

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 29 October 2019 commencing at 7:00pm.

Minutes

Hjalmar Philipp
Acting Chief Executive Officer

Friday 1 November 2019

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 29 October 2019. The meeting commenced at 7:01pm.

Councillors present:

Cr Karen Egan	Bunjil Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward
Cr Peter Clarke	Wingrove Ward

Officers in attendance:

Hjalmar Philipp	Acting Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Blaga Naumoski	Executive Manager Governance and Legal Services
Corrienne Nichols	Executive Manager Community Services
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Heath Gillett	Manager Recreation and Leisure
Leah Farrell	Acting Manager Community Safety and Amenity
Kelly Reaburn	Head of Communications and Marketing
Narelle Hart	Coordinator Early Years Programs
Simon Doyle	Coordinator Arts and Cultural Development
Grace Longato	Curator and Creative Industries Officer
Colin Wood	Facility Manager – Edendale Community Farm
James Hartigan	Business Performance Analyst
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Karen Egan.

3. Prayer

A prayer was read by Pastor Stewart Hunt of The Vine Baptist Church.

4. Apologies

Nil

5. Presentations

Nil

6. Confirmation of minutes

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That the minutes of the Council Meeting held on Tuesday 24 September 2019 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Alexander Collum asked Council:

Recent visits to the Eltham Leisure Centre on a weekday morning have demonstrated to me how popular the Centre is - and unfortunately how full the carpark has become. Cars are now regularly parking on verges and on the side of the road as a result. Is Council aware of the parking capacity issues at the Centre and if so what options are they investigating to remedy this?

Response

Council is aware of the challenges surrounding car parking at the Leisure Centre and surrounding streets including Susan Street. Council is considering this matter as part of its current review of the structure plan for the Eltham Activity Centre, particularly to consider opportunities to maximise capacity while encouraging alternative modes of transport, including public transport and foot or bike given the close proximity to the Diamond Creek Trail.

Greg Johnson on behalf of Friends of Nillumbik asked Council:

1. I refer to the \$6 million grant for 200 new car parking spaces at Eltham Station announced by Cr Clarke and federal MP Andrews on page 1 of Diamond Valley Leader on June 19th. Can Council give a progress update for this project?

Response

Council is currently working with Federal and State Government infrastructure agencies to progress this project. Council is aware that this is an important project for the Eltham CBD, particularly to relieve current parking challenges and provide residents increased incentive to access public transport.

A more detailed update will be on our website early next year after we have worked through the planning stage.

2. Friends of Nillumbik has received questions asking why the addresses to the GWMP Panel by Councillors Egan and Ashton were omitted from your summary of the process of the GWMP "Review" on Council's website. Will you explain this please.

Response

Based on the format of the session, the detail of the conversations were not captured in a formal manner and therefore not included in summary of the process of the GWMP “Review” on Council’s website. It was also in a supposedly confidential session in terms of the members of the Panel.

Julia Drew asked Council:

1. The drafted service level agreement has no defined consultative or dispute resolution processes. How does Council intend to manage disputes involving signing an initial agreement between a service and Council, but also interpretation of adherence to the document between services and Council?

Response

This matter is actually being considered as an agenda item later this evening and the three options provided to Council to manage implementation are outlined in that report.

2. The purpose of a service level agreement is to provide a measurable framework for a service negotiated between two parties in a working relationship, but does not define how a service must be delivered. Many elements of the drafted service level agreement move beyond the measurable framework/objectives and give Council authority to control operations of a preschool service. Why does Council believe it is appropriate to demand this level of control of early years services, which are individual independent entities?

Response

Whilst services are independent entities, all are funded largely by state or federal government with a large contribution from Council as the facility provider.

Council is the first point of call for the community, and requires consistency and equity across services, particularly in areas of governance and access.

It is not Council’s intention to control the services but to have a framework by which Council can engage and consult with the services to speak and act on the community’s behalf.

John Fecondo asked Council:

1. I note in the Council’s Annual Report for 2018-19 that the salary for the position of CEO has been listed as less than the previous financial year in the band \$300,000 - \$309,999 c.f. \$320,000 - 329,999 in 2017-18. I assume that it has been calculated on a pro-rata basis because the new CEO commenced in October 2018 and if my assumption is correct, the actual annual salary for the position of CEO would then be at least in the range \$400,000 - \$409,999, significantly more than the previous CEO’s salary. Can you please confirm the actual salary range of the CEO and if I am roughly correct, why is the salary of the CEO at Nillumbik Shire Council higher than surrounding, significantly more populous LGAs (up to 3x larger) and more than 20% higher than the previous CEO’s salary at Nillumbik Council?

Response

Yes you are correct, the annual salary is pro-rata, the full year remuneration will be disclosed in the next annual report.

Council have decided that the salary of the CEO is appropriate by resolution.

