

## Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 25 June 2019 commencing at 7:30pm.

### Agenda

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

Friday 21 June 2019

Distribution: Public

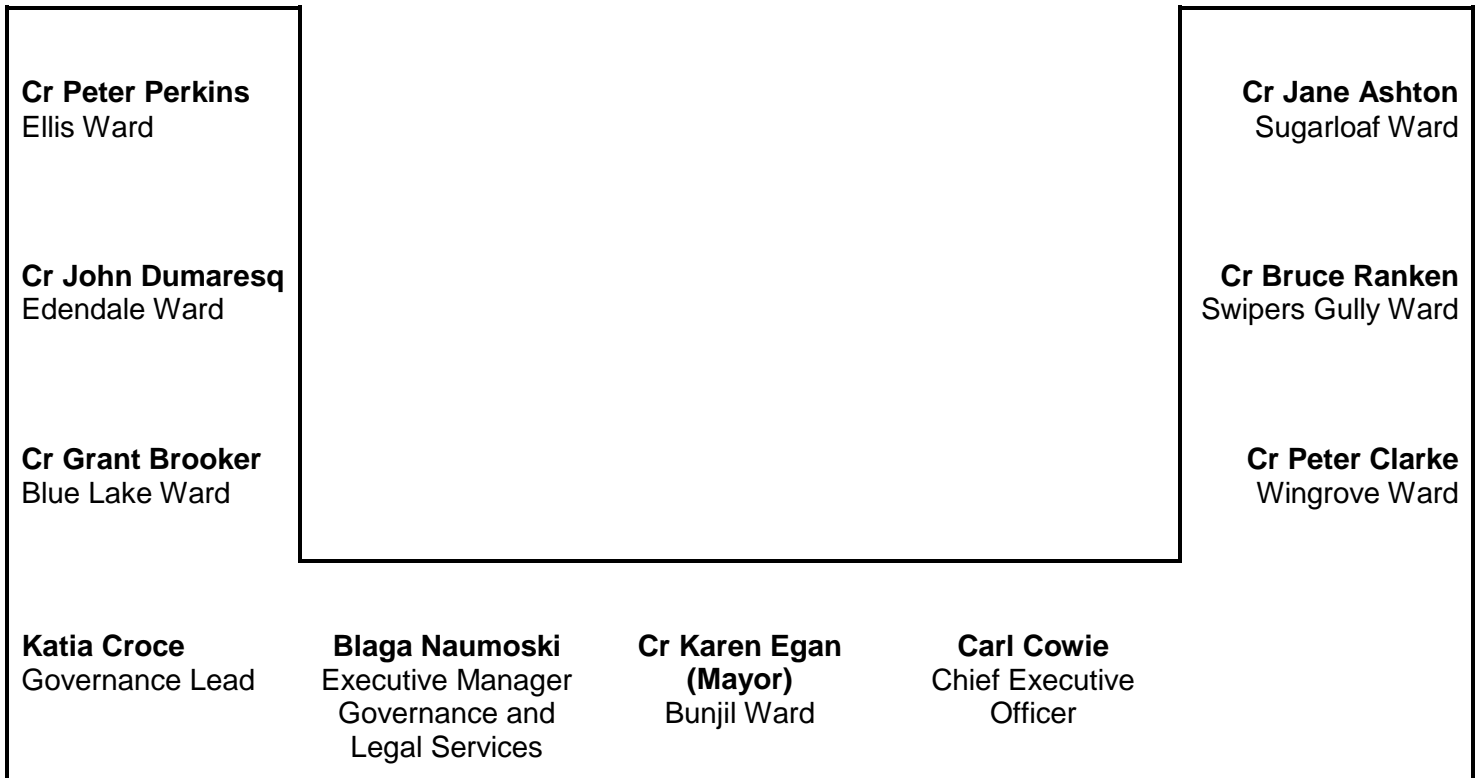
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*Domin je ka*

# Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

## Nillumbik Shire Council

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## Nillumbik Shire Council

### Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 25 June 2019 commencing at 7:30pm.

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**1. Welcome by the Mayor**

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

**2. Reconciliation statement**

**The reconciliation statement to be read by the Mayor**

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

**3. Prayer**

A prayer will be read.

**4. Apologies**

**Recommendation**

**That** the apologies be noted.

**5. Presentations**

**Russell Yeoman** receives a certificate of recognition for his service to the Eltham District Historical Society as Secretary for 50 years.

**Lauren Jatczak** (Edendale Ward) receives \$150 as a contribution for her selection to represent School Sport Victoria at the School Sport Australia U15 Girls Australian Football Championship in Tasmania.

**Olivia Bandera** (Swipers Gully Ward) receives \$150 as a contribution for her selection to represent School Sport Victoria at the School Sport Australia U15 Girls Australian Football Championship in Tasmania.

**Luke Hutton** (Swipers Gully Ward) receives \$200 as a contribution for being selected to represent Australia in the IBA Boys International Baseball Camp in Japan.

Nillumbik Shire Council wishes them every success with their future sporting pursuits.

**6. Confirmation of minutes**

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 28 May 2019.

**Recommendation**

**That** the minutes of the Ordinary Council Meeting held on Tuesday 28 May 2019 be confirmed.

**7. Disclosure of conflicts of interest**

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

**8. Petitions**

**9. Questions from the gallery**

10. Reports of Advisory Committees

AC.006/19 Advisory Committee Report

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**Distribution:** Public

**Manager:** Blaga Naumoski, Executive Manager Governance and Legal Services

**Author:** Alena Spry, 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 minutes of meetings are presented to Council.

**Attachments**

1. Living & Learning Nillumbik Advisory Committee minutes - 29 May 2019

**Recommendation**

**That** Council notes the Living & Learning Nillumbik Advisory Committee meeting minutes held on 29 May 2019.

**11. Reports of Special Committees**

12. Officers' reports

OCM.081/19 Draft Green Wedge Management Plan 2019 for public consultation

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**Distribution:** Public

**Manager:** Jeremy Livingston, Acting Director Community and Planning

**Author:** Nichole Johnson, Coordinator Strategic Projects  
 Geoff Lawler, Strategic Advisor

**Summary**

This report presents the Draft Green Wedge Management Plan 2019 (Draft GWMP) (**Attachment 1**) for Council's consideration prior to wider community consultation.

The Draft GWMP is proposed to replace the existing *Nillumbik Green Wedge Management Plan 2010-2025* and has resulted from inputs by various sources. This includes Council's response to the recommendations of the Community Panel majority report, Victorian Government guidelines, the extensive community engagement program and relevant Council policies and strategies, including the draft Bushfire Mitigation Strategy. Consideration has also been given to a minority report from five members of the Community Panel.

The Draft GWMP is proposed to provide direction over the next decade and includes a vision, principles, goals, objectives and key actions.

Community consultation on the Draft GWMP is scheduled for 1 July 2019 to 11 August 2019 (6 weeks). Council will receive feedback and submissions on the Draft GWMP at the 10 September 2019 Future Nillumbik Committee prior to considering adoption of the final plan at the 29 October 2019 Ordinary Council Meeting.

**Recommendation**

**That Council:**

1. Endorses the Draft Green Wedge Management Plan 2019 (**Attachment 1**) for public consultation which will occur for 6 weeks, ending 11 August 2019.
2. Endorses the proposed consultation process (**Attachment 2**).

**Attachments**

1. Draft Green Wedge Management Plan 2019
2. Consultation process for the Draft GWMP
3. Key inputs into the Draft Green Wedge Management Plan
4. Green Wedge Management Plan Process

**Background**

1. The Victorian State Government expects each of metropolitan Melbourne's green wedge councils to prepare a Green Wedge Management Plan and review it on a regular basis.



**12. Officers' reports**

**OCM.081/19 Draft Green Wedge Management Plan 2019 for public consultation**

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2. In its Council Plan, Council committed to review the existing *Nillumbik Green Wedge Management Plan 2010-2025*. In March 2018, Council endorsed the program, process and key milestones guiding the review.
3. The centrepieces of the review were an extensive community engagement and the establishment of a Community Panel (Panel) to make recommendations to Council on "What is the best way for us to manage Nillumbik's green wedge, now and into the future". The Panel was made up of randomly selected members from the community. The Panel sat for six days to hear about and consider the many issues impacting the management of the green wedge.
4. The Panel's recommendations were formally presented in a majority report to Council on 27 November 2018.
5. In December 2018, Council determined its response to the recommendations and requested officers commence writing the Draft GWMP for its consideration and release for further community engagement.
6. In April 2019, Council also received and accepted a revised minority report from five members of the Panel and referred it to officers to take into account when writing the Draft GWMP.

**Policy context**

7. The review of the Green Wedge Management Plan addresses Council Plan actions including:
  - 1.1 Improve community trust through better community connections and genuine engagement.
  - 3.1.2 Review the impacts of the Green Wedge Management Plan on those living in the landscape.
  - 3.1.3 Clarify the planning scheme to enhance opportunities for agricultural enterprises and tourism to prosper in appropriate ways in rural areas of Nillumbik.
  - 4.1 Encourage investment and development within the Shire to increase economic development and broaden the rate base while at the same time preserving the Green Wedge.
    - 5.1.1 Ensure that Council policies and processes support good governance.
    - 5.2.1 Advocate on important policy issues that affect the Nillumbik community.

**Budget implications**

8. The project budget is \$265,900, funded by Council in the 2017-2018 and 2018-2019 operating budgets.

**Consultation/communication**

9. A four staged engagement process for the review was implemented. It began (stage 1) with the design of the community engagement plan with the community, followed by implementation of the engagement (stage 2). More than 1,000 contributions were received during the 6 week long engagement in mid-2018 ranging from drawings by school children, workshop attendances, surveys, submitted stories and photographs,

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OCM.081/19 Draft Green Wedge Management Plan 2019 for public consultation

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feedback at coffee and chat sessions with project team members and an artwork from Nillumbik Youth Theatre.

