

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 22 March 2022 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 17 March 2022

Distribution: Public

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Council Chamber Council Meeting seating plan

Cr Natalie Duffy Edendale Ward				Cr Peter Perkins Ellis Ward
Cr Karen Egan Bunjil Ward				Cr Ben Ramcharan (Deputy Mayor) Sugarloaf Ward
Cr Richard Stockman Blue Lake Ward				Cr Geoff Paine Wingrove Ward
Katia Croce Governance Lead	Blaga Naumoski Executive Manager Governance, Communications and Engagement	Cr Frances Eyre (Mayor) Swipers Gully Ward	Carl Cowie Chief Executive Officer	

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Meeting of Nillumbik Shire Council to be held
Tuesday 22 March 2022 commencing at 7:00pm**

1. Welcome by the Mayor

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

2. Acknowledgement of Country by the Mayor

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

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

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

3. Good Governance Pledge

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

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

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

4. Prayer

A prayer will be read.

5. Apologies

To accept apologies from any Councillors not in attendance at the meeting.

Recommendation

That the apologies be noted.

6. Presentations

7. Confirmation of Minutes

Confirmation of the minutes of the Council Meeting held on Tuesday 22 February 2022.

Recommendation

That Council confirms the minutes of the Council Meeting held on Tuesday 22 February 2022 (**Attachment 1**).

Attachments

- 1  Minutes of the Council Meeting held Tuesday 22 February 2022

8. Disclosure of conflicts of interest

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

9. Petitions

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.002/22 Advisory Committee Report - 22 March 2022

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Emma Christensen, Acting Governance Lead


Summary

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

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

1. Arts and Cultural Advisory Committee Meeting held 15 November 2021;
2. Youth Council Formal Advisory Committee Meeting held 7 February 2022;
3. Environment and Sustainability Advisory Committee Meeting held 16 February 2022; and
4. Panton Hill Bushland Reserve System User Group Advisory Committee held 17 February 2022

Attachments

- 1  Advisory Committee Meeting Minutes reported 22 March 2022

Recommendation

That the minutes of the Advisory Committee meetings (**Attachment 1**) reported be noted.

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12. Officers' reports

CM.017/22 Planning Scheme Amendment C138nill - Applying the Heritage Overlay on a Permanent Basis to 14-26 Browns Lane, Plenty

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

The purpose of this report is to update Council in regard to the outcomes of exhibition of Amendment C138nill (the Amendment) and to provide an officer recommendation based on the outcomes of such exhibition in meeting the requirements of consideration required by Council in accordance with Section 22 of the *Planning and Environment Act 1987* (the Act).

The Amendment seeks to apply a Heritage Overlay (HO) on a permanent basis to part of 14-26 Browns Lane, Plenty. The property is also subject to a current planning permit application (807/2021/14P), which is a subdivision application into 4 lots.

The property was programmed to be reviewed as part of Council's Stage B Heritage Review, however Council received a Section 29A demolition consent application pursuant the *Building Act* 1993 to demolish the dwelling located on the property in July 2021, which facilitated the need to bring review of this property forward.

Given threat of demolition, officers sought approval (under delegation) from the Minister for Planning for Amendment C137nill to introduce the HO to the property on an interim basis pursuant to Section 20(4) of the Act, providing protection and allowing this planning scheme amendment to introduce the HO permanently.

Amendment C138nill was placed on exhibition pursuant to the requirements of the Act, from 9 December 2021 to 27 January 2022 and notifications were sent out to relevant stakeholders as well as being advertised in local media. Council received one (1) submission in total (from the landowner) in total during the exhibition period objecting to the amendment.

The submitter was invited to attend the 8 March 2022 Planning and Consultation Committee Meeting (PCC) to speak to their submission. Council officers have engaged in negotiations with the submitter regarding an alternate curtilage for the HO mapping as proposed in the received submission (**Attachment 6** Plan 26648M2).

Council's heritage consultant has reviewed the proposed reduced curtilage (as identified above) and provided advice that they are satisfied with the curtilage as per the plan marked as 26648M2 on heritage grounds.

Where an objection to an amendment cannot be resolved, Council must refer the submission to Panel, however given that an effective outcome has been agreed to by the submitter (the submitter has withdrawn their objection subject to agreement by Council to the reduced curtilage), there is no requirement to convene a panel to consider the Amendment.

As such, this report recommends that Council resolve to adopt the amendment with the identified changes and seek approval from the Minister for Planning.








12. Officers' reports**CM.017/22 Planning Scheme Amendment C138nill - Applying the Heritage Overlay on a Permanent Basis to 14-26 Browns Lane, Plenty**

Recommendation

That Council:

1. Adopts Amendment C138nill to the Nillumbik Planning Scheme subject to changes to the Amendment mapping to be made in accordance with the plan at **Attachment 6** and directs officers under Section 31(1) of the *Planning and Environment Act 1987* to submit the adopted planning scheme amendment to the Minister for Planning for approval and gazettal.
2. Notifies submitters to the planning scheme amendment of Council's resolution of 22 March 2022 regarding Amendment C138nill and updates Participate Nillumbik accordingly.

Attachments

- 1  Statement of Significance for 14-26 Browns Lane
.
- 2  Amendment C138nill Explanatory Report
.
- 3  Amendment C138nill Instruction Sheet
.
- 4  Amendment C138nill Exhibited Map
.
- 5  Plan of Alternative Heritage Curtilages
.
- 6  Plan 26648M2 showing Agreed Proposed Curtilage
.
- 7  Submitter Confirmation - Acceptance of Statement of Significance and Citation for 14-26 Browns Lane (subject to the agreed revision of curtilage to Heritage Overlay Mapping)
.

Discussion

1. 14-26 Browns Lane was programmed to be reviewed as part of Council's Stage B Heritage Review, however Council received a Section 29A demolition consent application pursuant the *Building Act 1993* to demolish the dwelling located on the property in July 2021 which facilitated the need to bring the review of this property forward.
2. Given threat of demolition, officers sought approval (under delegation) from the Minister for Planning for Amendment C137nill to introduce the HO to the property on an interim basis pursuant to Section 20(4) of the Act, providing protection and allowing this planning scheme amendment to introduce the HO permanently.

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CM.017/22 Planning Scheme Amendment C138nill - Applying the Heritage Overlay on a Permanent Basis to 14-26 Browns Lane, Plenty

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3. The significance of the property is outlined in the Statement of Significance (see **Attachment 1**). The house at 14-26 Browns Lane, Plenty, is historically significant for its association with the development of Plenty in the interwar years. It has had very few changes made to the original or early built fabric across its principal elevations. Key characteristics include its asymmetric built form with projecting front room below a dominant hip and gable roof, extensive wrap-around verandah under the sweep of the main roof line, and a box bay window that sits under its own skillion roof with a window hood.
 4. Amendment C138nill was authorised by the Minister for Planning on 12 November 2021.
 5. The Amendment was exhibited in accordance with Section 19 of the *Planning and Environment Act 1987* from 9 December 2021 to 27 January 2022. See **Attachment 2** for the exhibited C138nill Explanatory Report, **Attachment 3** for the exhibited Instruction Sheet and **Attachment 4** for the exhibited Planning Scheme Map which is proposed to be amended to reflect the officer recommendation.
 6. A single objecting submission was received from the legal representative acting on behalf of the land. Significant negotiations have been undertaken between officers, the land owners planning and legal representatives. The majority of the issues identified in the submission were redundant as the owner's representatives had reviewed a previous citation completed in 2016 as opposed to the current citation prepared by Council's current heritage consultant in 2020.
 7. The single remaining issue was the extent and placement of the proposed HO mapping. Council's heritage consultant based its recommendations for the width of the curtilage on historical fence lines which were evident on imagery from 1956.
 8. This property is the subject of a current and separate subdivision application (by the land owner who is also the submitter to this Amendment) which is seeking to divide the land on which the heritage property sits (including outbuildings and landscape elements deemed significant as per the Statement of Significance) into 4 lots.
 9. As part of the subdivision process, a site survey was undertaken and the current fence lines were identified. Survey evidence provided by the submitter (via planning consultant representative) identified that current fence lines should form the basis of the width of the curtilage. **Attachment 5** shows the historical fence lines estimated from imagery (brown dashed lines) and the current fencing based (red lines) on the site survey.
 10. Council's heritage consultant has since reviewed the evidence to support the location of the fence line, and has provided advice that they are satisfied with the curtilage as per the plan marked as 26648M2 on heritage grounds. The depth of the curtilage was not in question and remains the same. **Attachment 6** shows the plan marked as 26648M2 based on the current fence lines.

12. Officers' reports**CM.017/22 Planning Scheme Amendment C138nill - Applying the Heritage Overlay on a Permanent Basis to 14-26 Browns Lane, Plenty**

11. **Attachment 7** provides written confirmation from the land owners legal representatives of acceptance of the updated citation and Statement of Significance (as exhibited) subject to the reduction in curtilage as per the plan marked as 26648M2, thereby removing objection to the Amendment (subject to curtilage change as accepted by Council's heritage consultant and recommended by officers).
12. It should be noted that a decision as to the planning application for subdivision is a separate issue from the application of the HO, and no decision has been made in regard to the subdivision application. The subdivision application will be required to be decided upon its own merits.

Related Council decisions

13. At the Council meeting of 29 June 2021 Council resolved to:
 1. *Note that Officers under delegation have requested the Minister for Planning, to exercise the power under section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 14 Browns Lane Plenty on an interim basis;*
 2. *Request the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, to authorise the preparation of an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 14 Browns Lane Plenty on a permanent basis; and*
 3. *In relation to point 2 above, undertake public exhibition of the proposed planning scheme amendment should authorisation to apply the permanent control be granted.*

Options

14. Pursuant to Section 23 of the *Planning and Environment Act 1987*, in regard to decisions by the Responsible Authority in regard to submissions, after considering a submission which requests a change to the amendment, the planning authority must:
 - a) *change the amendment in the manner requested; or*
 - b) *refer the submission to a panel appointed under Part 8; or*
 - c) *abandon the amendment or part of the amendment.*
15. The officer recommendation is that Council change the amendment mapping to reflect the reduced curtilage as identified **Attachment 6** and refer to the Minister for approval.

Council plans and policies

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We respect and enhance the unique neighbourhood character in our communities to ensure a considered approach to planning and development.
17. The amendment links directly to Council's Heritage Strategy (2011) which aims to:
 - To identify, document and care for heritage places in the Shire of Nillumbik in ways which fulfil legal obligations and adopt best practice; and

12. Officers' reports

CM.017/22 Planning Scheme Amendment C138nill - Applying the Heritage Overlay on a Permanent Basis to 14-26 Browns Lane, Plenty

- To involve communities and to promote awareness, knowledge and enjoyment of heritage places.

Sustainability implications

18. The conservation of Nillumbik's heritage places plays an important role in the strengthening of both personal and community identities. This work aids in the social sustainability of Nillumbik's various communities.

Community engagement

19. In accordance with Section 19 of the *Planning and Environment Act 1987* the Amendment was notified and exhibited from 9 December 2021 to 27 January 2022.
20. As stated previously, there has been substantial engagement with the landowner, and their representatives. Meetings regarding both the HO and the subdivision have been held with officers from the Strategic Planning and Planning Services units working together. In addition, there has been frequent written exchanges as the negotiations relating to the changes to the placement and extent of the curtilage have been resolved.

Innovation and continuous improvement

21. The Amendment achieves continuous improvement through the implementation of Council's partially adopted Heritage Review; ensuring that Nillumbik Shire continues to better protect and conserve places of heritage significance that will be enjoyed and appreciated by generations of residents and visitors.

