

# Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 23 August 2022 commencing at 7:00pm.

## Minutes

**Vince Lombardi**  
**Acting Chief Executive Officer**

Friday 26 August 2022

Distribution: Public

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## Nillumbik Shire Council

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**23 August 2022**

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**Nillumbik Shire Council**

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 23 August 2022.  
The meeting commenced at 7.00pm.**

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**Councillors present:**

Cr Frances Eyre	Swipers Gully Ward ( <b>Mayor</b> )
Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Ben Ramcharan	Sugarloaf Ward ( <b>Deputy Mayor</b> )
Cr Geoff Paine	Wingrove Ward

**Officers in attendance:**

Vince Lombardi	Acting Chief Executive Officer
Hjalmar Philipp	Director Operations and Infrastructure
Corrienne Nichols	Executive Manager Community Services
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Katia Croce	Governance Lead
Leigh Northwood	Manager Strategic Planning
Nicole Johnson	Manager Community Partnership
Katia Croce	Governance Lead
Emma Christensen	Senior Governance Advisor

**1. Welcome by the Mayor**

**2. Acknowledgement of Country**

Acknowledgement of Country was read by the Mayor, Cr Frances Eyre.

**3. Good Governance Pledge**

The Good Governance Pledge was ready by Cr Karen Egan.

**4. Prayer**

A prayer was read by Steven Rigo.

**5. Apologies**

Nil

## 6. Presentations

### CONDOLENCE – Laurie McQuade

I would like to acknowledge the recent passing of CFA Life Member Laurie McQuade. Laurie first volunteered with the Plenty Rural Fire Brigade in 1965 and joined the Yarrambat Brigade in 1971. Throughout his 57 years, he held many key positions including Firefighter, Apparatus Officer, Lieutenant and Community Safety roles.

Laurie was a much-loved member of the Brigade and community. He established the Yarrambat Junior Fire Brigade in 1974 and, in 1982, he conceived the idea of distributing lollies and Christmas wishes around the district from the fire truck dressed as Santa Claus, a practice which has been adopted by numerous other brigades around the State.

Laurie also introduced several award-winning innovations in the Community Safety area, an area of great passion for him. These included standardised house numbering with water availability indications and a gutter cleaning water spout which is now available commercially.

Nothing was too much trouble for Laurie; he always had time to chat and tell a story, support, encourage, mentor and share his vast knowledge.

In addition to the countless hours Laurie gave to his community through his CFA involvement, he was also a Divisional Manager with St John Ambulance with whom he had volunteered for 40 years, a strong supporter the Diamond Creek Blue Light Disco for over 30 years and a Leader in the Scouting Movement.

Laurie and his wife Jean were awarded Citizens of the Year at Nillumbik's 2013 Australia Day Awards for their volunteer service to the Nillumbik community and beyond through their involvement with the CFA and St John Ambulance.

Laurie was the embodiment of the Spirit of CFA and our thoughts are with Laurie's family, friends and his CFA colleagues. Laurie and Jean are now together again.

### Sporting Grants

The following Sporting Grant presentations were made.

**Rachel de Krester** (Wingrove Ward) receives \$200 as a contribution for being selected to represent Australia at the 2022 ICF Canoe Marathon World championships in Portugal.

**Abbey Arnot** (Ellis Ward) receives \$150 as a contribution for being selected to the Victoria at the School Sport Victoria U12 Netball in Wollongong.

Nillumbik Shire Council wishes them every success with their future sporting pursuits.

*Following the presentations, each recipient gave a response and photos were taken of each of the recipients with the Ward Councillor and the Mayor.*

7. Confirmation of Minutes

COM.001/22 Confirmation of Minutes Council Meeting held Tuesday 26 July 2022

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**Summary**

Confirmation of the minutes of the Council Meeting held on Tuesday 26 July 2022.

**Council Resolution**

**MOVED: Cr Natalie Duffy**

**SECONDED: Cr Geoff Paine**

**That Council confirms the minutes of the Council Meeting held on Tuesday 26 July 2022 (Attachment 1).**

**CARRIED UNANIMOUSLY**

**8. Disclosure of conflicts of interest**

Cr Ben Ramcharan disclosed a general conflict of interest in item CM.092/22 Tender Report - Contract 2122-019 Deer Control Contractor Panel due to knowing one of the tenderers.

**9. Petitions**

Nil

**10. Questions from the gallery**

**David Smith has submitted the following questions:**

**Question 1**

As dogs on leash are not allowed into the Plenty Gorge, residents of Plenty are given the only option of walking along local streets. Many of the local streets do not have footpaths, are unlit and are less than the width of 2 cars making it potentially hazardous to pedestrians and their leashed pets, there's also no dog park within a walkable distance. What is the councils plan to build adequate, safe, lit and maintained walking paths within the suburb of Plenty?

**Response**

Council considers the provision of new footpaths as part it's capital works budget discussions annually. In addition, parts of Plenty are covered by a Development Contributions Plan whereby infrastructure such as shared paths is paid for by private developers as development hits a certain threshold.

**Question 2**

What are the plans to have facilities for dogs such as a fenced dog park area at the Plenty Fire Station precinct?

**Response**

As part of the Council decision to demolish the former Plenty Fire Station, Council also resolved to undertake further consultation to determine what residents would like to see at the site, which may include dog parks. This will occur early next year

**Michael Dove has submitted the following questions:**

**Question 1**

Whilst acknowledging the excellent Acknowledgement of Country statement and the exciting adoption of the Access, Equity and Inclusion policy at the July council meeting, I am greatly concerned by the listing of the Prayer item on the agenda.

Given the constitutional commitment to a secular Australia and the fact that 50.13% of Nillumbik's population recorded No Religion or a secular belief at the 2021 census, how does council justify the continued inclusion of a prayer to a supernatural figure (usually a Christian deity) at the beginning of its meetings?



**Response**

In 2020 Council conducted community consultation in relation to the new Governance Rules – Meeting Procedure. Submissions from the public at the time supported the inclusion of the prayer on the Agenda.

Council invites attendees from diverse religious groups to read the Prayer at Council meetings.

**Question 2**

I congratulate council in the way in which meetings are conducted and the remarkably harmonious way in which agenda business is managed. Recent meetings have had a generally relevant agenda and the quality of input from councillors is high.

But, given that the 3½ minutes exposure given to the Baptist church at the July meeting amounted to little more than promotional advertising, and the fact that Nillumbik Council is one of a rapidly declining number of Victorian councils choosing to feature a religious prayer at the beginning of each meeting, when is the next review of this outdated practice?

**Response**

The next review of Council's Governance Rule – Meeting Procedure will be conducted over the next 12 months. This review will include community engagement whereby community members are invited to have their say on this important document which includes views on having a Prayer reader attend for Council Meetings.