10. In stage 3, community feedback was presented to the Panel. Some 10,000 invitations were sent to randomly selected members from the Nillumbik community (businesses and households) by an independent recruitment company seeking expressions of interest to be part of the Panel and 176 nominations were received. The recruitment company divided the interested people into separate groups based on their age, gender and location within the Shire. Then, a simple random selection was made from each group. 44 Panel members were recruited to the Panel and 40 Panel members commenced the first Panel day. The Panel sat for 6 days from 18 August 2018 to 17 November 2018. The Panel's task was to recommend to Council a vision, objectives and key actions. Council's remit was "What is the best way for us to manage Nillumbik's green wedge, now and into the future". The Panel's majority report recommended a vision, principles and actions which Council formally responded to. Council also later received a minority report from five members of the Panel.
11. The project's fourth and final stage will include wide community engagement on the Draft GWMP scheduled for 1 July 2019 to 11 August 2019. Feedback will inform the final plan for Council's consideration.
12. Details on the consultation process for the Draft GWMP is outlined in **Attachment 2**. Community members will have an opportunity to make submissions on the Draft GWMP by 11 August 2019. Feedback will be summarised into a Future Nillumbik Committee report scheduled for 10 September 2019. Community members who make a formal submission on the Draft GWMP can also speak at the Future Nillumbik Committee by completing the online form or phoning Council.

**Issues/options**

13. The Draft GWMP has been informed by various sources as outlined in the Summary. This has resulted in a new document that is structured to enable alignment with the Council Plan and its annual budgeting and reporting process. It is also a simpler structure than the existing plan with more explanatory narrative, and has been updated to be consistent with other Shire-wide policies and plans of Council.
14. A spreadsheet detailing the key inputs (**Attachment 3**) and an infographic on how the Draft GWMP was created (**Attachment 4**) have been prepared to demonstrate how they have influenced the development of the Draft GWMP.
15. The Draft GWMP is intended to provide direction over the next decade, with priorities determined every four years through the preparation of the Council Plan and prior to the four-yearly review of the Nillumbik Planning Scheme. It includes:
  - A vision for Nillumbik's Green Wedge.
  - Principles that informed the creation of this plan will guide how it is to be implemented.
  - Goals that describe desired overall outcomes for the community (these are the same goals as those of the Council Plan).
  - Specific objectives that describe what is to be achieved in support of the goals.

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**OCM.081/19 Draft Green Wedge Management Plan 2019 for public consultation**

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- Key actions to effect change in the direction of the objectives.
16. Five actions are highlighted as “key moves for the Shire” and are intended to achieve the Panel’s recommendations on multiple fronts and present an opportunity for the State Government to contribute to green wedge management. They are organisational changes for the long-term to build and share knowledge and to be present and useful within the community.
  17. The Wurundjeri voice is considered an important element in the development of the Green Wedge Management Plan. Council officers met with the Wurundjeri Council in early 2018 to confirm the best ways for Wurundjeri Council to be involved. At that time it was agreed that the Wurundjeri would provide feedback on the Draft GWMP through the 6 week community consultation phase.
  18. The Draft GWMP complies with the State Government’s Practice Note 31 on ‘Preparing a Green Wedge Management Plan’.
  19. Copies of the Nillumbik Green Wedge Community Engagement Report, the Community Panel recommendations, Council’s response to the Panel’s recommendations, Minority Report No 1 (revised April 2019) and Practice Note 31 are all available on Council’s Participate Nillumbik website.

**Conclusion**

20. This report provides Council with the Draft GWMP for consideration prior to wider community consultation.
21. Community engagement will run for six weeks, from 1 July 2019 to 11 August 2019, allowing all members of the community the opportunity to provide feedback on the Draft GWMP. Council will hear submissions at the 10 September 2019 Future Nillumbik Committee.
22. It is proposed that the Green Wedge Management Plan will be finalised for Council’s consideration and adoption at the 29 October 2019 Ordinary Council Meeting.

**12. Officers' reports****OCM.083/19 Fireworks Local Law**

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**Distribution: Public****Manager: Jeremy Livingston, Acting Director Community and Planning****Author: Jonathan McNally, Manager Community Safety and Amenity****Summary**

Private fireworks displays in rural areas have created considerable community interest in recent years. Most recently, a display was held as part of a private function in St Andrews which resulted in considerable community angst due to the timing of the event during the declared fire danger period, and the impact that fireworks have on livestock and wildlife on surrounding properties.

A report was presented to Council in February 2019 which presented options available to Council in order to regulate the display of fireworks within the rural areas of the Shire. At the 26 February 2019 Ordinary Council Meeting, Council determined it would proceed with the development of a new Fireworks Local Law focusing on regulating displays on private land only, outside of the Urban Growth Boundary (UGB).

The process for making a local law is governed by Part 5 of the *Local Government Act 1989* (the Act). Council has the ability to make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other act.

This report presents two options for a proposed Fireworks Local Law. The first option would introduce a permit requirement for fireworks displays on private land outside of the UGB (i.e. rural land). The second option would create an outright prohibition of fireworks displays on private land outside of the UGB.

Community consultation on both versions of the proposed local law is recommended in order to ensure the most appropriate controls are put in place.

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

1. Endorses the draft Fireworks Local Law (**Attachment 1**) and draft Prohibition of Fireworks Local Law (**Attachment 2**) for public consultation, in accordance with Section 223 of the *Local Government Act 1989*.
2. Endorses the Fireworks Local Law Community Impact Statement (**Attachment 3**), in accordance with Section 223 of the *Local Government Act 1989*.

**Attachments**

1. Fireworks Local Law - Draft June 2019
2. Prohibition of Fireworks Local Law - Draft June 2019
3. Fireworks Local Law Community Impact Statement - June 2019

**12. Officers' reports****OCM.083/19 Fireworks Local Law**

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**Background**

1. In January of 2017, 2018 and 2019, fireworks displays were conducted on a private property in St Andrews. On each of these occasions, the fireworks displays created community concern, due to the potential impact of fireworks in a rural and fire prone setting. Of particular concern were the potential impact fireworks can have on the safety of livestock and other domestic animals, as well as the impact on wildlife. Further, community members have raised considerable concern over the potential for a bushfire to be sparked from fireworks during the height of the summer bushfire season.
2. Following the recent fireworks displays in January 2019, there is now a heightened expectation that Council will investigate and introduce controls to restrict private fireworks displays. Correspondence received by Council since January 2019 has included a petition with 1,172 signatories and two further attachments with 84 signatories. The petition requested Council take measures to cease private Firework Licences during peak summer in Country Victoria / Shire of Nillumbik. Further, at the 29 January 2019 Ordinary Council Meeting, in response to a question from the gallery, an undertaking was provided that a report would be presented to Council at the 26 February 2019 Ordinary Council Meeting regarding the process for introducing a local law to control private fireworks displays within the Shire.
3. Council's current adopted fireworks policy requires a permit for fireworks displays that are discharged from Council land, however this policy does not establish a need for a permit for displays discharged from private land.
4. At the 26 February 2019 Ordinary Council Meeting, Council determined it would proceed with the development of a new Fireworks Local Law focusing on regulating displays on private land only, outside of the UGB.

**Policy context**

5. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community.

**Budget implications**

6. Total budget for the development and implementation of a Fireworks Local Law is expected to be approximately \$12,000. This expenditure is anticipated to be absorbed within the existing 2018-2019 and 2019-2020 Community Safety operating budget, and includes legal expenses, and the engagement of a consultant to assist in the development of the draft and Community Impact Statement.

**Consultation/communication**

7. The ability to make or amend a local law is governed by Part 5 of the Act. In order to make a new local law or amend the existing Amenity Local Law, Council must give notice of its intention to do so, and any person affected by the proposed local law may make a submission relating to the proposed local law under section 223 of the Act. There is currently considerable community expectation that Council will introduce new local law controls to address private fireworks displays. The development of a new local law requires the preparation of a Local Law Community Impact Statement.

**12. Officers' reports**

**OCM.083/19 Fireworks Local Law**

8. Upon endorsement of the draft local laws, Council will commence the notice period for submissions, which will be open for a minimum period of 28 days. It is expected that submissions will be reported to, heard and considered by the Future Nillumbik Committee on 13 August 2019.

**Issues/options**

9. Community concern around private fireworks displays within the rural areas of the Shire has become a significant issue. Council currently has no role in the approval of fireworks displays held on private land within the Shire. Approval for fireworks is required from the Country Fire Authority (CFA) and the Victorian WorkCover Authority, both of which assess separate risks associated with fireworks displays. The Victorian WorkCover Authority issues permits to qualified pyrotechnic contractors that are licenced by that authority to discharge fireworks based on satisfying the occupational health and safety risks associated with fireworks displays. The WorkSafe permit process requires pyrotechnic contractors to be accredited and to hold their own public liability insurance.
10. The CFA is required to assess the fire risk associated with fireworks, which is of particular importance during the fire season. CFA permits are only required during the designated fire danger period, and such permits generally set in place conditions around the manner in which the fireworks are discharged, including access to water and siting requirements. Although the CFA can and does grant permits during the fire danger period, all such permits are not valid if a total fire ban day is declared. The CFA also has the power to grant permits for total fire ban days, however these can only be granted to community organisations, charitable organisations, fundraising organisations, statutory corporations, municipal councils, industrial operations or trade.
11. Currently, neither of these authorities are required to assess the potential amenity or environmental impact of fireworks, or the social impact of fireworks in a bushfire prone area that is still recovering from a significant bushfire event. Neither authority requires notification of nearby landowners be provided by organisers should a fireworks display be conducted. The Nillumbik Amenity Local Law (adopted on 26 November 2013) does not currently establish a requirement for a permit for fireworks displays on private property within the Shire.
12. The process for developing and implementing a new local law required Council to prepare both a draft Local Law as well as a Community Impact Statement. Both of these documents are required in order to allow the community notification and consultation process under section 223 of the Act to occur. As indicated above, two versions of a draft Fireworks Local Law have been developed, along with a Community Impact Statement which assesses the appropriateness of both proposed local laws in responding to the expectations of, and likely impacts on, the local community.

