*
 - a. *Within five metres of any children's playground or public barbeque.*
 - b. *In environmentally sensitive areas where designated by signs (i.e. in the parks listed below).*
 - c. *In schools, kindergartens and childcare centres unless with the prior permission of the Principal or Director.*
 - *Cats are required to be securely confined between the hours of 7.30 pm and 6 am.*
 - *Dogs are permitted off-leash but must be under effective control whether restrained or otherwise in the following parks and reserves (as designated by signs):*
 - a. *Eltham Lower Park, Eltham*
 - b. *Griffith Park, Eltham*
 - c. *Plenty River Drive Reserve, Greensborough*
 - d. *Eltham East Linear Reserve north of Diosma Road, Eltham*
 - e. *Falkiner Street Park, Eltham (Barrack Bushland)*
 - f. *Susan Street, Eltham*
 - g. *Gumtree Reserve, Research*
 - h. *Woodridge Linear Park, Eltham*
 - i. *Fergusons Paddock, Hurstbridge South side of path only: Dogs are prohibited from entering the wetlands areas as signposted*
 - j. *Nillumbik Park, Diamond Creek: Dogs are prohibited from entering sporting oval and wetlands*
 - k. *Diamond Creek Reserve, Diamond Creek: Dogs prohibited from entering wetlands areas where signposted and sporting oval (except at Council approved events).*

12. Officers' reports**CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029**

-
- *As a guide for implementation, a dog shall be deemed to be under effective control of its owner if:*
 - a. *It will return to its owner upon command;*
 - b. *The owner retains a clear unobstructed view of the dog;*
 - c. *It does not bother or worry other people or animals; and*
 - d. *It stays within 50 metres of its owner.*
 - *Dogs and cats are not permitted to enter the following public places in the following parks and reserves (as designated by signs)*
 - a. *Diamond Creek Reserve, Diamond Creek; dogs prohibited from entering wetlands areas.*
 - b. *Sweeneys Flats, Eltham – Parks Victoria Land.*
 - c. *Professors Hill Reserve, North Warrandyte.*
 - d. *Chase Reserve, North Warrandyte.*
 - e. *Blue Tongue Bend Reserve, North Warrandyte.*
 - f. *Temple Ridge and Bailey Gully Reserve, Wattle Glen.*
 - g. *Reserve, Watsons Creek*
 - h. *Marngrook Oval, Diamond Creek.*
 - i. *Coventry Oval, Diamond Creek*
 - j. *All sporting ovals in Hurstbridge.*
 - *Council may exempt any of the provisions of this Order at any time*

Options

17. Officers recommend that Council endorses the Domestic Animal Management Plan (DAMP) 2025–2029 as presented along with Section 25 cat confinement order and Section 26 dogs and cats in public places order and maintain existing resolution under Section 10A of the *Domestic Animals Act 1994*, not to register any cat after 10 April 2011 that has not been desexed or is otherwise exempt under the Act. Adoption as proposed ensures Council meets its statutory obligations under the *Domestic Animals Act 1994*.
18. Council could resolve to make changes to the DAMP 2025–2029 and request that a revised version be brought back for consideration. This would extend the adoption timeline and may require additional consultation or administrative work.
19. Council could choose to defer adoption of the Plan. However, this carries the risk that Council may not meet the legislative requirement to have a DAMP adopted and submitted to the Secretary of the Department of Jobs, Skills, Industry and Regions by 1 October 2025. Failure to do so would result in non-compliance with section 68A of the *Domestic Animals Act 1994*, exposing Council to both regulatory scrutiny and reputational impact.

12. Officers' reports**CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029**

-
20. Council could also choose not to adopt the DAMP. This option is not recommended as it would place Council in clear breach of its statutory obligations under the *Domestic Animals Act 1994* and undermine the strategic management of domestic animals across the municipality.

Council plans and policies

21. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We seek to enhance community safety, public health, amenity and the environment through improved planning and community engagement, prioritising fair and transparent approaches to managing compliance and enforcement.

