

Ordinary Meeting of Council

held at Wadambuk St Andrews Community Centre,
35 Caledonia Street, St Andrews
on Tuesday 26 February 2019 commencing at 7:30pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 1 March 2019

Distribution: Public

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Wadamin je ka

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 26 February 2019. The meeting commenced at 7:30pm.

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Matt Kelleher	Director Services and Planning
Hjalmar Philipp	Director Sustainability and Place
Blaga Naumoski	Executive Manager Governance
Jeremy Livingston	Executive Manager Organisational Performance
Vince Lombardi	Executive Manager Finance
Mitch Grayson	Chief of Staff to the Mayor and Councillors
Jonathan McNally	Manager Community Safety and Amenity
Naomi Paton	Manager Integrated Strategy
Katia Croce	Governance Lead
Paul Usatov	Senior Project Manager

1. Welcome by the Mayor

The Mayor, Cr Karen Egan made the following address:

One of the first items I raised with officers on becoming Mayor was how we can best include some of our more remote communities. The commitment was made that we would take a number of our Council meetings on the road, so to speak, to other venues. So tonight is the first one of those. I'd like to welcome many of our regulars who I can see in the gallery, and also an even bigger welcome to all those people that either this is their first time or they haven't been in a while. It's good to be out here, and it's really nice to have a nice vista instead of a building site next door.

2. Reconciliation statement

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

3. Prayer

A prayer was read by Reverend Dr Tim Johnson, Senior Minister of St John's Anglican Church, Diamond Creek.

4. Apologies

Nil

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 29 January 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That the minutes of the Ordinary Council Meeting held on Tuesday 29 January 2019 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Petition No. 2019-01

An online petition containing 1,172 signatories and a further signed petition with 84 signatories requesting Council to cease private Firework Licences during peak summer in Country Victoria / Nillumbik Shire.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

That Council:

1. Receives and notes the online petition and attachment petitions requesting Council to cease private Firework Licences during peak summer in Country Victoria / Nillumbik Shire.
2. Refers this matter to Director Services and Planning for investigation and response.
3. Advises the petition organiser accordingly.

CARRIED

9. Questions from the gallery

Bill Lord asked Council:

When the Green Wedge Management Plan Review (GWMP) began, Council budgeted \$330,000. At the 25 September 2018 Council Meeting, in consideration of an extra Panel Workshop, Council also agreed to make the necessary resultant adjustments to the 2018-2019 Mid-Year budget review. In debate at that meeting Cr Perkins mentioned the undisputed expected increase of at least \$35,000. The August meeting officer report said: "A program budget has been allocated by Council in the 2017-2018 and 2018-2019 operating budgets to deliver this project." At the 18 December 2018 Council Meeting, Cr Egan in debate mentioned that the GWMP Review cost was \$265,000 and Cr Ranken said it was \$246,000, both well short of the budgeted money total.

1. Why the huge discrepancy between the increasing budget figure at previous Council Meetings compared to the December figure?

Response

The figure (\$460,426) referred to in the December quarter financial report (*Attachment 1 page 10*) is allocated actually to seven major initiatives. The GWMP is only one of the projects which had a budget allocation as at December 2018 of \$77,576. The actual expenditure for the GWMP to December 2018 was \$142,995. This resulted in a variance of \$65,419 which was stated in the report in December 2018.

The December quarter financial report did NOT capture the mid-year financial review for the 2018-2019 year which proposes an additional allocation to the GWMP of \$106,086. The full budget for the GWMP for the 2018-2019 year is \$183,662.

2. In any of these estimates of GWMP Review costs were the costs for the Council officers' involvement in the process, including their "up to midnight and at weekends" included in the total cost, and at what percentage of the total figure?

Response

There was no officer time costed into the GWMP project.

Rex Niven asked Council:

In view of SKM no longer being able to accept recycling, how will Nillumbik kerbside recycling service be affected?

Response

As SKM's facilities remain closed, our only option at this stage for the week commencing 25 February is to send recycling to landfill. Council is continuing to work with the Victorian Government to explore other options. We will talk about that later on in the meeting.

Megan Bonomi asked Council:

First of all, I'd like to thank Council for taking on the unregulated issue of private pyrotechnic displays, which have been causing a divide in the community. The petition presented to Council outlines a large number of concerns, including but not limited to fire safety concerns, as well as a number of animal welfare issues. In the drafting and development of local laws to address private pyrotechnics displays, will Council consider all issues raised, not just seasonal issues and fire safety concerns? I raise this question because many of the issues caused by private fireworks displays exist year round, regardless of the season. This includes, but again not limited to, animal welfare issues (domestic and wildlife) as well as cost and inconvenience to horse and livestock owners.