12. Officers' reports

OCM.083/19 Fireworks Local Law

13. Officers have developed two separate draft Fireworks Local Laws that offer differing approaches to the regulation of fireworks on private property in the rural areas of the Shire. Specifically, the two draft local law options propose:

***Fireworks Local Law***

14. This option introduces the requirement that any property in the rural areas of the Shire (outside of the UGB) must apply for a permit to host a fireworks display subject to strict criteria and a notification period. No permits could be issued during set high fire danger periods. Specifically, the local law would:
- Apply to all private property located outside of the UGB (i.e. rural land).
  - Introduce a requirement that any fireworks display requires a permit issued by Council.
  - Prohibit the issue of permits for fireworks displays during the high fire danger period. The high fire danger period is defined as either the commencement of the declared fire danger period or 1 November (whichever is earlier) and the end of the declared fire danger period or 30 March (whichever is later).
  - Set out strict information requirements for any permit application.
  - Set out strict assessment criteria.
  - Include requirements for the notification of the proposed event to nearby properties and in the local paper.
  - Set timeframes for the submission of a fireworks permit application.

***Prohibition of Fireworks Local Law***

15. This option proposes that the display of fireworks from private property in the rural areas of the Shire is outright prohibited. Specifically, the local law would:
- Apply to all private property located outside of the UGB (i.e. rural land).
  - Prohibit the display of fireworks from any private property outside of the UGB at any time.
16. Both drafted options for a Fireworks Local Law aim to regulate the display of fireworks in sensitive rural environments with the key aim of protecting wildlife, limiting the impact on livestock and domestic animals, and limiting the social impact of fireworks in a bushfire prone landscape.
17. It is recommended that Council endorses both versions of the proposed Fireworks Local Law, and commences community consultation in accordance with section 223 of the Act in order to gauge community and stakeholder feedback on the two options. Council will then have the ability to adopt the most appropriate local law following the consultation period and taking into consideration community feedback.
18. The ability to make or amend a local law is governed by Part 5 of the Act. Key steps in the development, consultation and adoption of a new Fireworks Local Law are detailed in the following table:

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OCM.083/19 Fireworks Local Law

Key Steps	Timeframes
Develop draft local law and Community Impact Statement	Feb-June 2019
<b>Endorse drafted local laws and Community Impact Statement for community consultation at Ordinary Council Meeting</b>	<b>25 June 2019</b>
Consultation and community engagement	July 2019
Consideration of received submissions at Council's Future Nillumbik Committee	13 August 2019
<b>Adoption of preferred local law</b>	<b>24 September 2019</b>
Gazettal of adopted local law	Early October 2019

**Conclusion**

19. Significant concerns regarding private fireworks displays in St Andrews have led officers to investigate the most appropriate way to control fireworks displays within the community.
20. Following the Council resolution in February 2019, officers have developed two options for a Fireworks Local Law. It is recommended that Council proceed with consultation on both options in order to determine the most appropriate local law for final adoption.



12. Officers' reports

OCM.084/19 Domestic Wastewater Management Plan 2019-2023

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**Distribution:** Public

**Manager:** Jeremy Livingston, Acting Director Community and Planning

**Author:** Leah Farrell, Coordinator Environmental Health Services

Jonathan McNally, Manager Community Safety and Amenity

**Summary**

Under State Environment Protection Policy (SEPP) Waters, Council is required to develop and regularly review a Domestic Wastewater Management Plan (DWMP). This Plan outlines Council's program for managing septic tank systems across the Shire. The Plan has been developed in consultation with Yarra Valley Water (YVW), the community and other relevant stakeholders.

The DWMP 2019-2023 has been developed and is now ready for adoption.

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

1. Endorses the Domestic Wastewater Management Plan 2019-2023 (**Attachment 1**) and Background Paper (**Attachment 2**).
2. Instructs officers to commence implementation of the plan.

**Attachments**

1. Domestic Wastewater Management Plan 2019-2023
2. Domestic Wastewater Management Plan Background Paper 2019-2023

**Background**

1. Council's existing DWMP was adopted in 2015 and covers the period 2015-2018. Since the adoption of the existing DWMP, there have been a number of changes in guidance relating to domestic wastewater management that change the way treatment and disposal systems are designed, installed and maintained.
2. State Environment Protection Policy (SEPP) Waters is a state-wide policy designed to ensure the ongoing protection of surface waters across Victoria and reduce impacts on surface water environments. Clause 28 of the SEPP Waters, requires Council as the responsible authority to ensure domestic wastewater is treated and managed so that these systems retain sewage within a property's boundaries and does not pose a risk to the community.
3. Clause 29 of the SEPP requires Council to develop a DWMP in conjunction with the local water authority and community.
4. The newly-adopted SEPP in November 2018 stipulates that DWMPs are to:
  - Identify public health and environmental risks associated with the on-site domestic wastewater management systems; and
  - Set out strategies to minimise those risks.

**12. Officers' reports**

**OCM.084/19 Domestic Wastewater Management Plan 2019-2023**

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**Policy context**

5. The DWMP directly supports the achievement of the following Council Plan 2017-2021 strategy:

3.6.3 Advocate to Yarra Valley Water for extension of the sewer network.

**Budget implications**

6. The development of the DWMP has been accommodated within the existing Environmental Health operational budget. The existing Domestic Wastewater Officer role within the team will lead the implementation of the actions within the DWMP, and no additional budget is sought for the implementation of Year 1 of the Plan.

**Consultation/communication**

7. Consultation and engagement on the draft DWMP was carried out during April 2019 via the Participate Nillumbik website, community drop-in sessions, workshops with local wastewater specialists, and meetings and input from YVW.

8. Five submissions were received during the consultation period and the content of these submissions has been addressed in the final version of the DWMP. All submitters were invited to present to the Future Nillumbik Committee on 11 June 2019, with YVW presenting to the Committee in support of the DWMP.

**Issues/options**

9. A DWMP assists Council in aiming for best practice in the management of domestic wastewater. The aim of the Plan is to prevent environmental pollution at the source, and where this is not possible, to minimise the potential impacts on human health and the environment. The Plan is also useful in setting out Council's agenda for advocating the connection of townships and communities to the reticulated sewerage system.

10. The SEPP requires the DWMP to be reviewed and updated at intervals of no more than five years and an internal audit to assess and report progress is to be conducted every three years and published to Council's website.

11. The current review of the DWMP involved analysis of the implementation of the previous DWMP 2015-2018, the authorising environment and legislative changes, community engagement and current and future drivers in the on-site domestic wastewater management space.

12. Key recommendations of the DWMP 2019-2023 are divided into 5 key strategy action areas:

- Information and data collection;
- Education and awareness;
- Sewer connection and Community Sewerage Program prioritisation;
- Regulation and enforcement; and
- Collaboration and review.

13. These strategies are designed to improve the wastewater management across the Shire, as:

**12. Officers' reports**

**OCM.084/19 Domestic Wastewater Management Plan 2019-2023**

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- Improving wastewater information and data capabilities enables Council to provide accurate risk data, to be utilised at the next YVW Community Sewerage Program prioritisation program in 2021, and increasing the opportunities to successfully advocate to YVW for extension of the sewer network.
- Improving and strengthening education programs geared towards maintenance of systems reduces the incidence of failing systems and the financial burden on property owners for upgrading systems to ensure compliance.
- Developing and implementing a reporting and monitoring program will also assist with reducing the incidence of failing systems, reducing both public health and environmental risks associated with failing wastewater systems.
- Maintaining strong relationships with state and local agencies will provide opportunities to contribute to the creation of improved legislative frameworks for regulation of wastewater system management.

**Conclusion**

14. Submissions received have been considered, and the final DWMP has been amended accordingly. This included a late submission from Esther Caspi, tabled at the 11 June 2019 Future Nillumbik Committee. Whilst her objection to the draft DWMP is noted, her concerns do not specifically address the content of the Plan itself, and therefore does not impact on the draft DWMP.
15. After extensive review and consultation, the Domestic Wastewater Management Plan 2019-2023 is ready for adoption by Council. Officers recommend that the final Plan be adopted and communicated with the community, and implementation of the Plan by the Environmental Health Team to commence as of July 2019.

12. Officers' reports

**OCM.085/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022**

**Distribution: Public**

**Manager: Kylie Lethbridge, Executive Manager Economic Development and Tourism**

**Author: Michelle Zemancheff, Coordinator Arts and Cultural Development  
Clare Leporati, Public and Participatory Arts Officer**

**Summary**

Creative life is synonymous with the culture of the Shire of Nillumbik from the early Australian Impressionists to the establishment of artist communities at Montsalvat and Dunmoochin. These legacies continue to strengthen with professional artists representing Nillumbik at local, regional and international levels.

Nillumbik Shire Council actively commissions contemporary public artworks that speak to Nillumbik's culture and the Nillumbik Shire Art Collection currently houses 15 significant public art works. Council also supports the development and implementation of public art through partnerships with community groups and individuals.

As the owner of open space, built infrastructure and facilities, Council has an opportunity to utilise its public spaces for creative expression, which includes the installation of public artworks.

The draft Nillumbik Shire Public Art Policy 2019-2022 and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 are key actions under the Arts and Cultural Plan 2018-2022, and are now presented to Council.

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

1. Endorses the draft Nillumbik Shire Public Art Policy 2019-2022 (**Attachment 1**) and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 (**Attachment 2**).
2. Instructs officers to:
  - a) Place the draft Nillumbik Shire Public Art Policy 2019-2022 and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 on public exhibition for a period of three weeks for the purpose of community consultation; and
  - b) Report to Council on the results of the community consultation process.

