

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 14 December 2021 commenced at 7:00pm.

Minutes

Vince Lombardi
Acting Chief Executive Officer

Friday 17 December 2021

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 14 December 2021.
The meeting commenced at 7.00pm.**

Councillors present:

Cr Frances Eyre	Swipers Gully Ward (Mayor)
Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward (8:14pm)
Cr Peter Perkins	Ellis Ward
Cr Ben Ramcharan	Sugarloaf Ward (Deputy Mayor)
Cr Geoff Paine	Wingrove Ward

Officers in attendance:

Vince Lombardi	Acting Chief Executive Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Eddie Cheng	Manager, Information Technology
Katia Croce	Governance Lead
Leigh Northwood	Strategic Planning Lead

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.

Thank you for attending Council's meeting tonight, I would like to mention, the issue of COVID vaccination status is another unexpected fact of our daily lives – among the many adjustments we've had to make over the past two years as we learn live with the pandemic.

Tonight I would like to confirm - for the record – that all Nillumbik Shire Councillors and Council officers are fully vaccinated.

2. Acknowledgement of Country

Acknowledgement of Country was read by the Mayor, Cr Frances Eyre.

The Mayor, Cr Frances Eyre also acknowledged those members of the public in the gallery tonight, and thanked them for attending in person as well as those watching the live stream.

3. Good Governance Pledge

The Good Governance Pledge was read by Cr Karen Egan.

4. Prayer

A prayer was read by Pastor Matthew Wyatt from the Manningham Christian Centre.

5. Apologies

Nil

The Mayor Cr Frances Eyre advised that Cr Natalie Duffy would be in attendance later in the meeting by mobile phone in accordance with Omnibus legislation. Councillors and members of the public will be notified once Cr Natalie Duffy arrives.

6. Presentations

Condolence – Lorna Smith

I was saddened to hear of the recent passing of local community identity Lorna Smith.

A Hurstbridge Fire Brigade member and former staff member of the Shires of Eltham and Nillumbik, Lorna embodied the sense of community and commitment to giving, so characteristic of many in our Shire.

Lorna moved to Eltham in 1956 after migrating from the United Kingdom with her family as a young child. She moved to Hurstbridge in 1968 and from there ensued a life of tireless and admirable service to the local community.

Lorna's involvement with the Hurstbridge Brigade dates back to the early 1970s, following bushfires which burnt out much of Diamond Creek, Eltham and Panton Hill. Her work with the Brigade involved providing support to her husband Philip and the competition team, and assisting with Brigade fundraising events. Always a pillar of strength behind the scenes, she maintained this faithful support of her family's commitment to the Brigade and our community.

Lorna had an abiding interest in, and a commitment to, the promotion of lifelong learning. In 1977 she was employed by the-then Shire of Eltham at the newly-established North Riding Living and Learning Centre in Panton Hill, becoming Centre Coordinator in the early 1980s.

This commitment to serving the local community obviously runs deep, with her son Simon, now also an officer with Nillumbik Shire Council.

Her involvement in adult education crossed local and regional boundaries and she was also appointed to the Northern Metropolitan Adult and Further Education Board.

She also pursued a successful career in hospitality – owning and running the Wildwood Restaurant in Hurstbridge for a number of years.

Lorna became a strong advocate for greater support for carers of the aged, those with disability or chronic illness. This was a cause close to home, through her experience as the primary carer for her mother for the last five years of her life.

As in everything else, she pursued this cause with energy, commitment and compassion.

Lorna will be greatly missed.

On behalf of Nillumbik Shire Council, I would like to convey our deepest condolences to Philip, Tim and Simon, their families and friends.

7. Confirmation of Minutes

Confirmation of the minutes of the Extraordinary Council Meeting held on Wednesday 24 November 2021 and the Council Meeting held on Tuesday 30 November 2021.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Richard Stockman

That Council confirms the minutes of the Extraordinary Council Meeting held on Wednesday 24 November 2021 (**Attachment 1**) and the Council Meeting held on Tuesday 30 November 2021 (**Attachment 2**).

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Cr Richard Stockman declared a general conflict of interest in relation to CM.172/21 Future Use of the Old Plenty CFA Site.

9. Petitions

Nil

10. Questions from the gallery

The Mayor Cr Frances Eyre read the following statement.

Council's Meeting Procedure Governance rules states "that questions are limited to a maximum of two questions per individual." Furthermore, "a question will only be read to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question is a question and not a statement or opinion".

Council has received seven questions in total tonight from four people. Four of the questions are from Gila Schnapp and Esther Caspi, which also includes an additional statement, the other two questions and a statement are from members of Grandmothers for Refugees.

In accordance with our Governance Rule – Meeting Procedure, I will not be reading statements made and I will proceed to only read the actual questions submitted.

Gila Schnapp has asked the following questions:

Question 1

How will Council rectify a flawed, inequitable 2020 MAC Structure Plan that unconscionably promotes the 'new' eastern side at the expense, exclusion and to the detriment of the original town centre, excluding the DC Primary School and businesses on Collins St and Main St from its boundary?

Response 1

Council undertook an open and transparent process in developing its now adopted 2020 Diamond Creek structure plan. This process included significant community consultation. The adopted 2020 Diamond Creek Structure plan is largely an update on the existing policy settings.

Question 2

How will Council prevent the unfair and unreasonable redirection and erosion of established paid for urban reticulated infrastructure, in the Ironbark Rd and its adjoining Pioneer Rd catchment and other, to accommodate housing and other growth as proposed by the new DC MAC Structure Plan?

Response 2

The purpose of a major activity centre (MAC) is to provide an attractive and appropriate regional hub to provide for growth, where housing is concentrated in close walking distance to jobs, services, retail, community facilities and public transport. The purpose of the structure plan is to give effect to the adopted structure. The adopted Diamond Creek Structure Plan does not seek to redirect or erode any infrastructure. Ironbark Road is not within the structure plan boundaries.

Esther Caspi has asked the following questions:

Question 1

Please explain what is meant by 'Diamond Creek corridor' (p.11 CM Agenda), a term we have not heard before and one that was not openly and transparently included in this process or any other?

Response 1

The term 'Diamond Creek corridor' is a reference to the Diamond Creek (the actual creek not the activity centre) and the riparian (banks) area either side of the Creek itself.

Question 2

If the intention of the new 2020 DC MAC Structure Plan was to 'Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating within the boundary', why was this not publically articulated in the documentation for the Plan put out to public consultation?

Response 2

The 2020 Diamond Creek Major Activity Centre Structure Plan seeks to respond to State Planning Policy, this is spelt out at Page 10.

In your question you reference Clause 11.01-1S and Clause 11.03-1S which are contained in the State Planning Policies, Council through the 2020 Diamond Creek Major Activity Centre Structure Plan is implementing these State Planning Policies.

The Mayor Cr Frances Eyre read the following statement.

I will now proceed to read both questions received on behalf of Grandmothers for Refugees Jagajaga Branch and provide a combined response to the following questions.

Janine Laurence on behalf of Grandmothers for Refugees Jagajaga Branch asked the following questions:

Question 1

Will the Nillumbik Council set up an ongoing support scheme, as distinct from one off grants, which could involve?

- a) An inclusive employment program, similar to that operating in Banyule, whereby refugees (and other local residents facing barriers to employment) can be offered job opportunities that will help them experience a supportive work environment, learn skills in areas appropriate to their experience and capabilities and develop confidence and knowledge about how an Australian workplace operates?

- b) Offer financial assistance to help refugees prepare themselves for a satisfying and independent future. This could include: helping with fees and other costs involved in undertaking a course of studies or assisting with costs of rental accommodation?

Meg L'Estrange on behalf of Grandmothers for Refugees, Jagajaga Branch

Question 1

Would the Nillumbik Council pass the motion put before them tonight by Councillor Duffy and follow up by?

- a) helping local community groups such as Amnesty International, Grandmothers for Refugees, Welcome to Eltham and Montmorency Asylum Seekers Support Group in sponsoring refugees to settle into our community under an improved and expanded Community Sponsorship Program?
- b) writing to relevant Federal Government and Opposition MPs exhorting them to improve the Program to make it fairer and more accessible for community groups to undertake as outlined in Councillor Duffy's motion?

Response 1

As we have a Notice of Motion listed on this matter to be heard on the Agenda tonight, Council cannot pre-empt its decision before the matter is heard.

