

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 24 May 2022 commenced at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 27 May 2022

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

Nillumbik Shire Council

Contents

1.	Welcome by the Mayor	1
2.	Acknowledgement of Country	1
3.	Good Governance Pledge	1
4.	Prayer	1
5.	Apologies	2
6.	Presentations	2
7.	Confirmation of Minutes	2
8.	Disclosure of conflicts of interest	2
9.	Petitions	2
10.	Questions from the gallery	2
11.	Reports of Advisory Committees	4
AC.004/22	Advisory Committee Report - 26 April 2022	4
12.	Officers' reports	6
CM.043/22	Adoption of Budget 2022-2023, declaration of Rates and Charges and Council Plan - Annual Action Plan 2022-2023	6
CM.044/22	Council Plan Quarterly Performance Report - 2021-2022 - Quarter 3	13
CM.045/22	2022 Annual Community Survey Results	15
CM.046/22	Draft Municipal Planning Strategy (MPS) Phase 3 Engagement	17
CM.047/22	Future of Agriculture in Nillumbik Action Plan	19
CM.048/22	Living & Learning Nillumbik Neighbourhood House Advisory Committee Endorsement of Terms of Reference	21
CM.049/22	Environment and Sustainability Advisory Committee 2022-2024 membership recommendation	23
CM.050/22	Endorsement of Motions to the Municipal Association of Victoria State Council Meeting	27
CM.051/22	67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek	29
CM.052/22	Informal Meetings of Councillors Records - 24 May 2022	45
CM.053/22	Tender Report - Contract 2122-059 Loan Borrowings 2021/2022	47
CM.054/22	Tender Report - Contract 2021-007 Landfill Environmental Monitoring and Maintenance and Environmental Auditor for Closed Landfill	49
CM.055/22	Tender Report - Contract 2122-052 Bible Street Traffic Improvements	51
14.	Notices of Motion	53

Council Meeting Minutes

24 May 2022

15. Delegates' Reports	53
16. Supplementary and urgent business	53
17. Confidential reports	53
18. Close of Meeting	53

Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 24 May 2022.
The meeting commenced at 7.00pm.**

Councillors present:

Cr Frances Eyre	Swipers Gully Ward (Mayor)
Cr Richard Stockman	Blue Lake Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Ben Ramcharan	Sugarloaf Ward (Deputy Mayor)
Cr Geoff Paine	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
Corrienne Nichols	Executive Manager Community Services
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Eddie Cheng	Manager Information Technology
Leigh Northwood	Strategic Planning Lead
Sally Johnson	Corporate Information Lead
Emma Christensen	Acting Governance Lead

1. Welcome by the Mayor

2. Acknowledgement of Country

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

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Natalie Duffy.

4. Prayer

A prayer was read by Betsy Dere, Chair of the Spiritual Assembly of the Baha'is of Nillumbik.

5. Apologies

An apology for this meeting has been received from Cr Karen Egan.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Richard Stockman

That the apology from Cr Karen Egan be noted.

CARRIED UNANIMOUSLY

6. Presentations

Nil

7. Confirmation of Minutes

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

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Geoff Paine

That Council confirms the minutes of the Council Meeting held on Tuesday 26 April 2022 (**Attachment 1**) subject to the following amendment:

1. The outcome of the vote on item CM.031/22 – Climate Action Plan 2022-2032 on page 19 of the attached Minutes (**Attachment 1**) to read **CARRIED** in lieu of CARRIED UNANIMOUSLY.

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Nil

9. Petitions

Nil

10. Questions from the gallery

Carlota Quinlan President of the Eltham Community Action Group has asked the following questions:

Question 1

All organisations, including councils, will have needed to develop new and flexible arrangements to continue functioning effectively in this new COVID environment, particularly with relation to staffing. With regard to Planning Department staff, both strategic and statutory planners, Eltham Community Action Group asks the following questions.

How many planners, in FTE terms, are employed at Nillumbik, and since December 2019 how many new planners has Nillumbik Shire Council employed, including Full Time, Part Time and temporary planners?

Response 1

Planning Services has 13 Full Time Equivalent (FTE) statutory planners inclusive of the two coordinators. Since December 2019, 10 planners have been employed at Nillumbik. The Strategic Planning Department has a total of 5.4 FTE (with 1 FTE remaining vacant since January 2022). Since December 2019, 3 new strategic planners and 1 new Urban Designer have been employed at Council.

Question 2

Given that new staff will have worked from home because of lockdowns, personal choice and imposed contract requirements, it is possible that some planners may be making decisions without adequate appreciation of the unique characteristics of the area and even without ever having visited the actual review site. Residents are concerned that decisions may be made that are inappropriate for Eltham and Nillumbik.

What forms of induction and mentoring have taken place to ensure that new staff are aware of the different areas within Nillumbik and the cultural and historical reasons for the particular neighbourhood characteristics that distinguish our areas from other Melbourne Local Government areas, including other Green Wedge shires?

Response 2

All new staff are required to undertake training as part of their induction when commencing their position with Council. This training includes a bus tour of the shire which showcases both the physical green wedge and constructed areas of the Shire. Depending on the position held by staff ongoing training is offered by team members specific to that area which does account for the unique aspects and characteristics of Nillumbik to enable staff to perform their tasks effectively.

11. Reports of Advisory Committees

AC.004/22 Advisory Committee Report - 26 April 2022

Distribution: Public

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

Author: Katia Croce, Governance Lead

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

1. Inclusion and Access Advisory Committee Meeting held 25 February 2022;
2. Positive Ageing Advisory Committee 4 March 2022;
3. Positive Ageing Advisory Committee 1 April 2022; and
4. Youth Council Formal Advisory Committee 4 April 2022.

Recommendation

That the minutes of the Advisory Committee meetings (**Attachment 1**) reported be noted.

Motion

MOVED: Cr Natalie Duffy

SECONDED: Cr Geoff Paine

That Council:

1. Notes the minutes of the following Advisory Committee meetings (**Attachment 1**) reported:
 - 1 Inclusion and Access Advisory Committee Meeting held 25 February 2022;
 - 3 Positive Ageing Advisory Committee 1 April 2022; and
 - 4 Youth Council Formal Advisory Committee 4 April 2022.
2. Notes the minutes of the Positive Ageing Advisory Committee meeting held 4 March 2022 referenced in (**Attachment 1**), with amendments to Chair, Attendees, Apologies, amendment to mover and seconder of the minutes and amendments to items discussed, items discussed at Round Table, and to Actions in items 7 and 9.
3. Requests Officers to update **Attachment 1** on the public website accordingly.

