

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 29 October 2019 commencing at 7.00pm.

Agenda

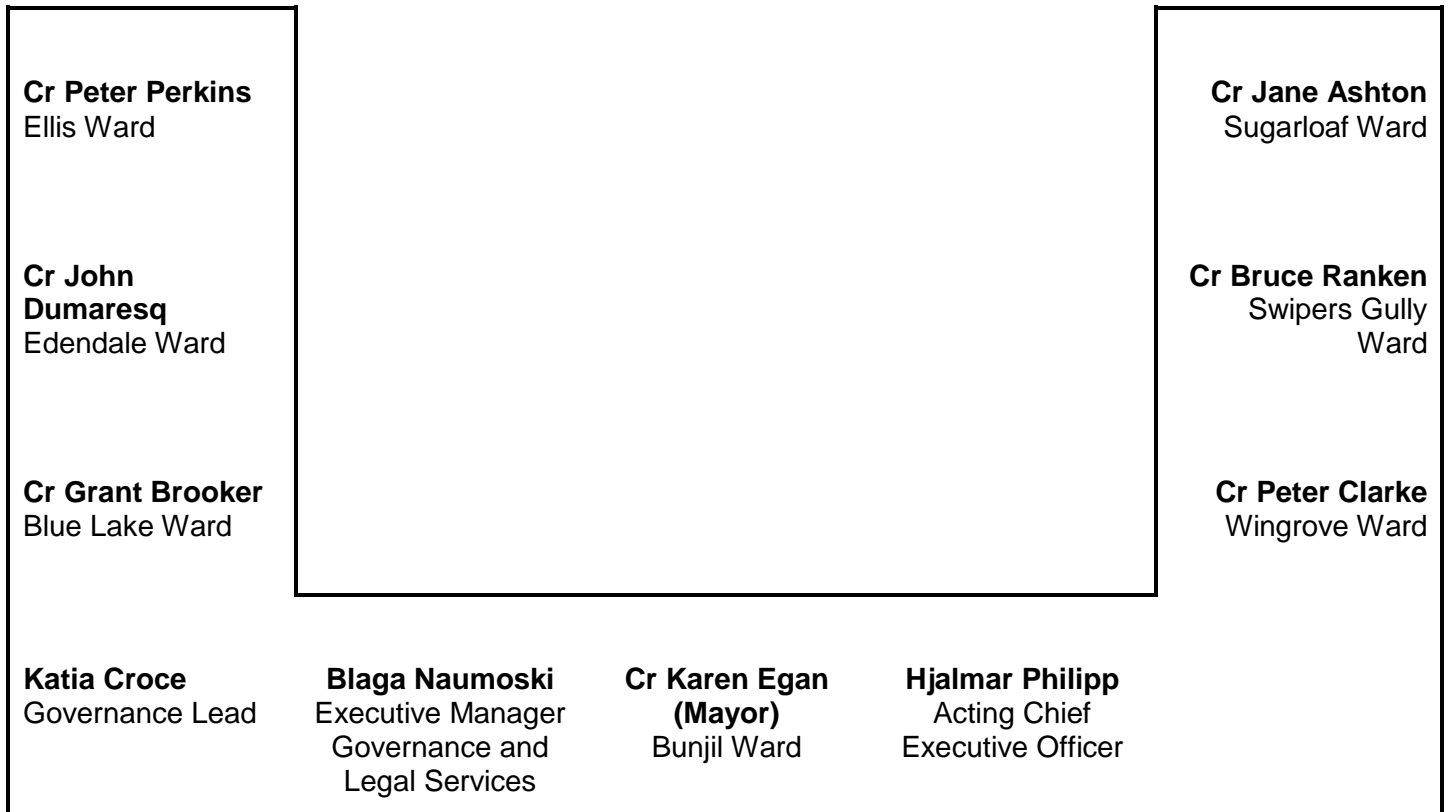
Hjalmar Philipp
Acting Chief Executive Officer

Friday 25 October 2019

Distribution: Public

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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 29 October 2019 commencing at 7:00pm.**

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

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 24 September 2019.

Recommendation

That the minutes of the Council Meeting held on Tuesday 24 September 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

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10. Reports of Advisory Committees

AC.010/19 Advisory Committee Report

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. Recreation Trails Advisory Committee minutes - 22 August 2019
2. Arts Advisory Committee minutes - 9 September 2019

Recommendation

That Council notes the minutes of the following meetings:

- Recreation Trails Advisory Committee held on 22 August 2019; and
- Arts Advisory Committee held on 9 September 2019.

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11. Reports of Special Committees

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12. Officers' reports

OCM.155/19 Regional Gallery Feasibility Study

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Community Services

Author: Grace Longato, Acting Coordinator Arts and Cultural Development

Summary

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) was the first step in attracting that funding. The findings and subsequent public feedback supported a regional gallery to be located at 895 Main Street, Eltham.

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

Recommendation

That Council:

1. Endorse continuation of a business case and masterplan for a regional or municipal gallery at:
 - a) 895 Main Street, Eltham.
 - b) Another council owned facility/site.
2. Endorse in Investigation of options of public/private partnerships (not specific to any particular site).
3. Defer a decision until the State Government has made a decision in relation to the location of the Community Hospital at 895 Main Street, Eltham.

Attachments

1. DRAFT Nillumbik Regional Art Gallery Feasibility Study report
2. SUMMARY Regional Gallery Feasibility Study submissions
3. FEEDBACK Regional Gallery Feasibility Study Submissions

Background

1. 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.*
2. This strategic objective is augmented by the Arts and Cultural Plan 2018-2022, which talks to the objective through three goals:
 - Public and participatory arts as an everyday experience;
 - Develop and grow creative and cultural industries; and
 - Support and promote arts and cultural activities that maximise access.