Collaboration

22. There have been discussions with the Department of Environment, Land, Water and Planning on this matter to ensure that the Statement of Significance meet their expectations and requirements. Also, given the tandem planning permit application associated with this Amendment, Strategic Planning has also had discussion with the relevant assessing officer in Council's Planning Services team to ensure a development outcome that responds to and respects the property's heritage significance is sought.

Budget implications

23. Costs associated with this amendment will be funded from the Planning scheme amendment budget allocation for the 2021/2022 financial year.

Relevant law

24. *Planning and Environment Act 1987*.

Regional, state and national plans and policies

25. Plan Melbourne (2017-2050)
- Outcome 4 - Melbourne is a distinctive and liveable city with quality design and amenity.
 - Direction 4.4 - Respect Melbourne's heritage as we build for the future.

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- Policy 4.4.1 - Recognise the value of heritage when managing growth and change.
- With all three levels of government sharing responsibility for protecting Melbourne's post settlement cultural heritage, decision-making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices.
- Policy 4.4.4 - Protect Melbourne's heritage through telling its stories.
- There is more to heritage than place. The stories of Melbourne, including stories from before European settlement, help citizens understand the places where they live and work. They also help create a sense of belonging and community by encouraging tolerance and respect.

26. Planning Practice Note

- PPN 1: Applying the Heritage Overlay (2018)
 - This practice note provides guidance about the use and application of the Heritage Overlay and sets out the criteria and standards required to apply the control to a place of heritage values/significance.

27. Nillumbik Planning Scheme

- Planning Policy Framework (PPF)
 - Clause 15 - Built Environment and Heritage

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built for form and cultural context.

 - Clause 15.03-1S - Heritage conservation

Objective: To ensure the conservation of places of heritage significance.

Strategies: Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance; retain those elements that contribute to the importance of the heritage place and provide for the protection of natural heritage sites and man-made resources.

Conflicts of interest

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

12. Officers' reports**CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Leigh Northwood, Strategic Planning Lead****Summary**

This report considers the views expressed at the February 2022 meeting of Council's Planning and Consultation Committee (PCC) on proposed planning scheme amendments C143 (Eltham MAC) and C144 (Diamond Creek MAC), which have been drafted to implement and give statutory weight to the structure plans which Council adopted in 2020 for each Major Activity Centre (MAC).

The Council Meeting on 14 December 2021 considered an officer report that introduced the draft amendments and recommended Council take the formal steps to commence and exhibit the amendments. In response, Council deferred the items for consideration by the February 2022 meeting of the PCC.

Certain views expressed by the speakers to the February PCC are considered to present no issue for the amendments for the following reasons:

- It requests an appropriate minor change which can be made without issue.
- It supports an aspect of the amendments, such as increased front setbacks.
- It is already responded to by the amendments or elsewhere in the planning scheme.

There were also views that cannot be reasonably or easily addressed by the draft amendments. For example:

- An incorrect view that a new height limit range of 3-5 storeys is proposed.
- A request for a scale of development that would be too low to satisfy the binding requirements of State Planning Policy.
- A request that would require the structure plans to be reviewed with significant cost and delay and with likely little benefit, or chance of success.

The draft amendment documents have been revised, including to reflect views expressed to the PCC that can be appropriately accommodated without changing the strategic basis of the amendments, or to conflict with State Planning Policy. The revised amendments are attached as **Attachments 1-8** and it is the officers' view that Council proceed to commence the statutory process to consider the planning scheme amendments. This process will include full exhibition pursuant to the requirements of the *Planning and Environment Act 1987* before Council decides its final position on the amendments.










12. Officers' reports**CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)**

Recommendation

That Council:

1. 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**.
2. On receipt of that authorisation, places Amendments C143 and C144 to the Nillumbik Planning Scheme on exhibition.

Attachments

- 1  Amendments C143 and C144 - Table of Proposed Key Changes
.
- 2  Proposed Clause 11.03-1L-01 Activity Centres in Nillumbik with changed text highlighted
.
- 3  Explanatory Report for Amendment C143 (Eltham)
.
- 4  Revised ACZ1 (Eltham MAC) Schedule for Amendment C143
.
- 5  Proposed SLO1 Schedule for Amendment C143 (Eltham) with changed text highlighted
.
- 6  Explanatory Report for Amendment C144 (Diamond Creek)
.
- 7  Revised ACZ2 (Diamond Creek) Schedule for Amendment C144
.
- 8  Proposed SLO6 Schedule (Diamond Creek) for Amendment C144 with changed text highlighted
.
- 9  Key points of presentations to the February 2022 Meeting of Council's Planning and Consultation Committee (PCC) on the draft amendments with an officer response
.

Discussion

1. The December 2021 Council Meeting considered draft planning scheme amendments C143 (Eltham MAC) and C144 (Diamond Creek MAC), which will give statutory weight to the structure plans adopted by Council in 2020 for the Eltham and Diamond Creek Major Activity Centres. Implementation of the Structure Plans into the Nillumbik Planning Scheme is a priority action of the Council Plan 2021-2025.

12. Officers' reports**CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)**

2. 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:
 - Retain the range height limit applied in each centre since 2014, which is 3 to 5 storeys (10.5 to 17.5 metres); and
 - Do not increase the land area in each activity centre available for commercial/industrial activity or medium density housing.
3. There are in addition key improvements proposed by the amendments, such as:
 - The setting of larger front setbacks for landscaping in key areas by requiring the setback to be measured from the property boundary, rather than the kerb.
 - To better regulate the range of uses allowed in each centre to better minimise intrusion upon the preferred character for each centre.
 - To apply urban design provisions to the Bridge Street Business Area (BSBA) in Eltham.
4. The amendments makes some minor changes to height limits, but all within the existing height limit range of 3-5 storeys. For example:
 - A minor reduction in height limits of one storey is proposed in a small area of Diamond Creek; and
 - Some minor increases of one storey are proposed in Eltham's station precinct.
5. It was the officers' recommendation at the Council Meeting on 14 December 2021 that Council resolve to request the Minister for Planning give the necessary authorisation to commence and exhibit the amendments. Council resolved instead to:
 - I. *Defer item CM160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020) to the February Planning and Consultation Committee meeting.*
 - II. *Request officers to make available the officer report and all associated attachments on council's website.*
6. In response to that resolution a number of presenters provided a variety of views on the draft amendments to the February meeting of the PCC. Examples include:

State Policy

 - a) Council should not adhere to the demands for growth of the State Government's activity centre planning policy.

Scale of Development, particularly height controls.

 - b) Any proposal for 3-5 storey building height limits will allow development that is not in keeping with either centre.
 - c) The proposed building heights will make Eltham and Diamond Creek look like Greensborough, Doncaster or Box Hill.

12. Officers' reports

CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)

- d) Discretionary building heights should not be used in the centre and/or should be modified to better prevent development higher than the specified height limit.
- e) There are some good aspects to the proposed amendments, such as increased front setbacks in certain areas.

12. Officers' reports**CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)**

Vegetation and landscape

- f) The draft Significant Landscape Overlays only emphasise tree protection and should have more emphasis on landscape.

Specific to Diamond Creek

- g) Chute Street in Diamond Creek should not be referred to as a secondary node, as this unreasonably restricts development of the area.

Specific to Eltham

- h) The Eltham Trestle Bridge should be protected from works.
- i) The ACZ1 (Eltham) should make clearer reference to protecting the Eltham War Memorial Buildings at 903-907 Main Road, Eltham.
- j) The Eltham War Memorial Buildings at 903-907 Main Road, Eltham should remain in public ownership.
- k) The draft ACZ1 (Eltham) does not clearly support community use of the former Eltham Shire offices site at 895 Main Road, Eltham.
- l) The proposed increases in building height limits in part of the Eltham Station precinct should not occur, particularly along Youth Road.
- m) Certain text in the draft ACZ1 (Eltham) could be modified to better reflect the limited capacity for development greater than 3 storeys in Precinct 2 (Residential Precinct).

- 7. **Attachment 9** details all the key views expressed to the PCC and also provides an officer response to each. Key points made in the officer response include:

State policy

- a) Council is required to implement State Planning Policy regarding the activity centres, noting:
 - i. State Planning Policy is binding on local governments in their role of managing and implementing a municipality's planning scheme.
 - ii. Activity Centre Planning Policy has consistently been a key part of State Government Policy for metropolitan municipalities since 2002, which is when the Eltham and Diamond Creek MAC's, as well as numerous other MAC's in metropolitan Melbourne, were created.
 - iii. Council is required to provide for significantly greater growth within its MAC's than is in the residential and commercial areas outside the centres.

(NB: State Government activity centre policy aims to provide a range of economic, social and environmental benefits, such as to reduce car dependency and plan for an ageing population. This is discussed further under "Sustainability Implications" below.)

12. Officers' reports**CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)**

Scale of development, particularly height controls.

- b) A building height limit range of 3 storeys (10.5 metres) to 5 storeys (17.5 metres) already exists in each MAC and has done so since 2014. Hence, the height range is not a “new proposal” of the 2020 structure plans and the draft amendments.
- c) The existing height range of 3-5 storeys includes significant application of mandatory height controls and was the most stringent set of height controls that Council could leverage from the State Government in 2014.
- d) Even though Melbourne has continued to grow significantly since 2014, the 2020 Structure Plans and the draft amendments, propose to retain the existing height range of 3 to 5 storeys, albeit with some minor changes to height limits within that range.
- e) The existing height limit range of 3 storeys (10.5 metres) to 5 storeys (17.5 metres) storey is very constrained considering:
 - i. A MAC is intended to provide for a higher level and scale of development than occurs in surrounding residential land within a residential zone.
 - ii. Much of the Eltham Town Centre is abutted by two residential zones, namely, the Neighbourhood Residential Zone (NRZ) and the General Residential Zone (GRZ), whilst the GRZ is widely applied around the Diamond Creek MAC.
 - iii. The GRZ sets a maximum building height of 3 storeys (11 metres) for a dwelling and residential building and the Neighbourhood Residential Zone sets a limit of 2 storeys (9 metres).
 - iv. Therefore, the draft planning scheme amendments' lowest height limit of 3 storeys (10.5 metres) sets a height limit which is lower than the GRZ and only 1.5 metres higher than the NRZ.
 - v. The maximum building height allowed by the draft amendment of 5 storeys (17.5 metres), which is restricted to only certain commercial areas and the public transport hub of each MAC, is only 8.5 metres higher than the NRZ and 6.5 metres higher than the GRZ.
 - vi. The GRZ and NRZ allow a range of exemptions for buildings to exceed their mandatory maximum building height and these exemptions are not offered by the draft amendments.
- f) Based on Council's past experience and current State Planning Policy settings, a proposal to reduce the height limit range in either centre would not be acceptable to the State Government.
- g) The development settings for Hurstbridge cannot be applied to Eltham and Diamond Creek, as State Government Planning Policy designates Eltham and Diamond Creek as Major Activity Centres, which is not the case for Hurstbridge.

12. Officers' reports**CM.018/22 Proposed Planning Scheme Amendments C143 (Eltham Major Activity Centre) and C144 (Diamond Creek Major Activity Centre)**

- h) The existing building height limit range of 3-5 storeys (10.5-17.5 metres) in Eltham and Diamond Creek does not allow the same development that is allowed in larger centres such as:
 - i. Doncaster Hill Major Activity Centre, which allows buildings of up to 40 metres, with an additional 8 metres height for a “design element”.
 - ii. Greensborough Metropolitan Activity Centre which allows buildings of up to 89 metres; and
 - iii. Box Hill Metropolitan Activity Centre, which is clearly experiencing much higher development and is subject to a proposed planning scheme amendment that will allow buildings of up to 120 metres.