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

11. Reports of Advisory Committees

AC.004/22 Advisory Committee Report - 26 April 2022

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Geoff Paine

That Council:

1. Notes the minutes of the following Advisory Committee meetings (**Attachment 1**) reported:
 - 1 Inclusion and Access Advisory Committee Meeting held 25 February 2022;
 - 3 Positive Ageing Advisory Committee 1 April 2022; and
 - 4 Youth Council Formal Advisory Committee 4 April 2022.
2. Notes the minutes of the Positive Ageing Advisory Committee meeting held 4 March 2022 referenced in (**Attachment 1**), with amendments to Chair, Attendees, Apologies, amendment to mover and seconder of the minutes and amendments to items discussed, items discussed at Round Table, and to Actions in items 7 and 9.
3. Requests Officers to update **Attachment 1** on the public website accordingly.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.043/22 Adoption of Budget 2022-2023, declaration of Rates and Charges and Council Plan - Annual Action Plan 2022-2023

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Jeremy Livingston, Executive Manager Business Transformation and Performance

Summary

This report recommends that Council formally adopts the annual Budget, declare the rates and charges for the 2022-2023 financial year and adopts the (Council Plan) Annual Action Plan for 2022-2023.

Council commenced preparation of the 2022-2023 Budget in late 2021 in order to meet all legislative requirements.

The draft Budget was exhibited and the community invited to comment. Written submissions were received and considered by a meeting of the Planning and Consultation Committee on 10 May 2022.

Rates and charges for 2022-2023

The 2022-2023 Budget has been prepared in compliance with the rate capping legislation introduced by the Victorian Government.

The draft Budget proposes a 1.75 percent increase in rates per property, the maximum allowable set by the Minister under the Fair Go Rates System.

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 1**).

Policy, planning and services initiatives

The Budget also includes resources for a range of initiatives regarding policy, planning and services.

Strategic Resource Plan

The Strategic Resource Plan has also been reviewed and updated.

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.

Council Plan - Annual Action Plan 2022-2023

The action plan comprises 46 key actions which will support the second year delivery of the Council Plan 2021-2025. The Annual Action Plan has been developed in line with the annual budget process.

12. Officers' reports

CM.043/22 Adoption of Budget 2022-2023, declaration of Rates and Charges and Council Plan - Annual Action Plan 2022-2023**Council Resolution****MOVED: Cr Ben Ramcharan****SECONDED: Cr Geoff Paine**

That Council having advertised the Proposed Annual Budget 2022-2023 and having considered all submissions received in respect of such Budget resolves:

1. To adopt as presented the 2022-2023 Budget (**Attachment 1**).
2. To authorise the Chief Executive Officer 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:
 - a) An amount of \$73.364,755 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	\$60,196,396
Annual Service Charge	\$13,167,359

General Rates

4. That general rates be declared in respect of the 2022-2023 Financial Year.
5. That it be further declared that the general rates be raised by the application of differential rates.
6. That 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:

12. Officers' reports

CM.043/22 Adoption of Budget 2022-2023, declaration of Rates and Charges and Council Plan - Annual Action Plan 2022-2023

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

7. That 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 point 6. above) by the relevant rates indicated in the following table:

Category	Rate in Dollar
Farm Land	0.002075 (or 0.2075 cents in the dollar of Capital Improved Value)
Commercial / Industrial Land	0.002832 (or 0.2832 cents in the dollar of Capital Improved Value)
Vacant land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones	0.003662 (or 0.3662 cents in the dollar of Capital Improved Value)
General Rate / Other Land	0.002441 (or 0.2441 cents in the dollar of Capital Improved Value)

8. That 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 section 4.1.1 of the draft Budget document (**Attachment 1**).
 - II. respective types or classes of land which are subject to each differential rate be those defined in part 7. above.
9. That 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.
10. That 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 0.000952 (or 0.0952 cents in the dollar of Capital Improved Value).

Annual Service Charge

11. That an annual service charge be declared in respect of the 2022-2023 Financial Year.

12. Officers' reports

CM.043/22 Adoption of Budget 2022-2023, declaration of Rates and Charges and Council Plan - Annual Action Plan 2022-2023

12. That the annual service charge be declared for the collection and disposal of residential refuse and other waste.
13. That 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: \$582.73 per service in respect of the following three bins:
- 120 litre green waste bin
 - 240 litre recycling bin
 - 120 litre landfill bin.
- Option 2: \$466.18 per service in respect of the following three bins:
- 120 litre green waste bin
 - 240 litre recycling bin
 - 80 litre landfill bin.
- Option 3: \$815.82 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: \$641.00 per service in respect of the following three bins:
- 120 litre green waste bin
 - 240 litre recycling bin
 - 140 litre landfill bin.
- Option 5: \$1,048.91 per service in respect of the following three bins:
- 120 litre green waste bin
 - 240 litre recycling bin
 - 120 litre landfill bin – weekly collection.
14. That 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 \$145.68.
15. That 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.
16. That 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.

12. Officers' reports

CM.043/22 Adoption of Budget 2022-2023, declaration of Rates and Charges and Council Plan - Annual Action Plan 2022-2023

Rebates – Sustainable Agricultural Land

- 17 That it be recorded that subject to point 6. 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*.
- 18 That the rebate be granted to:
- i) assist the proper development of the municipal district.
 - 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.
19. That 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.

12. Officers' reports

CM.043/22 Adoption of Budget 2022-2023, declaration of Rates and Charges and Council Plan - Annual Action Plan 2022-2023

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

Payment:

20. That 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 2022

30 November 2022

28 February 2023

31 May 2023.

Consequential further actions:

21. That the Finance Manager be authorised to levy and recover the general rates and annual service charge in accordance with the *Local Government Act 1989 and the Local Government Act 2020*.
22. That 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.
23. To authorise the Finance Manager to write to all those who have made a submission on the 2022-2023 Budget, thanking them for their input and advising them of Council's decision and reasons for the decision.
24. To adopt the Annual Action Plan 2022-2023 (**Attachment 2**), including its 46 actions which will support the second year delivery of the Council Plan 2021-2025, and receives quarterly updates on the progress of this plan.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.044/22 Council Plan Quarterly Performance Report - 2021-2022 - Quarter 3

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

The purpose of this report is to present the Council Plan Quarterly Performance Report (**Attachment 1**) for noting. These reporting updates are received by Council on a quarterly basis to demonstrate in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

The Council Plan Quarterly Performance Report provides the third update on delivery progress and performance of the 2021-2022 Annual Action Plan actions, which align to delivery of the first year of the Council Plan 2021-2025.