12. Officers' reports

OCM.155/19 Regional Gallery Feasibility Study

3. A priority action of the Council Plan 2017-2021 is to attract external funding for the development of a gallery of regional significance. The feasibility study was the first step in attracting that funding.
4. The next step in this process will be 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.
5. 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.
6. The function of a regional gallery includes:
 - a. Housing Council's extensive collection;
 - b. The collection and preservation of artworks related to the region;
 - c. The presentation of major exhibitions, events and special programs;
 - d. Hosting touring exhibitions;
 - e. Provide engaging and educational experiences, together with public programs, publications and merchandise that supports the collection and local artists; and
 - f. Multi-purpose spaces for diversification of activity.
7. 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.
8. The methodology comprised a situational analysis, benchmarking and community consultation resulting in the draft Nillumbik Regional Art Gallery Feasibility Study Report (**Attachment 1**).
9. 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 68,000 full time workers.
10. 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 economy.
11. The feasibility study was developed in conjunction with Council's Arts Advisory Committee and through an initial stage of community engagement and benchmarking.
12. At the 25 June 2019 Ordinary Council Meeting, Council endorsed the findings of the draft Nillumbik Regional Art Gallery Feasibility Study Report (**Attachment 1**) and instructed officers to place it on public exhibition for a period of three weeks for the purpose of community consultation.

12. Officers' reports

OCM.155/19 Regional Gallery Feasibility Study

13. To generate awareness a Communications Plan was implemented. The communication mechanisms employed included a media release, posts on multiple social media platforms, electronic newsletters, listing on Council's website, and direct invitations through the Arts Advisory Committee, relevant regional/community groups and associations.
14. Participate Nillumbik provided access to the feasibility study as well as collecting and collating the submissions.

Policy context

15. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.

Budget implications

16. The 2019/2020 operating budget includes \$40,000 to fund the next step which is the development of a business case.

Consultation/communication

17. The feasibility study was viewed by 692 individuals, resulting in 113 written submissions received.
18. All submissions were presented at the Future Nillumbik Committee on the 13 August. Six verbal submissions were received.
19. Responses were prepared and provided with the submissions at the Officer Briefing of Councillors on 17 September. (**Attachment 3**).

Issues/options

20. Of the 113 written submissions received 58.49% agreed, 29.25% partially agreed and 12.26% did not agree with the gallery purpose and **components** identified in the Regional Gallery Feasibility Study (**Attachment 2**).
21. 895 Main Street, Eltham was the **preferred site** for a regional gallery, followed by Montsalvat (7 Hillcrest Ave, Eltham), 34-38 Greys Harps Road, Hurstbridge, 50 Challenger Street, Diamond Creek (**Attachment 2**).
22. Of the 113 written submissions received 57.14% preferred Council to **continue with the business case** and masterplan, 38.46% preferred Council to explore a **public model** and 26.37% preferred Council to explore a **public/private** partnership model for a Regional Gallery (**Attachment 2**).
23. Feedback overwhelmingly focused on **site selection**. 895 Main Street, Eltham was the preferred site because of amenity, accessibility, utility and visibility.
24. Respondents were also forthcoming with ideas on the design of the building, programming and cost.
25. A question was raised in regard to the accuracy of the economic impact assessment. The original modelling was predicated on a \$30 million dollar investment rather than the \$49 million which is why there is some question over its accuracy. At this time, officers would not recommend allocating resources to update this figure but will ensure it is an outcome of the business case.

12. Officers' reports

OCM.155/19 Regional Gallery Feasibility Study

26. Although results of the feasibility study and public feedback indicated that 895 Main Street, Eltham was the preferred site for the regional gallery, that site is also currently being considered for a new community hospital.
27. In addition, proponents of a proposed development in Kangaroo Ground recently presented Councillors with an outline of their plans, one of which included a regional gallery as part of a broader facility that featured; a conference centre, accommodation and a restaurant.

Conclusion

28. Council has a few options to consider regarding the next stage of a Gallery for Nillumbik:

Option One

29. Continue with a business case and masterplan for a regional or municipal gallery at:
 - a) 895 Main Street, Eltham.
 - b) Another council owned facility/site

Option Two

30. Investigate options of public/private partnerships (not specific to any particular site).

Option Three

31. Defer a decision until the State Government has made a decision in relation to the location of the Community Hospital at 895 Main Street, Eltham.

12. Officers' reports

OCM.156/19 Municipal Health and Wellbeing Plan: Achievements and Future Actions

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Community Services

Author: Keera Weise, Social Planning and Policy Officer

Melanie Holt, Coordinator Youth and Community Partnerships

Summary

In accordance with the *Public Health Act* of 2008 this report provides Council with a summary of past achievements and the shared Action Plan for the remainder of the current Plan. The report also provides the rationale for Council to adopt the Health and Wellbeing Plan's external reference group as an official Advisory Committee of Council.

Recommendation

That Council:

1. Endorse the summary of Health and Wellbeing Plan achievements from the past two years.
2. Endorse the Action Plan for 2020 – 2021.
3. Adopt the external Health and Wellbeing Plan Reference Group as an official Advisory Committee of Council and endorse the draft Terms of Reference.

Attachments

1. 2018/19 Achievements
2. Action Plan 2020/21
3. Advisory Committee Terms of Reference
4. Governance Model

Background

1. Nillumbik Shire Council has a responsibility to protect, improve and promote public health and wellbeing within the municipality in accordance with the *Public Health Act 2008* (section 24).
2. The Act requires councils to develop Municipal Health and Wellbeing Plans every four years. Plans are developed using municipal specific population health data which creates a strong foundation for the development of evidence based priorities and actions.
3. Council approved Nillumbik's Municipal Health and Wellbeing Plan 2017-2021 (the Plan) at the Ordinary Council Meeting on 28 November 2017.

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OCM.156/19 Municipal Health and Wellbeing Plan: Achievements and Future Actions

4. The Plan was developed in collaboration with a number of municipal and regional partners. It aligns strongly with wider regional population health objectives and provides a strong framework for a collaborative approach to promoting health and wellbeing in the Shire.
5. The Plan is now at its midpoint and has undergone a midpoint review. **Attachment 1** provides Council with a summary of the Plan's achievements from the past two years.
6. An internal working group has been established to support the Plan to be embedded across Council. Members from across the organisation have supported the development of the Action Plan to be delivered by 2021. **Attachment 2** outlines the shared action plan to be adopted by Council.
7. To ensure the longevity of external partnerships officers recommend that Council adopt the external reference group as an official advisory committee of Council.
8. **Attachment 3** provides Council with the Terms of Reference for the proposed advisory committee of Council.
9. **Attachment 4** provides Council with the governance model for the development and delivery of the Health and Wellbeing Plan 2017-2021.