(NB: The application of height limits in the Eltham and Diamond Creek MAC's has been done to restrict the highest buildings to low-lying commercial and public transport areas, where they will have less impact on the landscape. This is different to the approach in certain other nearby MAC's, such as Doncaster where tall buildings are located on high locations.)

- i) The State Government strongly supports discretionary height limits in MAC's and in 2014 the State Government would only allow some application of mandatory height limits in the Eltham and Diamond Creek MAC's, if it was accompanied with significant inclusion of discretionary height controls.
- j) The existing discretionary height limits have worked well since 2014, noting a significant application for Eltham for a development that exceeded a discretionary height limit was refused by VCAT on considering the existing ACZ1.
- k) The State Government would not allow Council to re-write the discretionary height limits in a way which effectively prevented any possibility for higher development.

Vegetation and landscape

- l) It is important that the SLO schedules emphasise vegetation protection, as canopy vegetation is highly important to the character of each MAC and the SLO's are the key planning provision which can protect vegetation in each centre.

Specific to Diamond Creek

- m) Chute Street has been designated as a secondary node within the Diamond Creek MAC since 2006 and this is appropriate to protect the particular aesthetic, heritage and landscape values of that precinct.

Specific to Eltham

- n) The proposed increase in building height limits in Eltham are restricted to parts of the station precinct, are only a one storey increase in height limit at any point, are an increase from a 3 to 4 storey height limit abutting Youth Road and all the changes keep the maximum height limit range in the Eltham MAC at 3-5 storeys.
- o) The heritage values of the Cypress trees and Trestle Bridge are not threatened by the draft ACZ1 (Eltham). Further those, important heritage sites are fully protected by the Heritage Overlay within the Nillumbik Planning Scheme.

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-
- p) It is the intention of the draft ACZ1 (Eltham) to acknowledge the heritage value of the Eltham War Memorial Complex Buildings at 903-907 Main Road, Eltham. However, this could be better done with only a minor change to the draft schedule. Therefore, this change has been made to a revised draft of the ACZ1, which is presented below.

(NB: It is the role of the Heritage Overlay, not the ACZ1, within the planning scheme to protect heritage properties such as the Eltham War Memorial Complex Buildings and Council is currently scheduled in mid-2022 to consider commencing a separate planning scheme amendment to apply the Heritage Overlay to the Eltham War Memorial complex).

- q) The proposed ACZ1 does support community use of the Eltham War Memorial Buildings Complex, noting the site is within the MAC's Community Precinct (Precinct 5) and community uses are supported within that precinct.
- r) The issue of ownership of the old Eltham Shire office site (895 Main Road) is not one that is particularly relevant to the draft amendment for the Eltham MAC, as the amendment deals with land use and development, not ownership. Having said that the proposed ACZ1, does support community and civic uses on the site, which is consistent with supporting public ownership.
- s) A minor statement in the ACZ1 schedule could, with a minor edit, better clarify that the height limits contained elsewhere in the document significantly constrain the option to apply for greater than 3 storeys within Precinct 2 and do not support development over 4 storeys anywhere in the precinct. Therefore, this change has been made to the revised ACZ1 that is presented below.
8. It is the officer view that the views presented to the February PCC are adequately addressed by the draft planning scheme amendments, subject to some minor revisions.

Revised Planning Scheme Amendments

9. Revised planning scheme Amendments C143 and C144 are provided by **Attachments 1-8** in this report. Revisions are only made to the proposed ACZ1 (Eltham) Schedule, which is provided as **Attachment 4** and the ACZ2 (Diamond Creek) Schedule, which is provided as **Attachment 7**.
10. For the ACZ1 (Eltham) the revisions include:
- a) Re-wording of a statement at the bottom of page 28 to clarify that the Eltham War Memorial Complex Buildings are included amongst the heritage and community assets to which development must appropriately respond.
 - b) Inclusion of a cross-reference statement on page 11 to clarify that the height limits applied by a separate part of the ACZ schedule allow development greater than 3 storeys in only a small sub-precinct of Precinct 2 and do not support development greater than 4 storeys in that sub-precinct.
 - c) Updates, refinements and revisions to the table of uses in each schedule. For example, to update the terms used to refer to arterial roads, as required by a recent change in State Government terminology on the matter.

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11. For the ACZ2 (Diamond Creek) the revisions include:

- a) Corrections to the Framework Plan on page 1 of the schedule to better show the location of local schools and to show a part of an existing bus route that was missing from the previous version of the plan.
- b) Updates, refinements and revisions to the table of uses in each schedule. For example, to update the terms used to refer to arterial roads, as required by a recent change in State Government terminology on the matter.

Related Council decisions

- 12. The decision at the December 2021 Council Meeting to defer the draft amendments to the February 2022 PCC is outlined at point 5 above.
- 13. The February 2022 PCC Meeting (acting under delegation from Council) resolved to support the officer recommendation, which is that it:
 - a) *Notes the verbal presentations to the Committee on the item; and*
 - b) *Presents the item to the March 2022 Council Meeting for further consideration.*

Options

- 14. There are two options for Councillors in responding to views that were expressed to the PCC on 8 February 2022. These options included:
 - a) Option 1: To proceed with the attached revised amendments, which contain minor changes to those presented to the December 2021 Council Meeting, but still retain the broad strategic settings provided by each of the structure plans that were adopted in 2020.
 - b) Option 2: To resolve to change certain key settings of the amendments, which will require a review of the structure plans.
- 15. It is the officers' view that Council pursue Option 1 for the following reasons:
 - a) Modifying the structure plans will be an extensive undertaking in effort and also significant unbudgeted expenditure, noting:
 - i. Any changes to key settings (e.g. range of building heights and precinct boundaries) will be an extensive change to either structure plan. For example, changes to building heights alone will likely have flow on effects to proposed front and upper setbacks, front wall heights, landscaping objectives etc.
 - ii. Council will be expected by State Planning Policy to undertake a full and detailed review of any substantive changes it is proposing to the structure plans, including to conduct full exhibition on such changes.
 - iii. A review will require the engagement of a suitably experienced and qualified consulting firm during the term of the review to provide technical advice and to produce the necessary diagrams, maps and reports etc.

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- iv. A review of the structure plans would likely take a minimum of approximately 12-18 months to complete, potentially significantly longer depending on the nature of the changes, officer resourcing and Council's ability to source a consultant that is willing to undertake the changes that Council may resolve for officers to make.
- b) It is expected that the cost of engaging the consultant will be in the order of \$80,000 and the cost of running further public engagement could be approximately \$10,000.
- c) There is currently no budget allocation to conduct a review of the adopted structure plans. Therefore, to pursue Option 2, Council would need to:
 - i. Re-allocate funds already dedicated to other activities and projects.
 - ii. Defer a review of the structure plans until officer resourcing and funds became available.
- d) A significant amount of officer time will need to be dedicated to each and all of the steps of the review and there is currently no capacity to do this unless work on key existing commitments (e.g. application of the Heritage Overlay to additional sites, the Neighbourhood Character Strategy, review of the Municipal Planning Strategy or the Wattle Glen Public Realm Framework Project) is significantly postponed.
- e) The expected delay to review the structure plans (at least 12-18 months), plus the expected time to conduct the planning scheme amendments (a further 12-18 months), means that, under Option 2, Council's activity centre provisions in the Nillumbik Planning Scheme would likely remain tied to outdated structure plans until at least 2025. If this eventuated:
 - i. Council's ability to defend its planning decisions at VCAT by that time would likely be significantly compromised.
 - ii. The Bridge Street Business Area in Eltham will remain significantly longer without much needed urban design controls.
 - iii. Other urban design improvements (e.g. increased front setbacks) would not be realised in either centre until at least 2025.

The delay would be particularly lengthy and severe if Council, not only chose Option 2, but also to postpone the review until funds became available.
- f) It is highly questionable whether Option 2 would be successful in appreciably modifying the objectives and settings applied by the existing 2020 structure plans, particularly Eltham. This is for reasons explained earlier in this report, particularly:
 - i. The Structure Plans and subsequent amendments are required to support State Planning Policy, which requires a particular level of development in MAC's.
 - ii. The 2020 structure plans and draft amendments maintain settings which provide for only modest growth in each centre.

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- iii. It is likely that the State Government would have significant issue with a structure plan and subsequent planning scheme amendment which sought to further restrict the potential for growth in either centre beyond the modest levels already planned by the 2020 structure plans.
16. Considering the above, it is the officers' view that Option 1 should be pursued by Council. It is re-iterated that this option:
- a) Incorporates certain minor changes to the amendments, such as certain requests made by presenters to the February PCC.
 - b) Only results in Council commencing and exhibiting the amendments (subject to approval to do so from the Minister for Planning).
 - c) The exhibition will be a full statutory exhibition process with all submissions being considered by Council, submitters having the opportunity to speak to the PCC and to have their submissions considered by an independent Panel.
 - d) Council is not required to make its decision on the amendments until it has considered all submissions and the recommendations of the independent Panel.
 - e) Council will have the right in its decision to adopt the amendments as exhibited, adopt the amendments with changes or to abandon the amendments.
 - f) Option 1 is fully scheduled and budgeted for within Council's current work program in conjunction with all other key strategic planning projects.

Sustainability implications

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

Community engagement

18. Aspects of the topic relating to engagement are fully covered in the "Discussion" and "Options" sections of this report.

Innovation and continuous improvement

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

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Collaboration

20. 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 Melbourne Water and other government agencies.

Budget implications

21. As outlined in the "Options" section of this report, Option 1 (Proceed with the Amendments) is fully budgeted, whilst Option 2 (Change the key settings of the Amendments and the Structure Plans) is not budgeted and will likely require expenditure of approximately \$80,000-\$90,000.

Relevant law

22. The *Planning and Environment Act 1987* sets the legal framework for the planning scheme amendment process and gives legal force to Victorian planning schemes.

Regional, state and national plans and policies

23. This is discussed above regarding Council being required by the State Government's planning framework to implement Activity Centre Policy in the municipality.

Conflicts of interest

24. No officer involved in the preparation of this report has a conflict of interest in relation to this matter.

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12. Officers' reports**CM.019/22 Nillumbik Neighbourhood Character Strategy and Guidelines - Project Inception and Programming**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Leigh Northwood, Strategic Planning Lead****Summary**

This report introduces a project to implement a priority action in the Council Plan 2021-2025, which is to prepare a Neighbourhood Character Strategy (the Strategy) for the municipality.

Recognising the scale and importance of developing the Strategy, Council has provided a budget of \$220,000 (exclusive of GST) for the project over the 2021-2022, 2022-2023 and 2023-2024 financial years.

The project is scheduled to be completed in late 2023 (around October subject to no programme changes) with Council adopting the final Strategy and supporting the commencement of a planning scheme amendment to implement the Strategy.

In accordance with State Planning Policy, the study area for the Neighbourhood Character Strategy will be restricted to land within residential zones only.

It is a requirement of State Planning Policy that each Council develop a Strategy as part of its policy framework to provide appropriate growth in housing supply in residential zones, noting in addition to providing a Neighbourhood Character Strategy, a Council is required to develop a Housing Strategy.

Development of a Housing Strategy is also a priority action in the Council Plan and work on a Housing Strategy is scheduled to commence later this year (subject to budget allocation).

The Neighbourhood Character Strategy and the Housing Strategy work together to set the direction for housing and development within a municipality's residential zones – where the objectives of protecting neighbourhood character, but also providing additional housing have to be suitably blended in accordance with State Government Planning Policy to provide sufficient housing growth within metropolitan Melbourne.