Of the 23 actions in the 2021-2022 Annual Action Plan designated for quarterly reporting, 20 actions are currently 'on track', two actions have been completed and one is experiencing minor issues.

The overall position reflected in the report suggests that Council continues to make a solid start in delivering on key actions of the Council Plan and significant outcomes for the community.

All 54 actions identified in the Annual Action Plan 2021-2022 will have final updates provided in the corresponding report for the fourth quarter. This will also be published in the Annual Report 2021-2022 when presented to the community later in 2022.

Council Resolution

MOVED: Cr Peter Perkins**SECONDED: Cr Ben Ramcharan**

That Council notes and receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the third quarter of 2021-2022.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.045/22 2022 Annual Community Survey Results

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: James Hartigan, Business Performance Analyst

Summary

The results of the 2022 Annual Community Survey have been received, which was conducted by Metropolis Research in February 2022. This 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 the Victorian Government's mandatory performance reporting requirements for councils by measuring community satisfaction in a number of areas covered by this survey.

The 2022 survey findings are variable, including a decline in satisfaction in a number of core areas, with results influenced by a change in survey methodology (from face-to-face to telephone) and also the impact of COVID-19 restrictions and closures on resident activity and Council service availability and access.

Among the key results, community satisfaction with Council's overall performance is rated at 6.41 out of 10 (categorised as 'solid'), a slight decrease of 2.7% compared to the 6.59 result in 2021. This decline is not as significant compared to the 4.6% decline observed across all Melbourne metropolitan councils. Nillumbik's result is higher than the northern region councils average (6.36 out of 10), however is below the Melbourne metropolitan average (6.60).

Beyond this headline statistic, the survey provides a rich amount of data on community sentiment. However, as the impact of COVID-19 is influencing some of the results, an element of caution needs to be exercised when analysing these results.

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

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Richard Stockman

That Council:

1. Receives and notes the results of the 2022 Annual Community Survey Final Report (**Attachment 1**).
2. Makes the report's findings available to the public on Council's website.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.046/22 Draft Municipal Planning Strategy (MPS) Phase 3 Engagement**

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

The purpose of this report is to seek Councils endorsement in regard to the Draft Municipal Planning Strategy (MPS) and the next phase of engagement (Phase 3) which will seek feedback to the Draft MPS for a 6 week period through June/July.

Phase 2 consultation reviewed the existing MPS and identified key 'themes' that have informed drafting a new MPS, therefore Phase 3 engagement represents the first time the community will be presented with a draft of the new MPS.

There are specific requirements and format that the MPS must follow. The MPS must succinctly explain the context for a municipality and provide the overarching strategic directions for the major land use and development matters that affect it. The content of the MPS should be easily read, expressed in a logical sequence and grouped by related land use and development themes. The draft MPS must also be structured to meet the drafting requirements of DELWP.

Through the months of September and October 2021, officers conducted an extensive program of consultation on MPS themes. Submitters were invited to attend the February 2022 Planning & Consultation Committee Meeting (PCC) to speak to their submission.

All submissions and feedback (including community, Councillor and officer feedback) were considered and were used in drafting the new MPS where appropriate and relevant. It is important to note that some matters coming out of consultation in Phase 2 cannot be incorporated into consideration of drafting of the new MPS, predominantly as the matters raised are not within the mandate of land use and development, are too specific for the MPS where it sets 'higher order' principles rather than detailed outcomes, are seeking a specific land use outcome for personal gain which does not meet the principle of 'net community benefit' or do not meet the requirements ('rules') for drafting the MPS.

Upon collation of submissions to Phase 3 engagement in regard to the MPS a report will be presented to an upcoming meeting of Council's Planning and Consultation Committee which will consider the response to this round of engagement.

Subject to consideration of submissions, further changes can be made to the draft MPS prior to seeking Councils endorsement and approval to seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Planning Scheme to implement the new MPS, noting the amendment process represents another round of consultation including the ability for the community to make submissions to such.

12. Officers' reports

CM.046/22 Draft Municipal Planning Strategy (MPS) Phase 3 Engagement

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That Council:

1. Notes the Draft Municipal Planning Strategy (MPS) **Attachment 2** and Draft Clause 74.02 Further Strategic Work **Attachment 3**.
2. Endorses a third round of engagement for the MPS, which will exhibit the draft MPS **Attachment 2** and draft Clause 74.02 **Attachment 3** which is scheduled to be conducted from early June to mid July 2022 for a period of 6 weeks.
3. Notes a report will be presented to an upcoming meeting of Council's Planning and Consultation Committee which will consider the response to this round of engagement.

CARRIED UNANIMOUSLY

Leigh Northwood Strategic Planning Lead left the meeting at the conclusion of the above item at 7:42pm.

12. Officers' reports

CM.047/22 Future of Agriculture in Nillumbik Action Plan

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Danielle Phyland, Economic Development and Tourism Lead

Summary

Nillumbik's Economic Development Strategy 2020-2030 (NEDS) identifies four objectives. One of the four objectives of this strategy is Objective 3: Facilitate economically and environmentally sustainable use of land within the Shire's Green Wedge.

An action of this objective was to conduct a research project to understand the current agricultural activity in Nillumbik with land assessment and to create an Action Plan to be delivered by Council for a sustainable future for agriculture in the Shire.

The Future of Agriculture in Nillumbik Action Plan (**Attachment 1**) (Action Plan) is derived from the research project procured by the Economic Development and Tourism team and undertaken and produced by external consultants Plan-it Rural in partnership with Deakin University and planning initiatives identified by Strategic Planning team having regard to State and Regional Planning Policy.

Recommendation

That Council:

1. Endorses the Future of Agriculture in Nillumbik Action Plan (Action Plan) (**Attachment 1**)
2. Requests Officers to begin implementation of the Action Plan from July 2022
3. Requests that Officers provide a copy of the Action Plan on Council's website.
4. Requests that Officers provide an annual update on the Action Plan as part of the Economic Development Strategy.
5. Requests that Officers notify submitters to Future of Agriculture project of Council's resolution.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Peter Perkins

That Council:

1. Endorses the Future of Agriculture in Nillumbik Action Plan (Action Plan) (**Attachment 1**) **subject to the removal of Objective 5.**
2. Requests Officers to begin implementation of the Action Plan from July 2022
3. Requests that Officers provide a copy of the Action Plan on Council's website.
4. Requests that Officers provide an annual update on the Action Plan as part of the Economic Development Strategy.
5. Requests that Officers notify submitters to Future of Agriculture project of Council's resolution.

