

## Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 27 March 2018 commencing at 7.30pm

### Agenda

**Mark Stoermer**  
**Chief Executive Officer**

Friday 23 March 2018

Distribution: Public

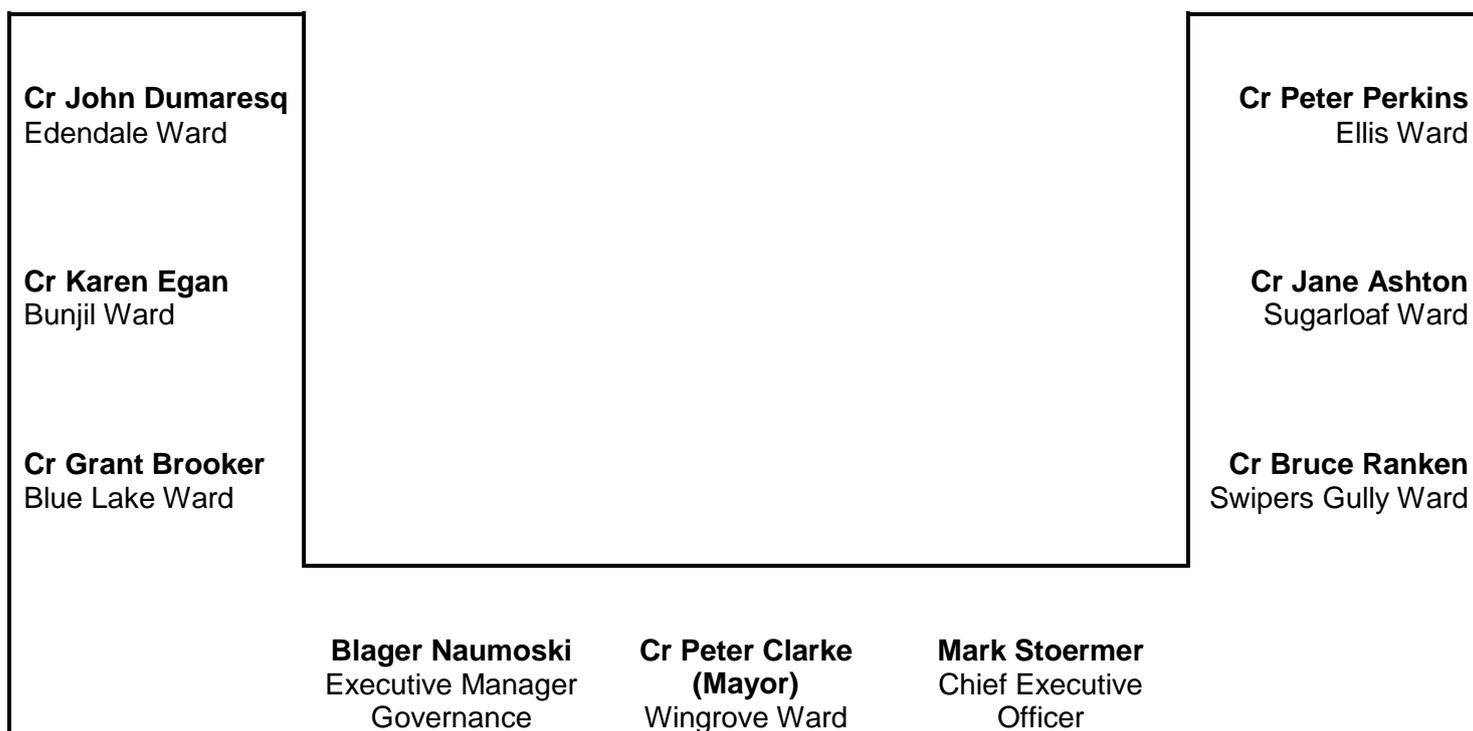
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*Domin je ka*

## Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

**Nillumbik Shire Council**

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**Contents**

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<b>1. Welcome by the Mayor</b>	<b>1</b>
<b>2. Reconciliation statement</b>	<b>1</b>
<b>3. Prayer</b>	<b>1</b>
<b>4. Apologies</b>	<b>1</b>
<b>5. Presentations</b>	<b>1</b>
<b>6. Confirmation of minute</b>	<b>2</b>
<b>7. Disclosure of conflicts of interest</b>	<b>2</b>
<b>8. Petitions</b>	<b>2</b>
<b>9. Questions from the gallery</b>	<b>2</b>
<b>10. Reports of Advisory Committees</b>	<b>3</b>
AC.002/18 Advisory Committee Report	3
<b>11. Reports of Special Committees</b>	<b>4</b>
<b>12. Officers' reports</b>	<b>5</b>
OCM.027/18 Special Rate Renewal for Diamond Creek - Declaration	5
OCM.031/18 Green Wedge Management Plan Review	12
OCM.029/18 Audit Committee meeting February 2018	17
OCM.030/18 Procurement Policy Annual Review	19
OCM.034/18 Assembly of Councillors	21
OCM.032/18 Meals on Wheels contract	27
OCM.028/18 Tender for the Management and Operation of Diamond Creek Community Centre	28
OCM.035/18 Tender Report - Contract 1718-103 Redevelopment of the Diamond Valley Sports and Fitness Centre - Project Management Services	29
OCM.037/18 Tender Report - Contract 1718-97 Redevelopment of the Diamond Valley Sports and Fitness Centre - Architectural Services	30
OCM.033/18 Victorian Local Government Microsoft Software Licensing contract	31
OCM.036/18 Tender Report - Contract 1718-074 Edendale Farm Kiosk and Nursery Construction	32
<b>13. Notices of Motion</b>	<b>33</b>
<b>14. Delegates' Reports</b>	<b>33</b>
<b>15. Supplementary and urgent business</b>	<b>33</b>
<b>16. Confidential reports</b>	<b>33</b>

**Nillumbik Shire Council**

**Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 27  
March 2018 commencing at 7 .30pm**

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**1. Welcome by the Mayor**

Members of the public are advised the meeting will be recorded.

**2. Reconciliation statement**

**The reconciliation statement to be read by the Mayor**

Nillumbik Shire Council acknowledges the Wurundjeri as the traditional custodians of the land now known as the Shire of Nillumbik and values the significance of the Wurundjeri people's history as essential to the unique character of the Shire.

