

Banyule City Council (Banyule)

Nillumbik Shire Council (Nillumbik)

Whittlesea City Council (Whittlesea)

Supplemental Agreement 2020

Supplemental Agreement 2020

Parties

Banyule City Council
275 Upper Heidelberg Road, Ivanhoe, Victoria 3079 ("**Banyule**")

Nillumbik Shire Council
Civic Drive, Greensborough, Victoria 3088 ("**Nillumbik**")

Whittlesea City Council
25 Ferres Boulevard, South Morang, Victoria 3752 ("**Whittlesea**")

Background

- A. Banyule, Nillumbik and Whittlesea are parties to an Agreement To Form Yarra Plenty Regional Library Service, made on **14 December 1995** and subsequently amended by Supplemental Agreements made in 2010 and 2015 (the Primary Agreement).
- B. The Primary Agreement was approved by the Minister administering the *Local Government Act 1989*, by a notice published in the *Victoria Government Gazette* on **21 December 1995**.
- C. Clause 14.1 of the Primary Agreement requires that the parties and the Board of the Yarra Plenty Regional Library Corporation review the operation of the Primary Agreement at least once in every five years.
- D. Banyule, Nillumbik and Whittlesea have, together with the Board of the Yarra Plenty Regional Library Corporation, reviewed the Primary Agreement in 2020 and have determined to amend the Primary Agreement in the manner set out in this Supplemental Agreement.

Operative Provisions

1. Definitions and interpretation

1.1 Definitions

In this Supplemental Agreement, unless the context or subject-matter indicates otherwise:

"**the Minister**" means the Minister Administering the *Local Government Act 1989*; and

"**the Primary Agreement**" means the Agreement To Form Yarra Plenty Regional Library Service, made on 14 December 1995 including the subsequent Supplemental Agreements made in 2010 and 2015.

2. Amendments

- 2.1 The text of Schedule 1 to the Primary Agreement is deleted and replaced by the text of Annexure A to this Supplemental Agreement.
- 2.2 The text of Schedule 3 to the Primary Agreement is deleted and replaced by the text of Annexure B to this Supplemental Agreement.

3. Conditional Precedent

This Supplemental Agreement has no effect until it is approved by the Minister in accordance with section 196(8) of the *Local Government Act 1989*.

Executed on

2020

Signing Page

Executed by the parties as a deed on the date earlier specified.

THE COMMON SEAL of BANYULE CITY COUNCIL was hereunto affixed in the presence of:

Councillor::

Chief Executive Officer:

THE COMMON SEAL of NILLUMBIK SHIRE COUNCIL was hereunto affixed in the presence of:

Councillor::

Chief Executive Officer:

THE COMMON SEAL of WHITTLESEA CITY COUNCIL was hereunto affixed in the presence of:

Councillor::

Chief Executive Officer:

Annexure A

SCHEDULE 1

STATEMENT OF COUNCIL AND REGIONAL LIBRARY ASSETS

Part A

Council Assets provided for Regional Library Use:

All building fixtures and fittings as purchased by a Council

All structural elements of each library building, including plumbing, heating and air conditioning systems, hot water supply

Located at:

Banyule City Council

- (a) Ivanhoe Library and Cultural Hub (ILCH)
275 Upper Heidelberg Road
Ivanhoe 3079
- (b) Rosanna Branch Library
72 Turnham Avenue
Rosanna 3084
- (c) Watsonia Branch Library
4-6 Ibbottson Street
Watsonia 3087

City of Whittlesea Council

- (a) Lalor Branch Library
2A May Road
Lalor 3075
- (b) Mill Park Branch Library
394 Plenty Road
Mill Park 3082
- (c) Thomastown Branch Library
52 Main Street
Thomastown 3074
- (d) Whittlesea Branch Library
Whittlesea Community Activity Centre
57-61 Laurel Street
Whittlesea 3757

Nillumbik Shire Council

- (a) Diamond Valley Branch Library
Civic Drive
Greensborough 3088
- (b) Eltham Branch Library
Panther Place
Eltham 3095

Part B

Regional Library Assets:

Loose furniture including shelving

Books and other library materials

Computer hardware

All other Regional Library assets, as defined by the Library asset register

Annexure B

SCHEDULE 3 ROTATION OF CHAIR

For the twelve month period commencing:

2021

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| Chair: | City of Whittlesea |
| Deputy Chair: | Shire of Nillumbik |

2022

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| Chair: | Shire of Nillumbik |
| Deputy Chair: | City of Banyule |

2023

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| Chair: | City of Banyule |
| Deputy Chair: | City of Whittlesea |

2024

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| Chair: | City of Whittlesea |
| Deputy Chair: | Shire of Nillumbik |

2025

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| Chair: | Shire of Nillumbik |
| Deputy Chair: | City of Banyule |