**Martin Penrose has submitted the following questions:****Question 1**

On your webpage regarding your Draft Diamond Creek Community Infrastructure Strategic Plan you state;

All of the infrastructure proposed is located within the Diamond Creek Major Activity Centre. This is because the highly public nature of the infrastructure, and the broad catchment of users accessing the infrastructure, require the infrastructure to be on active transport networks, accessible to public transport and highly visible.

3xCouncillors pictured supporting the choice of 405 pictured with Vicky Ward in the only pamphlet I have received of the topic

Why is council not supporting the residents living in a residential Zone opposing 405 Ryans Rd who are saying the same principals as above?

**Response**

Council's advocacy to the State government, which includes neighbourhood character, residential amenity and safety, is on the agenda for Council's consideration tonight

**Question 2**

4x local Real estate agents have stated that it will be much harder to sell adjacent properties over the next 3 years - Long Term the house market potential for this area will only attract buyers prepared to lived in the "busyiness" / view / noise and lights of a significant infrastructure.

How does Council propose to assist residents in Ryans Rd- Challengers St - Kim St - Pleasant View Court - Grey Gum Rise - Juane Park Drive - Windmill Rise - Henry Arthur Drive - Summit Court - Lesay Drive - Nicole Crescent - Cassinia Crt - Citriodora Crt recover the loss of property values by being adjacent to this infrastructure they did not ask for?

**Response**

The Eltham Area Community Hospital is a State project. Concerns about the hospital should be directed to the VHBA at [communityhospitals@health.vic.gov.au](mailto:communityhospitals@health.vic.gov.au).

**David Borg has submitted the following questions:**

**Question 1**

Should the hospital be built at 405 Ryans road, given the close proximity to the green wedge boarder, to protect the wildlife and remnant trees, Will council advocate for environmental overlays to cover the undeveloped portion of the block to protect against future development?

**Response**

Council's advocacy to the State government includes environmental assessment (flora and fauna) of the hospital, is on the agenda for Council's consideration tonight.

**Question 2**

Does council have any current or proposed plans for a development on 405 Ryans road? And if yes will they release plans to constituents?

**Response**

No. The land at 405 Ryans Road is owned by the State. Questions pertaining to the design and siting of the hospital should be directed to the VHBA, Authority managing the project.

**Dianne Johnson has submitted the following questions**

**Question 1**

Where is the transparency of the decision between July 2021 to June 2022 to locate the community hospital at 405 Ryan's Rd.

**Response**

The Eltham Area Community Hospital is a State project on State owned land. Council was not involved in the decision to locate the hospital at 405 Ryans road. Concerns about the hospital should be directed to the VHBA at [communityhospitals@health.vic.gov.au](mailto:communityhospitals@health.vic.gov.au).

**Question 2**

Which other sites had been considered and why was 405 Ryan's Rd chosen? Difficult to access Ryan's Rd as it is at present from local side streets with nil alternative exit routes.

**Response**

The Eltham Area Community Hospital is a State project on State owned land. Council was not involved in the decision to locate the hospital at 405 Ryans road. Concerns about the hospital should be directed to the VHBA at [communityhospitals@health.vic.gov.au](mailto:communityhospitals@health.vic.gov.au).

**Corinne Borg has submitted the following questions:****Question 1**

Nillumbik shire Council has a history of proudly protecting the characteristics that make the area unique. With regards to 405 Ryans Road this process commenced in 2017 through the identification of the Local Significance of the Harton Hill Farmhouse, Outbuildings, and Monterey Cypress Drive constructed in the 1930s. Per the Agenda, Council acknowledges that in July 2022 this site was included in the “recommended for Heritage Overlay”, I ask does this council stand by statement published 27 October 2021 “Council remains supportive of a community hospital being built in the Eltham area but it must be located in a major Activity Centre in accordance with the state and local planning guidelines”? And are therefore willing to advocate for the community to protect Diamond Creeks History and lobby the Victorian Government for Heritage protection for this site, and have the hospital build moved to a site fitting to Council and State Government Guidelines?

**Response**

Council’s advocacy on the project is the subject for consideration at the Council meeting tonight.

**Question 2**

Danielle Green MP -Member for Yan Yean, has publically posted on her Facebook page “no information at all to suggest that staff and deliveries will use Juane Park Drive. That would be nuts because the cost to cut a road into that hill would be excessive. However told you that is simply making mischief” and following that “ I have indeed read council’s report and it is simply wrong (maybe even mischievous) to speculate about Juane Park Drive. There’s simply no room in the Hospital budget to fund construction of a road there and it makes no sense given the topography. No architect or engineer in their right mind would suggest it. Also the council agenda speculates that parking restrictions etc may become necessary. This is also ridiculous and irresponsible fearmongering. There will be no overnight stays at the hospital so no coming and going of visitors. The proposed hospital site is ample to accommodate parking for staff and patients.”

If State Government is advising this is not required, Why is there Agenda Items at council meetings suggesting further destruction of wildlife habitat (new roads) and restrictions on resident parking living close to the area?

**Response**

Council has not seen any plans or specialist reports related to the hospital development. A preliminary review of the site and proposal, based on publicly available information, has been undertaken to inform the range of considerations and therefore a potential advocacy position for Council.

**Michelle Corbett has submitted the following questions:****Question 1**

If a hospital was to be built at 405 Ryans Rd, attachment 3 states that Council would like for there to be adequate onsite parking. It’s proposal, however, to introduce parking restrictions in nearby streets suggests that it is recognised that residential streets nearby will be used by hospital staff, patients and users.

Can council please advise: what form of parking restrictions it is considering in residential streets (resident permit system; 'residents only' signs; timed parking for all motorists etc.); in which streets does council envisage these restrictions will apply; and what action will it take if residents in other streets are adversely impacted by the hospital.

**Response**

The Eltham Area Community Hospital is a State project. A preliminary review of the site and proposal, based on publicly available information has been undertaken to inform a potential advocacy position for Council. While adequate onsite parking is the optimum outcome, an advocacy item identified for Council's consideration is for VHBA to develop a local parking plan, informed by their traffic assessment, so that all outcomes are appropriately planned for.

**Question 2**

If a hospital was to be built at 405 Ryans Rd, are any council staff, contractors or councillors aware of any intention, proposal or recommendations to extend any existing roads (eg. June Park Drive, Aqueduct Lane etc) into 405 Ryans Rd, thereby impacting residents' neighbourhood amenity and safety, destruction of a kangaroo habitat link and increased risk of wildlife collisions with motorists and if so, can details of any changes please be provided.

**Response**

No, we are not aware of any such proposal.