Policy context

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

Budget implications

To be considered as part of Mid -Year budget review.

Issues/options

11. The Plan is a peak legislative requirement for all Victorian local governments. It is designed to sit alongside the Council Plan and guide Council's work at a strategic level. The responsibility for the Plan's development and delivery should be shared across the organisation.
12. To support the Plan to be embedded across Council an internal working group has been established.
13. Annual action plans are a legislative requirement under the Act and should be developed and reported on annually to the Department of Health and Human Services.
14. To meet the legislative requirement the recently appointed Social Planning Policy Officer in partnership with the internal working group has retrospectively captured the achievements of the past 2 years. A list of achievements can be found at **Attachment 1**.
15. The internal working group has connected twenty-four officers from across the organisation to capture past achievements and to develop a shared Action Plan to be delivered by 2021 (**Attachment 2**).

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OCM.156/19 Municipal Health and Wellbeing Plan: Achievements and Future Actions

16. The external reference group is comprised of public health professionals who hold specialised knowledge of the region and its population health challenges. Prior to now the reference group has not been recognised as an official Advisory Committee of Council.
17. By endorsing the reference group as an official Advisory Committee of Council we can ensure the expert advice of the external reference group is embedded into the development and implementation of the next iteration of the Plan.
18. The Terms of Reference for the Plan's Advisory Committee can be found at **Attachment 3**.
19. A governance model has been created to clearly identify the partnerships required to successfully deliver the Plan (**Attachment 4**).

Conclusion

20. Council has a legislated responsibility under the Public Health Act 2008 to protect, improve and promote the health and wellbeing of the community.
21. This report provides the rationale for Council to:
 - Endorse the summary of Health and Wellbeing Plan achievements from the past two years.
 - Endorse the Action Plan developed by the internal working group to be delivered by 2021.
 - Adopt the external Health and Wellbeing Plan Reference Group as an official Advisory Committee of Council and endorse the draft Terms of Reference.
22. By adopting the recommendations of this report Council will position themselves to fulfil its commitment to community outlined in the Health and Wellbeing Plan 2017-2019.

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OCM.157/19 Early Years Service Level Agreements

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Community Services

Author: Narelle Hart, Coordinator Early Years Programs
 Beth Scott, Early Years Infrastructure Plan Project Manager

Summary

Currently all Early Years Services Lease Agreements are in over hold. A review of existing agreements has been completed. A Working Group was created as part of the review process and Service Level Standards have been developed to form part of the new Service Level Agreement (SLA). The new SLA developed will ensure that service providers are meeting Community need and requirements of delivering an Early Years Program.

Where current Service Providers do not agree to the Service Level Standards within the SLA, Council will conduct an expression of interest process to engage with providers who demonstrate that they will meet the Service Level Standards.

Recommendation

That Council:

1. Endorses the Service Level Agreement for Early Years Service Providers using implementation option 1.
2. Endorses the recommended timeline for the new agreement implementation and the expression of interest process if necessary.
3. Endorses proposed additional 0.4 EFT to be allocated to the Early Years operational budget through the mid-year budget review process.

Attachments

1. Early Years Service Level Agreement
2. Service Level Agreement Timeline

Background

1. The purpose of this report is to present the proposed Service Level Agreement (SLA) for Early Years Service providers operating out of Council facilities.
2. Currently all Early Years Services Lease Agreements are in over hold. A review of the existing agreements has now been completed with the addition of a newly developed SLA.
3. It is common practice across Councils to have SLA's with Early Years Services which enable Councils to ensure that service providers are meeting the Community needs and requirements of delivering an Early Years Program.
4. A Working Group was formed to contribute to the development of a draft SLA which was presented to Council at Councillor briefing on October 8.

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OCM.157/19 Early Years Service Level Agreements

5. The SLA outlines Service Level Standards that Council expects to be met as part of the terms of leasing Council's facilities.
6. The Service Level Standards developed include items which are critical to ensuring that service providers understand their roles and responsibilities in delivering a funded service to the community and respond appropriately to community needs and expectations.

Policy context

7. 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

8. To implement, manage and monitor the proposed SLA, resources to develop universal policies, procedures and templates; as well as the ongoing monitoring and compliance of the 20 Early Years services will be required outside of the existing resources.
9. It is proposed an additional 0.4 EFT be allocated to the Early Years operational budget through the mid-year budget review process.

Consultation/communication

10. Council invited Expressions of Interest (EOI) from all 20 existing Early Years lease holders to form a Working Group to provide input and expertise into elements of the new document.
11. The Working Group met from July through to August and a SLA was drafted which represented the needs of the Service Providers as well as reflecting Council's obligation to the community through its provision of infrastructure.
12. Services not involved in the working group were kept informed of the progress and process by ongoing email communication.
13. The Coordinator of Early Years and the Executive Manager of Community Services met individually with some services to discuss the intentions of the agreement.
14. The Coordinator of Early Years has been consulting with Early Years Managers to understand the level of interest in submitting an EOI for additional service provision should there be services that are not willing to sign onto the new SLA.
15. The Coordinator of Early Years has been consulting with the National Licencing and Compliance division of the Department of Education and Training as well as the local area division to confirm the process and timelines associated with new provider and service approvals.
16. Officers have consulted with a range of teams within the organisation including Property and Facilities Maintenance, Procurement and Risk to ensure we are working within the legal requirements and responsibilities required under our lease and licence management processes.