11. Reports of Advisory Committees**AC.015/21 Advisory Committee Report - 14 December 2021**

Distribution: Public**Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement****Author: Janet Taylor, Governance Officer****Summary**

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

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

1. Environment and Sustainability Advisory Committee Meeting held 18 August 2021;
2. Economic Development Advisory Committee Meeting held 30 September 2021;
3. Positive Ageing Advisory Committee Meeting held 1 October 2021;
4. Youth Council Advisory Committee Workshop held 11 October 2021;
5. Health and Wellbeing Advisory Committee Meeting held 14 October 2021;
6. PHBRS Users Group Advisory Committee Meeting held 21 October 2021;
7. Positive Ageing Advisory Committee Meeting held 5 November 2021; and
8. Recreational Trail Advisory Committee Meeting held 17 November 2021.

Council Resolution

MOVED: Cr Geoff Paine**SECONDED: Cr Peter Perkins**

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

CARRIED UNANIMOUSLY

Procedural motion

Council Resolution

MOVED: Cr Peter Perkins**SECONDED: Cr Ben Ramcharan**

That Council vary the order of the Agenda to consider Item CM.160/21 - Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020) after Item CM.181/21 – Informal Meetings of Councillors Records – 14 December 2021.

CARRIED

The Motion was put to the vote which resulted in a tie. The Mayor, Cr Frances Eyre used her casting vote in favour of the Motion, which was then CARRIED.

12. Officers' reports**CM.170/21 Kangaroo Ground War Memorial Park Management Plan**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Andrew Feeney, Senior Urban Designer****Summary**

The recommended management plan for adoption outlines a range of capital expenditure improvement works that would be implemented according to a defined level of priority for delivery over a nominated seven-year timeframe, subject to allocation of funding and potential grant funding opportunities. The management plan also proposes increased annual operational expenditure for improved ongoing landscape maintenance.

An adopted management plan, as recommended, will enable Nillumbik Shire Council to maintain and enhance the existing essential character and function of the memorial park with minimum change and moderate investment.

Recommendation is made in this report for the adoption of the Kangaroo Ground War Memorial Park Draft Management Plan as the management plan for the park, subject to identified changes to be made to the draft management plan, including changes that have been informed by community feedback.

The timing of the recommendation for the adoption of a management plan is to enable January 2022 funding allocation of priority works in the 2022-2023 capital works budget (e.g., replacement of identified dying trees of heritage significance) subject to Council endorsement.

Recommendation

That Council:

1. Adopts the Kangaroo Ground War Memorial Park Draft Management Plan (**Attachment 1**) as the management plan for the Kangaroo Ground War Memorial Park, subject to the following changes being made to the draft management plan:
 - a) Including in the reference made in the draft management plan to the investigation into an alternate park road access (that is outside of the scope of the draft management plan), that the existing Moor-rul grasslands will not, in principle, be adversely impacted.
 - b) Noting in the management plan that consideration be given in the design of the Memorial Gardens to include some amount of rosemary planting to complement the existing Lone Pine and its significance to the Anzacs, as compensation for the removal of the existing rosemary planting as part of the Stone Edge Reinstatement around the Tower Base works in the draft management plan.
 - c) Noting in the management plan that consideration be given to the recycling of the existing cypress trees in the park that are to be replaced/ removed in the draft management plan, including the potential use of the tree timber in and/ or associated with park works outlined in the draft management plan.

12. Officers' reports**CM.170/21 Kangaroo Ground War Memorial Park Management Plan**

- d) Noting in the management plan that consideration be given to the potential use of the salvaged timber from the original tower stair in and/ or associated with park works outlined in the draft management plan.
 - e) Inclusion of capital expenditure external improvement works in the management plan, to improve the appearance of the caretaker's residence (house) and to better visually integrate it within the park, i.e., removal of existing park/ yard vegetation (of no- to moderate retention value) blocking views and replacement with new planting, and provision of more presentable replacement yard fencing addressing the park, including budget allocation for the work provisionally estimated to be in the order of \$65,000 (+/- 20%) — amount to be confirmed in the cost plan of the management plan.
 - f) Explanation in the management plan of the level of the 'Priority sites' maintenance standard for the park that is identified to be increased in the draft management plan.
 - g) Amendment of any apparent technical anomalies in the draft management plan, including descriptions and budget calculations for detailed scope of work items.
 - h) Dating of the management plan as adopted on 14 December 2021.
- 2. Notes that the above changes to the draft management plan and its finalisation as the adopted management plan are planned to be undertaken by end January 2022, to inform Council's capital works budget allocations for the 2021-2022 FY.
 - 3. Instructs Officers to notify all submitters to the exhibition of the draft management plan, and park stakeholders, advising of Council's resolution, and expressing Council's gratitude for their contribution.
 - 4. Subject to point 1., instructs Officers to publish the adopted management plan on Council's Participate Nillumbik website, and notify all submitters to the exhibition of the draft management plan, and park stakeholders, of the availability of the adopted management plan.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Karen Egan

That Council:

- 1. Adopts the Kangaroo Ground War Memorial Park Draft Management Plan (**Attachment 1**) as the management plan for the Kangaroo Ground War Memorial Park, subject to the following changes being made to the draft management plan:
 - a) Including in the reference made in the draft management plan to the investigation into an alternate park road access (that is outside of the scope of the draft management plan), that the existing Moor-rul grasslands will not, in principle, be adversely impacted.

12. Officers' reports

CM.170/21 Kangaroo Ground War Memorial Park Management Plan

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- b) Noting in the management plan that consideration be given in the design of the Memorial Gardens to include some amount of rosemary planting to complement the existing Lone Pine and its significance to the Anzacs, as compensation for the removal of the existing rosemary planting as part of the Stone Edge Reinstatement around the Tower Base works in the draft management plan.
 - c) Noting in the management plan that consideration be given to the recycling of the existing cypress trees in the park that are to be replaced/ removed in the draft management plan, including the potential use of the tree timber in and/ or associated with park works outlined in the draft management plan.
 - d) Noting in the management plan that consideration be given to the potential use of the salvaged timber from the original tower stair in and/ or associated with park works outlined in the draft management plan.
 - e) Inclusion of capital expenditure external improvement works in the management plan, to improve the appearance of the caretaker's residence (house) and to better visually integrate it within the park, i.e., removal of existing park/ yard vegetation (of no- to moderate retention value) blocking views and replacement with new planting, and provision of more presentable replacement yard fencing addressing the park, including budget allocation for the work provisionally estimated to be in the order of \$65,000 (+/- 20%) — amount to be confirmed in the cost plan of the management plan.
 - f) Explanation in the management plan of the level of the 'Priority sites' maintenance standard for the park that is identified to be increased in the draft management plan.
 - g) Amendment of any apparent technical anomalies in the draft management plan, including descriptions and budget calculations for detailed scope of work items.
 - h) Dating of the management plan as adopted on 14 December 2021.
2. Notes that the above changes to the draft management plan and its finalisation as the adopted management plan are planned to be undertaken by end January 2022, to inform Council's capital works budget allocations for the ~~2021-2022 FY~~ **2022-2023 FY**.
 3. Instructs Officers to notify all submitters to the exhibition of the draft management plan, and park stakeholders, advising of Council's resolution, and expressing Council's gratitude for their contribution.
 4. Subject to point 1., instructs Officers to publish the adopted management plan on Council's Participate Nillumbik website, and notify all submitters to the exhibition of the draft management plan, and park stakeholders, of the availability of the adopted management plan.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

12. Officers' reports**CM.170/21 Kangaroo Ground War Memorial Park Management Plan**

Council Resolution

MOVED: Cr Ben Ramcharan**SECONDED: Cr Karen Egan****That Council:**

1. Adopts the Kangaroo Ground War Memorial Park Draft Management Plan (**Attachment 1**) as the management plan for the Kangaroo Ground War Memorial Park, subject to the following changes being made to the draft management plan:
 - a) Including in the reference made in the draft management plan to the investigation into an alternate park road access (that is outside of the scope of the draft management plan), that the existing Moor-rul grasslands will not, in principle, be adversely impacted.
 - b) Noting in the management plan that consideration be given in the design of the Memorial Gardens to include some amount of rosemary planting to complement the existing Lone Pine and its significance to the Anzacs, as compensation for the removal of the existing rosemary planting as part of the Stone Edge Reinstatement around the Tower Base works in the draft management plan.
 - c) Noting in the management plan that consideration be given to the recycling of the existing cypress trees in the park that are to be replaced/ removed in the draft management plan, including the potential use of the tree timber in and/ or associated with park works outlined in the draft management plan.
 - d) Noting in the management plan that consideration be given to the potential use of the salvaged timber from the original tower stair in and/ or associated with park works outlined in the draft management plan.
 - e) Inclusion of capital expenditure external improvement works in the management plan, to improve the appearance of the caretaker's residence (house) and to better visually integrate it within the park, i.e., removal of existing park/ yard vegetation (of no- to moderate retention value) blocking views and replacement with new planting, and provision of more presentable replacement yard fencing addressing the park, including budget allocation for the work provisionally estimated to be in the order of \$65,000 (+/- 20%) — amount to be confirmed in the cost plan of the management plan.
 - f) Explanation in the management plan of the level of the 'Priority sites' maintenance standard for the park that is identified to be increased in the draft management plan.
 - g) Amendment of any apparent technical anomalies in the draft management plan, including descriptions and budget calculations for detailed scope of work items.
 - h) Dating of the management plan as adopted on 14 December 2021.