**3. Prayer**

A prayer will be read.

**4. Apologies**

**Motion**

**That the apologies be accepted.**

**5. Presentations**

**Presentation**

Soothplayers with Shakespeare In The Park - has a framed autographed print to present to council by way of thanks for the grant and in-kind support.

**6. Confirmation of minute**

Confirmation of minutes of the Council Meeting held on Tuesday 27 February 2018.s

**Motion**

**That the minutes of the Council Meeting held on Tuesday 27 February 2018 be confirmed.**

**7. Disclosure of conflicts of interest**

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

**8. Petitions**

**9. Questions from the gallery**

10. Reports of Advisory Committees

AC.002/18 Advisory Committee Report

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**File:** AC02/18

**Distribution:** Public

**Manager:** Mark Stoermer, Chief Executive Officer

**Author:** Blaga Naumoski, Executive Manager Governance

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. This month, the following minutes are attached for information:

- Environment and Sustainability Advisory Committee held on 6 December 2017
- Environment and Sustainability Advisory Committee held on 7 February 2018
- Recreation Trails Advisory Committee meeting held on 22 February 2018
- Living & Learning Nillumbik Advisory Committee meeting held on 28 February 2018

**Attachments**

1. Environment and Sustainability Advisory Committee Minutes 6 December 2017
2. Environment and Sustainability Advisory Committee Minutes 7 February 2018
3. Recreation Trails Advisory Committee Minutes 28 February 2018
4. Living & Learning Nillumbik Advisory Committee Meeting Minutes - 28 February 2018

<b>Motion</b>
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**That Council notes the:**

1. **Environment and Sustainability Advisory Committee meeting minutes held on 6 December 2017.**
2. **Environment and Sustainability Advisory Committee meeting minutes held on 2 February 2018.**
3. **Recreation Trails Advisory Committee meeting minutes held on 22 February 2018.**
4. **Living & Learning Nillumbik Advisory Committee meeting minutes held on 28 February 2018.**

**11. Reports of Special Committees**

Nil

**12. Officers' reports****OCM.027/18 Special Rate Renewal for Diamond Creek - Declaration**

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**File:** 15/70/029  
**Distribution:** Public  
**Manager:** Kylie Lethbridge, Manager Business, Tourism and Marketing  
**Author:** Darko Popovski, Coordinator Tourism and Business

**Summary**

The purpose of this report is for Council to consider the matter of whether to declare, modify or abandon the Special Rate for Diamond Creek.

In accordance with the requirements of the *Local Government Act 1989* (Act) formal notification of the proposed Special Rate scheme was undertaken, with a public notice published in the Diamond Valley Leader on 31 January 2018 and also by written notification being sent to the owners and occupiers of properties/businesses upon which the Special Rate would be levied.

In response to the above notifications, Council received 11 submissions, and in accordance with sections 223(b)(c) of the *Local Government Act 1989*, Council, at its Future Nillumbik Committee meeting held on 13 March 2018, considered all submissions and heard from four submitters.

Having considered all 11 submissions the Diamond Creek Traders Association has advised that it wishes to proceed with the renewal of the Special Rate in the form advertised.

Accordingly, this report recommends that Council declares the Special Rate for Diamond Creek for a further five year period.

<b>Recommendation</b>
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**That Council:**

- 1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* (the Act), and otherwise according to law, hereby declares a Special Rate for Diamond Creek Shopping Precinct under section 163(1) of the Act for the purpose of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Diamond Creek Traders Association, which funds, subject always to the approval, direction and control of Council, are to be used for the purpose of funding a part-time precinct marketing coordinator, promotional, advertising, marketing, business development and other incidental expenses, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Diamond Creek Shopping Precinct.**

12. Officers' reports

OCM.027/18 Special Rate Renewal for Diamond Creek - Declaration

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2. Gives notice to all owners and occupiers of properties included in the scheme and all persons who have lodged a submission and or an objection in writing of the decision of Council to declare and levy the Special Rate commencing on 1 April 2018, and the reasons for the decision.
3. Resolves that for the purposes of paragraph 2, the reasons for the decision of Council to declare the Special Rate are:
  - a. There is sufficient support for the Special Rate from the property owners and occupiers.
  - b. Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the scheme area.
  - c. All persons who are liable or required to pay the Special Rate and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/ or a maintenance or enhancement in the use, occupation and enjoyment of the properties.
  - d. The basis of distribution of the Special Rate amongst those persons who are liable or required to pay the Special Rate is considered to be fair and reasonable.

**Attachments**

1. Attachment 1 Resolution
2. Attachment\_2\_Diamond\_Creek\_Special\_Rate\_Property\_List
3. Attachment\_3\_Diamond\_Creek\_Special\_Rate\_Chute\_Street\_Precinct
4. Attachment\_4\_Diamond\_Creek\_Special\_Rate\_Main\_Road\_Precinct
5. Attachment\_5\_Diamond\_Creek\_Special\_Rate\_Draft\_Agreement

**12. Officers' reports**

**OCM.027/18 Special Rate Renewal for Diamond Creek - Declaration**

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**Background**

1. The Diamond Creek Traders Association Committee has formally requested Council to renew the Special Rate to be used to fund promotional, advertising, marketing, business development and other incidental expenses associated with maintaining and developing commerce and trade within the Diamond Creek shopping precinct.
2. The Association has determined the amount to be raised, the properties to which the scheme should be levied, and the principles that should be applied in raising the required funds.
3. Council collects the Special Rate on behalf of the Association and is responsible for its administration.
4. The proposal involves a proportional rate levied on properties included in the Special Rate Scheme Area. This would raise an amount of \$30,000 in the first year (2017/18), and \$120,000 annually thereafter, raising in total an amount of \$510,000 over the five (5) year period of the Scheme, commencing on 1 April 2018 and ending on 30 June 2022. The special rate is calculated by reference to the Capital Improved Value of each property, in a similar manner to the calculation of the general rate.
5. It will enable the implementation of an ongoing program of marketing, events, business development, business communication, networking and coordination activities. In particular, it will fund the ongoing engagement of a Precinct Marketing Coordinator.
6. The Diamond Creek Special Rate scheme will apply to businesses trading from properties located in the retail and business precinct including all properties covered by the 2012-2017 Special Rate Scheme. The proposed boundary covers all rateable land used or zoned for commercial, industrial, retail and professional purposes located within the Diamond Creek shopping precinct.
7. It is expected that properties within the special rate scheme area will continue to be added to or subtracted from the scheme, as further redevelopments or other changes occur over the next five years. New properties within the special rate scheme area will be added if they change to retail, commercial or professional purposes.
8. Properties will be deleted if they change to residential use. Amendments to the schedule will occur from the date a supplementary valuation changing its Land Classification Code is returned.
9. The scope of the Special Rate is based on consultation process undertaken by Council and the Association that commenced in November 2017.