Issues/Options

17. Currently Council's relationship with Early Years Services operating out of Council owned facilities focuses on:

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OCM.157/19 Early Years Service Level Agreements

- Managing the Central Registration program for standalone funded preschools
 - Facility Management
 - Training and support to Service Operators.
18. Through these roles, Council has visibility of the needs of Services and Community.
19. Without Service Level Standards included in the agreement Council will continue to be unable to influence practices that ensure there is a localised approach to service delivery and equitable access to services. Council will continue to have limited knowledge of the operational aspects that can influence quality such as governance, compliance, planning for sustainability and access and inclusion.
20. To ensure that the SLA is executed by Services for the commencement of the 2020 preschool year, a proposed timetable (attached) has been developed.
21. It is expected that some services may be resistant to having Service Level Standards contained in the agreement and may not sign the new agreement. The proposed timetable addresses this risk and the potential need to seek other providers to deliver the Service in 2020.
22. If the situation arises whereby a Service Provider is not willing to sign the new agreement, a targeted Expression of Interest process will be implemented allowing other Early Years providers to submit their interest to deliver a service within the facility.
23. There are a number of risks that Council need to consider if the decision to implement the SLA
- Services refuse to sign SLA
 - Existing services will prolong the transfer of licence, compromising the commencement of the 2020 preschool year
 - Existing services will refuse the transfer of licence and therefore new service approval will be required for another provider to deliver a preschool program in 2020
 - Council will not receive sufficient/appropriate EOIs to take on services
24. Timing of any or all of the above risks could compromise the ability to commence the 2020 preschool year
25. There are a number of implementation options Council could consider to transition to the proposed SLA:
- a) Take a transition approach with services who are not willing to sign the SLA, this would allow for a progressive approach with longer lead in time, bringing the services on board who are willing to sign SLA whilst continuing to work with the others who are not willing at this current point in time.
 - b) Move all services across to a SLA regardless and manage the risk to the best of our ability knowing this may mean some services are at risk of not continuing.
 - c) Delay implementing the transition until mid-next year which would not eliminate risks 1-4 but would provide more lead in time to manage the risks.

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OCM.157/19 Early Years Service Level Agreements

Conclusion

26. To ensure there is there is a localised approach to service delivery and equitable access to services now and into the future, it is recommended that Council endorse:
- a) the proposed SLA using implementation option 1
 - b) the timeline for the new agreement and to action an expression of interest process if necessary.
 - c) an additional 0.4 EFT be allocated to the Early Years operational budget through the mid-year budget review process to develop, implement and monitor the proposed SLA.

12. Officers' reports

OCM.158/19 Economic Development Advisory Committee Nomination

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Danielle Phyland, Coordinator Economic Development and Tourism

Summary

The Economic Development Advisory Committee (EDAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist industry advice and enable community participation regarding economic development issues and opportunities in the Shire.

At the Council Meeting 26 February 2019 Council agreed to advertise the vacant position for EDAC.

Public expressions of interest were sought from the 22 July to 4 August. Two nominations were received for the vacant position and interviews were held. The final nominee was selected by the representative interview panel. Council's endorsement is being sought to appoint the preferred nominee.

Recommendation

That Council:

1. Endorses the preferred nominee, Zac Lombardo, to be appointed to the Economic Development Advisory Committee for the standard two-year term of appointment.

Attachments

Nil

Background

1. The Economic Development Advisory Committee (EDAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist industry advice and enable community participation regarding economic development issues and opportunities in the Shire.
2. At the Council Meeting 26 February 2019 it was resolved that the revised Terms of Reference for EDAC be endorsed and Council agreed to advertise the vacant position for EDAC.
3. The current committee members were reviewed as the two year service period had been reached and two vacancies were identified.
4. Expressions of interest were sought for two vacancies on Council's Economic Development Advisory Committees from the public.
5. The vacancies were advertised for a 2 week period from the 22 July to 4 August. An advertisement was placed in the local Leader newspaper and promoted via Council's website and social media channels.
6. During the advertising period a change of role for an existing committee member took place from being a representative of a traders group to an independent member affecting their position on the committee. This reduced the number of vacancies to only one.

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OCM.158/19 Economic Development Advisory Committee Nomination

7. Two nominations were received for the vacant position and interviews were held. The interview panel consisted of the portfolio Councillor Mayor Cr Karen Egan, an EDAC member Joseph Lirosi and Council's Economic Development and Tourism Coordinator, Danielle Phyland.
8. The final nominee was selected by the interview panel who seek Council's endorsement to appoint preferred nominee, Zac Lombardo, to EDAC for the next 2 years.

Policy context

9. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Encourage investment and development within the Shire to increase economic development and local employment, and broaden the rate base while at the same time preserving the Green Wedge.

Budget implications

10. There are no budgetary implications relating to this committee.

Consultation/communication

11. The vacancies were advertised for a 2 week period from the 22 July to 4 August. An advertisement was placed in the local Leader newspaper and promoted via Council's website and social media channels.

Issues/options

12. The successful nominee recommended by the interview panel is Zac Lombardo.
13. The appointment will take affect once endorsed and the successful candidate will be inducted into the EDAC committee.
14. The recently endorsed Terms of Reference including code of conduct will be distributed to all members during the induction of the new member to ensure all are in agreeance and understand their role and responsibility as a member of EDAC.
15. The next opportunity for revision of membership for EDAC will be July 2021.

Conclusion

16. The EDAC interview panel recommends preferred nominee, Zac Lombardo, be appointed to EDAC. Upon Council endorsement the successful candidate with be informed and inducted at the next EDAC meeting. The unsuccessful candidate will be advised.

12. Officers' reports**OCM.159/19 Annual Report 2018-2019**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: James Hartigan, Business Performance Analyst
Sue Richards, Business Support Officer****Summary**

The *Local Government Act 1989* (the Act) and the *Local Government (Planning and Reporting) Regulations 2014* (the Regulations) require each Council in Victoria to prepare an Annual Report for each financial year. The Minister for Local Government was provided a copy of Council's Annual Report 2018-2019 on 30 September 2019.

The Annual Report is Council's highest level reporting document to the State Government and the community. While Council has a statutory obligation to produce an Annual Report, it is also an opportunity to demonstrate Council's service delivery and performance to the community regarding Council activities over the past financial year. The 2018-2019 Annual Report also reports against on progress and delivery of key strategies and actions for the second year of the Council Plan 2017-2021.

Council's Annual Report 2018-2019 (including audited financial and performance statements) is hereby being presented for noting.