**Linda Greer has submitted the following questions:****Question 1**

405 Ryans Rd forms an important part of the home of a tightly-knit community of approximately 60 kangaroos, who are highly valued by residents.

If a hospital was to be constructed, it would have serious impacts on this community, especially as state government staff have indicated the intention to increase the hospital's size over time.

What undertakings will Council make to protect this kangaroo community?

**Response**

Council's advocacy to the State government includes environmental assessment (flora and fauna) of the hospital, is on the agenda for Council's consideration tonight.

The Eltham Area Community Hospital is a State project on State owned land. Concerns about the hospital should be directed to the VHBA at [communityhospitals@health.vic.gov.au](mailto:communityhospitals@health.vic.gov.au)

**Question 2**

Council documents suggest that it may advocate for a playground, café or meeting space etc at 405 Ryans Rd.

Will council, instead, advocate for more protection of remnant trees and wildlife habitat links, to reduce the damage the hospital will cause, especially as human-oriented facilities can be made on already-cleared land?

**Response**

Council's advocacy on the project is the subject for consideration at the Council meeting tonight.

**Lee O'Mahoney has submitted the following questions:**

**Question 1**

The state government and council assessments of possible hospital locations indicated that the old Eltham shire office on Main Road Eltham is an ideal site for a hospital, for many reasons, including that it is in a major activity centre, thereby meeting both state and Nillumbik planning requirements for facilities like this.

Nillumbik documentation shows that Nillumbik supported the hospital being built at the old Eltham shire site.

If circumstances permitted, would Nillumbik sell the state-government assessors' preferred site of the old Eltham shire office (excluding the kinder, community hall and war memorial for heritage reasons) to the state government for a hospital and if not, why not?

**Response**

The State government has announced 405 Ryans Road as the location for a community hospital. No discussions are occurring with Council on alternate locations.

**Question 2**

This state government has made it legal for kangaroos to be shot on private property and turned into pet food.

Attachment 3d indicates that Nillumbik believes wildlife who live at 405 Ryans Rd will be 'relocated' if a hospital was to be built there.

With respect to Council's suggestion that affected wildlife, presumably kangaroos, will be 'relocated', what action will Council take to prevent killing of wildlife and further trauma to residents and wildlife rescuers who find kangaroos who have been shot and left to suffer, given that the state government typically kills kangaroos instead of relocating them?

**Response**

The Eltham Area Community Hospital is a State project on State owned land. Concerns about the hospital should be directed to the VHBA at [communityhospitals@health.vic.gov.au](mailto:communityhospitals@health.vic.gov.au).

**David Corbett has submitted the following questions:**

**Question 1**

The state government did not communicate with, much less consult residents who will be affected by its proposed hospital at 405 Ryans Rd.

The Chair of the so-called Community Consultative Committee has failed to respond to residents' communications. As the so-called Community Consultative Committee includes a Council staff member, if a hospital was to be built in Nillumbik, what method will Council and councillors agree to promptly and effectively communicate with Nillumbik residents, to ensure all interested parties are kept fully informed of the project, rather than finding out about it on privately run Facebook pages, to which some residents have been prohibited access?

**Response**

The Eltham Area Community Hospital is a State project and as such the VHBA manages all project communications. Council's advocacy to the State government, including early engagement, is on the agenda for Council's consideration tonight.

**Question 2**

The rear of 405 Ryans Rd, not visible from Ryans Rd, has a large number of remnant Eucalypts that are used by various wildlife, including Gang Gang Cockatoos a species listed under the EPBC Act as endangered.

What action could Council take to ensure these trees are not destroyed eg. applying to the federal government for protection of their habitat or adding an environmental overlay and can Council provide a plan of where an overlay would be?

**Response**

Council's advocacy to the State government, including environmental assessment (flora and fauna) of the hospital, is on the agenda for Council's consideration tonight.

**Suzanne Fyffe has submitted the following questions:**

**Question 1**

If the state govt was to build a hospital at 405 Ryans Rd what measures will council take to prevent use of residential streets by hospital users, given that streets like Juane Park Drive are already used as rat runs despite speed humps, and that a hospital will further increase safety risks to residents and reduce their quiet enjoyment of their homes?

**Response**

Any impact to local streets would be assessed and measures proposed according to the nature of that impact. Council's advocacy to the State government, including onsite provision of parking, access, and public transport is on the agenda for Council's consideration tonight.

**Question 2**

Will council advocate to the state govt that the only access point to the hospital is to be from Ryans Road and not from nearby streets like Juane Park Drive and Aqueduct Lane, as this will significantly affect the amenity of people who bought their properties in an area that is zoned residential, not commercial and if not, why not?

**Response**

Council's advocacy to the State government, including access, is on the agenda for Council's consideration tonight.

*The following questions were submitted but not responded to during the Council meeting as the submitters were not present.*

**Christine Zentner has submitted the following question:**

**Question 1**

Eltham community hospital at 405 Ryan's road council notes increased parking demands and implementing parking restrictions in local streets. Will these parking restrictions be implemented during the construction stage as vehicles relating to the project have already been parking in our street.

When and how will residents be informed of the changes parking restrictions.

**Response**

The Eltham Area Community Hospital is a State project. A local parking plan is one of the advocacy items Council is considering as part of the agenda item tonight, in the event parking demand from the hospital on local streets requires Council to implement restrictions for safety and/or congestion reasons, this will be undertaken in consultation with residents.

**Emily Outlaw has submitted the following question:**

**Question**

What feedback and assessment did Council provide the Consultative Committee and/or VHBA regarding 405 Ryans Road as a possible site for the Eltham Community Hospital?

**Response**

Council's views were not sought on the potential constraints or particular values that may need protecting before announcing its selection of the site.

**A single response has been provided at the end of the following questions**

**Leanne Ipsen** (Tutor U3A Art Group, Coopted Committee Member U3A, Member of the Arts and Cultural Advisory Committee of Nillumbik Shire) **has submitted the following questions:**

**Question 1**

When can a permanent Gallery space be established to exhibit our extensive heritage collection of art acquisitions which largely languish in storage or are in limited access in small shire offices?

**Question 2**

It is our duty to taxpayers to make our already acquired pieces plus on-going art acquisitions available in a permanent exhibition space, an area open for new exhibitions and other workshop areas . What definite steps are being made to locate an easily accessible location by train, bus and car for school excursions? Art is part of the essential character of Nillumbik Shire and we must preserve and foster the artists in our area.

**Joan Denison has submitted the following questions:**

**Question 1**

I am an active published artist in Eltham. Given that the feasibility study on a regional gallery was commissioned and adopted by council in 2019, why has council changed its position away from this toward a fragmented collection of smaller projects?

**Question 2**

What further delay in delivering a facility for local artists to display works will be caused by undertaking yet more consultation and planning for this less centralized approach?