12. Officers' reports

CM.170/21 Kangaroo Ground War Memorial Park Management Plan

2. Notes that the above changes to the draft management plan and its finalisation as the adopted management plan are planned to be undertaken by end January 2022, to inform Council's capital works budget allocations for the 2022-2023 FY.
3. Instructs Officers to notify all submitters to the exhibition of the draft management plan, and park stakeholders, advising of Council's resolution, and expressing Council's gratitude for their contribution.
4. Subject to point 1., instructs Officers to publish the adopted management plan on Council's Participate Nillumbik website, and notify all submitters to the exhibition of the draft management plan, and park stakeholders, of the availability of the adopted management plan.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.171/21 Adoption of Nillumbik Youth Strategy 2022-2026

Distribution: Public**Manager: Nichole Johnson, Manager Community Partnerships****Author: Katie Camilleri, Coordinator Youth, Community & Place
 Nicola Clutton, Youth Development Officer****Summary**

This report presents the Nillumbik Youth Strategy 2022-2026 (**Attachment 1**) for adoption, following public consultation, receipt of submissions and refinements to the plan in response to submissions received.

The Nillumbik Youth Strategy 2022-2026 (the Strategy) has been co-designed in partnership with the Nillumbik Youth Council, with support of Youth Affairs Council Victoria (YACVic) who is the peak body and leading policy advocate for young people and the youth sector in Victoria.

The Strategy has been informed by community and partner feedback and includes changes resulting from the public consultation period that was held from 30 September – 21 October 2021 and from the Planning and Consultation Committee meeting held on 16 November 2021.

Motion

MOVED: Cr Ben Ramcharan**SECONDED: Cr Geoff Paine****That Council:**

1. Adopts the Nillumbik Youth Strategy 2022-2026 (**Attachment 1**)
2. Authorises the Executive Manager Community Services to make any further minor changes to the Nillumbik Youth Strategy that may be necessary and are inconsequential in nature.
3. Makes the adopted Nillumbik Youth Strategy 2022-2026 publicly available on Council's website.
4. Thanks submitters and advises them of the outcome of the consultation process.

CARRIED UNANIMOUSLY

Cr Stockman declared a general conflict of interest in the following item as he had previously made a submission in relation to the matter under consideration.

Cr Stockman temporarily left the meeting prior to the commencement of the item at 7:36pm.

12. Officers' reports

CM.172/21 Future use of the Old Plenty Fire Station site

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Natalie Campion, Coordinator Property
Jonathon Miller, Manager Property and Facilities Maintenance

Summary

Council resolved on the 26 May 2020 to sell part of the Council owned land at 109-115 Yan Yean Road Plenty, to the Country Fire Authority (CFA) for the purpose of constructing a new Plenty Fire Station.

The adjacent old fire station is also located on Council land (**Attachment 1**). Council need to advise the CFA if it intends to keep and repurpose this building once the CFA relocate operations to the new fire station, or require the CFA to demolish the building and rehabilitate the site (land and building).

To help inform Council's decision on the matter, a community engagement process was conducted between 29 September and 26 October 2021 to seek community views in relation to demolishing/retaining the old fire station and possible future use of the site.

365 responses were received; 53.5% supported the proposal to demolish the old Plenty Fire Station, 46.2% supported the building being retained and repurposed, with the balance 0.3% undecided. Of the 212 submissions received from Plenty residents, 73.1% support the proposal to demolish the building.

The Planning and Consultation Committee considered a report on the written submissions, and received verbal presentations from a number of submitters at the meeting on 16 November 2021.

Having considered community feedback from the written and verbal submissions as well as additional information on the site, Council is now in a position to make a decision on the matter, and advise the CFA and submitters accordingly.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That Council:

1. Authorise the Manager Property and Facilities Maintenance to request the Country Fire Authority to demolish the old Plenty Fire Station located at 109-115 Yan Yean Rd, Plenty, remove all other improvements and revegetate the land.
2. Request Council Officers to complete further community engagement on developing the site for public open space and report back to Council with concept options and cost estimates within the next 12 months.

12. Officers' reports

CM.173/21 Recreation & Leisure Strategy 2022-2030 - Community Engagement

3. Thanks submitters and advises them of the outcome of the consultation process on the future use of the Old Plenty Fire Station site.

CARRIED UNANIMOUSLY

Cr Stockman returned to the meeting at the conclusion of the item at 7:45pm.

12. Officers' reports

CM.173/21 Recreation & Leisure Strategy 2022-2030 - Community Engagement

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: April Wilson, Sports and Recreation Development Officer
Rebecca Burton, Acting Manager Recreation and Leisure

Summary

The purpose of this report is to seek Council endorsement to commence community engagement on the draft Recreation and Leisure Strategy 2022-2030.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That Council:

1. Commences a community engagement process as outlined in **Attachment 1** (Community Engagement Plan) to seek feedback from the Nillumbik community on the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 2**).
2. Considers public submissions at the Planning and Consultation Committee meeting to be held on 12 April 2022.
3. Notes that any person who makes a submission in relation to the draft and requests to be heard in support of their submission, be heard at the 12 April 2022 Planning and Consultation Committee meeting.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.174/21 Advocacy Priorities 2022

Distribution: Public

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

Author: Licardo Prince, Communications and Advocacy Lead

Summary

Advocating on the community's behalf is a key Council responsibility and it does so on a range of issues including infrastructure, services and policy in order to deliver better outcomes.

Most of Council's advocacy is directed at State and Federal Governments and the next Federal and State Council elections will be held in 2022.

It is timely therefore, to focus Council's advocacy priorities more sharply, the aim being to advocate directly to major parties and local candidates in the lead-up to both elections.

The 2022 Advocacy Priorities document (**Attachment 1**) outlines Council's top priorities for 2022, with a particular focus on items that will resonate in a pre-election context. The priorities will help inform what Nillumbik Shire Council advocates for on behalf of the community in the State and Federal elections and leading up to any pre-budget periods scheduled to take place in 2022.

The list of advocacy priorities includes but are not limited to:

- Asking the State and Federal Governments for funding to boost youth outreach and support services in Nillumbik Shire.
- Building a Community Hub to provide a variety of services, centrally located in Diamond Creek.
- Funding support to foster increased social connection and promote health and wellbeing in our Shire.
- Bringing about greater connectivity between existing shared trails in the Shire to improve accessibility and extend the existing trails network.
- Improve sustainable and accessible transport.
- Funding to identify and develop additional fit for purpose BMX and off-road biking locations in the Shire.
- Greater enhancement and protection of our Green Wedge and open space.

The purpose therefore, is to seek Council endorsement of the Advocacy Priorities 2022 document (**Attachment 1**), as the priorities identified for Council-led advocacy for the 2022 calendar year.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Geoff Paine

That Council endorses the Advocacy Priorities 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports**CM.175/21 Complaint Handling Policy**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Craig King, Customer Experience Lead****Summary**

An updated Complaint Handling Policy (the Policy) is presented for adoption. This policy has been updated in order to respond to the new requirements of the *Local Government Act 2020* and the latest guidance developed by the Victorian Ombudsman in the 'Councils and Complaints: A Good Practice Guide, 2nd edition' (July 2021) publication.

This operational policy relates to the management of complaints made to Council, by any person who has been affected by an action, inaction or decision of Council. The Policy provides a framework which outlines:

- the organisation's commitment to complaint handling;
- a definition of what is and is not a complaint to be managed under this policy;
- a consistent, respectful and objective approach to handling complaints; and
- an accessible, transparent and easy to understand process on how complaints will be captured, managed and reported.