Recommendation**That Council:**

1. Notes the Nillumbik Shire Council Annual Report 2018-2019 (**Attachment 1**).
2. Notes that the Annual Report was submitted to the Minister for Local Government on 30 September 2019.
3. Notes the Annual Report has been presented to Council within one month of providing the Annual Report to the Minister for Local Government, satisfying section 134(2)(a) of the *Local Government Act* and section 22(1) of the *Local Government (Planning and Reporting) Regulations 2014*.
4. Notes a copy of the Annual Report was made available for public inspection at Council's Civic Centre and on Council's website two weeks prior to this meeting, compliant with section 133(2) of the Act.
5. Notes a public notice featured in The Age (9 October 2019) and Diamond Valley Leader (15 October 2019) advising the Annual Report will be discussed at an Ordinary Council Meeting on 29 October 2019, and the place where copies of the report can be obtained, compliant with section 134(2)(b) of the Act.

Attachments

1. Annual Report 2018-2019

12. Officers' reports

OCM.159/19 Annual Report 2018-2019

Background

1. This report presents Council's Annual Report 2018-2019 (including audited financial and performance statements) for noting.
2. The Annual Report 2018-2019 has been prepared by Council officers and was formally submitted to the Minister for Local Government on 30 September 2019, in accordance with the *Local Government Act 1989* (the Act).

Policy context

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

Budget implications

4. The cost of producing the Annual Report is accommodated within existing operational budgets.

Consultation/communication

5. Pursuant to section 134 of the Act, notice of the meeting to consider the Annual Report was advertised in *The Age* and the *Diamond Valley Leader* on 9 October 2019.
6. The Annual Report 2018-2019 has also been made available at Council's Civic Centre and on Council's website.
7. The Financial and Performance Statements were presented to the August 2019 Ordinary Meeting of Council.

Discussion

8. The Annual Report 2018-2019 is being presented for noting. It includes a Report of Operations; Financial Statements; Performance Statement; and the Auditor General's Report on the Financial Statements and the Performance Statement.
9. The Auditor-General has approved the Financial Statements and Performance Statement without any qualifications.
10. As well as meeting statutory requirements, the Annual Report outlines to the community the Council's key milestones and achievements throughout the financial year. These included:
 - Maintained rates at 0.25 per cent below the state-wide rate cap;
 - Recorded Council's second highest ever community satisfaction rating in the Annual Community Survey;
 - Delivered over \$300,000 of improvement works to pedestrian, bicycle and horse riding trails;
 - Completed installation of floodlights and commenced construction of new pavilion at Marngrook Oval in Diamond Creek;
 - Re-opened the Eltham Leisure Centre aquatic facilities following extensive redevelopment;
 - Completed redevelopment of Eltham Lower Park and Susan Street Reserve Pavilions;

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OCM.159/19 Annual Report 2018-2019

- Opened a new playground at Civic Drive, Greensborough;
- The Eltham North Adventure Playground was re-opened, and was also awarded the Best New Playspace in Victoria and Tasmania at the Parks and Leisure Australia Awards;
- Implementation of the Arts and Cultural Plan 2018-2022 with over 153,000 participants in Council's creative and cultural programs;
- Continued implementation of priority actions under the Health and Wellbeing Plan 2017-2021;
- Developed the Council's Bushfire Mitigation Strategy following extensive community consultation;
- Developed the draft Green Wedge Management Plan and released for public consultation;
- The Domestic Wastewater Management Plan 2019 was adopted following community engagement and consultation;
- Extensive community engagement for the Green Wedge Management Plan review, Diamond Creek Regional Playspace and Fireworks Local Law;
- Council's branding and logo was refreshed to modernise our communications and promotional material;
- Completed and launched Council's first customer experience strategy – Nillumbik Customer First; and
- Council's customer service was rated in the top five of 145 organisations, and in the top five councils.

Conclusion

11. The Annual Report 2018-2019 was submitted to the Minister for Local Government on 30 September 2019. The report outlines the activities undertaken for the financial year. It reports to the Nillumbik community and other stakeholders on a wide range of activities that were undertaken to meet the directions in the Council Plan 2017-2021 and the expectations of the Nillumbik community. While it is a statutory document, the Annual Report is a valuable tool for communicating the Council's activities over the past year to the local community.

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12. Officers' reports

OCM.160/19 September Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Manager Finance

Summary

This report outlines Council's financial performance and financial position for the period ending 30 September 2019.

The Income Statement shows an overall favourable year to date (YTD) variance of \$1.590 million representing 3.86 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$1.753 million and higher than budgeted operating expenses of (\$162,993).

Council's overall financial position at the end of this quarter is sound, and continues to be actively monitored.

Recommendation

That Council receives and notes the Financial Report for the period ended 30 September 2019 (**Attachment 1**).

Attachments

1. Quarterly Finance Report September 2019

Background

1. In May 2019, Council adopted the 2019-20 Budget.
2. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works and investments, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year.

Policy context

5. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

Budget implications

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

Consultation/communication

7. The budget was subject to public exhibition prior to its final adoption by Council.

12. Officers' reports**OCM.160/19 September Quarter Financial Report**

Issues/options

8. The detailed Financial Report for the period ended 30 September 2019 is provided in **Attachment 1**. This report is an analysis of Council's financial performance and financial position as at 30 September 2019. The report also includes an analysis of budget variances.

Income statement

9. Council closed the period ending 30 September 2019 with a favourable YTD variance of \$1.590 million based on actual operating revenue, costs and commitments. This represents 3.86 per cent of the YTD Budget.
10. The overall variance is made up of the following:
- Income – \$1.753 million (2.53 per cent) favourable variance. This includes additional rates generated from new rateable properties \$72,424, new/additional grant funding \$631,746, and \$1 million received from developers for contributions towards open space and infrastructure works (refer to page 6 in **Attachment 1**).
 - Expenditure – (\$162,993) (2.53 per cent) unfavourable, mainly attributed to materials and related costs (\$98,550), and financial year projects (\$162,216). Additional details on variances are located on page 7 in **Attachment 1**.