**Judith Vizzari has submitted the following question:**

**Question**

Agenda Item 12, Officers' reports

CM.086/22 Regional/Municipal Gallery Business Case and Masterplan.

As Council has opted for a Nillumbik Creative Infrastructure Framework to “develop and grow creative and cultural industries” (Agenda 12-13b) and “support and promote arts and cultural activities that maximise access” (Agenda 12-13c) will it do so by providing at least one substantial facility/location where visitors to the Shire can see and learn about its art and craft and where its artistic community can meet, share and grow their interests.

**Julie Barrington has submitted the following questions:**

**Question 1**

What is the amount allocated in the budget to the arts in Nillumbik?

**Question 2**

Does Nillumbik Council intend to establish a regional gallery to house and display the Nillumbik Art Collection?

**Response to all questions:**

Council is committed to supporting Arts and Culture in Nillumbik.

Our recent feedback from community consultations for the 2022-26 Arts and Culture Strategy provided insight that a priority for community would be a smaller interconnected creative space/spaces or hubs where a variety of artistic mediums could be practised as oppose to a dedicated gallery.

The Creative Infrastructure Framework will provide specific guidance on types of infrastructure, locations for projects and an overall timeline for potential future projects. The framework will also highlight opportunities in existing Council owned facilities to enable greater artistic activity.

Council currently exhibit Nillumbik Art Collection artworks at various publically accessible council facilities across the Shire. These spaces include the Civic Centre foyer, Eltham Community & Reception Centre, Hurstbridge Hub and the Eltham Library.

Council has an annual budget allocation of \$350,000 towards Arts and Cultural Development programs, projects and grants.



11. Reports of Advisory Committees

AC.007/22 Advisory Committee Report - 23 August 2022

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**Distribution:** Public

**Manager:** Sally Johnson, Acting Executive Manager Governance, Communications and Engagement

**Author:** Katia Croce, Governance Lead

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 following minutes of Advisory Committee meetings are attached (**Attachment 1**) and presented to Council for noting:

1. Positive Ageing Advisory Committee – 1 July 2022.; and
2. Youth Council Advisory Meeting - 11 July 2022.

**Council Resolution**

**MOVED:** Cr Geoff Paine

**SECONDED:** Cr Karen Egan

**That** Council notes the Minutes of the Advisory Committee meetings reported (**Attachment 1**).

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**12. Officers' reports**

**CM.082/22      Amendment C142nill Outcomes of Panel Hearing - Application of the Heritage Overlay to 50 Oatland Road, Plenty**

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**Distribution:    Public**

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

**Author:         Leigh Northwood, Manager Strategic Planning**

**Summary**

The purpose of this report is:

- a) To present recommendations of the recent Planning Panel Report as a result of the Panel Hearing which took place virtually on 12 July 2022 in hearing submissions to Amendment C142nill;
- b) To identify specific outcomes of the Panel's recommendations; and
- c) Identify options for Council consideration.

Formal exhibition of Amendment C142nill took place between 27 January 2022 and 02 March 2022 as required under Section 19 of the *Planning and Environment Act 1987* with Council receiving twenty-eight submissions all objecting. Submissions were considered at the April Planning and Consultation Committee, and at its April Meeting Council resolved to request the Minister for Planning to appoint an independent Planning Panel to consider the Amendment, and refer all submissions to the panel appointed, in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.

The Panel Report was received on 27 July, appreciably earlier than the prescribed timeframes, and given such, officers have compressed reporting workflows to bring the matter to the earliest possible Council Meeting for consideration of decision by Council. In accordance with section 26 of the *Planning and Environment Act 1987*, the report was made available for public inspection on 05 August.

On recommendations of the Panel from the Hearing, while the Panel acknowledges the personal and financial circumstances of the landowners (as did Council in submission and at the Hearing), the Panel concluded these are not relevant to the Amendment, but may be considered as part of any future development proposal. Similarly, the Panel concluded the exhibited extent of the Heritage Overlay was appropriate, and that the structural integrity of a place is not a relevant consideration in determining heritage significance.

On matters of heritage significance, the Panel concluded the threshold for:

- Criteria A has not been met because there is no family association with the land and the 1.6-hectare lot does not provide tangible evidence of the interwar subdivision pattern of the area where lots of 10 (4 hectares) to 30 acres (12.1 hectares) were created.
- Criterion D has not been met because the comparative analysis in the citation has not demonstrated the dwelling is an important representative example of an interwar bungalow.

As a result, the overall recommendation from the Panel was that Amendment C142nill should be abandoned.

**12. Officers' reports****CM.082/22      Amendment C142nill Outcomes of Panel Hearing - Application of the Heritage Overlay to 50 Oatland Road, Plenty**

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Key matters in informing this recommendation are explored below noting expert opinions with regard to heritage are always subjective (being the nature of heritage matters), and in officers' view inconsistency has come out of this Panel itself, particularly with consideration of an alternate assessment against the Victorian Heritage Register (VHR) Guidelines being given weight by the Panel in this instance.

**Recommendation****That Council:**

1. Notes that Officers under delegation requested the Minister for Planning, to exercise their power under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 50 Oatlands Avenue Plenty on an interim basis, with the Minister subsequently approving Amendment C141nill on 14th April 2022 to apply the heritage overlay to part of the land known as 50 Oatland Road, Plenty on an interim basis;
2. Notes that the PCC under delegation at its November 2022 meeting, resolved to request authorization from the Minister for Planning to prepare and exhibit a planning scheme amendment to apply the Heritage Overlay on a permanent basis through Amendment C142nill to the Nillumbik Planning Scheme;
3. Notes the recommendations of the Panel Report for Amendment C142nill (dated 27 July 2022) and as a consequence of such recommendations, resolves to abandon Amendment C142nill;
4. Writes to the Minister for Planning, under Section 28 of the Planning and Environment Act 1987, of its decision to abandon planning scheme amendment C142nill to the Nillumbik Planning Scheme to apply the Heritage Overlay to 50 Oatlands Avenue Plenty on a permanent basis;
5. Requests that officers publish a notice of the decision in relation to point 3 above on Council's website within 10 days of this decision;
6. In relation to point 1 above, requests the Minister for Planning to exercise their power under section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to remove the interim Heritage Overlay to 50 Oatlands Avenue Plenty; and
7. Updates all submitters to C142nill of Council's decision.

