

Special Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 21 February 2017.

Minutes

Mark Stoermer
Acting Chief Executive Officer

Wednesday 22 February 2017

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

Domin je ka

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Special Meeting of Nillumbik Shire Council held Tuesday 21 February 2017. The meeting commenced at 7pm.

Councillors present:

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

Officers in attendance:

Mark Stoermer	Acting Chief Executive Officer
Pauline Gordon	General Manager Community and Leisure
Conal Creedon	General Manager Infrastructure Services
Allison Watt	Manager Governance and Communications
Joanne Hammond	Coordinator Communications

Welcome

1. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Peter Clarke.

2. Governance pledge

The good governance pledge was read by the Mayor, Cr Peter Clarke.

3. Apologies

Nil

4. Disclosure of conflicts of interest

Nil

Public notice

Mayor, Cr Peter Clarke explained that Council is meeting under section 89(4A) of the *Local Government Act 1989* where urgent or extraordinary circumstances prevented Council from giving seven days public notice of the Special Council meeting being held.

Motion

**Cr Karen Egan
Cr Jane Ashton**

That Council notes that the receipt of the Report of the Investigation into the Abandonment of Nillumbik Planning Scheme Amendment C101 constitutes urgent or extraordinary circumstances in accordance with section 89(4A) of the *Local Government Act 1989*, preventing Council from giving seven days public notice of this meeting as required by section 89(4) of the Act.

CARRIED

5. Officers' reports

OCM.012/17 Report of the Investigation into the Abandonment of Nillumbik Planning Scheme Amendment C101

Distribution: Public

Manager: Mark Stoermer, Acting Chief Executive Officer

Author: Mark Stoermer, Acting Chief Executive Officer

Summary

On 22 November 2016, Council resolved to undertake an internal investigation into the circumstances surrounding the failure of Council to notify the Minister for Planning of the abandonment of Planning Scheme Amendment C101 at the Special Meeting of Council's Policy and Services Committee held on 13 April 2016.

Mr Christopher Wren QC was appointed the independent investigator and was instructed by Hunt and Hunt Solicitors.

The investigation is complete and the report was received by the Mayor on Wednesday 15 February 2017 and has been provided to the Acting CEO.

The report contains a number of recommendations that will require implementation by the Acting CEO.

Motion

Cr Karen Egan

Cr Jane Ashton

That Council:

1. **Receives the Report of Investigation into the Abandonment of Nillumbik Planning Scheme Amendment C101.**
2. **Makes the Executive Summary report publicly available to the community on Council's website once it has been adopted by Council.**
3. **Acknowledges that the full report has been designated as confidential by the Acting Chief Executive Officer under section 77(2)(c) of the *Local Government Act 1989* on the grounds that apply under section 89(2)(f) of the *Local Government Act 1989* that the report constitutes legal advice.**
4. **Requests the Acting Chief Executive Officer to:**
 - a) **Take the necessary actions to implement the findings of the issues raised.**
 - b) **Improve community engagement processes and practice at Council.**
5. **In the interests of transparency, continues to keep the community informed, where it is appropriate to do so.**

CARRIED

Special Meeting of Council minutes

21 February 2017

The meeting closed at 7.17pm.

Confirmed: _____

Cr Peter Clarke, Mayor