

Ordinary Meeting of Council

held virtually on Tuesday 26 May 2020 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 29 May 2020

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 26 May 2020. The meeting commenced at 7:00pm.**

Councillors present:

Cr Karen Egan	Bunjil Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward
Cr Peter Clarke	Wingrove Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Eddie Cheng	Manager Information Technology
Nik Mistriotis	Lead Systems Architect
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Karen Egan.

3. Prayer

A prayer was read by the Mayor, Cr Karen Egan.

4. Apologies

Nil

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 28 April 2020.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr John Dumaresq

That the minutes of the Ordinary Council Meeting held on Tuesday 28 April 2020 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Nil

10. Reports of Advisory Committees

AC.005/20 Advisory Committee Report

Distribution: Public

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

Author: Alena Spry, Governance Officer

Summary

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the minutes of meetings are presented to Council.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr John Dumaresq

That Council notes the minutes of the following meetings:

- Environment and Sustainability Advisory Committee held on 11 December 2019;
- Environment and Sustainability Advisory Committee held on 19 February 2020; and
- Municipal Health and Wellbeing Plan Advisory Committee held on 30 April 2020.

CARRIED UNANIMOUSLY

11. Reports of Special Committees

OCM.071/20 Committee report - Draft Budget 2020-2021 - consideration of submissions

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

This report outlines submissions received from the public regarding the draft Budget 2020-2021 for Council consideration.

Council adopted the draft Budget 2020-2021 at the Ordinary Council Meeting on 24 March 2020 for the purpose of community consultation. The draft Budget was made available to the public for a period of 28 days. Thirty-two submissions were received.

The Future Nillumbik Committee considered the submissions as well as verbal presentations from submitters at its meeting on 12 May 2020.

The following people addressed the Committee with respect to the draft Budget 2020-2021:

1. Katherine Copsey on behalf of Alliance for Gambling Reform
2. Kevin Myers on behalf of himself and Gweneth Myers
3. Zac Lombardo
4. Norman Williams (via CEO)
5. Mel Ellis (via CEO)

After considering the submissions and presentations, the Committee resolved that this report be presented to Council.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Notes that 32 submissions on the draft Budget 2020-2021 were received, and the submissions were considered and submitters were provided with the opportunity to be heard by the Future Nillumbik Committee on 12 May 2020.
2. Considers the matters contained in the submissions and the Committee's report during finalisation of the Budget 2020-2021.

CARRIED

12. Officers' reports**OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges**

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

This report recommends that Council formally adopts the Budget and declare the rates and charges for the 2020-2021 Financial Year.

Council commenced preparation of the 2020-2021 Budget in late 2019 in order that it could then be exhibited for public consultation, and adopted prior to 30 June 2020.

The draft Budget was exhibited and the community invited to comment on it. Written submissions were received and considered by a meeting of the Future Nillumbik Committee on 12 May 2020. A separate report from the Committee to Council regarding the submissions is included in this agenda.

Rates and charges for 2020-2021

The Budget has been prepared in compliance with the rate capping legislation introduced by the Victorian Government.

The draft Budget proposes a zero increase in rates per property which is 2.00 per cent below the rate cap.

Capital Works

The Budget proposes a number of significant capital works projects that have been identified through planning and community consultation.

A full list of capital works projects is included in the draft Budget document (**Attachment 2**).

Policy, planning and services initiatives

In addition to capital works, the Budget also includes resources for a range of initiatives regarding policy, planning and services.

Strategic Resource Plan

As part of the budget process, the Strategic Resource Plan has also been reviewed and updated. Council is required to adopt the Strategic Resource Plan by 30 June each year.

The Strategic Resource Plan shows that Council can maintain a balanced Budget within the rate cap, provided that the assumptions in the Plan are met.

Recommendation

That:

1. Council, having considered the submissions received, adopts the proposed Budget 2020-2021 (**Attachment 2**).
2. The Chief Executive Officer be authorised to give public notice of the decision to adopt the Budget, and to submit a copy of the adopted Budget to the Minister for Local Government.
3. The amount of rates and charges intended to be raised are:

12. Officers' reports

OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

- a) an amount of \$66.968 million (or such greater amount as is lawfully levied as a consequence of this recommendation being adopted) be declared as the amount which Council intends to raise by general rates and annual service charge (described later in this recommendation). The amount declared is calculated as follows:

General Rates	\$57,648,111
Annual Service Charge	\$9,319,519

4. General Rates

- a) That general rates be declared in respect of the 2020-2021 Financial Year.
- b) It be further declared that the general rates be raised by the application of differential rates.
- c) A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.

