

# Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 25 October 2022 commencing at 7:00pm.

## Agenda

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

Thursday 20 October 2022

Distribution: Public

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone 9433 3111  
Facsimile 9433 3777  
Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)  
Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

# Council Chamber Council Meeting seating plan

**Cr Natalie Duffy**  
Edendale Ward

**Cr Karen Egan**  
Bunjil Ward

**Cr Richard Stockman**  
Blue Lake Ward

**Cr Peter Perkins**  
Ellis Ward

**Cr Ben Ramcharan  
(Deputy Mayor)**  
Sugarloaf Ward

**Cr Geoff Paine**  
Wingrove Ward

**Katia Croce**  
Governance Lead

**Blaga Naumoski**  
Director Governance  
and Communications

**Cr Frances Eyre  
(Mayor)**  
Swipers Gully  
Ward

**Carl Cowie**  
Chief  
Executive  
Officer

## Nillumbik Shire Council

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## Nillumbik Shire Council

### Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 25 October 2022 commencing at 7:00pm

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#### 1. Welcome by the Mayor

Members of the public are advised the meeting will be livestreamed and recorded and the livestream recording will be made publicly available on YouTube and Council's website.

#### 2. Acknowledgement of Country by the Mayor

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

#### 3. Good Governance Pledge

As Councillors, we are mindful of our civic responsibilities and obligations. We pledge to take them seriously, and to carry them out with diligence and integrity.

We know the decisions we take will affect the people and environment of Nillumbik, now and in the future. We undertake, therefore, to make sound and principled decisions of lasting value, in a spirit of fairness and for the good of all.

We also pledge to serve the needs and wellbeing of the community and the environment, in an open and honest manner and to the best of our abilities.

#### 4. Prayer

A prayer will be read.

#### 5. Apologies

To accept apologies from any Councillors not in attendance at the meeting.

<b>Recommendation</b>
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That the apologies be noted.

#### 6. Presentations

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7. Confirmation of Minutes

COM.001/22 Confirmation of Minutes Council Meeting held Tuesday 27 September 2022

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**Summary**

Confirmation of the minutes of the Council Meeting held on Tuesday 27 September 2022.

**Recommendation**

**That** Council confirms the minutes of the Council Meeting held on Tuesday 27 September 2022 (**Attachment 1**).

**Attachments**

- 1  Minutes of the Council meeting held Tuesday 27 September 2022

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**8. Disclosure of conflicts of interest**

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

**9. Petitions**

**10. Questions from the gallery**

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11. Reports of Advisory Committees

AC.009/22 Advisory Committee Report - 25 October 2022

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**Distribution: Public**

**Manager: Blaga Naumoski, Director Governance and Communications**


**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 meeting minutes 2 September 2022; and
2. Youth Council Formal Advisory meeting minutes 3 October 2022.

**Attachments**

1.  Advisory Committee meeting minutes reported 25 October 2022

<b>Recommendation</b>
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**That** Council notes the Minutes of the Advisory Committee meetings reported (**Attachment 1**).

**11. Reports of Advisory Committees**

**AC.009/22      Advisory Committee Report - 25 October 2022**

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## 12. Officers' reports

## CM.107/22 Annual Financial Report and Performance Statement 2021 - 2022

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**Distribution:** Public

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

**Author:** Melika Sukunda, Finance Manager

### Summary

Council is required to produce an Annual Financial Report, containing audited financial statements and an audited Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 2020* (the Act) and the *Local Government (Planning and Reporting) Regulations 2020*.

This is an addendum to the report presented at the 27 September 2022 Council Meeting.

The draft 2021-2022 financial statements and the draft 2021-2022 performance statement have been reviewed by Council's external auditors on behalf of the Victorian Auditor General.

Prior to providing certification, the Victorian Auditor General requested a change be reflected in the 2021-2022 financial statements. This change reallocates the net asset revaluation decrement related to roads from the asset revaluation reserve account to the net asset revelation decrement expense account. This is a non-cash entry.

For the 2021-2022 financial year, Council has reported an operating surplus of \$7.14 million on an accrual basis.

This report recommends that Council approves in principle the 2021-2022 financial statements and performance statement and appoints the Mayor, Deputy Mayor and Chief Executive Officer to sign the 2021-2022 financial statements and the 2021-2022 performance statement.

Council has produced a performance statement in accordance with the Local Government Performance Reporting Framework. This provides results on a range of prescribed indicators of service performance, financial performance and sustainable capacity.

The draft statements have been presented to Council's Audit and Risk Committee which has recommended that Council give 'in principle' approval for the statements pursuant to section 99 of the Act, prior to formal presentation to the Victorian Auditor General.

### Recommendation



**That Council:**

1. Approves 'in principle' the 2021-2022 Annual Financial Report (**Attachment 1**) and 2021-2022 Performance Statement (**Attachment 2**).
2. Authorises the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2021-2022 Annual Financial Report and the 2021-2022 Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made.
3. Supports the allocation of the cash surplus for the year ended 30 June 2022 against the prior year cash deficits resulting from the pandemic.

**12. Officers' reports****CM.107/22 Annual Financial Report and Performance Statement 2021 - 2022**

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**Attachments**

- 1  DRAFT 30 June 2022 Financial Report
- 2  DRAFT 30 June 2022 Performance Statement

**Discussion**

1. Council is required to produce an Annual Financial Report, containing audited financial statements and an audited Performance Statement pursuant to the requirements and process outlined in the Local Government Act 2020 (the Act) and the Local Government (Planning and Reporting) Regulations 2020.
2. Section 99 of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020 require Council to:
  - a) Adopt a resolution giving its approval, 'in principle', to the Annual Financial Report and Performance Statement before they are submitted to the Auditor General.
  - b) Authorise two Councillors and the Chief Executive Officer to certify the statements in their final form, after any changes recommended, or agreed to, by the auditor have been made.
3. Audit work has been completed by Council's external auditors and officers have prepared drafts of the 2021-2022 Financial Report and Performance Statement for submission to the Auditor General. A copy of these statements, forming the 'in principle' statements, is provided in **Attachment 1 and 2**.
4. This is an addendum to the report presented at the 27 September 2022 Council Meeting. The Victorian Auditor General has requested a change be reflected in the 2021-2022 financial statements.
5. This change reallocates the net asset revaluation decrement related to roads from the asset revaluation reserve account to the net asset revaluation decrement expense account. This is a non-cash entry.
6. The entry has resulted in an increase to the asset revaluation reserve in the balance sheet and an increase to expenses in the comprehensive income statement, resulting in a decrease to the net surplus.
7. The Statements were presented to the Audit and Committee on 22 August 2022. The recommendations of the Audit and Risk Committee were:
  - a) Record its approval 'in principle' to the Annual Financial Report and Performance Statement (the statements) for the year ended 30 June 2022;
  - b) That subject to the review of the final version of the Financial Report and the Performance Statement, that Council:
    - i) Authorise the Chief Executive Officer to send the statements to the Auditor General
    - ii) Authorise the Chief Executive Officer, the Mayor, and Deputy Mayor to certify the final version of the statements

12. Officers' reports

CM.107/22 Annual Financial Report and Performance Statement 2021 - 2022

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- iii) Authorise the Finance Manager to implement any non-material changes to the statements as recommended by the Auditor General, and provide a summary of such changes to the Audit and Risk Committee at its next meeting. Any material changes will be discussed with the Chair of the Audit and Risk Committee prior to being presented to Council.

