

# Ordinary Meeting of Council

held virtually  
on Tuesday 15 September 2020 commenced at 7:04pm.

## Minutes

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

Friday 18 September 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 15 September 2020. The meeting commenced at 7:04pm.**

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**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 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 and Engagement |
| Corrienne Nichols | Executive Manager Communities                               |
| Rosa Zouzoulas    | Executive Manager Planning and Community Safety             |
| Eddie Cheng       | Manager Information Technology                              |
| Joseph Emmanuel   | Manager Infrastructure                                      |
| Lance Clark       | Senior Procurement Specialist                               |
| Lawrence Seyers   | Lead Transport Planner                                      |
| Leigh Northwood   | Strategic Planning Lead                                     |
| Paul Usatov       | Senior Project Manager                                      |
| Seamus Balkin     | Sustainability Project Officer                              |
| Nik Mistriotis    | Lead Systems Architect                                      |
| Katia Croce       | Governance Lead   |

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**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

Cr Jane Ashton made the following address following the recent passing of local writer Mick Woiwood:

Mick, as he was usually known, grew up in Frankston, worked as a bricklayer for 40 years and had 4 children with his wife Margaret. They built their mud brick and timber home in the Bend of Islands; he said living there was the highlight of his life. They stayed for many years, before moving to Eltham, where Margaret passed away in 2012.

It wasn't until Mick was 60 years old that he enrolled in his first university degree, where his thesis on Christmas Hills evolved into his first book, "Once Around the Sugarloaf." Having never written anything until then, but having been an avid reader all his life, he went on to become a respected author and local historian who over the years wrote more than 25 books and papers. He comprehensively researched and wrote extensively about European settlement in the Eltham and Kangaroo Ground districts, particularly commenting on the resulting impact on the local indigenous Wurundjeri clan.

Mick was a founding member of the Nillumbik Reconciliation Group and the Friends of the Wurundjeri group and was also on the Kangaroo Ground Memorial Park and Tower of Remembrance Advisory Committee.

As a member of the Eltham District Historical Society committee he helped establish the Andrew Ross Museum at Kangaroo Ground. Mick and Margaret were honoured as joint Nillumbik Citizens of the Year in 2006.

Mick was a decisive initiator of change who brought people and history into the landscape and truly was a local legend, who will be missed by his family, as well as many in our community and beyond.

Vale Mick

### **Acknowledgement of Outgoing Mayor and Deputy Mayor by the CEO**

Carl Cowie, Chief Executive Officer gave the following acknowledgement:

Traditionally we would acknowledge the work of the outgoing Mayor and Deputy Mayor at the Statutory Meeting of Council.

As this is the last Ordinary Meeting of Council for this term of Council however, on behalf of the administration, I would like to acknowledge the work of Councillors Egan and Clarke in their roles of Mayor and Deputy Mayor respectively, since October last year.

Again, under normal circumstances we would present them with humble tokens of our appreciation. We will do so at the appropriate time upon conclusion of the Caretaker period.

*The Deputy Mayor Cr Peter Clarke and the Mayor Cr Karen Egan addressed the Council and thanked the community fellow councillors, and both past and present council staff.*

**6. Confirmation of minutes**

Confirmation of minutes of the Council Meeting held on Tuesday 25 August 2020.

**Council Resolution**

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

**That** the minutes of the Council Meeting held on Tuesday 25 August 2020 be confirmed.

**CARRIED**

**7. Disclosure of conflicts of interest**

Nil

**8. Petitions**

Nil

**19. Questions from the gallery**

**Michael Krause asked Council:**

These questions are a follow up to my questions on the estimated Plenty & Kangaroo Ground Land Fill rehabilitation costs from the August meeting.

1. On or around what date did council officers first become aware of the potential \$20.5M increase in the estimated cost of Land Fill rehabilitation (as it wasn't or doesn't appear to be reflected in any budgets, forecasts or projections for FY20 or FY21), can council provide an assurance that it is not due to any previously unidentified environmental or health hazards, otherwise can the council advise what specific items have caused the \$20.5M estimated cost blowout?

**Response**

The cost of rehabilitating the former Plenty and Kangaroo Ground sites in accordance with the EPA's Post Closure Pollution Abatement Notice is based on current market prices as a result of a competitive tender process undertaken in 2019 and the inclusion of the 30 year after care costs.

2. In the annual report there is a new total \$18.309M 5 year commitment described as Waste (note 5.7 page 160) without any further elaboration, which I assume is related to the Landfill contract (Tender ID 1819-121 Closing date 30-05-2019) referred to in response to my question at the August meeting and are amounts to which a future council would be contractually bound (subject to satisfactory completion). On what date was this tender awarded, and can this council advise how it believes a future council could fund this \$18M contractual commitment without either significantly increasing rates, charges, debt or running down cash reserves?

**Response**

The detail disclosed in note 5.7 does not relate to the landfill rehabilitation contract. The amount detailed in note 5.7 relates to operational expenditure in delivering the waste service.

**John Fecondo asked Council:**

The Council Plan 2017-21 published in 2017 states in the introduction by the Mayor that “Our four-year program targets the repayment of all of this debt (\$13.8 million at the time) saving the shire more than \$800,000 interest payments which we can reallocate to important community programs”. I note in the 2019-20 financial report that total borrowing costs for the last financial year were \$709,000 and that the 2020-21 Budget indicates that current borrowings are almost \$14 million (page 7), similar to the initial debt level and the predicted closing balance of borrowings will still be approximately \$4 million in 2029-30!

Can you please explain why this key objective of this Council that we have heard about many times has not been achieved during its term as promised?

**Response**

The net debt position of Council at 30 June 2020 is \$6.9 million. This comprises of \$10.8 million of loan balances offset by \$3.9 million held in the debt reserve.

Council has listed \$3.3 million of borrowings in the current budget for 2020-2021 which may be required to fund capital works projects. The additional borrowings listed for the 2020-2021 year have increased the overall debt position published in the budget document.

**Mark McDonald asked Council:**

1. With the contracting of garbage waste collection could council please tell the residents of Nillumbik who bears the risk (cost ) regarding vehicle damage if it occurs when a waste operator is collecting waste?

**Response**

The contractor is responsible for any vehicle damage that they cause.

2. Could council please tell the residents of Nillumbik how much has been paid out in dollar terms in redundancy payments to former council employees since October 2016?

**Response**

The amount paid in redundancies from October 2016 to present is approximately \$3.2m. Over the five year period this is approximately 1.9% of annual employee costs.

10. Reports of Advisory Committees

AC.009/20 Advisory Committee Report

**Distribution:** Public

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

**Author:** Janet Taylor, 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.

**Recommendation**

**MOVED:** Cr Jane Ashton  
**SECONDED:** Cr Grant Brooker

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

- Arts and Cultural Advisory Committee – 15 June 2020
- Environment and Sustainability Advisory Committee – 17 June 2020

**Motion**

**MOVED:** Cr Jane Ashton  
**SECONDED:** Cr Grant Brooker

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

- Arts and Cultural Advisory Committee – 15 June 2020
- Environment and Sustainability Advisory Committee – 17 June 2020; and
- **Positive Ageing Advisory Committee – 3 July 2020**

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

**Council Resolution**

**MOVED:** Cr Jane Ashton  
**SECONDED:** Cr Grant Brooker

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

- Arts and Cultural Advisory Committee – 15 June 2020
- Environment and Sustainability Advisory Committee – 17 June 2020; and
- Positive Ageing Advisory Committee – 3 July 2020.