I. Farm Land

Any land which is 'farm land' within the meaning of section 2(1) of the *Valuation of Land Act 1960*.

II. Commercial/Industrial Land

Any land which is used or adapted to be used primarily for commercial or industrial purposes.

III. Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

Any land located in a General Residential / Activity Centre Zone / Neighbourhood Residential Zone, or in the Low Density Residential Zone (LDRZ) to which DPO4 applies, on which no habitable dwelling is erected.

IV. Other Land

Any land which is not:

- Farm Land
- Commercial/Industrial Land or
- Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

- d) The quantum of rates payable in respect of each rateable land will be determined by multiplying the Capital Improved Value of such land (categorised by the characteristics described in paragraph 4(c) above) by the relevant rates indicated in the following table:

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OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

Category	Rate in Dollar
Farm Land	0.002270 (or 0.2270 cents in the dollar of Capital Improved Value)
Commercial / Industrial Land	0.003091 (or 0.3091 cents in the dollar of Capital Improved Value)
Vacant land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones	0.005339 (or 0.5339 cents in the dollar of Capital Improved Value)
General Rate / Other Land	0.002670 (or 0.2670 cents in the dollar of Capital Improved Value)

- e) It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that the:
 - I. respective objectives, uses and levels of each differential rate be those specified in Schedule A (**Attachment 1**).
 - II. respective types or classes of land which are subject to each differential rate be those defined in part 4(d) above.
- f) It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
- g) In accordance with section 4(4) of the *Cultural and Recreational Lands Act 1963*, the amount of rates payable in respect of each of the rateable lands to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.001030 (or 0.1030 cents in the dollar of Capital Improved Value).

5. Annual Service Charge

- a) An annual service charge be declared in respect of the 2020-2021 Financial Year.
- b) The annual service charge be declared for the collection and disposal of residential refuse and other waste.
- c) Except in the case of elderly persons units, the amount of the annual service charge so declared is dependent upon the option chosen by the owner of the land. The options are:

Option 1: \$419.56 per service in respect of the following three bins:

- 120 litre green waste bin
- 240 litre recycling bin
- 120 litre landfill bin

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OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

Option 2: \$335.65 per service in respect of the following three bins:

- 120 litre green waste bin
- 240 litre recycling bin
- 80 litre landfill bin

Option 3: \$587.38 per service in respect of the following four bins:

- 120 litre green waste bin
- 240 litre recycling bin
- 2 x 120 litre landfill bins

Option 4: \$461.52 per service in respect of the following four bins:

- 120 litre green waste bin
- 240 litre recycling bin
- 140 litre landfill bin

Option 5: \$755.21 per service in respect of the following four bins:

- 120 litre green waste bin
- 240 litre recycling bin
- 120 litre landfill bin – weekly collection

- d) The amount of the annual service charge so declared in respect of elderly persons units, being units occupied by elderly persons or persons with a disability where the applicable form of declaration has been received by Council, is \$104.89.
- e) For each rateable land or non-rateable land in respect of which an annual service charge may be levied, the annual service charge will apply irrespective of whether the owner or occupier of the land avails himself, herself or itself of the service.
- f) The annual service charge is not declared in respect of, and is not be levied on, any land on which no habitable dwelling is erected.

6. Rebates – Sustainable Agricultural Land

- a) It be recorded that subject to paragraph 4(c) of this recommendation, Council may grant a rebate to each owner (or, where applicable, occupier) of land which:
 - i) is not less than 30 hectares in area.
 - ii) is otherwise 'farm land' under section 2(1) of the *Valuation of Land Act 1960*.
- b) The rebate be granted to:
 - i) assist the proper development of the municipal district.