**Approval Process**

- 8. The following process is required to ensure that Council's Financial Report and Performance Statement are submitted to the Auditor General in a timely manner, enabling the Auditor General to officially express his opinion prior to the statutory deadline of 31 October 2022:
  - a) Council must meet formally to review the draft Financial Report and Performance Statement, and resolve that Council approves the report and statements 'in principle' and authorises two Councillors and the Chief Executive Officer to sign the final report and statements on behalf of, and with the full authority of, Council. The 'in principle' report and statements and the Council resolution are given to the external auditor;
  - b) The external auditor checks the 'in principle' report and statements. The report and statements, the Council resolution, and the external auditors recommended Audit Report will then be forwarded to the Auditor General for review;
  - c) The Auditor General reviews the report and statements and requests any changes where appropriate;
  - d) The Principal Accounting Officer (Finance Manager) then considers the Auditor General's requested changes and incorporates them into the 'in principle statements', where appropriate;
  - e) The Principal Accounting Officer will identify any matters of significance, including proposed qualification issues, not previously considered by the Council and formally draw Council's attention to them prior to the formal sign off of the statements by the two designated Councillors and the Chief Executive Officer;
  - f) If Council and the Auditor General are satisfied with the statements, the statements are to be signed by the delegated Councillors and the Chief Executive Officer and forwarded to the Auditor General;
  - g) The Auditor General's Audit Reports will be issued to the Council once the formally signed statements have been received and checked by the Auditor General; and
  - h) The organisation's 2021-2022 Annual Report, including the audited Financial Report and Performance Statement, must be forwarded to the Minister by 31 October 2022.

**Performance Statement**

- 9. Council has produced a Performance Statement in accordance with the Local Government Performance Reporting Framework.

**12. Officers' reports**

**CM.107/22 Annual Financial Report and Performance Statement 2021 - 2022**

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10. The Performance Statement reports the audited results for 2021-2022 for the prescribed indicators of service performance, financial performance and sustainable capacity.
11. The financial performance and sustainable capacity indicators include several of the indicators used by the Victorian Auditor-General to assess the financial sustainability of local government.
12. The overall assessment of Council's financial sustainability will be confirmed by the Auditor-General in the annual report on Victorian local government in late 2022, which will also confirm the indicators to be applied for 2021-2022.
13. In addition to the audited Performance Statement, the results for a range of other indicators are reported in the Report of Operations as part of the Annual Report.

**Related Council decisions**

14. This is an addendum to the report presented at the 27 September 2022 Council Meeting.

**Options**

15. It is recommended that Council give 'in principle' approval to the 2021-2022 Annual Financial Report, which includes the financial statements and the Performance Statement and authorise two Councillors and the Chief Executive Officer to sign the statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

**Council plans and policies**

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We continue to exercise sustainable and responsible financial management.

**Sustainability implications**

17. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO).
18. These indicators comprise of both short term and longer term measures. The indicators are calculated and considered as part of the performance statement.

**Community engagement**

19. The Annual Financial Report and Performance Statement will be published within Council's Annual Report 2021-2022.

**Innovation and continuous improvement**

20. Not applicable.

**Collaboration**

21. The Annual Financial Report and Performance Statement was presented to the Audit and Risk Committee in August 2022.

**Budget implications**

22. The costs of preparing the Annual Financial Report and Performance Report are funded from operating budget allocations.



**12. Officers' reports**

**CM.107/22 Annual Financial Report and Performance Statement 2021 - 2022**

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**Relevant law**

23. Section 98 and 99 of the *Local Government Act 2020* applies to the collation and approval of the Annual Financial Report and Performance Statement.

**Regional, state and national plans and policies**

24. Not applicable.

**Conflicts of interest**

25. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

**12. Officers' reports**

**CM.107/22      Annual Financial Report and Performance Statement 2021 - 2022**

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**12. Officers' reports****CM.108/22 Presentation of the Annual Report 2021-2022**

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**Distribution: Public****Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Melika Sukunda, Finance Manager****Summary**

This report presents Council's Annual Report 2021-2022 (including audited financial and performance statements) for noting (**Attachment 1**).

The report has been prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The Annual Report is Council's highest level reporting document to our community and stakeholders. While Council has a statutory obligation to produce an Annual Report, it is also an opportunity to demonstrate Council's service delivery and performance to the community regarding Council activities over the past financial year.

Appropriately, the Annual Report 2021-2022 also reports on progress and delivery of the key strategies and actions for the first year of the Council Plan 2021-2025.

The Annual Report as presented includes the updated Financial and Performance Statements being reported for endorsement at the October 2022 Council Meeting (refer to separate report item). Certification of these two statements will be included in the report following Council's endorsement of these revised statements at this meeting.

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

1. The Nillumbik Shire Council Annual Report 2021-2022 (**Attachment 1**).
2. That the Annual Report will be available on Council's website following insertion of the certification of the financial and performance statements once provided by the auditor.
3. That the Annual Report has been prepared in accordance with section 98 of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.
4. That this item satisfies the requirements of Section 18(1)(d) and Section 100 of the *Local Government Act 2020*, in that the Mayor must report on the implementation of the Council Plan by presenting the Annual Report to the community at a Council Meeting, open to the public, before 31 October each year.

