

# Ordinary Meeting of Council

to be held virtually  
on Tuesday 28 July 2020 commencing at 7:00pm.

## Agenda

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

Friday 24 July 2020

Distribution: Public

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# Ordinary Council Meeting

## **Councillors**

**Cr Karen Egan (Mayor)** – Bunjil Ward

**Cr Jane Ashton** – Sugarloaf Ward

**Cr Grant Brooker** – Blue Lake Ward

**Cr Peter Clarke** – Wingrove Ward

**Cr John Dumaresq** – Edendale Ward

**Cr Peter Perkins** – Ellis Ward

**Cr Bruce Ranken** – Swipers Gully Ward

## **Officers**

**Carl Cowie** – Chief Executive Officer

**Blaga Naumoski** – Executive Manager Governance, Communications and Engagement

## Nillumbik Shire Council

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**Ordinary Meeting of Council Agenda**

**28 July 2020**

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## Nillumbik Shire Council

### Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 28 July 2020 commencing at 7:00pm.

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**1. Welcome by the Mayor**

Members of the public are advised the meeting will be livestreamed and recorded and the live stream and video recording will be made publicly available on YouTube and 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**

**Australasian Reporting Awards - Silver Award for 2018-2019 Annual Report**

Nillumbik Council's 2018-2019 Annual Report has achieved a **Silver Award** from the Australasian Reporting Awards (ARA). Winning a Silver Award recognises a high standard of achievement in annual reporting excellence, high quality coverage of current legislative and regulatory requirements, and full disclosure of key aspects of the organisation's core business. Council last entered the ARA Awards in 2015, where it received a Bronze Award certificate.

Now in its 70<sup>th</sup> year, the ARA awards were established by a group of business leaders to improve the standards of financial reporting and communicating with stakeholders in Australia. The ARA award provides private sector, public sector and not-for-profit organisations across the Asia Pacific region with the opportunity to benchmark their annual reports against the ARA criteria, which is based on world best practice.

**6. Confirmation of minutes**

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 23 June 2020.

**Recommendation**

**That** the minutes of the Ordinary Council Meeting held on Tuesday 23 June 2020 be confirmed.

**7. Disclosure of conflicts of interest**

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

- 8. Petitions**
- 9. Questions from the gallery**

10. Reports of Advisory Committees

AC.007/20 Advisory Committee Report

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**Distribution:** Public

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

**Author:** Alena Spry, Governance Officer

**Summary**

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

In accordance with Advisory Committee Terms of Reference, the minutes of meetings are presented to Council.

**Attachments**

1. Living & Learning Nillumbik Advisory Committee minutes - 26 June 2019
2. Living & Learning Nillumbik Advisory Committee minutes - 9 October 2019
3. Living & Learning Nillumbik Advisory Committee minutes - 27 November 2019
4. Living & Learning Nillumbik Advisory Committee minutes - 12 February 2020
5. Arts and Cultural Advisory Committee minutes - 20 April 2020
6. Living & Learning Nillumbik Advisory Committee minutes - 22 April 2020
7. Environment and Sustainability Advisory Committee minutes - 6 May 2020
8. Living & Learning Nillumbik Advisory Committee minutes - 27 May 2020
9. Positive Ageing Advisory Committee minutes - 5 June 2020.pdf
10. Panton Hill Bushland Reserves System User Group Advisory Committee minutes - 18 & 25 June 2020
11. Living & Learning Nillumbik Advisory Committee minutes - 24 June 2020
12. Municipal Health and Wellbeing Plan Advisory Committee minutes - 9 July 2020

**Recommendation**

**That** Council notes the minutes of the following meetings:

- Living & Learning Nillumbik Advisory Committee held on 26 June 2019;
- Living & Learning Nillumbik Advisory Committee held on 9 October 2019;
- Living & Learning Nillumbik Advisory Committee held on 27 November 2019;

**10. Reports of Advisory Committees**

**AC.007/20      Advisory Committee Report**

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- Living & Learning Nillumbik Advisory Committee held on 12 February 2020;
- Arts and Cultural Advisory Committee held on 20 April 2020;
- Living & Learning Nillumbik Advisory Committee held on 22 April 2020;
- Environment and Sustainability Advisory Committee held on 6 May 2020;
- Living & Learning Nillumbik Advisory Committee held on 27 May 2020;
- Positive Ageing Advisory Committee held on 5 June 2020;
- Panton Hill Bushland Reserves System User Group Advisory Committee held on 18 & 25 June 2020; and
- Living & Learning Nillumbik Advisory Committee held on 24 June 2020;
- Municipal Health and Wellbeing Plan Advisory Committee held on 9 July 2020.



**11. Reports of Special Committees**

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**12. Officers' reports****OCM.111/20 Eltham Major Activity Centre Structure Plan**

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

This report presents a final draft of the Eltham Major Activity Centre Structure Plan which incorporates all revisions in responding to submissions received to an earlier consultation draft and verbal submissions to the July Future Nillumbik Committee.

It is an action in the Council Plan 2017-2021 to review the existing Eltham Major Activity Centre Structure Plan (2004), which is now a highly dated document. As part of this review, Council has recently prepared and conducted public consultation on a new structure plan and has then considered submissions to the consultation draft.

On considering these submissions, a final draft of the structure plan has been prepared, which is provided as **Attachment 1**. This final draft responds to issues raised in submissions by (but not limited to):

- Better explaining that the key policy settings contained with the document are a requirement of State Planning Policy;
- Better explaining the role and limitations of a Structure Plan; and
- Incorporating changes, where appropriate, to satisfy certain concerns raised in submissions.

It is the officers' view that the final draft appropriately responds to issues raised in submissions. If Council supports this view, the next suggested steps are for Council to adopt the structure plan and further, to request a planning scheme amendment to articulate the document and its key planning actions through the Nillumbik Planning Scheme.

|                       |
|-----------------------|
| <b>Recommendation</b> |
|-----------------------|

**That Council:**

1. Adopts the Eltham Major Activity Centre Structure Plan (July 2020), which is provided as **Attachment 1**.
2. Requests a future Ordinary Council Meeting be presented with a planning scheme amendment which proposes to reference the adopted structure plan into the Nillumbik Planning Scheme and to make changes proposed by the structure plan to planning provisions.
3. Advises all submitters in writing of Council's decision.

**Attachments**

1. Eltham Major Activity Centre Structure Plan (July 2020)
2. Officer Consideration of Key Issues Raised in Submissions

**12. Officers' reports**

**OCM.111/20 Eltham Major Activity Centre Structure Plan**

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**Background**

1. Since 2002, the Eltham Activity Centre has been designated by State Government policy as one of approximately 120 major activity centres in Melbourne.
2. The purpose of a major activity centre (MAC) is to provide an attractive regional hub for growth where housing is concentrated in close walking distance to jobs, services, retail, community facilities and public transport.
3. The State's activity centre policy aims to create an urban structure which better responds to current social and environmental challenges, such as a lack of affordable housing, high levels of car dependency, a lack of local employment and an ageing population.
4. Consistent with the requirements of State Planning Policy for the Eltham MAC:
  - Council adopted a structure plan for the centre in 2004 and has planned for growth of the MAC in accordance with that plan.
  - Since 2014, maximum building heights of 3-5 storeys have been applied to the Eltham Town Centre. These maximum heights, which include significant application of a mandatory 3 storey height limit, are the strongest and lowest height controls that the State Government would allow for Eltham at that time.
  - The Activity Centre Zone has been applied to the Eltham Town Centre since 2016.
  - Council has conducted or successfully advocated for certain key improvements recommended by the existing structure plan. For example, the Eltham Town Square has been redeveloped.
5. The existing structure plan is now 16 years old and is highly dated. Consequently, Action 4.3.1 of the Council Plan 2017-2021 requires the structure plan to be reviewed.

The Eltham Major Activity Centre Structure Plan

6. A consultation draft of a new Eltham MAC Structure Plan was prepared and presented to Council's February 2020 Ordinary Council Meeting. Key elements of this draft were to:
  - Retain the current range of building heights, 3-5 storeys, but recommended some minor increases within that range.
  - Propose some improvements to existing urban design requirements, such as to require larger landscaped front setbacks in residential areas and to remove a problematic requirement for a top storey to be in the roof.
  - Retain the existing boundaries of the activity centre, except to recommend the logical inclusions of Andrew Park and a large aged care facility, which is currently managed by St Vincent's Care.
  - Propose the long-overdue application of urban design provisions to the Bridge Street Business Area to improve its amenity and functionality.

12. Officers' reports

OCM.111/20 Eltham Major Activity Centre Structure Plan

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- Retain an emphasis on providing a safe pedestrian and cycling environment, whilst providing appropriate traffic flow and advocating to the State Government for substantial improvements to Eltham's public transport precinct.
  - Propose no substantial changes to zoning provisions in relation to land use.
7. In essence, the consultation draft proposed an update to the existing structure plan.
  8. The February 2020 Ordinary Council Meeting endorsed the draft for public consultation.
  9. A total of 36 submissions were received to the draft Eltham structure plan and 8 key opinions or themes have been distilled by officers from submissions, including:
    - a) The plan will fundamentally ruin Eltham "village", particularly by its support for economic growth, medium density housing and building heights of 3-5 storeys.
    - b) The plan's support for certain types of entertainment and a night-time economy will encourage noise and disruptive activities.
    - c) The plan needs to provide more clarity, detail or consistency in its treatment of certain matters, such as existing conditions, intended land-use outcomes and suggested improvements to the road network and/or urban design provisions.
    - d) Particular attention needs to be provided on protecting and promoting the local business community when considering options to stimulate the centre's economy.
    - e) The plan does not adequately support indigenous over native and exotic vegetation.
    - f) The plan should propose more facilities, such as playgrounds, an outdoor gym and park lighting.
    - g) An improved approach is required to providing medium density housing, one which better serves the needs of future residents and protects adjoining residents.
    - h) A number of the recommendations proposed by the plan have, explicitly or implicitly, notable support, such as to:
      - i. Provide a more cycling and pedestrian friendly centre.
      - ii. Better incorporate the aged care facility at Diamond Street into the centre.
      - iii. Better align the Diamond Creek trail through the centre.
      - iv. Advocate for much needed improvements to the public transport hub.
      - v. Enhance the contribution of open space to the well-being of residents.
      - vi. Improve the appearance and function and land use conflicts within the Bridge Street Business Area.
      - vii. Increase front setback requirements in the residential areas.
      - viii. Support an anchor employer in the centre.

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**OCM.111/20 Eltham Major Activity Centre Structure Plan**

10. All submitters had the opportunity to present to the July 2020 Future Nillumbik Committee and on considering submissions and presentations, the Committee resolved to note:
- a) *The submissions received in response to community consultation on the draft Eltham Major Activity Centre Structure Plan.*
  - b) *That a report will be presented to the July Ordinary Council Meeting which will recommend changes to the draft Eltham Major Activity Centre Structure Plan.*

**Policy context**

11. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Review existing precinct structure plans within activity centres to encourage investment and development.

**Budget implications**

12. The cost of preparing the new structure plan is estimated at \$40,000 and this cost is provided for in the Strategic Planning budget.