**Attachments**

1. DRAFT Nillumbik Shire Public Art Policy 2019-2022
2. DRAFT Nillumbik Shire Public Art Implementation Guidelines 2019-2022

12. Officers' reports

**OCM.085/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022**

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**Background**

1. The draft Nillumbik Shire Public Art Policy 2019-2022 (**Attachment 1**) (the draft policy) and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 (**Attachment 2**) (the draft guidelines) were developed using methodology that included benchmarking public art policies and/or strategies of other local government authorities, the input of industry knowledge and best practice, and cross-functional collaboration with Strategic Planning, Statutory Planning, Major Projects and Regulatory Services.
2. The draft policy confirms Council's position, and the draft guidelines provide a mechanism for action to guide the commissioning process. Both documents are inter-related and should be read in conjunction with each other.
3. The draft policy and draft guidelines recommend a spectrum of public art forms, from:
  - Ephemeral (temporary) public artworks which includes busking and murals (which have a maximum life span of five years); to
  - Permanent public artworks, including major sculpture.
4. The draft policy and the draft guidelines exclude:
  - Interpretative signage and wayfinding;
  - Civic architectural design installations and township decorations;
  - Memorials and monuments (unless the installation is predominantly an artwork, whereby a professional artist or artists has/have been commissioned and an artistic process has formed the context and development of the installation); or
  - Advertising.
5. Best public art practice reflects the nuances of local culture, rather than replicating other communities, and is undertaken by a qualified practicing public artist. Successful public art is intrinsically linked to community, and is usually site-specific to the immediate environment in which it is located.
6. The draft guidelines provide for the implementation of public art programs such as a public art incubator (building on the successful 2017 pilot through major initiative funding, which saw strong community outcomes), and a busking program to activate public places and support emerging performers.
7. Significantly, a framework for the commissioning of public artwork is proposed based on:
  - The equivalent of 1 per cent of the total project budget of publicly accessible capital works projects valued in excess of \$2 million, be allocated to incorporate a major public artwork as an integral feature. For example, a project valued at \$2 million would set aside \$20,000 for a public art installation specific to that project. This relates to community facilities such as community buildings and spaces such as playgrounds, and does not include civil infrastructure such as roads and drains. This also includes those projects funded through state and/or federal funding.

**12. Officers' reports**

**OCM.085/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022**

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- A negotiated developer contribution for publicly accessible developments with a total project value exceeding \$2 million. This would require 1 per cent of the total project cost to be allocated to the commissioning of public artwork as a key element to the commissioning of a qualified public artist to develop works congruent with the Nillumbik Shire Art Collection. A negotiated arrangement would be triggered through the planning permit process.

**Policy context**

8. This report directly supports the achievement of the Council Plan 2017-2021 strategy:
- Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

**Budget implications**

9. The operational budget has traditionally had an allocation of \$15,000 per annum for public art acquisitions managed through a reserve. The reserve was created to build sufficient funds in order to draw upon for the acquisition of major public sculpture. The reserve has also been added to by insurance claims paid to Council and the receipt of philanthropic donations.
10. At the present time, the reserve has a balance of \$154,000.
11. The recently endorsed 2019-2020 Budget has an uplift in the operational budget of \$35,000 for a public art program to support the draft policy.

**Consultation/communication**

12. The draft policy and the draft guidelines have been referred to Council's Arts Advisory Committee for advice throughout their development.
13. Upon Council's direction, the draft policy and the draft guidelines will be placed on public exhibition for the purposes of community consultation prior to completion and formal adoption.

**Issues/options**

14. The draft guidelines provide a range of opportunities within which to implement the draft policy. These include the implementation of:
- An ephemeral art and busking program;
  - Place-making and streetscape works, whereby local public artists are commissioned;
  - A private/public partnership model which provides for mural projects undertaken through community cultural development and harm minimisation models, and utilises a privately-owned wall and other private contributions such as materials;
  - A percent for art policy for capital works and developer contributions; and
  - The use of hoarding boards as a canvas for temporary murals, whereby local public artists are commissioned.
15. The percent for art developer contributions and hoarding board murals would be negotiated and triggered through the planning permit process.

12. Officers' reports

**OCM.085/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022**

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16. The draft guidelines also provide:

- Criteria for community initiated public art projects, including those seeking funding from Council; and
- Advice for private commissions.

**Conclusion**

17. Officers recommend the draft Nillumbik Shire Public Art Policy 2019-2022 (**Attachment 1**) and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 (**Attachment 2**) be endorsed by Council for the purposes of public exhibition for a period of three weeks.
18. Officers will prepare a report for the 13 August 2019 Future Nillumbik Committee regarding the outcome of that consultation.
19. The draft policy and the draft guidelines, once adopted by Council, will be implemented with the aim of building on the creative and artistic culture of Nillumbik and will create a strong drawcard for cultural tourism.

12. Officers' reports

**OCM.086/19 Nillumbik Shire Art Collection Policy 2019-2022 and Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022**

**Distribution: Public**

**Manager: Kylie Lethbridge, Executive Manager Economic Development and Tourism**

**Author: Michelle Zemancheff, Coordinator Arts and Cultural Development  
Grace Longato, Curator and Creative Industries Officer**

**Summary**

Nillumbik Shire Council values the interpretation of the Shire’s local culture and heritage as expressed through the arts. As such, Council actively collects contemporary and modernist artworks of excellence that reflect our artistic heritage and local culture.

The Nillumbik Shire Art Collection supports the development and growth of creative and cultural industries through the acquisition of indoor visual and outdoor public artworks of excellence, and the acquisition of significant heritage items and civic objects.

The Nillumbik Shire Art Collection is a public collection, and a Council asset and as such there is an imperative to ensure return on investment to Council in its acquisitions.

The review of the Nillumbik Shire Art Collection 2014-2017 is Council Plan priority action and a key action of the Arts and Cultural Plan 2018-2022.

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

1. Endorses the draft Nillumbik Shire Art Collection Policy 2019-2022 (**Attachment 1**) and the draft Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022 (**Attachment 2**).
2. Instructs officers to:
  - a) Place the draft Nillumbik Shire Art Collection Policy 2019-2022 and the draft Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022 on public exhibition for a period of three weeks for the purpose of community consultation; and
  - b) Report to Council on the results of the community consultation process.

**Attachments**

1. DRAFT Nillumbik Shire Art Collection Policy 2019-2022
2. DRAFT Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022

**Background**

1. The draft Nillumbik Shire Art Collection Policy 2019-2022 (**Attachment 1**) (the draft Collection Policy) and the draft Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022 (**Attachment 2**) (the draft Curatorial Guidelines) address key actions of the Council Plan 2017-2021 and the Arts and Cultural Plan 2018-2022.



**12. Officers' reports**

**OCM.086/19 Nillumbik Shire Art Collection Policy 2019-2022 and Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022**

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2. The Nillumbik Shire Art Collection (the collection) supports the development and growth of creative and cultural industries through:
  - The collection of contemporary and modernist artworks of excellence that reflect our artistic heritage and local culture;
  - The acquisition of indoor visual and outdoor public artworks of excellence;
  - Encouragement of donations and bequests of artworks to the collection via the Commonwealth Cultural Gifts Program;
  - The biennial acquisitive Nillumbik Prize for Contemporary Visual Art;
  - The acquisition of significant heritage items and civic objects that reflect Nillumbik's social and cultural history; and
  - Public access to collection via display, exhibitions and public programs to educate, challenge and engage the community.
3. The collection has three categories:
  - Indoor visual art;
  - Outdoor public art; and
  - Civic memorabilia.
4. The collection houses over 500 indoor visual art works, 15 outdoor permanent public artworks and over 120 objects of civic memorabilia.
5. The collection was last valued in 2016 at \$2.5 million which comprises the visual art collection, \$1,445,940; the public art collection, \$969,750; and civic memorabilia: \$16,710. The collection is due for re-valuation in 2020.
6. The Nillumbik Shire Art Collection is a public collection, and accordingly, all items housed within the collection must meet strict selection criteria and acquisition processes as set out in the draft Curatorial Guidelines.
7. The draft Collection Policy and the draft Curatorial Guidelines also cross-reference the draft Nillumbik Shire Public Art Policy 2019-2022 and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 currently being considered by Council.

**Policy context**

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

**Budget implications**

9. Acquisitions of artworks, and the management and conservation of the collection, are funded through a reserve, created as the primary budget source to build sufficient funds in order to draw upon for major acquisitions and/or major public sculpture. The reserve has also been contributed to through insurance claims paid to Council and philanthropic donations.

**12. Officers' reports**

**OCM.086/19 Nillumbik Shire Art Collection Policy 2019-2022 and Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022**

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**Consultation/communication**

10. The draft Collection Policy and the draft Curatorial Guidelines have been referred to Council's Arts Advisory Committee for advice throughout their development.
11. Upon Council's direction, the draft Collection Policy and the draft Curatorial Guidelines will be placed on public exhibition for the purposes of community consultation prior to completion and formal adoption.

**Issues/options**

12. The draft documents include a framework for:
  - The curation and management of the collection under the responsibility of the Curator & Creative Industries Officer (the curator).
  - The curator to act on an opportunity to acquire an artwork of excellence.
  - Consultation with the Arts Advisory Committee as a key stakeholder and provision of advice in accordance with the Committee's Terms of Reference.
  - Collaboration between the Arts and Cultural Development Unit and the Assets and Property Unit in maintaining Council's asset register to include the collection and new acquisitions.
  - The curator to display the collection at publicly accessible spaces in Council buildings, the offices of Councillors and management, and through loans with secure local commercial organisations such as banks, in accordance with curatorial and collection management requirements.
  - The curation of a major collection exhibition presented biennially in alternating years to the Nillumbik Prize for Contemporary Art.
  - The curator to maintain, conserve and decommission the collection in accordance with curatorial and collection management requirements.
  - The application of strict selection criteria for acquiring visual art, public art and civic memorabilia. Artworks eligible to be housed within the collection must meet all of the core acquisition criteria, and one or more of the collection category criteria relevant to either visual art, public art or the civic collection.
13. The proposed core acquisition criteria, outlined in the draft Curatorial Guidelines, are as follows:
  - The artwork must be of excellence.
  - The artwork must be of verifiable origin.
  - The artwork must be durable and in sound condition.
  - The artwork is created by either a significant established artist with a strong professional practice and exhibition history; or an emerging artist curatorially identified with a strong career trajectory and producing exceptional artwork.
  - Council has an ability to resource conservation, framing, presentation and storage of the artwork, or specific conditions that relate to the artwork.