Access, Equity and Inclusion

22. Under the *Gender Equality Act 2020* the Council is required to undertake a gender impact assessment when developing or reviewing any policy, program or service that has a direct and significant impact on the public.
23. An Equity Impact Assessment (EIA) has been undertaken on the community engagement plan and recommendations formed from the assessment have been considered in the finalisation of this plan.
24. A further EIA has been undertaken on the Draft DAMP 2025-2029 with the following recommendations:
- Inclusion of an Acknowledgement of Country.
 - Inclusion of an Inclusion Statement.
 - Provision of emergency accommodation for pets to support:
 - Women experiencing gender-based violence,
 - Families impacted by family violence,
 - Individuals facing welfare concerns and other special circumstances.
 - Annual delivery of educational programs on responsible pet ownership to kindergartens and/or schools.
 - Emergency accommodation arrangements for domestic pets and livestock during declared emergency events.
 - Off-leash dog park maps have been designed with symbols to improve accessibility for non-English speaking residents.
 - Language throughout the DAMP has been reviewed to:
 - Avoid isolating or marginalising members of the gender-diverse community,
 - Enhance accessibility for people for whom English is a second language.
 - Authorised Officer training to include:
 - Family Violence Awareness training.
 - LGBTIQ+ Inclusion training.

12. Officers' reports**CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029**

Sustainability implications

25. The DAMP demonstrates Council's approach to ensure that effective animal management and responsible pet ownership is achieved in an accountable manner that protects animal welfare, promotes education, responsible pet ownership and encourage ways to reduce domestic animal impact on the environment, including Council controlled land and residential properties.
26. Feedback from the Environmental Works and Land Management and Environment & Sustainability teams has been incorporated into the final document, supporting Council's Biodiversity Strategy 2024–2034.

Community engagement

27. Phase 1 of community consultation was conducted from 3 June – 14 July 2024 for a period of 5 weeks, on Participate Nillumbik.
28. The community and key stakeholders were invited to provide feedback and inform Council of "Tell us, what's important to you" with relation to responsible pet ownership.
29. Feedback was sought from community on a number of matters including:
 - Animal management services
 - Programs or strategies
 - Review of Councils section 26 orders relating to off leash areas and cat control.
30. This was conducted through a survey with targeted questions to assist us to understand community sentiment regarding animal management topics including dogs on ovals, confinement of cats and to identify current issues that were not included in the Domestic Animal Management Plan 2021-2025.
31. At the end of the community consultation period, 707 submissions were received with 2041 visits to the website and seven separate submissions received for the Draft DAMP 2025-2029.
32. The comprehensive insights gained from the initial Phase 1 of community engagement was provided in the Community Engagement Report. This informed the development of the Draft DAMP 2025-2029.
33. Phase 2 of community engagement, aimed at gathering feedback on the Draft DAMP 2025-2029 was conducted from 3 March – 4 April 2025 for a period of five weeks, on Participate Nillumbik.
34. The community and key stakeholders were invited to provide feedback on the Draft DAMP 2025-2029, consultation occurred through:
 - networking
 - case investigations
 - pop ups
 - attendance at dog parks
 - attendance at sporting clubs

12. Officers' reports**CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029**

-
- advertising on corflute signage posted at dog parks
 - social media posts
 - promoting in various newsletters; and
 - through a survey with targeted questions based on the feedback received from Phase 1 of community engagement around the community preference of dogs on or off leash on ovals outside of sporting use and cat curfew considerations.
35. At the conclusion of the community consultation period, a total of 524 submissions were received in relation to the Draft DAMP 2025–2029, made up of 518 completed surveys, and 6 written submissions, with 1,640 visits to the website.
36. The public were invited to attend the meeting of the Planning and Consultation Committee on 13 May 2025, to speak to the item and provide further feedback to help shape the future DAMP. There were 21 public submissions heard, providing further feedback on the Draft DAMP.
37. Feedback from Phase 1 and Phase 2 community consultations, together with input from the Planning and Consultation Committee, has been used to inform the development of the DAMP 2025–2029, as presented in this report for Council consideration.

Innovation and continuous improvement

38. Opportunities for innovation and continuous improvement will be identified through the implementation of the DAMP strategies.

Collaboration

39. In developing the Draft DAMP 2025–2029, Council benchmarked with Manningham and Whittlesea City Councils, both of which have introduced 24-hour cat confinement orders. Key learnings included the value of a grace period to support community adjustment, the importance of education before enforcement, and the need for practical support measures such as access to traps and timely officer response. Both councils have reported improved compliance and a reduction in nuisance complaints over time.

Budget considerations

40. Costs associated with the development of the Draft DAMP 2025-2029 and community engagement costs have been met from existing budget allocations.
41. Council's current resourcing levels are sufficient to deliver all Year 1 activities, including education campaigns and community transition support. These activities have been costed within the existing Community Safety budget. Importantly, enforcement of 24-hour cat confinement will not begin until Year 2, providing a full 12-month period focused on education, support, and voluntary compliance.