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OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

- ii) preserve places within the municipal district which are of environmental interest.
 - iii) restore or maintain places of environmental importance within the municipal district.
 - iv) more generally achieve the objectives outlined in the Sustainable Agricultural Rebate (SAR) Guidelines.
- c) The grant of the rebate be:
- i) subject to the criteria detailed in the SAR Guidelines.
 - ii) set at a level based on the following two components:
 - Component A - a single fixed amount of \$100 per eligible property (or per single aggregate of 'continuous' properties, as defined in section 13 DC (6) of the *Valuation of Land Act 1960*).
 - Component B - \$15 per hectare of 'productive agricultural land' across each eligible property. The area of productive agricultural land is calculated for each property by subtracting the apparent area of bushland and domestic use from the total property area. Landowners will be given a single opportunity to challenge this area calculation, after which that figure will be set and documented within the relevant Property Management Plan. Any future change in bushland area will not change the set figure for productive agricultural land.
 - iii) subject to development of an approved Property Management Plan (PMP) for each eligible property. The development of a PMP will replace the need for an annual SAR application form, yet each Plan must satisfy the following conditions:
 - PMP Condition A - The PMP must be submitted for approval to the Environment Department of Council. The approval date for each ratified PMP will be noted and a copy of the document will be retained for Council records.
 - PMP Condition B - A separate PMP will be required for each property or aggregate of properties where the owner receives the \$100 fixed payment component of the SAR.
 - PMP Condition C - Landowners who have previously received the SAR must return their PMP by the date indicated in correspondence that has been sent to the recipient (further detail regarding this point can be obtained from the Sustainability and Environment Unit of Council).
 - PMP Condition D - All SAR applicants who have not previously received the SAR will require an approved PMP prior to being eligible for the rebate.
 - PMP Condition E - All PMPs will need to be revised by the owner and submitted for re-approval every four years (approximately).

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Council's Environment Team will notify landholders when PMP revision is required and will allow ample time and assistance to facilitate this process.

7. Rebates – House construction on Vacant Residential Land

- a) It be recorded that Council may also grant a rebate to each owner (or, where applicable, occupier) of land on which a habitable dwelling is erected during the course of the 2020-2021 Financial Year.
- b) The rebate be granted to assist the proper development of the municipal district.
- c) The rebate be granted:
 - i) if a dwelling is created on what has been Vacant Land – Residential and Specified Low Density Residential Zones.
 - ii) upon an occupancy permit being issued in respect of the dwelling.
- d) The rebate be in an amount of 50 per cent of the general rates payable during the 12 months immediately preceding the date of the supplementary valuation made after the occupancy permit was issued.

8. Payment

- a) In accordance with section 167 of the *Local Government Act 1989*, Council determines that rates and charges may be paid by four equal quarterly instalments due on:
 - 30 September 2020
 - 30 November 2020
 - 28 February 2021
 - 31 May 2021

9. Consequential further actions:

- a) The Manager Finance be authorised to levy and recover the general rates and annual service charge in accordance with the *Local Government Act 1989*.
- b) Pursuant to section 172(1) of the *Local Government Act 1989*, Council records that it will require the payment of interest on any amounts of rates and charges which have not been paid by the date specified under section 167 of the said Act for their payment.

10. Council writes to all those who have made a submission on the 2020-2021 Budget under section 223 of the *Local Government Act 1989* thanking them for their input and advising them of Council's decision and reasons for the decision.

12. Officers' reports

OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

Motion

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council defer the adoption of 2020-2021 Budget to a Special Council Meeting to be held on 9 June 2020 at 6:00pm.

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council defer the adoption of 2020-2021 Budget to a Special Council Meeting to be held on 9 June 2020 at 6:00pm.

CARRIED

12. Officers' reports

OCM.073/20 Audit and Risk Committee meeting May 2020

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

In accordance with section 139 of the *Local Government Act 1989* and good governance principles, councils must have an Audit and Risk Committee.

As resolved at the 26 February 2019 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Ordinary Council Meeting.

The Audit and Risk Committee met on 11 May 2020. The minutes for the meeting are shown in **Attachment 1**.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council notes the minutes of the Audit and Risk Committee meeting held on 11 May 2020.

CARRIED

Cr Peter Perkins temporarily left the meeting during discussion of the above item at 7:30pm and returned at 7:31pm.

12. Officers' reports

OCM.074/20 Draft Nillumbik Housing Strategy

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Paul Fyffe, Senior Strategic Planner

Leigh Northwood, Strategic Planning Lead

Summary

The Council Plan requires the preparation of a new Nillumbik Housing Strategy. The purpose of the Strategy is to establish a clear policy position influencing the location, type, form, diversity and scale of housing across the Shire, in line with existing neighbourhood character, and responding to community needs.