Response

This evening's meeting agenda acknowledges a range of concerns regarding fireworks displays. If Council resolves to prepare a local law to regulate fireworks displays on private land, the development of the local law will consider all manner of relevant issues and impacts to achieve best possible local law for our community and this requires formal community consultation and consideration of submissions as required by the *Local Government Act 1989*.

Colleen Hackett asked Council:

1. Given the Supreme Court recently ruled against a NSW coal mine, citing climate change, and given that Darebin and other Councils have established Climate Emergency Plans I would like to know how NSC is tracking in 2019 in order to meet their Climate Action targets and risk mitigation strategy by 2020, which is just 10 months away.

Response

Council's Climate Change Action Plan 2016-2020 has a target to reduce emissions by 17 per cent.

All indications to date are that we are tracking to meet this target. 2018 emissions are currently being assessed and it is anticipated that these results will be available in April of this year.

2. Many people in Nillumbik are electing to store their recyclables rather than see them go to landfill. Should Council, instead of handing out more bins and collecting them more often, be providing leadership and educating people about ways to minimise their waste?

Response

Council is committed to providing leadership in waste minimisation. Our three bin system consistently achieves a landfill diversion rate of around 66 per cent, compared to the rest of the Victorian average which is only 44 per cent, and we will continue to work on our education in that space as well.

Carlota Quinlan asked Council:

During the recent heatwave ABC news showed images of a flying fox colony in East Gippsland where a third of the colony had dropped dead. It was heartening then to read in the Business Section of last Saturday's Age, 'Councils rally to meet climate change demands'. Among the initiatives, seven councils (Nillumbik was not one of them), have developed a framework for monitoring habitat health during climate changes to help them manage their biodiversity assets. As the Green Wedge Shire do we already have a monitoring process in place or how is the shire planning to manage our valued biodiversity in the face of climate change?

Response

Our Biodiversity Strategy and Climate Change Action Plan provide a mandate for monitoring habitat and species health in Nillumbik. We are currently delivering various projects that will assist us in managing this. Cr Brooker is also happy to meet with you after the meeting to go into detail of all the initiatives that we actually do have.

Greg Johnson on behalf of Friends of Nillumbik Inc asked Council:

1. Can Council confirm that the drafting of the new Green Wedge Management Plan will adhere to DELWP's principles in "Practice Note 31", and include consultation with DELWP officers?

Response

Yes.

2. Item OCM.023/19 (tonight's agenda) includes mention of an "external evaluation panel" tasked with assessing the EOIs for the potential development of Eltham's old shire office site. As a matter of transparency, will Council inform the community, who was on this panel?

Response

To preserve the integrity of market-testing process, the identity of panel members must remain commercial in confidence until the process is concluded.

Cindy Allen asked Council:

1. In light of the Federal Government's announcement of a \$3.5 billion Climate Change Fund, what direct action and policy changes does Nillumbik Council intend to implement now that their Councillorship is in its final 18 months?

Response

We'll assess their announcement to see if it provides additional funding opportunities for the Shire.

2. Does Council monitor native vegetation loss across the Shire? In what form, and how often is vegetation loss reported?

Response

The most recent Shire-wide modelling of native vegetation was reported in our State of Environment Report in 2015. The Department of Environment, Land, Water and Planning (DELWP) assessed native vegetation across land tenure in Nillumbik and found that approximately 30,000 ha of native vegetation is within the Shire, with the largest portion of vegetation being on private land.

Helen Kenney asked Council:

For a considerable period of time the local residents of St Andrews have sought to have a traffic management plan in place to regulate parking around the main commercial area of the township. The provision of a walking track between Burns St and School Rd has greatly improved public safety for those on foot, but vehicular traffic is greatly impinged by cars parking opposite double lines and into the intersection of Burns St and Scott St. It would appear that the businesses at this intersection have, at some time, applied to have minimum parking requirements excluded from their planning applications. One business regularly places "cones" on VicRoads property to secure on street parking for particular clients that they wish to attract. When is it planned to revisit this issue and finally conduct a traffic management plan that includes all occasions not just the twilight market?

Response

We recognise that the St Andrews Township Plan, which references a range of parking matters, is now 5 years old.

That question has actually been taken on notice and will be responded to you in writing.

