

Ordinary Meeting of Council

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

Minutes

Carl Cowie
Chief Executive Officer

Friday 31 July 2020

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 28 July 2020. The meeting commenced at 7:01pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications & Engagement
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Eddie Cheng	Manager Information Technology
Nik Mistriotis	Lead Systems Architect
Lawrence Seyers	Lead Transport Planner
Joseph Emmanuel	Manager Infrastructure
Ayman William	Transport Coordinator
Lance Clark	Senior Procurement Specialist
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Reconciliation statement

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

3. Prayer

A prayer was read by the Mayor, Cr Karen Egan.

4. Apologies

Nil

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 70th 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.

The Mayor, Cr Karen Egan acknowledged all staff involved in the preparation of the 2018-2019 Annual Report and held the Award for the gallery to see.

6. Confirmation of minutes

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

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

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

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Ben Ramcharan asked Council:

There have been recent allegations that trucks of earth have been dumped at 60 Bouchiers Rd, Kangaroo Ground, a property very close to the Yarra River. If a permit has been granted for this, what are the details of this permit and were there any contaminants contained in the soil that will affect the Yarra River? If a permit has not been granted, what investigative and enforcement action will Council take on this issue?

Response

No planning permit has been issued for the works at this site as yet. A planning permit is required and the owner made an application in late May 2020 for buildings and works to construct a shed and helicopter landing site.

The owner of the land was directed to cease any importation of fill and other associated works. Until a decision on the application is made, no further works may occur in relation to this matter.

Drusilla Kett asked Council:

Given that I have not heard back from the Council officers with regard to my previous concern - and given the recent dumping of fill in Doreen - I would like to ask whether the continued incidence of trucks with clean fill driving up Mannish Road in Wattle Glen has the consent of the Council?

Response

Council is unaware of any sites currently receiving clean fill near Mannish Road in Wattle Glen. Mannish Road is a road that can withstand a range of vehicle types without requiring Council consent.

Alexander Collum asked Council:

1. What percentage of currently employed Council staff (or closest known date to today) live in Nillumbik?

Response

33%.

2. What percentage of Council staff employed in June 2016 (or closest known date to this month) lived in Nillumbik?

Response

Approximately 32%.

Carol Tibbetts asked Council:

Will the Council agree to delay decisions on the Eltham and Diamond Creek Activity Centre Structure plans, given that the expected benefits of these plans are predicated on state government investment commitments (eg public transport infrastructure), at a time when both community members and the state government are distracted by and prioritizing the Covid 19 pandemic, with no end to that understandable focus in sight?

Response

Without pre-empting the decisions of Council tonight and at the August Ordinary Council Meeting, the Eltham and Diamond Creek Structure Plans are scheduled for consideration at the aforementioned meetings and Council will decide whether to delay or decide each project accordingly.

Sue Dyet asked Council:

At the FNC meeting on July 14th, on the first item of business, the Eltham Major Activity Centre Strategy Plan, an amendment to a motion was put and lost. At the same meeting but just over three hours later, a motion was put to the last item of business, with the same wording as the amendment mentioned above but relating to the Diamond Creek Major Activity Centre strategy plan. It was carried unanimously. This occurred without any explanation as to why the time extension for Eltham was not allowed but the same time extension for Diamond Creek was allowed. Possibly Councillors were tired after three hours.

1. What explanation can Council give to all Eltham ratepayers who have thereby been treated differently to Diamond Creek residents resulting in them not being aware of changes from the draft to the final document.

Response

Officer recommendations for both the Eltham and Diamond Creek Activity Centre Structure Plans for these items to be brought to the June Ordinary Council Meeting for adoption. Council resolved at its June Ordinary Council Meeting to

delay consideration and adoption of the Diamond Creek Activity Centre Structure Plan. The Eltham Activity Centre Structure Plan has been the subject of a detailed review by some Councillors, with amendments made to reflect and address the concerns raised in submissions.

2. What is the cost so far including Council staff and consultants of the draft Housing Strategy document and the EMAC Strategy Plan?

Response

The cost of the consultant to develop the Strategy was \$66,000 excluding GST and the staff cost is approximately \$13,000.

John Fecondo asked Council:

What is the total cost to date of the new Nillumbik Shire Council logo/branding project including design and replacement of all signage, stationery etc and what is the estimated final cost of this project?