Balance sheet

11. The balance sheet reflects Council's financial position at 30 September 2019 and is prepared in compliance with the Australian Accounting Standards.
12. Council's balance sheet (page 4 in **Attachment 1**) continues to show a strong net position. This is represented by \$1.051 billion of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$43.2 million, which results in net assets of \$1.008 million.

Statement of cash flows

13. The statement of cash flows (page 5 in Attachment 1) captures Council's actual cash transactions for the period.
14. Council is showing a cash position of \$40.9 million after all cash transactions for the period to date.
15. The \$40.9 million includes \$33.1 million held in investments as detailed on page 9 of **Attachment 1**.

Capital works

16. The YTD expenditure relating to capital works is reported on page 8 in **Attachment 1**.
17. This shows an unfavourable variance of (\$609,815) to date. The overall capital works program is expected to remain within budget across the financial year. The capital works report detailing spend by asset class is on page 8 (**Attachment 1**).

Conclusion

18. Council's overall financial position at the end of September 2019 is considered sound and continues to be closely monitored to ensure budgeted outcomes are achieved.

12. Officers' reports**OCM.161/19 Amendment C109 - Approval to abandon amendment**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Julie Paget, Strategic Planner****Summary**

The concept of a township in Yarrambat was initiated from community consultation from the original Green Wedge Management Plan (2010). The township project culminated in Planning Scheme Amendment C109 being submitted to the Department of Environment, Land, Water and Planning (DELWP) in 2016.

Authorisation was granted in late 2016, but was subject to numerous conditions. Work was done to address some of these conditions however the Department has made it clear that, within the current State planning policy context, the proposal of a new township would not be approved by the Minister.

At the July 2018 Ordinary Council Meeting, it was decided to continue township planning with a simplified revised scope that would remove any housing or residential subdivision components. Council agreed to investigate a phased approach that involves two stages:

- **Stage 1:** A public realm and beautification plan
- **Stage 2:** Investigate with the State Government the possibility of a small scale commercial centre for the township

Council and DELWP officers have explored the potential rezoning of land to allow for a small scale commercial centre. DELWP have now indicated that rezoning for the purpose of a small commercial centre development will not be supported. They have also requested that Council abandon Amendment C109.

Recommendation

That Council:

1. Resolves to abandon Amendment C109 in accordance with Section 28 of the Planning and Environment Act 1987 and authorise Officers to write to the Minister for Planning to advise of the abandonment of Amendment C109
2. Notes that officers are continuing to progress the initial stages of street beautification works for Yarrambat, which do not require the use of a planning scheme amendment
3. Notes that the extensive community consultation outcomes regarding improvements to the public realm will be considered as part of the street beautification works.

Attachments

Nil

Background

1. Yarrambat is primarily zoned Low Density Residential and Rural Conservation Zone and sits outside the urban growth boundary. It is deemed to be within the Nillumbik Green Wedge.

12. Officers' reports

OCM.161/19 Amendment C109 - Approval to abandon amendment

2. The Green Wedge Management Plan 2010-2025, currently under review, identified the need to undertake a township strategy for Yarrambat along with the other rural townships in the Shire.
3. Work commenced in 2013 and significant community engagement occurred. Housing diversification and scale of appropriate commercial development were considered throughout the engagement.
4. In early 2016, Council requested the Minister for Planning to authorise Amendment C109 to create a new township with an urban growth boundary for Yarrambat.
5. DEWLP sought further clarification and officially granted authorisation to commence Amendment C109 in November 2016. However the authorisation was subject to a significant number of conditions which made the original intent and form of the amendment untenable.
6. In December 2017, DEWLP confirmed its position that housing outside of the existing urban growth boundary would not be supported.
7. At the July 2018 Ordinary Meeting of Council, Council resolved to remove all reference to housing in the ongoing township planning process but continued to explore a two staged approach of street beautification works and the potential of a small scale commercial centre.
8. Further discussion with DELWP indicated that State Government will not support a small scale commercial development in Yarrambat.
9. In addition to the specific discussions regarding Amendment C109, the State Government has flagged its intentions to 'permanently tighten' controls relating to the green wedge land surrounding Melbourne.
10. A Councillor Briefing in December 2018, recommended that the street beautification work should be progressed, working with the Major Road Projects Authority (MRPA), to seek potential funding opportunities. This work does not require a planning scheme amendment. The briefing also recommended that the Stage 2 work relating to a potential small scale commercial hub be discontinued.

Policy context

11. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Prepare and develop an improved and holistic approach to strategic planning.

Budget implications

12. The costs associated with the abandonment of the amendment will be minimal.

Consultation/communication

13. In July 2019 a general notice was sent to Yarrambat stakeholders and Members of Parliament advising of the project status and next steps.

12. Officers' reports

OCM.161/19 Amendment C109 - Approval to abandon amendment

Issues/options

14. Amendment C109 was intended to create a new Yarrambat township with an Urban Growth Boundary. At the July 2018 Ordinary Meeting of Council decided not to continue with the initial township plan and instead look at other improvement opportunities. To this end, officers are progressing the initial stages of street beautification works for Yarrambat, which do not require the use of a planning scheme amendment to proceed.
15. As the Amendment C109 proposal is no longer applicable, the amendment should be discontinued.
16. The process will require a written confirmation from Council to the Minister for Planning that it has formally abandoned the amendment. If this is not done, then the Amendment effectively remains in the state planning system as a 'live' project.
17. Officers have been in discussion with the MRPV to try to identify any complementary projects, such as street beautification works, that could be achieved (and funded) as part of the wider Yan Yean Road duplication. The extensive community consultation outcomes regarding improvements to the public realm will be considered as part of this work.

Conclusion

18. Given that the policy position held by the Department has strengthened to clearly prevent new housing and commercial development outside of the urban growth boundary, the intent of Amendment C109 is no longer viable.
19. The request to abandon the Amendment C109 is an administrative matter and part of Councils obligation to manage and maintain its local planning scheme.

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12. Officers' reports**OCM.162/19 Planning Scheme Amendment C117**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Julie Paget, Strategic Planner****Fae Ballingall, Acting Strategic Planning Lead****Summary**

The amendment proposes to rezone 15 parcels of land in Diamond Creek, Eltham, Greensborough, Hurstbridge and Research from various zones to the Public Park and Recreation Zone and to delete the Design and Development Overlay – Schedule 5 (DDO5) and the Development Plan Overlay - Schedule 7 (DPO7) from land at 44 Graysharps Road in Hurstbridge. Property details are provided in **Attachment 1**.