**Policy context**

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

**12. Officers' reports**

**OCM.027/18 Special Rate Renewal for Diamond Creek - Declaration**

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**Budget implications**

11. There will be no net impact on Council's budget under the proposed Special Rate renewal, as all monies raised are distributed to the Diamond Creek Traders Association.
12. Council does not retain any of the special rate funds but covers the administration and management costs associated with the program from its existing operating budget.

**Basis of calculation**

13. The Special Rate will be assessed on the basis of ownership of rateable land used or zoned for industrial, retail, commercial, or professional purposes located in the scheme area. The Special Rate is calculated by reference to the Capital Improved Value (CIV) of each property, in a similar manner to the calculation of the general rate, currently based on 2016 valuations, **Attachment 2**.

**Rationale**

14. Council can declare a Special Rate Scheme under Section 163 of the Act. In declaring a Special Rate Scheme, Council must consider:
  - That the proposal relates to the performance of a function authorised by the Act.
  - That there will be a special benefit to the persons liable to pay the Special Rate.
  - That there is a proportional distribution of the rate amongst those persons liable to pay the Special Rate.
  - The total cost of the Special Rate Scheme including the annual amount, which the Association has budgeted to spend on various marketing and other activities.

**Consultation/communication**

15. In determining whether to support a renewal of the special rate, the Association conducted consultation with Diamond Creek businesses which included:
  - a. There were five Information Sessions offered
  - b. Invitations to these sessions was emailed, hand delivered and SMS reminders were sent
  - c. The Traders Association developed a 'walk and talk' support paper that was hand delivered to all traders
  - d. Businesses were invited to attend a Special General Meeting on 26 July 2017, where the members could discuss and then approve the second Special Rate Renewal
  - e. All member newsletters provided information and communication on the Special Rate Renewal and members were invited to comment
16. The correspondence explained the details of the proposal as well as an outline of the Association's recent achievements.
17. The Association Committee advised that the feedback from this consultation was very positive.

**12. Officers' reports**

**OCM.027/18 Special Rate Renewal for Diamond Creek - Declaration**

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18. In January, Council in accordance with the requirements of the Local Government Act 1989 (Act) formal notification of the proposed Special Rate scheme was undertaken, with a public notice published in the Diamond Valley Leader on 31 January 2018 and also by written notification being sent to the owners and occupiers of properties/businesses upon which the Special Rate would be levied.
19. In response to the public notice, Council received 11 submissions (from a total of 137 properties liable to pay the special rate), with four in support of the special rate scheme and seven opposing its renewal.
20. The objectors stated that their businesses have not received special benefit from the scheme and the objectors raise concern with the scheme area and properties that it encompasses.
21. In accordance with sections 223(b)(c) of the *Local Government Act 1989*, Council, at its Future Nillumbik Committee meeting held on 13 March 2018, considered all 11 submissions and heard from four submitters.

**Response to issues raised by submitters**

22. The Act provides the legislative framework governing the imposition of a special rate, the way notification must be given, who can make submissions, and how those submissions should be considered.
23. Only one person/party can object from each rateable property liable to pay the special rate; i.e. there can be no 'double voting' by the owner and the tenant.
24. In total, there are 137 properties liable to pay the special rate, and thus the maximum number of possible objections is 137, made by either the owner or the tenant (but not both).
25. Despite the benefits of the special rate for local traders, the objecting submissions received indicate a concern with the amount to be raised, its calculation and the benefit received.
26. These businesses are involved in supplying goods and services on a commercial basis directly to the local community and should benefit from promotion of the precinct. Effective marketing and promotion of Diamond Creek will encourage greater customer loyalty, reduce escape expenditure to other centres and create a multiplier effect that will enhance the long-term viability of the shopping precinct as a whole.
27. The Special Rate scheme is levied on a proportional basis according to the Capital Improved Value (CIV) for the property. At a basic conceptual level, properties/businesses that enjoy a higher rate of return/ turnover and with higher value will typically have a higher CIV. In the case of the fringe areas, these properties have lower CIVs than many of the retail/ commercial premises elsewhere in the precinct and accordingly, they are being asked to contribute at a lower rate. The vast majority of the special rate continues to be paid by those high value/ high turnover retail businesses.

**Boundaries of the proposed Special Rate Scheme**

28. Accordingly, it is recommended that Council support the levying of the Special Rate to those properties in Elizabeth and Station Street area, but urge the Association to develop promotional campaigns that respond to the needs of those businesses.