Tim Phillips asked Council:

These questions relate to the development of 895 and 903- 907 Main Road Eltham, the old Nillumbik Shire Offices site, the Senior Citizens Centre and the Eltham Preschool sites.

1. Given that outcomes of the expressions of interest phase is not to be heard publicly tonight, what is the plan to communicate progress in this matter?

Response

Tonight's report relates to progressing the project. Should the project proceed, Council will consider the proposed community engagement program at a future Council meeting.

2. Given the very strong community opposition to the related Council process and its apparent likely or possible outcomes; and that the Council is not obligated to them: What meaningful public consultation is proposed? By meaningful I mean that all options are fully argued not just those put forward by the Council.

Response

As per the first response, should Council resolve to progress the project, and that is not confirmed as yet, Council will consider the proposed community engagement program as per the 25 September 2018 Council Meeting where Council resolved for the Request for Proposal assessment criteria to include 'A wide level of community consultation over the total re-development of the site'.

Leanne Backman asked Council:

1. In relation to the 'Withdrawal of the Injured Wildlife Euthanisation Service' debate at last meeting of 12th February, it struck me that not all Councillors were fully informed on the matter, nor had sought feedback from Council rangers in relation to their role of the volume and importance to humanely euthanise injured wildlife, including the public safety aspect this service also provides. I couldn't help but feel that this issue appeared to be politicised given the frequent comparison to Victorian practice at large. The safety issue of rangers carrying firearms is a valid and important one, but seems well managed with sufficient training and I am unaware of any negative incidents. These factors suggest the well managed risk, outweighs danger to animals and people, rather than not providing the service. So why was a report commissioned from Price Waterhouse Coopers on the narrow perspective of financial running costs for the program, when Councillors were not fully informed in-house first?

Response

The financial costs of delivering the service were not a major driver of the audit. They are actually a consideration in recommending potential options to Council. There were other issues coming out of the Audit Committee as well.

2. On an issue of social justice, and the ideology that 'all people are equal,' can the Mayor justify why Council provided authority to a previous Council Mayor, to build steps on VicRoads land (at the corner of Burns Street and Scott Street, St Andrews) when VicRoads had been clear it was not Nillumbik's jurisdiction? Yet the steps continued to be built and remain supported by Council, despite VicRoads clarify the steps must be removed, as this is divisive to the community to have a set of rules that apply to most, and not a few, what can the Mayor tell the community about such apparent injustices?

Response

This matter requires a detailed technical response given it relates to the roles of each respective authority and boundaries of responsibility. That will be provided to you within a week.

Isabel Nalato asked Council:

1. Does Council have any commitment to a maximum time when queries from residents are answered: eg is there an organisational KPI as to the maximum time permissible?

Response

Council's Service Excellence Charter establishes an expectation that written queries are responded to within 10 working days.

2. Are the Mayor and CEO committed to ensuring that questions from Nillumbik Shire Council key stakeholders - i.e. residents - are answered in accordance with the maximum time, or what a reasonable person would consider acceptable?

Response

Council is committed to providing responses to resident queries in accordance with its Service Excellence Charter.

10. Reports of Advisory Committees

AC.002/19 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:

- Joint Municipal Emergency Management and Fire Management Planning Committees – 17 December 2018; and
- Positive Ageing Advisory Committee – 1 February 2019.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Jane Ashton

That Council notes the:

- Joint Municipal Emergency Management and Fire Management Planning Committees meeting minutes held on 17 December 2018; and
- Positive Ageing Advisory Committee meeting minutes held on 1 February 2019.

CARRIED

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.015/19 Regulation of Fireworks Displays on Private Land

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Jonathan McNally, Manager Community Safety and Amenity

Summary

Councillors have sought advice from officers in relation to the ability to create a local law either prohibiting or restricting the display of private fireworks shows within the Shire. The issue of private fireworks displays is of particular interest in rural areas following a recent display on private property in St Andrews which has resulted in considerable community interest, and a subsequent commitment to present this report to Council in response to a question from the gallery at the January 2019 Ordinary Council Meeting.

Officers have completed considerable benchmarking of other councils, and sought legal advice as to the nature of regulating such activity through a local law.

The process for making a local law is governed by Part 5 of the *Local Government Act 1989* (the Act). Council has the ability to make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.