**CARRIED UNANIMOUSLY**



**11. Reports of Special Committees**

Nil

12. Officers' reports

OCM.168/20 State Government Yan Yean Road Stage 2 Upgrade Project - Draft Environmental Effects Statement Submission

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**Distribution:** Public

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

**Author:** Lawrence Seyers, Lead Transport Planner

**Summary**

This report provides Council with a draft submission to the State Government's Yan Yean Road Stage 2 Environmental Effects Statement public consultation process.

|                           |
|---------------------------|
| <b>Council Resolution</b> |
|---------------------------|

**MOVED:** Cr Grant Brooker

**SECONDED:** Cr Peter Perkins

**That** Council notes the Chief Executive Officer will prepare and lodge a submission to the Yan Yean Road Stage 2 Environmental Effects Statement public consultation process.

**CARRIED**

12. Officers' reports

**OCM.169/20 Hurstbridge Line Upgrade - Stage 2 'offset parking' and boundary extension**

**Distribution: Public**

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

**Author: Lawrence Seyers, Lead Transport Planner**

**Summary**

The Level Crossing Removal Project has requested Council support to access additional land to deliver the Hurstbridge Line Upgrade - Stage 2.

This additional land is outside the approved project boundary and is required for:

- Temporary commuter car parking at Eltham Central Park and Library Place, Eltham to offset parking at Montmorency Station which will be disrupted by project works.
- Temporary commuter car parking at Main Hurstbridge Road, Diamond Creek to offset car parking at Diamond Creek Station which will be disrupted by project works.
- Additional roads for access to the rail corridor, and
- Rail system upgrades at the corner of Fyffe Street and Main Hurstbridge Road, Diamond Creek.

Council is asked to respond to the Level Crossing Removal Project request for additional land to deliver the Hurstbridge Line Upgrade - Stage 2.

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

**That Council:**

1. Notes the request from the Level Crossing Removal Project seeking to access additional land to deliver the Hurstbridge Line Upgrade - Stage 2; and
2. Writes to the Level Crossing Removal Project advising:
  - a) Council does not support temporary commuter parking at Library Place Eltham (former Eltham Shire Office);
  - b) Council does not support temporary commuter car parking within the road reserve at Main Hurstbridge Road, Diamond Creek;
  - c) Council would support temporary commuter parking at Eltham Central Park, Eltham and Coventry Oval, Diamond Creek locations on the satisfactory resolution of the following conditions;
    - i) Council's lawyer to prepare a Licence Agreement
    - ii) Council's valuer to determine a rental valuation
    - iii) Licence Agreement to have a maximum expiry of 24 months
    - iv) Licence Agreement to require upgrade of these parking areas with new bitumen hardstand, stormwater drainage, line marking, parking signage, lighting and footpaths
    - v) All costs to be met by Level Crossing Removal Project

12. Officers' reports

**OCM.169/20 Hurstbridge Line Upgrade - Stage 2 'offset parking' and boundary extension**

- d) Council has no objection to the addition of roads for access to the rail corridor (George Street Diamond Creek) and rail system upgrades at the corner of Fyffe Street and Main Hurstbridge Road, Diamond Creek.

|               |
|---------------|
| <b>Motion</b> |
|---------------|

**MOVED: Cr Peter Perkins**

**SECONDED: Cr Peter Clarke**

**That Council:**

1. Notes the request from the Level Crossing Removal Project seeking to access additional land to deliver the Hurstbridge Line Upgrade - Stage 2; and
2. Writes to the Level Crossing Removal Project advising:
  - a) Council does not support temporary commuter parking at Library Place Eltham (former Eltham Shire Office);
  - b) Council does not support temporary commuter car parking within the road reserve at Main Hurstbridge Road, Diamond Creek;
  - c) Council would support temporary commuter parking at Eltham Central Park, Eltham and Coventry Oval, Diamond Creek **to offset the anticipated loss of commuter car parking at Diamond Creek Station** locations on the satisfactory resolution of the following conditions;
    - i) Council's lawyer to prepare a Licence Agreement
    - ii) Council's valuer to determine a rental valuation
    - iii) Licence Agreement to have a maximum expiry of 24 months
    - iv) Licence Agreement to require upgrade of these parking areas with new bitumen hardstand, stormwater drainage, line marking, parking signage, lighting and footpaths
    - v) All costs to be met by Level Crossing Removal Project
  - d) **Council would support temporary commuter parking at Eltham Central Park, Eltham to offset the anticipated loss of commuter car parking as a result of the project on the satisfactory resolution of the following conditions;**
    - i) **Council's lawyer to prepare a Licence Agreement**
    - ii) **Council's valuer to determine a rental valuation**
    - iii) **Licence Agreement to have a maximum expiry of 24 months**
    - iv) **Licence Agreement to require upgrade of these parking areas with new bitumen hardstand, stormwater drainage, line marking, parking signage, lighting and footpaths, landscape**
    - v) **All costs to be met by Level Crossing Removal Project**

12. Officers' reports

**OCM.169/20 Hurstbridge Line Upgrade - Stage 2 'offset parking' and boundary extension**

- e) **Any changes to parking arrangements at Eltham Central Park, Eltham and Coventry Oval, Diamond Creek to include consultation with football and cricket clubs, Eltham Library (for Eltham Central Park) and other affected user groups.**
- f) Council has no objection to the addition of roads for access to the rail corridor (George Street Diamond Creek) and rail system upgrades at the corner of Fyffe Street and Main Hurstbridge Road, Diamond Creek.

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

|                           |
|---------------------------|
| <b>Council Resolution</b> |
|---------------------------|

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

**That Council:**

1. Notes the request from the Level Crossing Removal Project seeking to access additional land to deliver the Hurstbridge Line Upgrade - Stage 2; and
2. Writes to the Level Crossing Removal Project advising:
  - a) Council does not support temporary commuter parking at Library Place Eltham (former Eltham Shire Office);
  - b) Council does not support temporary commuter car parking within the road reserve at Main Hurstbridge Road, Diamond Creek;
  - c) Council would support temporary commuter parking at Eltham Central Park, Eltham and Coventry Oval, Diamond Creek to offset the anticipated loss of commuter car parking at Diamond Creek Station locations on the satisfactory resolution of the following conditions;
    - i) Council's lawyer to prepare a Licence Agreement
    - ii) Council's valuer to determine a rental valuation
    - iii) Licence Agreement to have a maximum expiry of 24 months
    - iv) Licence Agreement to require upgrade of these parking areas with new bitumen hardstand, stormwater drainage, line marking, parking signage, lighting and footpaths, landscaping
    - v) All costs to be met by Level Crossing Removal Project
  - d) Council would support temporary commuter parking at Eltham Central Park, Eltham to offset the anticipated loss of commuter car parking as a result of the project on the satisfactory resolution of the following conditions;
    - i) Council's lawyer to prepare a Licence Agreement
    - ii) Council's valuer to determine a rental valuation
    - iii) Licence Agreement to have a maximum expiry of 24 months

12. Officers' reports

**OCM.169/20 Hurstbridge Line Upgrade - Stage 2 'offset parking' and boundary extension**

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- iv) Licence Agreement to require upgrade of these parking areas with new bitumen hardstand, stormwater drainage, line marking, parking signage, lighting and footpaths
- v) All costs to be met by Level Crossing Removal Project
- e) Any changes to parking arrangements at Eltham Central Park, Eltham and Coventry Oval, Diamond Creek to include consultation with football and cricket clubs, Eltham Library (for Eltham Central Park) and other affected user groups.
- f) Council has no objection to the addition of roads for access to the rail corridor (George Street Diamond Creek) and rail system upgrades at the corner of Fyffe Street and Main Hurstbridge Road, Diamond Creek.