The future planning scheme amendment to implement the Neighbourhood Character Strategy, will also need to be informed by an updated Housing Strategy. This in accordance with the relevant framework required by the State Government, as discussed above, for a Council to articulate its housing policy and objectives.

This officer report explains in detail that:

- Council has engaged consultants to assist in preparing the Strategy.
- Key stages and milestones have been developed to complete the Strategy.
- There will be significant opportunities for community input into development of the Strategy, including three rounds of public engagement.

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The first round of engagement is scheduled to occur from late March to early May 2022. The purpose of this first round, named "Championing the Strategy", is to inform the community about the scope of the project and to ascertain from the community what it sees as the key elements that contribute to neighbourhood character in the Shire's residential zones. As part of engagement the program includes engaging with Councillors through various workshops at strategic milestone points with the first such workshop undertaken on 15 March.




This report recommends Council endorses the first round of public engagement.

Recommendation

That Council:

1. Notes the commencement of the project to develop a Nillumbik Neighbourhood Character Strategy.
2. Endorses a first round of engagement for the project, which is scheduled to be conducted from late March to early May 2022.
3. Notes a report will be presented to an upcoming meeting of Council's Planning and Consultation Committee which will consider the response to the first round of engagement.

Attachments

- 1  Understanding Neighbourhood Character, State Government Planning Practice Note, January 2018
- 2  Planning for Housing, State Government Planning Practice Note, December 2019
- 3  Key Project Stages to develop the Nillumbik Neighbourhood Character Strategy

Discussion**Policy Context for a Neighbourhood Character Strategy**

1. Local Government is required by State Planning Policy to develop and use a Neighbourhood Character Strategy to provide strategic basis for the local (Council-led) planning policy section of the planning scheme regarding:
 - a) The location and type of preferred neighbourhood character precincts that exist within residential zones.
 - b) How each precinct should be adequately respected, whilst not prejudicing the over-arching state government policy directives to provide growth in housing supply, diversity, affordability, inclusivity (among other matters).
2. As such, a Neighbourhood Character Strategy is an important strategic document for Council, and through the planning scheme, it is used to define and protect neighbourhood character when assessing planning permit applications, including to defend Council's planning decisions at VCAT.

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3. Further reading on neighbourhood character and the role of a Neighbourhood Character Strategy are available in two State Government planning publications, namely, "Understanding Neighbourhood Character (Jan 2018)" and "Planning for Housing (Dec 2019)". These are provided as **Attachments 1** and **2** respectively.
4. Some further key points and statements to draw from these publications are:
 - a) Neighbourhood character is essentially the combination of the public realm (e.g. the style of road and road reserve in a street or area) and private realm (e.g. the general style and pattern of fencing, front gardens and dwellings as seen from the street, or other public areas).
 - b) Respecting neighbourhood character does not mean:
 - i. Preventing change, as an appropriate level of housing growth must still be provided.
 - ii. That new development must mimicry the existing. Rather, development should be designed to respond to the features and characteristics identified as important to character in the area.
 - c) In addition to providing a Neighbourhood Character Strategy, a Council is required to develop a Housing Strategy. This additional strategy articulates for a municipality's residential zones how a range of housing opportunities will be provided and further, how and where an appropriate level of growth of housing will occur.
 - d) The Neighbourhood Character Strategy and the Housing Strategy set the direction for housing and development within a municipality's residential zones – where the objectives of protecting neighbourhood character, but also providing additional housing have to be suitably blended in accordance with State Government Planning Policy to provide sufficient housing growth within metropolitan Melbourne.

A Neighbourhood Character Strategy in Nillumbik

5. This Council has an existing Neighbourhood Character Strategy that was implemented in 2004, but this is now significantly compromised by its age. Recognising the flow-on issues the outdated Strategy would have on protecting Nillumbik's unique neighbourhood character values, a key priority of the Council Plan 2021-2025 is to "Develop a Neighbourhood Character Strategy".
6. In accordance with State Planning Policy, the study of the Neighbourhood Character Strategy will be restricted to land within residential zones. In the Shire this includes land within the:
 - a) General Residential Zone (GRZ) – Commonly applied to many residential areas in the Shire, such as at Diamond Creek, Eltham, Research and Greensborough.
 - b) Neighbourhood Residential Zone (NRZ) – Typically applied to certain residential parts of Eltham.
 - c) Mixed Use Zone (MUZ) – Applied to the Eltham Gateway only.

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- d) Low-Density Residential Zone (LDRZ) – Applied to various residential areas in the Shire, such as parts of North Warrandyte, Eltham North, Eltham South, Research and Plenty.
 - e) Township Zone (TZ) – Applied to land within the rural townships of Hurstbridge, Panton Hill and St Andrews.
7. The project does not apply to land in other zones. For example, it does not apply to land with the Green Wedge Zones.
8. Developing the Nillumbik Neighbourhood Character Strategy is a major undertaking which requires:
- a) A specialist consultant's review of all urban and township residential areas to identify character precincts and the guidelines which will be implemented through the planning scheme.
 - b) Significant rounds of public engagement with the community and other stakeholders to provide input into that review, particularly regarding:
 - i. Identifying the preferred neighbourhood character of different residential parts of the Shire and determining how various character values should be appropriately supported by future development.
 - ii. Various renditions of the Strategy and associated guidelines created by the review.
9. The engagement also requires an educational component to inform the community about the project and succinctly relay the concept of neighbourhood character in order to mitigate against barriers that can arise between:
- a) Expectations from members of the public that the Strategy can be used to lock out any and all future development from their neighbourhood; and
 - b) The requirement of State Government Planning Policy that a Neighbourhood Character Strategy allows a reasonable level of protection, whilst still meeting the State Government's broad objectives regarding housing growth, diversity, affordability, inclusivity, which should be defined by a Council Housing Strategy.
10. Recognising the scale and importance of developing the new Neighbourhood Character Strategy, Council has provided a budget of \$220,000 (with additional for GST) for the project over the 2021-2022, 2022-2023 and 2023-2024 financial years.
11. The project is being led by Council's Strategic Planning Unit and significant steps have now been undertaken in progressing the project, including:
- a) A full procurement process has been undertaken to select two consulting firms to assist the project, namely:
 - i. Ethos Urban, which is a Melbourne based planning consulting firm with very robust and significant experience and resources regarding the development of Neighbourhood Character Strategies and Guidelines for Victorian municipalities.

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- ii. Chatterbox Communications, which specialises in engagement planning and activities and which has considerable experience working in the Shire.
 - b) From discussions with the consultant team, a programme has been developed to conduct the project through to completion. An overview of key milestones within the programme is provided as a table in **Attachment 3**.
12. The key stages of the programme are briefly listed as follows:
- a) Prepare the initial project material and conduct background research.
 - b) Conduct further research, including public engagement to capture local views on what constitutes preferred character in Nillumbik's urban and township residential areas.
 - c) Prepare a draft Neighbourhood Character Strategy.
 - d) Conduct public engagement on the draft Strategy.
 - e) Consider changes to the draft Strategy, including by further public engagement, and present the finalised Strategy for adoption to a Council Meeting with a proposed planning scheme amendment to implement the Strategy.
13. Three rounds of engagement are proposed for this project. These are as follows:
- a) 'Championing the Strategy' – 1st Round (late March – early May 2022) – to:
 - i. Introduce and inform the community about the project, elements of neighbourhood character and the role of the Strategy; and
 - ii. Engage on what people value about their neighbourhoods.
 - b) 'Testing the Draft Strategy' – 2nd Round (late 2022) – to present the draft Strategy for community feedback.
 - c) 'Close the Loop – Did we get this right?' – 3rd Round (mid-2023) – to confirm changes proposed to the draft Strategy based on the public feedback to the 2nd round of engagement have been effectively captured where relevant.
14. The project is scheduled to be completed in late 2023 (around October subject to no programme changes) with Council adopting the final Strategy and supporting the commencement of a planning scheme amendment to implement the Strategy.

Upcoming Work for a Housing Strategy

- 15. The future planning scheme amendment to implement the Neighbourhood Character Strategy, will also need to be informed by an updated Housing Strategy. This in accordance with the relevant framework required by the State Government, as discussed above, for a Council to articulate its housing policy and objectives.
- 16. Consistent with this, the development of a Housing Strategy is also a priority action in the Council Plan and work on a Housing Strategy is scheduled to commence later this year (subject to budget allocation). An officer report will be presented to Council in coming months which will outline the project to complete the Housing Strategy, including to conduct rounds of public engagement.

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Related Council decisions

17. The Council Meeting of 26 October 2021 resolved to adopt the Council Plan 2021-2025, which has as one of its priority actions:
- *Develop a Neighbourhood Character Strategy; and*
 - *Develop a Housing Strategy for the Shire.*

Options

18. The first scheduled formal step for the project to complete a Nillumbik Neighbourhood Character Strategy is for Council to formally note the commencement of the project as outlined in this report.
19. Further, it is requested that Council endorse the first round of engagement 'Championing the Strategy'.
20. The elements of the first round of engagement is explained further within the "Community engagement" section below.
21. This report is not expected to present any issue for Council in terms of policy or position, noting that commencing the project is fully in accordance with the Council Plan 2021-2025.

Council plans and policies

22. In addition to directly supporting a priority action in the Council Plan 2021-2025 to develop the Strategy, the project also supports the following statement in the Plan:
- We respect and enhance the unique neighbourhood character in our communities to ensure a considered approach to planning and development.*

Sustainability implications

23. Defining and respecting a preferred neighbourhood character has important social implications, such as:
- a) Improving a community's connection and pride for their neighbourhood.
 - b) Providing clear and agreed guidelines for managing residential change.
 - c) Appropriately identifying and protecting the Shire's neighbourhood character through the Nillumbik Planning Scheme, whilst planning for housing growth and diversity.

Community engagement

24. As noted above, the project is scheduled to have three rounds of community engagement and the purpose of the first round of engagement is to provide context for the community regarding the Strategy and further, to engage on what people value about their neighbourhoods 'Championing the Strategy'.

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25. To that end, the first round of engagement shall comprise the following elements:
- a) A virtual walking tour (narrated by an Urban Design expert) will be provided as a freely accessible online video (and will remain available throughout the life of the project on the dedicated Participate Nillumbik page) that will enable people to view it at their leisure. The tour will provide context and guidelines as:
 - i. To what constitutes neighbourhood character for planning purposes. For example, to explain, with local Nillumbik references, the elements that relate to character, such as setbacks, architectural design, building height, fencing (or lack thereof), vegetation, street layout, topography and streetscape.
 - ii. The policy context and role of a Neighbourhood Character Strategy.
 - b) A survey (online and hard copy) will be used as the primary means to collect community views about the character of their neighbourhoods. For example, by asking what people like about the character of their neighbourhood and whether there are any specific features that make their neighbourhoods explicit or unique (e.g. vegetation or architectural design) as compared with other areas of the Shire.
 - c) If COVID restrictions permit, Council will conduct three information stalls at three different, typically well attended, public venues such as farmers' markets or town centre precincts. If COVID restrictions do not allow this, online information sessions will be offered.
 - d) A direct mail out will be conducted to known stakeholders and community groups that are likely to be interested in the project.
 - e) The consultation will be advertised by Council's normal social media platforms and relevant community bulletins.
 - f) Participate Nillumbik will have a page dedicated to the project, which will provide access to the survey, the virtual walking tour, background information for the project, details of information stalls or virtual information sessions and contact details for enquires and further information.
 - g) Postcards and other collateral including posters will be distributed to Council run facilities, and officers are liaising with other internal teams e.g. Economic Development and Tourism; and Maternal and Child Health to make the postcards available at other venues in order to 'get the word out'.
26. The first round of engagement is scheduled to run from late March to early May 2022 (6 weeks), which is a lengthy period that will adequately compensate for the two weeks of April school holidays. The timeframes for the other engagement rounds are yet to be formally confirmed at this stage, but have been indicatively planned and Council will be updated on these as the project progresses.