**Attachments**

- 1  Nillumbik Shire Council Annual Report 2021-2022

**12. Officers' reports****CM.108/22 Presentation of the Annual Report 2021-2022**

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**Discussion**

1. This report presents Council's Annual Report 2021-2022 for noting.
2. The Annual Report includes a Report of Operations, Financial Statements, Performance Statement, and the Auditor General's Report on the Financial Statements and the Performance Statement (to be added following Council endorsement of the statements at the October 2022 Council Meeting (refer to separate report item).
3. The Annual Report 2021-2022 has been prepared by Council officers in accordance with the *Local Government Act 2020* and relevant regulations.
4. As well as meeting statutory requirements, the Annual Report outlines to the community the Council's key achievements and challenges throughout the 2021-2022 financial year. The report also outlines key achievements across the first year of the Council Plan 2021-2025.
5. The COVID-19 pandemic continued to have a profound impact on Council's operations, projects and service delivery throughout the 2021-2022 financial year. This is reported in the case study on page 22 of the report and referenced throughout the report.
6. In 2021-2022, of the 56 strategic indicators in the Council Plan, 20 improved on the previous year, 17 recorded no material change and 19 decreased on the previous year. A number of the decreases were as a direct result of service disruptions caused by the COVID-19 pandemic.
7. In addition, of the 54 priority actions outlined in the 2021-2022 (Council Plan) Annual Action Plan, 33 were completed, 17 are on track for completion and four recorded minor issues and will be completed in the 2022-2023 financial year.
8. As outlined in the Annual Report 2021-2022, achievements for the year included (in no particular order):
  - a) Adoption of key strategic documents including the Council Plan 2021-2025, Community Vision – Nillumbik 2040, the Nillumbik Health and Wellbeing Plan 2021-2025 and the Financial Plan 2021-2031;
  - b) Financial sustainability has remained sound, with Council maintaining a strong cash position;
  - c) Development and adoption of Council's Access, Equity and Inclusion Policy;
  - d) Implementation of the first year of the Nillumbik Health and Wellbeing Plan 2021-2025;
  - e) Adoption of Council's Youth Strategy, informed by a community engagement program and the inaugural Youth Summit;
  - f) Adoption of the Recreation and Leisure Strategy 2022-2030, renewing Council's commitment to sport and active recreation across the Shire;
  - g) Adoption of the Nillumbik Climate Action Plan 2022-2032 and declaration of a Climate Emergency;
  - h) Saved more than 170 tonnes in greenhouse gas emissions, with the installation of a major new solar system at Eltham Leisure Centre;

**12. Officers' reports****CM.108/22 Presentation of the Annual Report 2021-2022**

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- i) Implementation of the Nillumbik Community Pandemic Recovery Plan 2021-2022;
  - j) Delivery of key capital works projects in a challenging period for the construction industry, including Diamond Creek Trail Stage 2 and the Diamond Valley Sports and Fitness Centre re-development. This formed part of Council's \$25.57 million capital works program in 2021-2022;
  - k) Rated as the best council in the local government sector nationally for customer service call quality, and also ranked sixth out of 203 organisations overall;
  - l) Adoption of Council's Communications Strategy 2022-2025 and delivered an upgraded Council's website for the first time in six years;
  - m) Undertook over 5,000 business engagements providing support and information on COVIDSafe operations, workshops, events and grants;
  - n) Supported more than 150 community groups, organisations and local businesses with over \$130,000 in grant funding to support community recovery from COVID-19 impacts through the Nillumbik Recovery Fund;
  - o) Completed Council's Bushfire Mitigation Program works and the Communities First project, supporting community-led bushfire preparedness and response;
  - p) Provided over \$560,000 in community grants to support local community groups and organisations to provide a range of services, programs and activities;
  - q) Implementation of respective actions in the adopted Domestic Animal Management Plan 2017-2021, Disability Action Plan 2020-2024, Customer First Strategy 2019-2022 and Gender Equality Action Plan 2022-2025;
  - r) Developed and adopted the Asset Plan 2022-2032, to provide a high level strategic and financial view of how Council intends to manage its transport, building, drainage and open space assets;
  - s) Release of the draft Arts and Culture Strategy 2022-2026 for public consultation, with over 2,000 submissions from the community informing the draft strategy;
  - t) Recorded over 498,000 visitors to Council's leisure and aquatic facilities; 96,900 attendees at Council arts and cultural activities, and 60,000 participants and visitors to Edendale Community and Environment Farm; and
  - u) Received over 358,000 visitors to Council's website and an increase in usage of Council's social media platforms.
9. Some challenges for the year included (in no particular order):
- a) The COVID-19 pandemic, particularly for the first half of 2021-2022, magnified the pressure to actively manage Council's financial sustainability. The major challenge remains to source alternate funding streams to maintain Council's infrastructure portfolio, to meet the future needs of the community and maintain future sustainability;
  - b) Participation in volunteering programs continue to decrease, as COVID-19 restrictions severely impacted planned community engagement activities and events;

**12. Officers' reports****CM.108/22 Presentation of the Annual Report 2021-2022**

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- c) Roads, traffic congestion and safety remain top issues for residents, based on Annual Community Survey results. Council will continue to actively advocate for funding for improvements in this space;
  - d) Ongoing agile management of operations and will be required to keep the community informed and engaged to ensure Council continues to provide effective service delivery post-COVID 19; and
  - e) Ensuring community readiness in the face of potential for bushfires over the previous and upcoming summer periods.
10. The Financial Statements and Performance Statement were presented to Council at the September 2022 Council Meeting. The Victorian Auditor-General's Office (VAGO) has since requested a change be reflected in the statements. Subsequently, the financial and performance statements have been re-presented to Council as a separate agenda item at this Council Meeting.
11. The statements must be approved by VAGO and certification provided and included in the Annual Report prior to it being released publically. The certification will be added to the report once received from VAGO.
12. The annual Australasian Reporting Awards (ARAs) were established in 1950 to award excellence in preparing annual reports to improve the standards of financial reporting and communicating with stakeholders.
13. Council's 2020-2021 Annual Report received a Gold Award from the ARA, the second consecutive Gold Award for Nillumbik. The report was also a finalist in the Best in Sector Award for Local Government.
14. Council's 2021-2022 Annual Report will be submitted to the 2023 ARA Awards following Council's noting of this report, where it is hoped that Council will achieve a third consecutive Gold Award.

**Related Council decisions**

15. Not applicable.

**Council plans and policies**

16. This report directly supports the achievement of Council Plan 2021-2025 strategies:
- We maintain good governance and transparency; clearly identifying and defining the role of Councillors and Council.
  - We continue to exercise sustainable and responsible financial management.

**Sustainability implications**

17. The Annual Report includes reporting on Council's environmental, social and financial performance. Financial sustainability measures included in the Annual Report are those used by the Auditor-General to assess financial sustainability for local government across Victoria.

**Community engagement**

18. The Annual Report 2021-2022 will be made available on Council's website and social media platforms, and is also available in limited hard copy form.