12. Officers' reports

CM.047/22 Future of Agriculture in Nillumbik Action Plan

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

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Peter Perkins

That Council:

1. Endorses the Future of Agriculture in Nillumbik Action Plan (Action Plan) **(Attachment 1)** subject to the removal of Objective 5.
2. Requests Officers to begin implementation of the Action Plan from July 2022
3. Requests that Officers provide a copy of the Action Plan on Council's website.
4. Requests that Officers provide an annual update on the Action Plan as part of the Economic Development Strategy.
5. Requests that Officers notify submitters to Future of Agriculture project of Council's resolution.

CARRIED

Vince Lombardi Chief Executive Officer temporarily left the meeting during discussion on this item at 7:52pm.

12. Officers' reports

CM.048/22 Living & Learning Nillumbik Neighbourhood House Advisory Committee Endorsement of Terms of Reference

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Community Services

Author: Cobie Vermeulen, Coordinator Living & Learning Nillumbik

Summary

The purpose of this report is to seek Council endorsement on the new Terms of Reference for the Living & Learning Nillumbik (L&LN) Neighbourhood House Advisory Committee (**Attachment 1**).

Following the endorsement, Council will call for Expressions of Interests from community members from 6 June 2022 (for a 3 week period) with applications closing on Friday 24 June 2022.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Richard Stockman

That Council:

1. Endorses the new Living & Learning Nillumbik (L&LN) Neighbourhood House Advisory Committee Terms of Reference (**Attachment 1**).
2. Notes that the expression of interest period will be open for a period of 3 weeks seeking community members for the L&LN Neighbourhood House Advisory Committee following endorsement of the L&LN Neighbourhood House Advisory Committee Terms of Reference.
3. Notes that Council appointment of new community members to the L&LN Neighbourhood House Advisory Committee will be sought at the 26 July Council Meeting.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.049/22 Environment and Sustainability Advisory Committee 2022-2024 membership recommendation

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

This report provides a recommendation for membership of the 2022-2024 term of Council's Environment and Sustainability Advisory Committee (ESAC).

The ESAC terms of reference are provided in **Attachment 1**.

Nominations were sought from 28 February to 20 March 2022 and assessed against selection criteria (see confidential **Attachment 2**).

Council endorsement of the recommended Youth Council together with eleven general community members is sought.

Recommendation

That Council:

1. Endorses the twelve recommended applicants listed for membership of the Nillumbik Environment and Sustainability Advisory Committee (refer confidential **Attachment 2**):
 - (a) Applicant 1 _____ as Youth Committee representative
 - (b) Applicant 2 _____
 - (c) Applicant 3 _____
 - (d) Applicant 4 _____
 - (e) Applicant 5 _____
 - (f) Applicant 6 _____
 - (g) Applicant 7 _____
 - (h) Applicant 8 _____
 - (i) Applicant 9 _____
 - (j) Applicant 10 _____
 - (k) Applicant 11 _____
 - (l) Applicant 12 _____
2. Acknowledges and thanks all community members who submitted applications for membership of the Environment and Sustainability Advisory Committee.
3. Resolves that the Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Resolves that the successful applicants be named.

12. Officers' reports

CM.049/22 Environment and Sustainability Advisory Committee 2022-2024 membership recommendation

Motion

MOVED: Cr Ben Ramcharan
SECONDED: Cr Natalie Duffy

That Council:

1. Endorses **the Youth Committee representative and the eleven candidates with the highest consolidated score as per Attachment 2** for membership of the Nillumbik Environment and Sustainability Advisory Committee (refer confidential **Attachment 2**):
 - (a) Applicant 1 _____ as Youth Committee representative
 - (b) Applicant 2 _____
 - (c) Applicant 3 _____
 - (d) Applicant 4 _____
 - (e) Applicant 5 _____
 - (f) Applicant 6 _____
 - (g) Applicant 7 _____
 - (h) Applicant 8 _____
 - (i) Applicant 9 _____
 - (j) Applicant 10 _____
 - (k) Applicant 11 _____
 - (l) Applicant 12 _____.
2. Acknowledges and thanks all community members who submitted applications for membership of the Environment and Sustainability Advisory Committee.
3. Resolves that the Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Resolves that the successful applicants be named.

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

Council Resolution

MOVED: Cr Ben Ramcharan
SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the Youth Committee representative and the eleven candidates with the highest consolidated score as per Attachment 2 for membership of the Nillumbik Environment and Sustainability Advisory Committee (refer confidential **Attachment 2**):

12. Officers' reports

CM.049/22 Environment and Sustainability Advisory Committee 2022-2024 membership recommendation

- (a) Applicant 1 Fieke Van Der Kamp as Youth Committee representative
 - (b) Applicant 2 Malcolm Cock
 - (c) Applicant 3 Doug Evans
 - (d) Applicant 4 Kahn Franke
 - (e) Applicant 5 John Huf
 - (f) Applicant 6 Vasundhara Kandpal
 - (g) Applicant 7 Anne-Marie King
 - (h) Applicant 8 Kate McCracken
 - (i) Applicant 9 Andrew McMahan
 - (j) Applicant 10 Sue Rosenhain
 - (k) Applicant 11 Alan Thatcher
 - (l) Applicant 12 Lynlee Tozer.
2. Acknowledges and thanks all community members who submitted applications for membership of the Environment and Sustainability Advisory Committee.
 3. Resolves that the Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
 4. Resolves that the successful applicants be named.

CARRIED UNANIMOUSLY

Vince Lombardi Chief Executive Officer returned to the meeting during discussion on this item at 7:57pm.

12. Officers' reports

CM.050/22 Endorsement of Motions to the Municipal Association of Victoria State Council Meeting

File: FOL/20/2708**Distribution:** Public**Manager:** Blaga Naumoski, Executive Manager Governance, Communications and Engagement**Author:** Katia Croce, Governance Lead**Summary**

The Municipal Association of Victoria (MAV) State Council meets to consider matters of state-wide significance. The deadline for motions to be submitted for consideration at the 24 June 2022 State Council Meeting is 27 May 2022.

Motions must have state-wide significance or relevance across the Victorian Local Government sector and be related to issues and initiatives that affect the livelihood and wellbeing of the Nillumbik community.