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**OCM.086/19 Nillumbik Shire Art Collection Policy 2019-2022 and Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022**

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- Council has the capacity to display the artwork in Council buildings or in public spaces without hindering public access or safety, or breaching the artist's moral rights.
  - The artwork does not breach principles and protocols that protect Indigenous cultural heritage.
14. The proposed collection category specific criteria, outlined in the draft Curatorial Guidelines, include:
- The artwork contributes to contemporary art practice and theory.
  - The artwork contributes to the range of artworks and artists represented in the collection.
  - The artwork has a connection and/or contributes to Nillumbik's cultural identity.
  - In the case of public art, the artwork creates a sense of place.
  - In the case of civic memorabilia, the object is identifiably associated with the cultural and/or social history of the Shire of Nillumbik.
15. A key action under the Arts and Cultural Plan 2018-2022 is the delivery of an annual major exhibition program that consists of the biennial Nillumbik Prize for Contemporary Art in the alternative year to a biennial exhibition of the collection.
16. A major collection exhibition is in development for May 2020. This exhibition will be presented at Montsalvat and curated to a particular theme, featuring new artworks acquired since the last major collection exhibitions of 2016 and 2018 together with other artworks from the collection.

**Conclusion**

17. Officers recommend the draft Nillumbik Shire Art Collection Policy 2019-2022 (**Attachment 1**) and the draft Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022 (**Attachment 2**) be endorsed by Council for the purposes of public exhibition for a period of three weeks.
18. Officers will prepare a report for the 13 August 2019 Future Nillumbik Committee regarding the outcome of that consultation.
19. The draft Collection Policy and the draft Curatorial Guidelines, once adopted by Council and implemented, will contribute to the development of the creative industries of Nillumbik by building the collection, supporting artists, and facilitating new and dynamic exhibitions to enable the community to engage with the collection, and provide a strong drawcard for cultural tourism.

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OCM.087/19 Regional Gallery Feasibility Study

**Distribution:** Public

**Manager:** Kylie Lethbridge, Executive Manager Economic Development and Tourism

**Author:** Michelle Zemancheff, Coordinator Arts and Cultural Development

**Summary**

Nillumbik Shire Council is committed to investing in the arts through strategic objective two of the Council Plan 2017-2021; *Active lifestyles and artistic expression are fostered through participation and innovation.*

This strategic objective is augmented by the Arts and Cultural Plan 2018-2022, which talks to the objective through three goals:

1. Public and participatory arts as an everyday experience;
2. Develop and grow creative and cultural industries; and
3. Support and promote arts and cultural activities that maximise access.

A priority action of the Council Plan 2017-2021 is to attract external funding for the development of a gallery of regional significance. The Regional Gallery Feasibility Study (feasibility study) is the first step in attracting that funding.

The next step in the process, which is facilitated by the 2019/2020 draft budget is to undertake the business case and master planning that will ultimately be required to attract state, federal or private sector funding for major capital works.

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

1. Endorses the findings of the draft Nillumbik Regional Art Gallery Feasibility Study Report (**Attachment 1**).
2. Instructs officers to:
  - a) Place the draft Nillumbik Regional Art Gallery Feasibility Study Report on public exhibition for a period of three weeks for the purpose of community consultation; and
  - b) Report to Council on the results of the community consultation process.

**Attachments**

1. DRAFT Nillumbik Regional Art Gallery Feasibility Study Report

**Background**

1. For the purposes of the feasibility study, a regional gallery is defined as a vibrant, cohesive, inclusive not-for-profit public organisation that delivers inspiring visual art experiences that are relevant and accessible to the whole community, with valuable cultural, social and economic returns.
2. The function of a regional gallery includes:

12. Officers' reports

OCM.087/19 Regional Gallery Feasibility Study

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- Housing Council's extensive collection;
  - The collection and preservation of artworks related to the region;
  - The presentation of major exhibitions, events and special programs;
  - Hosting touring exhibitions;
  - Provide engaging and educational experiences, together with public programs, publications and merchandise that support the collection and local artists; and
  - Multi-purpose spaces for diversification of activity.
3. The project scope included an audit of cultural infrastructure within Nillumbik and surrounding municipalities, industry benchmarking, a cultural needs analysis, identification of possible sites, and overall feasibility analysis with a projection of ongoing costs and future impacts and implications.
  4. The methodology comprised a situational analysis, community and industry consultation, and strategic planning, resulting in the draft Nillumbik Regional Art Gallery Feasibility Study Report (**Attachment 1**).
  5. The State Government's 2013 report 'Economic Impact of Arts and Culture in Victoria', undertaken by KPMG, found that the Victorian arts and cultural sector contributed \$6.1 billion to the Victorian economy and comprised 68,000 full time workers.
  6. Cultural tourism is a drawcard for Victoria's international tourists, who contribute \$695 million to Victoria's economy. Therefore, a regional gallery in Nillumbik has the potential to contribute not only to the local economy but to Victoria's cultural assets.

**Policy context**

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

**Budget implications**

8. The feasibility study was funded through the 2018/2019 operational budget.
9. A competitive Request for Quotation process was undertaken that resulted in the appointment of Outside The Square Creative Consulting to undertake the feasibility study.

**Consultation/communication**

10. Consultation undertaken to date has included two forums conducted in October 2018, at Eltham Community and Reception Centre and at Hurstbridge Community Hub, together with an online survey.
11. 80 participants attended the widely-promoted forums and an online survey was also available.
12. Upon Council's direction, the draft Nillumbik Regional Art Gallery Feasibility Study Report (**Attachment 1**) will be placed on public exhibition for the purposes of community consultation prior to completion and formal adoption.

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OCM.087/19 Regional Gallery Feasibility Study

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Issues/options

13. The draft Nillumbik Regional Art Gallery Feasibility Study Report (**Attachment 1**) confirms that a regional gallery is feasible in Nillumbik. This is based on the proviso that:
  - It is resourced with qualified and experienced staff; and
  - There is an ongoing commitment to, and funding for, high quality programming.
14. Based on industry best practice and consultation, the size of the regional gallery would be expected to be approximately 8,267m<sup>2</sup>. This would be comparative to Heide Museum of Modern Art.
15. The component schedule, as detailed on pages 38-40 of **Attachment 1**, includes:
  - Entrance;
  - Exhibition spaces;
  - Flexible multi-media and/or performance spaces with 250-300 retractable seats;
  - Rehearsal/workshop space and artist studios;
  - Retail and café; and
  - Outdoor sculpture garden, plaza and/or gathering space.
16. The preliminary capital cost estimate based on the components detailed above is approximately \$49 million.
17. An indicative operational budget was also forecast for the first three years of operation:
  - Year 1: \$1,194,746;
  - Year 2: \$1,174,033
  - Year 3: \$1,141,837
18. The feasibility study considered and assessed six potential sites for the regional gallery based on the following criteria:
  - Proximity to an activity centre, including:
    - foot traffic;
    - local schools;
    - local traders and business;
    - public transport; and
    - public car parking.
  - Site size, including:
    - capacity of the site to fit scale of facility and all components;
    - ability to accommodate outdoor activity and programming; and
    - potential for future growth and expansion.

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OCM.087/19 Regional Gallery Feasibility Study

- View and orientation topography, including:
  - whether the site is conducive as a gallery location.
- Planning / zoning, including:
  - zones conducive to gallery activity;
  - the need for significant civic works upgrades such as roads and footpaths;
  - commercial potential; and
  - potential increase in development capital costs.
- Community impact, including:
  - impact on current site users, neighbours, etc.

19. Based on this criteria, the site assessed as most suitable was that of 895 Main Road, Eltham. However, the scoring illustrated that other options were also feasible. The assessment scores are as follows:

Site	Site score
109-115 Yan Yean Road, Plenty – Council owned	6
Tulong Reserve, 3 Tulong Street, Hurstbridge – Council owned	21
Montsalvat, 7 Hillcrest Road, Eltham	30
34-38 Graysharps Road, Hurstbridge (Lot 1) – Council owned	32
50/50A Challenger Street, Diamond Creek – Council owned	33
895 Main Road, Eltham – Council owned	59

20. Full assessment scores of each site are provided in **Attachment 1** on pages 32-34 and 55-69.
21. It should be noted that the feasibility study responds to a specific brief to investigate a public model of a regional gallery. The inclusion of Montsalvat in the site considerations is important in order to convey all possible options. Although the feasibility study indicates that the Montsalvat location is not as suitable as other Council-owned sites, there is an opportunity to consider a possible private-public partnership to facilitate the development of the gallery. The concept would build on the existing brand of Montsalvat and allow access to funding sources not currently available to government bodies eg. philanthropic. Further investigation would be required to scope this model should it be the preferred option.
22. A preliminary economic impact assessment shows the return on investment through donations, sponsorship, income generation and visitor on-spend in local businesses to be approximately \$142 million over a 30 year period.
23. The scope of this feasibility study encompassed Council-owned sites (with the exception of Montsalvat within the site review), and is based on a 100 per cent public model. There is an opportunity with the next stage of investigations and business case development, to extend the scope to include non-Council owned property, and public/private partnership models.

12. Officers' reports

OCM.087/19 Regional Gallery Feasibility Study

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**Conclusion**

24. Officers recommend the draft Nillumbik Regional Art Gallery Feasibility Study Report (**Attachment 1**) be endorsed by Council for the purposes of public exhibition for a period of three weeks.
25. Officers will prepare a report for the 13 August 2019 Future Nillumbik Committee regarding the outcome of that consultation.