**12. Officers' reports**

**CM.108/22 Presentation of the Annual Report 2021-2022**

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19. For the second consecutive year, Council has also produced an Easy English version of the report, which will be made available on Council's website and distributed through relevant networks. Easy English conveys key messages using simplified concepts and specialised images, and is particularly beneficial for people with low English literacy, people with intellectual disability and people who speak English as a second language.

**Innovation and continuous improvement**

20. The financial statements and the performance statement are prepared in line with the local government sector's better practice guide and model financial statements.

**Collaboration**

21. Not applicable.

**Budget implications**

22. The cost of producing the Annual Report is accommodated within the existing operating budget.

**Relevant law**

23. The Annual Report has been prepared in accordance with the requirements of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

**Regional, state and national plans and policies**

24. Not applicable.

**Conflicts of interest**

25. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

**12. Officers' reports**

**CM.108/22      Presentation of the Annual Report 2021-2022**

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**12. Officers' reports****CM.109/22 September Quarter Financial Report**

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**Distribution: Public****Manager: Vince Lombardi, Chief Financial Officer****Author: Melika Sukunda, Finance Manager****Summary**

This report outlines Council's financial performance and financial position for the period ended 30 September 2022.


The Income Statement shows an overall favourable year to date (YTD) variance of \$864,479 representing 1.33 percent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$220,424 and lower than budgeted operating expenses of \$644,055.

Council's overall financial position at the end of this quarter is sound.

**Recommendation**

**That** Council receives and notes the Financial Report for the period ended 30 September 2022 (**Attachment 1**).

**Attachments**

1.  September 2022 Quarter Financial Report

**Discussion**

1. In May 2022, Council adopted the 2022-2023 Budget.
2. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works and investments, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year.

**Income statement**

5. Council closed the period ending 30 September 2022 with a favourable YTD variance of \$864,479 based on actual operating revenue, costs and commitments. This represents 1.33 percent of the YTD Budget.
6. The overall variance is made up of the following:
  - Income – \$220,424 (0.25 percent) favourable variance. This includes new/additional grant funding \$606,751 and contributions \$45,445, offset by a reduction in user fees (\$596,887) due to a reduction in membership uptake after COVID along with a reduction in swimming lessons due to teacher shortages as detailed on pages 6 of **Attachment 1**.

**12. Officers' reports****CM.109/22 September Quarter Financial Report**

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- Expenditure – \$644,055 (2.94 percent) favourable, mainly attributed to lower external contracts expenditure \$443,413 million and employee benefits \$349,078. This is offset by higher than anticipated costs relating to materials and related costs (\$108,754). Additional details on variances are detailed on page 7 of **Attachment 1**.

**Balance sheet**

7. The balance sheet reflects Council's financial position at 30 September 2022 and is prepared in compliance with the Australian Accounting Standards.
8. Council's balance sheet as detailed on page 4 of **Attachment 1** continues to show a strong net position. This is represented by \$1.04 billion of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$53.83 million, which results in net assets of \$983.73 million.

**Statement of cash flows**

9. The statement of cash flows as detailed on page 5 of **Attachment 1** captures Council's actual cash transactions for the period.
10. Council is showing a cash position of \$10.36 million after all cash transactions for the period to date.
11. The \$10.36 million does not include \$35.53 million held in investments for a period of greater than 90 days as detailed on page 9 of **Attachment 1**.

**Capital works**

12. The capital works report detailing YTD spend by asset class is detailed on page 9 of **Attachment 1**.
13. This shows an unfavourable variance of (\$155,724) million relative to YTD budget, largely driven by new (unbudgeted) additional works and commitments raised for upcoming works.

**Related Council decisions**

14. Council adopted the 2022-2023 Budget at the Ordinary Council Meeting held on 24 May 2022.

**Options**

15. The detailed Financial Report for the period ended 30 September 2022 is provided in **Attachment 1**. This report is an analysis of Council's financial performance and financial position as at 30 September 2022. The report also includes an analysis of budget variances.

**Council plans and policies**

16. This report directly supports the achievement of Council Plan 2021-2025 strategy:
  - Ensure responsible and efficient management of Council's financial resources.

**12. Officers' reports**

**CM.109/22 September Quarter Financial Report**

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**Sustainability implications**

17. Council's financial sustainability is informed by the indicators set by the Victorian Auditor General's Office (VAGO). These indicators comprise of both short term and longer term measures. This is monitored through the annual external audit and presented to the Audit and Risk Committee.
18. The quarterly financial statements are used as an ongoing mechanism to monitor Council's financial position during the year.

**Community engagement**

19. The budget was subject to public exhibition prior to its final adoption by Council.

**Innovation and continuous improvement**

20. Not applicable.

**Collaboration**

21. Not applicable.

**Budget implications**

22. This is a standard reporting item to Council, the associated costs for which are included in the current budget.

**Relevant law**

23. *Local Government Act 2020*, section 101 Financial Management Principles.
24. *Local Government Act 2020*, section 97 Quarterly Budget Report
25. Australian Account Standards.

**Regional, state and national plans and policies**

26. Not applicable.

**Conflicts of interest**

27. No officer involved in the preparation of this report has declared a conflict of interest.

**12. Officers' reports**

**CM.109/22      September Quarter Financial Report**

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**12. Officers' reports****CM.110/22 Christmas Hills Land Disposal - Advocacy to Ministers**

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**Distribution: Public****Manager: Rosa Zouzoulas, Director Planning and Community Safety****Author: Rosa Zouzoulas, Director Planning and Community Safety****Summary**

Council resolved at its 27 April 2022 Ordinary Council Meeting to not support the proposed amendment to the Nillumbik Planning Scheme by Melbourne Water to facilitate the divestment of its land at Christmas Hills in the form as presented to Council by Melbourne Water. Council further resolved to direct officers to prepare a submission to the future Government Land Planning Service Advisory Committee process in consideration of the proposed amendment.

In preparing Council's submission to the Advisory Committee, matters that could influence the outcome of the land disposal, that sit outside the primary matters the Advisory Committee can consider through the GLPS planning scheme amendment process, have been identified. These matters warrant Council's consideration to determine and progress further formal advocacy to Government and Authorities, ahead of the Government Land Planning Service Advisory Committee process commencing, allowing sufficient time for Melbourne Water to consider and influence the final form of the proposed amendment that is put to GLPS for the Minister for Planning to consider and decide.


This report discusses the matters of advocacy and recommends that the attached letter be endorsed by Council and sent to Ministers for Planning and Water, and copies sent to the Birrarung Council, the Yarra River Keepers' Association and Parks Victoria.