Response

The total spend on Council's re-branding project came to \$34,257, a figure which included the design and replacement of some existing signage.

Any replacement or installation of Council signage or logo beyond this time will be included as part of ongoing operational costs and determined on an as needs basis.

Aidan Puglielli asked Council:

1. My first question relates specifically to point 8 of the 'Engaged, Connected Communities' section in the Council Plan Quarterly Performance Report. In the interest of informing the Nillumbik community, what are the key differences between a 'statement of commitment' as an action towards reconciliation, and a 'Reconciliation Action Plan'?

Response

A Statement of Commitment provides the guiding principles for working together, reflecting Council's intent to work collaboratively with Indigenous Australians as a dedicated first step which clearly marks Council's commitment to working alongside the Traditional Custodial Owners of the land, to advance the aspirations of our local Aboriginal communities.

Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation has expressed their wish for Council to affirm its Reconciliation commitment to working with Traditional Owners and all Aboriginal and Torres Strait Islander Peoples through a 'Statement of Commitment'.

The Reconciliation Action Plan (RAP) program provides a framework for organisations to support the national reconciliation movement.

The RAP is a strategic document that supports an organisation's business plan. It includes practical actions that will drive an organisation's contribution to reconciliation both internally and in the communities in which it operates.

2. Furthermore, the text layout of the Quarterly Performance Report is broadly spread, often using very small font. Does the Council think it possible to visually

restructure future documents of this nature to improve legibility, particularly for the aged and visually impaired members of our community?

Response

The current report produced meets accessibility requirements. It can be enlarged when viewed online via Council's website. However, Council is always looking at opportunities to improve, and will review and amend the layout of the report for future Council Plan quarterly updates, commencing next quarter.

10. Reports of Advisory Committees

AC.007/20 Advisory Committee Report

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.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Bruce Ranken

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;
- 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;
- Living & Learning Nillumbik Advisory Committee held on 24 June 2020; and
- Municipal Health and Wellbeing Plan Advisory Committee held on 9 July 2020.

CARRIED

11. Reports of Special Committees

Nil

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

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.

Recommendation**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.

12. Officers' reports

OCM.111/20 Eltham Major Activity Centre Structure Plan

Motion

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Council:

1. Adopts the Eltham Major Activity Centre Structure Plan (July 2020), which is provided as **Attachment 1**, subject to the following changes:
 - a) Correct a typographical error in the 9th objective on Page 22 by modifying the objective to state :

To encourage the redevelopment of land to the west of Main Road for a public transport hub and complementary office, retail and housing uses.
 - b) More clearly require a flow, pattern and style of development in Precinct 5 (pages 65-69 and any other ancillary changes) (Community Precinct) which is supportive of the iconic design, heritage significance and vegetated setting of the Eltham Library by requiring:
 - i) An appropriate transition in building height and form from the north end of the precinct to the Eltham Library.
 - ii) Any future development at the adjacent property at 895 Main Road to provide a boundary treatment and interface with the Eltham Library site which is sympathetic and responsive to that site.
 - c) Move Section DD in Figure 20 out of Heritage Overlay 230 that is applied to Italian Cypress trees on 895 Main Road and make any consequent change required to the related cross-section provided as Figure 21.
 - d) Propose modified development settings in vicinity of the Eltham Scout Hall and Eltham Girl Guides Hall in Precinct 5 (pages 65-69 and any other ancillary changes) to clearly set the expectation that these facilities will be retained and to provide a pattern of development adjacent to these facilities which is sympathetic to their continued use. This will include amending the document to propose that the limit of 4-5 storey height limits be suitably setback from these facilities and appropriately re-configured to provide a sympathetic interface.
 - e) To amend wording to not propose any increase in height limits in that section of Precinct 3 (pages 56-61 and any other ancillary changes) which is located north of 25 Youth Road.
2. Requests officers report to a future Ordinary Council Meeting presenting 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.