A draft Housing Strategy has now been prepared, which is provided as **Attachment 1**. This report recommends that Council endorses the draft for public consultation. The proposed consultation has been designed to adequately respond to restrictions and community sensitivities which will likely be present because of the ongoing COVID-19 situation.

Recommendation

That Council:

1. Endorses the draft Nillumbik Housing Strategy, provided as **Attachment 1**, for public consultation.
2. Requests a report to the August Future Nillumbik Committee Meeting which considers submissions to the draft Nillumbik Housing Strategy.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Endorses the draft Nillumbik Housing Strategy, provided as **Attachment 1**, for public consultation **subject to the following change:**
 - **The legend on page 45 to be amended to reflect the correct overlays.**
2. Requests a report to the August Future Nillumbik Committee Meeting which considers submissions to the draft Nillumbik Housing Strategy.

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

12. Officers' reports

OCM.074/20 Draft Nillumbik Housing Strategy

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Endorses the draft Nillumbik Housing Strategy, provided as **Attachment 1**, for public consultation subject to the following change:
 - The legend on page 45 to be amended to reflect the correct overlays.
2. Requests a report to the August Future Nillumbik Committee Meeting which considers submissions to the draft Nillumbik Housing Strategy.

CARRIED

Cr Peter Perkins called for a division

For: Cr Bruce Ranken, Cr Jane Ashton, Cr Karen Egan and Cr Peter Clarke

Against: Cr Peter Perkins, Cr John Dumaresq and Cr Grant Brooker

The Mayor, Cr Karen Egan declared the Motion Carried.

12. Officers' reports**OCM.075/20 2020 Annual Community Survey**

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

This report outlines the results of the 2020 Annual Community Survey which was conducted by Metropolis Research in March 2020. This ninth annual survey is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community. The survey also assists Council in meeting State Government performance reporting requirements by measuring community satisfaction in a number of areas covered by this survey.

The 2020 survey report findings were generally positive. Among the results, community satisfaction with Council's overall performance is rated at 6.69 out of 10, a slight decrease of 1.2% compared to the 6.77 result in 2019. Beyond this one statistic, the survey provides a rich amount of data and community sentiment.

Overall satisfaction in Council services and customer service achieved best ever results. Governance and leadership satisfaction improved for the third consecutive year. There are opportunities for improvement in planning processes, as well as some individual services within the infrastructure grouping.

With the level of data and information provided in this survey, Council officers will be able to analyse the results as they apply to individual service areas, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future service planning and making budgetary decisions.

Council Resolution

MOVED: Cr Grant Brooker**SECONDED: Cr Peter Perkins****That Council:**

1. Receives and notes the results of the 2020 Annual Community Survey (**Attachment 1**).
2. Makes the report's findings available to the public on Council's website.

CARRIED

12. Officers' reports

OCM.076/20 Year 1 performance - Domestic Wastewater Management Plan

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

**Author: Jonathan McNally, Manager Community Safety and Amenity
Rodney Roberts, Domestic Wastewater Management Officer
Leah Farrell, Coordinator Environmental Health**

Summary

Under State Environment Protection Policy (SEPP) Waters, Council is required to develop and regularly review a Domestic Wastewater Management Plan (DWMP). This Plan outlines Council's program for managing septic tank systems across the Shire. The Plan has been developed in consultation with Yarra Valley Water (YVW), the community and other relevant stakeholders.

Adopted in June 2019, Council's DWMP is fully operational, and forms an integral part of the daily activities of Council's Environmental Health Services, in the management and delivery of related public health programs.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council notes this report detailing performance against the year 1 Domestic Wastewater Management Plan actions.

CARRIED

12. Officers' reports

OCM.077/20 Year 2 & 3 performance - Domestic Animal Management Plan

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

**Author: Jonathan McNally, Manager Community Safety and Amenity
Bart Robertson, Senior Community Safety Officer
Caroline Correa, Community Safety Coordinator**

Summary

The Domestic Animal Management Plan was developed in line with section 68A of the *Domestic Animals Act 1994*. Council has a legislated responsibility under the Act to ensure compliance and delivery of animal management services related to community expectations around responsible pet ownership. This Plan continues to build on the foundation of work undertaken by Council through the development of its adopted Domestic Animal Management Plan 2017-2021 (DAMP).