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

1. Endorses the overall position on the proposed divestment as outlined in the Melbourne Water Land Divestment in Christmas Hills issues analysis document (**Attachment 1**);
2. Notes its requests regarding resolution of each issue as clearly outlined in Melbourne Water Land Divestment in Christmas Hills issues analysis document (**Attachment 1**); and
3. Requests that a letter of advocacy be drafted and sent to the Minister for Water and the Minister for Planning with copies provided to the Minister for Environment, Birrarung Council, Yarra River Keepers' Association and Parks Victoria detailing Council's concerns as outlined in **Attachment 1**, with a request to meet to further discuss the matter as soon as possible.

**Attachments**

- 1  Draft Letter of Advocacy - Christmas Hills land disposal

**12. Officers' reports****CM.110/22 Christmas Hills Land Disposal - Advocacy to Ministers**

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**Discussion**Background

1. As outlined in previous reports to Council, Melbourne Water (MW) purchased a large area of Christmas Hills, Smiths Gully and Panton Hill for the purpose of the Watsons Creek Reservoir Water Storage Facility in the 1970s. In conjunction with this purchase, other private and public land within the proposed amendment area was also reserved for the future use of the reservoir through the application of the Public Acquisition Overlay (PAO).
2. A review of MW's supply system was undertaken in 2012 and determined that the Watsons Creek Reservoir was no longer required.
3. MW owns approximately 1,000 ha of land which is declared surplus at Christmas Hills. There is a PAO affecting 313 ha of this land.
4. State Government land policies including the Victorian Government Landholding Policy and Guidelines (VGLP 2017) apply to this land in that Victorian government agencies must only hold land that is required for current or future service delivery outcomes.
5. Given the land is now surplus it must be divested pursuant to the VGLP. The Victorian Government Land Transactions Policy and Guidelines (VGLTP 2016) controls divestment of government land, and sets out a policy for land transactions. It includes the following requirement (among other matters) of Victorian Government agencies:
  - a) Must not sell (grant a lease or an interest in) any land at a price which is less than the current market (or rental) value of the land as determined by Valuer-General Victoria (VGV); and
  - b) Prior to offering land for sale by a public process, must have in place the most appropriate zoning (and other relevant planning provisions) so that the land can be sold on the basis of its highest and best use.
6. Given the VGLTP requirements, MW must divest the land with an appropriate zone that allows for private use – that is not a public use zone.
7. Through the 'First right of Refusal' process under the VGLP, 280ha of surplus MW land has been identified to be transferred to the Crown with Department of Environment, Land, Water and Planning's (DELWP's) agreement, for extension of the Warrandyte Kinglake Nature Conservation Reserve (WKNCR) (rezoned to the Public Conservation and Resource Zone).

Proposed Amendment

8. The amendment area comprises approximately 1,319 hectares of land in the localities of Christmas Hills, Panton Hill and Smiths Gully.
9. The purpose of the proposed amendment is to apply alternative zoning and other relevant planning provisions to land within the amendment area, to allow for the sale of this land in accordance with the VGLTP requirements. A copy of the proposed amendment and proposed changes to the Nillumbik Planning Scheme have previously been provided to Councillors.
10. Council has been advised that Melbourne Water will refer the proposed amendment to the Government Land Planning Service (GLPS) who will run the amendment process.

**12. Officers' reports****CM.110/22 Christmas Hills Land Disposal - Advocacy to Ministers**

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11. The GLPS is an initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned, proposed to be owned in the future or to facilitate the delivery of priority projects by the Victorian Government. Government landowning departments and agencies (such as Melbourne Water) that require planning scheme changes for their land can apply for assistance through the GLPS. This can include rezoning surplus government land, making changes to overlay or zone provisions for existing sites delivering a government service delivery outcome or determining planning provisions for land proposed to be owned by government in the future.
12. The GLPS assesses the application and provides a recommendation to the landowning department or agency on the appropriate planning pathway.
13. Council considered at its Ordinary Council Meeting earlier this year a report that detailed the planning considerations and concerns with the proposed amendment. In accordance with that resolution, officers are currently drafting the submission to the future Advisory Committee that will be held post public exhibition as part of the GLPS amendment process.

Additional matters identified

14. As stated above, the GLPS process, is limited to considering and making recommendations on the appropriate planning pathway, namely the appropriate zone and overlays.
15. In preparing the submission to the Advisory Committee, a number of matters have been identified that if considered by Melbourne Water could result in better environmental and sustainable outcomes for the area and community. These matters sit outside the planning scheme provisions and are unlikely to be considered by the GLPS Advisory Committee even though Council will raise them in its submission to the GLPS process.
16. The following matters have been identified:
  - a) Trust for Nature covenants
  - b) Transfer of land to Parks Victoria

*Trust for Nature Covenants*

17. A number of the proposed lots to be sold contain dense remnant vegetation, including some very rare species which are EPBC listed. There are concerns that this vegetation could be put under threat when this land is sold privately and should purchasers seek to develop the land.
18. An agreement between relevant stakeholders could require purchasers of proposed lots to set up a Trust for Nature covenant before they develop the land. This approach has been especially successful when new lots are created through subdivisions and where significant and/or rare species exist that require a greater level of land management.

**12. Officers' reports****CM.110/22 Christmas Hills Land Disposal - Advocacy to Ministers**

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19. Trust for Nature covenants in this particular instance, could be a powerful tool in protecting the biodiversity of the area, which accords with the objectives of the Regional State Government Yarra Strategic Plan. The proposed amendment as developed by Melbourne Water does not seek to utilise this tool to protect significance flora and fauna on lots identified for disposal despite documented reports and the EPBC status of species found on many lots proposed.

20. It is recommended that Council write to the Minister for Water requesting that Melbourne Water reconsider its decision and provide for covenants on specific lots within the amendment area.

*Transfer of Land to Parks Victoria*

21. Council acknowledges and supports the divestment area to be transferred to Parks Victoria for inclusion in the Warrandyte-Kinglake Nature Conservation Reserve. This is a great outcome. Abutting the area that is to be transferred to Parks Victoria are a number of sites that are heavily vegetated, some of which are marked as undevelopable in the Spiire report supporting the proposed amendment, as developed by Melbourne Water.

22. Council questions the value in selling undevelopable lots and reiterates the strain this will put on us in VCAT.

23. It is recommended that Council write to Ministers seeking their support to reconsider the land proposed to be sold for private purposes and as an alternative, transfer land identified as undevelopable and heavily vegetated to Parks Victoria as conservation reserves.