**CARRIED**

12. Officers' reports

OCM.170/20 Bushfire Mitigation (Fire Prevention) Works Program 2020-2021

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**Distribution:** Internal use only

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

**Author:** Kim Halse, Emergency Management Lead

**Summary**

Council makes an annual allocation of funding towards works on Council owned and managed land to prepare for the Fire Danger Period. The annual Bushfire Mitigation Works Program has been developed in consultation with the Municipal Fire Management Planning Committee and includes planned work on roadsides and in Council reserves. The planned works are well underway and are planned to be completed by the end of December 2020 depending on weather conditions.

All Neighbourhood Safer Places (Bushfire Places of Last Resort) are required to be assessed each year by the Country Fire Authority (CFA) and Council is required to record the outcome of these assessments. All sites have been reassessed as being compliant.

|                           |
|---------------------------|
| <b>Council Resolution</b> |
|---------------------------|

**MOVED:** Cr Jane Ashton

**SECONDED:** Cr Peter Perkins

**That Council:**

1. Notes the Bushfire Mitigation Works Program 2020-2021 (**Attachment 1**).
2. Notes, that as part of the annual review process, the Neighbourhood Safer Places (Bushfire Places of Last Resort) located at:
  - a) Diamond Hills Reserve Oval, Greensborough
  - b) The Outdoor Performance Centre, Greensborough
  - c) Diamond Creek Community Centre, Diamond Creek
  - d) Yarrambat Park Golf Course Clubrooms, Yarrambat
  - e) Hurstbridge Basketball Stadium, Hurstbridge
  - f) Car park between Arthur and Dudley Streets, Eltham
  - g) Collendina Reserve, Greensborough

have been reassessed by the Country Fire Authority and have been found to still meet the criteria for designation as a Neighbourhood Safer Place (Bushfire Place of Last Resort).

**CARRIED**

*Blaga Naumoski temporarily left the meeting at 7.56pm following the vote of the above item and returned at 7.57pm.*

12. Officers' reports

**OCM.171/20 Whittingham Circuit, Greensborough - Public Notification on Proposed Sale**

**Distribution: Public**

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

**Author: Natalie Champion, Coordinator Property**

**Jonathon Miller, Manager Property and Facilities Maintenance**

**Summary**

Council owns a substantial parcel of land (the land), located at Whittingham Circuit, Greensborough. Depicted in **Attachment 1 & 2**, the land has a total area of approximately 4,733 square metres, and has been subdivided into 14 individual lots, ranging in size from 266 – 493 square metres.

Following a Council decision in 2012, the land has been developed as a residential subdivision, and is within the General Residential Zone – Schedule 1 (GRZ1) of the Nillumbik Planning Scheme.

Works completed to the development include installation of water, gas, electric and sewerage services to the 14 lots, as well as construction/installation of roads, drainage, crossovers, street lighting and approved landscaping.

In order for Council to sell, transfer or exchange its land, it must comply with sections 189 and 223 of the *Local Government Act (1989)* (the Act).

Section 189 (2a) requires Councils to give at least four weeks public notice of its intention to sell the land, and under section 189(3), allow interested parties to make a submission under section 223; on the proposed sale. In essence, section 189 requires councils to consult with the public on the proposed sale of the land and give ratepayers and residents an opportunity to have their views heard, prior to Council making a final decision to proceed (or otherwise) with the sale.

This report provides a technical description of the land Council is proposing to sell and the proposed transaction strategy. It also seeks a Council resolution to allow officers to implement the administrative tasks Council is required to complete in order to make a final decision to proceed with the proposed sale.

|                           |
|---------------------------|
| <b>Council Resolution</b> |
|---------------------------|

**MOVED: Cr Grant Brooker**

**SECONDED: Cr Jane Ashton**

**That Council:**

1. Resolves to commence the necessary process under sections 189 and 223 of the *Local Government Act 1989* (the Act) to consider the sale, as a single parcel, of the land located at Whittingham Circuit, Greensborough (the Land), comprising the 14 lots described as:
  - a) Lot 13 on Plan of Subdivision 719931S, Vol 11955/Folio 109;
  - b) Lot 14 on Plan of Subdivision 719931S, Vol 11955/Folio 110;
  - c) Lot 15 on Plan of Subdivision 719931S, Vol 11955/Folio 111;



12. Officers' reports

**OCM.171/20 Whittingham Circuit, Greensborough - Public Notification on Proposed Sale**

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- d) Lot 16 on Plan of Subdivision 719931S, Vol 11955/Folio 112;
  - e) Lot 17 on Plan of Subdivision 719931S, Vol 11955/Folio 113;
  - f) Lot 18 on Plan of Subdivision 719931S, Vol 11955/Folio 114;
  - g) Lot 19 on Plan of Subdivision 719931S, Vol 11955/Folio 115;
  - h) Lot 20 on Plan of Subdivision 719931S, Vol 11955/Folio 116;
  - i) Lot 21 on Plan of Subdivision 719931S, Vol 11955/Folio 117;
  - j) Lot 22 on Plan of Subdivision 719931S, Vol 11955/Folio 118;
  - k) Lot 23 on Plan of Subdivision 719931S, Vol 11955/Folio 119;
  - l) Lot 24 on Plan of Subdivision 719931S, Vol 11955/Folio 120;
  - m) Lot 25 on Plan of Subdivision 719931S, Vol 11955/Folio 121; and
  - n) Lot 26 on Plan of Subdivision 719931S, Vol 11955/Folio 122;
2. Directs that the public notice must state that Council's intention is to sell the Land as a single parcel through a public Expression of Interest process (but, if the Land is not sold, by private treaty), on the following terms:
- a) the price shall be not less than the valuation held by Council; the purchaser and future landowners must not consolidate or subdivide any of the lots comprising the Land for a period of at least 10 years after settlement of the contract of sale; and
  - b) such other terms as reasonably required by Council;
3. Authorises the Manager Property and Facilities Maintenance to undertake the administrative procedures necessary to enable Council to carry out its functions under sections 189 and 223 of the Act in relation to this matter; and
4. In accordance with section 223 of the Act, considers any submissions on the proposed sale of the Land at a Future Nillumbik Committee meeting, prior to making any final decision on whether to proceed with the sale of the Land.

**CARRIED**

12. Officers' reports

OCM.172/20 Financial Hardship Policy - COVID-19 Pandemic Event

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**Distribution:** Public

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

**Author:** Melika Sukunda, Finance Manager

**Summary**

This report presents a temporarily revised Financial Hardship Policy – COVID-19 Pandemic Event for Council's endorsement.