12. Officers' reports

OCM.111/20 Eltham Major Activity Centre Structure Plan

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

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Council:

1. Adopts the Eltham Major Activity Centre Structure Plan (July 2020), which is provided as **Attachment 1**, subject to the following changes:
 - a) Correct a typographical error in the 9th objective on Page 22 by modifying the objective to state:
To encourage the redevelopment of land to the west of Main Road for a public transport hub and complementary office, retail and housing uses.
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 - iii) An appropriate transition in building height and form from the north end of the precinct to the Eltham Library.
 - iv) Any future development at the adjacent property at 895 Main Road to provide a boundary treatment and interface with the Eltham Library site which is sympathetic and responsive to that site.
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 - d) Propose modified development settings in vicinity of the Eltham Scout Hall and Eltham Girl Guides Hall in Precinct 5 (pages 65-69 and any other ancillary changes) to clearly set the expectation that these facilities will be retained and to provide a pattern of development adjacent to these facilities which is sympathetic to their continued use. This will include amending the document to propose that the limit of 4-5 storey height limits be suitably setback from these facilities and appropriately re-configured to provide a sympathetic interface.
 - e) To amend wording to not propose any increase in height limits in that section of Precinct 3 (pages 56-61 and any other ancillary changes) which is located north of 25 Youth Road.
2. Requests officers report to a future Ordinary Council Meeting presenting 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.

CARRIED

12. Officers' reports

OCM.111/20 Eltham Major Activity Centre Structure Plan

Cr Peter Perkins called for a division

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

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

The Mayor, Cr Karen Egan declared the Motion Carried.

Carl Cowie, Chief Executive Officer temporarily left the meeting during discussion of the above item at 7:29pm and returned at 7:30pm.

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.

Council Resolution**MOVED: Cr Peter Clarke****SECONDED: Cr Grant Brooker**

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.

CARRIED

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.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

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.

12. Officers' reports

OCM.113/20 Queensland Fruit Fly in Nillumbik

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.
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.

CARRIED

12. Officers' reports

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

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.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

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.

CARRIED

12. Officers' reports

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

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.

Recommendation

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.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

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 the Minister for Cities, Urban Infrastructure and Population (Commonwealth) and the Minister for Major Transport Infrastructure (Victoria), with copies to the Member for Menzies and Member for Eltham, stating that Council:

12. Officers' reports

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

- a) Opposes development of a single-use car park building, as such a development:
 - i. Will likely be highly intrusive upon the visual character of the area.
 - ii. Will provide inadequate inbuilt/ natural surveillance of the surrounding public realm, required for safety and security within the area.
 - iii. Will fail to capitalise on significant opportunities to provide highly beneficial and integrated urban renewal outcomes for Central Eltham.
 - iv. Be potentially redundant in the future and incapable of alternative sequential uses demanded of sustainable development.
 - v. Ignores the opportunity for a partnership approach by the private and public sectors to realise optimum and multiple outcomes.
- b) Requests an integrated proposal which, by satisfying the following requirements (as a minimum), contributes to the multiple functions and preferred character of the Eltham Town Centre:
 - I. Is located on the site including the existing rail stabling adjacent to Youth Road, with the rail stabling relocated.
 - II. Is a mixed-used development with all public (e.g. street, station and town centre) frontages presenting active uses and building-in natural surveillance for safety and security.
 - III. Provides uses including, but not limited to:
 - Secure, undercover commuter bicycle parking and change facilities.
 - Community services/ functions, which relate to the surrounding open space and community uses.
 - Residential, home office and/or small-scale commercial office uses.
 Further, that the proposal integrates these uses with the overall development and not adjunct to it.
 - IV. Incorporates a design that will prevent future redundancy and waste of the development by allowing for sequential uses, not limited to car parking and enabling habitable occupation in the future. For example, by providing adequate floor to ceiling heights and other necessary measures for future habitable uses.
 - V. Limits existing tree loss, as far as is practical, and maximises opportunities for indigenous canopy tree planting (especially in the street and in the front, side and rear setbacks).
 - VI. Provides easy, direct and accessible pedestrian connection to the railway station and to the broader town centre.
 - VII. Provides clear demarcation between the private and public realm, with no ambiguous space between or behind buildings, or between buildings and the railway. Further, establishes the essential public realm as the street,

12. Officers' reports

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

parkland, and specific designated routes to the station and town centre which are clear, safe and secure.

VIII. Supports a future shared trail along Youth Road.

IX. Consolidates and minimises car park entryways to limit traffic impact on the public realm.

X. Employs building heights which satisfy the preferred height limits set by Schedule 1 to the Activity Centre Zone (Eltham Activity Centre).