*Small Lots*

24. A final matter that has been identified and will be included in Council's submission to the GLPS process and associated Advisory Committee Hearing is the creation of small lots. The Spiire report, produced on behalf of Melbourne Water and which aims to justify the proposed amendment, seeks the proposed creation of lots, that if created will be less than the minimum subdivision area as required by the Rural Conservation Zone proposed. While we accept that a number of lots cannot be amalgamated for various reasons, there are certain lots that can be amalgamated. Such amalgamations would help to create lots that are above the minimum subdivision size. Council does not find it acceptable for Melbourne Water's proposed planning scheme amendment to be at odds with the minimum lot sizes specified in the Nillumbik Planning Scheme.

25. Lots that can be amalgamated in accordance with the above include proposed:

- Lots 1.1-1.5
- Lots 6.4-6.6
- Lots 7.22 and 7.23

26. In addition to this, Council notes that the minimum land size is not always the optimum land size and land larger than the minimum size can better meet objectives within the planning scheme. To this end, there are lots within Precincts 2 and 7 which meet the minimum size but could be amalgamated further, to better meet the objectives of the relevant zones.



**12. Officers' reports**

**CM.110/22 Christmas Hills Land Disposal - Advocacy to Ministers**

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27. In some areas, particularly Precinct 5, there is a risk that subdivisions could see land fragmented. Strong planning controls to restrict subdivision will help to minimise this threat.
28. We ask that the Minister for Water requests for Melbourne Water to consider how they can increase the size of the proposed lots and create controls to reduce the potential for further subdivision.

**Related Council decisions**

30. Council resolved at its Ordinary Council Meeting on 27 April, 2022 to:
  - a. *not support the proposed amendment to the Nillumbik Planning Scheme by Melbourne Water to facilitate the divestment of its land at Christmas Hills in its current form for the reasons identified in this report;*
  - b. *Provide written advice to Melbourne Water advising Council do not wish to become the committee of management for the Christmas Hills Tennis Court, and therefore application of a public use zone would not be applicable; and*
  - c. *Direct officers to prepare a submission to the future Government Land Planning Service Advisory Committee process in consideration of the proposed amendment.*

**Options**

31. The options before Council include:
  - a) Endorsed the letter of advocacy included at attachment 1 to put forward to Government and Authorities matters for consideration prior to undertaking the planning scheme amendment process; or
  - b) Not undertake any further advocacy with regard to the disposal of land by Melbourne Water.
32. Officers recommend that Councillors pursue option a) allowing for matters to be considered outside the GLPS process and possibly result in amendments to the disposal of land and planning scheme amendment process.

**Council plans and policies**

33. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We understand and value biodiversity and its importance to human health and wellbeing, and take action to protect and enhance biodiversity in Nillumbik.

**Sustainability implications**

34. Advocacy on environmental sustainability allows Council to seek Government and Authority support to help improve environmental sustainability, health and wellbeing, now and in the future.

**12. Officers' reports**

**CM.110/22 Christmas Hills Land Disposal - Advocacy to Ministers**

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**Community engagement**

- 35. The GLPS planning scheme amendment process includes public exhibition to allow interested stakeholders to partake in the amendment process.
- 36. In accordance with previous Council resolutions, Council officers have met with community, landowners and community groups to discuss the process, and the proposed planning scheme amendment, to identify community concerns, to help inform Council's submission to the GLPS process and Advisory Committee hearing. The matters raised have informed the advocacy letter at attachment 1.

**Innovation and continuous improvement**

- 37. Not applicable

**Collaboration**

- 38. Relevant council officers have met with Melbourne Water on a number of occasions over the last 4 years in regard to this proposed amendment. Strategic planning, statutory planning and property and facilities maintenance have provided advice in regard to this proposed amendment.

**Budget implications**

- 39. There are no budget implications.

**Relevant law**

- 40. There are no legislative requirements associated with Council undertaking advocacy.

**Regional, state and national plans and policies**

- 41. The Victorian Government Landholding Policy and Guidelines (VGLP 2017).
- 42. The Victorian Government Land Transactions Policy and Guidelines (VGLTP 2016).

**Conflicts of interest**

- 43. All officers who have been involved in preparation of this report declare they do not have a conflict of interest in the subject matter of this report.

## 12. Officers' reports

## CM.111/22 Proposed Community Market - Yarrambat Park

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**Distribution: Public**

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

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

### Summary

Diamond Valley Community Support Inc (DVCS) approached Council for permission to operate a weekly community market at Yarrambat Park (the Park). The general area is notated "car park" in **Attachment 1**.

For a market to operate at the site, Council would be required to enter into a licence agreement with an operator. Given the Park is public open space, the most appropriate process to appoint a new operator (and determine the level of interest and on what terms and conditions they are offering) was to conduct a public Expression of Interest (EOI) process; which any business, organisation or community group could respond to by submitting a proposal.

The EOI process has now been conducted. Two submissions were received and have been assessed by an Evaluation Panel (EP).

This report provides a summary of the EP's submission assessment, and recommends granting of a Licence Agreement for the operation of a weekly community market at Yarrambat Park carpark.

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


1. Grants a Licence Agreement to Proponent B (listed in **Attachment 2**), to operate a weekly community market to be located at Yarrambat Park carpark, under a licence agreement which includes the following terms and conditions:
  - a) **The Licensed Area:** That part of the land thereon known as Yarrambat Park carpark at 649 and 657 Yan Yean Road, Yarrambat, within the blue lines in **Attachment 1**;
  - b) **Permitted Days and Hours of Operation:** 8:30am to 2.00pm on Saturdays. Licensee has the right to close the market earlier than 2.00pm.
  - c) **Licence Fee:** Nil
  - d) **Licence Term:** 3 years
  - e) **Other Special Conditions:**
    - i) The successful Proponent (Licensee) must obtain all relevant approvals including planning permit if required;
    - ii) That a Traffic Management Plan is to be prepared and implemented by the successful Proponent (Licensee). Council's Traffic Management Officers will assist with preparation of the Plan; and

**12. Officers' reports****CM.111/22 Proposed Community Market - Yarrambat Park**

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- iii) The proposed community market cannot operate on days that conflict with the Yarrambat Horse and Pony Club and the Yarrambat Adult Riders Club "Competition Days".
2. Authorises the Manager Property and Facilities Maintenance to finalise and execute the Licence Agreement.
3. Advises all Proponents accordingly.
4. Resolves that the successful Proponent be named.
5. Resolves that the Evaluation Scorecard – Expression of Interest to manage and operate a weekly community market at Yarrambat Park carpark under a licence agreement (**Attachment 2**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.