**Consultation/communication**

13. There have been two key rounds of public consultation to inform preparation of a new structure plan for the Eltham MAC, including:
- An initial extensive round of public consultation, which was conducted between July and September 2018, to inform the structure plan review. This consultation extensively relied on a survey to capture what the community likes about the centre, what they don't like and what improvements they would like to see.
  - The draft plan was put on public exhibition from 10 March 2020 to 29 April 2020 (7 weeks). It appears that, due to the timing of this consultation period and the extensive use of on-line formats, the COVID-19 situation did not appreciably disrupt the community's capacity to consider and respond to the draft structure plan. In context where 36 submissions were received to current draft which is an update to the current structure plan, 49 submissions were received to the current structure plan during consultation to it as a draft in 2004.
14. A number of submitters to the draft structure plan took the opportunity to speak to their submission at Council's Future Nillumbik Committee meeting on 14 July 2020. Issues raised through verbal submissions were not appreciably different from those already raised in written submissions, but were considered as part of changes to the draft structure plan.

**Issues/options**

15. Officers have considered all submissions and find the following key points respond to many of the key themes raised:
- The key policy settings contained with the document are required by State Planning Policy.
  - A height range of 3-5 storey height limits already applies in the Eltham Town Centre and is the lowest and strictest height limits that the State Government has allowed in the centre.

## 12. Officers' reports

## OCM.111/20 Eltham Major Activity Centre Structure Plan

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- The structure plan is a high-level strategic planning document, which cannot provide the level of detail or response to particular requests made in submissions. Many of these requests are the responsibility of State policy, or of further work by Council to implement the structure plan, much of which will have its own community engagement.
  - Notwithstanding the above points, there is scope to modify the document to respond to certain issues raised in submissions. For example, to:
    - Better explain certain language used, or modify that language.
    - Better articulate the requirements and outcomes of State Planning Policy
    - Better indicate the breadth of work to implement the structure plan
    - Better articulate a preference for indigenous vegetation, whilst requiring the necessary flexibility to plant non-indigenous in particular instances.
    - Improve the vision of the document
16. **Attachment 2** elaborates on officers' consideration of submissions. Based on that consideration, the revised structure plan, provided as **Attachment 1**, incorporates the following key changes:
- The vision has been modified to more strongly and clearly emphasise and promote Eltham's landscape and heritage setting.
  - A clear preference for indigenous vegetation has been articulated, concurrent with retaining the option for the selection of non-indigenous vegetation where necessary. For example, where shade trees are required to meet the increasing need for shade in public areas.
  - A glossary of terms has been inserted to better define terms which have caused confusion, such as "night-time economy".
  - Minor changes have been made to the alignment of certain precincts and/or their proposed name.
  - Stronger emphasis has been included on flooding as a constraint in particular parts of the centre.
  - Cross-section diagrams have been included to assist readers in visualising the desired frontage for development at key sites within the centre.
  - The preferred setback in certain areas of the Bridge Street Business Area have been increased, such as on the north side of Brougham Street.
  - Additional emphasis has been placed on protecting light industry and other preferred uses in the Bridge Street Business Area and further, to use application of the Activity Centre Zone to achieve this.
  - Suggested improvements to Commercial Place have been modified, particularly to not include partial or complete pedestrianisation.
  - An action has been included to investigate pedestrianisation in vicinity of St Laurence Lane.

12. Officers' reports

OCM.111/20 Eltham Major Activity Centre Structure Plan

- The description of existing conditions within certain sections of the activity centre has been improved, as has the description of the intended land use and built form outcomes. For example, references to “high-density” or “higher-density” have been removed.
- A clearer and stronger explanation of the requirements of State Planning Policy for growth, economic consolidation and medium density housing has been provided.
- A clearer explanation has been included that 3-5 storey height limits already exist in the Eltham Town Centre.
- A clear explanation has been included that the structure plan is only a high-level planning strategic document and that certain additional actions requested by submitters are either the responsibility of separate policy documents, or further work to implement the structure plan, such as:
  - Sub-projects to improve the road network and bicycle/pedestrian connections and streetscape planting and upgrades.
  - Improvements to the Nillumbik Planning Scheme via one or more planning scheme amendments.
  - Supporting local traders to benefit from opportunities presented by the structure plan.

A key part of this change is the inclusion of a diagram which details the subsequent work that will be required to implement the next level of detail and to implement the broader objectives of the structure plan.

17. These changes are considered to adequately respond to the issues raised in submissions, either by providing a stronger explanation for the stance of the document or, where appropriate, changing the current position of the structure plan.
18. Now that the proposed structure plan has been tested and improved through community consultation, it is recommended that Council adopt the revised document, provided as **Attachment 1**. Further, it is recommended that Council requests a future Ordinary Council Meeting be presented with a planning scheme amendment which proposes to:
  - a) Reference the newly adopted structure plan in the Nillumbik Planning Scheme; and
  - b) Implement the structure plan’s proposed changes to planning provisions.
19. In regards to point a), referencing a structure plan in the planning scheme is the necessary approach to providing authority to such a document through the scheme. In regards to point b), key examples of the changes referred to include:
  - Increasing the setbacks of buildings in key parts of the activity centre, such as in the Residential Interface (Precinct 2).
  - Requiring a less generic and more responsive roof form in the centre, including by removing the requirement for a top storey in the roof.



12. Officers' reports

OCM.111/20 Eltham Major Activity Centre Structure Plan

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- Setting a slightly higher building height limit for some land within proximity of the railway station.

20. It should be noted regarding the amendment that:

- It will require authorisation from the State Government to be commenced, which will require that it agree with the modest development and land use expectations set by the plan.
- It will be publicly exhibited and submitters will have the right to an independent planning panel to consider any opposition they have to the amendment.

**Conclusion**

21. The final draft of the Eltham Major Activity Centre Structure plan has now been tested with the community and has undergone appreciable revision in response to issues raised in submissions. The revised document, provided as **Attachment 1**, is now considered ready for adoption. Further, it is recommended that Council initiate work to prepare a planning scheme amendment that will both provide authority to the structure plan in the Nillumbik Planning Scheme and implement key planning outcomes proposed by the plan.

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**12. Officers' reports****OCM.112/20 C126nill Bridge & John Street Rezoning and C129nill 323-325 Yan Yean Road EAO Removal****Distribution: Public****Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Leigh Northwood, Strategic Planning Lead****Summary**

The purpose of this report is to seek Council's approval to gain authorisation from the Minister for Planning to amend the Nillumbik Shire Scheme, pursuant to Section 8A of the *Planning and Environment Act 1987*, to:

C126nill: Partially rezone Bridge and John Street, Eltham from the Neighbourhood Residential Zone (NRZ) to the Public Park and Recreation Zone (PPRZ). This comes after a Council resolution at its February 2020 Ordinary Council Meeting (OCM).

C129nill: Remove the Environmental Audit Overlay (EAO) from 323 Yan Yean Road, subject to Department of Environment, Land, Water and Planning (DELWP) refusal of earlier amendment C124, and current DELWP advice.

Both of the proposed Amendments are consistent with relevant Ministerial Directions, State and Local Policy and relevant adopted Council strategies.

A full planning scheme amendment process is required for both amendments, including public exhibition.

It is recommended that Council seeks authorisation from the Minister for Planning under Section 8A of the *Planning and Environment Act 1987* to prepare and exhibit Amendments C126nill and C129nill as shown in **Attachments 1, 2, 3 and 4** to this report.

**Recommendation**

**That** Council resolves to request the Minister for Planning under Section 8A of the *Planning and Environment Act 1987* to authorise the preparation and exhibition of Amendment C126nill and C129nill to the Nillumbik Shire Planning Scheme to:

1. Amend Planning Scheme Map 13ZN as shown in **Attachment 2** to rezone the eastern end of John and Bridge Streets Eltham from NRZ to PPRZ;
2. Amend Planning Scheme Map 9EAO as shown in **Attachment 4** to show the deletion of the Environmental Audit Overlay (EAO); and
3. That Council, in accordance with Section 19 of the *Planning and Environment Act 1987*, undertakes exhibition following receipt of authorisation from the Minister for Planning.

**Attachments**

1. C126nill Explanatory Report
2. Nillumbik C126nill 001znMap13 Exhibition
3. C129nill Explanatory Report

12. Officers' reports

OCM.112/20 C126nill Bridge & John Street Rezoning and C129nill 323-325 Yan Yean Road EAO Removal

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4. Nillumbik C129nill 001d-eaoMap09 Exhibition

**Background**

Amendment C126nill

1. Amendment C126nill proposes to rezone the eastern end of John Street and Bridge Street, Eltham from the NRZ to the PPRZ. Refer to **Attachment 1** for Explanatory Report and **Attachment 2** for Amendment Map.
2. The Amendment is the result of a Council resolution at its OCM of 25 February 2020 which noted that Council:
  - (i) *Commences procedures to remove the road reserve status at the non-trafficable eastern end of John Street Eltham and proceeds to rezone the land to Public Park and Recreation Zone linking it to the adjoining linear reserve.*
  - (ii) *Commences procedures to remove the road reserve status at the non-trafficable eastern end of Bridge Street Eltham and proceeds to rezone the land to Public Park and Recreation Zone retaining the footpath currently used as an access way link.*
  - (iii) *Installs bollards at the end of the John Street kerb and channel to prevent vehicles from parking on the reserve and Council-owned land whilst retaining existing constructed driveway access to abutting residential properties.*
  - (iv) *Commences the procedure to create a Friends of John Street Reserve group to assist in the care and maintenance of this small pocket reserve.*
  - (v) *Immediately calls a meeting of abutting residents to discuss a proposed design and planting schedule for the pocket reserve.*
3. Amendment C126nill is required to appropriately zone Council owned land serving a public open space function as a 'pocket park' and green space connection. The John Street site is a sloping allotment which provides pedestrian connection to adjoining residential areas in the east. The sites have been substantially degraded through vegetation removal and deteriorating ground surface due to current vehicular access, pedestrian use and poor drainage (in some areas).
4. Amendment C126nill will apply the PPRZ to Council owned land to ensure Council's open space assets are correctly zoned in applying orderly planning to reflect the sites open space purpose. The primary purpose of the Zone is to recognise areas for public recreation and open space and to protect and conserve the natural environment. Pursuant to Planning Practice Note 2 (Public Land Zones), the Amendment also allows Council as the public land manager to undertake works to upgrade and provide ongoing maintenance of these reserve spaces without the need for a planning permit.

Amendment C129nill

5. Amendment C129nill proposes to amend *Map No. 9 EAO* of the Nillumbik Planning Scheme to show the deletion of the Environmental Audit Overlay (EAO) from 323-325 Yan Yean Road, Plenty. Refer to **Attachment 3** for the Explanatory Report and **Attachment 4** for the Amendment Map.

**12. Officers' reports**

**OCM.112/20 C126nill Bridge & John Street Rezoning and C129nill 323-325 Yan Yean Road EAO Removal**

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6. The subject site was part of an earlier amendment in 2019 – C124nill (then known as C115nill) to remove the EAO. Advice from DELWP was given in February 2020 noting refusal of part of Amendment C124nill (proposing to remove the EAO from the subject site).
7. Council requested at a meeting with DELWP (February 2020) they consider advice in regard to the refusal noting Council's view that the amendment should be considered appropriately as a prescribed amendment pursuant to Section 20(4) of the *Planning and Environment Act 1987* noting that earlier advice from DELWP prior to lodgement of C124nill had been inconsistent with resulting refusal.
8. DELWP provided advice on 3 June 2020 that given there was no Certificate of Environmental Audit issued for the property, it does not meet the relevant tests of Section 20(4) for this amendment pathway in their view. DELWP noted support for the amendment but only where Council undertake a fully exhibited amendment process.