12. Officers' reports

OCM.088/19 Yarra Plenty Regional Library Service Meeting Procedure (Amendment) Local Law 2018

**Distribution: Public**

**Manager: Jeremy Livingston, Acting Director Community and Planning**

**Author: Corrienne Nichols, Executive Manager Community Services**

**Summary**

The draft Yarra Plenty Regional Library Meeting Procedure (Amendment) Local Law 2018 authorises the Yarra Plenty Regional Library Board (the Board) to make resolutions out-of-session in extraordinary circumstances or to meet major opportunities. This Amendment has been endorsed by the Board which now seeks ratification of this Local Law by Council to then allow for it to be passed and operationalised.

**Recommendation**

**That** Council resolves to ratify the draft Yarra Plenty Regional Library Meeting Procedure (Amendment) Local Law 2018 (**Attachment 1**) to allow for out-of-session resolutions to be made.

**Attachments**

1. Local Law Amendment - Yarra Plenty Regional Library

**Background**

1. The Yarra Plenty Regional Library (YPRL) service operates as an independent legal entity providing public library services to the local government authorities of Whittlesea, Banyule and Nillumbik. It is constituted under the *Local Government Act 1989*, and as such has certain requirements in relation to its operation. These are primarily outlined in two documents, being the:
  - Regional Library Agreement, and;
  - Meetings Procedure Local Law.
2. At its 20 December 2018 meeting, the Board supported an Amendment to the existing Meeting Procedure Local Law (**Attachment 1**). Hunt & Hunt Lawyers were requested to review the Amendment for compliance with the library's legislative obligations, and the proposed changes have been incorporated into the draft YPRL Meeting Procedure (Amendment) Local Law 2018. In summary, this Amendment allows for the Board to make resolutions out-of-session in extraordinary circumstances or to meet major opportunities. The specific changes as proposed by Hunt & Hunt Lawyers are shown below.

*Add new clause 6A to the Principal Local Law as follows:*

**6A. Out-of-Session Resolutions**

- i) *An out-of-session resolution may be circulated in writing via mail or email to all Library Board Representatives.*

**12. Officers' reports**

**OCM.088/19 Yarra Plenty Regional Library Service Meeting Procedure (Amendment) Local Law 2018**

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- ii) *The out-of-session resolution is deemed to have passed when a majority of the Library Board Representatives entitled to vote on the resolution respond in favour of the resolution.*
- iii) *The date the out-of-session resolution is deemed to have passed is the date of the last response resulting in a majority vote.*
- iv) *The outcome of the out-of-session resolution will be notified to the Library Board by the Chief Executive Officer. The result of the resolution will be noted in the minutes at the next Library Board meeting.*

3. The YPRL agreement states in part that “a resolution of the Board to adopt or amend a Local Law must not be passed unless and until the proposed Local Law has been ratified by each Council”. Accordingly, the Board has considered and approved the draft YPRL Meeting Procedure (Amendment) Local Law 2018 and now seeks Council’s ratification.

**Policy context**

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that community services, programs and facilities are inclusive and respond to current and emerging needs.

**Budget implications**

5. There are no financial implications arising from proposed changes to the YPRL Meeting Procedure Local Law.

**Consultation/communication**

6. The draft of the proposed Amendment was published by YPRL in the Government Gazette on 1 November 2018 and in the Leader Newspaper, Diamond Valley, Heidelberg and Whittlesea editions, in the week beginning 29 November 2018. The proposed document was also advertised on YPRL’s website and displayed in branch libraries of each member Council. Members of the public who wished to make a submission could do so in writing by 6 December 2018. No submissions were received.

**Issues/options**

- 7. The YPRL agreement with Council states in part that “a resolution of the Board to adopt or amend a Local Law must not be passed unless and until the proposed Local Law has been ratified by each Council”.
- 8. The YPRL seeks to amend its Meeting Procedure Local Law to allow for resolutions to be made out-of-session.
- 9. The Board has considered and approved the draft YPRL Meeting Procedure (Amendment) Local Law 2018 at its meeting on 20 December 2018 and now seeks Council’s ratification.

**Conclusion**

10. This Amendment has been endorsed by the Board which now seeks ratification of this Local Law by Council to then allow for it to be passed and operationalised.

**12. Officers' reports**

**OCM.088/19 Yarra Plenty Regional Library Service Meeting Procedure  
(Amendment) Local Law 2018**

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11. Both Whittlesea and Banyule City Councils have resolved to ratify the draft Yarra Plenty Regional Library Meeting Procedure (Amendment) Local Law 2018 to allow for out-of-session resolutions to be made.

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**OCM.089/19 Amendment to 2019 Council and Committee meeting commencement times**

**Distribution: Public**

**Manager: Blaga Naumoski, Executive Manager Governance and Legal Services**

**Author: Katia Croce, Governance Lead**

**Summary**

At the Statutory Council Meeting held on 31 October 2018, Council resolved to establish a meeting schedule for Future Nillumbik Committee and Ordinary Council Meetings for the 2019 calendar year. The meeting schedule states the commencement of each meeting as being 7:30pm. This report seeks to amend the meeting schedule so that the remainder of meetings held in the 2019 calendar year commence at 7:00pm.

**Recommendation**

**That Council:**

1. Resolves to amend the times of the current Council and Committee meeting schedule for the remainder of 2019, so that all Future Nillumbik Committee and Ordinary Council Meetings commence at 7:00pm.
2. Requests that in accordance with section 89(4) of the *Local Government Act 1989*, the Chief Executive Officer advertises the revised Council and Committee meeting schedule in the local newspaper and on Council's website.

**Attachments**

Nil

**Background**

1. At its Statutory Council Meeting held on 31 October 2018, Council resolved the following:
  - 'That Council adopts and advertises the Council and Special Committee meeting schedule for the 2019 calendar year as listed below:*
    - *Future Nillumbik Committee meetings:*  
12 February, 12 March, 16 April, 14 May, 11 June, 16 July, 13 August, 10 September, 15 October, 12 November, 10 December.
    - *Ordinary Council meetings:*  
29 January, 26 February, 26 March, 30 April, 28 May, 25 June, 30 July, 27 August, 24 September, 29 October, 30 October (Special Council Meeting – Election of Mayor), 26 November, 17 December.
2. Council approved that Future Nillumbik Committee meetings will commence at 7:30pm, usually on the second Tuesday of each month, and Ordinary Council Meetings will commence at 7:30pm, usually on the fourth Tuesday of each month.

**Policy context**

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:

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**OCM.089/19 Amendment to 2019 Council and Committee meeting commencement times**

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- Maintain good governance and effective leadership.

**Budget implications**

4. The advertising of the revised Council and Committee meeting schedule will be incorporated into the 2019/2020 operating budget.

**Consultation/communication**

5. The nature of this report does not require any consultation.
6. Should Council resolve to amend the Council and Committee meeting schedule, the public will be notified via the local newspaper and on Council's website.

**Conclusion**

7. It is recommended that Council endorses the amendment to the 2019 Council and Committee meeting schedule to change the meeting commencement time to 7:00pm and advertise the change in accordance with the *Local Government Act 1989*.

12. Officers' reports

OCM.090/19 Council Plan 2017-2021 annual review and Annual Plan 2019-2020

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**Distribution:** Public

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

**Author:** Jeremy Livingston, Executive Manager Transformation and Performance

**Summary**

Presented for consideration is the draft Annual Plan 2019-2020. This Plan consists of a list of 40 key actions that Council will undertake during the 2019-2020 financial year to demonstrate in a practicable and tangible way how the Council Plan is being delivered to the community.

The draft Annual Plan 2019-2020 has been developed in line with the Annual Budget process and has taken into consideration Council priorities, major initiatives and service improvements. It is recommended that the Annual Plan 2019-2020 be adopted with reporting updates received following every quarter.

This report also includes the annual review of the Council Plan 2017-2021. The annual review is a legislated requirement of the *Local Government Act 1989* (the Act). Council has made solid progress with delivering the 117 priority actions outlined in the Council Plan, and it is therefore recommended that the Council Plan 2017-2021 remain unchanged.

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

1. Adopts the 40 actions outlined in the draft Annual Plan 2019-2020 (**Attachment 1**) and receives quarterly updates on its progress.
2. Having reviewed the Council Plan 2017-2021 in accordance with section 125(7) of the *Local Government Act 1989*, reaffirms the existing Strategic Objectives, Strategies, Priority Actions and Strategic Indicators.
3. Notes Council's performance over the past two years with respect to the strategic indicators outlined in the Council Plan (**Attachment 2**).
4. Notes that reference in Action 1.1.1 of the Council Plan to 'end of 2018' (updated by resolution at the 26 June 2018 Ordinary Council Meeting to 'end of 2019') is no longer relevant given the adjusted timeframes and delivery of this action.

**Attachments**

1. Draft Annual Plan 2019-2020 actions
2. Council Plan 2017-2021 Strategic Indicators Scorecard

**Background**

1. Council adopted its current Council Plan 2017-2021 at the 26 June 2018 Ordinary Council Meeting. The Council Plan is the Council's statement of its priorities for the Nillumbik community over the four year life of the Plan.
2. In line with the 2019-2020 Annual Budget process, an Annual Plan has been produced, identifying how the organisation will work towards achieving the intent of

**12. Officers' reports**

**OCM.090/19 Council Plan 2017-2021 annual review and Annual Plan 2019-2020**

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the Council Plan in the 2019-2020 financial year. The Annual Plan 2019-2020 has been developed with consideration for Council priorities, major initiatives and service improvements.

3. Under section 125(7) of the Act, Council is required to, at least once in each financial year, consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan. Should any adjustments be proposed to the Plan, Council is required under section 223 of the Act to formally consult with the community and hear and consider any public submissions received.

**Policy context**

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Maintain good governance and effective leadership.