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

The Policy does not apply to complaints about individual Councillors.

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

Council Resolution

MOVED: Cr Ben Ramcharan**SECONDED: Cr Richard Stockman****That Council:**

1. Adopts the updated Complaint Handling Policy (December 2021) (**Attachment 1**).
2. Makes the Complaint Handling Policy (December 2021) publicly available on Council's website.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.176/21 Panton Hill Bushland Reserve System User Group Advisory Committee revised Terms of Reference and term extension

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

The Panton Hill Bushland Reserves System (PHBRS) User Group was formed in 2011 to support the implementation of the PHBRS Management Plan. The User Group has representatives from the various groups using the reserves or with an interest in the activities occurring in the reserves.

The User Group is an Advisory Committee of Council. The fourth, two-year term of the PHBRS User Group Committee commenced in October 2019 and expired in October 2021.

Recommendations on the revised Terms of Reference and a one year term extension for the current committee are presented.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Karen Egan

That Council:

1. Endorses the revised Terms of Reference of the Panton Hill Bushland Reserve System User Group Advisory Committee 2021 (**Attachment 2**); and
2. Endorses a one-year extension of the current Panton Hill Bushland Reserve System User Group Advisory Committee to the end of 2022.
3. Council will receive a further report at the end of 2022 on renewing the Panton Hill Bushland Reserve System User Group Advisory Committee.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Steven Blight, Construction Coordinator****Enrique Gutierrez, Manager Capital Works****Lance Clark, Senior Procurement Specialist****Summary**

This report recommends the awarding of contract 2122-026 for Yarrambat Streetscape Works. The works are to upgrade of the Yarrambat Township Streetscape in Ironbark Road, Yarrambat.

Works will include the construction of asphalt road pavement, kerb and channel, footpaths, indented parking bays, vehicle crossovers, underground drainage, and associated works

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-026 for Yarrambat Streetscape Works.

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. Accept the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (inclusive of GST) and enter into the following contract:

Number: 2122-026

Title: Yarrambat Streetscape Works

Term: 10 January 2022 to 30 April 2022

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.

12. Officers' reports**CM.177/21 Tender Report - Contract 2122-026 Yarrambat Streetscape Works****Motion**

That Council:

1. Accept the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (**exclusive** of GST) and enter into the following contract:
Number: 2122-026
Title: Yarrambat Streetscape Works
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Karen Egan

That Council:

1. Accept the tender submitted by the preferred tenderer MJ Construction Group Pty Ltd for the sum of \$348,199.00 plus \$69,639.80 for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-026
Title: Yarrambat Streetscape Works
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Steven Blight, Construction Coordinator

Enrique Gutierrez, Manager Capital Works

Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2122-020 for Andrew Park Pocket Park Construction.

The works within this contract include (but are not limited to) the following:

- Demolition of unwanted existing facilities inclusive of disposal off site of unwanted materials and vegetation to approved landfill.
- Construction of the pocket park as per the design.
- Supply and install play equipment, toilet, fence, bicycle station, shelter, shade sail, bins, drinking fountain, lighting and seating.

The contract period will commence on 10 January 2022 with works intended to be completed by 24 June 2022.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-020 for Andrew Park Pocket Park Construction.

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. Accept the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:

Number: 2122-020

Title: Andrew Park Pocket Park Construction

Term: 10 January 2022 to 24 June 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.

12. Officers' reports**CM.178/21 Tender Report - Contract 2122-020 Andrew Park Pocket Park Construction**

-
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
 5. Advises all tenderers accordingly.
 6. Makes public the decision regarding this contract but the Tender Evaluation Report (**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.

Council Resolution

MOVED: Cr Geoff Paine**SECONDED: Cr Karen Egan****That Council:**

1. Accept the tender submitted by the preferred tenderer Commericalscapes Pty Ltd for the sum of \$729,521.41 plus \$145,904.282 for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-020
Title: Andrew Park Pocket Park Construction
Term: 10 January 2022 to 24 June 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**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.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.179/21 Tender Report - Contract 2122-021 De Fredericks Road Special Charge Scheme**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Steven Blight, Construction Coordinator
 Enrique Gutierrez, Manager Capital Works
 Lance Clark, Senior Procurement Specialist****Summary**

This report recommends the awarding of contract 2122-021 for De Fredericks Road Special Charge Scheme.

Works include the construction and sealing of De Fredericks Road and associated works between Ironbark Road and Hacketts Road, Yarrambat.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-021 for De Fredericks Road Special Charge Scheme.

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. Accept the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-021
Title: De Fredericks Road Special Charge Scheme.
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Any variations that exceed the agreed approved budget will require a further Council resolution.
6. Advises all tenderers accordingly.
7. 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*.
8. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Geoff Paine

That Council:

1. Accept the tender submitted by the preferred tenderer MJ Construction Group Pty Ltd for the sum of \$258,646.40 plus \$51,729.28 for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-021
Title: De Fredericks Road Special Charge Scheme.
Term: 10 January 2022 to 30 April 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Any variations that exceed the agreed approved budget will require a further Council resolution.
6. Advises all tenderers accordingly.
7. 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*.
8. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.180/21 Tender Report - Contract 2021-088 Road Signs, Lighting, Grates, Covers and Associated Traffic Products**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Lance Clark, Senior Procurement Specialist****Summary**

This report recommends the awarding of contract 2021-088 for Road Signs, Lighting, Grates, Covers and Associated Traffic Products

The contract term is for an initial period of 3 years, with 2 x 1 year options to extend the contract. The total duration of the contract, including the exercising of any options, shall not exceed 5 years.

The Public Tender was issued via Procurement Australia on behalf of its members, of which, Nillumbik Shire Council is one.

The intent of the Public Tender process was to appoint a panel of suppliers to provide products across the following categories.

- Category 1 – Road & Traffic Signs & Accessories
- Category 2 – Grates, Access Covers & Associated Products
- Category 3 – Traffic Calming Devices
- Category 4 – Work Zone & Associated Products
- Category 5 – Road & Pedestrian Lighting & Associated Products

The Procurement team at Procurement Australia assessed all submissions and this report provides a summary of their evaluation in the appointment of a panel of product suppliers.

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. Enter into the following panel contract arrangement via Procurement Australia for the list of preferred tenderer(s) as disclosed in (**Attachment 1**);
Council Contract Number: 2021-088
Procurement Australia Ref: 2409/0334
Title: Road Signs, Lighting, Grates, Covers and Associated Traffic Products
Term: 1 October 2021 to 30 September 2024
Options: Term extensions up to 30 September 2026
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.

12. Officers' reports**CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

-
3. Authorises the Director Operations and Infrastructure to approve contract term extensions for a maximum of up to two further years.
 4. Makes public the decision regarding this contract but the following documents remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
 - Attachment 1 – Tender Evaluation Summary Report – *CONFIDENTIAL*
 - Tender Evaluation Report by Procurement Australia – *CONFIDENTIAL*
 - Appendix A – 2409-0034 Submission Summary – *CONFIDENTIAL*
 - Appendix B – 2409-0334 Schedule of Rates – *CONFIDENTIAL*
 - Appendix C – 2409-0334 Weighted Average Scores – *CONFIDENTIAL*
 - Appendix D – 2409-0334 Award Summary - *CONFIDENTIAL*
 5. Resolves that the preferred tenderer(s) be named.

Council Resolution

MOVED: Cr Ben Ramcharan**SECONDED: Cr Geoff Paine****That Council:**

1. Enter into the following panel contract arrangement via Procurement Australia for the list of preferred tenderer(s) Artcraft Pty Ltd (Categories 1, 3 & 4), DeNeefe Pty Ltd t/a DeNeefe Signs (Categories 1, 3 4 & 5), Roadside Services and Solutions (Category 2), Terra Firma Industries (Category 2) as disclosed in (Attachment 1).

Council Contract Number: 2021-088

Procurement Australia Ref: 2409/0334

Title: Road Signs, Lighting, Grates, Covers and Associated Traffic Products

Term: 1 October 2021 to 30 September 2024

Options: Term extensions up to 30 September 2026
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 for a maximum of up to two further years.
4. Makes public the decision regarding this contract but the following documents remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
 - Attachment 1 – Tender Evaluation Summary Report – *CONFIDENTIAL*
 - Tender Evaluation Report by Procurement Australia – *CONFIDENTIAL*
 - Appendix A – 2409-0034 Submission Summary – *CONFIDENTIAL*

12. Officers' reports

CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

- Appendix B – 2409-0334 Schedule of Rates – *CONFIDENTIAL*
- Appendix C – 2409-0334 Weighted Average Scores – *CONFIDENTIAL*
- Appendix D – 2409-0334 Award Summary - *CONFIDENTIAL*

5. Resolves that the preferred tenderer(s) be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.181/21 Informal Meetings of Councillors Records - 14 December 2021

Distribution: Public

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

Author: Janet Taylor, Governance Officer

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 Meetings of Councillors held.