**12. Officers' reports****OCM.027/18 Special Rate Renewal for Diamond Creek - Declaration**

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29. The Diamond Creek Special Rate Scheme will apply to businesses trading from properties located in the core retail and business precinct including all properties covered by the previous scheme which starts from Main Street, Chute Street, George Street, Elizabeth Street, Station Street, both sides of Main Hurstbridge Road until corner of Wensley Street. It also includes businesses that operate in Collins Street and businesses that occupy premises on the right-hand side of Main Hurstbridge Road, heading north until the intersection of Main Hurstbridge Road and Phipps Crescent. The proposed boundary covers all rateable land used or zoned for commercial, industrial, retail and professional purposes located within the Diamond Creek Shopping Precinct, **Attachments 3 and 4**.
30. The objectives of the proposed Special Rate Scheme together with some of the DCTA recent activities and achievements; and the proposed budget and expenditure are outlined in the DCTA 2017-2022 Business and Marketing Plan.
31. A coordinated and collective approach is aimed at maintaining and improving the Diamond Creek Shopping Precinct performance over time. This includes increasing patronage and expenditure, business attraction and investment.
32. The Association also provides an effective communication, engagement and advocacy role for the precinct as a whole.
33. This is considered to be of benefit both directly and indirectly to all businesses and property owners located within the designated area and the wider community. It is considered that the value of properties included in the scheme, their desirability as a letting proposition, and their general image will be enhanced.
34. If the Special Rate Scheme is renewed, it is intended that Council will provide the Special Rate proceeds to the DCTA. A further formal Administrative Payment Agreement will be entered into between Council and the Chamber confirming that:
- The role of DCTA in expending the monies raised by the Special Rate Scheme on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council.
  - Council reserves to itself all discretions to the application of the proceeds of the Special Rate Scheme.
  - Council will not forward any proceeds of the Special Rate Scheme to the Association until such an agreement is entered into, **Attachment 5**.
35. The Association will be required to prepare a Business and Marketing Plan and an Annual Budget for the Diamond Creek Shopping Precinct outlining how the Special Rate proceeds will be spent to Council for approval.
36. Following approval of the Business and Marketing Plan, Annual Budget and compliance with other conditions specified in the Administrative Payment Agreement, Council will provide the Association with the Special Rate proceeds in two instalments.
37. A key aspect of this agreement is that the DCTA continues to be an incorporated entity and acts in accordance with the Associations Incorporation Act 1981 and Amendments to the Act 2014.

**Timeline and Communication**

**12. Officers' reports**

**OCM.027/18 Special Rate Renewal for Diamond Creek - Declaration**

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38. If the Special Rate scheme for Diamond Creek is renewed, notice of the Special Rate will be sent to affected property owners and businesses after the date of the Council meeting.
39. Property owners and businesses have 30 days to appeal to the Victorian Civil and Administrative Tribunal (VCAT) from the date of that notice.
40. Any appeals to the tribunal will postpone the renewal of the Special Rate scheme for the Diamond Creek shopping precinct until the scheduled hearing at VCAT.
41. If there are no valid appeals or appeals are dismissed by VCAT, Council will commence collection of the Special Rate from 1 April 2018.

**Conclusion**

42. The Diamond Creek Traders Association relies on funds generated by the Special Rate to engage in cooperative marketing and promotion for the Diamond Creek shopping precinct, to raise the profile of the precinct and encourage residents to shop locally. The Special Rate scheme would enable the Association to contribute positively and in partnership with Council to the future economic development of Diamond Creek.
43. This report recommends that Council declares the Special Rate scheme for Diamond Creek for a further five year period.

12. Officers' reports

OCM.031/18 Green Wedge Management Plan Review

**File:** 0  
**Distribution:** Public  
**Manager:** Adrian Cully, Director Business and Strategy  
**Author:** Nichole Johnson, Coordinator Strategy Projects - Community and Leisure  
 Emily Physick, Senior Community Engagement Officer  
 Naomi Paton, Manager Integrated Strategy

**Summary**

In June 2017 Council endorsed the review process for the Green Wedge Management Plan (GWMP) and committed to engaging a Community Panel (Panel) to consider the issues and recommend to Council the form and direction of the revised GWMP.

The purpose of the GWMP is to review “What is the best way for us to manage Nillumbik’s green wedge, now and into the future”.

Officers have developed a program of works which will result in the creation of a new GWMP reflecting current community views, and take into account State Government requirements.

The Panel recommendations will inform the development of the draft GWMP due to be considered by Council in November 2018.

The review will include a broad program of community engagement designed in consultation with identified community stakeholders. Wide engagement will commence in late May and conclude in early July.

Community feedback and expert advice will be considered by a 40-person Panel, with Panel membership recruited randomly from self-nominated community members. The Panel will be tasked with recommending to Council a vision, objectives and key actions for consideration in the development of the new GWMP.

On receiving and responding to Panel recommendations in late November, it is proposed Council will release the draft GWMP for final wider community engagement from early December 2018 to late February 2019. It is anticipated Council will consider the finalised Plan for adoption by April 2019.

This report seeks endorsement of the program outlined in this report and the associated timeframes.

**Recommendation**

**That Council** endorses the program for the review of the Green Wedge Management Plan.

**12. Officers' reports**

**OCM.031/18 Green Wedge Management Plan Review**

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**Attachments**

1. Key Milestones Green Wedge Management Plan
2. Project Scope - Green Wedge Management Plan

**Background**

1. The Shire of Nillumbik is renowned as the 'Green Wedge Shire' or the 'lungs of Melbourne'. The term green wedge is used by the State Government to describe the 'non-urban' areas that surround (but form part of) metropolitan Melbourne, located outside the Urban Growth Boundary (the UGB).
2. Ninety-one percent of the Shire is designated by Victorian law to be one of 12 metropolitan green wedges. The State Government strongly encourages the relevant local councils to adopt a strategy, known as the Green Wedge Management Plan to guide the sustainable use and development of their green wedge. These Plans are expected to be created with public engagement and contain a vision, objectives and actions for preferred future land uses and protection of resources consistent with the identified values and features of the green wedge, government policy and the needs of the local community.
3. State Government expects that these Plans are reviewed to maintain their relevance and are used to guide both regulatory and non-regulatory activity, including potential partnerships with government agencies. It is expected that the plans will also provide justification for any relevant planning scheme amendments.
4. In June 2017 Council endorsed the review process and committed to engaging a citizen's jury (now being referred to as a community Panel) to consider the issues and recommend to Council the form and direction of the revised Plan.
5. Managing Nillumbik's green wedge is a collective exercise. The Shire and the State Government are only two land managers alongside the thirteen thousand people who own, manage and/or live on land in the green wedge. Recognising and respecting all those roles and encouraging effective collaboration and alignment are key to a successful strategy.