12. Officers' reports**CM.119/25 Seeking Adoption of the Domestic Animal Management Plan 2025-2029**

-
42. Future costs associated with the implementation of the Domestic Animal Management Plan 2025–2029 will be considered as part of Council’s annual budget process. From Year 2 onwards, additional resources may be required to support full enforcement and program expansion. These costs are expected to be partly offset through compliance activity, introduction of a replacement fee for cat traps, efficiency gains in service delivery, and ongoing cost recovery through Council’s agreement with the Cat Protection Society.

Relevant law

43. Pursuant to Section 68A of the *Domestic Animals Act 1994* every Council in Victoria is required to produce a DAMP which is renewed every four years
44. In addition, Nillumbik Shire Council’s General Local Law 1 holds provisions which are relevant to this DAMP process, including:
- Clause 29 - Collection and disposal of animal excrement
 - Clause 30 - Keeping of animals
 - Clause 31 – Animal buildings and cleanliness
 - Clause 32 – Animal noise.

Regional, state and national plans and policies

45. Consideration to align with comprehensive cat management framework and initiatives to be delivered as outlined in Victorian Cat Management Strategy 2025 -2035.
46. Alignment with RSPCA Victoria launch of new Rethink Roaming Campaign.

Conflicts of interest

47. 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.120/25 Tender Report - Contract 2425-059 IT Hardware and Infrastructure - End User Computing****Distribution: Public****Manager: Jeremy Livingston, Director Culture and Performance****Author: Daniel Tarquinio, Manager Information Technology****Summary**

This report recommends the awarding of a lease contract for the provision of laptops and services for the existing fleet of laptop (End User Computing) units.

The current fleet End User Computing equipment is three years old and was acquired via a previous leasing contract term with Hewlett Packard. The current lease arrangement is now ending and the existing equipment has reached its end-of-life cycle and warranty coverage.

As part of the original terms of the lease, the equipment will be returned to Hewlett Packard.

As per the specifications of the tender documents, the proposed lease arrangement would include the following:

- A three-year contract term;
- Provision and deployment of the new units;
- Next business day on-site warranty support; and
- Collection of units, secure data destruction and recycling at the end of the lease period.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **[\$[Redacted]]** (inclusive of GST) and enter into the following contract:
Number: 2425-059
Title: IT Hardware and Infrastructure - End User Computing
Term: 3 years from date of acceptance of equipment
2. Authorises the Director Culture and Performance to finalise and execute the contract documentation.
3. Authorises the Director Culture and Performance to approve changes to operational requirements throughout the term of the contract.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the Tender Evaluation Report (**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*.
6. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.120/25 Tender Report - Contract 2425-059 IT Hardware and Infrastructure - End User Computing

Attachments

1. Tender Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. In line with Council Plan objectives of providing digital services that are simple, effective and enable a great customer experience, this new lease arrangement continues to support the organisation with portable end user computing equipment that enables staff to work efficiently and effectively in how Council delivers services to the community.
2. Council's current laptop fleet is operating under a lease arrangement that is due to expire in November 2025.
3. Renewal of the lease is required to ensure continuity of operations, up-to-date technology for staff, and to avoid potential risks associated with unsupported or ageing devices.
4. The proposed lease with the preferred tenderer is for 400 laptops and would provide a \$5,157.71 per month saving on the previous contract, saving Council \$185,677.56 over three years.

Council plans and policies

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

Tender overview

6. The Tender Evaluation Panel (TEP) advises that:
 - A selective tender through the State Purchasing Contract End User Computing was issued on 29 July to four suppliers. Of the four suppliers invited to tender, only two submissions were received.
 - The Information Technology officers undertook a comparison of the manufactures.

Collaboration

7. Supply of End User Computing equipment is sourced via the State Purchasing Contract Agreement - End User Computing Equipment Panel.

Budget considerations

8. The lease contract for the provision of laptop hardware, including deployment, will be accommodated within the Information Technology annual operating budget.

12. Officers' reports

CM.120/25 Tender Report - Contract 2425-059 IT Hardware and Infrastructure - End User Computing

Sustainability implications

9. The current existing leased laptops will be returned back to Hewlett Packard and will enter the Hewlett Packard asset upcycling (circular economy) program.

Stakeholder Consultation/communication

10. Consultation was undertaken leading up to the tender to assess the suitability of portable computing equipment and in field use.
11. A single device type will be introduced to replace the two previously selected device types (laptop and tablet).

Innovation and continuous improvement

12. The new devices will provide access to upgraded software, strengthen security through modern protections, and support the adoption of AI-enabled tools to drive innovation and ensure the continued delivery of high-quality services.