XI. Presents a sympathetic interface (i.e. height, scale, mass, and materiality) to:

- Adjoining community and recreational facilities, such as the aged care facility, tennis courts and club, the girl guides' hall and the scouts' hall.
- Other important elements of the public realm, such as the parkland, streets, station and town centre.

Further, as part of satisfying this requirement, the proposal should present no expansive wall mass or homogenous elevations to the public realm.

XII. Provides an active building/ tenancy address on street frontages through multiple recurring front entries, windows.

XIII. Provides variety in the type and tones of external building materials, and varies the proportions of the elevations on the public frontages.

XIV. Ensures buildings make appropriate use of established Eltham materials and tones, such as the use of natural stone, timber, bespoke/ locally procured artistic patterned panels and natural-coloured and textured renders.

- c) Requests that a partnership approach amongst the private and public sectors be considered to achieve the actions listed under 2 b).

Cr Brooker proposed item VI. be amended to read as follows:

VI. Provides easy, direct and accessible pedestrian connection to the railway station and to the broader town centre **that is compliant with the Disability Discrimination Act.**

This was accepted by Cr Clarke and Cr Ashton and now included to the motion.

12. Officers' reports

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

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

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 the Minister for Cities, Urban Infrastructure and Population (Commonwealth) and the Minister for Major Transport Infrastructure (Victoria), with copies to the Member for Menzies and Member for Eltham, stating that Council:
 - a) Opposes development of a single-use car park building, as such a development:
 - i. Will likely be highly intrusive upon the visual character of the area.
 - ii. Will provide inadequate inbuilt/ natural surveillance of the surrounding public realm, required for safety and security within the area.
 - iii. Will fail to capitalise on significant opportunities to provide highly beneficial and integrated urban renewal outcomes for Central Eltham.
 - iv. Be potentially redundant in the future and incapable of alternative sequential uses demanded of sustainable development.
 - v. Ignores the opportunity for a partnership approach by the private and public sectors to realise optimum and multiple outcomes.
 - b) Requests an integrated proposal which, by satisfying the following requirements (as a minimum), contributes to the multiple functions and preferred character of the Eltham Town Centre:
 - I. Is located on the site including the existing rail stabling adjacent to Youth Road, with the rail stabling relocated.
 - II. Is a mixed-used development with all public (e.g. street, station and town centre) frontages presenting active uses and building-in natural surveillance for safety and security.
 - III. Provides uses including, but not limited to:
 - Secure, undercover commuter bicycle parking and change facilities.
 - Community services/ functions, which relate to the surrounding open space and community uses.
 - Residential, home office and/or small-scale commercial office uses.
 Further, that the proposal integrates these uses with the overall development and not adjunct to it.

12. Officers' reports

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

- IV. Incorporates a design that will prevent future redundancy and waste of the development by allowing for sequential uses, not limited to car parking and enabling habitable occupation in the future. For example, by providing adequate floor to ceiling heights and other necessary measures for future habitable uses.
 - V. Limits existing tree loss, as far as is practical, and maximises opportunities for indigenous canopy tree planting (especially in the street and in the front, side and rear setbacks).
 - VI. Provides easy, direct and accessible pedestrian connection to the railway station and to the broader town centre that is compliant with the Disability Discrimination Act.
 - VII. Provides clear demarcation between the private and public realm, with no ambiguous space between or behind buildings, or between buildings and the railway. Further, establishes the essential public realm as the street, parkland, and specific designated routes to the station and town centre which are clear, safe and secure.
 - VIII. Supports a future shared trail along Youth Road.
 - IX. Consolidates and minimises car park entryways to limit traffic impact on the public realm.
 - X. Employs building heights which satisfy the preferred height limits set by Schedule 1 to the Activity Centre Zone (Eltham Activity Centre).
 - XI. Presents a sympathetic interface (i.e. height, scale, mass, and materiality) to:
 - Adjoining community and recreational facilities, such as the aged care facility, tennis courts and club, the girl guides' hall and the scouts' hall.
 - Other important elements of the public realm, such as the parkland, streets, station and town centre.