## 12. Officers' reports

**CM.082/22      Amendment C142nill Outcomes of Panel Hearing - Application of the Heritage Overlay to 50 Oatland Road, Plenty****Motion**

**MOVED:            Cr Richard Stockman**  
**SECONDED:      Cr Karen Egan**

**That Council:**

1. Notes that Officers under delegation requested the Minister for Planning, to exercise their power under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 50 Oatlands Avenue Plenty on an interim basis, with the Minister subsequently approving Amendment C141nill on 14th April 2022 to apply the heritage overlay to part of the land known as 50 Oatland Road, Plenty on an interim basis;
2. Notes that the PCC under delegation at its November 2021 meeting, resolved to request authorization from the Minister for Planning to prepare and exhibit a planning scheme amendment to apply the Heritage Overlay on a permanent basis through Amendment C142nill to the Nillumbik Planning Scheme;
3. Notes the recommendations of the Panel Report for Amendment C142nill (dated 27 July 2022) and as a consequence of such recommendations, resolves to abandon Amendment C142nill;
4. Writes to the Minister for Planning, under Section 28 of the *Planning and Environment Act 1987*, of its decision to abandon planning scheme amendment C142nill to the Nillumbik Planning Scheme to apply the Heritage Overlay to 50 Oatland **Road** Plenty on a permanent basis;
5. Requests that officers publish a notice of the decision in relation to point 3 above on Council's website within 10 days of this decision;
6. In relation to point 1 above, requests the Minister for Planning to exercise their power under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to remove the interim Heritage Overlay to 50 Oatland **Road** Plenty; and
7. Updates all submitters to C142nill of Council's decision.

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

## 12. Officers' reports

**CM.082/22**      **Amendment C142nill Outcomes of Panel Hearing - Application of the Heritage Overlay to 50 Oatland Road, Plenty**

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<b>Council Resolution</b>
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**MOVED:**        **Cr Richard Stockman**

**SECONDED:**   **Cr Karen Egan**

**That Council:**

1. Notes that Officers under delegation requested the Minister for Planning, to exercise their power under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 50 Oatlands Avenue Plenty on an interim basis, with the Minister subsequently approving Amendment C141nill on 14th April 2022 to apply the heritage overlay to part of the land known as 50 Oatland Road, Plenty on an interim basis;
2. Notes that the PCC under delegation at its November 2021 meeting, resolved to request authorization from the Minister for Planning to prepare and exhibit a planning scheme amendment to apply the Heritage Overlay on a permanent basis through Amendment C142nill to the Nillumbik Planning Scheme;
3. Notes the recommendations of the Panel Report for Amendment C142nill (dated 27 July 2022) and as a consequence of such recommendations, resolves to abandon Amendment C142nill;
4. Writes to the Minister for Planning, under Section 28 of the *Planning and Environment Act 1987*, of its decision to abandon planning scheme amendment C142nill to the Nillumbik Planning Scheme to apply the Heritage Overlay to 50 Oatland Road Plenty on a permanent basis;
5. Requests that officers publish a notice of the decision in relation to point 3 above on Council's website within 10 days of this decision;
6. In relation to point 1 above, requests the Minister for Planning to exercise their power under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to remove the interim Heritage Overlay to 50 Oatland Road Plenty; and
7. Updates all submitters to C142nill of Council's decision.

**CARRIED UNANIMOUSLY**

12. Officers' reports

CM.083/22 Eltham Area Community Hospital, Ryans Road Diamond Creek

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**Distribution:** Public

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

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

Leigh Northwood, Manager Strategic Planning

**Summary**

On 11 June 2022, the Victorian Government announced a site had been selected for a new Community Hospital in Melbourne's northeast, to be located on a government-owned parcel of land at 405 Ryans Road, Diamond Creek.

Council's views were not sought on the potential constraints or particular values that may need protecting before announcing its selection of the site.

A preliminary review by Council officers of the site and proposal, based on publicly available information has been undertaken to inform a potential advocacy position for Council.

**Council Resolution**

**MOVED:** Cr Natalie Duffy

**SECONDED:** Cr Peter Perkins

**That** Council resolves to write to the Victorian Health Building Authority and the Eltham Area Community Consultative Committee Chair, Vicki Ward MP advocating for a number of enhancements as part of the State Government's community hospital at 405 Ryans Road Diamond Creek (provided as **Attachment 3**).

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.083/22      Eltham Area Community Hospital, Ryans Road Diamond Creek**

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**12. Officers' reports****CM.084/22 Panton Hill Bushland Reserve System (PHBRs) User Group Advisory Committee renewal**

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**Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Lisa Pittle, Manager Environment****Summary**

The Panton Hill Bushland Reserves System (PHBRs) User Group was formed in 2011 to support the implementation of the PHBRs Management Plan. The User Group has representatives from the various groups using the reserves or with an interest in the activities occurring in the reserves.

The User Group is an Advisory Committee of Council. The current term of the PHBRs User Group Committee will expire in October 2022.

The revised Terms of Reference and the process to renew the committee are presented for endorsement.

**Recommendation****That Council:**

1. Acknowledges and thanks members of the Panton Hill Bushland Reserve System User Group Advisory Committee for their advice and practical contribution to the ongoing management of the reserves.
2. Endorses the revised terms of reference for the Panton Hill Bushland Reserve System User Group Advisory Committee for public exhibition in September 2022 seeking expressions of interest for membership nomination to renew the committee by February 2022.
3. Instructs officers to report nominations to the Panton Hill Bushland Reserve System User Group Advisory Committee to Council for endorsement.

**Motion****MOVED: Cr Ben Ramcharan****SECONDED: Cr Karen Egan****That Council:**

1. Acknowledges and thanks members of the Panton Hill Bushland Reserve System User Group Advisory Committee for their advice and practical contribution to the ongoing management of the reserves.
2. Endorses the revised terms of reference for the Panton Hill Bushland Reserve System User Group Advisory Committee for public exhibition in September 2022 seeking expressions of interest for membership nomination to renew the committee by February **2023**.
3. Instructs officers to report nominations to the Panton Hill Bushland Reserve System User Group Advisory Committee to Council for endorsement.

12. Officers' reports

**CM.084/22 Panton Hill Bushland Reserve System (PHBRS) User Group Advisory Committee renewal**

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

**Council Resolution**

**MOVED: Cr Ben Ramcharan**

**SECONDED: Cr Karen Egan**

**That Council:**

1. Acknowledges and thanks members of the Panton Hill Bushland Reserve System User Group Advisory Committee for their advice and practical contribution to the ongoing management of the reserves.
2. Endorses the revised terms of reference for the Panton Hill Bushland Reserve System User Group Advisory Committee for public exhibition in September 2022 seeking expressions of interest for membership nomination to renew the committee by February 2023.
3. Instructs officers to report nominations to the Panton Hill Bushland Reserve System User Group Advisory Committee to Council for endorsement.