Council has a Financial Hardship Policy – COVID-19 Pandemic Event which was endorsed by Council in April 2020. The temporary policy provides guidelines to assist in the assessment of applications received for the deferment of rates and charges due to financial hardship.

The latest review has been conducted in response to the continuing COVID-19 Pandemic Event (the event) and staged restrictions.

**Council Resolution**

**MOVED:** Cr Peter Clarke

**SECONDED:** Cr Peter Perkins

**That Council:**

1. Endorses the Financial Hardship Policy – COVID-19 Pandemic Event (**Attachment 1**).
2. Notes that these temporary provisions will be reviewed at the March 2021 Council Meeting.

**CARRIED**

**12. Officers' reports****OCM.173/20 Temporary and Community Advertising 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****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 revised 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, 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. An overview of the feedback received in the submissions and an officer response to the feedback is attached to this report (**Attachment 2**). 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.

The draft policy was further deferred at the July OCM, to allow this additional consultation to occur. In total, 83 community groups, sporting clubs and private organisations were contacted directly in July, and 12 groups were represented over 4 forums with Councillors and Council Officers.

This report summarises the feedback in the written and verbal submissions received on the draft Temporary and Community Advertising Signage Policy, as well as providing a response to the submissions and revisions to the revised draft policy.

This report recommends that Council, having considered all submissions, resolves to adopt the revised draft Temporary and Community Advertising Signage Policy.

12. Officers' reports

OCM.173/20 Temporary and Community Advertising Signage Policy

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**Motion**

**MOVED: Cr Peter Clarke**

**SECONDED: Cr Jane Ashton**

**That** Council:

1. Adopts the Temporary and Community Advertising Signage Policy (**Attachment 1**).
2. Instructs officers to commence implementation of the Policy.
3. Instructs officers to commence a review of roadside signage along Main Road Eltham and Main Hurstbridge Road Diamond Creek and liaise with the Department of Transport to have signage removed where appropriate.

**Amendment**

**MOVED: Cr Grant Brooker**

**SECONDED: Cr John Dumaresq**

**That** an additional paragraph be added as follows:

1. Adopts the Temporary and Community Advertising Signage Policy (**Attachment 1**).
2. Instructs officers to commence implementation of the Policy.
3. **Delete the banner section component in the policy (Nillumbik Banner Program).**
4. Instructs officers to commence a review of roadside signage along Main Road Eltham and Main Hurstbridge Road Diamond Creek and liaise with the Department of Transport to have signage removed where appropriate.

THE MOTION WAS PUT TO THE VOTE AND LOST

*Cr Peter Perkins called for a division*

*For: Cr Peter Perkins, Cr John Dumaresq and Cr Grant Brooker*

*Against: Cr Jane Ashton, Cr Karen Egan and Cr Peter Clarke*

*The Mayor Cr Karen Egan used her casting vote to vote against the Motion.*

*The Mayor Cr Karen Egan declared the Motion Lost.*

**Motion**

**MOVED: Cr Peter Clarke**

**SECONDED: Cr Jane Ashton**

**That** Council:

1. Adopts the Temporary and Community Advertising Signage Policy (**Attachment 1**).
2. Instructs officers to commence implementation of the Policy.

12. Officers' reports

OCM.173/20 Temporary and Community Advertising Signage Policy

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3. Instructs officers to commence a review of roadside signage along Main Road Eltham and Main Hurstbridge Road Diamond Creek and liaise with the Department of Transport to have signage removed where appropriate.

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

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| <b>Council Resolution</b> |
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**MOVED:** Cr Peter Clarke

**SECONDED:** Cr Jane Ashton

**That Council:**

1. Adopts the Temporary and Community Advertising Signage Policy (**Attachment 1**).
2. Instructs officers to commence implementation of the Policy.
3. Instructs officers to commence a review of roadside signage along Main Road Eltham and Main Hurstbridge Road Diamond Creek and liaise with the Department of Transport to have signage removed where appropriate.

**CARRIED**

*Cr Peter Perkins called for a division*

*For: 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 used her casting vote to vote for the Motion.*

*The Mayor Cr Karen Egan declared the Motion Carried.*

*Prior to the next item being heard, the Mayor, Cr Karen Egan requested a 10 minute break, The meeting was temporarily suspended at 8.45pm and resumed at 8.55pm*

12. Officers' reports

OCM.174/20 Kangaroo Ground War Memorial Park Master Plan - Concept

**Distribution:** Public

**Manager:** Rosa Zouzoulas, Executive Manager Planning and Community Safety

**Author:** Andrew Feeney, Senior Urban Designer

**Summary**

A Concept has been prepared for the Kangaroo Ground War Memorial Park (**Attachment 1**). The Concept is as a key product achieving a critical project milestone in the Kangaroo Ground War Memorial Park Master Plan project, and an expected Council project deliverable for the 2019/20 year. Council's endorsement of the Concept is being sought, along with Council's endorsement for its Officers to proceed to the master plan phase of the project to project completion.

**Recommendation**

**That Council:**

1. Endorses the Concept (**Attachment 1**) as a formative product of the Master Plan project.
2. Endorses the Concept (**Attachment 1**) being made available on Council's Participate Nillumbik website, for information only (along with information about the project's next steps including public consultation to obtain feedback on a Draft Master Plan).
3. Endorses Officers to proceed with the Master Plan phase of the project, based on the Concept (**Attachment 1**), including:
  - a) Preparing a Draft Master Plan for public review, and
  - b) Completing the Master Plan for adoption at a future Council Meeting.

**Motion**

**MOVED:** Cr Jane Ashton

**SECONDED:** Cr Peter Clarke

**That Council:**

1. Endorses the Concept (**Attachment 1**) as a formative product of the Master Plan project **subject to the following changes:**
  - a) ***Retention of the Moorul Viewing Platform***
  - b) ***Improved viewing options and continual use of the Moorul Viewing Platform as site to display information.***
  - c) ***No reference to removal of fire spotter cabin.***
2. Endorses the Concept **subject to the above changes** (**Attachment 1**) being made available on Council's Participate Nillumbik website, for information only (along with information about the project's next steps including public consultation to obtain feedback on a Draft Master Plan).

12. Officers' reports

OCM.174/20 Kangaroo Ground War Memorial Park Master Plan - Concept

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3. Endorses Officers to proceed with the Master Plan phase of the project, based on the Concept **subject to the above changes (Attachment 1)**, including:
  - a) Preparing a Draft Master Plan for public review, and
  - b) Completing the Master Plan for adoption at a future Council Meeting.

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

**Council Resolution**

**MOVED: Cr Jane Ashton**

**SECONDED: Cr Peter Clarke**

**That Council:**

1. Endorses the Concept (Attachment 1) as a formative product of the Master Plan project subject to the following changes:
  - a) *Retention of the Moorul Viewing Platform*
  - b) *Improved viewing options and continual use of the Moorul Viewing Platform as site to display information.*
  - c) *No reference to removal of fire spotter cabin.*
2. Endorses the Concept subject to the above changes (Attachment 1) being made available on Council's Participate Nillumbik website, for information only (along with information about the project's next steps including public consultation to obtain feedback on a Draft Master Plan).
3. Endorses Officers to proceed with the Master Plan phase of the project, based on the Concept subject to the above changes (Attachment 1), including:
  - a) Preparing a Draft Master Plan for public review, and
  - b) Completing the Master Plan for adoption at a future Council Meeting.