Further, as part of satisfying this requirement, the proposal should present no expansive wall mass or homogenous elevations to the public realm.
 - XII. Provides an active building/ tenancy address on street frontages through multiple recurring front entries, windows.
 - XIII. Provides variety in the type and tones of external building materials, and varies the proportions of the elevations on the public frontages.
 - XIV. Ensures buildings make appropriate use of established Eltham materials and tones, such as the use of natural stone, timber, bespoke/ locally procured artistic patterned panels and natural-coloured and textured renders.
- c) Requests that a partnership approach amongst the private and public sectors be considered to achieve the actions listed under 2 b).

CARRIED

12. Officers' reports

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

Cr Peter Clarke called for a division

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

Against: Cr Peter Perkins and Cr John Dumaresq

The Mayor, Cr Karen Egan declared the Motion Carried.

Cr Jane Ashton temporarily left the meeting during discussion of the above item at 8:23pm and returned at 8:26pm.

12. Officers' reports

OCM.116/20 June Interim Financial Report

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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

CARRIED

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.

Recommendation

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.

Motion

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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.
3. **Extends the information capture criteria to include the assessment of the credibility of proponents. In particular where we are procuring design services an understanding awards they have won for excellence in design and prioritising design excellence over price.**
4. **Develops an exit review process and capture learnings in the annual procurement report.**

12. Officers' reports

OCM.117/20 Procurement Policy Annual Review

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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.
3. Extends the information capture criteria to include the assessment of the credibility of proponents. In particular where we are procuring design services an understanding awards they have won for excellence in design and prioritising design excellence over price.
4. Develops an exit review process and capture learnings in the annual procurement report.

CARRIED

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

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**.

12. Officers' reports

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

3. Makes public the decision regarding the contracts but the tender evaluations and reports remain confidential.

CARRIED

12. Officers' reports

OCM.119/20 Local Parks Program Pocket Parks Grant

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.

Recommendation

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.

Motion

MOVED: Cr John Dumaresq

SECONDED: Cr Grant Brooker

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.

Cr Clarke proposed item 3. be added to the motion:

3. **Requests officers continue to undertake community consultation on the proposed design should the application be successful.**

This was accepted by Cr John Dumaresq and Cr Brooker and now included to the motion.

12. Officers' reports

OCM.119/20 Local Parks Program Pocket Parks Grant

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

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Grant Brooker

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.
3. Requests officers continue to undertake community consultation on the proposed design should the application be successful.

CARRIED

Cr John Dumaresq temporarily left the meeting during discussion of the above item at 8:50pm and returned at 8:52pm.

Carl Cowie, Chief Executive Officer temporarily left the meeting during discussion of the above item at 8:58pm and returned at 8:59pm.

12. Officers' reports

OCM.120/20 Recreation Trails Advisory Committee Term Extension

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.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Jane Ashton

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

CARRIED

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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.

CARRIED

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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.

CARRIED

The Mayor, Cr Karen Egan adjourned the meeting prior to the following item for a 5 minute break at 9:17pm.

The meeting resumed at 9:24pm.

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

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**).

CARRIED

12. Officers' reports

OCM.124/20 Website Upgrade Contract

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.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Council notes the report.

CARRIED

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

Council Resolution

MOVED: Cr Bruce Ranken
SECONDED: Cr Peter Clarke

That Council:

1. Authorises the Chief Executive Officer to finalise and execute the SaaS Agreement between Council and OpenCities Pty Ltd (**Attachment 1**).
2. Delegates the powers and authorisation to the Chief Executive Officer to review and approve any service changes during the term of the agreement.

12. Officers' reports

OCM.124/20 Website Upgrade Contract

3. Makes public the decision regarding this contract but the report and attachment remain confidential.

CARRIED

12. Officers' reports

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

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.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Enters into a contract with ERM Power for 1920-87 Large Site and Street Lighting Electricity with no Accredited GreenPower® offsets.
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

13. Notices of Motion

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

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.

Cr Peter Clarke requested leave of the Council to amend his Notice of Motion 006/20 regarding Disposal of fill on Green Wedge land.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Council grants leave to amend the Notice of Motion 006/20 – Disposal of fill on Green Wedge land.