**Policy context**

6. The review of the Green Wedge Management Plan addresses a number of actions detailed in the Council Plan 2017-2021 including:
  - 1.1 Improve community trust through better community connections and genuine engagement
  - 3.1.2 Review the impacts of the Green Wedge Management Plan on those living in the landscape
  - 3.1.3 Clarify the planning scheme to enhance opportunities for agricultural enterprises and tourism to prosper in appropriate ways in rural areas of Nillumbik
  - 4.1 Encourage investment and development within the Shire to increase economic development and broaden the rate base while at the same time preserving the Green Wedge.
    - 5.1.1 Ensure that Council policies and processes support good governance
    - 5.2.1 Advocate on important policy issues that affect the Nillumbik community

**12. Officers' reports**

**OCM.031/18 Green Wedge Management Plan Review**

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**Budget implications**

7. A program budget has been allocated by Council in the 2017-2018 and proposed 2018-2019 operating budgets.

**Consultation/communication**

8. Initial engagement between Council's Senior Strategic Advisor, key community stakeholders and individuals, many of whom were involved in the abandoned Planning Scheme Amendment C101 and C81, as well as representatives of Council's Environmental Advisory Committee, has taken place. These face-to-face one-on-one interviews has ascertained key issues from these individuals and groups, verified the appetite for the GWMP review, gauged interest in using a participatory democracy process to make recommendations to Council, and built positive relationships.
9. Community engagement consultant MosaicLab has been engaged to assist in designing and part implement a four staged engagement process for the review. MosaicLab has significant experience in planning and facilitating major deliberative processes including citizen's juries for both local and State Governments.
10. The first stage is to design the community engagement plan. The design team will consist of Council staff and community members who have strong connections with different parts of the community with the aim of creating a far reaching engagement process, including engaging those who don't always get involved in key strategic projects.
11. The second stage will implement the engagement plan to seek the views and ideas of the whole community about managing the green wedge for economic, social and environmental outcomes now and into the future. A report summarising community feedback will be a key piece of information presented to the Panel in stage three.
12. The third stage of the engagement program will be a deliberative participative democracy process via a 40-member Panel to make a set of recommendations to Council about the GWMP.
  - a. The Panel will be recruited following invitations randomly sent to 10,000 residents and ratepayers. Nominees will be filtered according to demographic profile, with 20 urban and 20 rural representatives with a mix of gender and age including younger people. MosaicLab will commission a third party to independently recruit panel members.
  - b. MosaicLab will facilitate the panel sessions which will be held over four or five days, from August to October. Councillors and the wider community will be invited to observe the panel.
13. On responding the Panel recommendations and preparing the draft GWMP, the community will have a final opportunity to contribute to the Plan's development between December 2018 and February 2019 ahead of the Plan being finalised for Council adoption.

12. Officers' reports

OCM.031/18 Green Wedge Management Plan Review

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**Issues/options**

14. A public review of Nillumbik's Green Wedge Management Plan will:
  - Re-build confidence in Nillumbik's planning and land management systems by engaging the community in setting the Shire's direction, providing a basis for accountability, assisting social cohesion and giving the community the confidence to act in line with the strategy.
  - Recognise that the Plan is about the social, economic and environmental factors that enable people to live in Nillumbik's landscape, not just the environment.
  - Give the Shire an opportunity to recalibrate its programs, policies, management and advocacy in line with the strategy. This may include re-prioritisation and rebalancing regulatory versus facilitative actions.
  - Enable the Shire to influence State Government reviews of planning or other statutory mechanisms with the backing of its community, particularly in an election year.
  - Keep faith with government expectations that green wedge councils will prepare and review green wedge management plans.
15. Using the combination of wide community engagement feeding into a deliberative community panel to inform the development of a draft Plan. The process is recognised for its capacity to deliver outcomes that will be trusted by the broader community, based on the premise that 40 randomly selected Nillumbik residents or ratepayers will have reached consensus on the best way to manage Nillumbik's green wedge.
16. Key milestones have been established for the program (**Attachment 1**) and delivers a draft GWMP by November 2018.
17. A detailed breakdown of the steps to undertake the GWMP review is presented in **Attachment 2**. It details the remit and scope of the review;
  - How the broader community engagement process will be developed (Stage 1) and implemented (Stage 2)
  - The role of the Community Panel, introducing how the Panel will be recruited, and their recommendations to Council (Stage 3)
  - Council's response to Panel recommendations and drafting and finalisation of the new GWMP informed by further and final community feedback (Stage 4)

**Conclusion**

18. This report seeks Council's endorsement of the program, process and key milestones in order to achieve the Council Plan action to review the impacts of the GWMP.
19. Wider community engagement is scheduled to take place from 28 May 2018 until 8 July 2018, with the summary of feedback to be presented to Council for noting at the July Ordinary Meeting of Council.

**12. Officers' reports**

**OCM.031/18 Green Wedge Management Plan Review**

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20. The Community Panel is scheduled to commence on 9 August 2018 and run through to late October 2018.
21. Councillors will receive the recommendations of the Panel in late October 2018 and direct Council officers to prepare a draft GWMP for public consultation until late February 2019. It is proposed the Plan will be finalised for Council's consideration by April 2019.

## 12. Officers' reports

### OCM.029/18 Audit Committee meeting February 2018

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**File:** 20/15/006

**Distribution:** Public

**Manager:** Vince Lombardi, Manager Finance

**Author:** Melika Sukunda, Financial Accountant

#### Summary

In accordance with section 139 of the *Local Government Act 1989* and good governance principles, Councils must have an Audit Committee. As resolved at the Ordinary Meeting of Council on 16 August 2005, the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.

The Audit Committee met on 19 February 2018. The minutes for the meeting are attached in Attachment 1.

#### Recommendation

**That Council notes the minutes of the Audit Committee meeting held on 19 February 2018.**

#### Attachments

1. Audit Committee minutes 19 February 2018

#### Background

1. As resolved at the Ordinary Meeting of Council on 16 August 2005, following the Audit Committee meeting, minutes are to be reported and presented at an Ordinary Meeting of Council.
2. The Audit Committee meets a minimum of four times a year and has the role to assist the coordination of relevant activities of management, internal audit and the external auditor to facilitate good governance, effectiveness and efficiency.