**CARRIED UNANIMOUSLY**

**12. Officers' reports****CM.085/22      A first draft of the Nillumbik Neighbourhood Character Strategy**

---

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

This report provides a draft of the Nillumbik Neighbourhood Character Strategy (NCS) (**Attachment 1**) and recommends Council endorse the draft NCS for a round of community engagement to run for 6 weeks from late August to mid-October. This consultation represents the second round of engagement with regard to the project.

A NCS is an important policy document for Council to protect neighbourhood character through the planning scheme. Council has an existing NCS which dates from 2003 and a new strategy is now required. Developing a new NCS is a priority action in the current Council plan.

Development of the draft NCS has been particularly informed by:

- The requirements and limitations set by State Planning Policy regarding the scope and jurisdiction of a NCS.
- A first round of public engagement for the project which aimed to capture what the community identifies as the important contributing elements to neighbourhood character.
- The technical planning research and expertise necessary for a NCS to justify a future planning scheme amendment.

A key feature of the draft NCS is to divide the Shire's residential areas into a number of character areas and provide a precinct profile for each area. To support and enhance neighbourhood character, each precinct profile provides a preferred character statement, neighbourhood character objectives and design guidelines.

The draft Nillumbik NCS articulates and supports many of the elements that were supported in the first round of community consultation conducted in April-May 2022. The draft strategy places an emphasis on vegetation in the preferred character statements, particularly indigenous vegetation, noting the supporting design guidelines which support the contribution of vegetation in each precinct include requirements to support such including:

- Each precinct is provided with a recommended density of canopy vegetation.
- There is generally a preference for low to no front fencing.
- Appropriate setbacks are recommended to allow a suitable level of vegetation to be protected and established.

The draft NCS includes feedback as provided by both Councillors (workshop and subsequent draft document review) and the internal Project Working Group guiding the technical inputs - particularly regarding changes to improve the clarity and effectiveness of the guidelines to provide sufficient space for vegetation, protect vegetation and to minimise the intrusion of buildings in support of protecting neighbourhood character.

## 12. Officers' reports

### CM.085/22 A first draft of the Nillumbik Neighbourhood Character Strategy

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The draft neighbourhood character profiles are considered to be a matter that will be of particular interest to the community and should be tested with the community before any further development of the Strategy, noting it is anticipated that clarifications around mapping and application of the neighbourhood profile areas will be the focus of submissions that will be received to this round of engagement. The proposed next engagement has been designed to:

- Optimise the community's awareness of the round of engagement.
- Offer the community various opportunities to discuss the draft Strategy with Council's project team, including to have 1:1 sessions where an officer can explain how the Strategy proposes to treat a particular neighbourhood or property.
- Allow community members to easily access the document and to easily understand what it proposes for a particular property or neighbourhood and then, to give direct feedback.
- Respect that people may wish to consult on-line to avoid potential exposure to Covid, or for other reasons.

When this proposed consultation is completed the results will then be considered and reported to the next available meeting of Council's Planning and Consultation Committee, which is scheduled to occur in early 2023. It is noted considerable work is required between this proposed consultation and the next draft of the NCS to consider and adequately respond to anticipated feedback.

A third round of engagement is programmed to be conducted in early to mid-2023. It is intended that this further round of engagement will:

- Release a further revised draft of the NSC, which will have been modified to appropriately respond to the feedback to the first draft of the document i.e. the feedback Council receives to **Attachment 1**.
- Allow community members the opportunity to consider the revised draft and to provide feedback as to whether the document has adequately captured the earlier feedback.

After conducting this third round of engagement, the next step in the project is for Council to consider adopting a final draft (potentially with further changes) of the NCS.

12. Officers' reports

CM.085/22 A first draft of the Nillumbik Neighbourhood Character Strategy

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**Council Resolution**

**MOVED:** Cr Geoff Paine

**SECONDED:** Cr Natalie Duffy

**That** Council:

1. Notes the draft Nillumbik Neighbourhood Character Strategy, which is provided as **Attachment 1**;
2. Endorses the draft Nillumbik Neighbourhood Character Strategy for public engagement from late August to mid-October (for 6 weeks); and
3. Notes that a report is scheduled to be presented to Council's Planning and Consultation Committee in early 2023 that will present the community's response to the draft Nillumbik Neighbourhood Character Strategy.

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.085/22      A first draft of the Nillumbik Neighbourhood Character Strategy**

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## 12. Officers' reports

CM.086/22 Regional / Municipal Gallery Business Case and Masterplan

**Distribution: Public****Manager: Corrienne Nichols, Executive Manager Community Services****Author: Nichole Johnson, Manager Community Partnerships****Summary**

The purpose of this report is to address the outstanding Council resolutions from 29 October 2019 and the 23 June 2020 Ordinary Council Meetings relating to the undertaking of a Regional or Municipal Gallery Business Case and Masterplan.

This report also identifies smaller creative infrastructure development opportunities for Nillumbik Shire through the construction of a Creative Infrastructure Framework.

**Recommendation****That Council:**

1. Discontinues the Business Case and Masterplan for a Regional or Municipal Gallery.
2. Endorses proceeding with smaller creative infrastructure development opportunities for Nillumbik Shire through the construction of a Creative Infrastructure Framework.

**Motion****MOVED: Cr Karen Egan****SECONDED: Cr Natalie Duffy****That Council:**

1. **Defers** the Business Case and Masterplan for a Regional or Municipal Gallery.
2. Endorses proceeding with smaller creative infrastructure development opportunities for Nillumbik Shire through the construction of a Creative Infrastructure Framework.  
**This includes identification of current facilities that could be developed into a Municipal Arts Centre.**

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

**Council Resolution****MOVED: Cr Karen Egan****SECONDED: Cr Natalie Duffy****That Council:**

1. Defers the Business Case and Masterplan for a Regional or Municipal Gallery
2. Endorses proceeding with smaller creative infrastructure development opportunities for Nillumbik Shire through the construction of a Creative Infrastructure Framework.  
This includes identification of current facilities that could be developed into a Municipal Arts Centre.

**CARRIED UNANIMOUSLY**

*Leigh Northwood Manager Strategic Planning left the meeting at 8.18pm during discussion of the above item.*

**12. Officers' reports**

**CM.086/22      Regional / Municipal Gallery Business Case and Masterplan**

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## 12. Officers' reports

## CM.087/22 Proposed Flagpole Schedule

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**Distribution:** Public

**Manager:** Corrienne Nichols, Executive Manager Community Services

**Author:** Nichole Johnson, Manager Community Partnerships

**Summary**

The purpose of this report is to present the Proposed Flagpole Schedule (**Attachment 1**) and the Flag Request Process (**Attachment 3**) for endorsement.