**Budget implications**

5. The Council Plan is a high-level strategic document and does not make specific budget commitments. The directions set in the Council Plan, the delivery of the Plan to date, and importantly what is still required to be delivered in the Plan, has informed the development of the 2019-2020 Annual Budget.
6. The cost associated with reviewing the delivery of the Council Plan and developing the Annual Plan is officer time and this is met within existing operating budgets, as are ongoing reporting requirements throughout the 2019-2020 financial year.

**Consultation/communication**

7. The Council Plan was developed following a comprehensive program of workshops and briefings following the general election in October 2016. Prior to formal adoption, it was placed on public exhibition and submissions from the community were invited.
8. There is no legislative requirement for Council to consult on the draft Annual Plan. The most notable inputs are the Council Plan and the Annual Budget, both of which are subject to extensive public consultation during development. The review of the Council Plan and the development of the draft Annual Plan has involved two separate briefing sessions with Councillors held in March 2019 and May 2019.

**Draft Annual Plan 2019-2020**

9. The draft Annual Plan actions have been prepared for consideration. They have been informed by work undertaken which has identified deliverables and activity for the 117 priority actions of the Council Plan 2017-2021 for the forthcoming financial year (or in other words, Year 3 delivery of the current Council Plan). In the draft Annual Plan, there are 40 key actions (**Attachment 1**).
10. The Annual Plan will facilitate clear and simple reporting on the Council Plan which reflects key priorities for Council in terms of delivery and accountability to the community for the next financial year.
11. Progress against each of the actions in the Annual Plan will be reported to Council quarterly. The Annual Plan results will also be made publicly available in Council's 2019-2020 Annual Report.

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**Annual review of the Council Plan 2017-2021**

- 12. It is a legislated requirement that at least once each financial year Council considers whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.
- 13. It is recommended not to amend the Council Plan, based on a number of factors, including:
  - The solid progress made to date on the delivery of the Council Plan. Of the 117 priority actions, their status is as follows:

Completed	7
Actions now deemed 'Business As Usual'	48
In Progress	49
Yet To Commence	13

- Council's performance against the strategic indicators outlined in the Council Plan also reflects a solid performance (**Attachment 2**). This was also evident in the 2019 Annual Community Survey results reported to Council at the 26 March 2019 Ordinary Council Meeting. The survey shows a 10.1 per cent improvement in overall community satisfaction in the Council over the past two years.
  - Officers and Councillors have identified no new actions / work required to be undertaken that does not already broadly align with existing objectives, strategies or actions of the Council Plan.
- 14. One of the 117 actions in the Council Plan that has been delayed is Action 1.1.1 (Prepare a 2050 Shire Plan). Delays on this action are as a result of competing priorities of Council Plan actions and the awaiting of advice from the State Government on reforms to the Act, which are likely to include requiring councils to develop a community vision and undertake long term community planning concurrent with the development of a new Council Plan (which would occur in early 2021).
  - 15. As such, reference in Action 1.1.1 to 'end of 2018' (updated by resolution at the 26 June 2018 Ordinary Council Meeting to 'end of 2019') is no longer relevant given the revised timeframes and delivery of this action. It is now proposed that specific delivery of this action in 2019-2020 will include publishing a research and discussion paper that will support the creation of a 2050 Community / Shire Plan in 2021, in line with the expected changes to the Act.

**Conclusion**

- 16. Presented for consideration is the draft Annual Plan 2019-2020. Following the adoption of the Annual Plan 2019-2020, work will progress on delivering the actions with quarterly reporting against the actions outlined in the adopted Annual Plan.
- 17. The annual review of the Council Plan is a legislated requirement of the *Local Government Act 1989*, and it is recommended that the Council Plan remains



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unchanged. This is in light of the solid progress made thus far on the delivery of the Council Plan.

12. Officers' reports

OCM.091/19 Audit and Risk Committee meeting May 2019

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**Distribution:** Public

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

**Author:** Melika Sukunda, Manager Finance

**Summary**

In accordance with section 139 of the *Local Government Act 1989* and good governance principles, Councils must have an Audit and Risk Committee.

As resolved at the 26 February 2019 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Ordinary Council Meeting.

The Audit and Risk Committee met on 27 May 2019. The minutes for the meeting are shown in **Attachment 1**.

**Recommendation**

**That** Council notes the minutes of the Audit and Risk Committee meeting held on 27 May 2019.

**Attachments**

1. 27 May 2019 Audit and Risk Committee Minutes

**Background**

1. As resolved at the 26 February 2019 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Ordinary Council Meeting.
2. The Audit and Risk Committee meets a minimum of four times per year and has the role to assist the coordination of relevant activities of management, internal audit and the external auditor to facilitate good governance, effectiveness and efficiency.

**Policy context**

3. This report directly supports the achievement of Council Plan 2017-2021 strategies:
  - Maintain good governance and effective leadership.

**Budget implications**

4. The costs associated with this matter are contained within Council's 2018-2019 Budget.

**Consultation/communication**

5. The Audit and Risk Committee meeting on 27 May 2019 was attended by the Committee members, the internal auditor from Crowe Horwath as well as the Chief Executive Officer and Chief Financial Officer. Cr Peter Clarke and Cr Bruce Ranken are the Councillor representatives. Cr Peter Clarke was an apology. Cr Grant Brooker attended as an observer.

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**OCM.091/19 Audit and Risk Committee meeting May 2019**

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**Audit and Risk Committee minutes**

6. The minutes of the Audit and Risk Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
7. The Audit and Risk Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.
8. Minutes of the Audit and Risk Committee meeting held on 27 May 2019 have not yet been adopted by the Committee, but will be presented at its next meeting.
9. The items considered by the Audit and Risk Committee were:
  - The internal audit report on HR and Payroll;
  - Council's Risk and Insurance report;
  - The VAGO Audit Strategy 2018-2019;
  - The Draft Budget and Draft Strategic Resource Plan; and
  - The officer response to recent accounting standard changes.These were received and noted.
10. The next Audit and Risk Committee meeting is scheduled to take place in August 2019.

**Conclusion**

11. The minutes of the Audit and Risk Committee meeting held on 27 May 2019 are presented to Council to ensure timely feedback and accurate information. This report is presented for noting by Council.

## 12. Officers' reports

### OCM.092/19 Audit and Risk Committee Reappointment

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**Distribution:** Public

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

**Author:** Melika Sukunda, Manager Finance

#### Summary

The three-year term of independent member, Mr Gregory Hollyman is due to expire in July 2019.

The *Local Government Act 1989* (the Act) requires each Council to have an Audit and Risk Committee to oversee Council's management of risk, internal controls and financial reporting.

The Committee meets four times each year and the minutes of each meeting are presented to a subsequent Ordinary Council Meeting.

The Audit and Risk Committee comprises of three positions for independent members, and two positions for Councillors (currently Cr Peter Clarke and Cr Bruce Ranken). The position of Chairperson is held by one of the independent members.

It is recommended to extend Mr Hollyman's term for a further three years.

#### Recommendation

**That** Council reappoints Mr Gregory Hollyman as an independent member of the Audit and Risk Committee for a three-year term concluding 30 June 2022 and advises Mr Hollyman accordingly.

#### Attachments

1. Nillumbik Shire Council Audit and Risk Committee Charter 2019

#### Background

1. Council is required by the Act to have an Audit and Risk Committee to oversee Council's financial reporting, risk management and internal controls.
2. At Nillumbik, the Audit and Risk Committee has five members. Two members are Councillors, currently Cr Peter Clarke and Cr Bruce Ranken.
3. The other three positions are held by independent members with one of the independent members acting as Chairperson.
4. Under section 5.6 of the Nillumbik Shire Council Audit and Risk Committee Charter 2019 (**Attachment 1**), independent members will be appointed for an initial period not exceeding three years. Members may be re-appointed for a further term at the discretion of Council once that term concludes.
5. Mr Gregory Hollyman has served an initial term of three years with the Audit and Risk Committee.
6. Mr Hollyman has extensive experience across the sector which adds significant value to the Committee.

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**OCM.092/19 Audit and Risk Committee Reappointment**

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7. The contribution and insight offered by Mr Hollyman as an independent member to the Audit and Risk Committee provides a balance of experience and background between the current independent members which greatly benefits Council.

**Policy context**

8. This report directly supports the achievement of Council Plan 2017-2020 strategy:
- Maintain good governance and effective leadership.

**Budget implications**

9. Council pays a fee to each independent member, being \$9,000 per annum to the Chairperson, and \$6,000 per annum to each of the other independent members.

**Consultation/communication**

10. Consultation was conducted upon the initial appointment of Mr Gregory Hollyman to the position.

**Recommended reappointment**

11. Mr Hollyman is a very experienced and well-credentialed independent member and it is recommended that Council endorses his reappointment.

**Conclusion**

12. The Audit and Risk Committee performs a crucial role in overseeing Council's risk management, internal control and financial reporting framework.
13. The appointment of well-qualified and experienced independent members to the Audit and Risk Committee is an important decision by Council in ensuring that the Committee has the necessary skills and capabilities to undertake this role.

**12. Officers' reports**

**OCM.093/19 Amendment to the lease term for the provision of computer hardware, peripherals and deployment services for the replacement of desktops and laptops**

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**Distribution: Public**

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

**Author: Eddie Cheng, Head of IT Operations**

**Summary**

This report recommends an amendment to the report presented at the 25 September 2018 Ordinary Council Meeting, "Provision of computer hardware, peripherals and deployment services for the replacement of desktops and laptops". Upon reviewing the value proposition of a three-year versus a four-year lease term for the financing of Hewlett Packard computer equipment, it is recommended that Council enters into a three-year lease term with Hewlett Packard Financial Services.

**Recommendation**

**That Council:**

1. Resolves to accept the proposal to enter into a lease contract with Hewlett Packard Financial Services for the financing of Hewlett Packard tablet hardware, peripherals and deployment services up to the value of \$767,541 excluding GST over three years.
2. Authorises the Chief Executive Officer to finalise and execute the contract documents.

**Attachments**

1. Minutes from 25 September 2018 Ordinary Council Meeting

**Background**

1. Upon reviewing the Hewlett Packard computer equipment lease agreement, it is determined that a three-year lease term provides Council with a better value proposition.