The process of making or amending a local law requires public consultation in accordance with s.223 of the Act. Council's existing Amenity Local Law was adopted in 2013 and remains valid until 2023. Rather than amending the existing Amenity Local Law, which would create the opportunity to revisit the entire local law, whether all provisions have been amended or not, it is recommended that Council determine to commence with the development of a new individual fireworks local law to operate in tandem with the existing Amenity Local Law.

Recommendation

That Council determines to proceed with the development of a new Fireworks Local Law.

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Peter Clarke

That Council determines to proceed with the development of a new Fireworks Local Law focusing on regulating displays on private land only, outside the Urban Growth Boundary.

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Peter Clarke

That Council determines to proceed with the development of a new Fireworks Local Law focusing on regulating displays on private land only, outside the Urban Growth Boundary.

CARRIED

12. Officers' reports

OCM.016/19 Clarke Avenue and Park Avenue Special Charge Scheme, Wattle Glen

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Matthew Theuma, Engineer

Summary

On 28 December 2017 and 18 January 2018, an initial questionnaire was sent to property owners of Clarke Avenue and Park Avenue, Wattle Glen to ascertain the level of support for Council to investigate the construction of Clarke Avenue and Park Avenue via a Special Charge Scheme.

A number of residents expressed interest in Council investigating a Special Charge Scheme to construct Clarke Avenue and Park Avenue which initiated the questionnaire process.

The initial questionnaires indicated 28 of 44 (63.6 per cent) property owners supported further investigation into a scheme. On 18 October 2018, an information session was held for all interested property owners.

Following the information session, a formal questionnaire was sent to all property owners on 9 November 2018, and the results indicated 10 of 44 (22.7 per cent) property owners supported further investigation into a scheme.

Given that the level of support is below 60 per cent, it is recommended that Council abandon the scheme and place further investigations for the construction of Clarke Avenue and Park Avenue on a three year moratorium.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Bruce Ranken

That Council:

1. Abandons further investigations into a Special Charge Scheme for Clarke Avenue and Park Avenue, Wattle Glen.
2. Places any further investigations into a Special Charge Scheme for Clarke Avenue and Park Avenue, Wattle Glen on a three year moratorium.
3. Notifies affected property owners accordingly.

CARRIED

12. Officers' reports

OCM.017/19 Electoral Representation Review 2019 – Council's Preliminary Submission to the VEC

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Katia Croce, Governance Lead

Summary

Council at its Future Nillumbik Committee Meeting on 12 February 2019 considered a report on the upcoming Electoral Representation Review conducted by the Victorian Electoral Commission (VEC) in accordance with the requirements of the *Local Government Act 1989*.

As part of the Review, Council along with all other members of the public, have been invited to make a submission to the VEC. Preliminary submissions close 13 March 2019 at 5pm and the VEC will release its preliminary report on 10 April 2019. Council will then have an opportunity to provide a further response. The final report of the VEC will be released on 5 June 2019.

Council has given considerable thought to its position in relation to what it considers to be the best electoral structure for Nillumbik and has concluded that the current structure of seven single councillor wards is the most appropriate structure to represent Nillumbik Shire Council into the future.

This report seeks Council to endorse the Preliminary Submission, which will then be forwarded to the VEC before the due date.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Endorses the Nillumbik Electoral Representation Review Preliminary Submission 2019 (**Attachment 1**).
2. Officers forward the Preliminary Submission to the VEC prior to the due date of 13 March 2019.

CARRIED

12. Officers' reports

OCM.018/19 Economic Development Advisory Committee Membership and Terms of Reference

Distribution: Public

Manager: Kylie Lethbridge, Manager Business, Tourism and Marketing

Author: Danielle Phyland, Business & Industry Coordinator

Summary

A vacancy has arisen within Council's Economic Development Advisory Committee (EDAC).

In preparing to fill the vacancy, it affords an opportunity to review the Terms of Reference so that they reflect current policy and operational requirements plus changes to local industry groups.

This report recommends Council endorses the revised Terms of Reference and agrees to advertise the vacant position.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Bruce Ranken

That Council:

1. Endorses the revised Terms of Reference for the Economic Development Advisory Committee.
2. Agrees to advertise the vacant position for the Economic Development Advisory Committee.

CARRIED

12. Officers' reports

OCM.019/19 Audit Committee Matters

Distribution: Public

Manager: Vince Lombardi, Executive Manager Finance

Author: Melika Sukunda, Financial Accountant

Summary

February Minutes of Meeting

In accordance with section 139 of the *Local Government Act 1989* and good governance principles, Councils must have an Audit Committee. As resolved at the Ordinary Meeting of Council on 16 August 2005, the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.