**Attachments**

- 1 Proposed Yarrambat Park Community Market Location  

2. Evaluation Scorecard - EOI for community market at Yarrambat park carpark - *CONFIDENTIAL*

**Discussion**

1. Council owns the land located at 649, 655 and 657 Yan Yean Road, Yarrambat, which together constitute Yarrambat Park (the Park).
2. The Park, together with adjoining Crown Land managed by Parks Victoria, forms a part of extensive open space adjacent to the Plenty River.
3. Council has seven tenants that utilise various parts of the Park for sporting and cultural purposes, including golf, fly fishing, heritage museum, archery, horse riding and flying model aeroplanes. Other areas are open for passive public use.
4. Diamond Valley Community Support Inc. (DVCS) approached Council earlier in the year to ascertain if they could operate a community market at the northern end of the Park, in an area adjacent to the existing car park.
5. The community market is proposed to help activate the Park, help small local enterprises sell produce and products, and provide an opportunity for the sporting and cultural clubs using the Park to attract new members.
6. Given the Park is Council (public) land, it is appropriate for Council to investigate if there is interest from other suitably qualified organisations before making any decision.
7. The appropriate process to appoint an operator is to run a public EOI process.
8. The EOI process ensures a transparent decision-making process and allows Council to assign a licence to an organisation that best meets Council's objectives.

**12. Officers' reports****CM.111/22 Proposed Community Market - Yarrambat Park**

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9. The EOI specifications included the following standard objectives, purpose and assessment criteria:
- a) **Council's principal objectives are to secure a market operator:**
    - i) that is aligned with the Council Plan;
    - ii) will enhance the overall experience of visitors to the Shire;
    - iii) that is financially reliable and experienced;
    - iv) that uses and supports sustainable, locally and ethically sourced products; and;
    - v) that supports the local economy and community.
  - b) **Council's purpose in undertaking an Invitation for Expressions of Interest are:**
    - i) to provide sufficient details to enable each proponent to make a preliminary assessment of the site and prepare an informed proposal; and
    - ii) to enable Council to identify proponents that have the experience and capacity to best meet Council's objectives.
10. Risks and issues raised as part of the due diligence investigations into the market operation have been identified (see also section on community engagement). These, along with proposed considerations are:
- a) That a Planning Permit may be required for the operation of a market. This was outlined in the EOI specifications when advertised;
  - b) Potential conflict with other users of the park users - specifically the Yarrambat Horse and Pony Club. This will be managed by the inclusion of a clause in the Licence Agreement restricting days of market operations on "Competition Days";
  - c) Quality of carpark and Park entry roads. This will be managed through intermittent grading by Council operations teams. In addition, due to narrow internal roads, the requirement for a Traffic Management Plan was included as a condition in the EOI and licence;
  - d) Public safety risk of nearby lake. There are no known incidents associated with the dam. Similar to current use of the site, this will be mitigated through a buffer distance between the market and the dam; and
  - e) Flow on traffic implications on Yan Yean Road (specifically traffic travelling south along Yan Yean Road and trying to enter the Park may hold up traffic, due to the absence of a slip or turning lane). This issue will be addressed with Stage 2 of the Yan Yean Road Upgrade – all traffic travelling south and wishing to enter the Park from the northern entrance will be required to complete a U Turn at Bannons Lane, which will be signalised.

**Related Council decisions**

11. At the Council meeting on 26 July 2022, Council requested Officers to:

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CM.111/22 Proposed Community Market - Yarrambat Park

- a) complete a public Expression of Interest (EOI) process to appoint an operator of a weekly community market to be located at Yarrambat Park carpark, under a licence agreement subject to terms and conditions outlined in the Recommendation; and
- b) report the results with a recommendation as to the successful proponent to a future meeting of Council.

Options

- 12. An Invitation for Expression of Interest was published on Council’s website under Public Notices on Friday, 12 August 2022 and closed on Sunday, 11 September 2022.
- 13. Those parties who had previously advised Council of their interest in operating the market and those previously interested in operating the Eltham Art and Craft Market were invited to submit an application in response to the EOI.
- 14. The EOI was advertised on facebook and circulated to other areas of Council to be included in their e-news and sent directly to existing networks.
- 15. In assessing each submission received, the Evaluation Criteria and Weighting as set out in the table below were used:

Evaluation Criteria	Criteria Weighting %
i. Alignment with the Council’s Vision and Goals within the Council Plan 2021-2025 and adding to visitor experience. (a) A statement outlining how the proponent will observe Council’s Plan, Vision and Goals; and (b) A marketing plan showing how the proponent will operate the market, enhance the experience for visitors to the Shire and attract patronage to the market.	30
ii. Proponent’s financial capacity and experience: (a) details of the proponent’s experience in operating a market or similar; (b) evidence of the proponent’s financial capacity to meet the obligations under the Licence, including provision of the proponent’s balance sheet and any other relevant financial statements; (c) proof of Public Liability Policy of Insurance in the name of the proponent; and (d) relevant proof of the Licensee’s current registration with Consumer Affairs Victoria as an Incorporated Association in accordance with the <i>Associations Incorporation Reform Act 2012</i> ; or organisation or business registration.	30
iii. Financial return to Council: (a) Licence rental fee to Council; (b) Annual percentage rent reviews; (c) Security deposit; and (d) ‘Operating Hours’ (any amendments to the existing Licence Terms proposed).	10
iv. Support the local economy and community  Statement setting out how the proposal will support the local economy and community including: (a) market practices such as sustainability practices, ethically sourced products, interaction with community; (b) use of local businesses; (c) support to community organisations within the Shire; and (d) working with existing Park users and tenants.	30

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CM.111/22 Proposed Community Market - Yarrambat Park

- 16. Council is now in a position to review all submissions received and consider the recommended Proponent to operate a weekly community market at Yarrambat Park, or not to proceed with the appointment of an operator.
- 17. In response to the EOI, Council received two submissions which were assessed by the Evaluation Panel.
- 18. The members of the Evaluation Panel (EP) were;

Position Title	Business Unit
Manager Property and Facilities Maintenance	Property and Facilities Maintenance
Festivals and Events Officer	Community Services
Economic Development and Tourism Officer	Economic Development and Tourism

- 19. The final evaluation outcome was as follows:

TENDERER	SCORE	RANK
Tenderer A	60/100	1
Tenderer B – Preferred Tender	75/100	2

- 20. The recommended tender was
- 21. The recommended proponent, Proponent B was the highest ranked of the two and is suitably qualified and experienced in delivery of similar community based markets. In relation to Proponent B's submission, the EPs summary comments are as follows:
  - a. They had a strong response in relation to supporting the Council Plan - Strengthening our Community.
  - b. Their submission better reflects local understanding in operating community based markets;
  - c. Existing tenants offered stalls free of charge;
  - d. They have local knowledge, experience and a strong local community focus;
  - e. Funds raised will be better directed to support a range of causes in the local community as well as businesses; and
  - f. They provided evidence of financial viability, public liability insurance and Consumer Affairs registration as an incorporated organisation.
- 22. Neither proponent committed to providing Council with a Licence fee. Although Proponent B provided supporting reasons.
- 23. **Attachment 2** – EOI Evaluation Summary Report – Confidential, provides the proponent's names and the Evaluation Scorecard Summary.