**Recommendation**

**That** Council endorses the Flagpole schedule (**Attachment 1**) and the Flag Request Process (**Attachment 3**).

**Motion**

**MOVED:** Cr Ben Ramcharan

**SECONDED:** Cr Geoff Paine

**That** Council:

1. Endorses the Flagpole schedule (**Attachment 1**).
2. Defers the Flag Request Process (**Attachment 3**).
3. Requests a briefing from officers to:
  - i. Discuss further events and flags that can be included in an updated flagpole schedule.
  - ii. Reconsider the Flag Request Process.
  - iii. Agree on a full community consultation process for the above.

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

**Council Resolution**

**MOVED:** Cr Ben Ramcharan

**SECONDED:** Cr Geoff Paine

**That** Council:

1. Endorses the Flagpole schedule (**Attachment 1**).
2. Defers the Flag Request Process (**Attachment 3**).
3. Requests a briefing from officers to:
  - i. Discuss further events and flags that can be included in an updated flagpole schedule.
  - ii. Reconsider the Flag Request Process.
  - iii. Agree on a full community consultation process for the above.

**CARRIED**

**12. Officers' reports**

**CM.087/22 Proposed Flagpole Schedule**

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Cr Peter Perkins called for a division

For: Cr Frances Eyre, Cr Natalie Duffy, Cr Geoff Paine, and Cr Ben Ramcharan

Against: Cr Karen Egan, Cr Peter Perkins and Cr Richard Stockman,

*The Mayor, Cr Frances Eyre declared the Motion Carried.*

## 12. Officers' reports

CM.088/22 Diamond Creek Netball Stadium Roof

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**Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Rebecca Burton, Acting Manager Recreation and Leisure  
Enrique Gutierrez, Manager Assets and Capital Works****Summary**

In May 2022 the State government announced it will provide \$1 million dollars for two outside courts at the Diamond Creek netball facility on Diamond Street to be covered with a new roof.

For Council to receive the funds, it needs to apply through Sports and Recreation Victoria by 26 August 2022.

Funding is capped at \$1 million for this project and Council must provide any shortfall to complete the project.

The report outlines the funding commitment and conditions, the project scope, project cost, funding shortfall and other considerations relevant to the project such as siting, heritage, vegetation impacts and visual amenity.

**Recommendation****That Council:**

1. Supports an application to Sports and Recreation Victoria to receive the funding allocated in the 2022-23 Victorian State Budget towards the Diamond Creek Netball Court Covers.
2. Refers any balance of funds required to deliver the project to Council's future budgets.
3. Thanks the Victorian State Government for its support for community infrastructure in Nillumbik Shire Council.

**Motion****MOVED: Cr Peter Perkins****SECONDED: Cr Natalie Duffy****That Council:**

1. Supports an application to Sports and Recreation Victoria to receive the funding allocated in the 2022-23 Victorian State Budget towards the Diamond Creek Netball Court **roof**.
2. **Requests the community consultation on the project encompasses the concept of enclosing the covered courts with a fence, as well as feedback from residents in surrounding streets regarding amenity and visual impact.**
3. Refers any balance of funds required to deliver the project to Council's future budgets.

12. Officers' reports

CM.088/22 Diamond Creek Netball Stadium Roof

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4. Thanks the Victorian State Government for its support for community infrastructure in Nillumbik Shire Council.

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

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

**MOVED: Cr Peter Perkins**

**SECONDED: Cr Natalie Duffy**

**That Council:**

1. Supports an application to Sports and Recreation Victoria to receive the funding allocated in the 2022-23 Victorian State Budget towards the Diamond Creek Netball Court roof.
2. Requests the community consultation on the project encompasses the concept of enclosing the covered courts with a fence, as well as feedback from residents in surrounding streets regarding amenity and visual impact.
3. Refers any balance of funds required to deliver the project to Council's future budgets.
4. Thanks the Victorian State Government for its support for community infrastructure in Nillumbik Shire Council.

**CARRIED UNANIMOUSLY**

## 12. Officers' reports

**CM.089/22 Pre-Election Commitment Communication Protocols**

---

**Distribution: Public****Manager: Sally Johnson, Acting Executive Manager Governance, Communications and Engagement****Author: Licardo Prince, Communications and Advocacy Lead****Summary**

It is important to ensure that the ordinary business of Council continues through any election period - State or Federal - in a responsible and transparent manner, in accordance with statutory requirements and established election conventions – especially during the 'caretaker' campaign period.

It is important that Council conducts itself in a manner that is ethical, fair and equitable, and that it is publicly perceived as doing so.

This need is heightened during a year in which both State and Federal elections are being held.

The recent Federal Election highlighted the importance of having clear processes and protocols in place to guide any Council or Councillor involvement in announcements of election commitments made by candidates.

An important role of Council is to advocate on its community's behalf. Holding candidates accountable for commitments made during election campaigns is an important element of advocacy and sharing information about such commitments is an important method to help ensure this accountability.

The development of Pre-Election Commitment Communication Protocols therefore, will help to provide clarity, avoid any unintended bias or the perception of bias, and deliver greater accountability.

They outline the parameters within which Council could appropriately share information about election commitments that will impact the community.

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

**MOVED: Cr Ben Ramcharan****SECONDED: Cr Geoff Paine****That Council:**

1. Formally endorses the Pre-election Commitment Communication Protocols (**Attachment 1**) as Council policy.
2. Instructs Council officers to make the protocols publically available on Council's website and provide them to anyone who nominates as a local candidate in State and Federal elections.

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.089/22      Pre-Election Commitment Communication Protocols**

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**12. Officers' reports****CM.090/22 Council Plan Quarterly Performance Report - 2021-2022 - Quarter 4**

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

The purpose of this report is to present the Council Plan Quarterly Performance Report for Council's consideration.

This report provides the fourth and final update on delivery progress and performance of the 2021-2022 Annual Action Plan priority actions (**Attachment 1**), which aligns to delivery of the first year of the Council Plan 2021-2025). This report also provides an update on Council's performance against the strategic indicator measures outlined in the Council Plan (**Attachment 2**).

Of the 54 actions in the 2021-2022 Annual Action Plan, 33 actions are 'complete', 17 actions are 'on track' (ongoing items) and 4 actions experienced minor issues and have been 'rescheduled' for completion in the 2022-2023 financial year. This suggests that Council has made solid progress in delivering on the priority actions of the Council Plan and significant outcomes for the community.

Of the 56 strategic indicators in the Council Plan, 20 were achieved this year, 17 were not achieved, and 19 recorded no material change. While these mixed results reflect the impact of COVID-19 restrictions and closures on service delivery and availability for core services including customer service, volunteering and attendance at Council facilities, it also demonstrates that Council services were returning to business as usual levels of activity by the end of 2021-2022, with improvements in areas such as environment, arts and culture, Living and Learning and capital works.