CARRIED

13. Notices of Motion

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

THE AMENDED MOTION BEFORE THE CHAIR READS AS FOLLOWS:

Amended Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

- A. Council does not support disposal of clean fill on land zoned Green Wedge or Rural Conservation unless it is for a direct agricultural purpose, with a volume less than 100 cubic metres and requests officers commence the preparation of a planning scheme amendment to achieve this outcome similar to that currently operating in the Hume Planning Scheme.
- B. 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 giving 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 request they advocate to the State Government to implement the recommendations above.

13. Notices of Motion

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

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

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Jane Ashton

- A. Council does not support disposal of clean fill on land zoned Green Wedge or Rural Conservation unless it is for a direct agricultural purpose ,with a volume less than 100 cubic metres and requests officers commence the preparation of a planning scheme amendment to achieve this outcome similar to that currently operating in the Hume Planning Scheme.
- B. 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 giving 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 request they advocate to the State Government to implement the recommendations above.

CARRIED

13. Notices of Motion

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

Cr Karen Egan called for a division

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

Against: Cr Grant Brooker

The Mayor, Cr Karen Egan declared the Motion Carried.

Carl Cowie, Chief Executive Officer temporarily left the meeting during discussion of the above item at 9:58pm and returned at 9:59pm.

13. Notices of Motion

NOM.007/20 Chapel Lane

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.

Cr Peter Perkins requested leave of the Council to amend his Notice of Motion 007/20 regarding Chapel Lane.

Council Resolution

MOVED: Cr Peter Perkins
SECONDED: Cr Grant Brooker

That Council grants leave to amend the Notice of Motion 007/20 – Chapel Lane.

CARRIED

THE AMENDED MOTION BEFORE THE CHAIR READS AS FOLLOWS:

Amended Motion

MOVED: Cr Peter Perkins
SECONDED: Cr John Dumaresq

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.

13. Notices of Motion

NOM.007/20 Chapel Lane

Cr Peter Perkins requested leave of the Council to further amend his Notice of Motion 007/20 regarding Chapel Lane.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr John Dumaresq

That Council grants leave to further amend the Notice of Motion 007/20 – Chapel Lane.

CARRIED

THE FURTHER AMENDED MOTION BEFORE THE CHAIR READS AS FOLLOWS:

Further Amended Motion

MOVED: Cr Peter Perkins

SECONDED: Cr John Dumaresq

1. **That** Council officers prepare a report for the August FNC on the commercial dumping of soil at 265 and 130 Chapel Lane.
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 VCAT 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 **Zone and Rural Conservation Zone** a 100 cubic metre limit ~~to~~ **landfill of clean fill.**

Cr Clarke put forward an Amendment as follows:

Amendment

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council officers prepare a report for the August FNC on the commercial dumping of soil at 265 and 130 Chapel Lane and what options are available for Council to cease this activity.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

The Mayor, Cr Karen Egan declared the Amendment Lost.

13. Notices of Motion

NOM.007/20 Chapel Lane

Motion to extend meeting – 10:27pm

In accordance with Clause 2.1 of the Meeting Procedure Local Law 2017, a meeting must not continue after 10:30pm unless a majority of Councillors present vote in favour of the meeting continuing.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That the meeting be extended.

CARRIED

THE MOTION BEFORE THE CHAIR READS AS FOLLOWS:

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr John Dumaresq

1. **That** Council officers prepare a report for the August FNC on the commercial dumping of soil at 265 and 130 Chapel Lane.
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 VCAT 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 Wedge Zone and Rural Conservation Zone a 100 cubic metre limit of clean fill.

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr John Dumaresq

1. **That** Council officers prepare a report for the August FNC on the commercial dumping of soil at 265 and 130 Chapel Lane.
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 VCAT decisions on soil dumping in a Green Wedge are not applicable in these circumstances.

13. Notices of Motion

NOM.007/20 Chapel Lane

5. Council immediately request the Planning Minister to introduce into the schedule for Green Wedge Zone and Rural Conservation Zone a 100 cubic metre limit of clean fill.

CARRIED UNANIMOUSLY

14. Delegates' reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

Pursuant to section 66(2) of the *Local Government Act 2020* (the Act), 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 closed to members of the public to consider confidential matters.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

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.

CARRIED

The meeting closed to the public at 10:49pm.

The meeting re-opened at 10:59pm.

Close of Meeting

The meeting closed at 10:59pm.

Confirmed: _____

Cr Karen Egan, Mayor