**CARRIED UNANIMOUSLY**

*Carl Cowrie temporarily left the meeting following the vote on the above item at 8.58pm and returned at 8.59pm*

*Carl Cowrie temporarily left the meeting following the vote on the above item at 9.01pm and returned at 9.02pm*

**12. Officers' reports****OCM.175/20    Gazettal of Amendment VC176 - changes Clause 52.12 Bushfire Protection: Exemptions****Distribution:    Public****Manager:        Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author:         Leigh Northwood, Strategic Planning Lead****Summary**

Pursuant to amendment VC176, changes to the particular provision at clause 52.12 of all Victorian Planning Schemes have been made to align the application of vegetation clearing exemptions with the Bushfire Prone Area (BPA) mapping across all Victorian councils.

The changes also provide clarity to previous issues raised with the exemptions, particularly in regard to the dwellings and defensible space considered under the Bushfire Management Overlay. This comes via continued advocacy by Councils including Nillumbik Shire and the Municipal Association of Victoria (MAV) in regard to the impacts that the exemptions are having on neighbourhood character and biodiversity.

The purpose of this report is to outline recent changes and seek adoption of a position specific to application of the exemption and BPA mapping.

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| <b>Council Resolution</b> |
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**MOVED:         Cr Peter Clarke****SECONDED:    Cr Peter Perkins**

**That** Council adopts the following advocacy positions in relation to bushfire planning:

1. At its annual review of Bushfire Prone Area Mapping Council request DELWP undertake a broad review of the Shire's MAC's (Diamond Creek and Eltham) and the alignment of the BPA mapping in the context of these areas and historic subdivision that has changed the landscape in these urban areas;
2. Continue to advocate to the State Government to review and dramatically increase infringement fees to ensure serious deterrent to unauthorised vegetation clearance;
3. Continue to advocate to State Government to change the *Planning and Environment Act 1987* provisions to provide greater powers to authorised officers to cause cessation of unauthorised activity; and
4. Continue advocacy requesting the Municipal Association of Victoria (MAV) support to advocate for amendments to legislative framework with regard to increase in fines for unauthorised illegal clearing of vegetation.

**CARRIED**



## 12. Officers' reports

OCM.176/20 Annual Report 2019-2020

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

The *Local Government Act 1989* (the Act) and the *Local Government (Planning and Reporting) Regulations 2014* (the Regulations) require each Council in Victoria to prepare an Annual Report for each financial year.

The Annual Report is Council's highest level reporting document to the State Government and the community. While Council has a statutory obligation to produce an Annual Report, it is also an opportunity to demonstrate Council's service delivery and performance to the community regarding Council activities over the past financial year. The 2019-2020 Annual Report also reports on progress and delivery of key strategies and actions for the third year of the *Council Plan 2017-2021*.

Council's Annual Report 2019-2020 (including audited financial and performance statements) (Annual Report) is hereby presented for noting. As required by the Act, the Minister for Local Government has already been provided with a copy of the report.

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| <b>Council Resolution</b> |
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**MOVED: Cr Grant Brooker****SECONDED: Cr Jane Ashton****That Council:**

1. Notes the Annual Report 2019-2020 (**Attachment 1**).
2. Notes that the Annual Report has been submitted to the Minister for Local Government, and it is presented to Council within one month of providing the Annual Report to the Minister for Local Government, satisfying section 134(2)(a) of the *Local Government Act 1989* and section 22(1) of the *Local Government (Planning and Reporting) Regulations 2014*.
3. Notes a copy of the Annual Report was made available for public inspection on Council's website two weeks prior to this meeting, compliant with section 133(2) of the Act.
4. Notes a public notice featured in *The Age* newspaper on 1 September 2020 advising the Annual Report will be considered at the Ordinary Council Meeting on 15 September 2020, and where a copy of the report can be obtained, compliant with section 134(2)(b) of the Act.

**CARRIED**

12. Officers' reports

OCM.177/20 Laughing Waters Arts Program

**Distribution: Public**

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

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

**Summary**

Council has an opportunity to re-establish an Artist Residency Program at “Garambi Baan” (Laughing Waters), two State Government owned properties managed by Parks Victoria, located at 130 and 195 Laughing Waters Road, Eltham

On 25 June 2020, Council received formal notification that Amendment C125 has been approved by the Minister for Planning which allows re-use of these buildings for the purpose of an Artist Residency program.

C125 requires the development of a bushfire management plan, which has since been developed with Parks Victoria and CFA input and is now awaiting formal approval by the CFA.

This report recommends Council approve a lease between Council and Parks Victoria for use of the Laughing Waters properties, along with approval for Council to engage Residency Projects to operate an artist residency program in accordance with all requirements under the Planning Scheme from the properties.

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| <b>Council Resolution</b> |
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**MOVED: Cr Peter Clarke**

**SECONDED: Cr Jane Ashton**

**That Council:**

1. Enters into a lease with Parks Victoria for the purpose of establishing an Artists Residency Program at 130 and 195 Laughing Waters Road, Eltham.
2. Authorises the Chief Executive Officer to finalise and execute the lease agreement with Parks Victoria.
3. Enters into an agreement with Residency Projects to establish an Artists Residency Program at 130 and 195 Laughing Waters Road, Eltham. The agreement:
  - a) Shall be in accordance with any requirements of a lease between Parks Victoria and Nillumbik Shire Council.
  - b) Shall include financial support of \$30,000 per annum from Nillumbik Shire Council to Residency Projects to contribute to the Artists Residency program and building maintenance, subject to annual reporting and a review after five years.
  - c) Term of the agreement between Council and Residency Projects shall align with the term of the lease between Council and Parks Victoria.
4. Authorises the Chief Executive Officer to finalise and execute the agreement with Residency Projects.

**CARRIED**

12. Officers' reports

OCM.178/20 Diamond Valley Library Refurbishment Works

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**Distribution: Public**

**Manager: Corrienne Nichols, Executive Manager Communities**

**Author: Corrienne Nichols, Executive Manager Communities  
Steven Blight, Construction Coordinator**

**Summary**

Preliminary inspection of the Diamond Valley Library building found two key elements of the existing building structure in disrepair and likely to need replacement within the next 2-3 years being:

- Celestial Ceiling / Skylight, as unique feature of the library ceiling
- Southern Glass Wall/Windows, a key component of the indoor/outdoor connection

Whilst not within the original project scope, it is recommended these works should be incorporated within the project to ensure the best possible outcome, and not compromise the Library Upgrade.

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| <b>Council Resolution</b> |
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**MOVED: Cr Grant Brooker**

**SECONDED: Cr Peter Clarke**

**That Council:**

1. Includes the maintenance works in this project and not compromise the Library Upgrade outcome,
2. Approves an additional \$324,000 to be allocated to this project and referred to the mid-year budget review for funding.

**CARRIED**

12. Officers' reports

OCM.179/20 Information Meetings of Councillors Record

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**Distribution:** Public

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

**Author:** Janet Taylor, Governance Officer

**Summary**

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Information Meeting of Councillors held.

