

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 29 January 2019 commencing at 7:30pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 1 February 2019

Distribution: Public

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Domin je ka

Nillumbik Shire Council

Contents

1. Welcome	1
2. Reconciliation statement	1
3. Prayer	1
4. Apologies	1
5. Presentations	1
6. Confirmation of minutes	3
7. Disclosure of conflicts of interest	3
8. Petitions	3
9. Questions from the gallery	3
10. Reports of Advisory Committees	5
AC.001/19 Advisory Committee Report	5
11. Reports of Special Committees	6
12. Officers' reports	7
OCM.003/19 Provision of Telecommunications Services and Hardware	7
OCM.004/19 Mid-Year Financial Review 2018-2019	9
OCM.005/19 December Quarter Financial Report	10
OCM.006/19 Assembly of Councillors	11
OCM.007/19 Aerial Photography Supply	12
OCM.008/19 Upgrade and Improvement to Diamond Creek Trail	13
OCM.009/19 Recreation Trails Advisory Committee Membership	14
13. Notices of Motion	15
14. Delegates' Reports	15
15. Supplementary and urgent business	15
16. Confidential reports	15
OCM.010/19 Aerial Photography Supply	15
OCM.011/19 Upgrade and Improvement to Diamond Creek Trail	15
OCM.012/19 Recreation Trails Advisory Committee Membership	15
OCM.013/19 Chief Executive Officer's Performance Plan	15

Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 29 January 2019. The meeting commenced at 7:31pm.

Councillors present:

Cr Karen Egan	Bunjil Ward (Mayor)
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Bruce Ranken	Swipers Gully Ward
Cr Peter Clarke	Wingrove Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Matt Kelleher	Director Services and Planning
Hjalmar Philipp	Director Sustainability and Place
Adrian Cully	Director Business and Strategy
Blaga Naumoski	Executive Manager Governance
Emma Christensen	Governance Officer
Suzy Ellingsen	Executive Manager People, Culture and Innovation
Jeremy Livingston	Executive Manager Organisational Performance
Vince Lombardi	Executive Manager Finance
Mitch Grayson	Chief of Staff to Mayor and Councillors

1. Welcome

2. Reconciliation statement

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

3. Prayer

A prayer was read by Father Steven Rigo, Parish Priest of St Mary's Parish, Greensborough.

4. Apologies

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Bruce Ranken

That Cr Grant Brooker and Cr Jane Ashton's approved leave of absence and any apologies be accepted.

CARRIED

5. Presentations

Mayor, Cr Karen Egan made the following acknowledgements:

Nillumbik Australia Day Awards

On Saturday we had our Nillumbik Australia Day Awards, which were very successful, as well as our citizenship ceremony at the Eltham Community and Reception Centre.

More than 250 people turned up to witness or take part in the event. We had five awards, including the Citizen of the Year were presented to some exceptional people doing some amazing things to support our community.

Citizen of the Year

The Citizen of the Year is Eltham's Leon Higgins, who received the top award for his outstanding work with community groups including the Eltham Men's Shed; Eltham Older Men, New Ideas (OM:NI); Hurstbridge OM:NI; Council on the Ageing (COTA) Victoria; the Judge Book Residents' Association of the Eltham Retirement Centre (now SVCS Eltham); Montmorency/Eltham RSL, and the Rotary Club of Eltham.

Young Citizen of the Year

Our Young Citizen of the Year was quite pertinent. It is Cameron Sibeijn, who is a 27-year-old from Diamond Creek. He is a very young CFA Captain in Yarrambat, and he has been a member of the brigade for 13 years – so do the maths, he was quite young. He received his 10-year CFA service medal and National Emergency Medal for his efforts during the 2009 Black Saturday fires.

Senior Citizen of the Year

Our Senior Citizen of the Year is 75-year-old Barry Backman. Barry was instrumental in forming the Diamond Creek Men's Shed. He also organised the Diamond Creek Twilight Market for 22 years.

His 31-year commitment to the Diamond Valley Lions Club has seen him involved in Clean Up Australia Day, Arbour Day, ANZAC Day, selling Lions Club Christmas cakes, coordinating catering, Bunnings sausage sizzles, clean-ups of the Diamond Creek cemetery, fundraising, membership promotion and working bees.

Community Group of the Year

I'm delighted, and I think Cr Peter Perkins is too, the Diamond Creek Op Shop is the Shire's Community Group of the Year. Run by a wonderful team of volunteers, the shop opened in 1981 and has raised over \$3 million now for equipment upgrades at Austin Health sites.

Volunteer of the Year

Our Volunteer of the Year is Glen Ferrarotto of Wattle Glen. Glen is a veteran who was twice deployed to Afghanistan. He is senior vice-president of Montmorency/Eltham RSL and founded veteran and ex-service personnel employment agency Ironside Recruitment. He speaks at Nillumbik Remembrance services and ANZAC Day events, as well as schools and community gatherings.