The Audit Committee met on 11 February 2019. The minutes for the meeting are attached in **Attachment 1**.

Charter Review

The audit committee charter has not been reviewed in its entirety since April 2015. The review is timely with the focus centred on the duties of the audit committee. The membership, quorum and purpose of the committee remain unchanged.

Independent Member Remuneration

The independent remuneration has not been reviewed for the past five years.

Recommendation

That Council:

1. Notes the minutes of the Audit Committee meeting held on 11 February 2019.
2. Approves the revised Audit Committee Charter.
3. Resolves to increase the independent member's remuneration by \$1,000 annually effective 1 January 2019.

Motion

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Notes the minutes of the Audit Committee meeting held on 11 February 2019.
2. Approves the revised Audit Committee Charter.
3. Resolves to increase the independent member's remuneration by \$1,000 annually effective 1 January 2019.
4. Reviews the independent member's remuneration every second year.

12. Officers' reports

OCM.019/19 Audit Committee Matters

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Notes the minutes of the Audit Committee meeting held on 11 February 2019.
2. Approves the revised Audit Committee Charter.
3. Resolves to increase the independent member's remuneration by \$1,000 annually effective 1 January 2019.
4. Reviews the independent member's remuneration every second year.

CARRIED

12. Officers' reports

OCM.020/19 Procurement Policy Annual Review

Distribution: Public

Manager: Vince Lombardi, Executive Manager Finance

Author: Lance Clark, Senior Procurement Specialist

Summary

The *Local Government Act 1989* requires Council to annually review its Procurement Policy (the policy). An annual review of the policy has been undertaken and a revised Procurement Policy is presented for Council approval. The Audit Committee considered the revisions at its meeting on the 11th of February 2019.

The Procurement Policy applies to all procurement and contracting activities at Council and is binding upon Council officers, contractors and consultants whilst engaged by and/or representing Council. This report sets out the revisions and seeks Council approval of the reviewed policy.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Adopts the Procurement Policy.
2. Makes the Procurement Policy available for public inspection at the Civic Office and on Council's website.

CARRIED

12. Officers' reports

OCM.021/19 Council Plan Quarterly Performance Report

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: James Hartigan, Business Performance Analyst

Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report for Council's consideration. The attached report provides the second update (end of the second quarter) on delivery progress and performance of the 2018-2019 Annual Plan priority actions, which align with the delivery of the Council Plan 2017-2021.

Of the 51 actions in the 2018-2019 Annual Plan, 38 are on track to be completed within the financial year, 4 are being completed as 'business as usual' activities, 4 have minor issues/delays, and 4 are to yet to commence. One action is completed.

Performance against the delivery of the Council Plan is presented to Council and the community on a quarterly basis, and is also published in the Annual Report which is presented to the Minister of Local Government before 30 September each year.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the second quarter of 2018-2019, being the period ending 31 December 2018.

CARRIED

12. Officers' reports

OCM.022/19 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 29 January 2019.

An Assembly of Councillors record was kept for:

- Councillor Briefing Session – 22 January 2019;
- Councillor Briefing Session and Pre-meeting to Ordinary Council Meeting – 29 January 2019;
- Councillor Briefing Session – 5 February 2019;
- Activity Centres Urban Design Project Reference Group – 6 February 2019;
- Arts Advisory Committee – 11 February 2019;
- Pre-meeting to Future Nillumbik Committee – 12 February 2019; and
- Councillor Briefing Session – 19 February 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 22 January 2019, 29 January 2019, 5 February 2019, 6 February 2019, 11 February 2019, 12 February 2019 and 19 February 2019 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.023/19 Outcome of the expression of interest and request for proposal phases for the proposed sale and development of 895 and 903-907 Main Road Eltham

Distribution: Public

Manager: Naomi Paton, Manager Integrated Strategy

Author: Paul Usatov, Senior Project Manager

Summary

This report refers Council's consideration and decision to the confidential section of the Council meeting on the outcome of the Expression of Interest (EOI) and subsequent Request for Proposal (RFP) for the proposed sale and development of Council land at 895 and 903-907 Main Road Eltham

At the August 2018 Ordinary Meeting of Council, Council resolved to commence an urban renewal process to deliver enhanced social, economic and public realm outcomes in a built form reflective of Eltham's preferred character on the two parcels of land.

Council seeks to realise the value of land to deliver outcomes, including provision of contemporary community facilities, at no cost to ratepayers.