This report lists Informal Meetings of Councillors records submitted since the matter was last reported to Council on 30 November 2021.

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

1. Recreational Trail Advisory Committee Meeting held 17 November 2021;
2. Youth Council Advisory Committee Meeting held 22 November 2021;
3. Climate Action Plan Committee Meeting held 23 November 2021.
4. Councillor Briefing held 23 November 2021;
5. Council Meeting Pre Meeting held 30 November 2021
6. Economic Development Advisory Committee Meeting held 2 December 2021; and
7. Positive Ageing Advisory Committee Meeting held 3 December 2021.

Motion

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

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.

CARRIED UNANIMOUSLY

The Mayor Cr Frances Eyre advised Councillors and members of the gallery that Cr Natalie Duffy had entered the meeting via mobile phone as a full Councillor participant, in accordance with Omnibus legislation. Members of the public will not be able to see Cr Natalie Duffy though they will be able to hear her. I, as the Chairperson of the meeting can hear Cr Natalie Duffy and in accordance with legal advice received, this satisfies our legal obligation.

Cr Natalie Duffy entered the meeting at 8:14pm.

12. Officers' reports

CM.160/21 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Paul Fyffe, Senior Strategic Planner

Julie Paget, Strategic Planner

Leigh Northwood, Strategic Planning Lead

Summary

This report proposes that Council take the formal steps to commence and exhibit Amendments C143 and C144 to the Nillumbik Planning Scheme, which will implement and give statutory weight to the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020).

The Amendment supports a priority action of the 2021-2025 Council Plan, which is to implement the adopted structure plans for the Eltham and Diamond Creek Major Activity Centres into the Scheme. The Amendments propose planning scheme changes which will particularly:

- Cite the 2020 Structure Plans as the relevant reference document.
- Improve particular urban design and land use restrictions.
- Make some minor, site specific changes to existing building height limits, whilst retaining extensive use of tight mandatory height controls and modest height limits.
- Further support the role of vegetation in cooling the urban environment.
- Make a series of administrative updates.
- For Eltham, extend application of Schedule 1 to the Activity Centre Zone (ACZ1) to the Bridge Street Business Area.

The proposed changes will retain and improve the key settings of the current suite of planning provisions in the Planning Scheme.

Pursuant with the *Planning & Environment Act 1987*, Council must request and receive authorisation from the Minister for Planning to “prepare” (i.e. commence) and exhibit the Amendments.

Subject to authorisation from the Minister Council may prepare and exhibit the Amendments which would include formal notification and (potentially) a Planning Panel to hear any objections and make recommendations on the amendment.

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

12. Officers' reports

CM.160/21 **Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

Motion

MOVED: **Cr Geoff Paine**

SECONDED: **Cr Karen Egan**

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

LOST

Cr Karen Egan called for a division

For: Crs Karen Egan, Geoff Paine and Richard Stockman

Against: Crs Natalie Duffy, Frances Eyre, Peter Perkins and Ben Ramcharan

The Mayor Cr Frances Eyre declared the Motion LOST

Motion

MOVED: **Cr Peter Perkins**

SECONDED: **Cr Ben Ramcharan**

That Council:

1. Defers 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.
2. Requests officers to make available the officer report and all associated attachments on council's website.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

12. Officers' reports

CM.160/21 **Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

Council Resolution

MOVED: **Cr Peter Perkins**

SECONDED: **Cr Ben Ramcharan**

That Council:

1. Defers 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.
2. Requests officers to make available the officer report and all associated attachments on council's website.

CARRIED

Cr Karen Egan called for a division

For: Crs Natalie Duffy, Frances Eyre, Peter Perkins and Ben Ramcharan

Against: Crs Karen Egan, Geoff Paine and Richard Stockman

The Mayor Cr Frances Eyre declared the Motion CARRIED

12. Officers' reports**CM.182/21 BMX Site near Challenger St Reserve, Diamond Creek****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Rebecca Burton, Acting Manager Recreation and Leisure
Jonathon Miller, Manager Property and Facilities Maintenance
Heath Gillett, Acting Community Safety Manager****Summary**

This report provides information on a community built BMX jump site in an area of VicTrack land under lease to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek.

A Council decision is required to direct the Chief Executive Officer on the next steps with respect to managing this land being leased from VicTrack land, including in relation to managing the risks associated with the BMX jumps.

Recommendation**That Council:**

1. Requests officers to work with VicTrack, Metro Trains and Melbourne Water to mitigate the impacts and risks associated with the BMX jumps to the west of the railway line in the area of VicTrack land leased to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek. Where impacts and risks cannot be mitigated, proceed with removing the BMX jumps and rehabilitating the area.
2. Requests officers work with VicTrack to excise the area of VicTrack land between the railway line and Diamond Creek from the lease with Nillumbik Shire Council and Council execute a Deed of Variation of Lease to reflect the amended leased area.
3. Endorses the allocation of up to \$50,000 from 2021/2022 budgeted borrowings to consult and work with BMX specialist/s to develop a draft concept BMX and off ride facility at a suitable alternate location.

Motion**MOVED: Cr Natalie Duffy
SECONDED: Cr Peter Perkins****That Council:**

1. Requests officers to work with VicTrack, Metro Trains and Melbourne Water to mitigate the impacts and risks associated with the BMX jumps to the west of the railway line in the area of VicTrack land leased to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek. Where impacts and risks cannot be mitigated, proceed with removing the BMX jumps and rehabilitating the area.
2. Requests officers work with VicTrack to excise the area of VicTrack land between the railway line and Diamond Creek from the lease with Nillumbik Shire Council and Council execute a Deed of Variation of Lease to reflect the amended leased area.

12. Officers' reports

CM.182/21 BMX Site near Challenger St Reserve, Diamond Creek

3. Endorses the allocation of up to \$50,000 from 2021/2022 budgeted borrowings to consult and work with BMX specialist/s to develop a draft concept BMX and off ride facility at a suitable alternate location.
4. **Requests Council officers to provide a PDF copy of the report and attachments on Council's Participate Nillumbik website.**

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Peter Perkins

That Council:

1. Requests officers to work with VicTrack, Metro Trains and Melbourne Water to mitigate the impacts and risks associated with the BMX jumps to the west of the railway line in the area of VicTrack land leased to Nillumbik Shire Council near Challenger Street Reserve, Diamond Creek. Where impacts and risks cannot be mitigated, proceed with removing the BMX jumps and rehabilitating the area.
2. Requests officers work with VicTrack to excise the area of VicTrack land between the railway line and Diamond Creek from the lease with Nillumbik Shire Council and Council execute a Deed of Variation of Lease to reflect the amended leased area.
3. Endorses the allocation of up to \$50,000 from 2021/2022 budgeted borrowings to consult and work with BMX specialist/s to develop a draft concept BMX and off ride facility at a suitable alternate location.
4. Requests Council officers to provide a PDF copy of the report and attachments on Council's Participate Nillumbik website.