**12. Officers' reports**

**CM.111/22 Proposed Community Market - Yarrambat Park**

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**Council plans and policies**

24. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We promote Nillumbik's unique offerings; supporting a vibrant local economy and encouraging tourism.

**Sustainability implications**

25. Operation of a community market does not raise any obvious environmental sustainability implications. More broadly, it introduces the prospect of economic and social opportunities for market sellers and visitors.

**Community engagement**

26. Officers have completed discussions with Council's community park tenants.
27. All have indicated support for a community market to operate in the park and a number have indicated a desire to be included in the market, as a means of promoting their activities.
28. The Yarrambat Horse and Pony Club and the Yarrambat Adult Riders Club noted potential conflict of use of the car park area on the occasional "competition day" weekends. The clubs advise that on such days, up to 400 competitors participate, resulting in a high demand for car and horse float parking space. On "rally" days, held on the 2<sup>nd</sup> Saturday of each month, participants utilise the licenced area to the west of the clubhouse facility to park cars and floats – so this should not conflict with the planned community market use of the nominated area.
29. Other points raised in the feedback include the volume of traffic on Yan Yean Road and possible danger of the lake to small children attending the proposed market.
30. A suggestion was also offered that the market could operate further north in the Park, at the existing gravelled car park adjacent to the Park entry point. The area referred to is Crown Land, managed by Parks Victoria, therefore Council cannot enter into a licence agreement for a market to operate in the location.

**Innovation and continuous improvement**

31. When Council is seeking to lease or licence a Council asset, an Expression of Interest is the most appropriate process to appoint a new Tenant. This provides an opportunity to identify enhanced community outcomes.

**Collaboration**

32. Parks Victoria (Plenty Park) were engaged on the potential for a market and no material issues were identified. Parks Victoria also signalled support with any market visitors utilising their public toilets, adjacent to the proposed market site.

**Budget implications**

33. Operation of a market at the proposed location can be met within existing operating budget on the basis that:
- a) Council undertakes regular maintenance of the proposed market site in mowing the grass and no change to maintenance frequency is proposed.



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**CM.111/22 Proposed Community Market - Yarrambat Park**

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- b) The review to date has not identified the need for additional infrastructure to be installed at the site for a community market to operate.
- c) Grading of the car park and entry road is undertaken intermittently.

**Relevant law**

- 34. There are no legislative requirements associated with Council licencing its land.

**Regional, state and national plans and policies**

- 35. Not Applicable

**Conflicts of interest**

- 36. All officers who have been involved in preparation of this report declare they do not have a conflict of interest in the subject matter of this report.

**12. Officers' reports**

**CM.111/22 Proposed Community Market - Yarrambat Park**

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**12. Officers' reports****CM.112/22 Informal Meetings of Councillors Records - 25 October 2022**

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**Distribution: Public****Manager: Blaga Naumoski, Director Governance and Communications****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 23 August 2022.

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

1. Councillor Briefing held 20 September 2022;
2. Council Meeting Pre-Meet held 27 September 2022;
3. Youth Council meeting held 3 October 2022;
4. Councillor Briefing held 4 October 2022;
5. Positive Ageing Advisory Committee meeting held 7 October 2022; and
6. Planning and Consultation Committee meeting Pre-Meet held 11 October 2022.

**Recommendation**

**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.

**Attachments**

1. Informal Meeting of Councillors Record - 25 October 2022

**Discussion**

1. *Item 19 of Council's Governance Rule – Meeting Procedure*, requires records of Informal Meetings of Councillors be reported to a Council Meeting and recorded in the minutes of that meeting.

**Related Council decisions**

2. Not applicable.

**Options**

3. An Informal Meetings of Councillors is defined in *Item 19 of the Governance Rule – Meeting Procedure*. 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:

12. Officers' reports

CM.112/22 Informal Meetings of Councillors Records - 25 October 2022

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- Planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These meetings do not include meetings of Councillors and Council staff that are not planned or scheduled.
  - 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 committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
4. A record must be kept of any Informal Meeting 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.
  5. In accordance with *Item 19 of the Governance Rule – Meeting Procedure*, Council is required to report as soon as practicable to a Council Meeting, a record of any Informal Meetings of Councillors held.
  6. The recommendation contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council at the last Council Meeting.

**Conclusion**

7. It is recommended that Council receives the records of recent records of Informal Meetings of Councillors as contained in this report, fulfilling *Item 19 of the Governance Rule – Meeting Procedure*.

**Council plans and policies**

8. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

**Sustainability implications**

9. None required.

**Community engagement**

10. Not applicable.

**Innovation and continuous improvement**

11. Not applicable.

**Collaboration**

12. None required.

**Budget implications**

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

**Relevant law**

14. *Local Government Act 2020.*

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**CM.112/22 Informal Meetings of Councillors Records - 25 October 2022**

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**Regional, state and national plans and policies**

15. None applicable.

**Conflicts of interest**

16. All officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

**12. Officers' reports**

**CM.112/22 Informal Meetings of Councillors Records - 25 October 2022**

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13. Notices of Motion

**NOM.003/22 Nillumbik Urban Tree Strategy**

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Cr Natalie Duffy advised of her intention to move the following:

**Motion**

**That Council:**

1. Notes that Nillumbik Shire Council is a Green Wedge Shire set up to provide “Lungs for Melbourne”.
2. Notes and appreciates that the recently adopted Nillumbik Climate Action Plan supports the council plan action to “investigate measures to enhance Nillumbik’s urban tree canopy”.
3. Requests that this is considered alongside the review of the Biodiversity Strategy
4. Requests that the following matters are explored and considered as part of the process:
  - a) Creation of a Nillumbik Urban Forest Strategy to set the actions we will take as a Council to increase tree canopy in the urban areas of Nillumbik
  - b) Creation of a Significant Tree Register
  - c) Annual reporting of street tree & park plantings.
5. Considers work done by other local Councils who already have adopted an Urban Tree Strategy such as Whitehorse, Banyule, Moonee Valley and others.

- 14. Delegates' Reports**
- 15. Supplementary and urgent business**
- 16. Confidential reports**
- 17. Close of Meeting**