**Policy context**

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure seamless service delivery and an open and responsive approach to our customers.

**Budget implications**

3. The cost of the contract will be accommodated in the current operating budget.

**Conclusion**

4. After analysis and consideration of the above, it is recommended that Council approves the amendment to the lease term with Hewlett Packard Financial Services for the provision of Hewlett Packard computer hardware and deployment services.

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OCM.094/19 Review of Panton Hill Bushland Reserves System User Group

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Lisa Pittle, Manager Environment

Brad Tadday, Environmental Works Team Leader

**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 groups with different interests in the activities occurring in the reserves.

The User Group is an Advisory Committee of Council. The third two-year term of the PHBRS User Group Committee concluded in December 2018.

This report seeks endorsement of the amended Terms of Reference and to renew the User Group by inviting expressions of interest from community representatives.

**Recommendation**

**That Council:**

1. Adopts the amended Panton Hill Bushland Reserves System User Group Draft Terms of Reference (**Attachment 1**).
2. Endorses a public invitation for community representatives to join the Panton Hill Bushland Reserves User Group commencing in July 2019.

**Attachments**

1. Panton Hill Bushland Reserves System User Group Draft Terms of Reference

**Background**

1. The PHBRS comprises of seven individual reserves in the Watsons Creek catchment, near the townships of Panton Hill, Smiths Gully and Watsons Creek.
2. On 28 June 2011, Council adopted the PHBRS Management Plan as the key document to manage the important conservation, social and recreation values of the reserves.
3. As part of the adoption of the Plan, Council sought to facilitate community engagement with the establishment of a broad-interest advisory group for the PHBRS.
4. The purpose of the PHBRS User Group was to encourage an understanding, appreciation, enjoyment and care within the community of the significant natural features, biodiversity, social, educational, recreational and historical values of the reserves.
5. The previous PHBRS User Group has provided beneficial advice and feedback to Council in developing, promoting and implementing community engagement programs such as:

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**OCM.094/19 Review of Panton Hill Bushland Reserves System User Group**

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- Port Phillip and Westernport Catchment Management Authority Grant project: 'Wurundjeri Food, Fibre and Medicine Garden: Restoring Indigenous cultural practices in Bunjil Reserve'.
  - PHBRS Interpretation Design Plan.
  - PHBRS map sign design in Fire Fighters Memorial Park and other locations for wayfinding.
  - Biodiversity On-Ground Action Grant – Cultivating Community Stewardship: Caring for the significant biodiversity of Panton Hill and Smiths Gully.
  - An annual calendar of events.
6. The PHBRS User Group has now run for six years (three two-year terms since November 2011). The two-year term of the third PHBRS User Group concluded in December 2018.
7. As a result of the community engagement programs above:
- A new Friends Group has been established focusing on tending the Wurundjeri Food, Fibre and Medicine Garden near the entrance to Bunjil Reserve.
  - Community volunteers have signed up to be involved in monitoring threatened fauna species and tending to significant orchids.
  - Community leaders involved in Council's L.E.A.D. program have been inspired to focus on a project in the PHBRS.
  - Artists have been inspired to implement aspects of the Interpretation Design Plan.
  - Surrounding landowners have been engaged to undertake environmental actions on their properties that complement works undertaken on the reserves.
  - The Nillumbik Reconciliation Group has been inspired to run activities in the PHBRS.

**Policy context**

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Improve community trust through better communications and genuine engagement.

**Budget implications**

9. Administrative support for the PHBRS User Group is provided within Council's operating budget.

**Consultation/communication**

10. The current Advisory Committee was consulted in relation to the continuation of the Committee beyond the current term. The group highly valued the opportunity to engage with Council in relation to management of the PHBRS. The group unanimously supported the continuation of the Committee.



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**OCM.094/19 Review of Panton Hill Bushland Reserves System User Group**

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**Issues/options**

11. A number of options are available for consideration.
12. Option 1: Continue with the Advisory Committee in its current form which requires:
  - Updating the Terms of Reference including reducing the meeting frequency from at least quarterly to three times per year to reduce the administrative workload.
  - Advertise for nominations for a new committee of eight members.
13. Option 2: Discontinue the Advisory Committee:
  - Utilise other Advisory Committees including Recreation Trails Advisory Committee (RTAC), Environment and Sustainability Advisory Committee (ESAC), Arts Advisory Committee (AAC) where governance is required for trails, environment and arts related issues respectively.
  - Utilise alternative communication channels to inform the community of programs and works in reserves such as Nillumbik News, Fringe Focus, Facebook and Roundabout Hurstbridge.
  - Re-focus staff resources to better support the Friends Group, volunteers, leadership program, surrounding landowners, artists and Nillumbik Reconciliation Group to undertake actions that benefit the values of the PHBRS.
  - Facilitate focus groups or public meetings to engage community on issues of importance to the reserves as needed.
  - Continue to facilitate events and activities that engage the community to care for the natural environment.
14. Option 3: Establish a Reference Group
  - Update the Terms of Reference including meeting frequency to be every three or four months to reduce the administrative workload.
  - Advertise for nominations for a new group as per the Terms of Reference.
15. Taking into account feedback from the current Advisory Committee and internal consultation, renewing the Advisory Committee and reducing the frequency of meetings to three times per year is the best option. Discontinuing the Committee or reducing it to a Reference Group takes away the opportunity for Council to directly understand the issues relating to its most significant reserves.
16. Retaining the Committee and reducing meeting frequency reduces Committee administration, retains engagement with the diversity of reserve users and represents their interests and views to Council.
17. It also recognises that there is crossover with other existing Advisory Committees which provide additional community governance in relation to the PHBRS. This includes RTAC for trails issues; ESAC for environmental issues and AAC for arts and culture issues such as the implementation of the PHBRS Interpretation Design Plan.

12. Officers' reports

**OCM.094/19 Review of Panton Hill Bushland Reserves System User Group**

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18. The focus of the User Group will continue to be information sharing about the reserves and their uses, planning for on-ground works in the reserves and on adjoining land, and engaging the diverse community with an interest in the reserves.

**Conclusion**

19. The recommendation is to support Option 1 to renew the User Group as an Advisory Committee with the draft Terms of Reference provided as **Attachment 1**.
20. Issues relating to the reserves can also be included in the agendas of existing Advisory Committees including RTAC, ESAC and AAC.

12. Officers' reports

OCM.095/19 Assembly of Councillors

**Distribution:** Public

**Manager:** Blaga Naumoski, Executive Manager Governance and Legal Services

**Author:** Alena Spry, Governance Officer

**Summary**

In accordance with section 80A(2) of the *Local Government Act 1989*, Council is required to report as soon as practicable to an Ordinary Council Meeting a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 28 May 2019.

An Assembly of Councillors record was kept for:

- Councillor Briefing – 21 May 2019;
- Recreation Trails Advisory Committee – 23 May 2019;
- Pre-meeting to Ordinary Council Meeting – 28 May 2019;
- Living and Learning Nillumbik Advisory Committee – 29 May 2019;
- Councillor Briefing – 4 June 2019;
- Positive Ageing Advisory Committee – 7 June 2019; and
- Councillor Briefing and Pre-meeting to Future Nillumbik Committee – 11 June 2019.

**Recommendation**

**That** Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 21 May 2019, 23 May 2019, 28 May 2019, 29 May 2019, 4 June 2019, 7 June 2019 and 11 June 2019 (**Attachment 1**).

**Attachments**

1. Assembly of Councillors reported 25 June 2019

**Background**

1. The *Local Government Act 1989* (the Act) requires records of assemblies of Councillors be reported to an Ordinary Council Meeting and recorded in the minutes of that meeting.

**Policy context**

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure that Council meets its legal responsibilities and manages its risks.

**Budget implications**

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

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OCM.095/19 Assembly of Councillors

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**Consultation/communication**

4. None required.

**Issues/options**

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
  - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Council Meeting a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 28 May 2019.

**Conclusion**

9. It is recommended that Council receives the records of recent assemblies of Councillors as contained in this report, fulfilling section 80A(2) of the *Local Government Act 1989*.

12. Officers' reports

OCM.096/19 1819-119 Marngrook Oval Precinct Power Consolidation

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Alex Stewart, Project Management Officer

**Summary**

This report is an overview of a separate confidential report recommending the awarding of the contract for the Marngrook Oval Precinct Power Consolidation.

The works will involve the consolidation of all power meters and subsequent infrastructure to a single Main Switchboard in the Marngrook Oval Precinct. This is a requirement by AusNet Services as part of the Marngrook Oval Pavilion Development.

The Tender Evaluation Panel has assessed all submissions and outlines their evaluation in recommending the awarding of the contract for the Marngrook Oval Precinct Power Consolidation.

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 notes this report.

**Attachments**

Nil

12. Officers' reports

OCM.097/19 Recycling Contract - Amendments to Direct Deed

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Lisa Pittle, Manager Environment

Mikael Ooi, Waste Management Coordinator

**Summary**

This report is an overview of a separate confidential report.

Council, together with other participating councils in the Metropolitan Waste and Resource Recovery Group's (MWRRG) collaborative contract C2015/3 with SKM Recycling Pty Ltd (SKM) has been negotiating amended pricing for delivery of recyclables to SKM as a consequence of China's restrictions on imports of foreign waste.

The outcome of the negotiation as determined by the majority of participating councils is presented to Council, noting that Nillumbik voted with the minority to reject the outcome as final. Now that the formal negotiation is complete, the amendment to the Direct Deed between Council and SKM with regard to pricing for delivery of recyclables needs to be executed.

**Recommendation**

**That** Council notes this report.

**Attachments**

Nil

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

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

**OCM.098/19 1819-119 Marngrook Oval Precinct Power Consolidation**

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

**OCM.099/19 Recycling Contract - Amendments to Direct Deed**

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

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

<b>Recommendation</b>
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**That** in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.