This report is seeking Councillor endorsement to lodge the five motions to the MAV State Council Meeting to be held on 24 June 2022.

Council Resolution

MOVED: Cr Peter Perkins**SECONDED:** Cr Richard Stockman**That Council:**

1. Resolves to adopt the following four motions to the Municipal Association of Victoria's State Council Meeting to be held on 24 June 2022:
 - a) *'That the Municipal Association of Victoria advocate to the State Government for increased mental health support'.*
 - b) *'That the Municipal Association of Victoria advocate to the Commonwealth Government on behalf of all councils to recognise the significant role that local government has in the delivery of age care services'.*
 - c) *'That the Municipal Association of Victoria advocate for increase in the State Government contribution to Maternal and Child Health Programs'.*
 - d) *'That the Municipal Association of Victoria advocate for increased financial support from State and Commonwealth Governments to ensure that 3-year old kindergarten reforms are successfully implemented'.*
 - e) *'That the Municipal Association of Victoria expands the focus of environmental, economic and social responsibility parameters as part of the criteria in awarding public tenders'.*
2. Resolves to lodge the motions and rationale (**Attachment 2**) to the Municipal Association of Victoria's State Council Meeting to be held on 24 June 2022.

CARRIED UNANIMOUSLY

Rosa Zouzoulas temporarily left the meeting during discussion on this item at 8:01pm and returned to the meeting at 8:03pm.

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

File: 53/2020/14P

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Renae Ahern, Manager Planning Services

Application summary

Address of the land	32-46 and 48-58 Collard Drive, Diamond Creek, CT-8680/624, CT-8680/625
Site area	4.7 hectares
Proposal	67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek
Application number	53/2020/14P
Date lodged	20 February 2020
Applicant	Connect Town Planning
Zoning	General Residential (GRZ1)
Overlay(s)	Environmental Significance Overlay (Schedule 1), Bushfire Management Overlay (BMO), Development Plan Overlay (Schedule 2), Development Contributions Plan Overlay (Schedule 2)
Reason for being reported	Officers seeking to change their recommendation ahead of the VCAT merits hearing
Number of objections	One (1) written submission has been received
Key issues	<ul style="list-style-type: none"> • Strategic Justification • Compliance with Diamond Creek North Area B Development Plan • Native vegetation impacts • Bushfire Risk • Res Code Compliance • Development Contributions • Potentially contaminated land

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

Recommendation

That Council consent to the issue of a planning permit at the Victorian Civil and Administrative Tribunal (VCAT), for the land located at the contiguous 32-46 and 48-58 Collard Drive Diamond Creek, for the 56 lot subdivision, removal and creation of easements, removal of native vegetation and building and works to construct retaining walls and earthworks, in accordance with the submitted plans and subject to the following conditions

1. Before the plan of subdivision is certified under the *Subdivision Act 1988* and before any subdivisional works commence, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must but modified to show:
 - a) A Landscape Plan in accordance with Condition 3e;
 - b) A Construction Management Plan in accordance with Condition 3f;
 - c) A Tree Management Plan in accordance with condition 3i;
 - d) The location of Tree Protection Fencing for all trees to be retained
 - e) Any revisions as a result of Melbourne Water conditions 6-21;
 - f) Any revisions as a result of Country Fire Authority (CFA) Conditions 27-30;
 - g) Approximate heights and details of proposed retaining walls to be shown;
 - h) Vegetation offsets in accordance with condition 3 j-k;
 - i) The provision of Building Exclusion Zones to all trees to be retained on lots 49-54;
 - j) A proposed plan of subdivision prepared by a land surveyor showing all lot boundaries, lot sizes, roads, easements and reserves;
 - k) An Environmental Site Assessment in accordance with Condition 3 m-o;
2. The subdivision, vegetation removal and buildings and works allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.
3. Prior to the subdivisional works commencing, including the removal of native vegetation, the requirements of the following conditions must be met to the satisfaction of the Responsible Authority:
 - a) Construction plans must be submitted to and approved by the Responsible Authority for drainage works, full road construction, vehicle crossings, and provision of service conduits, street signs, footpaths and street lighting. The construction plans must be prepared in accordance with Nillumbik Shire Council's Subdivisional Design and Construction Standards, Austroads design guidelines and relevant Australian Standards to the satisfaction of the Responsible Authority.
 - b) Such plans must be designed to minimise damage to existing vegetation required to be retained on-site, and the construction work must be carried out in accordance with the approved plans under Council supervision. The construction works must be completed to the satisfaction of the Responsible Authority, prior to issuing a Statement of Compliance.

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

- c) Prior to the construction plans being endorsed, an independent road safety audit must be provided for the design to the Responsible Authority.

The construction plans must address the recommendations of the road safety audit to the satisfaction of the Responsible Authority.

- d) Construction plans and computations must be submitted to and be approved by the Responsible Authority detailing underground drains, types and sizes of drainage pits, house drain connections, drainage longitudinal sections, pit schedule, retaining walls etc. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's Subdivisional Design and Construction Standards and Drainage Design Guidelines and must meet the following requirements.

Such plans must be designed to minimise damaged to existing vegetation required to be retained on site, and the construction work must be carried out in accordance with the approved plans. Each lot shown on the plan of subdivision shall be drained in accordance with the plans and specifications endorsed by the Responsible Authority. Such drainage works must be designed by a qualified engineer and submitted to the Responsible Authority for approval.

Construction of the drainage works must be carried out in accordance with Council's specifications and under Council supervision and be completed to the satisfaction of the Responsible Authority prior to issuing a Statement of Compliance.

- e) A landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show (but not be limited to):
- i. Details of all landscaping and planting to be carried out within the road reserves;
 - ii. A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include plants selected from the Council document "Live Local Plant Local" showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
 - iii. The location of each species to be planted and the location of all areas to be covered by grass;
 - iv. Details of landscaping to the west of the proposed retaining wall to the western end of the site;
 - v. Planting must be in accordance with Council's Live Local Plant Local document; and
 - vi. Landscaping to be compliant with the requirements of the Bushfire Management Overlay (BMO).

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

-
- f) A Construction Management Plan must be submitted to and approved by the Responsible Authority. The construction management plan must show:
- i) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
 - ii) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
 - iii) Where access to the site for construction vehicle traffic will occur;
 - iv) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a „sensitive site“ with prescribed tree protection zones and fences.
 - v) The location of any temporary buildings or yards.
- g) The trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) in accordance with the requirements of Australian Standard AS4970 (2009) to the satisfaction of the Responsible Authority. Additionally, the fencing associated with this TPZ must meet the following requirements:
- i. Extent

The tree protection fencing is to be provided to the extent of the identified Tree Protection Zone, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).