#### Policy context

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

#### Budget implications

4. The costs associated with this matter are contained within Council's 2017-2018 Budget.

#### Consultation/communication

5. The Audit Committee meeting on 19 February 2018 was attended by the Committee members, the internal Auditor from Crowe Horwath, as well as the Chief Executive

**12. Officers' reports**

**OCM.029/18 Audit Committee meeting February 2018**

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Officer and Manager Finance. Mayor Cr Peter Clarke and Cr Bruce Ranken are the Councillor representatives.

**Audit Committee minutes**

6. The minutes of the Audit Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
7. The Audit Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.
8. Minutes of the Audit Committee held on the 19 February 2018 have not yet been adopted by the Committee, but will be presented at its next meeting.
9. The items considered by the Audit Committee were:
  - Council's Risk and Insurance report, including the updated Risk Management Strategy. These were received and noted
  - The internal audit report on Living and Learning Centres and records Management.
  - The draft Procurement Policy and mid-year report.
10. The next Audit Committee meeting is scheduled to take place in May 2018.

**Conclusion**

11. The Audit Committee minutes, of the 19 February 2018 meeting are presented to Council to ensure timely feedback and accurate information. This report is presented for noting by Council.

**12. Officers' reports****OCM.030/18 Procurement Policy Annual Review**

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**File:** 1  
**Distribution:** Public  
**Manager:** Vince Lombardi, Manager Finance  
**Author:** Lance Clark, Senior Procurement Specialist  
Vince Lombardi, Manager Finance

**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 Committee considered the revisions at its meeting on the 19th of February 2018.

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**
- 2. Makes the Procurement Policy available for public inspection at the Civic Office and on Council's website.**

**Attachments**

1. Procurement Policy for Review
2. Changes to Policy Document

**Background**

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

**Policy context**

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - We will meet our legal responsibilities and manage our risks.

**12. Officers' reports**

**OCM.030/18 Procurement Policy Annual Review**

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**Budget implications**

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

**Consultation/communication**

4. Policy document has been presented to the Audit Committee for review and comment.

**Issues/options**

5. Council last adopted the Procurement Policy in February 2017. The annual review for 2018-2019 has been undertaken in accordance with the Act and has taken into account feedback by officers with procurement responsibilities.
6. The revised Procurement Policy is provided as Attachment 1 and will replace the current policy.
7. There are only minor cosmetic changes made to the policy document.
8. The policy will apply to all procurement and contracting activities of Council.
9. The policy aims to ensure that procurement activities are undertaken in a consistent and appropriate manner by Council adopting best practice principles, and provides guidance for:
- Achieving value for money objectives.
  - Ensuring public money has been spent in the best interests of the community.
  - Generating support for the local economy and the wider community.

**Conclusion**

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

12. Officers' reports

OCM.034/18 Assembly of Councillors

**File:** 10.30.02  
**Distribution:** Public  
**Manager:** Mark Stoermer, Chief Executive Officer  
**Author:** Blaga Naumoski, Executive Manager Governance

**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 meeting of Council 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 27 February 2018.

**Recommendation**

**That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following assemblies of Councillors:**

<b>Date of assembly</b>	<b>Environment and Sustainability Advisory Committee – 6 December 2017</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Green Wedge Management Plan Review.</li> <li>Community Environment Recovery Action Plans (CERAP's) for Christmas Hills, Strathewen and St Andrews.</li> <li>Climate Change Action Plan 2016-2020.</li> <li>Biodiversity Strategy 2012.</li> </ul>	
<b>Councillors present</b>	Cr Jan Ashton	Cr Grant Brooker
<b>Staff present</b>	Joseph Emmanuel	Ian Culbard Lisa Pittle
<b>Conflict of interest</b>	None declared	

<b>Date of assembly</b>	<b>Consultation Meeting Yarrambat Park Golf Course Review – 13 December 2017</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Green Wedge Management Plan Review</li> <li>Climate Change Innovation Grant and Green Power Purchasing</li> </ul>	
<b>Councillors present</b>	Cr Grant Brooker	
<b>Staff present</b>	Joseph Emmanuel Ian Culbard Lisa Pittle	
<b>Conflict of interest</b>	None declared	
<b>Comments</b>	Cr Ashton noted that she runs a horse business; however there was no conflict arising out of the items discussed in this meeting.	

12. Officers' reports

OCM.034/18 Assembly of Councillors

<b>Date of assembly</b>	<b>Environment and Sustainability Advisory Committee – 7 February 2018</b>
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Options for the Yarrambat Park Course were discussed.</li> </ul>
<b>Councillors present</b>	Cr Peter Clarke (Mayor)                      Cr Bruce Ranken Cr Karen Egan (Deputy Mayor) Cr Grant Brooker
<b>Staff present</b>	Adrian Cully Frances Duncan
<b>Conflict of interest</b>	None declared

<b>Date of assembly</b>	<b>Positive Ageing Reference Group – 16 February 2018</b>
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Aged Care Reforms</li> <li>Health and Wellbeing Plan actions</li> <li>Seniors Festival</li> </ul>
<b>Councillors present</b>	Cr Jane Ashton
<b>Staff present</b>	Corrienne Nichols
<b>Conflict of interest</b>	None declared

<b>Date of assembly</b>	<b>Economic Development Advisory Committee - 21 February 2018</b>
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Strategic Facilitated Workshop</li> </ul>
<b>Councillors present</b>	Cr Peter Clarke (Mayor) Cr Karen Egan (Deputy Mayor) Cr John Dumaresq
<b>Staff present</b>	Adrian Cully Kylie Lethbridge Kate Shannon Darko Popovski
<b>Conflict of interest</b>	None declared
<b>Comments</b>	Principle of the Eltham College wanted it noted that Cr Karen Egan’s daughter attends Eltham College.