This report lists Information Meetings of Councillors records that have been submitted since the matter was last reported to Council on 25 August 2020.

An Informal Meetings of Councillors Record was kept for:

- Councillor Briefing held 18 August 2020;
- Environment & Sustainability Advisory Committee held 19 August 2020;
- Pre-meeting to Ordinary Council Meeting held 25 August 2020;
- Arts and Cultural Advisory Committee held 31 August 2020;
- Councillor Briefing held 1 September 2020;
- Positive Ageing Advisory Committee held 4 September 2020; and
- Pre-meeting to Future Nillumbik Committee held 8 September 2020.

**Council Resolution**

**MOVED:** Cr Peter Perkins

**SECONDED:** Cr Peter Clarke

**That** Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Information Meetings of Councillors records held on (**Attachment 1**).

**CARRIED**

12. Officers' reports

OCM.180/20 Hardship Request

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**Distribution: Public**

**Manager: Corrienne Nichols, Executive Manager Communities**

**Author: Simon Doyle, Coordinator Arts and Cultural Development  
Melanie Holt, Manager Community Partnerships**

**Summary**

On Friday 17 August 2020 Council received a confidential request for assistance due to extreme financial hardship relating to the second round of COVID-19 lock down.

A separate confidential report in this agenda provides detailed information for Council's consideration. It is recommended that this detailed report remain confidential as it includes information which may prejudice the Council or another person.

**Council Resolution**

**MOVED: Cr Peter Clarke**

**SECONDED: Cr Peter Perkins**

**That** Council note the report.

**CARRIED**

12. Officers' reports

OCM.181/20 Tender Report - Contract 1920-72 Solar Farm

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**Distribution: Public**

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

**Author: Paul Usatov, Senior Project Manager**

**Lance Clark, Senior Procurement Specialist**

**Summary**

1. This report is an overview of the separate confidential report recommending the award of Contract Number 1920-72 for the development of a solar farm and associated Power Purchase Agreement (PPA) located at the former land fill site at 290 Yan Yean Road Plenty.

**Background**

2. At its Ordinary Meeting of Council (OCM) on 28 August 2018, Council resolved to undertake a feasibility study into the development of a solar farm focussing on Council land within the Shire.
3. External advisors were then engaged to examine opportunities with developing a solar farm at the former Plenty and Kangaroo Ground landfill sites.
4. The extensive feasibility study work involved understanding the planning, geotechnical and structural engineering conditions, indicative development costs, potential grid connection issues, and business models to demonstrate a feasible and viable project.
5. The work indicated that there were no fundamental impediments to developing a solar farm at either site, with Plenty being the most feasible and preferred site.
6. A solar farm development project would not conflict with any other objectives to reduce Council's electricity consumption and greenhouse gas emissions, for example through continued improved building efficiency, or installation of 'behind the meter' solar on Council buildings.
7. At its OCM on 26 November 2019, Council considered the feasibility study report and resolved to proceed to seek market offers from the solar farm development industry to develop a solar farm at the former Plenty land fill site. Council also resolved to continue to explore opportunities to incorporate a community investor element in the solar farm development.
8. Council officers proceeded to engage with the solar farm development industry and external advisors were engaged to assist Council with producing the necessary documentation to seek market offers to develop a solar farm at the former Plenty land fill site.

**Tender Specification Objectives**

9. The project scope in the Request for Tender (RFT) specifications, seeking market offers to develop a Solar Farm at the former Plenty land fill site, specified the following:
  - Council seeks to appoint a single developer to the project, whether in its own right or acting as lead for a consortium, through specific contracts.
  - Developers competitively bid to provide all required financing, community consultation, design, permits, approvals, construction, commissioning,

12. Officers' reports

OCM.181/20 Tender Report - Contract 1920-72 Solar Farm

ownership, maintenance, facility management and land management responsibilities and associated costs for the proposed Solar Farm at the site.

- Developers competitively bid to deliver value for money reliable electricity supply services, and from other sources when the solar farm does not generate sufficient electricity, through a long term PPA and REFA in collaboration with a licensed electricity retailer.
  - Developers competitively bid to supply approximately 2,000MWh from the solar farm to meet Council's annual electricity consumption requirements comprised of corporate facilities and street lighting.
  - Developers competitively bid to deliver value for money LGCs from the solar farm through the PPA in collaboration with a licensed retailer.
  - Developers competitively bid to lease or licence the use of the land for a period of up to twenty (25) years with a five (5) year extension option. Council would always remain the owner of the land. At the end of the twenty-five (25) year (plus five (5) year extension option) asset life cycle of the Solar Farm, the developer is required to remove all Solar Farm assets and associated infrastructure and manage according to best practice materials management of the day, and making good the land to the same condition as it was on commencement of the contract.
  - Developers competitively bid based on the forecasted timelines of the land becoming available for the solar farm development following completion of the landfill rehabilitation and capping works under separate contract inclusive of contractual defects liability period and EPA approval.
  - Developers competitively bid on the development of a Solar Farm with technology that does not compromise, damage or penetrate the landfill capping
10. The RFT also sought responses from the market with respect to community benefit and investment opportunities, such as:
- establishing opportunities for community offtake, for example tenants, local businesses and potentially whole neighbourhoods to also purchase electrical power from the solar farm through their own PPA's.
  - opportunities for local businesses / community to own part of the solar farm directly or offer benefits from its earnings.
  - leveraging the market for innovation, additional business activities, energy technology investment,
  - opportunities to incorporate community information and educational school programs onsite.
  - offering economic and social procurement commitments for the design, construction, ownership, management, maintenance educational tools, etc.
11. Developers competitively bid based on the tender evaluation criteria including the following:
- qualifications and experience

12. Officers' reports

OCM.181/20 Tender Report - Contract 1920-72 Solar Farm

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- capability, capacity and resources
  - collaborative approach with Council and community
  - solar farm facility management, asset management, land management and
  - environmental management
  - community investment opportunities
  - local economic and social development opportunities and support
12. The Solar Farm development project is to be governed by four (4) contracts to manage quality, timelines and risks. Contracts were developed with specialist renewable energy development and advice.
13. Early Contractor Involvement (ECI). The purpose of the ECI Contract is to manage the risks for Council through approval gateways. During this phase, the appointed tenderer will work with Council and the community to:
- design and obtain key approvals for the Solar Farm including the planning permit application process, EPA and AusNet connection.
  - complete detailed site investigations and engineering
  - undertake community consultation and engagement on the design.
  - progress a potential community investment model.
  - complete all applicable operational and management plans, including but not limited to, landscaping, noise, visual amenity, traffic, emergency management (including fire), environment, methane gas.
  - finalise the EPCM, PPA and REFA for the volume of energy to be supplied by the solar Farm and confirming the required size of the Solar Farm to meet contracted demand.
14. The Engineer, Procure, Construct and Maintain (EPCM) contract manages the substantial physical works related to the project from engineering, through to construction and operation
15. The Power Purchase Agreement (PPA) is a contract between Council, electricity retailer, and developer to purchase electrical power supply and LGCs from the solar farm to achieve the following objectives:
- provide a secure revenue stream for the solar farm developer as it guarantees a pre-determined volume of energy and LGCs to be purchased by Council, based on historic and future energy consumption forecasts.
  - in exchange, Council secures value for money fixed electricity and LGC pricing from a renewable source for the duration of the PPA term of 15 years.
  - the electricity retailer acts as intermediary providing administrative billing services, and security of energy supply, when the solar farm does not generate sufficient electricity to meet Council's annual electricity consumption requirements.