**Policy context**

9. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure that the provision of community infrastructure responds to community needs.

**Budget implications**

10. New amendment initiatives funding has been allocated in the 2020/2021 budget.

**Consultation/communication**

11. If Council resolves to seek authorisation from the Minister for Planning to commence these Planning Scheme Amendments, consultation in accordance with the requirements of the *Planning and Environment Act 1987* would occur. This would involve both Amendments being placed on public exhibition for a period of four weeks once authorisation is received, with the following consultation to be undertaken:
  - a) Notices placed in the Government Gazette and local paper (if local papers available subject to COVID-19);
  - b) Direct notification to nearby landowners and occupiers;
  - c) Amendment documentation available at Council's offices (subject to COVID-19) and website; and
  - d) Amendment documentation available on the DELWP website.
12. In the event that submissions regarding either proposed Amendment are received and cannot be resolved, the amendments and submissions will be referred to an independent planning panel appointed by the Minister for Planning.

**Discussion**

Amendment C126nill

13. This amendment will apply the appropriate zone (PPRZ) to the eastern end of John and Bridge Street, to ensure the land use is consistently and appropriately recognised for meeting the open space requirements of the local community. This is particularly

## 12. Officers' reports

**OCM.112/20 C126nill Bridge & John Street Rezoning and C129nill 323-325 Yan Yean Road EAO Removal**

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relevant in urban areas including the Major Activity Centre of Eltham and surrounds, where increasing urban density is impacting the provision of private open space. These 'pocket parks' play an important role for communities by providing:

- Localised opportunity, both informal and formal for recreational activities.
- Social cohesion and community connectedness.
- Environmental benefits.

14. This amendment is consistent with Local Planning Policy 22.12, the surrounding NRZ1, and applicable overlay SLO3 in meeting objectives including:

- a) To maintain the existing vegetation including canopy trees;
- b) To minimise site erosion, the detrimental effects of excavation and the landscape impact of development; and
- c) To retain plant ground covers and plants with substantial root systems on sloping sites.

15. This Amendment advances the objectives of adopted Council strategies including the:

- a) Open Space Strategy 2005;
- b) Nillumbik Lifetime Play Strategy 2018; and
- c) *Nillumbik Health and Wellbeing Plan 2017-2021* includes the key strategy 'Encourage Active Living', which identifies the objective to:

*Design, develop and promote the development of built infrastructure and the natural environments that support active transport, improved walkability and active recreation.*

Amendment C129nill

16. A Statement of Environmental Audit usually contains one or more recommendations (or conditions if completed under the *Environment Protection Act 1970* that must be implemented for the site to be suitable for the proposed use. EPA can enforce these recommendations (or conditions) through the duty to manage contaminated Land.

17. Under the provisions of the EAO a recommendation to manage residual contamination in an environmental audit statement must be carried out to ensure the environmental conditions of the land are suitable for a specified sensitive use.

18. Various environmental assessments and works have been completed on land situated at 323-325 Yan Yean Road in Plenty including an Environmental Audit and remedial and clean up works.

19. Notwithstanding the above assessments and works including an Environmental Audit prepared for the site in 2000, given an Environmental Audit Certificate has not been issued for the property, Council agreed to undertake an amendment to remove the EAO with the agreement that the owner enter into a Section 173 Agreement in issuing a permit for an 11 lot subdivision in 2018. The Section 173 Agreement recorded the basis on which Council supports the removal of the EAO which includes, that all conditions of the Environmental Audit must be demonstrably adhered to.

12. Officers' reports

**OCM.112/20 C126nill Bridge & John Street Rezoning and C129nill 323-325 Yan Yean Road EAO Removal**

20. This Section 173 Agreement was finalised and was registered on title in September 2019. This agreement gives ongoing certainty on title for current and future owners, in meeting the conditions of the Environmental Audit.
21. In support of Council's approach, proposed reforms to the Victorian Planning Provisions, brought about by a review and amendment of the *Environment Protection Act 2017* (as amended to commence on 1 July 2021), identify that a Certificate of Audit is no longer required subsequent to an Environmental Audit. This reinforces Council's action in requiring a Section 173 Agreement as part of the subdivision permit approval for the site, and is further identified as an appropriate pathway in the proposed updated *General Practice Note 30 for Potentially Contaminated Land* noting that the responsible authority must consider any recommendations in a Statement and:
- a) include provisions in a planning scheme amendment or conditions in a planning permit that reflect the requirements of the conditions of the Statement; and
  - b) require the applicant to demonstrate that the conditions included in the Statement have been or will be met before the use commences.
22. Further the Practice Note identifies that a responsible authority may require a Section 173 agreement under the *Planning and Environment Act 1987* where the conditions on a Statement of Environmental Audit will be ongoing in nature and require maintenance or monitoring such as regular groundwater or waterway testing. No such testing is required by the Audit however demonstration of ongoing remediation is required.
23. It is important to note that the removal of the EAO will have no bearing on planning permit conditions subject to the Section 173 Agreement registered on the Certificate of Title. These conditions will still apply.

**Conclusion**

Amendment C126nill

24. The partial rezoning of the eastern end of Bridge and John Street will ensure the land use is consistently and appropriately recognised for meeting the open space requirements of the local community.
25. This Amendment is consistent with the objectives of State Planning Policy at Clause 19.02 Open Space to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.
26. The Amendment supports the implementation of the LPPF, specifically advancing Local Planning Policy at Clause 21.05 that seeks to provide equitable local recreational facilities and public open spaces to meet local community needs.
27. The Amendment is consistent with various adopted Council strategies including among others, Council's Open Space Strategy 2005 in providing for a broad range of recreational facilities and open space areas which are in close proximity to residential areas, and providing for small scale green open spaces and the localised opportunity for lifetime play as recognised in the Nillumbik Lifetime Play Strategy 2018.

12. Officers' reports

**OCM.112/20 C126nill Bridge & John Street Rezoning and C129nill 323-325 Yan Yean Road EAO Removal**

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Amendment C129nill

28. The removal of the EAO will however give existing and future owners certainty around property values.
29. Amendment C129 is consistent with the Ministerial Direction Note 1, where the Responsible Authority can seek to remove the EAO, where an audit statement determines the land is not contaminated or the requirements of the audit have been completed and the land has been remediated. The Ministerial Note adding that the timely removal of an EAO will avoid costly and time-consuming requirements for all parties.
30. This amendment is consistent with State Planning Policy 13.04-1S which identifies objectives for potentially contaminated land. This State policy aims to ensure that contaminated and potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.
31. The Amendment is supported by the Council Plan 2017-2021 reflected in objective 1.2 *to build community resilience to and awareness of vulnerability to natural hazards and threats.*



12. Officers' reports

OCM.113/20 Queensland Fruit Fly in Nillumbik

**Distribution: Public**

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

**Author: Lisa Pittle, Manager Environment  
Kirsten Reedy, Coordinator Environment**

**Summary**

Queensland Fruit Fly was detected in Greensborough in January 2020 and since then has been detected across Nillumbik. It is one of Australia's worst horticultural pests and is impacting Nillumbik's commercial growers, backyard growers and hobby farmers.

To date, Agriculture Victoria has indicated that Nillumbik is not a priority area for them for Queensland Fruit Fly control.

Council has engaged with local growers, local nurseries and the broader community on Queensland Fruit Fly identification and control.

Council's Environment and Sustainability Advisory Committee has made a submission to Council highlighting that systematic control and/or elimination measures, applied across the board, are vital and must be taken early if infestation is not to develop to the point where it is an existential threat to industry.

The Committee has requested that Council:

- calls upon Agriculture Victoria to take urgent, energetic action;
- continues to publicise the issue and educate Nillumbik residents about QFF; and
- institutes measures to control or eliminate infestation in host plants on (Council) public land in the Shire.

Based on the Environment and Sustainability Advisory Committee's submission, recommendations have been developed for Council endorsement to advocate to the Department of Agriculture; to continue community education and sectoral engagement and to expand efforts to control host plants on Council land.

**Recommendation**

**That Council:**

1. Notes the submission from the Environment and Sustainability Advisory Committee on the threat that Queensland Fruit Fly poses to local backyard growers, hobby farmers and commercial growers and the recommendations for action.
2. Notes that host plants on roadsides including environmental and noxious weeds are Queensland Fruit Fly vectors and that Council's 2020-21 budget has allocated additional funding for control of weeds on public land which can be used to implement a control program based on a biosecurity approach.
3. Continues to publicise the issue and provide educational materials for the Nillumbik community and local nurseries, on how to control the spread of Queensland Fruit Fly.

**12. Officers' reports**

**OCM.113/20 Queensland Fruit Fly in Nillumbik**

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4. Writes to the Minister for Agriculture and Regional Development, Jaclyn Symes, and local Members of Parliament Vicki Ward and Danielle Green, requesting that Agriculture Victoria be resourced to provide support for control of Queensland Fruit Fly in Nillumbik.
5. Seeks Yarra Ranges Council support in advocating to the Minister for Agriculture and Regional Development on Queensland Fruit Fly control in Nillumbik.
6. Continues to explore grant funding opportunities to offset the costs and / or fully fund the removal of host plants and the implementation of a monitoring program.
7. Thanks the Environment and Sustainability Advisory Committee for their submission on this matter and provides a response to the committee on the actions arising from their submission.

**Attachments**

Nil

**Background**

1. Council's Environment and Sustainability Advisory Committee (ESAC) has considered the horticultural and economic threat of Queensland Fruit Fly to the Shire of Nillumbik and has prepared a submission for Council's consideration.
2. Queensland Fruit Fly (QFF) is one of Australia's worst horticultural pests. It can infest nearly all fruit, fruiting vegetables and fruiting trees; it impacts backyard growers, hobby farmers and commercial growers; and its populations multiply rapidly.
3. The female QFF lays her eggs inside the fruit. The growing larvae cause the flesh to rot. It is then inedible and unsaleable.
4. It was detected in Greensborough for the first time in January 2020 and since then has been detected across Nillumbik, including in Eltham, Diamond Creek, Research and Strathewen.
5. Council officers have taken action to liaise with Agriculture Victoria and neighbouring municipalities (Yarra Ranges, Banyule, Manningham and Murrindindi).
6. Agriculture Victoria has advised that Nillumbik falls outside of their area of interest and that they are unable to support QFF control within the Shire. They currently only support QFF control in the Yarra Valley, Goulburn Murray Valley and the Sunraysia region.
7. Council officers have notified the community of the infestation, and provided educational materials on how to control and limit the spread of QFF.
8. The educational materials, aimed at supporting and encouraging community action, have included the production of three 'how to' videos, an information session for community members, a train the trainer webinar to upskill local nursery employees to provide QFF advice and products to their customers, fact sheets, a new Council web page, a Participate Nillumbik survey, and filming of an ABC Gardening Australia QFF segment at Edendale to be aired nationwide in September 2020.
9. Edendale now stocks QFF specific monitoring and control items (baits, netting etc) for sale to the community, and will provide associated face-to-face advice and education.

12. Officers' reports

OCM.113/20 Queensland Fruit Fly in Nillumbik

**Policy context**

10. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Work with the local community to review and implement environmental policies to protect biodiversity and conserve natural resources.