2. I refer to Council's decision to sensibly abort the sale of most of the community reserves that were initially considered for sale last year. Can you please provide details of the total cost of the project to ratepayers from inception to now and if there is any further expenditure required with a justification for the money spent to date?

Response

It is actually an operational matter in nature and has been referred to the CEO to provide a response directly back to you.

Sue Dyet asked Council:

Given that whatever happens at the Fitzsimons Lane roundabout will result in a greater amount of hard surface increasing the 'heat island' effect, would Council now commit to plant trees in the autumn 2020 around adjoining streets and on any nearby Council land without waiting for funding from offset planting? from the MRPV project

Response

At this stage Council has no plans to change its street tree planting program. Once construction works are completed, we will reassess.

Just to explain though, we actually don't get funding from the offset planting scheme. And we don't even know whether the offsets would be in Nillumbik. Historically, ours have been more expensive and we don't get very many except our own in Nillumbik. Similarly, once all the works are completed, we'd be hoping to get them to be planting trees actually as part of the project. So we will assess that when it comes up.

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.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Jane Ashton

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.

CARRIED

11. Reports of Special Committees

Nil

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.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

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.~~

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

12. Officers' reports

OCM.155/19 Regional Gallery Feasibility Study

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

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).

CARRIED

Cr Grant Brooker called for a division

For: Cr Bruce Ranken, Cr Peter Clarke, Cr Karen Egan and Cr Jane Ashton

Against: Cr Grant Brooker, Cr John Dumaresq and Cr Peter Perkins

The Mayor, Cr Karen Egan declared the Motion Carried.

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.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Jane Ashton

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.

CARRIED

12. Officers' reports

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

Motion

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council:

1. Endorses the Service Level Agreement (SLA) for Early Years Service Providers using **the transition approach with services who are not willing to sign the SLA whilst allowing for a progressive approach with longer lead in time, bringing the service on board who are willing to sign the SLA whilst continuing to work with the others who are not willing at this current point in time.**
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.

Cr Peter Perkins proposed an additional point to read as follows:

4. **Receives a further report before April 2020 detailing which service if any have not signed the SLA including their particular circumstances and seek Council authorisation on the way forward.**

12. Officers' reports

OCM.157/19 Early Years Service Level Agreements

This was accepted by Cr Grant Brooker and Cr Peter Clarke.

THE AMENDED MOTION READS AS FOLLOWS:

Amended Motion

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council:

1. Endorses the Service Level Agreement (SLA) for Early Years Service Providers using the transition approach with services who are not willing to sign the SLA whilst allowing for a progressive approach with longer lead in time, bringing the service on board who are willing to sign the SLA whilst continuing to work with the others who are not willing at this current point in time.
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.
4. Receives a further report before April 2020 detailing which service if any have not signed the SLA including their particular circumstances and seek Council authorisation on the way forward.

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

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council:

1. Endorses the Service Level Agreement (SLA) for Early Years Service Providers using the transition approach with services who are not willing to sign the SLA whilst allowing for a progressive approach with longer lead in time, bringing the service on board who are willing to sign the SLA whilst continuing to work with the others who are not willing at this current point in time.
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.
4. Receives a further report before April 2020 detailing which service if any have not signed the SLA including their particular circumstances and seek Council authorisation on the way forward.

CARRIED

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.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Endorse preferred nominee, Zac Lombardo, to be appointed to EDAC for the standard two-year term of appointment.

CARRIED

Narelle Hart, Coordinator Early Years Programs left the meeting during discussions of the above item at 7:55pm.

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.

Council Resolution

MOVED: Cr Peter Clarke**SECONDED: Cr Bruce Ranken****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.

CARRIED

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.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

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

CARRIED

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.

Council Resolution

MOVED: Cr Grant Brooker**SECONDED: Cr John Dumaresq****That Council:**

1. Resolve 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.

CARRIED*Cr Grant Brooker called for a division***For:** Cr Grant Brooker, Cr John Dumaresq, Cr Peter Perkins, Cr Karen Egan and Cr Jane Ashton**Against:** Cr Bruce Ranken and Cr Peter Clarke

12. Officers' reports

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

The Mayor, Cr Karen Egan declared the Motion Carried.

Grace Longato, Curator and Creative Industries Officer left the meeting during discussions of the above item at 8:00pm.

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.

Council Resolution

MOVED: Cr Peter Perkins**SECONDED: Cr Peter Clarke****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.

CARRIED

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.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

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.

CARRIED

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.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Peter Clarke

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.

CARRIED

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council agree to move 'en bloc' the reports listed below and their recommendations be adopted as printed in the agenda:

- OCM.165/19 Assembly of Councillors
- OCM.166/19 1920-2 Office Products & Workplace Consumables
- OCM.167/19 1920-005 Diamond Creek Netball Pavilion Redevelopment

CARRIED

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.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

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**).