12. Officers' reports

OCM.181/20 Tender Report - Contract 1920-72 Solar Farm

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- maintain flexibility with regular PPA reviews and allowances to lower or increase electricity consumption loads throughout the PPA term.

16. The Retail Electricity Firming Agreement (REFA) is a contract between the Council and retailer that defines how the retailer supplies electricity to Council. It includes measuring, billing and reporting activities and services including energy consumption, conduct of performance audits as required, administration of the PPA, and administration of electricity meters and billing processes across multiple Council sites. It will match the PPA, and is for a similar term to the PPA, and also includes regular review points.

**Consultation/Communication**

17. Notification of Council's investigations into a potential solar farm and associated Council decisions have occurred over the last two years and published in media.
18. Information about the Solar Farm development proposal was published on the Participate Nillumbik web site page on 07 July 20 2020 and closed on 31 July 2020.
19. There were 366 views of the web site page and 50 feedback comments received from the community. The feedback was mostly positive and supportive of the project.
20. The community's feedback was collated and is attached to this report as **Attachment 1**.
21. All received community feedback will be considered during the design and development of the project, subject to Council's approval to proceed with the project.
22. Further community engagement will be undertaken during the design process with the appointed developer. Consideration will be given to any COVID-19 restrictions and may include organising on line community engagement sessions.
23. The solar farm contract documents stipulate that the community engagement process was to be a critical component to the successful planning and delivery of the project, not only during the design process, but throughout the project, with the appointed developer.
24. The community may continue to submit their feedback throughout the project's development through the contact details on the Participate Nillumbik web site page.

**Timelines**

25. The key project delivery milestones are as follows:
  - Subject to Council consideration and acceptance of the recommended tender, proceed to issue the letter of intent to the tenderer in late September 2020 and sign the contract under delegated authority in October 2020.
  - Commence the community consultation and engagement process with the solar farm developer to inform the design phase of the project within the restrictions of COVID-19 from late October 2020.
  - Commence the planning permit application process and detailed engineering design process following completion of the community consultation and engagement process and design phase. This phase is expected to take approximately 20 months from October 2020 to July 2022.

**12. Officers' reports**

**OCM.181/20 Tender Report - Contract 1920-72 Solar Farm**

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- Commence the construction phase following completion of the planning permit application process, detailed engineering design process and completion of the landfill capping works inclusive of the contractual defects liability period. The construction phase is expected to be approximately 11 months from August 2022 to June 2023. The solar farm construction phase cannot commence until after the landfill capping works are completed
26. The solar farm operation and maintenance phase is expected to be up to 30 years commencing from July 2023.
27. The generation of Solar Farm electricity and LGCs to Council through the PPA is expected to commence in July 2023, after construction is completed.

**Tenders**

28. Tenders were advertised on 13 June 2020 and closed on 16 July 2020.
29. The Tender Evaluation Panel (TEP) assessed all received tender submissions.
30. 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.
31. The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remains confidential.

12. Officers' reports

OCM.181/20 Tender Report - Contract 1920-72 Solar Farm

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**Council Resolution**

**MOVED:** Cr Jane Ashton

**SECONDED:** Cr Grant Brooker

**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 Jane Ashton

**SECONDED:** Cr Peter Clarke

**That** Council:

1. Enters into a contract with LMS Energy Pty Ltd for Early Contractor Involvement (ECI) for the development of a solar farm at the former Plenty Landfill, Yan Yean Road Plenty.
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Infrastructure and Operations to enter into negotiations with LMS Energy Pty Ltd to finalise and execute the Engineer, Procure, Construct and Maintain (EPCM), Power Purchase Agreement (PPA) and Retail Firming Agreement (RFA) Contracts.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

**CARRIED UNANIMOUSLY**

13. Notices of Motion

**NOM.009/20**

Cr Peter Perkins advised of his intention to move the following:

**Motion**

**MOVED:** Cr Peter Perkins

**SECONDED:** Cr John Dumaresq

**That Council:**

1. Requests officers commence policy and training development in relation to Protocols for Councillors - Land Use Planning in broad accordance with the following City of Casey document titled "Protocols for Councillors - Land Use Planning" and the MAV "Land Use Planning in Victoria Councillor Guide 2016" appropriately amended for the Shire of Nillumbik.
2. Requests officers prepare a report and recommendations for the first Council meeting of the new Council specifically in relation to the appropriateness of the following section as guidance for all Nillumbik Councillors in relation to land use planning...

*"4. Policy*

*In considering any land use planning matters Councillors should:*

*4.2. Requests for meetings, correspondence and phone calls*

- *Consider whether there is merit in meeting with a party over and above the consideration of written or presented submissions as part of the decision making process.*
- *Refer meeting requests to the Council Support Officer for coordination and these will be held in the presence of a senior member of the Planning and Building Department or Growth and Investment Department and the Director City Planning and Infrastructure.*
- *Not compromise themselves by having meetings, phone calls or other correspondence with parties without council officers or other parties being present.*
- *Where communication does occur, a record of the discussion is required. If this occurs in absence of a council officer then a copy of any record of any interaction must be provided to the Council Support Officer to be placed on file. This is in the interests of transparency and places the active onus on the Councillor to maintain the integrity during the course of any planning process.*
- *Do not express a view that demonstrates a bias or pre-conceived view".*

THE MOTION WAS PUT TO THE VOTE AND LOST

*Cr Peter Perkins called for a division*

*For: Cr Peter Perkins, Cr John Dumaresq and Cr Grant Brooker*

*Against: Cr Jane Ashton, Cr Karen Egan and Cr Peter Clarke*

*The Mayor Cr Karen Egan used her casting vote to vote against the Motion.*

*The Mayor Cr Karen Egan declared the Motion Lost.*

**NOM.010/20**

Cr Peter Clarke advised of his intention to move the following:

**Motion**

**MOVED:** Cr Peter Clarke

**SECONDED:** -

**That** Council amends the Councillor Expenses Policy by deleting Clause 5.11 Mayoral Vehicle.

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**NOM.011/20**

Cr Peter Clarke advised of his intention to move the following:

**Council Resolution**

**MOVED:** Cr Peter Clarke

**SECONDED:** Cr Jane Ashton

**That** Council amends the Councillor Expenses Policy by the inclusion of new clause under Section 5 Resources:

Meals and Beverages at Council Meetings and Briefings

- i) Council will meet the cost of the provision of meals for Councillors at Councils expense for all onsite Briefings, Committee and Ordinary Council meetings
- ii) Council will meet the cost of the provision of beverages of tea, coffee and non-alcoholic beverages at all meetings where meals are served.

**CARRIED**

*Cr Peter Clarke called for a division*

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

*Against: Cr Peter Perkins and Cr John Dumaresq*

*The Mayor declared the Motion Carried.*

**NOM.012/20**

Cr Peter Clarke advised of his intention to move the following:

**Council Resolution**

**MOVED: Cr Peter Clarke**

**SECONDED: Cr John Dumaresq**

**That** Council resolves to cease work on the proposed redesign of the Eltham Library Gallery Space and not revisit these redesign options.