CARRIED UNANIMOUSLY

14. Notices of Motion**NOM.008/21 Refugees Community Sponsorship Program 2021**

Cr Natalie Duffy advised of her intention to move the following motion at the Council Meeting to be held on Tuesday 14 December 2021:

Motion

That Council:

1. Notes Nillumbik Shire is a community which welcomes refugees and reaffirms our commitment made in 2016 to be a Refugee Welcome Zone.
2. Notes that the Federal Government's Community Sponsorship Program enables individuals to cover a refugee's resettlement costs and that while this program is very expensive for sponsors, it comes out of Australia's existing humanitarian intake so does not provide any additional places;
3. Requests the Mayor write to the relevant Federal Ministers and the opposition spokespersons copying the local members The Hon. Kevin Andrews MP, Ms Kate Thwaites MP and Mr Rob Mitchell MP immediately to call on the Federal Government to:
 - a. improve and expand the Community Sponsorship Program to ensure the program:
 - i. Does not take places from others in need
 - ii. Provides adequate support and services
 - iii. Limits the costs on sponsors
 - iv. Allows community, family and businesses to act as sponsors
 - v. Creates more places for people in need of protection to settle in Australia
 - b. for those refugees medically evacuated to Australia from Nauru and Papua New Guinea, provide permanent residency, access to Medicare, employment and government support by way of a humanitarian visa.
 - c. take action to immediately resettle those refugees and people seeking asylum detained in Nauru and Papua New Guinea allowing them access permanent resettlement options in Canada, USA, New Zealand and Australia by way of a humanitarian visa.
 - d. increase Australia's intake of Afghani refugees by 20,000 in addition to our country's regular humanitarian intake.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

12. Officers' reports

CM.182/21 BMX Site near Challenger St Reserve, Diamond Creek

Council Resolution**MOVED: Cr Natalie Duffy****SECONDED: Cr Ben Ramcharan****That Council:**

1. Notes Nillumbik Shire is a community which welcomes refugees and reaffirms our commitment made in 2016 to be a Refugee Welcome Zone.
2. Notes that the Federal Government's Community Sponsorship Program enables individuals to cover a refugee's resettlement costs and that while this program is very expensive for sponsors, it comes out of Australia's existing humanitarian intake so does not provide any additional places;
3. Requests the Mayor write to the relevant Federal Ministers and the opposition spokespersons copying the local members The Hon. Kevin Andrews MP, Ms Kate Thwaites MP and Mr Rob Mitchell MP immediately to call on the Federal Government to:
 - a. improve and expand the Community Sponsorship Program to ensure the program:
 - i. Does not take places from others in need
 - ii. Provides adequate support and services
 - iii. Limits the costs on sponsors
 - iv. Allows community, family and businesses to act as sponsors
 - v. Creates more places for people in need of protection to settle in Australia
 - b. for those refugees medically evacuated to Australia from Nauru and Papua New Guinea, provide permanent residency, access to Medicare, employment and government support by way of a humanitarian visa.
 - c. take action to immediately resettle those refugees and people seeking asylum detained in Nauru and Papua New Guinea allowing them access permanent resettlement options in Canada, USA, New Zealand and Australia by way of a humanitarian visa.
 - d. increase Australia's intake of Afghani refugees by 20,000 in addition to our country's regular humanitarian intake.

CARRIED

Cr Karen Egan called for a division

For: Crs Natalie Duffy, Frances Eyre, Geoff Paine, Ben Ramcharan and Richard Stockman

Against: Crs Karen Egan and Peter Perkins

The Mayor Cr Frances Eyre declared the Motion CARRIED

Cr Duffy left the meeting at the conclusion of the above item at 9:24pm.

15. Delegates' Reports

Nil

16. Supplementary and urgent business**Council Resolution****MOVED: Cr Karen Egan****SECONDED: Cr Geoff Paine**

That Council, in accordance with Clause 57 of the Governance Rule Meeting Procedure, admit the item of urgent business relating to Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework.

CARRIED UNANIMOUSLY**CM.183/21 Urgent Business Item - Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework**

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

The Legislative Council's Environment and Planning Committee is seeking submissions to its inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework with limited public hearings programmed in the first half of 2022 and a report to be tabled on the Inquiry in June 2022. The deadline for submission is 31 January 2022.

Officers note the Terms of Reference (TOR) for the Inquiry is very broad and far reaching including:

- a. The high cost of housing;
- b. Environmental sustainability and vegetation protection;
- c. Delivering certainty and fairness in planning decisions for communities;
- d. Protecting heritage in Victoria;
- e. Ensuring residential zones are delivering the type of housing that communities want; and
- f. Any other matter the Committee considers relevant.

Officers are seeking endorsement by Council at this December Council meeting to the attached submission on behalf of Nillumbik Shire Council given the next council sitting period is not until February 2022 (after the submission close date).

16. Supplementary and urgent business

CM.183/21 Urgent Business Item - Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Karen Egan

That Council:

1. Adopts Nillumbik Shire Council's Submission to the Parliamentary Inquiry into Protections within the Victorian Planning Framework (**Attachment 1**) and directs Council officers to formally lodge the adopted submission to the Environment and Planning Committee; and
2. Makes the adopted Submission to the Parliamentary Inquiry into Protections within the Victorian Planning Framework publicly available on Council's website.

CARRIED UNANIMOUSLY

Attachments:

1. Nillumbik Shire Council's Submission to the Parliamentary Inquiry into Protections within the Victorian Planning Framework

Discussion

1. The Legislative Council's Environment and Planning Committee is seeking submissions to its inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework.
2. The Committee intends to hold limited public hearings in the first half of 2022. It is the Committee's intention to table its report in mid-2022.
3. The functions of the Environment and Planning Committee are to inquire into and report on any proposal, matter or thing concerned with the arts, environment and planning the use, development and protection of land.
4. The Environment and Planning Committee may inquire into, hold public hearings, consider and report on any Bills or draft Bills referred by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to its functions
5. The [Department of the Environment, Land, Water and Planning](#) and [Department of Premier and Cabinet](#) are allocated over sight.
6. Officers question why such an Inquiry is underway with submissions called, given the number of planning reforms being consulted on, advanced and implemented via DELWP and other State departments, noting the Inquiry will report back in June 2022, when feasibly much of the work DELWP/State government is doing now in regard to planning reform will be either implemented or significantly advanced to implementation.
7. It is considered if the State government is truly interested in 'the adequacy of the Planning & Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection' then undertaking this Inquiry now (after reforms are significantly advanced or implemented) does not allow for true consideration of key issues.

16. Supplementary and urgent business**CM.183/21 Urgent Business Item - Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework**

8. Officers note the Terms of Reference (TOR) for the Inquiry is very broad and far reaching:
- i. The high cost of housing, including but not limited to:*
 - (a) provision of social housing;*
 - (b) access for first home buyers;*
 - (c) the cost of rental accommodation;*
 - (d) population policy, state and local;*
 - (e) factors encouraging housing as an investment vehicle;*
 - (f) mandatory affordable housing in new housing developments;*
 - ii. Environmental sustainability and vegetation protection;*
 - iii. Delivering certainty and fairness in planning decisions for communities, including but not limited to:*
 - (a) mandatory height limits and minimum apartment sizes;*
 - (b) protecting Green Wedges and the urban growth boundary;*
 - (c) community concerns about VCAT appeal processes;*
 - (d) protecting third party appeal rights;*
 - (e) the role of Ministerial call-ins;*
 - iv. Protecting heritage in Victoria, including but not limited to:*
 - (a) the adequacy of current criteria and processes for heritage protection;*
 - (b) possible federal involvement in heritage protection;*
 - (c) separating heritage protection from the planning administration;*
 - (d) establishing a heritage tribunal to hear heritage appeals;*
 - (e) the appointment of independent local and state heritage advisers;*
 - (f) the role of Councils in heritage protection;*
 - (g) penalties for illegal demolitions and tree removals;**Ensuring residential zones are delivering the type of housing that communities want; and*
 - v. Any other matter the Committee considers relevant.*
9. Given the submission closing date is 31 January 2022, officers have had to expedite a draft submission to bring the matter to councillor briefing, and will bring the matter to the final council meeting in December for endorsement given the next council sitting period is not until February 2022 (after the submission close date).

Related Council decisions

10. Adopted submissions by Council to the following State planning documents/strategies/initiatives that are in draft but significantly have informed Councils submission to this Inquiry noting that the Inquiry should have regard to these documents/strategies/initiatives and Councils submissions to such in forming a view:
- a. 10 Year Social and Affordable Housing Strategy Discussion Paper February 2021 (Homes Victoria – Department of Health and Human Services)*
 - b. The Planning for Melbourne's Green Wedge and Agricultural Land Consultation Paper May 2020 (DELWP)*
 - c. Open Space for Everyone: Open Space Strategy for Metropolitan Melbourne 2020*

16. Supplementary and urgent business

CM.183/21 Urgent Business Item - Nillumbik Submission to Parliamentary Inquiry into Protections within the Victorian Planning Framework

- d. Protecting Victoria's Environment – Biodiversity 2037*
- e. Melbourne's Future Planning Framework Plans (DELWP)*
- f. Environmentally Sustainable Development of Building & Subdivisions – A Roadmap for Victoria's Planning System (DELWP)*

Options

- 11. Officers have prepared a submission to the Inquiry (refer **Attachment 1**).
- 12. The content of the submission is almost entirely that made in recently adopted submissions to other State government initiatives by Council, so is consistent with Council's adopted views.