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27. It should also be noted that given the timing and length of engagement on the first round of engagement as identified above, the Municipal Planning Strategy (MPS) programmed engagement around the first draft of the document, has been scheduled for between June and August so as to avoid any crossover with the Neighbourhood Character Strategy consultation.

Innovation and continuous improvement

28. The project aims to provide innovation and continuous improvement in terms of:
- a) Utilising best and current planning knowledge and practice to enhance Nillumbik's neighbourhood character values and subsequently improve upon residential development outcomes.
 - b) Utilising innovative engagement tools, such as the virtual walking tour and use of interactive technology in later rounds of consultation on the draft Strategy.
 - c) The successful implementation of the final Strategy (and associated outputs), which will define and appropriately protect preferred neighbourhood character values in the Shire.

Collaboration

29. The project requires collaboration across a number of departments within Council, particularly Strategic Planning, Planning Services and Communications.
30. The project is guided by an internal Project Working Group which includes cross-department resources.
31. As part of engagement the program includes engaging with Councillors through various workshops at strategic milestone points, and with Council's relevant Advisory Committees.
32. Liaising with the State Government will also be required during the course of the project to increase the likelihood of obtaining its support for the final project outcomes, particularly for the planning scheme amendment stage.
33. The engagement plan also includes engaging with local Members of Parliament in regard to the project.

Budget implications

34. The project is fully funded and accounted for across Council's 2021-2022, 2022-2023 and 2023-2024 financial years to the amount of \$220,000 (with additional for GST).

Relevant law

35. The project responds to relevant provisions within the Nillumbik Planning Scheme and the *Planning and Environment Act 1987* being the State legislation that regulates all Victorian planning schemes.

Regional, state and national plans and policies

36. Accommodating population growth and providing housing diversity while retaining the valued elements that characterise a place is a well-established urban planning objective that underpins several planning policies at both the State and local levels.

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37. In the Victorian Planning Policy Framework (PPF), *Clause 11.02-1S Supply of urban land* requires planning for urban growth to consider amongst other matters, neighbourhood character and landscape considerations. Further, *Clause 15.01-5S Neighbourhood character* seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
38. Further discussion of the policy context is provided above in “Discussion” and in the State Government housing policy publications which are provided as **Attachments 1 and 2**.

Conflicts of interest

39. No officer involved in the writing of this report has a conflict of interest with its subject matter.

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CM.020/22 National General Assembly 2022 - Motions

Distribution: Public**Manager:** Blaga Naumoski, Executive Manager Governance, Communications and Engagement**Author:** Licardo Prince, Communications and Advocacy Lead**Summary**

The Australian Local Government Association (ALGA), National General Assembly (NGA) provides the opportunity for councils throughout Australia to contribute to the development of national local government policy and receive updates on the major policy issues facing local government. The 28th NGA is to be held in Canberra from 19-22 June 2022, will be a Hybrid event and this year's theme is 'Partners in Progress'. The ALGA Secretariat has prepared a short discussion paper (**Attachment 1**) to assist councils to identify motions that address the theme of the 2022 NGA. The Assembly is a major event and typically attracts more than 600 Mayors, Councillors and Senior Officers from councils across Australia.

The NGA is an opportunity for individual councils to identify matters of national relevance to the sector, influence the future direction of our Council and our community and to submit notices of motion to seek support at the NGA for these matters to be considered by NGA as national policy.

This report seeks endorsement of the Motion (**Attachment 2**) to be put forward to the ALGA, NGA in June 2022. The Motions submitted will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the committee considers the importance and relevance of the issue to local government.

Motions need to be submitted no later than 25 March 2022. Motions that are carried by the NGA become resolutions. These resolutions are then considered by the ALGA Board when setting national local government policy and will also feed into the Australian Council of Local Government processes.

Recommendation

That Council resolves to adopt and lodge the following motion to the Australian Local Government Association, National General Assembly to be held in Canberra on 19-22 June 2022:

'This National General Assembly calls on the Australian Government to support the zero-emissions targets of local government Climate Emergency acknowledgements and declarations by:



- a) legislating a federal government target of zero emissions by 2035*
- b) supporting a renewable energy led Covid economic recovery in preference to the nationally proposed gas-led recovery (by providing funding support on a national scale for increased renewable energy infrastructure)*

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- c) *preparing the national grid to support electric vehicles and increased battery storage integration.'*

Attachments

- 1  National General Assembly 2022 - Discussion Paper
- 2  Motions for the National General Assembly 2022

Discussion

1. ALGA is the peak body for local governments in Australia and should take a lead role in advocating to the Federal Government on a variety of issues of concern to local governments in Australia.
2. Submitting motions to the ALGA NGA is consistent with Council's practice of advocating on behalf of the community.
3. The theme for this event will be 'Partners in Progress', focusing on how partnerships, particularly between the Australian Government and local governments, can tackle the immediate challenges facing communities and help us confidently prepare for the future.
4. It is important to note that the NGA will focus debate on motions that address how councils can work in partnership with the Australian Government in particular to meet the current and future needs of local communities.
5. The ALGA Secretariat has prepared a short discussion paper (**Attachment 1**) to assist councils to identify motions that address the theme of the 2022 NGA – Partners in Progress and also provided guidance on how notices of motion are to address this theme.
6. The discussion paper explores data which identify critical areas local government needs to consider now and into the future.
7. To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:
 - be relevant to the work of local government nationally;
 - not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference;
 - be consistent with the themes of the NGA;
 - complement or build on the policy objectives of your state and territory local government association;
 - be submitted by a council which is a financial member of their state or territory local government association;
 - propose a clear action and outcome i.e. call on the Australian Government to do something;

12. Officers' reports**CM.020/22 National General Assembly 2022 - Motions**

- be a new motion that has not already been debated at the NGA in the preceding two years; and
- not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Related Council decisions

8. Nil

Options

9. The ALGA Board is calling for motions, presenting an opportunity to gain peak local government body support for advocacy to the Federal Government.
10. Following consultation with Councillors, Officers propose that one (1) motion be submitted to the ALGA Board for consideration relating to climate change.
11. The Shire of Nillumbik recognises that climate change is one of the most serious challenges facing the world today and into the future. Council understands the importance of preserving the Green Wedge, contributing to global efforts to reduce greenhouse gas emissions across all sectors, conserving natural resources and to promoting a healthy, safe and resilient community.
12. In recent years, there has been very little Australian Government funding available to local government to implement mitigation actions. For many resource-constrained councils finding funds to reduce their own fossil fuel based energy profile, through the implementation of building, lighting and fleet upgrades is extremely difficult, with many competing community needs. Significant action is required now, not in the future when the change is irreversible.
13. It is proposed that the following motion be considered for inclusion at the NGA:
'This National General Assembly calls on the Australian Government to support the zero-emissions targets of local government Climate Emergency acknowledgements and declarations by:
 - a) legislating a federal government target of zero emissions by 2035 (which matches Council's target)*
 - b) supporting a renewable energy led Covid economic recovery in preference to the nationally proposed gas-led recovery (by providing funding support on a national scale for increased renewable energy infrastructure)*
 - c) preparing the national grid to support electric vehicles and increased battery storage integration.'*
14. The proposed motion to be submitted, if endorsed by Council will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the committee considers the importance and relevance of the issue to local government.

12. Officers' reports

CM.020/22 National General Assembly 2022 - Motions

15. Motions that are carried by the NGA become resolutions. These resolutions are then considered by the ALGA Board when setting national local government policy and will also feed into the Australian Council of Local Government processes.
16. All motions must be received not later than 11:59pm on 25 March 2022.

Council plans and policies

17. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We partner with state and federal governments to advocate in our community's best interests.

Sustainability implications

18. The motions to be considered at ALGA will cover a range of matters.
19. The subject matter of this report relates to climate change and associated environmental, social and economic implications.
20. The motion sponsored by Council has the potential to achieve worthwhile results for the Nillumbik community and the broader Australian community.

Community engagement

21. Not applicable.

Innovation and continuous improvement

22. The proposed motion represents continuous improvement by increasing opportunities for council to innovate, work together and share resources.

Collaboration

23. The proposed motion has been prepared following advice from Councillors on the items they wish to raise. The content has been prepared with collaborative feedback from teams across the organisation.

Budget implications

24. Funds are available within the relevant operating budget to enable Councillors to attend conferences and meet costs associated with attendance at the National General Assembly of Local Government.
25. The estimated total cost of attendance at the 2022 NGA of Local Government in Canberra for two delegates including registration, flights and accommodation (min. 3 nights) is approximately \$4,000 excl. GST. Travel is to be undertaken in accordance with the Council Expenses Policy.
26. Virtual registration is also available at a reduced fee whereby Councillors attend as a virtual delegate and watch the NGA live on screen.

Relevant law

27. Not applicable.

Regional, state and national plans and policies

28. The National General Assembly of Local Government is an important opportunity for Council to influence the national policy agenda.

12. Officers' reports

CM.020/22 National General Assembly 2022 - Motions

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.

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12. Officers' reports**CM.021/22 Draft Budget 2022-2023****Distribution: Public****Manager: Vince Lombardi, Chief Financial Officer****Author: Melika Sukunda, Finance Manager****Summary**

This report presents the draft Budget 2022-2023 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, delivery of Council Plan actions and for the development and maintenance of infrastructure throughout the Shire.

Rates and charges

- The draft Budget proposes a 1.75 per cent increase to rates levied and an increase of 21.98 per cent to the waste management standard charge.

Capital Works

- A range of major capital works projects have been identified through planning and community consultation. The draft Budget also provides significant resources to maintain and develop existing infrastructure.

Strategic Resource Plan

- In conjunction with the Council Plan, the Strategic Resource Plan has also been prepared for the next ten financial years.

Recommendation

That Council:

1. Adopts the draft Budget 2022-2023 (**Attachment 1**) for the purposes of section 94 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council Meeting proposed to be held at 7:00 pm on 24 May 2022, the Budget 2022-2023 presented to this meeting.
3. Notes that any person who makes a written submission in relation to the draft Budget 2022-2023 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting to be held at 7:00 pm on 10 May 2022.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under sections 94 and 96 of the *Local Government Act 2020*.

Attachments

- 1  Draft Budget 2022-2023

12. Officers' reports

CM.021/22 Draft Budget 2022-2023

Discussion

1. Council is required by the *Local Government Act 2020* to prepare a Budget for each financial year.
2. Adoption of the Budget is an important policy decision by Council in terms of resource allocation for services and projects in the coming year.
3. The draft Budget has been prepared for the purposes of public exhibition in accordance with statutory requirements.

Draft Budget 2022-2023

4. The major features of the draft Budget are summarised below. Details are provided within the Budget document.

Property rates and charges

5. The draft Budget for 2022-2023 proposes a 1.75 per cent increase in property rates, the maximum allowable set by the Minister under the Fair Go Rates System.
6. The waste management standard charge is proposed to be increased by 21.98 per cent, which is driven by service delivery costs and the requirement under the EPA to rehabilitate formal landfill sites.

Other fees and charges revenue

7. Other fees and charges have been adjusted to reflect cost increases, regulatory requirements and market considerations. Details are provided in the draft Budget.

Operating expenditure

8. Recurrent operating budgets for Council services have been budgeted to reflect changes in unit costs, including inflationary impacts and contract prices.