Citizenship Ceremony

The Australia Day celebrations were not just about awards – they were also about celebrating our newest Australian citizens.

There were 43 people who took the pledge. We wish them all the very best for a happy, healthy and prosperous future and we look forward to the contributions I'm sure they will also make to their new home in Nillumbik. One woman has actually been here for 53 years, so she wasn't new. It has taken her a long time.

Finally, events like this take a lot to make happen, and I would like to thank all those at Council involved in making the Australia Day celebrations such a significant event.

Australia Day 2019 Honours List

We also had the Australia Day 2019 Honours List. It is great to see members of our community recognised for their achievements in the Governor General's Australia Day Honours List this year.

We had seven recipients in the Shire, including:

William Healy and Jim Siderov being appointed Members of the Order of Australia (AM) in the General Division; and

Helen Coleman, Dr Christine Durham, Pamela Pedersen, Brendon Smith and Mark Squirrell were all awarded a Medal of the Order of Australia (OAM) in the General Division.

A big congratulations to all of them.

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 18 December 2018 and the Special Council Meeting held on Thursday 17 January 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That the minutes of the Ordinary Council Meeting held on Tuesday 18 December 2018 and the Special Council Meeting held on Thursday 17 January 2019 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

9. Questions from the gallery

Sharon Murdoch asked Council the following questions:

With respect to fireworks in a rural area:

1. How are you going to proceed with addressing this problem?
2. What will the timeframe needed to address this problem be, please?

Response

Mayor, Cr Karen Egan invited Matt Kelleher, Director Services and Planning to provide a response.

The means of Council having the ability to approve or prohibit fireworks is through the Local Law and the *Local Government Act 1989* (the Act).

A report will be coming to Council in February for Council to be able to start that process officially.

A Local Law amendment or review can take anywhere between 6 to 12 months to undertake. It is a process that is prescribed by the Act, and is a process that is open to community consultation and a formalised submission process.

Depending on the complexity of the Local Law amendment or review, determines how long that process may take.

10. Reports of Advisory Committees

AC.001/19 Advisory Committee Report

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Emma Christensen, Governance Officer

Summary

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

In accordance with Advisory Committee Terms of Reference, the minutes of meetings are presented to Council. This month, the following minutes are attached for information:

- Recreation Trails Advisory Committee – 22 November 2018.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Bruce Ranken

That Council notes the Recreation Trails Advisory Committee meeting minutes held on 22 November 2018.

CARRIED

11. Reports of Special Committees

12. Officers' reports

OCM.003/19 Provision of Telecommunications Services and Hardware

Distribution: Public

Manager: Suzy Ellingsen, Executive Manager People, Culture and Innovation

Author: Eddie Cheng, Systems Analyst

Summary

This report recommends entering into a new business services agreement for the provision of telecommunications services and hardware to enable continual provision of telephony, mobile voice and data, internet and site connectivity services.

Currently, Council utilises Telstra to provide:

- Telephony services which includes incoming and outgoing landlines.
- Mobile voice and data services which includes incoming and outgoing mobile voice calls and mobile data (3G/4G for phones and tablets).
- Internet services which include all web and data traffic to and from the world wide web.
- Connectivity services between Council sites which include dedicated connectivity from 9 Council sites into our primary data centre located at our Civic Drive shire offices.

Based on the current utilisation of Telstra services, this business services agreement is estimated to cost Council \$381,400 per annum which is consistent with the current spend and will be covered in the existing budgets.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Accepts the business services agreement by Telstra to enable continual provision of telephony, mobile voice and data, internet and connectivity between Council sites facilities. This business services agreement will also allow us access to telecommunications professional services and hardware.
2. Authorises the Chief Executive Officer to finalise and execute the agreement documentation.
3. Delegates the powers and authorisation to the Chief Executive Officer to review and approve any service changes during the term of the agreement.

CARRIED

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council agree to move 'en bloc' the reports listed below and their recommendations be adopted as printed in the agenda:

- OCM.004/19 Mid-Year Financial Review 2018-2019
- OCM.005/19 December Quarter Financial Report

CARRIED

12. Officers' reports

OCM.004/19 Mid-Year Financial Review 2018-2019

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Robert Malignaggi, Management Accountant

Summary

This report presents the outcomes of the Mid-Year Financial Review.

The revised forecast is for Council to achieve an operating surplus of \$7.099 million for the financial year 2018-2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Approves the changes detailed in the Mid-Year Financial Review (**Attachment 1**).
2. Notes the revised forecast of \$7.099 million operating surplus for financial year 2018-2019.

CARRIED

12. Officers' reports

OCM.005/19 December Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Robert Malignaggi, Management Accountant

Summary

This report outlines Council's financial performance and financial position for the period ending 31 December 2018.

The Income Statement shows an overall favourable year to date (YTD) variance of \$6.269 million representing 23.02 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$6.967 million and higher than budgeted operating expenses of (\$698,090).