**Budget implications**

11. Council has allocated an additional \$50,000 for weed management in 2020-21.

**Consultation/communication**

12. A Participate Nillumbik site has been established to gather community views on the issue and to help track the spread of QFF across the Shire.
13. A suite of QFF control education materials has been developed for the community and for local nurseries.
14. Conversations are ongoing with Agriculture Victoria, local commercial growers and neighbouring Councils.
15. ESAC has been consulted on the issue of QFF, and Council's current response. ESAC subsequently provided recommendations to Council, which are provided in Table 1 below.
16. The ESAC submission was considered by Council at a Councillor Briefing on 7 July 2020.

**Issues/options**

17. The ESAC submission requests and recommends that Council notes and undertakes the following, with officer comments provided.
18. Table 1 ESAC submission on Queensland Fruit Fly

| ESAC submission   | Officer comment |
|---|-----------------|
| i. Horticulture of fruit and vegetables is an important, major part of the economy of Nillumbik. Annual value is approximately \$34.59 million (2018/19)  | Agreed          |
| ii. Queensland Fruit Fly is a potentially devastating problem for that industry.  | Agreed          |
| iii. Systematic control and/or elimination measures, applied across the board, are vital and must be taken early if infestation is not to develop to the point where it is an existential threat to the industry. | Agreed          |

12. Officers' reports

OCM.113/20 Queensland Fruit Fly in Nillumbik

| ESAC submission  | Officer comment   |
|--|---|
| <p>iv. Nillumbik being adjacent to the Yarra Valley, any infestation there is necessarily a threat to the Valley as a whole – a hub which has been identified as a priority by the Department of Agriculture.</p>  | <p>Agreed</p>   |
| <p>v. Control measures can only be effectively taken under the coordination of the Department of Agriculture (even if some on-the-ground work is undertaken by local authorities within that coordination). Further, the Department has the necessary legislative and regulatory authority.</p>  | <p>Agriculture Victoria involvement would be beneficial to the growers of Nillumbik and the Yarra Valley.</p>   |
| <p>vi. Council therefore calls upon the Department of Agriculture to take urgent, energetic action in consultation with this and other relevant Shires of the area.</p>  | <p>Officers have been in liaison with Agriculture Victoria staff who have indicated that Nillumbik is not a priority area for them.</p>   |
| <p>vii. Council further requests a meeting with the Minister of Agriculture as soon as possible to progress this matter.</p>   | <p>Officers are supportive of this recommendation</p>   |
| <p>viii. While systematic combat against Queensland Fruit Fly is a State-wide matter, Council notes that host plants on public and private land, in particular blackberry and hawthorn (and roadside prunus) but also domestic food plants, are important potential reservoirs of infestation. Council therefore undertakes to:</p> <ol style="list-style-type: none"> <li>1. publicise the issue and to educate Nillumbik residents about QFF</li> <li>2. institute measures to control or eliminate infestation in host plants on (Council) public land in the Shire.</li> </ol> | <p>Action 1 is well progressed, as summarised above.</p> <p>Action 2 - no infestations have been identified in any host plants on Council land to date. However, given the rate of infestation spread this is likely to happen.</p> <p>To prevent vegetation along roadsides from becoming an infestation vector there is merit in removing roadside prunus in a staged manner, starting near commercial growers and utilising a biosecurity approach.</p> <p>This could have a dual benefit of reducing fuel load along some rural roadsides.</p> <p>Council will also continue with its annual blackberry program.</p> <p>It should be noted that Hawthorn is a vector and the historic Hawthorn hedges may be managed to prune and remove fruit.</p> |

12. Officers' reports

OCM.113/20 Queensland Fruit Fly in Nillumbik

| ESAC submission  | Officer comment  |
|--|--|
| Consult urgently with Yarra Ranges Council, inviting them to make similar representations to the Minister    | <p>Yarra Ranges Council (YRC) has little involvement in the control of QFF within their LGA as Agriculture Victoria funds a QFF response and officer in the region, which operates independently of Council.</p> <p>However at the direction of Council, officers could request that YRC support Nillumbik's request for Ministerial intervention to include Nillumbik within its response area.</p> |
| Take (or continue taking as appropriate) control and educational measures that fall within its jurisdiction. | As per above comments.   |

19. The costs associated with coordinating and delivering a Nillumbik QFF response include:

- Removal, where appropriate, of vector host plants from Council land. It has been calculated that \$50,000 per year for up to five years would be required to implement a staged program of removing host plant species from roadsides, focusing on the rural areas of the Shire. Environmental grants would be unlikely to cover this activity. Partial support could be sought from Agriculture Victoria and the commercial growing industry, for example via Melbourne's North Food Group. Likelihood of success is not high. Removal may be staged over a number of years as part of Council's weed management budget.
- Implementing a coordinated baiting and monitoring program in urban and rural areas (external funding required).
- Operating a QFF identification service for the community (within existing budget).
- Providing educational resources to enable backyard growers to control QFF (within existing budget).
- Establishing and supporting QFF neighbourhood action groups, particularly in urban areas where a coordinated neighbourhood approach is essential (currently able to be serviced within existing resources and budget).

20. The consequences of inaction (by Agriculture Victoria, Council, commercial growers and community growers) will result in commercial growers, back-yard and hobby farmer growers losing their crops. This is already occurring at some locations.

21. ESAC recommends to Council that it:

- Endorses the eight points listed in the table in item 12 above;
- Consults urgently with Yarra Ranges Council, inviting them to make similar representations to the Minister; and
- Takes (or continues taking as appropriate) control and educational measures that fall within its jurisdiction.

12. Officers' reports

OCM.113/20 Queensland Fruit Fly in Nillumbik

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**Conclusion**

22. The spread of Queensland Fruit Fly is concerning for Nillumbik's commercial growers, hobby farmers and back yard growers and has potential to also impact on the horticultural industry in the Yarra Valley. It is a threat that requires a collaborative and targeted response.
23. Council's Environment and Sustainability Advisory Committee has documented the threat and impact of Queensland Fruit Fly and provided recommendations for Council action.
24. Increased budget for weed control can be used to target environmental and noxious weeds that are also host plants for Queensland Fruit Fly using a biosecurity approach. In addition grant opportunities can be explored to support weed control for this purpose.
25. Council officers have and will continue to provide educational and training opportunities for the Nillumbik community and local nurseries, in how best to control the spread of Queensland Fruit Fly.
26. It is recommended that Council advocate, together with the Shire of Yarra Ranges, to the State government for resources to support Queensland Fruit Fly control in Nillumbik.

**12. Officers' reports****OCM.114/20 Draft Temporary and Community Events Signage Policy**

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**Distribution: Public****Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Jonathan McNally, Manager Community Safety and Amenity****Megan Sparks, Team Leader Community Safety and Amenity Support****Summary**

Council receives requests throughout the year for the display of temporary community event signage on Council land. The display of temporary signage is considered to be vital for communicating upcoming events to the community. Under Council's Amenity Local Law, signage cannot be displayed on Council Land without a permit.

The draft Temporary and Community Advertising Signage Policy (**Attachment 1**) has been developed to create a framework for the control of all temporary signage throughout the Shire, establishing fixed locations for the display of temporary event signage, and provides greater clarity for community groups seeking to advertise upcoming events.

At the 24 March 2020 Ordinary Council Meeting (OCM), Council endorsed the draft Temporary and Community Advertising Signage Policy for public consultation. The public consultation period was held between 26 March 2020 and 29 April 2020, and Council received 23 written submissions. All submissions were considered at the Future Nillumbik Committee meeting on 12 May 2020. In response to the submissions received, a revised Temporary and Community Advertising Signage Policy has been developed.

Council considered the draft policy at the 23 June 2020 OCM and resolved to defer the adoption of the policy pending further community and stakeholder feedback, with the draft policy to be reported back to Council in July 2020.

This report recommends that Council further defer the adoption of the policy pending additional community consultation.

|                       |
|-----------------------|
| <b>Recommendation</b> |
|-----------------------|

**That Council:**

1. Defer the adoption of the draft Temporary and Community Advertising Signage Policy pending a further review and consultation with the groups running events in the shire to ensure it continues facilitate community events.
2. The draft Temporary and Community Advertising Signage Policy be considered at the September Ordinary Council Meeting.

**Attachments**

1. Revised draft Temporary and Community Advertising Signage Policy

**Background**

1. An existing Council policy, the *Erection of Temporary Advertising Signs for Community Events on Road Reserves and Council Property Policy*, guides decision making under a local law for community event signage on Council land and road reserves.

**12. Officers' reports**

**OCM.114/20 Draft Temporary and Community Events Signage Policy**

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2. A review of the current policy has been undertaken by Officers, and has resulted in the development of a draft Temporary and Community Advertising Signage Policy which sought to respond to the abovementioned Council resolutions as outlined in paragraphs 2 and 3 of this section.
3. Following the exhibition process, Council officers have considered the submissions received, and have now prepared a revised draft Temporary and Community Advertising Signage Policy. In order to address shortcomings in the current policy, improve customer experience, and provide a streamlined approach to temporary signage, the revised draft Temporary and Community Advertising Signage Policy aims to provide consistent policy to guide the erection of temporary signage, and to provide a variety of signage locations better suited to events of varying sizes.
4. Council considered the revised draft policy at the 23 June 2020 OCM and resolved to defer the adoption of the policy pending further community and stakeholder feedback, with the draft policy to be reported back to Council in July 2020.

**Policy context**

5. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Improve the appearance of public spaces.

**Budget implications**

6. The development of the draft Temporary and Community Advertising Signage Policy has been carried out by Council staff with no budget implications.
7. Installation of all infrastructure will be accounted for within the 2020/2021 Community Safety budget. No additional budget is sought as a result.

**Consultation/communication**

8. A total of 23 submissions have been received during the consultation period from 26 March 2020 to 29 April 2020.
9. The adoption of the policy was deferred at the 23 June 2020 OCM, pending a further review and consultation with the groups running events in the shire to ensure it continues to facilitate community events.

**Conclusion**

10. The revised draft Temporary and Community Advertising Signage Policy will provide the necessary direction and guidelines for the management of the temporary and community advertising signs erected in the Shire.
11. In order to satisfy the requirements of the deferral motion from the 23 June 2020 OCM, additional time is required to carry out satisfactory additional community consultation. As such, it is recommended that the draft policy be further deferred to allow a second round of consultation to occur.



12. Officers' reports

OCM.115/20 State and Federal Government Eltham Park and Ride Upgrade Project

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**Distribution:** Public

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

**Author:** Lawrence Seyers, Lead Transport Planner  
Paul Fyffe, Senior Strategic Planner

**Summary**

This report provides an update on the State and Federal Government commitments to provide additional commuter car parking at Eltham railway station and consider how the project can deliver on the aspirations of the Eltham Major Activity Centre Structure Plan.

The report recommends Council write to State and Federal MPs seeking a high quality urban design outcome for the Eltham Park and Ride project, nominating a preferred location, seeking optimum design and land use outcomes and the inclusion of a *Disability Discrimination Act* compliant pedestrian bridge to the Eltham railway station and Main Road.

|                       |
|-----------------------|
| <b>Recommendation</b> |
|-----------------------|

**That Council:**

1. Notes the State and Federal Government commitments for additional commuter car parking at Eltham railway station.
2. Authorises the Mayor to formally write to Minister for Cities, Urban Infrastructure and Population (Commonwealth) and Minister for Major Transport Infrastructure (Victoria), with copies to the Member for Menzies and Member for Eltham that Council:
  - a) Seeks a high quality urban design and land use outcome for the Eltham Park and Ride multi-level car park project that respects the unique environment of Eltham, responds to the preferred character of the area and best contributes to the functionality and vibrancy of the Eltham Major Activity Centre;
  - b) Nominates a preferred location for the Eltham Park and Ride multi-level car park project on the VicTrack landholding along Youth Road; and
  - c) Seeks a *Disability Discrimination Act* compliant pedestrian bridge to the Eltham railway station and Main Road retail precinct.