Major initiatives

9. The draft Budget provides resources through major initiatives for policy development, as well as policy implementation and service improvements.
10. A full list of major initiatives is provided in the draft Budget document.

Capital works

11. The draft Budget includes \$14.25 million of capital works projects, of which \$2.24 million will be funded by external grants.
12. A full list of capital works projects is included in the draft Budget document.

Loan Borrowings

13. No additional loan borrowings are proposed in 2022-2023.
14. The Strategic Resource Plan provides a ten year forecast of Council's finances, using projections of expenditure and revenue which are based on a series of assumptions about Council's services and infrastructure. This information is then used to assess Council's long-term financial sustainability.

12. Officers' reports

CM.021/22 Draft Budget 2022-2023

Related Council decisions

15. Adoption of the Budget 2022-2023 at the 24 May 2022 Council Meeting commencing 7:00pm.

Options

16. Adoption the draft Budget 2022-2023 for the purposes of sections 94 and 96 of the *Local Government Act 2020*.

Council plans and policies

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

Sustainability implications

18. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).
19. 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

20. Following Council's adoption of the draft Budget 2022-2023, public notice will be provided that allows the community the opportunity to lodge submissions. Public exhibition will be for 28 days, and the draft Budget will be available for inspection at the Civic Centre and on Council's website.
21. Public submissions in relation to the draft Budget will be considered at the Planning and Consultation Committee meeting on 10 May 2022.
22. Following the consideration of any submissions reviewed, the Budget will then be presented for adoption at the Council Meeting on 24 May 2022, whereby Council is then required to formally adopt the final Budget for 2022-2023.

Innovation and continuous improvement

23. Continuous improvement and innovation opportunities identified have been considered.

Collaboration

24. The drafting of budget is conducted in consultation with managers and Executive Management Team.

Budget implications

25. The costs of preparing and exhibiting the Budget, such as public notices, are funded from operating budget allocations.

Relevant law

26. Sections 94 and 96 of the *Local Government Act 2020*.
27. The approach to the budget and the composition of the financial statements are prepared reflective of the overall compliance with the Australian Accounting Standards.

12. Officers' reports

CM.021/22 Draft Budget 2022-2023

Regional, state and national plans and policies

28. Not applicable.

Conflicts of interest

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

12. Officers' reports**CM.022/22 Quarterly Risk and Safety Report - December 2021**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Craig Commene, Risk and Safety Lead****Summary**

This report provides a summary of Council's Risk and Safety Report for the quarter ending December 2021.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF). This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 14 February 2022.

The full confidential Risk and Safety Report for December 2021 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Recommendation

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending December 2021.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

Attachments

1. Risk and Safety Report December 2021 - *CONFIDENTIAL*

Discussion

1. Council's commitment to risk management is outlined in the Risk Management Policy adopted in June 2018, with the following objectives:
 - Ensure that all risks that could affect the achievement of our Council's goals, strategies and actions are identified, assessed and treated to a commercially, professionally and politically acceptable level of risk;
 - Integrate risk management into decision making processes and embed it into the organisation culture to help make informed choices for the benefit of Council and our stakeholders;
 - Ensure that necessary resources are allocated in support of the policy outcomes;
 - Maintain stakeholders trust and due diligence;

12. Officers' reports**CM.022/22 Quarterly Risk and Safety Report - December 2021**

- Align all risk management practices across the organisation and to promote and support a consistent corporate approach to risk management that can be clearly understood and applied by everyone and provide a basis for higher standards of accountability; and
 - To 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 2018 communicates and describes the risk management structure and procedures that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
 3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
 4. This Risk and Safety report broadly reports on:
 - Risk management;
 - Business continuity;
 - (Anti) Fraud and corruption control;
 - Insurance premiums;
 - Incident management and insurance claims;
 - Occupational Health and Safety;
 - Other data; and
 - Strategic risk summary report.
 5. The Quarterly Risk and Safety Report has been prepared in accordance with Council's Risk Management Policy and Framework and is consistent with the Australian Standard AS/NZS 31000:2018 Risk Management.
 6. Highlights from the Risk and Safety Report for the quarter ending December 2021 are as follows.
 7. Council's strategic risks are currently under review. Workshops were conducted by Marsh Pty Ltd in November 2021 and identified 10 potential strategic risks. These strategic risks are currently being risk assessed into a draft form for consultation within the organisation, prior to being presented at the next Audit and Risk Committee Meeting.
 8. Drafting of a new (Anti) Fraud and Corruption Policy and Control System commenced this quarter, to align with AS8001:2021. These will be presented to Council's Audit and Risk Committee following consultation within the organisation.

12. Officers' reports

CM.022/22 Quarterly Risk and Safety Report - December 2021

9. The COVID-19 pandemic continues to be recorded as a Major Incident:
- Council continues to observe all directives issued by the Victorian Chief Health Officer in response to the COVID-19 State of Emergency; and
 - As restrictions change, the focus of the Risk and Safety team has been to provide advice, support and assistance to transition the organisation through changing COVID-19 settings.
10. The following tables summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type	Jan-Mar 21	Apr-Jun 21	Jul-Sep 21	Oct-Dec 21	Total Jan-Dec 21	Last Year Jan-Dec 20
Property	4	16	9	6	35	78
Motor vehicle	12	11	7	11	41	54
Professional Indemnity	0	0	0	0	0	5
Public Liability	41	46	40	40	167	255
Occupational Health and Safety	23	26	18	27	94	77
Total incidents	80	99	74	84	337	469

11. The following table summarises all incidents by Directorate.

Incidents by Directorate	Jan-Mar 21	Apr-Jun 21	Jul-Sep 21	Oct-Dec 21	Total Jan-Dec 21	Last Year Jan-Dec 20
Corporate Services	0	2	0	0	2	6
Communications, Governance and Engagement	0	3	1	1	5	3
Planning and Community Safety	17	13	5	15	50	25
Community Services	5	4	4	4	17	21
Operations and Infrastructure	58	77	64	64	263	414

12. Officers' reports

CM.022/22 Quarterly Risk and Safety Report - December 2021

Incidents by Directorate	Jan-Mar 21	Apr-Jun 21	Jul-Sep 21	Oct-Dec 21	Total Jan-Dec 21	Last Year Jan-Dec 20
Total incidents	80	99	74	84	337	469

12. A high proportion of reported incidents during the year ending December 2021 are generated within the normal course of operations in the Operations and Infrastructure Directorate (78%). This is down 10% from the 2020 calendar year and is attributed to a program encouraging incident reporting at school crossings (situated within the Planning and Community Safety Directorate).
13. 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.
14. 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; and
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
15. Road, footpath, drainage and roadside related risks are mitigated through the:
 - Road Management Plan;
 - Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.
16. 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.
17. There were six reports of property theft, break-ins, storm damage and vandalism noted during the December 2021 quarter, including the theft of two hot water cylinders at Eltham Central Pavilion, and break-ins at the Eltham Child Care Cooperative and Eltham Community Reception Centre.
18. Overall, reported property incidents were lower when compared to the same period last year. All incidents are reported to the police where appropriate.
19. 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.

12. Officers' reports**CM.022/22 Quarterly Risk and Safety Report - December 2021**

20. There were 11 motor vehicle incidents during the December 2021 quarter which resulted in two motor vehicle insurance claim lodged with Council's insurer.
21. The number of motor vehicle incidents during the year ended December 2021, compared to the year ended December 2020, shows a substantial improvement which has been attributed to lesser usage of the pool car fleet during the last COVID-19 lockdown and fewer minor truck related incidents.
22. 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 reported this quarter.
23. 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 and 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.
24. Nine incidents related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. (Note that the *Road Management Act 2004* threshold is currently \$1,460).
25. There were two flooding and 21 tree damage incidents causing property damage, primarily attributed to rainfall and wind related events.
26. Occupational Health and Safety incidents relate to safety matters reported as incidents, hazards and near misses. Typical incidents relate to cuts and lacerations, insect and animal bites, musculoskeletal injuries and slip trips and falls. These incidents are managed through the Occupational Health and Safety Management System.
27. The overall occupational health and safety annual trend data for the year ending December 2021 for incidents was higher compared to the same period ending December 2020.
28. The increase is attributed to traffic management incidents reported by school crossing supervisors, which is part of a program to identify school crossings that require safety improvement.
29. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the police.

Related Council decisions

30. This summary, along with the confidential Risk and Safety Report, has been provided to meet the requirements of the Local Government Performance Reporting Framework (LGPRF) and consolidation of management reporting.
31. Ongoing reporting to Council on risk and safety matters is presented quarterly following each meeting of Council's Audit and Risk Committee.

12. Officers' reports

CM.022/22 Quarterly Risk and Safety Report - December 2021

Council plans and policies

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

- We act in the best interests of our community.
- We are forward-thinking, data-driven and evidence-led in our decision making, always looking to identify new opportunities.
- We make Council's programs, services, processes and information equitable, assessable and inclusive.

Sustainability implications

33. 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.

34. Council's risk profile includes environmental risks and climate change as a consequence of failure to adequately mitigate those risks.

Community engagement

35. Not applicable.

Innovation and continuous improvement

36. 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

37. Not applicable.

Budget implications

38. 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

39. Not applicable.

Regional, state and national plans and policies

40. Not applicable.

Conflicts of interest

41. 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.023/22 Audit and Risk Committee Meeting February 2022**

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer****Author: Melika Sukunda, Finance Manager****Summary**

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

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

The Audit and Risk Committee met on 14 February 2022. 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 14 February 2022 (**Attachment 1**).

Attachments

1  14 February 2022 Audit and Risk Committee Minutes

Discussion

1. The minutes of the Audit and Risk Committee (ARC) are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
2. Minutes of the ARC held on 14 February 2022 have not yet been adopted by the Committee, but will be presented at its next meeting.
3. The items considered by the ARC were:
 - Cyber security update;
 - The Sexual Harassment in Local Government – progress update;
 - Draft 2021/2022 VAGO Audit Strategy;
 - Recreation and Leisure Internal Audit Report; and
 - Proposed Internal Audit Plan.
4. The next ARC meeting is scheduled to take place on Monday 16 May 2022.

Related Council decisions

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

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.

12. Officers' reports

CM.023/22 Audit and Risk Committee Meeting February 2022

7. The ARC meets four times a year. The Internal Auditor, CEO and Chief Financial Officer (CFO) attend all ARC meetings. Other management representatives attend as required to present reports. The external auditors attend in May and August each year to present the Audit Plan and independent audit report.

Council plans and policies

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

Sustainability implications

9. 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

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. The ARC meeting on 14 February 2022 was attended by the Committee members, the internal auditor from Pitcher Partners, as well as the CEO and CFO. Mayor Cr Frances Eyre and Deputy Mayor Cr Ben Ramcharan attended as the Councillor representatives.

Budget implications

13. The associated costs are contained within Council's 2021-2022 Budget.

Relevant law

14. In accordance with section 53 of the *Local Government Act 2020*, Council must establish an Audit and Risk Committee.

Regional, state and national plans and policies

15. Not applicable.

Conflicts of interest

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

12. Officers' reports**CM.024/22 Draft Access Equity and Inclusion Policy****Distribution: Public****Manager: Nichole Johnson, Acting Executive Manager Community Services****Author: Lauren Treby, Coordinator Social Planning and Equity****Summary**

The purpose of this report is to seek endorsement of the Draft Access Equity and Inclusion Policy (the Policy) (**Attachment 1**) for public consultation from 23 March to 24 April 2022.