Council plans and policies

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

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Sustainability implications

- 14. Not applicable.

Community engagement

- 15. The Parliamentary Inquiry is open to anyone who would like to make a submission. The timeframes will not allow for Council to consult with the community in regard to the matter.

Innovation and continuous improvement

- 16. Not applicable.

Collaboration

- 17. Strategic planning and Environment teams have collaborated in regard to preparation of the draft submission.

Budget implications

- 18. Not applicable.

Relevant law

- 19. *The Planning & Environment Act 1987.*

Regional, state and national plans and policies

- 20. Plan Melbourne 2050.

Conflicts of interest

- 21. No officers involved in the preparation of this briefing have a conflict of interest in this matter.

16. Supplementary and urgent business

Council Resolution

MOVED: Cr Karen Egan**SECONDED: Cr Geoff Paine**

That Council , in accordance with Clause 57 of the Governance Rule Meeting Procedure, admit the item of urgent business relating to State Governments Planning Reforms and Advocacy.

CARRIED UNANIMOUSLY

CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy

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

In March 2019, the Treasurer and Minister for Planning asked the Red Tape Commissioner to undertake a review of State and local government processes surrounding building and planning approvals, and early building works infrastructure approvals and to identify opportunities to streamline processes and reduce delays.

The Commissioner convened an Advisory Board and review team who have prepared a report *Turning Best Practice into Common Practice – Planning & Building Process Review Report* (refer **Attachment 3**) to Government (released to Council and the public in November 2021) which makes 27 recommendations for improvements across 5 proposed programs:

- Update and simplify planning rules and processes;
- Partner with local council planning departments;
- Focus on major projects and attracting investment;
- Planning for priority precincts and growth areas; and
- Prioritising infrastructure delivery.

Officers note the following issues with regard to the proposed reforms:

- a. The key driver of this reform package appears to be lifting Victoria's post COVID economic performance through facilitating growth.
- b. It is vital that the reforms strike the right balance to ensure medium to longer term planning outcomes are not compromised.
- c. Protection of the role of councils and councillors as elected community representatives, in developing longer term visions for their built environments must be preserved.
- d. There must be a role for community voice in the planning system.
- e. There is a need for appropriate checks and balances on Ministerial powers within any reforms.

16. Supplementary and urgent business**CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy**

- f. Short term economic recovery priorities should not compromise longer term strategic planning objectives.
- g. Climate change mitigation and adaptation in our planning system may be overshadowed by an economic recovery lens.

Officers note that there has been this year (2021) a call from State government to an extensive number of consultations on reform matters. This has placed significant pressure on local governments and these submissions are prepared as 'urgent matters' with compressed timeframe, and this is in addition to delivery of programmed projects, policy and operations of Council.

Timeframes also do not allow for community consultation by Council with its community in regard to proposed reforms and this results in frustration within the community in regard to a lack of transparency and opportunity to have their local representatives hear and consider their views on matters that will impact them.

Officers note that given we are approaching an election year many State government initiatives/actions through this governments tenure are now being wrapped up and this may explain much of the urgency being directed into implementing reforms, and therefore hurrying limited consultation through to facilitate such.

Given the limited information revealed by the State government in regard to proposed reforms, and the breadth of submissions being called for as identified, Nillumbik Shire has been approached by other northern metropolitan region Councils including Banyule, Dandenong and Yarra Ranges to advocate to the Minister in regard to the overall approach to planning reforms generally and the lack of meaningful engagement around the constant call for submissions to proposed reforms.

Officers strongly recommend that there is an opportunity for Council to join other Councils in advocating to State government to be more strategic in its consultation being transparent around timing of upcoming consultation to allow local governments to better resource and respond to upcoming submissions AND that State government consider the timeframes associated with consultation, and at a minimum allow for time for officers to prepare a submission, brief Councillors to request feedback and then seek formal adoption at a Council meeting. Officers are seeking Councils endorsement to advocate to the Minister in regard to this matter.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Karen Egan

That Council:

1. Notes that the Victorian Government has made a number of changes to the planning system in the last 18 months and is currently considering further significant planning reform.

16. Supplementary and urgent business**CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy**

2. Calls on the Minister for Planning to include full consultation with local governments and community before any planning reform decisions are made and urgently writes to the Minister for Planning, and the shadow Minister for Planning to advocate Council's position (as per advocacy letter at **Attachment 5**).
3. Request the CEO or delegate to continue to coordinate and undertake with other local governments advocacy.

CARRIED UNANIMOUSLY

Attachments:

- ⇒1. Review's Discussion Paper October 2019
- ⇒2. Nillumbik Shire Councils Submission to Review's Discussion Paper November 2019
- ⇒3. Red Tape Commissioners Final Report - Turning Best Practice into Common Practice November 2021
- ⇒4. MAV Members Brief October 2021
- ⇒5. Advocacy Letter to the Minister for Planning - Planning Reforms 12 December 2021

DiscussionBackground

1. In March 2019, the Treasurer and Minister for Planning asked the Red Tape Commissioner to undertake a review of State and local government processes surrounding building and planning approvals, and early building works infrastructure approvals and to identify opportunities to streamline processes and reduce delays.
2. The State government at the time claimed that the development industry had previously identified that problems and delays in the planning approval process are significant, particularly with respect to the internal and external referrals process and the further approvals required following the issue of a planning permit and that these issues in Victoria's building and planning systems, and in early building works infrastructure approvals, were potentially impeding the State's capacity to deliver housing, business and infrastructure investment efficiently.
3. The Planning and Building Approvals Process Review (the Review) was undertaken by the Red Tape Commissioner by convening an Advisory Board at the request of the State government to look in detail at how the current system could be streamlined to reduce delays and unnecessary costs and to increase the focus on the quality of outcomes.
4. The Review's Discussion Paper was released in October 2019 (refer **Attachment 1**), identifying a wide range of opportunities for improvement. The review looked at the root causes for why planning and building approvals have become so complex and time-consuming and, in many cases, less effective than they should be, noting there

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are many decision-makers involved along the pipeline and reforming the planning and building approvals system will require coordination across all of these.

5. The Discussion Paper noted there is scope to improve the interactions between all decision-makers and potentially deliver a significant efficiency dividend as a result of these reforms. A range of estimates has been provided by various parties of the economic cost of avoidable delays in the \$33 billion construction sector. These appear to lie somewhere in the order of \$400 to \$600 million a year – or up to 2% of the value of the sector. Addressing these would impact housing affordability and reduce delays and costs.
6. The Discussion Paper was prepared after undertaking ‘extensive’ consultation and was released in October 2019, identifying 27 points in the approvals chain where specific short- and medium-term improvements can be made. Many of these issues had been identified in the past and individual councils have already made significant efforts to address these (e.g. online planning permit application service). The Discussion Paper set out stakeholder’s feedback, conclusions drawn from looking at the data and the analysis of council approvals processes undertaken by PwC, and identified the requirement for adoption of best practices, reforming the rules and simplifying processes, along the entire approvals chain.
7. Nillumbik Shire made a submission to the Discussion Paper in November 2019 (refer **Attachment 2**) noting concerns raised by Council needed to be seriously considered in the final report and recommendations. Councils submission noted the impact of the proposed reforms on our planning and building services, adequate notice and support must be provided before the changes are implemented and among other matters, whilst Council agrees there is a need to remove unnecessary delays and costs in the approvals system, it is unfortunate that the Discussion Paper misses an opportunity to give a more balanced or nuanced examination of the issues. By placing responsibility of construction sector delay costs squarely on the planning and building systems, the Discussion Paper avoids examination of the proponent/ consultant’s role in any delay or costs associated with an application. For example, the frequency of poor quality or incomplete applications, pre-application advice being regularly ignored, or, the system being readily exploited to avoid notices and fees. Whilst Council does agree that, where possible, the approvals process should be streamlined, the State Government should be cautious that the rigour and transparency of planning and building assessment is not diluted for the commercial benefit of the development industry.
8. The Advisory Board and review team reviewed the feedback provided by stakeholders in response to the Discussion Paper, and submitted a final report *Turning Best Practice into Common Practice – Planning & Building Process Review Report* (refer **Attachment 3**) to Government (released to Council and the public in November 2021), making 27 recommendations for improvements across 5 proposed programs (in alignment with all 27 points in the Discussion Paper).