**Attachments**

1. Location options for the Eltham Park and Ride multi-level car park project

**Background**

1. On 7 November 2018, prior to the 2018 Victorian election, the Victorian Government announced it would build 100 new car parks at Eltham as part of a \$150 million *Car parks for Commuters Fund*.
2. At the time of the announcement, two options were suggested by the Member for Eltham: either Youth Road, or between the back of the Main Road shops and the

## 12. Officers' reports

**OCM.115/20 State and Federal Government Eltham Park and Ride Upgrade Project**

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railway line (both on VicTrack owned land) – these are shown in **Attachment 1** as sites 3 and 6.

3. On 8 May 2019, prior to the 2019 Federal election, the Australian Government announced it would build 200 new car parks at Eltham as part of a \$6 million commitment from its *Urban Congestion Fund*.
4. At the time of the announcement, several options were suggested by the Member for Menzies including land abutting the Eltham Football Ground, or the land around the Scouts hall (both on Council owned land) – these are shown in **Attachment 1** as sites 8 and 9.
5. The planning and delivery of both State and Federal Government commitments is being led by the Victorian Government's Department of Transport, which is also the funding recipient of the \$6 million Commonwealth funding.
6. The project remains at an early development stage with the Victorian Government determining Park and Ride priorities across the whole of Melbourne (noting that the Eltham commitment is part of over 11,000 car spaces to be delivered under the \$150 million *Car parks for Commuters Fund* across Melbourne).
7. Council has advocated strongly to State and Federal Governments to secure additional commuter car parking at the Eltham railway station. In addition to this advocacy, Council has previously expressed concern that:
  - a) The "tired" bus interchange is operating beyond capacity which is creating safety issues associated with limitations in its current design;
  - b) The Eltham railway station has poor accessibility and is not compliant with disability access requirements. Particular issues include steep ramps on all access points and only one, indirect, access point to the station from west (Youth Road), where most commuter parking is located; and
  - c) The extensive State Government land-holdings at and around the railway station, much of which has Main Road frontage, does not contribute to the vibrancy, performance and character of the Eltham Town Centre. For example, most is at-grade car parking, including the Main Road frontage, where a far more effective outcome would be to have this frontage redeveloped.
8. In June 2020, the Victorian Government's Department of Transport undertook site investigations and survey works at Eltham Station that included:
  - a) Environmental and cultural heritage investigations;
  - b) Geotechnical investigation (checking current ground and soil conditions);
  - c) Land surveying to confirm the exact location of buildings, car parks, and equipment; and
  - d) Locating utilities and services such as power lines, water and gas mains, and communications cables.
9. It is likely a multi-level car park will be required to deliver the extra commuter car parking spaces in Eltham.

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**Policy context**

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

- Advocate effectively for Nillumbik's interests at a state and national level.

**Budget implications**

11. There are no budget implications.

**Consultation/communication**

12. Since the election announcements in November 2018 and May 2019 there has been no community consultation from the State or Federal Governments on this project.

**Issues/options**

13. Council officers have considered a number of potential locations to provide additional Eltham railway station commuter car parking, shown in **Attachment 1**.

14. Council officers' initial consideration of these potential locations indicates the preferred location for the Eltham Park and Ride multi-level car park is on the VicTrack land, Youth Road, identified as site 3 in **Attachment 1**, subject to minimising impacts on the Youth Road trees. This VicTrack land, Youth Road landholding has several benefits over other options:

- a) It is 'tucked away' behind the railway station, hidden behind the rail stabling, and slightly downhill of Main Road and a multi-level structure at this location may be less obtrusive than the other locations such as on Diamond Street;
- b) It presents an opportunity to provide a *Disability Discrimination Act* compliant pedestrian bridge with stairs/lifts to the Eltham railway station and Main Road retail precinct, supplementing the current pedestrian underpass which is not *Disability Discrimination Act* compliant;
- c) It does not appear to impact on current open space (such as Andrew Park or Eltham Central Oval options);
- d) It makes use of Metro's maintenance storage area which is a less than optimal land use in a Major Activity Centre;
- e) It appears to prevent any future expansion of the Eltham rail stabling towards Youth Road, and Council has opposed the stabling and any further expansion.
- f) It can protect and retain the Girl Guides and Scout Hall;
- g) If contained to the VicTrack title boundary, this option can potentially retain the avenue of established mature trees on Youth Road; and
- h) It contains and consolidates the multi-deck park within the current footprint of the public transport uses in the Activity Centre.

15. Other possible locations have been discounted for the following reasons:

- a) Andrew Park (identified as site 1 in **Attachment 1**) is a well-established public open space and is identified for future expansion under a Growing Suburbs Fund grant to provide additional tennis courts. Further, any Park and Ride development

## 12. Officers' reports

## OCM.115/20 State and Federal Government Eltham Park and Ride Upgrade Project

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- on this site would likely conflict with the flood prone nature of this land and environmentally sensitive proximity to the Diamond Creek.
- b) The Youth Road Council road reserve (identified as site 2 in **Attachment 1**), has an avenue of mature trees on the east side and car parking on both sides is provided for use of the Eltham Tennis Club (3 and 5 hour parking) and all day parking in close proximity to the Town Centre.
  - c) VicTrack land at Diamond Street (identified as site 4 in **Attachment 1**), is a visually prominent site and any multi-storey structure will be a dominant feature of the landscape, the circular shape of the landholding is also an inefficient layout for a multi-level structure.
  - d) Main Road and Bus Interchange (identified as site 5 in **Attachment 1**), is identified in the Eltham Major Activity Centre Structure Plan for redevelopment as a mixed use retail, transport hub. It is highly unlikely the Department of Transport would entertain such a mixed use outcome.
  - e) Behind Main Road shops and railway line (identified as site 6 in **Attachment 1**), this area is possible for a multi-level car park, but its proximity to the Hurstbridge railway line may encumber plans for rail grade separation through Eltham when this linear corridor may be required for rail works.
  - f) Former Civic Centre (identified as site 7 in **Attachment 1**), this site is potentially the location of a Community Hospital/commercial development and given its topography, the Main Road frontage and the connection to surrounding civic places (such as the Library and Senior Citizens), officers consider it has a 'higher and better' land use than a Park and Ride complex.
  - g) Eltham Central Oval (identified as site 8 in **Attachment 1**), this area has high landscape values associated with open space, sport and recreation, vegetation and heritage (trestle bridge).
  - h) Scouts and Girl Guides (identified as site 9 in **Attachment 1**), this area has two long standing community buildings occupied by the Eltham Scouts Group and Eltham Girl Guides.
16. Currently, development of a multi-deck car park would require approval from a planning permit and the relevant provisions in the Nillumbik Planning Scheme. For the Youth Road site the planning scheme currently sets the following broad requirements for a development of this nature:
- a) Vegetation loss, as far as is practical, should be minimised and opportunities for landscaping (e.g. in the front setback) should be maximised;
  - b) The building height should be limited to 3 storeys at the front increasing to 5 storeys away from the Youth Road frontage;
  - c) Techniques should be used to avoid an expansive wall mass, by varying the type and tones of external materials, using vegetation (existing or planted) at strategic points and varying the geometry of the design;
  - d) Provide a sympathetic design response to surrounding uses such as the Tennis Club;

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OCM.115/20 State and Federal Government Eltham Park and Ride Upgrade Project

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- e) Car park entryways should be consolidated and minimised;
  - f) Opportunities to present to the street and surrounding uses should be maximised;
  - g) The building should make appropriate use of Eltham materials and tones, such as the use of particular renders;
  - h) Opportunities to provide passive surveillance should be optimised; and
  - i) The building should be well-connected into the surrounding pedestrian network, including a future shared trail along Youth Road and access to the railway station.
17. The Eltham Major Activity Centre Structure Plan identifies the need to provide an additional pedestrian crossing of the railway line and it is considered that the Youth Road Park and Ride location can provide a direct and clear connection to the railway station and onto Main Road and the bus interchange (refer **Attachment 1**).
18. It is likely the Victorian Government will “fast-track” planning approval without the need for a planning permit. It is important that the above urban design expectations are made clear to the Department of Transport as an essential outcome of the Eltham Park and Ride project.

**Conclusion**

19. Council has an opportunity at this early stage, to write to State and Federal MPs suggesting a preferred location for a multi-level carpark that can provide high quality urban design outcomes with a *Disability Discrimination Act* compliant pedestrian bridge connection to the Eltham railway station and bus interchange on Main Road.
20. No decision has yet been made about location or scope for the Eltham Park and Ride. By writing to write to State and Federal MPs at this stage of the project will ensure Councillors advocate effectively for Nillumbik's interests at a state and national level.

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**12. Officers' reports****OCM.116/20 June Interim Financial Report**

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**Distribution: Public****Manager: Vince Lombardi, Chief Financial Officer****Author: Robert Malignaggi, Business Services Lead  
Melika Sukunda, Finance Manager****Summary**

This report outlines Council's interim financial performance for the period ended 30 June 2020.

The June draft interim financial report is the fourth report presented to Council on the year-to-date performance against the adopted 2019-2020 Budget, which includes changes resulting from the Mid-Year Financial Review process.

Quarterly reports are presented to Council for the September, December and March quarters. However due to the timing and preparation of the Annual Report, an interim quarterly report is prepared for the June quarter. This is to comply with the provisions of the *Local Government Act 1989* which requires that a financial report be presented to Council every three months.

The interim financial report shows a draft Net Profit of \$4.159 million. This is a decrease of \$15.766 million compared to the Mid-Year Financial Review in December 2019, when a profit of \$19.925 million was forecast. This decrease is largely attributable to changes in Australian Accounting Standard (AASB 1058) which now requires grant income to be recognised when contractual obligations have been met rather than on receipt.

The staged restrictions under the pandemic situation have also had an adverse impact to Council's operating activities during the last three months of the financial year.

**Recommendation**

**That** Council receives and notes the Draft Interim Financial Report for the period ended 30 June 2020 (**Attachment 1**).

**Attachments**

1. Draft Interim Financial Report 30 June 2020

**Background**

1. With the end of the financial year at 30 June 2020, a draft result is now available.
2. The reporting process compares actual performance to budgeted targets. It should be noted that this is only an interim report as the annual external financial audit is yet to be completed. The audited financial statements will be presented in August 2020.
3. There are two profitability measures referred to in this report; Net Profit and Net Surplus.
  - a) **Net Profit:** The periodic financial reports (monthly and quarterly) presented to Council report on the Net Profit. The Net Profit is a statutory accounting measure which is reported on in the Annual Report. This measure captures all of the financial activity for the year which includes both cash and non-cash items.

12. Officers' reports

OCM.116/20 June Interim Financial Report

b) **Net Surplus:** The Net Surplus captures Council’s cash position at the end of financial year. This is an important measure as it provides insight into the cash used in operating activities during the year.