The Draft Policy outlines Council's commitment to accessible, equitable and inclusive practice across all Council activities. The Policy is a high level commitment that sets the foundation for culture change within the organisation and builds on work already being undertaken across Council.

Recommendation

That Council:

1. Endorses the Draft Access Equity and Inclusion Policy (**Attachment 1**) for the purposes of public exhibition.
2. Invites written submissions on the Draft Access Equity and Inclusion Policy to Council by 24 April 2022.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 June 2022.
4. Notes that any person who makes a written submission in relation to the Draft Access Equity and Inclusion Policy and requests to be heard in support of the written submission, be heard at the June 2022 Planning and Consultation Committee meeting.

Attachments

- 1  Draft Access Equity and Inclusion Policy
- 2  Draft Access Equity and Inclusion Policy FAQs
- 3  Draft Access Equity and Inclusion Policy - Engagement Plan Summary

Discussion

1. The Draft Access Equity and Inclusion Policy (**Attachment 1**) outlines Council's commitment to accessible, equitable and inclusive practice across all Council activities. The Policy includes:
 - an Inclusion statement (to be used in Council publications alongside an Acknowledgement of Country and demonstrates our policy commitment)
 - purpose, context and principles (leadership, community, equity, intersectionality, human rights and social justice)
 - our policy commitments

12. Officers' reports

CM.024/22 Draft Access Equity and Inclusion Policy

- details on how the policy will be applied and implemented.
- 2. The Policy is informed by relevant legislation and frameworks, evidence in the Nillumbik Community Profile 2021 and local context, alignment with Council strategic documents and existing commitments relating to access, equity and inclusion, and best-practice from other government agencies.
- 3. Timelines for development of the Policy are:
 - Public exhibition - 23 March to 24 April 2022
 - Planning and Consultation Committee - 14 June 2022
 - Council Meeting - Final Policy - 28 June 2022
 - Implementation of Policy - July onwards
- 4. The Draft Policy is a high level commitment that sets the foundation for culture change within the organisation and builds on work already being undertaken across Council. Existing work, quick wins and examples of longer-term changes are outlined in the Frequently Asked Questions document (**Attachment 2**).
- 5. There are three phases identified to embed access, equity and inclusion principles and policy commitments across Council:
 - Phase 1: Initiate - establish our policy commitment and undertake community engagement to confirm opportunities and gaps.
 - Phase 2: Build capacity and drive culture change - deliver training, upskill staff, engage champions, map opportunities based on community and staff consultation, pilot interventions and collect relevant data.
 - Phase 3: Sustain - longer-term systems and process changes, effective partnerships, monitoring, evaluation and learning to continue to build on strengths and address gaps.

Related Council decisions

- 6. The Council Plan was adopted at the Council Meeting on 26 October 2021. The Council Plan 2021-2025 includes a commitment to develop an Access Equity and Inclusion Policy as a priority action for Council within the Community and Connection – Equity and Inclusion theme.

Options

- 7. Council endorses the Draft Policy for public consultation.

Council plans and policies

- 8. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We champion equity, diversity, access and inclusion for people of all abilities, ages, cultural identities, gender identities, geographic locations, religions, sexualities, and socio-economic backgrounds.

Sustainability implications

- 9. The climate change impacts on the wellbeing and vulnerability of our community were considered in the development of the Policy.

12. Officers' reports

CM.024/22 Draft Access Equity and Inclusion Policy

Community engagement

10. The Policy draws on significant community engagement undertaken throughout 2021.
11. A summary of the community engagement plan (**Attachment 3**) outlines the public consultation approach on the Draft Policy for a period of four weeks from 23 March to 24 April 2022.
12. The Frequently Asked Questions document (**Attachment 2**) will be available on Council's website alongside the Draft Policy and provides further details about: how inequality is changing in Nillumbik, why the priority groups were identified, how the policy will be implemented and how complaints are managed.
13. Written submissions on the Draft Policy will be received by Council until 24 April 2022. Any person who makes a written submission in relation to the Draft Policy and requests to be heard in support of the written submission, will be heard at the 14 June 2022 Planning and Consultation Committee meeting.

Innovation and continuous improvement

14. Implementation of this Policy will rely on innovation and continuous improvement. In particular, Executive Management Team leadership and commitment to allocate resources is required to ensure policy commitments are met.

Collaboration

15. Collaboration with community and partners will be required to ensure the successful implementation of the Policy.

Budget implications

16. Operational budget is available for the development of the Policy and to deliver training for staff, Councillors and volunteers.
17. When implementing the Policy, processes and systems will be established to ensure draft access, equity and inclusion requirements are considered in budget forecasting.

Relevant law

18. *Local Government Act 2020*
19. *Gender Equality Act 2020*
20. *Public Health and Wellbeing Act 2008*
21. *Charter of Human Rights and Responsibilities Act 2006*
22. *Disability Act 2006*
23. *Climate Change Act 2017*

Regional, state and national plans and policies

24. Not applicable.

Conflicts of interest

25. 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.

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12. Officers' reports

CM.025/22 Youth Council Advisory Committee Recruitment

Distribution: Public

Manager: Nichole Johnson, Acting Executive Manager Community Services

Author: Katie Camilleri, Coordinator Youth, Community and Place

Summary

The endorsed Terms of Reference (**Attachment 1**) for the Youth Council outlines that membership will consist of up to fifteen young people aged 15-25 years of age who are passionate for their community and represent the views, ideas and needs of young people in the municipality. There are currently four vacant positions on the Youth Council to complete their current two year term until March 2023.

Recruitment for the Youth Council opened Thursday 17 February 2022 and closed Sunday 6 March 2022. A total of six applications were received and assessed against the selection criteria by an internal assessment panel.

This report seeks Council endorsement for four elected Youth Councillor members to the Nillumbik Youth Council.

Recommendation


That Council:

1. Endorses the four recommended applicants listed onto the Nillumbik Youth Council Advisory Committee (see **Attachment 2**):
 - (a) Applicant 2 _____ for their role as a Youth Council Advisory Committee Member
 - (b) Applicant 3 _____ for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 4 _____ for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 5 _____ for their role as a Youth Council Advisory Committee Member
2. Authorises the Executive Manager Community Services to appoint Applicant 1 (**Attachment 2**) if one of the above applicants decline the position or additional Youth Council members resign before the end of their term.
3. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.
4. Resolves that the Applications and Interviews and Panel Assessment (**Attachment 2** and **Attachment 3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

12. Officers' reports

CM.025/22 Youth Council Advisory Committee Recruitment

Attachments

- 1  Nillumbik Youth Council - Terms of Reference
2. Youth Council Applications 2022 - *CONFIDENTIAL*
3. Panel Assessment - *CONFIDENTIAL*

Discussion

1. As per the endorsed Terms of Reference (**Attachment 1**) the Youth Council is to consist of up to fifteen young people aged 15-25 years of age who are passionate for their community and represent the views, ideas and needs of young people in the municipality.
2. The Terms of Reference also outline the Youth Council will be appointed for a two year term, however all Youth Councillors reserve the right to reconsider their role on Youth Council each financial year according to work, study or personal commitments.
3. As a result, there are currently four vacant positions available to complete the current Youth Council term until March 2023.
4. Youth Councillors should represent the diverse and varied needs of the youth community in Nillumbik including but not limited to living in rural Nillumbik, LGBTIQA+, Aboriginal or Torres Strait Islander, People with a Disability and Culturally and Linguistically Diverse communities.
5. Applications for the Youth Council opened Thursday 17 February 2022 and closed Sunday 6 March 2022.
6. A total of 6 applications were received and assessed against the selection criteria by an internal assessment panel (see confidential **Attachment 2** and **Attachment 3**).

Related Council decisions

7. Council unanimously endorsed the establishment of the Nillumbik Youth Council, to act as a formal advisory committee of Council at the 15 December 2020 Council Meeting.

Options

8. A full copy of the assessment outcomes against the six applications is attached (see **Attachment 3**).
9. Based on scoring and suitability, applicants have been shortlisted to the top four which are recommended to Council for endorsement (Applicant 2, 3, 4 and 5, see **Attachment 2**).
10. Officers recognise the very high standard of applications received and commend all young people on their applications and passion for community.
11. Should one of the successful applicants decline the offer of appointment to Youth Council, or any additional Youth Council Advisory Committee members resign before the end of their term, Officers recommend the Executive Manager Community Services be authorised to appoint applicant 1 (see **Attachment 2**) to take their place.

12. Officers' reports**CM.025/22 Youth Council Advisory Committee Recruitment**

12. Unsuccessful applicants will also be offered the opportunity to meet with a Youth Development Officer to explore other local opportunities for community engagement and skill development.
13. Induction of the Youth Council is set to take place Monday 28 March, with the first formal Advisory Committee meeting to take place Monday 4 April, where the election of the new Youth Mayor and Deputy Youth Mayor will also take place.
14. Officers recommend Council formally acknowledges and publicly thanks all community members who submitted applications for vacant positions.

Council plans and policies

15. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We actively engage people of all ages and stages in decisions that affect them, ensuring that initiatives meet current and emerging needs.

Sustainability implications

16. Not applicable.

Community engagement

17. Applications for the Nillumbik Youth Council launched on Thursday 17 February 2022 and remained open until Sunday 6 March 2022.
18. The opportunity was promoted through a range of platforms and communications methods to reach a broad section of the community.

Innovation and continuous improvement

19. Not applicable.

Collaboration

20. Recruitment of new Youth Council members was supported and lead by the current Youth Council, who voted in favour of recruitment at the 7 February 2022 Youth Council Advisory Committee meeting.

Budget implications

21. An ongoing funding to the amount of \$12,500 per annum commencing July 2021 was endorsed at the 15 December 2020 Council Meeting to allow for remuneration of up to 15 Youth Council members and funds to deliver youth led actions identified in the Youth Strategy.

Relevant law

22. Not applicable.

Regional, state and national plans and policies

23. Not applicable.

Conflicts of interest

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

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12. Officers' reports

CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

This report recommends the awarding of contract 2122-029 for Provision for Haulage and Processing of Scrap Metal & E-waste.

The contract term is for an initial period of five years, with two x one year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed seven years.

The Tender Evaluation Panel has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-029 for Provision for Haulage and Processing of Scrap Metal & E-waste.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2122-029
Title: Provision for Haulage and Processing of Scrap Metal & E-waste
Term: 1 July 2022 to 30 June 2027
Options: 2 x 1 Year extension options
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation 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*.
7. Resolves that the preferred tenderer be named.

12. Officers' reports**CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste**

Attachments

1. Tender Evaluation Summary Report - *CONFIDENTIAL*

Discussion

1. Council's Recycling Centre and small e-waste hubs provide opportunities for the community to drop off unwanted items. The main facility is the Recycling Centre (RC) at 290 Yan Yean Road, Plenty. There are four small recycling hubs at community facilities including Diamond Valley Library, Hurstbridge Community Hub, Eltham Library and Diamond Creek Community Bank Stadium.
2. The RC is a comparatively small facility that accepts a range of materials in domestic quantities. The RC cannot accept putrescible (household garbage) or hazardous waste.
3. Gate fees are charged for bulk materials such as hard waste and green waste; and items such as tyres, mattresses and appliances that requires degassing (fridges, freezers and air conditioners).
4. There are existing contract arrangements for bulk materials such as cardboard, hard and green waste, tyres, mattresses, motor oil and degassing.
5. Other recyclable materials including batteries, cardboard, cassette and video tapes, CD/DVDs, e-waste, household recycling that can fit in a kerbside recycling bin, light globes/bulbs and fluorescent tubes, mobile phones and accessories, motor oil and containers, scrap metal, televisions, x-rays and photo negatives are accepted free of charge.
6. Small recycling hubs accept e-waste, lighting waste, small household batteries, mobile phones, cassette and video tapes, CD/DVDs and x-rays.
7. Many of these items are subject to the Victorian e-waste to landfill ban and nationally coordinated product stewardship arrangements such as the National Television and Computer Recycling Scheme (NTCRS) and the Battery Stewardship Scheme. These product stewardship arrangements are funded by the respective industries to ensure that products are recycled at end-of-life. The schemes cover the cost of collection, transport, disposal and processing of eligible items to recover materials for reuse.
8. Costs associated with haulage, disposal and processing are partly offset by the product stewardship arrangements and also by a rebate for metals, cardboard and car batteries.
9. Tenders for haulage and disposal of the following materials collected from the RC and small recycling hubs have been sought under contract 2122-029 Provision of Haulage and Processing of Scrap Metal & E-waste. The objectives of this tender are to:
 - a) Provide a haulage service for scrap metal from the RC to a contractor nominated disposal facility.
 - b) Provide 37 cubic metre hook lift bin for the scrap metal service (Bin Dimension: 240 cm (Width) x 260 cm (Height) x 650 cm (Length)).