<b>Date of assembly</b>	<b>Recreation Trails Advisory Committee – 22 February 2018</b>
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Regional Trails update</li> <li>Local Links update</li> <li>PHBR update</li> <li>Trail Management working groups</li> </ul>

12. Officers' reports

OCM.034/18 Assembly of Councillors

<b>Councillors present</b>	Cr John Dumaresq
<b>Staff present</b>	Joanne Massoud Nathan Roberts
<b>Conflict of interest</b>	None declared

<b>Date of assembly</b>	<b>Consultations meetings funding recreation infrastructure priorities – 6 March 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Discussions regarding proposed sales program to fund infrastructure projects.</li> </ul>	
<b>Councillors present</b>	Cr Peter Clarke (Mayor) Cr Karen Egan (Deputy Mayor) Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken	
<b>Staff present</b>	Naoimi Paton Mark Stoermer	Mitch Grayson Adrian Cully
<b>Others present</b>		
<b>Conflict of interest</b>	None declared	

<b>Date of assembly</b>	<b>Officer briefing of Councillors and Pre- Meet to Future Nillumbik Committee – 6 March 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Special Rate Renewal for Diamond Creek</li> <li>Eltham North Adventure Playground Renewal</li> <li>Tender for the Management and Operation of the Diamond Creek Community Centre</li> <li>List of Capex projects 2018-19</li> </ul>	
<b>Councillors present</b>	Cr Peter Clarke (Mayor) Cr Karen Egan (Deputy Mayor) Cr John Dumaresq Cr Bruce Ranken	Cr Grant Brooker Cr Peter Perkins
<b>Staff present</b>	Mark Stoermer Matt Kelleher Adrian Cully Mitch Grayson Blaga Naumoski Hjalmar Phillip	Heidi Crundwell Craig Commene Jeremy Livingston Frances Duncan Melanie Holt Matt Deayton Neil Hordern
<b>Conflict of interest</b>	None declared	

<b>Date of assembly</b>	<b>CEO Employment Matters Committee – 8 March 2018</b>
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12. Officers' reports

OCM.034/18 Assembly of Councillors

<b>Matters considered</b>	<ul style="list-style-type: none"> <li>CEO Performance Plan</li> </ul>
<b>Councillors present</b>	Cr Peter Clarke (Mayor) Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken
<b>Staff present</b>	Suzy Ellingsen
<b>Others present</b>	Paul Murphy – At Work Consulting
<b>Conflict of interest</b>	None declared

<b>Date of assembly</b>	<b>Officer briefing of Councillors and Pre- Meet to Future Nillumbik Committee – 13 March 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Land sales</li> <li>Special Rate Renewal for Diamond Creek</li> </ul>	
<b>Councillors present</b>	Cr Peter Clarke (Mayor) Cr Karen Egan (Deputy Mayor) Cr John Dumaresq Cr Jane Ashton	Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken
<b>Staff present</b>	Mark Stoermer Matt Kelleher Adrian Cully Mitch Grayson Blaga Naumoski	Natalie Campion Jon Miller
<b>Conflict of interest</b>	None declared	

<b>Date of assembly</b>	<b>Green Wedge Management Plan Councillor Workshop – 13 March 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Welcome</li> <li>Top of Mind activity</li> <li>Context setting – Overview of MoscaicLaw</li> <li>Exploring the Process</li> <li>Testing comfort levels</li> </ul>	
<b>Councillors present</b>	Cr Peter Clarke (Mayor) Cr Karen Egan (Deputy Mayor) Cr Jane Ashton	Cr Grant Brooker
<b>Staff present</b>	Matt Kelleher Adrian Cully Naomi Paton Emily Physick	Anthony Calthorpe Geoff Lawler Nicole Johnson
<b>Conflict of interest</b>	None declared	

12. Officers' reports

OCM.034/18 Assembly of Councillors

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<b>Date of assembly</b>	<b>Officer Briefing of Councillors</b>	
<b>Matters considered</b>	• <b>Native Vegetation Regulations update</b>	
<b>Councillors present</b>	Cr Peter Clarke (Mayor) Cr Karen Egan (Deputy Mayor) Cr Jane Ashton	Cr Dumaresq Cr Ranken
<b>Staff present</b>	Matt Kelleher Hjalmar Phillip Blaga Naumoski	Marianne Sparks Renae Ahern
<b>Conflict of interest</b>	None declared	

**Attachments**

Nil

**Background**

1. The *Local Government Act 1989* (the Act) requires records of assemblies of Councillors be reported to an Ordinary Meeting of Council and recorded in the minutes of that meeting.

**Policy context**

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

**Budget implications**

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

**Consultation/communication**

4. None required.

**Issues/options**

5. An Assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
  - A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
  - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special

**12. Officers' reports**

**OCM.034/18 Assembly of Councillors**

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committee or to a member of Council staff who has been delegated a power or duty or function of the Council.

6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 31 January 2018.

**Conclusion**

9. It is recommended that Council receives the records of recent assemblies of Councillors as contained in this report, fulfilling section 80A(2) of the *Local Government Act 1989*.

12. Officers' reports

OCM.032/18 Meals on Wheels contract

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**File:** 1415-49

**Distribution:** Public

**Manager:** Matt Kelleher, Director Services and Planning

**Author:** Corrienne Nichols, Manager Community Programs

**Summary**

A confidential report details the background for the Provision of Delivered Meals contract, contract 1415-49.

The delivered meals contract for the delivery of meals to Commonwealth Home Support Clients (formerly Home and Community Care Clients) is a collaborative arrangement between Nillumbik Shire Council and the City of Whittlesea through Moreland Food Services.

In June 2015 at its Policy and Services meeting, Council resolved to accept the tender submission from Moreland City Council Food Services and enter into a contract for the provision of Delivered Meals for an initial term of three years, taking the contract period through to July 2018 with a 2 x one year extension option.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of the contract exceeds the financial limit and a Council resolution is therefore required to extend the contract.

**Recommendation**

**That Council:**

1. Notes the report.
2. Makes public the decision regarding this contract but the tender evaluation remains confidential.

**Attachments**

Nil

**12. Officers' reports**

**OCM.028/18 Tender for the Management and Operation of Diamond Creek Community Centre**

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**File:** 30/50/33  
**Distribution:** Public  
**Manager:** Adrian Cully, Director Business and Strategy  
**Author:** Frances Duncan, Coordinator Leisure Facilities

**Summary**

This report details the background and tendering processes undertaken in determining the proposed recommendation to award the contract for the management and operation of the Diamond Creek Community Centre.

A Request for Tender was advertised on 21 October 2017. The tender closed on 30 November 2017.

The tender evaluation panel has assessed all submissions in accordance with the evaluation criteria. This confidential report outlines the recommendations to Council regarding the awarding of the contract.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of the contract exceeds the financial limit and a Council resolution is therefore required to award the contract.