Council's overall financial position at the end of this quarter is sound, and continues to be actively monitored.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council receives and notes the Financial Report for the period ended 31 December 2018 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.006/19 Assembly of Councillors

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Emma Christensen, Governance Officer

Summary

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

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 18 December 2018.

An Assembly of Councillors record was kept for:

- CEO Employment Matters Committee – 11 December 2018;
- Councillor Briefing Session – 11 December 2018;
- Joint Municipal Fire and Emergency Planning Committee – 17 December 2018;
- Councillor Briefing Session – 18 December 2018; and
- Councillor Briefing Session – 17 January 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Peter Perkins

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 11 December 2018, 11 December 2018, 17 December 2018, 18 December 2018 and 17 January 2019 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.007/19 Aerial Photography Supply

Distribution: Public

Manager: Suzy Ellingsen, Executive Manager People, Culture and Innovation

Author: Richard Feagan, Systems Development and Design Coordinator

Summary

This report is an overview of a separate confidential report recommending the awarding of the supply tender for Aerial Photography services.

The Aerial imagery is widely used within Council to provide background imagery for the GIS, data validation for Council assets, desktop and field based mapping of assets and a dataset for compliance issues in both the Planning and Building areas.

The supply of regularly updated imagery is important in supporting business processes within Council. Council has an extensive on site library of historic imagery dating back to 1998.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes the report.

CARRIED

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Accepts the tendered schedule of rates by Aerometrex Pty Ltd for the contracted term from 1 January 2019 to 31 December 2021 for the provision of aerial photography services to Nillumbik Shire Council.
2. Authorises the Chief Executive Officer to finalise and execute the contract documentation.
3. Delegates the powers and authorisation to the Chief Executive Officer to review and approve extensions as stipulated in the terms of the contract.

CARRIED

12. Officers' reports

OCM.008/19 Upgrade and Improvement to Diamond Creek Trail

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Alex Stewart, Project Management Officer

Summary

This report recommends the awarding of the contract for the upgrade and improvement of sections of the Diamond Creek Trail, Diamond Creek.

The works will involve the break out and removal of at least 350m of concrete footpath and the construction of a new 3.0m wide concrete footpath (charcoal coloured) in the existing alignment. The contractor will also provide a temporary path for trail users and rectify the disturbed areas upon completion.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the upgrade and improvement of sections of the Diamond Creek Trail, Diamond Creek.

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.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr John Dumaresq

That Council notes the report.

CARRIED

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Enters into a contract with S & O Ricchiuti Pty. Ltd. for the upgrade and Improvement to Diamond Creek Trail for the amount of \$220,000 (inclusive of GST), following receipt by Council of a signed funding agreement from Pick My Project.
2. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.

CARRIED

12. Officers' reports

OCM.009/19 Recreation Trails Advisory Committee Membership

Distribution: Public

Manager: Neil Hordern, Manager Connected Communities

Author: Joanne Massoud, Acting Coordinator Recreation and Open Space Planning

Summary

The Recreation Trails Advisory Committee (RTAC) provides advice to Council on the planning, development and use of trails across the Shire. The Committee consists of three Councillors and 12 community representatives.

In July 2017, the 12 community representatives were appointed for a two year term, ending July 2019. Multiple resignations have been received during this term however all but one position have been filled. This report will consider filling the vacant position 'general community rural representative', as well as extending the term of the existing committee.

Three expressions of interested were received to fill the vacant position. Officers and the RTAC Chair Cr John Dumaresq have assessed the applications.

The confidential report associated with this report recommends to make public the decision to appoint the nominee to the Committee but the evaluation remain confidential.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Peter Clarke

That Council notes the report.

CARRIED

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Re-appoints the current community representatives to the Recreation Trails Advisory Committee to July 2020.
2. Endorses the following nominee for appointment to the Recreation Trails Advisory Committee until July 2020:
 - a) Bob Muxlow
3. Makes public the decision to appoint the nominee to the Recreation Trails Advisory Committee and thank each nominee for their expression of interest.

CARRIED

- 13. Notices of Motion
- 14. Delegates' Reports
- 15. Supplementary and urgent business
- 16. Confidential reports

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

OCM.010/19 Aerial Photography Supply

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.011/19 Upgrade and Improvement to Diamond Creek Trail

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.012/19 Recreation Trails Advisory Committee Membership

This item is designated confidential because it is any other matter which the Council or special committee considers would prejudice the Council or any person pursuant to section 89(2)(h) of the Act.

OCM.013/19 Chief Executive Officer's Performance Plan

This item is designated confidential because it is a personnel matter pursuant to section 89(2)(a) of the Act.

The Meeting may be closed to members of the public to consider confidential matters.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.

CARRIED

The meeting closed to the public at 7:51pm.

The meeting re-opened at 7:54pm.

Close of Meeting

The meeting closed at 7:54pm.

Confirmed: _____

Cr Karen Egan, Mayor