Relevant law

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

Conflicts of interest

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

12. Officers' reports

**CM.120/25 Tender Report - Contract 2425-059 IT Hardware and Infrastructure -
End User Computing**

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.121/25 Updated Complaint Handling Policy**

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Author: Craig King, Manager Customer Experience and Business Performance****Summary**

Section 107 of the *Local Government Act 2020* requires all councils to adopt and maintain a complaints policy. This ensures a clear and consistent framework is in place for managing complaints, providing the community with confidence that concerns will be handled fairly and transparently.

Council's Complaints Handling Policy has now been updated in line with the Victorian Ombudsman's *Good Practice Guide to Complaint Handling for Victorian Public Sector Organisations* (April 2025). This update not only ensures the policy meets legislative requirements but also reflects best practice in complaint management as outlined by the Victorian Ombudsman.

The current Complaint Handling Policy was adopted by Council in December 2021, in line with the then new *Local Government Act 2020* and Victorian Ombudsman's guidance around complaint handling. While the current policy has operated effectively, it is prudent to review and update with the minor changes set out in the Ombudsman's update guidance.

This operational policy relates to the management of complaints made to Council, by any person who has been affected by an action, inaction or decision of Council. The policy provides a framework which outlines the organisation's commitment to complaint handling.

The policy does not apply to complaints about individual Councillors. However, where it does relate to Councillors, it specifies that when a Councillor receives a complaint from a member of the community, the Councillor will refer it to the Council administration for appropriate action and response in accordance with this policy.

Complaints are 'free feedback' for Council about its services and can highlight needs for improvement. The policy also supports a maturing approach to recording, handling and reporting on complaints.

Once adopted, the updated policy will be published on Council's website.

Recommendation

That Council adopts the Complaint Handling Policy (**Attachment 1**).

Attachments

- 1  Complaint Handling Policy

12. Officers' reports**CM.121/25 Updated Complaint Handling Policy**

Discussion

1. Under the *Local Government Act 2020*, Council was required to adopt and maintain a Complaints Handling Policy. Council first introduced a policy in 2015, with a revised version adopted in 2021 to strengthen compliance and ensure consistency in line with the Victorian Ombudsman's guidance at the time.
2. The Victorian Ombudsman released an updated *Good Practice Guide to Complaint Handling* in April 2025, prompting a further review of Council's policy to ensure ongoing alignment with best practice.
3. The updated policy hereby presented (**Attachment 1**), supported by a system now embedded across the majority of organisation, addresses this the Victorian Ombudsman's updated guidance and the requirements of the *Local Government Act 2020*.
4. The policy provides a framework which outlines:
 - the organisation's commitment to complaint handling
 - a definition of what is and is not a complaint to be managed under this policy
 - a consistent, respectful and objective approach to handling complaints
 - an accessible, transparent and easy to understand process on how complaints will be captured, managed and reported.
5. The policy also identifies that complaints are 'free feedback' for Council about its services, and can highlight needs for improvement.
6. The *Local Government Act 2020* defines a complaint as communication, whether orally or in writing, to the Council by a person of their dissatisfaction with any of the following:
 - the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council
 - the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service
 - a policy or decision made by a Council or a member of Council staff or a contractor.
7. This policy does not apply to complaints about individual Councillors. However, where it does relate to Councillors, it specifies that when a Councillor receives a complaint from a member of the community, the Councillor will refer it to the Council administration for appropriate action and response in accordance with this policy.
8. An operational procedure to support the policy and capture complaints, including reporting to drive continuous improvement, has been refined and will be rolled out across the organisation through staff training. This aligns with the Victorian Ombudsman's guidance and the new Council Plan action to strengthen customer experience through complaint data.
9. While the current policy has operated effectively over recent years, it is prudent to review and update with the minor changes set out in the Ombudsman's updated guidance.

12. Officers' reports**CM.121/25 Updated Complaint Handling Policy**

10. In 2024-2025, Council recorded 516 complaints, with an average of 42 complaints per month. Of these:
- 59% relate to service delivery (non-compliance with service standards, or service not meeting customer expectations due to quality of delivery)
 - 18% relate to process (customer dissatisfied with a process)
 - 13% relate to policy (customer dissatisfied with a Council policy)
 - 10% relate to people (customer dissatisfied with interaction with staff member, which is inclusive of staff failing to escalate resulting in the customer's enquiry/request for service not being resolved).
11. As reported in the Victorian Ombudsman's Annual Report for the 2024-2025 year, the following complaints about Nillumbik Shire Council were referred to her office:

Total enquiries	Identified as premature – advised to contact Council first	Assessed and no issue identified	Made enquiries to assess and resolve
40	43%	38%	25%

12. These figures demonstrate that Council's current complaints processes are operating effectively.
13. The updated policy will be complemented with reporting to target continuous improvement initiatives, which is a new recommendation from the Victorian Ombudsman. This reporting will be published annually in Council's Annual Report.