4. Council has ended the financial year in a better than expected position generating a strong Net Profit as per the table below:

|   | Mid-Year Budget Review<br>(forecast position) | Year-to-date Actuals | Favourable / (Unfavourable) Variance |
|---|---|----------------------|--------------------------------------|
| <b>Net Profit</b><br>(statutory accounting)     | 19,925,218                                    | <b>4,158,907</b>     | (15,766,311)                         |
| <b>Net Surplus/(Deficit)</b><br>(cash position) | 175,783                                       | <b>(1,403,028)</b>   | (1,578,811)                          |

**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. Not applicable.

**Draft Interim Income Statement**

8. The Draft Interim Income Statement (the statement) for the period ended 30 June 2020 is provided as **Attachment 1**. The statement details variances and commentary to the Mid-Year Financial Review.

9. The statement includes operating income and expenditure items generating a draft Net Profit for the year ended 30 June 2020.

10. The draft Net Profit figure is a statutory accounting measure which will be reported in the Annual Report. More broadly, a profit result contributes to Council achieving financial sustainability targets of a low risk assessment with the Victorian Auditor General’s Office.

11. Council closed the period ended 30 June 2020 with a draft profit result of \$4.159 million. This represents an unfavourable variance of \$15.766 million above the forecast profit of \$19.925 million from Mid-Year Financial Review in December 2019 (highlighted in yellow in **Attachment 1**).



**12. Officers' reports**

**OCM.116/20 June Interim Financial Report**

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12. The unfavourable variance in the net profit result is largely driven by changes in accounting standard AASB 1058 which requires grant income to be recognised when contractual obligations have been met rather than on receipt.
13. This change has resulted in the \$15.039 million of grant funding being carried forward to the next financial year.

**Draft Net Deficit**

14. The final line of the statement details the draft net deficit for the period ended 30 June 2020.
15. The draft net deficit reflects the overall operating performance of the business for the 12 month period. It excludes items which are of a non-cash nature or capital related.
16. At the Mid-Year Financial Review in December 2019, Council forecast a surplus of \$175,783 as detailed in **Attachment 1**.
17. There has been an unfavourable movement of \$1.578 million which has resulted in a draft net deficit for the period ended 30 June 2020 of \$1.403 million.
18. The current pandemic situation has contributed to the unfavourable movement which has resulted in the draft net deficit position.
19. The result when compared to the Mid-Year Financial Review is largely driven by:
  - a) Reduction in leisure facility income \$873,170 attributable to pandemic restrictions; and
  - b) Leave provision increases for staff across the organisation \$402,816 driven by pandemic restrictions.

**Conclusion**

20. Council's interim financial position at the end of June 2020 reflects an unfavourable result compared to the original Budget and the Mid-Year Financial Review.
21. Council's closing financial position is yet to be finalised as the conclusion of the external audit is due for 8 August 2020.

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12. Officers' reports

OCM.117/20 Procurement Policy Annual Review

**Distribution: Public**

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

**Author: Lance Clark, Senior Procurement Specialist**

**Summary**

The *Local Government Act 1989* requires Council to annually review its Procurement Policy (the policy). An annual review of the policy has been undertaken and a revised Procurement Policy is presented for Council approval. The Audit and Risk Committee considered the revisions at its meeting on 17 February 2020.

The Procurement Policy applies to all procurement and contracting activities at Council and is binding upon Council officers, contractors and consultants whilst engaged by and/or representing Council. This report sets out the revisions and seeks Council approval of the reviewed policy.

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| <b>Recommendation</b> |
|-----------------------|

**That** Council:

1. Adopts the Procurement Policy (**Attachment 1**).
2. Makes the Procurement Policy available for public inspection at the Civic Office and on Council's website.

**Attachments**

1. Procurement Policy
2. Changes to Policy Document

**Background**

1. The *Local Government Act 1989* (the Act) requires Council to prepare and approve a Procurement Policy, and at least once in each financial year to review the policy. The Act defines a Procurement Policy to mean the principles, processes and procedures that will apply to the purchases of goods, services and works by the Council.

**Policy context**

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

**Budget implications**

3. The review of the policies has no direct budget implications.

**Consultation/communication**

4. Policy document has been presented to the Audit Committee for review and comment.
5. The Audit Committee recommended that council adopts the policy.

12. Officers' reports

OCM.117/20 Procurement Policy Annual Review

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**Issues/options**

6. Council last adopted the Procurement Policy in February 2019. The annual review for 2020-2021 has been undertaken in accordance with the Act and has taken into account feedback by officers with procurement responsibilities.
7. The revised Procurement Policy is provided as **Attachment 1** and will replace the current policy.
8. There are a minor changes (additions) made to the policy document which is detailed in **Attachment 2**. The policy will apply to all procurement and contracting activities of Council.
9. The policy aims to ensure that procurement activities are undertaken in a consistent and appropriate manner by Council adopting best practice principles, and provides guidance for:
  - Achieving value for money objectives.
  - Ensuring public money has been spent in the best interests of the community.
  - Generating support for the local economy and the wider community.

**Conclusion**

10. The Procurement Policy is presented to Council for formal approval.

12. Officers' reports

OCM.118/20 Tender Report - Upcoming Contracts via Agency Arrangements

**Distribution:** Public

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

**Author:** Lance Clark, Senior Procurement Specialist

**Summary**

This report is to provide notice of a range of tender activities and resulting contracts via Appointed Agencies – MAV and Procurement Australia, for which contracts will need to be entered into during the period September to December 2020.

These agency arrangements are subject to a public tender process and conform to Council's procurement requirements as per the relevant provisions of the *Local Government Act 1989* – section 186 (Restriction on power to enter into contracts), section 3C (Council Objectives) and section 208 (Best Value Principles).

These tenders and contracts are to replace existing contract arrangements for business as usual goods and services and are low risk. These tenders are not for new projects or new business requirements.

The list of current tenders that will require contracts to be executed during the stated period are provided in **Attachment 1**. The details of the contract periods and anticipated contractual spend based on historical expenditure over the full possible term of contract is provided in **Attachment 1**.

A report will be provided to the Chief Executive Officer for these tenders and contracts as part of the contract execution process.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the individual value of these contracts exceed the specified financial limits and a Council resolution is therefore required to award the contracts.

|                       |
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| <b>Recommendation</b> |
|-----------------------|

**That Council:**

1. Authorises the Chief Executive Officer to finalise and execute the contract documentation for the list of provided tenders below.

| Contract Number | Contract Name                                 |
|-----------------|---|
| 2021-4          | Marketing & Print Services                    |
| 1920-99         | Fleet Services & Consumables                  |
| 1920-98         | Recruitment, Training and Associated Services |
| 2021-5          | Unaddressed Mail Services                     |

2. Delegates the powers and authorisation to the Chief Executive Officer to review and approve the options to extend the individual contract terms as per the listed options in **Attachment 1**.
3. Makes public the decision regarding the contracts but the tender evaluations and reports remain confidential.

**12. Officers' reports**

**OCM.118/20 Tender Report - Upcoming Contracts via Agency Arrangements**

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**Attachments**

1. Contract List

**Background**

1. The contracts listed are for business as usual goods and services requirements only.

**Policy context**

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

**Tender for supply**

3. The public tender for supply activities have been or will be undertaken by the stated appointed agency on behalf of Nillumbik Shire Council and other LGAs.
4. A tender report will be provided to the Chief Executive Officer for each of the tenders as part of the execution of contracts with the stated agencies and appointed suppliers.

**Budget implications**

5. The associated costs for the various goods and services are included as part of the annual budget process.

**Consultation/communication**

6. Where required, the respective business units will be engaged via Procurement to discuss agency tender outcomes.

**Tender certification/Disclosure of Conflict of Interest**

7. The tenders described in this report are in accordance with Council's Procurement Policy and Guidelines, the relevant provision of the *Local Government Act 1989* – section 186 (Restriction on power to enter into contracts), section 3C (Council Objectives) and section 208 (Best Value Principles).
8. This report has been prepared by the Senior Procurement Specialist and there are no actual or perceived conflicts of interest in evaluating the tender outcomes and in determining the recommendations contained in this report.

12. Officers' reports

OCM.119/20 Local Parks Program Pocket Parks Grant

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**Distribution: Public**

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

**Author: Nathan Roberts, Recreation and Open Space Planner  
Shannon Maynard, Coordinator Recreation and Leisure  
Heath Gillett, Manager Recreation and Leisure**

**Summary**

To provide information to Councillors and the community on the Local Parks Program – New Pocket Parks grant available to Nillumbik, and to support the recommended projects for submission.

Grant submissions are due 10 August 2020.

|                       |
|-----------------------|
| <b>Recommendation</b> |
|-----------------------|

**That Council:**

1. Endorses the following locations in order of priority to be submitted for funding through the Local Parks Program – New Pocket Parks:
  - a. Andrews Park, Eltham (60 Diamond Street, Eltham)
2. Provides the Chief Executive Officer with delegation to approve contracts associated with any successful applications under the Local Parks Program – New Pocket Parks, up to the total project cost identified in the submission.

**Attachments**

1. Local Parks Program Guidelines - New Pocket Parks

**Background**

1. The \$35 million New Pocket Parks Program is part of the Victorian Government’s commitment to create more than 6,500 hectares of parklands and trails across Melbourne. The focus is on establishing new pocket parks in built-up urban areas.
2. The available funding is up to \$1.3 million per pocket park with co-investment from Council and/or other contributors preferred but not mandatory.
3. The project site is limited to up to 0.2 hectares/2,000 square metres in size.
4. Eligible councils may nominate up to two (2) projects per LGA.
5. Only applies to projects within the Eltham Electorate.
6. Projects are to be delivered by 30 June 2022.
7. The grant submissions guidelines are included as **Attachment 1**.

**Policy context**

8. 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.

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OCM.119/20 Local Parks Program Pocket Parks Grant

**Budget implications**

- 9. No capital contribution from Council is proposed.
- 10. Ongoing operational and maintenance as well as renewal cost of asset.

**Consultation/communication**

- 11. Consultation has taken place with Local Parks Program team at Department of Environment, Land, Water and Planning, the administering body of the grants. This consultation was helpful in determining which projects to recommend to Council.

**Issues/options**

- 12. The projects are to be located in the Eltham electorate area, which is currently serviced by two regional play spaces and a district scale park.
- 13. An independent review of Nillumbik’s play spaces undertaken in 2018 did not recommend additional large scale play spaces in Eltham of this scale. Therefore informal leisure activities have been considered as alternatives to playgrounds.
- 14. Areas that were considered within Eltham included Council land previously considered for sale, and subsequently rezoned to Public Park and Recreation, including:
  - a) 20A Henry Street,
  - b) 12 The Eyrie,
  - c) 26 Renshaw Drive,
  - d) 34 Glen Park Road,
  - e) 120 Arthur Street,
  - f) 17a Ruskin Court
  - g) 34 Raglan Road,
  - h) 62 Frank Street
- 15. These spaces were not a close match for the grant criteria, particularly with respect to proximity to services and demonstrable community engagement.
- 16. Candidate sites identified are listed in the table below.

| Location   | Size   | Proposed Scope  | Budget estimate   |
|--|--|---|-------------------|
| Andrews Park, Eltham<br>(60 Diamond Street,<br>Eltham) | Land left over<br>post tennis court<br>extension -<br>2000sqm2 or less | Accessible unisex public<br>toilets<br><br>Senior exercise fitness<br>equipment<br><br>3x3 basketball court<br><br>Connection across<br>Diamond Street<br><br>Supporting trail<br>infrastructure – bike | Up to \$1,300,000 |



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OCM.119/20 Local Parks Program Pocket Parks Grant

| Location                        | Size             | Proposed Scope  | Budget estimate   |
|---------------------------------|------------------|---|-------------------|
|                                 |                  | repair station, drinking fountain, bike racks   |                   |
| 4 Raglan Crt, Research          | 1700sqm2         | Seating, BBQ and shelter<br>Playground equipment<br>Landscaping   | \$300,000         |
| 501 Main Rd, Eltham             | 1500sqm2         | Seating, BBQ and shelter<br>Playground equipment<br>Senior fitness equipment<br>Landscaping                           | \$300,000         |
| 145 Allendale Rd, Diamond Creek | 2000sqm2 or less | Junior size BMX pump track<br>Amenities<br>Seating, BBQ and shelter<br>Landscaping<br>Connection across Diamond Creek | Up to \$1,300,000 |
| St Laurence Lane, Eltham        | 2000sqm2 or less | Seating, equipment and landscaping  | Up to \$1,300,000 |

17. The final scope of works submitted as part of the grant application will be limited by the maximum available grant opportunity of \$1,300,000.