12. Officers' reports

CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste

- c) Provide a haulage service for e-waste from the RC to a contractor nominated disposal facility.
- d) Provide appropriate waste bin receptacles for the collection and transport of the following items:
 - i) lighting waste
 - ii) small household batteries
 - iii) car batteries
 - iv) x-rays
 - v) mobile phones
 - vi) cassette and video tapes and CD/DVDs
- e) Provide e-waste and other waste processing services that meet Commonwealth and State Government waste policy objectives for the following items:
 - i) e-waste
 - ii) lighting waste
 - iii) small household batteries
 - iv) car batteries
 - v) x-rays
 - vi) mobile phones
 - vii) cassette and video tapes and CD/DVDs
- f) Provide a collection service for e-waste from Council's small e-waste collection hubs to the nominated processing facility.
- g) Provide safe, efficient, effective and sustainable operations based on recognised good industry practice haulage services.
- h) Provide best practice processing of materials under this contract to achieve circular economy objectives.
- i) Achieve excellence in customer service through a set frequency of haulage and/or booked haulage when required.
- j) Comply with National Heavy Vehicle Legislation.
- k) Comply with Worksafe Victoria guidelines and OH&S requirements.

Related Council decisions

10. Not applicable

12. Officers' reports**CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste****Council plans and policies**

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

Tender overview

The Tender Evaluation Panel (TEP) advises that:

12. A public tender was issued on 27 November 2021 and advertised in the Melbourne Age on Saturday 27 November 2021.
13. The period for tender submissions closed at 2pm on Thursday 13 January 2022.
14. The following tenders were received:

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

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

TENDERER	Reasons why tender was set aside from further evaluation
Tender D	The tender submitted was inadequate due to the lack of information provided in the tender response schedule. This tender was therefore deemed non-conforming.

17. The following Evaluation Criteria and Weightings were applied during the evaluation of the conforming and competitive tenders. These weightings were set and agreed to by the Tender Evaluation Panel Members prior to the issue of the tender.
18. Tenders were scored in a two stage process with qualitative criteria scored first and price used to determine value for money.

12. Officers' reports

CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste

Criteria	Weighting %
Price	-
Capacity/capability	50%
Historical Performance	30%
Circular Economy	20%

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

20. The members of the TEP were:

Position Title	Business Unit	Scoring Member or Advisory Member
Manager Environment	Environment	Advisory Member
Waste Management Coordinator	Environment	Scoring Member
Waste Team Leader	Environment	Scoring Member
Senior Procurement Specialist	Corporate Services	Advisory Member

21. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A – Preferred Tender	99	1
Tenderer B	76	2
Tenderer C	54	3

22. The recommended tender was the highest ranked and is considered best value because:

- Tenderer A is highly experienced with specialist ability to process e-waste, metal, lighting waste, car batteries, household batteries, cassette and video tapes, CD/DVDs and x-rays.
- The haulage capability, operational management structure and customer service of Tenderer A is well-developed to effectively and efficiently service Nillumbik's RC and small e-waste hubs.
- Bin supply is as required, particularly the ability to service Nillumbik's existing 15 cubic metre e-waste bin infrastructure.
- Tenderer A has the required certification and track record to support responsible e-waste management as well as general environment, safety and quality management.

12. Officers' reports

CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste

- e) Tenderer A provides a positive contribution to the circular economy.
 - f) Tenderer A offered the highest value metal rebate with a transparent rebate model.
23. **Attachment 1** – Tender Evaluation Summary Report – Confidential, provides the tenderer names; the Evaluation Scorecard Summary and includes a detailed evaluation of circular economy contribution.
24. The Tender Evaluation Summary Report (**Attachment 1**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

Capability

25. Tenderer A
- a) Specialises in scrap metal and e-waste processing as well as ancillary materials recovery with the ability to process 3000 tonnes of e-waste per month.
 - b) Is able to provide bin infrastructure at no cost.
 - c) Has a large fleet of trucks to service haulage of materials from the RC and small recycling hubs and a good truck maintenance program to ensure a smooth haulage operation.
 - d) Has a good management structure with management team members able to drive trucks which gives flexibility to haulage operation.
 - e) Is able to provide good customer service.
 - f) Employs a number of staff from Nillumbik and the northern council's area.

Historical performance

26. Tenderer A
- a) Has a relatively young fleet with an average age of 4.2 years.
 - b) Has a good track record with no issues relating to EPA compliance.
 - c) Has a good safety record.
 - d) Has accredited e-waste management, environment, safety and quality management systems.

Circular economy

27. Tenderer A
- a) Has a high recycling rate for e-waste (92 to 95 per cent) and contributes positively to a local circular economy.
 - b) Recovers a range of materials for sale into industry (except for car batteries) within their business and within Victoria with materials recovered locally rather than sent offshore for processing.

12. Officers' reports**CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste**

- c) Will operate as a co-regulatory arrangement under the National Computer and Television Recycling Scheme from 1 July 2022 and are listed (as well as their nominated provider for car batteries) as a battery recycler under the Australian Battery Recycling Initiative.

28. **Attachment 1** includes a detailed circular economy evaluation of tenderers' submissions.

Tender Interviews and Reference checks

- 29. Tender responses and responses to requests for further information as part of the evaluation process were adequate for the TEP to recommend the preferred tenderer.
- 30. No reference checks were conducted as Tenderer A has provided services to Council within the last five years.

Collaboration

- 31. Not applicable.

Budget implications

- 32. This is a schedule of rates contract with income and expenditure budgeted annually.

Sustainability implications

- 33. This contract facilitates optimal recycling, recovery and reuse of scrap metal, e-waste, light globes/bulbs and fluorescent tubes, mobile phones and accessories, cassettes and video tapes, CD/DVDs and x-rays.
- 34. **Attachment 1** includes a detailed evaluation of circular economy outcomes relating to this tender.
- 35. The preferred tender offers a recycling rate of 92 to 95 per cent for e-waste; has well-developed capability for metals recovery including precious and rare metals; and has the capability to recover plastics associated with the processed materials.
- 36. The preferred tender has well-developed markets for outputs of processed materials such as use of ferrous metals in their own foundry; supply of mercury for dental amalgam; and glass into production of glass wool.

Stakeholder Consultation/communication

- 37. Not applicable.

Innovation and continuous improvement

- 38. The Victorian Government's Recycling Victoria policy requires innovation and continuous improvement in municipal waste management. The procurement process for materials collected at the RC and small recycling hubs is an opportunity to deliver ongoing improvement in waste management and, ultimately to achieve a circular economy with regard to materials use, recovery and reuse.

12. Officers' reports

CM.026/22 Tender Report Evaluation - Contract 2122-029 - Provision for Haulage and Processing of Scrap Metal & E-waste

Relevant law

- 39. The *Environment Protection Act 2017* and regulations apply to handling, management and disposal of waste. Materials aggregated at the RC can be classified as hazardous such as fluorescent lights which must be separated from the processing and disposal of general waste, as they contain hazardous materials (e.g. mercury) that must be safely disposed of and valuable materials to be recovered.
- 40. The *Dangerous Goods Act 1985* and regulations apply to transport, storage and handling of dangerous goods. Materials aggregated at the RC can be classified as dangerous goods, for example lithium batteries.
- 41. Sections 108 and 109 of the *Local Government Act 2020*.

Regional, state and national plans and policies

- 42. The Recycling Victoria policy sets a target of 80 per cent average resource recovery rate from all waste streams following the waste hierarchy by 2030.

43. Conflicts of interest

- 44. As part of the tender process, all members of the TEP were required to declare any disclosable conflicts of interest.
- 45. There were no disclosable conflicts of interest raised.

12. Officers' reports**CM.027/22 Informal Meetings of Councillors Records - 22 March 2022****Distribution: Public****Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement****Author: Emma Christensen, Acting Governance Lead****Summary**

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 22 February 2022.

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

1. Councillor Workshop held 10 & 11 February 2022;
2. Eltham Train Station Carpark Meeting held 14 February 2022;
3. Councillor Briefing held 15 February 2022;
4. Recreation Trails Advisory Committee Meeting held 16 February 2022;
5. Environment and Sustainability Advisory Committee Meeting held 16 February 2022;
6. Panton Hill Bushland Reserve System User Group Advisory Committee Meeting held 17 February 2022;
7. Arts and Cultural Advisory Committee Meeting held 21 February 2022;
8. Council Meeting Pre-Meeting held 22 February 2022;
9. Melbourne Water Christmas Hills Divestment Community Meeting held 23 February 2022;
10. CEO Employment Matters Advisory Committee Meeting held 28 February 2022;
11. Councillor Briefing held 1 March 2022; and
12. Planning and Consultation Committee Pre-Meeting held 8 March 2022.

Recommendation

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

Attachments

- 1  Informal Meetings of Councillors Record reported 22 March 2022

12. Officers' reports

CM.027/22 Informal Meetings of Councillors Records - 22 March 2022

Discussion

1. *Item 19 of Council's Governance Rule – Meeting Procedure*, requires records of Informal Meetings of Councillors be reported to a Council Meeting and recorded in the minutes of that meeting.

Related Council decisions

2. Not applicable.

Options

3. An Informal Meetings of Councillors is defined in *Item 19 of the Governance Rule – Meeting Procedure*. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - Planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These meetings do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - Meeting of an Advisory Committee where at least one Councillor is present. An Advisory Committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
4. A record must be kept of any Informal Meeting of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
5. In accordance with *Item 19 of the Governance Rule – Meeting Procedure*, Council is required to report as soon as practicable to a Council Meeting, a record of any Informal Meetings of Councillors held.
6. The recommendation contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council at the last Council Meeting.

Conclusion

7. It is recommended that Council receives the records of recent records of Informal Meetings of Councillors as contained in this report, fulfilling *Item 19 of the Governance Rule – Meeting Procedure*.

Council plans and policies

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

Sustainability implications

9. None required.

Community engagement

10. Not applicable.

12. Officers' reports

CM.027/22 Informal Meetings of Councillors Records - 22 March 2022

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. None required.

Budget implications

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

Relevant law

14. *Local Government Act 2020.*

Regional, state and national plans and policies

15. None applicable.

Conflicts of interest

16. 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.

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- 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 meeting of the Council be closed to members of the public for the consideration of the following confidential item:

CM.028/22 CEO Employment Committee - 2021/2022 Mid-year Performance Review

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 section 3(1)(f) of the *Local Government Act 2020*. These grounds are 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).

The meeting be closed to members of the public to consider confidential matters.

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