This report considers submissions received in response to the public exhibition of Amendment C117 to the Nillumbik Planning Scheme.

Conditional authorisation to exhibit Amendment C117 from the Minister for Planning was granted in July 2019.

The amendment was placed on formal exhibition from 22 August to 20 September 2019, and met all notice requirements under the *Planning and Environment Act 1987*.

A total of 47 submissions have been received. The summary of submissions and officer response have been provided as **Attachment 2**.

There are 2 unresolved objections to the amendment, both relating to Lot 1, 44 Graysharps Road, Hurstbridge. It is recommended that the amendment be split, so rezoning of the remaining 14 parcels of land can continue to progress whilst the 2 unresolved submissions relating to Graysharps Road are considered by Planning Panel.

Recommendation

That Council:

1. Notes the submissions received in relation to Amendment C117.
2. Resolves to split the amendment to Part 1 & Part 2.
3. Adopts Part 1 of Amendment C117 to the Nillumbik Planning Scheme, and submits the Amendment to the Minister for Planning for approval.
4. Requests the Minister for Planning appoint a Planning Panel to consider the submission for Part 2 of Amendment C117.

Attachments

1. Property Details for Amendment C117
2. Summary of Submissions
3. Summary of Public Consultation for land parcels included in Amendment C117

12. Officers' reports

OCM.162/19 Planning Scheme Amendment C117

Background

1. The purpose of the Amendment is to formally recognise, through the application of the Public Park and Recreation Zone, the status of the land parcels as public open space, providing clarity about the future intent for the land.
2. The 15 parcels to rezone are:
 - **Hurstbridge Open Space Precinct Plan** – the land known as Lot 1, 44 Graysharps Road, Hurstbridge,
 - **2018 proposed land sales** – properties proposed for rezoning as a response to community feedback, and
 - **The Civic Drive Master Plan** – the open space/park areas shown on the Master Plan.
3. Each of the properties subject to this amendment have been identified as either serving or being capable of serving a public open space function but are not currently zoned for this purpose.

Policy context

4. 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

5. Provision for the costs associated with the amendment has been made within the 2019-2020 Strategic Planning work program.

Consultation/communication

6. Amendment C117 was placed on public exhibition from 22 August to 20 September 2019.
7. Extensive community consultation has occurred for each of the properties under consideration and further details are provided in **Attachment 3**.

Issues/options

8. During the submission period, a total of 47 submissions were received including eight objections. Following discussions to clarify the content and intent of the amendment, all but two of the objectors (submitter's 29 and 46) withdrew their submission.
9. The key issues from submission 46 were:
 - That Amendment C117 contradicts both local and state policy which aims to concentrate development in urban areas;
 - That rezoning of the land at 44 Graysharps Road may encourage owners of vacant private green wedge land adjacent to the township boundary to try to seek a change in rezoning for that land; and
 - That Hurstbridge Township has significant existing open space and that the land parcel at 44 Graysharps Road should be retained as Township Zone to allow a wider range of uses for the land.

12. Officers' reports

OCM.162/19 Planning Scheme Amendment C117

10. Council Officers met with the submitter to hear their concerns and whether they could be resolved. It was explained that the adopted Open Space Precinct Plan for Graysharps Road was prepared in response to the overwhelming community reaction against using the site for housing. A 2 year process with comprehensive community engagement to develop the Open Space Precinct Plan, further reinforces the decision to rezone. The rezoning will not contradict State or local planning policy and other land uses can be accommodated elsewhere in the town. It was also reiterated that the township boundary would not be changed. The submitter indicated they would not withdraw and wished the matter to proceed to a Planning Panel.
11. Submission 29 also relates to Graysharps Road, however the concern was based on mistaken assumption that the rezoning would allow for development on the site. As with the other objections that were subsequently withdrawn, it appears there was confusion as to the intent of the amendment, which is to keep the land as public open space and rezone it accordingly. Council Officers have tried repeatedly to contact the submitter with no success. As such, this submission must now be progressed through the formal planning panel process.
12. As the two unresolved submissions relate to the same site, the amendment can be split. This allows rezoning of the remaining 14 parcels of land to continue, as Part 1 of C115, to the Minister for approval. Part 2 of the Amendment would progress to a Planning Panel.
13. A summary of all submissions can be found at **Attachment 2**.

Conclusion

14. Council Officers will request the Minister for Planning:
 - Consider and approve C117 Part 1; and
 - Appoint an Independent Planning Panel to hear the submissions relating to C117 Part 2.
15. The Panel Report for Part 2 of Amendment C117 will be presented to Council for consideration at a future OCM.

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12. Officers' reports

OCM.163/19 Environmental Protection Regulations review

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leah Farrell, Coordinator Environmental Health Services

Jonathan McNally, Manager Community Safety and Amenity

Summary

This report presents Council's submission to the State Government and Environmental Protection Authority's proposed subordinate instruments under the new environmental protection legislation.

The State Government and EPA have released Draft Environmental Protection Regulations and Draft Environmental Reference Standards, accompanied by a Regulatory Impact Statement for public comment, closing on the 31 October 2019.

A submission has been prepared highlighting areas of concern or which require further clarification in order to Council to be able to effectively implement the new changes.

Recommendation

That Council endorses and submits the draft submission (**Attachment 1**) to the State Government's proposed draft Environmental Protection Regulations, Transitional regulations and Environmental Reference Standards.

Attachments

1. Draft Environmental Protection Regulations Submission

Background

1. The State Government is proposing changes to the subordinate legislation to support the new Environmental Protection laws which are intended to come into effect on 1 July 2020.
2. The Environmental Protection Authority Victoria (EPA) and the Department of Environment, Land, Water and Planning (DELWP) are working together to assist with the transition to the new laws.
3. This transition will be support by the proposed;
 - Environmental Protection Regulations
 - Environmental Reference Standards (ERS)
 - Regulatory Impact Statement (RIS)
 - Impact assessment

Policy context

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Advocate effectively for Nillumbik's interests at a state and national level.