If works are shown on any endorsed plan of this permit within the confines of the calculated Tree Protection Zone, then the Tree Protection Fencing must be taken in to only the minimum amount necessary to allow the works to be completed.
 - ii. Fencing

All tree protection fencing required by this permit must be erected in accordance with the approved Tree Protection Zone.

The Tree Protection Fencing must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence with 1.8 metre support posts (e.g. treated pine or similar) every 3-4 metres, including a top line of high visibility plastic hazard tape erected around the perimeter of the fence.
 - iii. Signage

Fixed signs are to be provided on all visible sides of the Tree Protection Fence clearly stating “Tree Protection Zone – No Entry”, to the satisfaction of the Responsible Authority.

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

iv. Provision of Services

All services (including water, electricity, gas and telephone) should be installed underground, and located outside of any Tree Protection Zone, wherever practically possible. If underground services are to be routed within an established Tree Protection Zone, they must be installed by directional boring with the top of the bore to be a minimum depth of 600 millimetres below the existing grade, to the satisfaction of the Responsible Authority.

Bore pits must be located outside the Tree Protection Zone or manually excavated without damage to roots, to the satisfaction of the responsible authority.

v. Access to Tree Protection Zone

Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

vi. Supervision of Works

All works within Tree Protection Zones must be supervised by a suitably qualified arborist. Any roots <40mm in diameter uncovered are pruned with shar/sterile hand tools and wrapped in damp hessian by a qualified arborist.

Mulch (organic/composted type) is laid to a depth of 75-100 millimetres within the Tree Protection Zones of retained trees.

- h) The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:
- i. Materials or equipment stored within the zone;
 - ii. Servicing and refuelling of equipment and vehicles;
 - iii. Storage of fuel, oil dumps or chemicals;
 - iv. Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - v. Open cut trenching or excavation works (whether or not for laying of services);
 - vi. Changes to the soil grade level;
 - vii. Temporary buildings and works; and
 - viii. Unauthorised entry by any person, vehicle or machinery.
- i) Before the commencement of any subdivisional works, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority. The Tree Management and Protection Plan must include all trees proposed to be

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

retained on site. The Tree Management and Protection Plan must be in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees within the proposed reserve and trees to be retained on lots 49-54 are to be protected remain viable post-construction. The Tree Protection and Management Plan must consist of:

- i. The Tree Management plan (report) must be prepared by a suitably qualified arborist, reference the Tree Protection Plan (drawing) and provide details of:
 - ii. Any non-destructive root investigation previously undertaken or as directed as a condition of this permit in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - iii. Proposed footings and construction methods for any buildings or structures (including but not limited to, driveways, paths retaining walls or other hard infrastructure) within the Tree Protection Zones nominated on the Tree Protection Plan.
 - iv. Details of suitable driveway materials and construction methods (i.e. permeable paving above grade) and the timing of works within the tree protection zones.
 - v. How excavation impacts, including soil level changes, within the Tree Protection Zones of trees to be retained will be managed or minimised.
 - vi. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - vii. Appropriate methods of certification by a suitably qualified Arborist of the required tree protection measures during the development including details of site visits, actions and photographic evidence
- j) To offset the removal of 3.648 hectares of native vegetation and 6 large trees as shown in the approved native vegetation removal report (report ECL-2021-018) the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:
- i. A general offset of 0.178 general habitat units:
 - ii. located within the Port Phillip & Westernport Catchment Management Authority boundary or Shire of Nillumbik municipal district with a minimum strategic biodiversity value of at least 0.507
 - iii. The offset(s) secured must provide protection of at least 1 large tree.
 - iv. A species offset of 1.298 species habitat units for Little Pink Spider-Orchid (*Caladenia rosella*) and protection of 5 large trees.

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

v. Total Number of Large trees to be protected is 6.

The offset provided must be to the satisfaction of the Responsible Authority.

- k) Prior to the issue of the Statement of Compliance, evidence that the required offset has been secured must be provided to the satisfaction of Council. This evidence is the following:
- i. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - ii. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

In the event that a security agreement is entered into, the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of the Responsible Authority.

- l) A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, DELWP must be contacted for advice and direction.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

- m) A site contamination assessment must be prepared by a suitably qualified environmental professional and submitted to the Responsible Authority. The site contamination assessment must determine the level, distribution and nature of contamination of the land (if any);
- n) The site contamination assessment must indicate whether the land is suitable for use for residential purposes (being a sensitive use).
- o) If the site contamination assessment indicates that the land is not suitable for use for residential purposes:
- i. The site contamination assessment must detail recommendations for any clean-up, construction, ongoing maintenance, monitoring, mitigation or other measures (recommended measures) in order to effectively manage

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

and remediate the contamination to make the land suitable for use for residential purposes, and;

- ii. The recommended measures must be completed or otherwise secured to the satisfaction of the Responsible Authority.

The EPA or the Australian Contaminated Land Consultants Association (ACLCA) Victorian Branch are able to provide details of suitably qualified environmental professionals.

4. Prior to the issuing of a Statement of Compliance, the requirements of the following conditions must be met to the satisfaction of the Responsible Authority:

- a) The owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for, without the prior written consent of Council:
 - i. The Bushfire Management Plan prepared by Keystone Alliance, Bushfire Assessments, Ref 2858/5.2 dated 30th March 2022 must be endorsed by the Responsible Authority, be included as an annexure to the Section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority.
 - ii. Note that the subdivision includes areas of shared defensible space. These are areas where a lot owner maintains the defensible space on their land for the benefit of themselves and the owners of other lots.
 - iii. Require that the defensible space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on that land or not.
 - iv. Only trees marked "tree to be removed" on the endorsed plans are permitted to be removed, to the satisfaction of the Responsible Authority.
 - v. No vegetation on lots 49-54 (unless specified on the endorsed plans) shall be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged except with the prior written consent of the Responsible Authority.
 - vi. No works are to occur within the Building Exclusion Zones on lots 49-54 unless with the prior written consent of Council.
 - vii. All boundary fencing to the proposed reserves and walkways must be at least 80% transparent and installed prior to the issue of a Statement of Compliance for the subdivision.
 - viii. This fencing to the reserves and walkways must be maintained with at least 80% transparency unless with the prior written consent of Council.