**CARRIED**

*A Motion to extend the Meeting occurred during discussion of the above item*

*Motion to extend meeting – 10:27pm*

*In accordance with item 6.1 of the Meeting Procedure, 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 Grant Booker**

**SECONDED: Cr Peter Clarke**

**That** the meeting be extended.

**CARRIED**

**NOM.013/20**

Cr Grant Booker advised of his intention to move the following:

**Motion**

**That:**

1. Council amends the Councillor Expenses Policy at sections 4.4 and 6 of the policy as follows:
  - a. Under the heading Conferences and Seminars at section 4.4 add words 'approval by the CEO' to the second paragraph.
  - b. Under the heading Formal Training at section 4.4 add the words 'from the CEO' to the first paragraph and add a new paragraph  
'Councillors are required to complete the assessment requirements of the AICD Course:
    - i. The assessment consists of
      - A multiple choice exam
      - A 105 minute written exam
      - A 3000 word Assignment'
  - c. Under the section 6 - End of Councillor's Service in paragraph 5 replace written down value with 'the market value as determined by reference to some online auction sites'.

*In line with Clause 40 of the Governance Rule – Meeting Procedures, Cr Grant Brooker requested that the Chairperson put the motion to the vote in separate parts. The Chairperson consented to the request to treat items 1a., 1b. and 1c of the Motion individually.*

**Council Resolution**

**MOVED: Cr Grant Brooker**

**SECONDED: Cr Peter Perkins**

**That:**

1. Council amends the Councillor Expenses Policy at sections 4.4 and 6 of the policy as follows:
  - a. Under the heading Conferences and Seminars at section 4.4 add words 'approval by the CEO' to the second paragraph.

**CARRIED**

*Cr Peter Clarke called for a division*

*For: Cr Peter Perkins, Cr Jane Ashton, Cr John Dumaresq and Cr Grant Brooker*

*Against: Cr Karen Egan and Cr Peter Clarke*

*The Mayor declared the Motion Carried.*

**Council Resolution**

**MOVED: Cr Grant Brooker**

**SECONDED: Cr Peter Clarke**

**That:**

1. Council amends the Councillor Expenses Policy at sections 4.4 and 6 of the policy as follows:
  - b. Under the heading Formal Training at section 4.4 add the words 'from the CEO' to the first paragraph and add a new paragraph  
'Councillors are required to complete the assessment requirements of the AICD Course:
    - i. The assessment consists of
      - A multiple choice exam
      - A 105 minute written exam
      - A 3000 word Assignment'

Councillors that enrol in the AICD course and fail to submit all three parts of the assessment will refund Nillumbik Council the \$7929.90 - Course Fee'.

**CARRIED**

Division

*Cr Peter Clarke called for a division*

*For: Cr Jane Ashton, Cr Karen Egan, Cr John Dumaresq and Cr Grant Brooker*

*Against: Cr Peter Perkins and Cr Peter Clarke*

*The Mayor Cr Karen Egan declared the Motion Carried.*

**CARRIED**

**Council Resolution**

**MOVED: Cr Grant Brooker**

**SECONDED: Cr Peter Clarke**

**That:**

1. Council amends the Councillor Expenses Policy at sections 4.4 and 6 of the policy as follows:
  - c. Under the section 6 - End of Councillor's Service in paragraph 5 replace written down value with 'the market value as determined by reference to some online auction sites'.

THE MOTION WAS PUT TO THE VOTE AND LOST

*Cr Peter Clarke called for a division*

*For: Cr Jane Ashton, Cr John Dumaresq and Cr Grant Brooker*

*Against: Cr Peter Perkins, Cr Karen Egan and Cr Peter Clarke*

*The Mayor Cr Karen Egan used her casting vote to vote against the Motion.*

*The Mayor Cr Karen Egan declared the Motion Lost.*



*Blaga Naumoski temporarily left the meeting at 10.48pm during discussion of the above item and returned at 10.49pm.*

**14. Delegates' Reports**

**15. Supplementary and urgent business**

*Cr Peter Clarke requested an Item of Urgent Business in relation to Andrews Park Tennis Courts and Parkland be admitted:*

|                           |
|---------------------------|
| <b>Council Resolution</b> |
|---------------------------|

**MOVED: Cr Peter Clarke**

**SECONDED: Cr Jane Ashton**

**That** the item of Urgent Business in relation to Andrews Park Tennis Courts and Parkland be admitted.

**CARRIED**

**OCM.185/20 Andrews Park Tennis Courts and Parkland**

Cr Peter Clarke raised the following item of urgent business:

**That** Council immediately

1. Defer works at Andrews Park, Eltham regarding construction of Tennis Courts until agreement of the preferred layout is achieved.
2. Undertake consultation with the Eltham Tennis Club, residents, park users and the Eltham Football Club to consider improvements to the current design of the Eltham Tennis Club expansion. These improvements are with the intention of maximising the useable space of Andrews Park for unstructured recreational activity.
3. Commence discussions and negotiations with the current contractors and the State Government to minimise penalties, disruption to the project, and ensure that funding to remains available for a plan with broad community support.
4. Commence public consultation with residents and park users for the next stage of Andrew Park proposed development which would include the 3x3 basketball courts, exercise stations and toilet block.

|               |
|---------------|
| <b>Motion</b> |
|---------------|

**MOVED: Cr Peter Clarke**

**SECONDED: Cr Jane Ashton**

**That** Council immediately

1. Defer works at Andrews Park, Eltham regarding construction of Tennis Courts until agreement of the preferred layout is achieved.
2. Undertake consultation with the Eltham Tennis Club, residents, park users and the Eltham Football Club to consider improvements to the current design of the Eltham Tennis Club expansion. These improvements are with the intention of maximising the useable space of Andrews Park for unstructured recreational activity.

3. Commence discussions and negotiations with the current contractors and the State Government to minimise penalties, disruption to the project, and ensure that funding to remains available for a plan with broad community support.
4. Commence public consultation with residents and park users for the next stage of Andrew Park proposed development which would include the 3x3 basketball courts, exercise stations and toilet block.

THE MOTION WAS PUT TO THE VOTE AND LOST

*Cr Peter Clarke called for a division*

*For: Cr Jane Ashton and Cr Peter Clarke*

*Against: Cr Peter Perkins, Cr Karen Egan, Cr John Dumaresq and Cr Grant Brooker*

*The Mayor Cr Karen Egan declared the Motion Lost.*

*Cr Peter Perkins temporarily left the meeting during discussion of the above item at 11.12pm and returned at 11.12pm.*

**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.182/20 Hardship Request**

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.183/20 Submission to DELWP Green Wedge Provisions Review Consultation Paper**

This item is confidential because it is confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) pursuant to paragraph (h) 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.184/20 Tender Report - Contract 1920-72 Solar Farm**

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).

**Council Resolution**

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

**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 11.43pm.

The meeting reopened to the public at 12.07am

**Close of Meeting**

The meeting closed at 12.07am.

Confirmed:

\_\_\_\_\_  
 Cr \_\_\_\_\_, Mayor