12. Officers' reports

OCM.163/19 Environmental Protection Regulations review

Issues/options

5. Council officers have prepared a draft submission (**Attachment 1**)
6. Council's submission acknowledges the need for reform within the Environmental Protection space. However, it raises several issues that should be considered by the State Government when finalising the proposed regulations. These include:
 - Waste management
 - Pollution, including noise
 - Contaminated land
 - Permissions, including onsite wastewater systems (septics)

Conclusion

7. The closing date for submissions is 31 October 2019.
8. The State Government has identified further consultation in late 2019 to develop new compliance and enforcement policy, and release the final draft in April 2020 before the legislation comes into effect 1 July 2020.

12. Officers' reports

OCM.164/19 Location Amendment to November Ordinary Council Meeting

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance and Legal Services

Author: Katia Croce, Governance Lead

Summary

At its Ordinary Council Meeting held on 25 June 2019, Council resolved a meeting schedule for Future Nillumbik Committee and Ordinary Council Meetings for the 2019 calendar year.

This report seeks to amend the location of the 26 November 2019 Ordinary Council Meeting from Community Bank Stadium (Level 1), 129-163 Main Hurstbridge Road, Diamond Creek to Nillumbik's Civic Centre, Civic Drive, Greensborough, in order to accommodate the expected public attendance for the adoption of the proposed Green Wedge Management Plan scheduled to be considered at the meeting.

Recommendation

That Council:

1. Resolves to amend the location of the 26 November 2019 Ordinary Council Meeting from Community Bank Stadium (Level 1), 129-163 Main Hurstbridge Road, Diamond Creek to Nillumbik's Civic Centre, Civic Drive, Greensborough, commencing 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 meeting schedule in the local newspaper and on Council's website.

Attachments

Nil

Background

1. At its Ordinary Council Meeting held on 25 June 2019, Council resolved:

'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'.*
2. The meeting schedule was advertised in the Diamond Valley Leader on 16 January 2019 and 3 July 2019 and on Council's website including four meetings at various locations across the shire.
3. On 11 September 2019, the Future Nillumbik Committee (acting under delegation from Council) resolved that a report proposing the adoption of the final Green Wedge Management Plan, including changes in response to community feedback, be presented to the 26 November 2019 Ordinary Council Meeting.

12. Officers' reports

OCM.164/19 Location Amendment to November Ordinary Council Meeting

4. The 26 November 2019 Ordinary Council Meeting is scheduled to be held at Community Bank Stadium (Level 1), 129-163 Main Hurstbridge Road, Diamond Creek.
5. Due to the community response and attendance to meetings in relation to the Green Wedge Management Plan, it is proposed to amend the venue from the Community Bank Stadium in Diamond Creek to Nillumbik's Civic Centre in Greensborough, in order to accommodate the expected public attendance.

Policy context

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

Consultation/communication

7. The nature of this report does not require any consultation.
8. Should Council resolve to amend the location of the 26 November 2019 Ordinary Council Meeting, the public will be notified by public notice and via Council's website.

Budget implications

9. There are minimal budget implications as a result of advertising the revised meeting schedule, as it will be incorporated into the operating budget.

Conclusion

10. It is recommended for Council to endorse the location amendment to November's Ordinary Council Meeting and advertise the change in accordance with the *Local Government Act 1989*.

12. Officers' reports

OCM.165/19 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 24 September 2019.

An Assembly of Councillors record was kept for:

- Pre-meeting to Ordinary Council Meeting – 27 August 2019;
- Councillor Briefing – 17 September 2019;
- Councillor Briefing and Pre-meeting to Ordinary Council Meeting – 24 September 2019;
- Councillor Briefing – 8 October 2019;
- Living & Learning Nillumbik Advisory Committee – 9 October 2019;
- Councillor Briefing and Pre-meeting to Future Nillumbik Committee – 15 October 2019; and
- Environment and Sustainability Advisory Committee – 16 October 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 27 August 2019, 17 September 2019, 24 September 2019, 8 October 2019, 9 October 2019, 15 October 2019 and 16 October 2019 (**Attachment 1**).

Attachments

1. Assembly of Councillors reported 24 September 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.

12. Officers' reports

OCM.165/19 Assembly of Councillors

Budget implications

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

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 24 September 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.166/19 1920-2 Office Products & Workplace Consumables

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Lance Clark, Senior Procurement Specialist

Summary

The confidential report associated with this contract recommends the awarding of the contract 1920-2 to Winc Australia Pty Ltd for Office Products & Workplace Consumables.

Winc Australia Pty Ltd was appointed via Procurement Australia via a Public Tender process.

Nillumbik Shire Council was one of fifty three (53) participants in the tender process.

The contract term is an initial period of two (2) year, with two (2) x one (1) year options to extend the contract.

The total duration of the contract, including the exercise of any options, shall not exceed four (4) years.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

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/s.

Recommendation

That Council notes this report.

Attachments

Nil

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12. Officers' reports

OCM.167/19 1920-005 Diamond Creek Netball Pavilion Redevelopment

Distribution: Public

Manager: Enrique Gutierrez, Manager Capital Works

Author: Alex Stewart, Project Management Officer
Steven Blight, Construction Coordinator

Summary

The confidential report associated with this contract recommends awarding the construction contract for the redevelopment of the Diamond Creek Netball Pavilion in Diamond Street, Diamond Creek.

This project involves the demolition of the existing pavilion, construction of a new pavilion, upgrade of the existing car park and other associated works. The new pavilion will be used by the Diamond Creek Force Netball Association and other facility users. It will include a social room, accessible player and umpire change facilities, match day operations rooms, public amenities, first aid and storage space.

The tender evaluation panel has assessed all submissions and outlines their evaluation in recommending the award of the contract to the successful tenderer.

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.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Recommendation

That Council notes this report.

Attachments

Nil

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- 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.168/19 1920-2 Office Products & Workplace Consumables

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

OCM.169/19 1920-005 Diamond Creek Netball Pavilion Redevelopment

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.

Recommendation

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.