The Plan provides Council with a strategic framework, policy direction and action plan for domestic animal management practices throughout the municipality over the lifetime of the plan and beyond. This report provides Council with an annual update of the DAMP, as required by the Act.

Council Resolution

**MOVED: Cr Jane Ashton
SECONDED: Cr Peter Perkins**

That Council notes the actions undertaken to complete Year Two and Three of the 2017-2021 Domestic Animal Management Plan.

CARRIED UNANIMOUSLY

Carl Cowie, Chief Executive Officer temporarily left the meeting during discussion of the above item at 8:23pm and returned at 8:24pm.

12. Officers' reports

OCM.078/20 Vegetation Clearance Advocacy (Bushfire Protection Exemptions) - Nillumbik Shire

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

Council were presented with a briefing on 21 April 2020 which outlined an advocacy position for consideration to be put to the Minister for Planning (the Minister), in regard to the need for review of bushfire protection provisions that exempt vegetation clearance for the need for a planning permit within the Nillumbik Planning Scheme.

Councillors and the community have acknowledged the impacts that exemptions to clear vegetation are having (anecdotally) on neighbourhood character. Known as the 10/30 and 10/50 rules – these 'rules' allow vegetation removal to occur without the need for a planning permit. There is ongoing concern that these exemptions are having a detrimental impact on local vegetation, biodiversity and neighbourhood character on the Nillumbik Shire.

It is recommended that Council do not advocate to make a specific change to the current provisions, rather that Council support a *review of the impacts* of current exemptions for clearance of vegetation.

Recommendation

That Council endorses and submits the attached advocacy (**Attachment 1**) to the Minister for Planning.

Motion**MOVED: Cr Peter Clarke****SECONDED: Cr Peter Perkins****That** Council:

1. Endorses and submits the attached advocacy (**Attachment 1**) to the Minister for Planning.
2. **Requests Officers forward the advocacy letter to the Member for Eltham – Vicki Ward MP and the Member for Yan Yean – Danielle Green MP and seek their support for the review proposed.**

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

Council Resolution**MOVED: Cr Peter Clarke****SECONDED: Cr Peter Perkins****That** Council:

1. Endorses and submits the attached advocacy (**Attachment 1**) to the Minister for Planning.

12. Officers' reports

OCM.078/20 Vegetation Clearance Advocacy (Bushfire Protection Exemptions) - Nillumbik Shire

2. Requests Officers forward the advocacy letter to the Member for Eltham – Vicki Ward MP and the Member for Yan Yean – Danielle Green MP and seek their support for the review proposed.

CARRIED

Blaga Naumoski, Executive Manager Governance, Communications and Engagement temporarily left the meeting during discussion of the above item at 8:36pm and returned at 8:37pm.

Cr Peter Perkins temporarily left the meeting during discussion of the above item at 8:44pm and returned at 8:47pm.

Blaga Naumoski, Executive Manager Governance, Communications and Engagement temporarily left the meeting during discussion of the above item at 8:44pm and returned at 8:45pm.

12. Officers' reports

OCM.079/20 State Government Yan Yean Road Stage 2 Upgrade Project

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lawrence Seyers, Lead Transport Planner

Ayman William, Coordinator Transport and Development

Summary

This report provides an update on the State Government's Yan Yean Road Stage 2 Project, particularly to advise and consider recent community consultation, expected timelines to Environment Effects Statement in August 2020 (including Council caretaker conventions) and potential impacts on the Yarrambat Park (including golf course and archery club).

Recommendation

That Council:

1. Notes the community consultation completed for the State Government's Yan Yean Road Stage 2 Project.
2. Notes the expected public exhibition of an Environmental Effects Statement process in August 2020 will be approaching Council caretaker period.
3. Notes its support of the Yan Yean Road Stage 2 project notwithstanding Council's concerns which will be formally tabled as part of the Environmental Effects Statement submission.
4. Authorises the Chief Executive Officer to prepare and lodge a submission to the Environmental Effects Statement process on behalf of Council.