**Conclusion**

18. Endorse the submissions and include in the recommendation a plan that demonstrates procurement of relevant contracts through the Council caretaker period.

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OCM.120/20 Recreation Trails Advisory Committee Term Extension

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**Distribution:** Public

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

**Author:** Nathan Roberts, Recreation and Open Space Planner  
 Shannon Maynard, Coordinator Recreation and Leisure  
 Heath Gillett, Manager Recreation and Leisure

**Summary**

The Recreation Trails Advisory Committee provides advice to Council on the planning, development and use of trails across the Shire. The Committee consists of three Councillors and 11 community representatives. The current Committee term is due to end July 2020. This report proposes extending the term of the existing Committee until 30 July 2021.

**Recommendation**

**That** Council extends the current Recreation Trails Advisory Committee term until 30 July 2021.

**Attachments**

1. Recreation Trails Advisory Committee - Terms of Reference

**Background**

1. The Recreation Trails Advisory Committee's (RTAC) role is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development and review of new and existing recreation trails within the Shire of Nillumbik.
2. The RTAC's membership is diverse and includes representatives under categories outlined in the Terms of Reference:
  - One or more Councillor representatives appointed by Council, one to act as Chairperson (Cr John Dumaresq (Chair), Cr Jane Ashton and Cr Bruce Ranken)
  - Two Friends of or Landcare representatives (Andrew Bakos and Rex Niven)
  - Two community horse riding representatives (Cath Giles and Kay Cruse)
  - Two cycling representatives (Jamie Sharp and Stephen Hadley)
  - Two walking group representatives (Jan Davies and Finn Westerman)
  - Two general community representatives, one urban (Vince Bagasauskas) and one rural (Bob Muxlow)
  - One person with a disability or advocate on behalf of people with a disability (Louise Barry)
3. In July 2017, the 11 community representatives were appointed for a two year term, ending July 2019. At the Ordinary Council Meeting on 29 January 2019, Council resolved to extend the existing Committee's term for a further 12 month period.

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**OCM.120/20 Recreation Trails Advisory Committee Term Extension**

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4. The current Committee term is due to end July 2020.
5. Modifications to the terms of appointment by Council resolution is permitted under the Terms of Reference for this Committee.

**Policy context**

6. 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**

7. Administrative support for RTAC is provided within Council's operating budget.
8. Investment in the construction, upgrade, renewal and maintenance of trails is guided by the Nillumbik Trails Strategy 2011 and is outlined in the five-year Capital Works Program if funds are assigned.

**Consultation/communication**

9. The Committee's extension was discussed with Councillors and Committee members at meeting held on 28 November 2019, with all supportive of the 12 month Committee extension and ongoing commitment to the Nillumbik trail network.

**Issues/options**

10. With the Diamond Creek Trail planning completed and critical work about to be undertaken in relation to recreational trails, the recommended position of officers is to extend the current Committee's tenure for a further 12 months. That way the extensive local trails knowledge can be retained, utilised and maximised.
11. The next focus in the implementation of the Trails Strategy is to undertake an asset and fit for purpose audit of all existing trails in the current trail network.
12. The information collected will inform a detailed map and implementation plan for maintenance service levels, as well as development of ancillary infrastructure and local links.
13. The current Committee have been working with officers to develop much needed Trails resources and for this reason, it is believed that an extension to their term would be beneficial.

**Conclusion**

14. The continuation of the current Committee will ensure diversity of membership and extensive local trails knowledge of the RTAC can be retained. Once endorsed, the Committee members will be informed regarding the Committee's term.

12. Officers' reports

OCM.121/20 Council Plan Quarterly Performance Report

**Distribution:** Public

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

**Author:** James Hartigan, Business Performance Analyst  
Sue Richards, Business Support Officer

**Summary**

The purpose of this report is to present the Council Plan Quarterly Performance Report for Council's consideration. The attached report provides the final quarterly update on the progress of the 2019-2020 Annual Action Plan, which aligns to delivery of the Council Plan 2017-2021.

Of the 40 actions, 19 are complete, 6 are on track, 5 have been integrated into 'business as usual', 1 has encountered minor issues due to the COVID-19 situation, 6 actions have been re-scoped/re-scheduled (2 of those due to the COVID-19 situation), and 3 actions have been postponed.

The year's performance against the delivery of the Council Plan will be published in the Council's Annual Report 2019-2020.

**Recommendation**

**That** Council receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the fourth quarter of 2019-2020, being the period ending 30 June 2020.

**Attachments**

1. Quarter 4, 2019-2020 Council Plan Performance Report

**Background**

1. The Council Plan 2017-2021 was developed following the general Council election in October 2016 and adopted by Council on 27 June 2017.
2. The Annual Action Plan 2019-2020 was developed and endorsed at the June 2018 Ordinary Council Meeting. The Annual Action Plan 2019-2020 contains 40 actions contributing to delivery of the Council Plan within the corresponding financial year.
3. This report provides Council with an update on the progress delivery of the 40 actions in the Annual Action Plan. The report documents how Council is performing and delivering on the Council Plan for the Nillumbik community.

**Policy context**

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

**Budget implications**

5. This report is part of Council's monitoring of the Council Plan and Budget. The resources for the monitoring and the preparation of this report are accommodated within existing operational budgets.

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**OCM.121/20 Council Plan Quarterly Performance Report**

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**Consultation/communication**

6. The Council Plan 2017-2021 was developed following a comprehensive program of workshops and briefings with Councillors following the general Council election in October 2016, as well as a period of consultation with the community in May and June 2017. The Council Plan 2017-2021 was adopted by Council in June 2017.
7. The Annual Action Plan 2019-2020, which was developed following two briefings with Councillors and adopted by Council in June 2019, contains 40 actions contributing to delivery of the Council Plan within the corresponding financial year.

**Commentary on performance report**

8. The Annual Action Plan 2019-2020 contributes to the delivery of the Council Plan 2017-2021 through 40 priority actions that sit under the five high-level strategic objectives of:
  - Engaged, connected communities – a place where communities and ideas thrive, underpinned by trust, confidence and continuous learning.
  - Active and creative people – active lifestyles and artistic expression are fostered through participation and innovation.
  - Safe and healthy environments – healthy and safe communities enjoy living in our iconic Green Wedge environment.
  - A prosperous economy – a strong local economy that supports business growth, jobs and community wealth.
  - Responsible leadership – collaborative and consultative leadership that builds trust and makes the best use of available resources to the benefit of all in the pursuit of excellence.
9. Of the 40 actions:
  - 19 are complete;
  - 5 have been integrated into 'business as usual';
  - 6 are on track;
  - 1 has encountered minor issues due to the COVID-19 situation;
  - 6 actions have been re-scoped/re-scheduled (2 of those due to the COVID-19 situation); and
  - 3 have been postponed.
10. Some highlights of activities and deliverables achieved during the final quarter (April to June) include:
  - The *Shire Plan 2040 - Towards a Community Vision for Nillumbik Background Paper* was endorsed by Council (Action 1);
  - In relation to the Nillumbik Customer First Strategy, Council retained its standing as the top performed council in the sector. Also, Customer First training was delivered remotely to over 100 staff, implementation of the Customer Complaints Policy continued, and the Better Business Approvals project was undertaken in

## 12. Officers' reports

## OCM.121/20 Council Plan Quarterly Performance Report

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partnership with State Government and implementation initiatives are now underway to support a one-stop-shop model (Action 2);

- The funding agreement with Government for the Diamond Creek Trail was signed and on-ground works commenced for the section of trail between Diamond Creek and Wattle Glen. The commencement of the physical trail works follows success with the confirmation of project funding and tendering for the works which occurred earlier in the year (Action 13a);
- Engagement with the solar farm development industry has commenced, with the assistance of external advisors who have aided the development of necessary documentation to seek offers from the market, to develop a solar farm at the former Plenty landfill site. Market offers are expected to be received in July, with the results reported to Council at a subsequent Council meeting (Action 14);
- Development of the draft Housing Strategy was abandoned at the June Ordinary Council Meeting. A new Nillumbik Neighbourhood Character Strategy and Community Reference Group will be prioritised to inform any future Nillumbik Housing Strategy (Action 22);
- With respect to bushfire management, Council was successful in its application for grant funding under *Safer Together - Strengthening Partnerships for Bushfire Management with Local Government*. An officer has been appointed to a 12 month position to strengthen partnerships and collaboration across community, local government, agencies, and other key organisations in the spirit of shared responsibility and in building community resilience (Action 23);
- Development of a new Climate Action Plan has commenced and an initial consultation phase is scheduled for the first quarter of 2020-2021 (Action 25);
- The kerbside waste collection service transitioned to a new provider with new service options made available from 1 July 2020 (Action 27);
- The Economic Development Strategy was adopted at the Ordinary Council Meeting in June, with actions programmed for implementation to occur in 2020-2021 (Action 28);
- The multi-year Planning Service Plan is progressing well and is largely on track. Notable achievements include the development and implementation of online lodgements for all types of planning applications. The remainder of the planning application process has also been fast tracked to a fully digital service to enable remote working (Action 29);
- The Equine in Nillumbik plan was adopted at the Ordinary Council Meeting in June, with actions programmed for implementation in 2020-2021 (Action 30);
- The Smart Cities Network Project was completed in June 2020. The project involved the supply and installation of Gateways and Sensors to enable the collection of data to drive change, innovation, monitor and improve the efficiency in the delivery of services, and support the potential for the delivery of new services (Action 31); and

12. Officers' reports

OCM.121/20 Council Plan Quarterly Performance Report

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- A public tender has been issued and submissions have been received for the implementation of an Asset Management System. The shortlisting of vendor's submissions has been completed. A new asset management system will enable Council to effectively manage its wide-ranging assets portfolio through a single data source (Action 39).
11. The following actions have been rescheduled and transferred to the Council Plan's Annual Action Plan for the 2020-2021 year:
- Action 5 – Develop the Community Infrastructure Policy and associated guidelines that will support the preparation of a community infrastructure plan for the Shire;
  - Action 6 – Develop and implement a system which identifies booking availability and capacity of Council's sporting pavilions and halls network for community use (to be reported through the business transformation program action);
  - Action 8 – Establish a 'statement of commitment' as an action towards reconciliation (instead of a Reconciliation Action Plan) and continue cultural consultations with the Wurundjeri tribe;
  - Action 19 – Undertake an audit of performing arts venues in the shire, and develop a plan;
  - Action 26 – Review of Integrated Water Management Plan aligned with Melbourne Water and DELWP strategies for water and waterway management; and
  - Action 36 – Develop a structure plan for the Wattle Glen township (with the 2020-2021 adopted budget now providing funds to undertake this project).
12. The year's performance against the delivery of the Council Plan will be published in Council's Annual Report 2019-2020.