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

-
- ix. Fencing with an interface to Bellbird Road is of open 'rural' nature unless with the prior written consent of Council.
 - x. Fencing with an interface to a secondary frontage must be at least 80% transparent or of another alternate design to the satisfaction of Council.
 - xi. No front fencing unless with the prior written consent of Council.
 - xii. No boundary fencing is permitted to extend to within 3 metres of the site frontage unless with the prior written consent of Council.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- b) All boundary fencing must be installed and completed in accordance with conditions 4a vi – xi and be completed to the following areas:
 - i. Reserve between lots 39, 41 & 42.
 - ii. Reserve adjacent to lots 42, 43, 44 & 56.
 - iii. Reserve between lots 49, 55 & 56.
- c) All retaining walls must be designed and then certified once constructed by a qualified structural engineer, and built from appropriate materials for longevity and to ensure structural integrity.
- d) The owner must pay to Council a 5% cash-in-lieu open space contribution and/or a land contribution to the satisfaction of the Responsible Authority with respect to all of the land in the subdivision or any stage pursuant to Section 18 of the *Subdivision Act 1988*.
- e) The owner must pay to Council the development contribution in accordance with Development Contributions Plan Overlay Schedule 2. Development contributions as adjusted to CPI on June 30 of each year until paid.
- f) Each lot in the subdivision shall be provided with a vehicle crossing constructed to the requirements of the Nillumbik Shire Council to suit vehicles that will use the crossings. The Responsible Authority must approve the location, design and construction of the crossings. Any existing unused crossing must be removed and replaced with kerb and channel, nature strip and reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out under Council supervision with an *Infrastructure Works* permit.
- g) The construction works, landscaping of public areas and any associated infrastructure associated with the subdivision and required by this permit must be completed to the satisfactory of the Responsible Authority.

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

-
- h) Unless with the prior written consent of the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
 - i) All works are to be undertaken to the satisfaction of the Responsible Authority, including any requirements resulting from the reconfiguration of the lots in the subdivision and must be designed and constructed in accordance with AustRoads Guide to Traffic Engineering Practice, Part 5.
 - j) The plan must be updated to place any drainage infrastructure, land or associated development which is to be handed over to Council for maintenance of the drainage system as approved by the Melbourne Water Works Offer into easements and/or reserves in favour of Nillumbik Shire Council.
 - k) The agreement entered into with Melbourne Water Corporation (Melbourne Water Works Offer) must be approved by Council for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
 - l) Any agreement by Melbourne Water to defer incomplete works that are required as part of the Melbourne Water Works Offer, must be also be approved by the Responsible Authority.
 - m) Before the handover of the drainage asset to Council, as approved by the Melbourne Water Works Offer, Council must inspect and be satisfied that the works have been satisfactory completed and agree to handover of the asset.
 - n) Stormwater gross pollutant trap/s must be installed at the approved point/s of discharge to prevent litter from entering Council's stormwater drainage system. The design of the trap/s must be to the satisfaction of the Responsible Authority.
 - o) Fire hydrant to be provided to comply with Standard 56.09-3.
 - p) A CCTV assessment and report of all underground drainage system of the subdivision must be provided to the Responsible Authority at the conclusion of drainage works.
 - q) Public lighting within the subdivision must be provided to the satisfaction of the Responsible Authority
 - r) No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during the construction of the development.

In this regard, sediment fencing and / or pollution/litter traps must be installed on site and services accordingly, all to the satisfaction of the Responsible Authority.

5. This permit will expire if one of the following circumstances applies:

- a) A plan of subdivision is not certified within two years of the issue date of this permit;

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

- b) A plan of subdivision is not registered at Land Victoria within five years of the original certification date.

The Responsible Authority may extend the time for certification if a request is made in writing before the expiry of the permit or within 6 months afterwards.

Melbourne Water Conditions:

6. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
7. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
8. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the *Subdivision Act 1988*.
9. Prior to Certification of any Plan of Subdivision associated with the application, an updated stormwater management strategy must be submitted and approved by Melbourne Water and Council.
10. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater asset out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
11. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.
12. All new lots are to be filled to a minimum of 300mm above the 1 in 100 year flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
13. Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.
14. Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
15. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

16. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
17. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
18. Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.
19. The developer is to negotiate with the downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water for our records prior to construction commencing.
20. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
21. Prior to the issue of a Statement of Compliance for the subdivision, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

AusNet Services

22. The Plan of Subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*. The applicant must:
 - a) Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.

Yarra Valley Water Conditions:

23. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
24. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Telecommunications Conditions

25. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

26. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

CFA Conditions

27. The Bushfire Management Plan prepared by Keystone Alliance, Ref 2858/5.2 dated 30 March 2022 must be endorsed by the Responsible Authority, be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority.
28. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the defendable space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.
29. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
- Note - CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)
30. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

12. Officers' reports

CM.051/22 67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek

DELWP Conditions:

31. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
32. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
33. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
34. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
35. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
36. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - i. Any vehicle or pedestrian access, trenching or soil excavation, and
 - ii. Storage or dumping of any soils, materials, equipment, vehicles, machinery, or waste products, and
 - iii. Entry or exit pits for underground services, and
 - iv. Any other actions or activities that may result in adverse impacts to retained native vegetation.
37. That a Construction Environment Management Plan is developed and implemented to the satisfaction of the Responsible Authority. This plan should specify (as a minimum):
 - a) measures to address the site management requirements under Clause 56.08-1 and Condition 38.
 - a) Strategies to manage wildlife that may be impacted during construction (including Eastern Grey Kangaroos) and requirements that apply under Condition 37 and any authority required under the *Wildlife Act 1975*.
 - b) Measures required to meet conditions on a permit under the *Flora and Fauna Guarantee Act 1988* relating to the 'take' of protected flora on public land.

12. Officers' reports

CM.051/22 **67 lot (reduced to 56 lot) subdivision, removal and creation of an easement, removal of native vegetation and buildings and works to construct retaining walls and earthworks at 32-46 and 48-58 Collard Drive, Diamond Creek**

- c) Measures to address obligations under the *Catchment and Land Protection Act 1994* regarding the management of noxious weeds.
38. That an Integrated Management Plan is developed and implemented to the satisfaction of the Responsible Authority. This plan should specify:
- a) Measures to protect and enhance the native vegetation on the site to ensure the site continues to provide faunal and habitat value as part of a regional and strategic habitat link.