Motion

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council:

1. Notes the community consultation completed for the State Government's Yan Yean Road Stage 2 Project.
2. Notes the expected public exhibition of an Environmental Effects Statement process in August 2020 will be approaching Council caretaker period.
3. Notes its support of the Yan Yean Road Stage 2 project notwithstanding Council's concerns which will be formally tabled as part of the Environmental Effects Statement submission.
4. Authorises the Chief Executive Officer to prepare and lodge a submission to the Environmental Effects Statement process on behalf of Council, **with a draft of the submission to come to a Councillor Briefing prior to the Council caretaker period.**

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

12. Officers' reports

OCM.079/20 State Government Yan Yean Road Stage 2 Upgrade Project

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council:

1. Notes the community consultation completed for the State Government's Yan Yean Road Stage 2 Project.
2. Notes the expected public exhibition of an Environmental Effects Statement process in August 2020 will be approaching Council caretaker period.
3. Notes its support of the Yan Yean Road Stage 2 project notwithstanding Council's concerns which will be formally tabled as part of the Environmental Effects Statement submission.
4. Authorises the Chief Executive Officer to prepare and lodge a submission to the Environmental Effects Statement process on behalf of Council, with a draft of the submission to come to a Councillor Briefing prior to the Council caretaker period.

CARRIED

Blaga Naumoski, Executive Manager Governance, Communications and Engagement temporarily left the meeting during discussion of the above item at 8:52pm and returned at 8:53pm.

Carl Cowie, Chief Executive Officer temporarily left the meeting during discussion of the above item at 8:53pm and returned at 8:54pm.

12. Officers' reports**OCM.080/20 State Government Upgrade to Fitzsimons Lane, Foote Street, Porter Street, Main Road and Leane Drive****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Lawrence Seyers, Lead Transport Planner****Ayman William, Coordinator Transport and Development****Summary**

This report provides an update on the State Government's Fitzsimons Lane Upgrade Project (the upgrade project), particularly to advise and consider how the State Government has responded to concerns Council raised in August and October 2019.

Recently, on 22 December 2019, the Minister for Planning approved Amendment GC119, which allows use and development of the upgrade project, subject to conditions.

On approving the amendment, the Minister has indicated that Major Road Projects Victoria (MRPV), should reduce the footprint of the reference design.

Council was advised by the Minister for Major Transport Infrastructure on 30 January 2020 that the revised reference design was being prepared and subsequently, MRPV made these plans available to Council and the public on 26 February 2020.

The revised reference design reduces the footprint of the proposed intersection from 11 to eight lanes to respond to Council's and the community concerns regarding the width of the original proposal, the associated vegetation removal and the impacts on the character of the Eltham Gateway.

Council has been provided with limited information on the revised design and will need to rely on consultation during the detailed design phase to advocate for further refinement.

Furthermore, the conditions on the planning approval applied by the Minister for Planning fall short of those requested by Council in its resolutions in August and October 2019, particularly that requesting for improved consultation with Council and the community.

Council Resolution**MOVED: Cr Peter Clarke****SECONDED: Cr Bruce Ranken****That Council:**

1. Notes the Fitzsimons Lane Upgrade Project has been provided planning approval, subject to conditions, by the Victorian Government.
2. Authorises the Mayor to formally write to Major Road Projects Victoria (MRPV), with copies to the Minister for Major Transport Infrastructure, Minister for Roads and MP for Eltham requesting a meeting to discuss the establishment of a community and stakeholder advisory committee to guide the project through the detailed design and delivery stages.

CARRIED UNANIMOUSLY

12. Officers' reports

OCM.080/20 State Government Upgrade to Fitzsimons Lane, Foote Street, Porter Street, Main Road and Leane Drive

Katia Croce, Governance Lead temporarily left the meeting during discussion of the above item at 9:05pm and returned at 9:08pm.

Cr Jane Ashton temporarily left the meeting during discussion of the above item at 9:09pm and returned at 9:10pm.

12. Officers' reports

OCM.081/20 Assembly of Councillors

Distribution: Public

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

Author: Alena Spry, Governance Officer

Summary

In accordance with section 80A(2) of the *Local Government Act 1989*, Council is required to report as soon as practicable to an Ordinary Council Meeting a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 28 April 2020.