**Recommendation**

**That Council:**

- 1. Notes the report.**
- 2. Makes public the decision regarding this contract but the tender evaluation remain confidential.**

**Attachments**

Nil

**12. Officers' reports**

**OCM.035/18 Tender Report - Contract 1718-103 Redevelopment of the Diamond Valley Sports and Fitness Centre - Project Management Services**

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**File:** 1718-103  
**Distribution:** Public  
**Manager:** Hjalmar Philipp, Director Sustainability and Place  
**Author:** Mathew Deayton, Manager Infrastructure

**Summary**

This report recommends the awarding of the contract for the Project Management Services for the Redevelopment of the Diamond Valley Sports and fitness Centre, Greensborough.

The project involves:

- Construction of three new courts.
- Upgrade one existing court to meet current runoff standards.
- Include spectator seating for 1800 people.
- New entrance, foyer, café, reception and basketball administration/social space.
- Public amenities, referee room and storage.
- Refurbishment of office spaces and change rooms.

Concept plans have been developed in consultation with all stakeholders and these will be developed into full detailed design plans, specification and tender documentation to allow for the appointment of a builder to undertake construction of the new facility.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Redevelopment of the Diamond Valley Sports and Fitness Centre Project Management Services.

**Recommendation**

**That Council:**

- 1. Notes the report.**
- 2. Makes public the decision regarding this contract but the tender evaluation remain confidential.**

**Attachments**

Nil

**12. Officers' reports**

**OCM.037/18 Tender Report - Contract 1718-97 Redevelopment of the Diamond Valley Sports and Fitness Centre - Architectural Services**

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**File:** 1718-97  
**Distribution:** Public  
**Manager:** Hjalmar Philipp, Director Sustainability and Place  
**Author:** Mathew Deayton, Manager Infrastructure

**Summary**

This report recommends the awarding of the contract for the architectural services for the design of the Redevelopment of the Diamond Valley Sports and fitness Centre, Greensborough.

The project involves:

- Construction of 3 new courts,
- Upgrade one existing court to meet current runoff standards
- Include spectator seating for 1800 people,
- New entrance, foyer, café, reception and basketball administration/social space.
- Public amenities, referee room and storage.
- Refurbishment of office spaces and change rooms.

Concept plans have been developed in consultation with all stakeholders and these will be developed into full detailed design plans, specification and tender documentation to allow for the appointment of a builder to undertake construction of the new facility.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Redevelopment of the Diamond Valley Sports and Fitness Centre Architectural Services.

**Recommendation**

**That Council:**

- 1. Notes the report.**
- 2. Makes public the decision regarding this contract but the tender evaluation remain confidential.**

**Attachments**

Nil

12. Officers' reports

OCM.033/18 Victorian Local Government Microsoft Software Licensing contract

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**File:** 1415-49  
**Distribution:** Public  
**Manager:** Suzy Ellingsen, Executive Manager People, Culture and Innovation  
**Author:** Eddie Cheng, Systems Analyst  
Lance Clark, Senior Procurement Specialist

**Summary**

This report recommends the awarding of a contract for the provision of a range of Microsoft products in accordance with a Microsoft Enterprise Agreement (EA). The current Enterprise Agreement with Microsoft is due to expire on 31 March 2018. It is proposed to appoint a preferred Victorian Local Government Microsoft licensing provider to deliver Microsoft software and associated services to Council. This will enable Council to enter into formal agreements to procure from the contracted provider.

**Recommendation**

**That Council:**

1. **Accepts the tendered schedule of rates by Data#3 Limited for the contracted term from 1 April 2018 to 31 March 2021 to enable the signing of a new Enterprise Agreement with Microsoft for all Microsoft Licensing.**
2. **Authorises the Chief Executive Officer to finalise and execute the contract documentation.**
3. **Delegates the powers and authorisation to the Chief Executive Officer to review and approve any licensing changes during the term of the contract.**

**Attachments**

Nil

**12. Officers' reports**

**OCM.036/18 Tender Report - Contract 1718-074 Edendale Farm Kiosk and Nursery Construction**

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**File:** 1718-074  
**Distribution:** Public  
**Manager:** Hjalmar Philipp, Director Sustainability and Place  
**Author:** Alex Stewart, Project Management Officer  
Steven Blight, Coordinator Construction

**Summary**

This report recommends the awarding of the contract for the construction of a Kiosk and Nursery at Edendale Farm, Eltham.

The project will involve the construction of a new kiosk and deck area near the existing homestead and the construction of a nursery/shed with new amenities in the space available north west of the homestead.

Architectural plans have been developed in consultation with all stakeholders and Councils Project Control Group, these plans were used to produce the tender specification and relevant tender documentation required to allow for the appointment of a builder to undertake construction of the new buildings.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the construction of a Kiosk and Nursery at Edendale Farm, Eltham.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract/s.

**Recommendation**

**That Council:**

- 1. Notes the report.**
- 2. Makes public the decision regarding this contract but the tender evaluation remain confidential.**

**Attachments**

Nil

- 13. Notices of Motion
- 14. Delegates' Reports
- 15. Supplementary and urgent business
- 16. Confidential reports

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

**Motion**

**That Council closes the meeting to the public pursuant to section 89(2) of the *Local Government Act 1989* to consider the following items, which are confidential for the reasons indicated:**

<b>Report No.</b>	<b>Title</b>	<b>Reason for confidentiality</b>
OCM.038/18	Meals on Wheels contract	(d) contractual matters
OCM.039/18	Tender for the Management and Operation of Diamond Creek Community Centre	(d) contractual matters
OCM.040/18	Tender Report - Contract 1718-97 Redevelopment of the Diamond Valley Sports and Fitness Centre - Architectural Services	(d) contractual matters
OCM.041/18	Tender Report - Contract 1718-103 Redevelopment of the Diamond Valley Sports and Fitness Centre - Project Management Services	(d) contractual matters
OCM.042/18	Victorian Local Government Microsoft Software Licensing	(d) contractual matters
OCM.043/18	Tender Report - Contract 1718-074 Edendale Farm Kiosk and Nursery Construction	(d) contractual matters