Related Council decisions

14. Council's existing Complaint Handling Policy was adopted under delegation from Council at the December 2021 Council Meeting. This policy was informed by the Victorian Ombudsman's 2019 report into complaint handling across local government.

Options

15. It is recommended that Council adopt the updated Complaint Handling Policy (**Attachment 1**).

Council plans and policies

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We make Council's programs, services, processes and information equitable, accessible and inclusive.

Access, Equity and Inclusion

17. Council recognises that it has an important role in ensuring fairness and equity by providing clear and accessible ways for people to raise concerns, have their voices heard, and contribute to continuous improvement in how we serve our community.

12. Officers' reports**CM.121/25 Updated Complaint Handling Policy**

18. The updated policy has been guided by the *Local Government Act 2020* along with the principles outlined in Councils Access Equity and Inclusion Policy. An Equity Impact Assessment was undertaken prior to the policies initial endorsement, ensuring a clear, fair and consistent process for all involved.

Sustainability implications

19. Not applicable.

Community engagement

20. The updated Complaint Handling Policy has not been released for community engagement or public consultation due to the following reasons:
- The updated policy only represents minor changes to that adopted by Council in March 2020 (based on changes to the *Local Government Act 2020* and updated guidance recently received from the Victorian Ombudsman)
 - The updated policy focuses on largely internal processes to best manage and report on complaints received
 - The updated policy responds directly to the recommendations and suggested models outlined by the Victorian Ombudsman.
21. Once adopted, the updated policy will be publicly communicated and made available on Council's website.

Innovation and continuous improvement

22. Improved management and reporting of complaints through the updated Complaint Handling Policy will help drive incremental continuous improvement across a wide range of Council services.

Collaboration

23. Complaints Handling Policy was updated in collaboration with input from key Council teams and aligned with the *Victorian Ombudsman's Good Practice Guide (2025)*.

Budget considerations

24. The review, update and operation of the Complaint Handling Policy is accommodated within existing operating budgets.

Relevant law

25. Section 107(4) of the *Local Government Act 2020* requires that councils adopt a customer complaint handling policy, and such policy must include:
- definition of a complaint as outlined in the Act
 - a clear and prescriptive process for recording, managing, responding to and reporting complaints
 - an independent internal review process for reviewing any action, decision or service in respect of which the complaint is made
 - guidance relating to exercising discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review.

12. Officers' reports

CM.121/25 Updated Complaint Handling Policy

Regional, state and national plans and policies

26. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.121/25 Updated Complaint Handling Policy

THIS PAGE WAS LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.122/25 Informal Meetings of Councillors Records - 26 August 2025**

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 26 August 2025.

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

1. Councillor Briefing held 19 August 2025;
2. Environment and Sustainability Advisory Committee held 20 August 2025;
3. Inclusion and Access Advisory Committee held 22 August 2025;
4. Council Meeting Pre-Meet held 26 August 2025;
5. Recreation Trails Advisory Committee held 27 August 2025;
6. Youth Council Meeting held 1 September 2025;
7. Councillor Briefing held 2 September 2025
8. CEO Employment Matters held 9 September 2025; and
9. Planning and Consultation Committee Pre-Meet held 9 September 2025.

Recommendation

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

Attachments

- 1  Informal Meeting of Councillors Records 30 September 2025

Discussion

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

12. Officers' reports**CM.122/25 Informal Meetings of Councillors Records - 26 August 2025**

Related Council decisions

2. Not applicable.

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.

12. Officers' reports

CM.122/25 Informal Meetings of Councillors Records - 26 August 2025

Innovation and continuous improvement

12. Not applicable.

Collaboration

13. Not applicable.

Budget considerations

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

Relevant law

15. *Local Government Act 2020.*

Regional, state and national plans and policies

16. 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.122/25 Informal Meetings of Councillors Records - 26 August 2025

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

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

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

CM.123/25 CEO Employment Matters - CEO Performance Plan 2025/2026

This item is confidential because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs pursuant to paragraph (f) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

Recommendation

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

- 17. Close of Meeting