An assembly of Councillors record was kept for:

- Councillor Briefing – 21 April 2020;
- Living & Learning Nillumbik Advisory Committee – 22 April 2020;
- Councillor Briefing and Pre-meeting to Ordinary Council Meeting – 28 April 2020;
- Municipal Health and Wellbeing Plan Advisory Committee – 30 April 2020;
- Positive Ageing Advisory Committee – 1 May 2020;
- Councillor Briefing – 5 May 2020;
- Environment and Sustainability Advisory Committee – 6 May 2020; and
- Pre-meeting to Future Nillumbik Committee – 12 May 2020.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Peter Clarke

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the assemblies of Councillors held on 21 April 2020, 22 April 2020, 28 April 2020, 30 April 2020, 1 May 2020, 5 May 2020, 6 May 2020 and 12 May 2020 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.082/20 Proposed Contract of Sale for the sale of Council land to the CFA

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Natalie Campion, Coordinator Property
Jonathon Miller, Manager Property and Facilities Maintenance**

Summary

This report is an overview of a separate confidential report concerning the Contract of Sale between Council and the Country Fire Authority (CFA), for land to facilitate construction of the new Plenty Fire Station.

At the 29 May 2018 Ordinary Council Meeting, Council resolved to enter into a Heads of Agreement (HoA) with the CFA. The HoA recorded the respective intentions and expectations in regards to the proposed sale. The land to be sold to the CFA forms a part of Plenty Memorial Park, located at 109-115 Yan Yean Road, Plenty.

The purpose of this report is for Council to consider the Contract of Sale for part of the land at 109-115 Yan Yean Road, and the Deed of Surrender of Lease for the existing Plenty Fire Station site.

The associated confidential report contains a recommendation that the decision to execute the contract with the CFA be made public, but financial details concerning the negotiations and the final sale price be kept confidential.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Perkins

That Council notes this report.

CARRIED

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That the decision to execute the Contract of Sale with the CFA be made public, but financial details be released in conjunction with and after consultation with the CFA.

CARRIED

12. Officers' reports

OCM.083/20 Quarterly Risk and Safety Report

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig Commene, Risk and Safety Lead

Summary

This report provides a summary of Council's Risk and Safety Report for the quarter ended March 2020.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF). This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by the Audit and Risk Committee.

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council notes this report.

CARRIED

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Notes the summary of the confidential Quarterly Risk and Safety Report for the quarter ending March 2020.
2. Resolves that the Report remains confidential in accordance with sections 77 and 89(2) of the *Local Government Act 1989*.
3. Resolves to make the resolution of Council public.

CARRIED

Carl Cowie, Chief Executive Officer temporarily left the meeting during discussion of the above item at 9:19pm and returned at 9:20pm.

12. Officers' reports

OCM.088/20 Whittingham Circuit Update

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Jonathon Miller, Manager Property and Facilities Maintenance

Summary

This report is an overview of a separate confidential report informing Councillors on the status of the sale of the 14 parcels of land located at 13-26 Whittingham Circuit, Greensborough (as part of the Civic Drive Residential Development Project).

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council notes this report.

CARRIED

The Mayor, Cr Karen Egan temporarily left the meeting during discussion of the above item at 9:21pm and returned at 9:22pm.

12. Officers' reports

OCM.084/20 Chief Executive Officer Employment Matters Committee Mid-Year Review

Distribution: Public

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

Summary

This report is an overview of a separate confidential report to consider the Chief Executive Officer's (CEO's) performance plan 2019/2020.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Perkins

That Council notes this report.

CARRIED

11. Notices of Motion

Nil

12. Delegates' reports

Nil

13. Supplementary and urgent business

Nil

14. Confidential reports

Pursuant to section 66(2) of the *Local Government Act 2020*, the meeting of the Council be closed to members of the public for the consideration of the following confidential items:

OCM.085/20 Proposed Contract of Sale for the sale of Council land to the CFA

This item is confidential because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released pursuant to section 3(1)(a) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

OCM.086/20 Quarterly Risk and Safety Report

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage pursuant to section 3(1)(g)(ii) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

OCM.089/20 Whittingham Circuit Update

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage pursuant to section 3(1)(g)(ii) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

OCM.087/20 Chief Executive Officer Employment Matters Committee Mid-Year Review

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 section 3(1)(f) 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).

The meeting closed to members of the public to consider confidential matters.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider confidential items.

CARRIED

The meeting closed to the public at 9:29pm.

The meeting re-opened at 9:36pm.

Close of Meeting

The meeting closed at 9:36pm.

Confirmed:

Cr Karen Egan, Mayor