**Conclusion**

13. The Council Plan Quarterly Performance Report provides an update on the outcomes of the Council Plan at the end of the final quarter of the 2019-2020 financial year. The report documents how Council performed and delivered over the final quarter and provides an end of year overview on the Council Plan for the Nillumbik community.
14. While this report focusses on the 40 reporting actions in the 2019-2020 Action Plan, only 18 of the 117 priority actions in the Council Plan 2017-2021 remain outstanding moving into the final year of the plan.
15. This overall position suggests that Council has continued to maintain a solid effort at delivering on the priority actions and significant outcomes for the community.



12. Officers' reports

OCM.122/20 Council Plan 2017-2021 - Annual Action Plan 2020-2021

**Distribution: Public**

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

**Author: James Hartigan, Business Performance Analyst**

**Summary**

Presented for consideration is the draft Annual Action Plan 2020-2021, comprising 18 key actions which will support the final year delivery of the Council Plan 2017-2021.

The Annual Action Plan has been developed in line with the Annual Budget process and has taken into consideration Council priorities, major initiatives and incomplete actions within the Council Plan.

It is recommended that the Annual Action Plan 2020-2021 be adopted, with reporting updates received following every quarter that will seek to demonstrate in a practicable and tangible way how the Council Plan 2017-2021 is being delivered to the community.

|                       |
|-----------------------|
| <b>Recommendation</b> |
|-----------------------|

**That Council:**

1. Adopts the Annual Action Plan 2020-2021 (**Attachment 1**), including its 18 actions which will support the final year delivery of the Council Plan 2017-2021.
2. Authorises the Executive Manager Business Transformation and Performance to amend Action 16 of the Annual Action Plan, if required, to align with outcomes of the Eltham and Diamond Creek Activity Centre Structure Plans at the July and August Ordinary Council Meetings respectively.
3. Receives quarterly updates on the progress of the adopted plan.

**Attachments**

1. Council Plan - Annual Action Plan 2020-2021

**Background**

1. Council adopted the Council Plan 2017-2021 at the June 2017 Ordinary Council Meeting. The Council Plan is the Council's statement of its priorities for the Nillumbik community over the four year life of the plan.
2. In line with the annual budget process, an Annual Action Plan has been produced, identifying how the organisation will work towards achieving the intent of the Council Plan in the final year of the plan. The Annual Action Plan 2020-2021 (**Attachment 1**) includes 18 actions, and has been informed by:
  - Incomplete actions from the Council Plan (including 6 incomplete actions from the 2019-2020 Annual Action Plan);
  - Initiatives outlined in the adopted Annual Budget 2020-2021; and

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**OCM.122/20 Council Plan 2017-2021 - Annual Action Plan 2020-2021**

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- An opportunity to report quarterly on deliverables under key strategy and policy documents adopted by Council under this Council Plan (equating to 6 actions in total).
3. Of the 117 priority actions in the Council Plan 2017-2021 outlined in **Attachment 1**:
    - 85 are completed or integrated into BAU (shaded blue);
    - 18 remain in progress (shaded green);
    - 2 are postponed (shaded purple); and
    - 12 are incorporated into the delivery of another action (shaded grey).
  4. Of the 18 actions that remain in progress, technically 6 of these (identified as Actions 2, 6, 9, 11, 12 and 14 of the Annual Action Plan) are also complete, but are ongoing reporting actions to demonstrate the value of these 6 strategies/plans to the community.
  5. This overall position suggests that Council continues to maintain a solid effort at delivering on the priority actions of the Council Plan and significant outcomes for the community.

**Policy context**

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

**Budget implications**

7. The Council Plan is a high-level strategic document and does not make specific budget commitments. The Annual Action Plan has been informed by budget commitments such as major initiatives.
8. The cost associated with reviewing the delivery of the Council Plan and developing the Annual Action Plan is officer time and this is met within existing operating budgets, as are ongoing reporting requirements throughout the year.

**Consultation/communication**

9. The Council Plan was developed following a comprehensive program of workshops and briefings following the general election in October 2016. Prior to formal adoption, it was placed on public exhibition and submissions from the community were invited.
10. There is no legislative requirement for Council to consult on the draft Annual Action Plan. The most notable inputs are the Council Plan and the Annual Budget, both of which are subject to extensive public consultation during development.

**Annual Action Plan 2020-2021**

11. The draft Annual Action Plan 2020-2021 has been prepared for consideration following an overall review of the Council Plan 2017-2021. This plan identifies 18 reporting actions and outlines how the organisation will work towards delivering on the Council Plan in this final year of the plan.

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12. The plan will facilitate clear and simple reporting on the Council Plan which reflects priorities for Council in terms of delivery and accountability to the community for this financial year.
13. Progress against each of the actions in the Annual Action Plan will be reported to Council quarterly. The plan results will also be made publicly available in Council's 2020-2021 Annual Report.

**Conclusion**

14. Presented for consideration is the draft Annual Action Plan 2020-2021 which demonstrates how the Council Plan 2017-2021 is being delivered to the community. Following the adoption of the plan, work will progress on delivering the 18 actions with quarterly reporting against the actions outlined in the adopted plan.

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12. Officers' reports

OCM.123/20 Assembly of Councillors

**Distribution:** Public

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

**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 23 June 2020.

An assembly of Councillors record was kept for:

- Arts and Cultural Advisory Committee – 15 June 2020;
- Councillor Briefing – 16 June 2020;
- Environment and Sustainability Advisory Committee – 17 June 2020;
- Panton Hill Bushland Reserves System User Group Advisory Committee – 18 June 2020;
- Pre-meeting to Ordinary Council Meeting – 23 June 2020;
- Living & Learning Nillumbik Advisory Committee – 24 June 2020;
- Panton Hill Bushland Reserves System User Group Advisory Committee – 25 June 2020;
- Positive Ageing Advisory Committee – 3 July 2020;
- Councillor Briefing – 7 July 2020;
- Municipal Health and Wellbeing Plan Advisory Committee – 9 July 2020; and
- Pre-meeting to Future Nillumbik Committee – 14 July 2020.

**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 15 June 2020, 16 June 2020, 17 June 2020, 18 June 2020, 23 June 2020, 24 June 2020, 25 June 2020, 3 July 2020, 7 July 2020, 9 July 2020 and 14 July 2020 (**Attachment 1**).

**Attachments**

1. Assembly of Councillors reported 28 July 2020

**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.

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**OCM.123/20 Assembly of Councillors**

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**Policy context**

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

**Budget implications**

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

**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 Councillors forms that have been submitted since the matter was last reported to Council on 23 June 2020.

**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.124/20 Website Upgrade Contract

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**Distribution:** Public

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

**Author:** Eddie Cheng, Manager Information Technology

**Summary**

This report is an overview of a separate confidential report recommending that Council accept and enter into a Software as a Service (SaaS) Agreement for provision of website licencing, hosting, website integration and functionality, maintenance and support services, as well as additional service focussed on improvement in all facets of the Council's website.

These services underpin an important deliverable of Council's digital business transformation program – a transformational upgrade to Council's website.

A public tender process for website services outlined above was undertaken by the Municipal Association of Victoria (MAV) in 2016. Under the conditions of the MAV tender and appointed supplier arrangements, councils can contact an appointed supplier to negotiate individual agreement requirements.

The recommended SaaS contracted agreement period is for an initial three years, with two by one year extension options.

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 authorise the Chief Executive Officer to finalise and execute the SaaS Agreement, and to review and approve any service changes during the term of the agreement.

**Recommendation**

**That** Council notes the report.

**Attachments**

Nil

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12. Officers' reports

**OCM.125/20 Tender Report - Amendment to Contract 1920-87 Large Site and Street Lighting Electricity**

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**Distribution: Public**

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

**Author: Lance Clark, Senior Procurement Specialist**

**Summary**

This report is to notify of an amendment to the stated contract period for Contract 1920-87 Large Site and Street Lighting Electricity that was submitted to Council at the Ordinary Council Meeting held on 23 June 2020.

This is for electricity supply for Council's Civic Offices located at 32 Civic Drive, Greensborough and Street Lighting.

The revised contract term is for a period of four (4) years.

The contract period commences on 1 January 2021 with an end date of 31 December 2024.

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 remains confidential.

**Recommendation**

**That** Council notes this report.

**Attachments**

Nil

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13. Notices of Motion

**NOM.006/20 Disposal of fill on Green Wedge land**

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Cr Peter Clarke advised of his intention to move the following Notice of Motion at the Ordinary Council Meeting on 28 July 2020:

**Motion**

**That** Council write to:

1. Request the Minister for Planning initiate immediate reforms to the Victoria Planning Provisions, to introduce a particular provision which will allow councils to regulate soil and fill dumping in rural areas, protecting the Green Wedge from the significant impacts of illegal fill/soil disposal.
2. Request the Minister for Planning to improve planning controls to regulate the practice of the disposal of clean fill on rural land.
3. Request the Minister for Planning instigate legislation to powers to Councils to issue “cessation of works notices “for works Councils believe have commenced without appropriate approvals in place.
4. Request the Municipal Association of Victoria (MAV) advocate for amendments to all peri-urban planning schemes for clearer planning and a regulatory framework to respond to the disposal of clean fill in rural areas. In particular, that the MAV call on the Victorian Government to develop a Statewide approach to the issue of dumping soil/fill through:
  - Improving land use definitions (for what is often a commercial scale enterprise) and planning permit triggers in the Victorian Planning Provisions for soil dumping;
  - Introducing a new particular provision in the Victoria Planning Provisions to require a permit for this activity; and
  - Consideration of a volumetric trigger for rural zones, such as the 100 cubic metre threshold required in the Hume Planning Scheme, which is considered an enforceable, measurable permit trigger.
5. Local members Vicki Ward and Danielle Green, the Minister for Local Government Shaun Leane and the Shadow Minister for Planning Tim Smith seeking their support and advocacy to implement the recommendations above.

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13. Notices of Motion

NOM.007/20 Chapel Lane

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Cr Peter Perkins advised of his intention to move the following Notice of Motion at the Ordinary Council Meeting on 28 July 2020:

**Motion**

1. **That** Council officers prepare a report for the August FNC on the commercial dumping of soil at 265 and 130 Chapel Lane by ESG.
2. The report will detail the history of planning approvals, requests and meetings with officers including the advice to applicants.
3. Council does not support this use within our Green Wedge and requires an explanation to Council and community as to why a permit is not required.
4. Council further requests explanations as to why recent VCAT Red Dot decisions on soil dumping in a Green Wedge are not applicable in these circumstances.
5. Council immediately request the Planning Minister to introduce into the schedule for Green Wedges a 100 cubic metre limit to landfill.

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- 14. Delegates' reports
- 15. Supplementary and urgent business
- 16. Confidential reports

Pursuant to section 66(2) of the *Local Government Act 2020*, the meeting of the Council be closed to members of the public for the consideration of the following confidential items:

**OCM.126/20 Website Upgrade Contract**

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage pursuant to paragraph g(ii) of the definition of *confidential information* under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

**OCM.127/20 Tender Report - Amendment to Contract 1920-87 Large Site and Street Lighting Electricity**

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage pursuant to paragraph g(ii) of the definition of *confidential information* under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

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

**Recommendation**

**That** in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider confidential items.