The entire year's performance against the delivery of the Council Plan will be published in the Annual Report 2021-2022, which will be presented to the community later in 2022.

<b>Council Resolution</b>
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**MOVED: Cr Geoff Paine****SECONDED: Cr Natalie Duffy**

**That** Council receives the Council Plan Quarterly Performance Report (comprising **Attachments 1** and **2**), reflecting Council's performance against the Council Plan 2021- 2025 as at 30 June 2022.

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.090/22 Council Plan Quarterly Performance Report - 2021-2022 - Quarter 4**

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**12. Officers' reports****CM.091/22 Tender Report - Contract 2021-081 Roadside Weed Management Services**

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**Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Jeff Saker, Manager Operations Centre****Summary**

This report recommends the awarding of contract 2021-081 for Roadside Weed Management Services Panel.

The contract term is for an initial period of three years, with two x one year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed five years.

This contract is to deliver business as usual operational requirements for ongoing management of weeds along Council roadsides using a panel of qualified Services contractors. The contract replaces a previous contract for the required services.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-081 for Roadside Weed Management Services.

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.

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

1. Accepts the tenders submitted by the **preferred tenderers** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:  
Number: 2021-081  
Title: Roadside Weed Management Services  
Term: 1 September 2022 to 31 August 2025  
Options: Term extensions up to 31 August 2027
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Authorises the Director Operations and Infrastructure to appoint new service contractors to the panel throughout the term of the contract.
6. Advises all tenderers accordingly.

## 12. Officers' reports

**CM.091/22 Tender Report - Contract 2021-081 Roadside Weed Management Services**

- 
7. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
  8. Resolves that the preferred tenderers be named.

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

**MOVED: Cr Ben Ramcharan**

**SECONDED: Cr Karen Egan**

**That Council:**

1. Accepts the tenders submitted by the preferred tenderers **Acacia Environmental Management Pty Ltd, Envirotechniques Pty Ltd, Woods Environmental Services, Indigenous Design Environmental Management** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:  
Number: 2021-081  
Title: Roadside Weed Management Services  
Term: 1 September 2022 to 31 August 2025  
Options: Term extensions up to 31 August 2027
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Authorises the Director Operations and Infrastructure to appoint new service contractors to the panel throughout the term of the contract.
6. Advises all tenderers accordingly.
7. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
8. Resolves that the preferred tenderers be named.

**CARRIED UNANIMOUSLY**

*Cr Ramcharan disclosed a general conflict of interest in the following item CM.092/22 Tender Report - Contract 2122-019 Deer Control Contractor Panel due to knowing one of the tenderers.*

*Cr Ramcharan left the meeting at 9:04pm.*

## 12. Officers' reports

### CM.092/22 Tender Report - Contract 2122-019 Deer Control Contractor Panel

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**Distribution:** Public

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

**Author:** Lisa Pittle, Manager Environment

#### Summary

This report recommends the awarding of contract 2122-019 to appoint a Deer Control Contractor Panel.

This contract is to deliver on-going deer control services as required, and replaces a previous contract for deer control.

The contract term is for an initial period of two years, with three subsequent one year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed five years.

Funding for the initial two year contract and future extensions will be provided predominantly through Victorian government grants.

There is no guarantee of work provided by the contract as any work issued is dependent on funding via Victorian Government grants.

The contract is to appoint a panel of up to a maximum of 4 providers to a Deer Control Panel to deliver the Services. Council may nominate to appoint a single or multiple contractors to the panel at any time during the (up to five year) life of the panel, so long as there are up-to a maximum of 4 providers on the panel.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-019 for Deer Control Contractor Panel.

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.

#### Recommendation

##### That Council:

1. Accepts the tenders submitted by the **preferred tenderers** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:

Number: 2122-019

Title: Deer Control Contractor Panel

Term: 1 September 2022 to 31 August 2024

Options: Term extensions up to 31 August 2027

## 12. Officers' reports

**CM.092/22 Tender Report - Contract 2122-019 Deer Control Contractor Panel**

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Authorises the Director Operations and Infrastructure to appoint new contractors to the panel throughout the term of the contract.
6. Advises all tenderers accordingly.
7. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
8. Resolves that the preferred tenderers be named.

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

**MOVED: Cr Karen Egan**  
**SECONDED: Cr Natalie Duffy**

**That Council:**

1. Accepts the tenders submitted by the preferred tenderers **Victorian Pest Animal Control (VPAC), Abzeco Pty Ltd, Sako Business Solutions** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:  
Number: 2122-019  
Title: Deer Control Contractor Panel  
Term: 1 September 2022 to 31 August 2024  
Options: Term extensions up to 31 August 2027
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Authorises the Director Operations and Infrastructure to appoint new contractors to the panel throughout the term of the contract.
6. Advises all tenderers accordingly.
7. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

**12. Officers' reports**

**CM.092/22 Tender Report - Contract 2122-019 Deer Control Contractor Panel**

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8. Resolves that the preferred tenderers be named.

**CARRIED UNANIMOUSLY**

*Cr Ben Ramcharan returned to the meeting at the conclusion of the above item at 9:07pm.*

**12. Officers' reports**

**CM.092/22 Tender Report - Contract 2122-019 Deer Control Contractor Panel**

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## 12. Officers' reports

CM.093/22 Informal Meetings of Councillors Records - 23 August 2022

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**Distribution: Public****Manager: Sally Johnson, Acting Executive Manager Governance, Communications and Engagement****Author: Katia Croce, Governance Lead****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 Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 26 July 2022.

An Informal Meeting of Councillors Record was kept for the following meetings (**Attachment 1**):

1. Youth Council meeting held 11 July 2022;
2. Councillor Briefing held 19 July 2022;
3. Council Meeting Pre-Meet held 26 July 2022;
4. Youth Council meeting held 1 August 2022;
5. Councillor Briefing held 2 August 2022
6. Positive Ageing Advisory Committee meeting held 5 August 2022;
7. CEO Employment Matters Advisory Committee meeting held 8 August 2022; and
8. Planning and Consultation Committee meeting Pre-Meet held 9 August 2022.

<b>Council Resolution</b>
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**MOVED: Cr Geoff Paine****SECONDED: Cr Karen Egan**

**That** Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

**CARRIED UNANIMOUSLY**

**14. Notices of Motion**

Nil

**15. Delegates' Reports**

Nil

**16. Supplementary and urgent business**

Nil

**17. 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:

**CM.094/22 CEO Employment Matters Committee**

This item is confidential because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs pursuant to paragraph (f) 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 Geoff Paine**

**SECONDED: Cr Karen Egan**

**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 members of the public at 9.09pm*

**18. Close of Meeting**

The meeting closed at 9.17pm.

Confirmed: \_\_\_\_\_  
Cr Frances Eyre, Mayor