Motion

MOVED: Cr Peter Perkins
SECONDED: Cr Natalie Duffy

That Council not change its position at the Victorian Civil and Administrative Tribunal (VCAT) hearing with respect to Planning Permit application 53/2020/14P, for the land located at the contiguous 32-46 and 48-58 Collard Drive Diamond Creek.

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

Council Resolution

MOVED: Cr Peter Perkins
SECONDED: Cr Natalie Duffy

That Council not change its position at the Victorian Civil and Administrative Tribunal (VCAT) hearing with respect to Planning Permit application 53/2020/14P, for the land located at the contiguous 32-46 and 48-58 Collard Drive Diamond Creek.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.052/22 Informal Meetings of Councillors Records - 24 May 2022

Distribution: Public

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

Author: Katia Croce, Governance Lead

Summary

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meeting of Councillors held.

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

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

1. Environment & Sustainability Advisory Committee meeting held 20 March 2022;
2. Positive Ageing Advisory Committee meeting held 1 April 2022;
3. Councillor Briefing held 19 April 2022;
4. Environment & Sustainability Advisory Committee meeting held 20 April 2022;
5. Inclusion and Access Advisory Committee meeting held 22 April 2022;
6. Council Meeting pre-meet held 26 April 2022;
7. Youth Council Advisory Committee meeting held 2 May 2022;
8. Councillor Briefing held 3 May 2022;
9. Positive Ageing Advisory Committee meeting held 6 May 2022;
10. Planning and Consultation Committee Pre-Meeting held 10 May 2022; and
11. Australia Day | January 26 Councillor workshop held 11 May 2022.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Peter Perkins

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

CARRIED UNANIMOUSLY

12. Officers' reports

CM.053/22 Tender Report - Contract 2122-059 Loan Borrowings 2021/2022

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

As per the adopted 2021-2022 Budget, Council resolved to take out \$7 million in new borrowings for a number of significant capital projects and to allow Council to respond to Federal Government stimulus opportunities.

The total amount to be borrowed is (Australian) Seven Million dollars (AU\$7,000,000) and the required loan period is for a seven (7) year term.

There was only one submission received from the market via the Public Tender process and the tendered interest rate was deemed to be unacceptable.

The public tender process was subsequently cancelled and the Council will now seek to obtain the required borrowings via the Treasury Corporation of Victoria (TCV).

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the value of this loan exceeds the specified financial limits and a Council resolution is therefore required to enter into a loan contract arrangement.

Council Resolution

MOVED: Cr Peter Perkins**SECONDED: Cr Richard Stockman****That Council:**

1. Notes that the public tender process undertaken to establish the following contract has subsequently been cancelled due to lack of competitive offers from the market and that the required borrowings will now be obtained via the Treasury Corporation of Victoria (TCV).

Number: 2122-059

Title: Loan Borrowings 2021/2022

Term: Seven (7) years

2. Notes that the Finance Manager will commence negotiations with TCV to establish the required borrowings as per the adopted 2021-2022 budget.
3. Authorises the Chief Financial Officer to finalise and execute the resulting contract documentation with TCV.
4. Advises all tenderers accordingly.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.054/22 Tender Report - Contract 2021-007 Landfill Environmental Monitoring and Maintenance and Environmental Auditor for Closed Landfill**

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

This report recommends the awarding of contract 2021-007 for Landfill Environmental Monitoring and Maintenance and Environmental Auditor for Closed Landfill.

There are two distinct services in relation to the contract:

- a) Service 1: Landfill Environmental Monitoring and Maintenance.
- b) Service 2: Environmental Auditor.

There is a single contractor to be appointed for Service 1.

There are two contractors to be appointed for Service 2.

The contract term is for an initial period of 5 years, with 3 + 2-year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed 10 years.

This Contract is for business as usual supply of services to support Councils operational requirements and replaces previously contracted services.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-007 for Landfill Environmental Monitoring and Maintenance and Environmental Auditor for Closed Landfill.

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

Recommendation

That Council:

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

Number: 2021-007

Title: Landfill Environmental Monitoring and Maintenance and Environmental Auditor for Closed Landfill

Term: 1 July 2022 to 30 June 2027

Options: Term extensions up to 30 June 2032

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.

12. Officers' reports

CM.054/22 Tender Report - Contract 2021-007 Landfill Environmental Monitoring and Maintenance and Environmental Auditor for Closed Landfill

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

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Peter Perkins

That Council:

1. Accepts the tenders submitted by the **preferred tenderers SMEC Australia Pty Ltd, Service 2 – Australian Environmental Auditors Pty Ltd and Tonkin & Taylor Pty Ltd** for the schedule of rates disclosed in (**Attachment A**) and enter into the following contract:
Number: 2021-007
Title: Landfill Environmental Monitoring and Maintenance and Environmental Auditor for Closed Landfill
Term: 1 July 2022 to 30 June 2027
Options: Term extensions up to 30 June 2032
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment A**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderers be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.055/22 Tender Report - Contract 2122-052 Bible Street Traffic Improvements

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Steven Blight, Construction Coordinator

Enrique Gutierrez, Manager Assets and Capital Works

Summary

This report recommends the awarding of contract 2122-052 for Bible Street Traffic Improvements.

Works will involve the construction of various traffic treatments/improvements along Bible Street, Eltham.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2122-052 for Bible Street Traffic Improvements.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (inclusive of GST) and enter into the following contract:
Number: 2122-052
Title: Bible Street Traffic Improvements
Term: 30 May 2022 to 30 September 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Any variations that exceed the agreed approved budget will require a further Council resolution.
6. Advises all tenderers accordingly.
7. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment A**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
8. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.055/22 Tender Report - Contract 2122-052 Bible Street Traffic Improvements

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That Council:

1. Accepts the tender submitted by the **preferred tenderer MJ Construction Group Pty Ltd** for the sum of **\$494,743.15** plus **\$98,948.63** for contingency (inclusive of GST) and enter into the following contract:
Number: 2122-052
Title: Bible Street Traffic Improvements
Term: 30 May 2022 to 30 September 2022
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Any variations that exceed the agreed approved budget will require a further Council resolution.
6. Advises all tenderers accordingly.
7. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment A**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
8. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

14. Notices of Motion

Nil

15. Delegates' Reports

Nil

16. Supplementary and urgent business

Nil

17. Confidential reports

Nil

18. Close of Meeting

The meeting closed at 8:28pm.

Confirmed: _____
Cr Frances Eyre, Mayor