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

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

This report 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.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Enters into Contract with Winc Australia Pty Ltd.
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Delegates the powers and authorisation to the Chief Financial Officer to review and approve the options to extend the contract term for a maximum of up to two further years.

12. Officers' reports

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

4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

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

This report 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.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following decision public:

That the Chief Executive Officer or his delegate, under authorisation from Council, entered into a contract with Newpol Construction Pty Ltd for the amount of \$2,353,332.23 plus 10 per cent GST.

13. Notices of Motion

Nil

14. Delegates' reports

Nil

The Mayor, Cr Karen Egan admitted the following Urgent business item in accordance with section 6.15 of the Meeting Procedure Local Law 2017.

15. Supplementary and urgent business

OCM.170/19 Draft Yarra Strategic Plan - Endorsement for exhibition

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Summary

The purpose of this report is to seek Council’s endorsement of the draft Letter of Endorsement (**Attachment 1**) to Melbourne Water.

Recommendation

That Council Endorse the draft Letter of Endorsement to Melbourne Water (**Attachment 1**) and authorise the Chief Executive Officer to sign and submit the attachment to Melbourne Water by 8 November 2019.

Motion

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

That Council endorses the draft Letter of Endorsement to Melbourne Water (**Attachment 1**) **with changes as resolved by Council** and authorises the Chief Executive Officer to sign and submit the **amended attachment** to Melbourne Water by 8 November 2019.

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

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

That Council endorses the draft Letter of Endorsement to Melbourne Water (**Attachment 1**) with changes as resolved by Council and authorises the Chief Executive Officer to sign and submit the amended attachment to Melbourne Water by 8 November 2019.

CARRIED

Attachments

1. Draft Letter of Endorsement - Yarra Strategic Plan - *CONFIDENTIAL*

Background

1. The Yarra River Protection Ministerial Advisory Committee (MAC) was established in 2015. The primary purpose of the Committee was to provide independent advice to Government on key issues and opportunities for the Yarra River. Following the MAC’s recommendations in 2016, the Victorian Government’s Yarra River Action Plan was released in 2017. It outlined the Government’s response to the Yarra MAC’s recommendations and detailed 30 actions to ensure the long-term protection of the

Yarra River and its parklands, including the development of the Yarra River 50 year Community Vision and the Yarra Strategic Plan. This was strengthened by the landmark Yarra River Protection (*Wilip-gin Birrarung murrong*) Act 2017 and further enshrined in the Community Vision that was adopted in 2018.

2. The Yarra River Protection (*Wilip-gin Birrarung murrong*) Act 2017 recognises Traditional Owners' custodianship and connection to the river, Birrarung, and identifies the Yarra River corridor as 'one living and integrated natural entity' for protection and improvement.
3. Nillumbik Shire Council is a responsible public entity under the Yarra River Protection Act 2017 for the Yarra River and is represented on the Yarra Collaboration Committee. The Committee was established to oversee the development of the Plan.
4. Public consultation of the Plan is scheduled for late 2019.
5. The Yarra Strategic Plan is in draft form and confidential in nature until endorsed by the relevant entities and released for public consultation.
6. Once endorsed by the Yarra Collaboration Committee members, including eight local governments, seven state government agencies and the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation and each of the Ministers responsible for these organisations, the draft Plan will be placed on public consultation.

Policy context

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

Budget implications

8. There are no binding financial commitments from Council to deliver on the Yarra Strategic Plan.

Consultation/communication

9. The draft Yarra Strategic Plan is proposed to be exhibited late 2019 by Melbourne Water, for community and stakeholder feedback. The engagement plan will be designed in conjunction with the Yarra Consultative Committee of which the Nillumbik Shire Council is a member.

Issues/options

10. Melbourne Water is currently seeking support from all the responsible entities and Yarra Collaboration Committee to endorse and proceed with public consultation on the draft Plan.
11. Once endorsed by the Yarra Collaboration Committee members, including eight local governments, seven state government agencies and the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation and each of the Ministers responsible for these organisations, Melbourne Water will develop its engagement plan and commence public consultation.
12. Public consultation is likely to occur late 2019 for a minimum of three months.
13. Following the public consultation period, the Yarra Strategic Plan will be reviewed and finalised and presented back to the responsible entities and Yarra Collaborative Committee for endorsement.
14. The final plan will then go through the Ministerial approval process for approval.

Conclusion

15. The draft Yarra Strategic Plan has been prepared by the Yarra Collaborative Committee. Nillumbik Shire Council are represented and have provided input to the draft. The attached document outlines further key matters based on the draft Plan, for Melbourne Water's consideration prior to endorsement of the Plan post public consultation.

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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.

CARRIED

The meeting closed to the public at 8:34pm.

The meeting re-opened at 8:38pm.

Close of Meeting

The meeting closed at 8:38pm.

Confirmed: _____
Cr Karen Egan, Mayor