Five themes of reform programa) **Update and simplify planning rules and processes**

- i) Reforms under this theme include both statutory and legislative changes that seek to reduce complexity and delays. This will involve creating simpler planning pathways for smaller projects/permits, including code-based

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assessments or removing permit requirements. Legislative changes will aim for more efficient planning scheme amendment processes.

b) Partner with local council planning departments

- i) Direct capacity and resource support, as well as process improvements, are proposed under this reform theme. There is some overlap between this theme and theme one, *Update and simplify planning rules and processes*. Process reforms include opportunities for simplification and streamlining of permit processes, refreshed guidance material, and investment in digital systems (for example on line planning application processing – something that Nillumbik has already transitioned to).

c) Focus on major projects and attracting investment

- i) A dedicated development facilitation program will be formalised within DELWP and direct decision-making powers for major 'state-significant' projects to the Minister or independent committees. Public consultation on these projects will be limited.

d) Planning for priority precincts and growth areas

- i) This area of reform is largely being led by the Victorian Planning Authority (VPA). Very limited information has been shared. MAV have advised some of the reforms under this theme may be informed by the Victorian Auditor-General's audit report on *Managing Developer Contributions (March 2020)*, and the subsequent work of the Minister's Infrastructure Contributions Advisory Committee. More information will not be available until late 2021 or 2022.

e) Prioritising infrastructure delivery

- i) Again little detail has been provided to date on how planning reform will impact decision making for infrastructure delivery. MAV have advised that the Department of Transport (DoT) is developing changes to planning, heritage and environmental assessments in infrastructure decisions.
- ii) Council would be aware that DoT has already rolled out some of these changes through amendment VC194 which was gazetted in March 2021. This amendment created new permit exemptions for any State Government led or funded (or part-funded) project, or project carried out on Crown land. Notably, the amendment also exempted Councils from planning requirements for public-led projects valued under \$10million.

9. One of the reforms proposed by the report is the current proposed ResCode Reforms recently released and currently out for consultation by DELWP - officers will brief Council in regard to the matter (as a separate item at this briefing) and have sought an extension to the deadline of the 17th December to allow Council to consider and potentially adopt a submission to the proposed reforms at a Council Meeting (in February).

10. The recommended actions in the final report have been sorted into those that can be commenced in 2021 and those that may take longer.

16. Supplementary and urgent business**CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy**

Issues in regard to proposed reforms

11. The Municipal Association of Victoria (MAV) have prepared a member's brief in October 2021(refer **Attachment 4**) in response to proposed planning reforms. This comes as DELWP have been advising in recent months that proposed reforms were imminent but would not identify timing or release detail to Councils/stakeholders.
12. Officers generally support and concur with the issues raised by MAV in the member's brief, particularly:
 - a) The key driver of this reform package appears to be lifting Victoria's post COVID economic performance through facilitating growth.
 - b) It is vital that the reforms strike the right balance to ensure medium to longer term planning outcomes are not compromised.
 - c) Protection of the role of councils and councillors as elected community representatives, in developing longer term visions for their built environments must be preserved.
 - d) There must be a role for community voice in the planning system.
 - e) There is a need for appropriate checks and balances on Ministerial powers within any reforms.
 - f) Short term economic recovery priorities should not compromise longer term strategic planning objectives.
 - g) Climate change mitigation and adaptation in our planning system may be overshadowed by an economic recovery lens.

Lack of strategic and integrated consultation and collaboration on proposed reforms

13. Officer note that there has been this year (2021) a call from State government to an extensive number of consultations on reform matters. This has placed significant pressure on local governments generally given preparation of submissions is very resource intensive, requires cross-departmental coordination (internally), needs to be adopted by Councils and therefore needs briefing/reporting to be prepared in regard to the matter, and is always in a required timeframe that does not consider Council reporting workflows and lead times. Therefore, these submissions are prepared as 'urgent matters' with compressed timeframe, and this is all in addition to delivery of programmed projects, policy and operations of Council.
14. Notwithstanding this, timeframes also do not allow for community consultation by Council with its community in regard to proposed reforms and this results in frustration within the community in regard to a lack of transparency and opportunity to have their local representatives hear and consider their views on matters that will impact them.
15. Officers also note recently submissions have been called by DELWP to proposed ResCode Reforms (as a recommendation of this review into Planning & Building Approvals Process Review) and also the Cooling and Greening project which responds to Plan Melbourne (Action 91 of Plan Melbourne's Implementation Plan) to engage in a *'whole of government approach to cooling and greening'*.

16. Supplementary and urgent business**CM.184/21 Urgent Business - State Governments Planning Reforms and Advocacy**

16. Officers further note we are still awaiting outcomes/detailed implementation from DELWP around submissions called to other proposed reforms though out this year including *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper*, *10 Year Affordable Housing Strategy*, *Melbourne's Land Use Framework Plans* and *ESD Roadmap*.
17. At the same time, a Parliamentary Inquiry into Protections within the Victorian Planning Framework has been released for submissions (Council are also updated on this matter at this briefing as a separate item), noting the Environment and Planning Committee will consider and report on, by June 2022, the adequacy of the *Planning & Environment Act 1987* and the Victorian planning framework in relation to planning and heritage protection.
18. MAV have confirmed they will prepare a submission to this Inquiry, however officers question why such an Inquiry is underway with submissions called, given the number of planning reforms being consulted on, advanced and implemented via DELWP and other State departments, noting the Inquiry will report back in June 2022, when feasibly much of the work DELWP/State government is doing now in regard to planning reform will be either implemented or significantly advanced to implementation.
19. It is contended by officers that if the State government is truly interested in 'the adequacy of the Planning & Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection' then undertaking this Inquiry now (after reforms are significantly advanced or implemented) does not allow for true consideration of key issues.

Related Council decisions

20. Not applicable.

OptionsAdvocacy

21. Officers note that given we are approaching an election year many State government initiatives/actions through this governments tenure are now being wrapped up and this may explain much of the urgency being directed into implementing reforms, and therefore hurrying limited consultation through to facilitate such.
22. Given the limited information revealed by the State government in regard to proposed reforms, and the breadth of submissions being called for as identified, Nillumbik Shire has been approached by other northern metropolitan region Councils including Banyule, Dandenong and Yarra Ranges (see **Attachment 5**) to advocate to the Minister in regard to the overall approach to planning reforms generally and the lack of meaningful engagement around the constant call for submissions to proposed reforms.
23. Officers strongly recommend that there is an opportunity for Council to join other Councils in advocating to State government to be more strategic in its consultation being transparent around timing of upcoming consultation to allow local governments to better resources and respond to upcoming submissions AND that State government consider the timeframes associated with consultation, and at a minimum allow for time for officers to prepare a submission, brief Councillors to request feedback and then seek formal adoption at a Council meeting.

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Council plans and policies

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

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Sustainability implications

25. Proposed reforms although in some instances will improve sustainability outcomes, it is contended the focus on driving 'Big Build' and COVID recovery (economically) may be at the expense of sustainability and such matters as climate action.

Community engagement

26. Timeframes in regard to State government consultation almost always do not allow for community consultation by Council with its community in regard to proposed reforms and this results in frustration within the community in regard to a lack of transparency and opportunity to have their local representatives hear and consider their views on matters that will impact them.

Innovation and continuous improvement

27. Proposed reforms including to update and simplify planning rules and processes which would involve creating simpler planning pathways for smaller projects/permits, an partnering with local council planning departments to direct capacity and resource support, as well as process improvements, as proposed will result in opportunities for simplification and streamlining of permit processes, refreshed guidance material, and investment in digital systems (for example on line planning application processing – something that Nillumbik has already transitioned to).

Collaboration

28. As identified other local governments including Yarra Ranges, Dandenong, Banyule and the northern group of Councils and also MAV are keen to collaborate in regard to the proposed reforms and State government approach.

Budget implications

29. Not applicable.

Relevant law

30. *Planning & Environment Act 1987 (the Act)*

31. *Building Act 1993 and Regulations*

Regional, state and national plans and policies

32. Plan Melbourne 2050

33. Draft Regional Land Use Framework Plans (2021).

Conflicts of interest

34. No officers involved in preparation of this report has a conflict of interest.

17. Confidential reports

18. Close of Meeting

The Mayor Cr Frances Eyre advised that the next Planning and Consultation Committee Meeting will be held on Tuesday 8 February 2022 and the next Council Meeting on Tuesday 22 February 2022. The Mayor, wished all of those in our community a safe and fun-filled festive season, take this time for rest and spending time with loved ones. We look forward to seeing you in the New Year.

The meeting closed at 9:36pm.

Confirmed: _____
Cr Frances Eyre, Mayor