The EOI and RFP process were designed to explore the commercial realities of Council's broad objectives.

An external evaluation panel with expertise in finance, risk, property development, and architecture were appointed to assess the EOIs. EOIs were assessed for proponents' financial capacity to deliver the project, quality of the project team including experience, and ability to deliver the project within agreed timeframes.

Shortlisted proponents were invited to participate in the RFP phase. Council sought proposals that meet the broad objectives addressing community benefit, provision of community facilities, design qualities and financial return to Council. The evaluation panel was extended to include expertise in urban design and place-making. Proposals addressed Council's objectives to deliver community benefits. The panel concluded their evaluation in January 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

12. Officers' reports

OCM.024/19 Tender Report - 1819-60 Allendale Road Construction

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the rural road sealing of Allendale Road, between the aqueduct trail crossing and Ingrams Road, Diamond Creek.

The works will involve the spray sealing approximately 1.2km of Allendale Road, west of Ingrams Road, Diamond Creek including, traffic calming and intersection works, asphalt road humps, vehicle crossing connections, roadside drainage improvements, some asphalt table drains kerb and channel (intersection) and other associated works.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the construction of Allendale Road, west of Ingrams Road, Diamond Creek as part of Council's Rural Road Sealing Program.

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.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Jane Ashton

That Council notes this report.

CARRIED

12. Officers' reports

OCM.025/19 Risk and Insurance Report December Quarter 2018

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: Craig Commane, Risk Advisor

Summary

This report provides a summary of Council's Risk and Insurance Report for the quarter ending December 2018.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF) that commenced on 1 July 2014. This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and insurance reporting to Council will be tabled each quarter following consideration by the Audit and Risk Committee.

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council notes this report.

CARRIED

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Notes the summary of the confidential Risk and Insurance report for the quarter ending December 2018.
2. Resolves that the report remains confidential in accordance with sections 77 and 89(2) of the *Local Government Act 1989*.
3. Resolves to make the resolution of Council public.

CARRIED

13. Notices of Motion

Nil

14. Delegates' reports

Nil

15. Supplementary and urgent business

The Mayor, Cr Karen Egan admitted the following Urgent business item in accordance with section 6.15 of the Meeting Procedure Local Law 2017.

OCM.029/19 Recycling Crisis

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council requests the Member for Eltham Vicki Ward MP and Member for Yan Yean Danielle Green MP seek an urgent meeting with the Minister for Energy, Environment and Climate Change The Hon. Lily D'Ambrosio MP in conjunction with Council to:

1. Commence meaningful discussions to reach a collaborative long-term solution to the recycling crisis currently impacting the Shire and other Councils in the Melbourne Waste and Resource Recovery Group.
2. Request financial support to assist with funding new ways to develop a sustainable recycling system in Victoria.
3. Reintroduce a financial assistance package for Councils such as Nillumbik that are constrained for income by rate capping and suffering exorbitant waste costs due to the failure of the recycling market to be funded from the State Government landfill levy of which Nillumbik Council has contributed \$3,190,959 in the last five years.

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council requests the Member for Eltham Vicki Ward MP and Member for Yan Yean Danielle Green MP seek an urgent meeting with the Minister for Energy, Environment and Climate Change The Hon. Lily D'Ambrosio MP in conjunction with Council to:

1. Commence meaningful discussions to reach a collaborative long-term solution to the recycling crisis currently impacting the Shire and other Councils in the Melbourne Waste and Resource Recovery Group.
2. Request financial support to assist with funding new ways to develop a sustainable recycling system in Victoria.

3. Reintroduce a financial assistance package for Councils such as Nillumbik that are constrained for income by rate capping and suffering exorbitant waste costs due to the failure of the recycling market to be funded from the State Government landfill levy of which Nillumbik Council has contributed \$3,190,959 in the last five years.

CARRIED

Cr Peter Clarke called for a division

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

Against: Cr John Dumaresq

The Mayor, Cr Karen Egan declared the Motion Carried.

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.026/19 Outcome of the expression of interest and request for proposal phases for the proposed sale and development of 895 and 903-907 Main Road Eltham

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

OCM.027/19 Tender Report – 1819-60 Allendale Road Construction

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

OCM.028/19 Risk and Insurance Report December Quarter 2018

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

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

Council Resolution

MOVED: Cr Grant Brooker

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 8:41pm.

The meeting re-opened at 9:19pm.

Close of Meeting

The meeting closed at 9:19pm.

Confirmed: _____
Cr Karen Egan, Mayor