

Ordinary Meeting of Council

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

Minutes

Carl Cowie
Chief Executive Officer

Friday 3 May 2019

Distribution: Public

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Domin je ka

Nillumbik Shire Council

Contents

1. Welcome by the Mayor	1
2. Reconciliation statement	1
3. Prayer	1
4. Apologies	1
5. Presentations	1
6. Confirmation of minutes	1
7. Disclosure of conflicts of interest	2
8. Petitions	2
Petition No. 2019-02	2
9. Questions from the gallery	4
10. Reports of Advisory Committees	9
AC.004/19 Advisory Committee Report	9
11. Reports of Special Committees	10
12. Officers' reports	11
OCM.049/19 Green Wedge Management Plan Review - advice from the Victorian Ombudsman	11
OCM.050/19 Nillumbik Shire Council Draft Bushfire Mitigation Strategy	13
OCM.051/19 VEC Preliminary Report - Nillumbik Electoral Representation Review	15
OCM.052/19 Nillumbik Shire Council brand refresh	17
OCM.053/19 De Fredericks Road Special Charge Scheme, Yarrambat	18
OCM.054/19 Cassells Road Special Charge Scheme, Research	19
OCM.055/19 Council Plan Quarterly Performance Report	20
OCM.056/19 March Quarter Financial Report	21
OCM.057/19 Assembly of Councillors	22
OCM.058/19 Tender Report - Contract 1819-088 - Yarrambat Oval Floodlighting - Design and Installation of Sportsfield Floodlighting	24
OCM.059/19 RFT 1819-63 Provision of Internal Audit Services	26
13. Notices of Motion	27
14. Delegates' reports	27
15. Supplementary and urgent business	28
OCM.062/19 Submission to the Victorian Parliamentary Inquiry into Recycling and Waste Management	28

16. Confidential reports	31
OCM.060/19 Tender Report – Contract 1819-088 – Yarrambat Oval Floodlighting – Design and Installation of Sportsfield Floodlighting	31
OCM.061/19 RFT 1819-63 Provision of Internal Audit Services	31

Nillumbik Shire Council

**Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 30 April 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
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance and Legal Services
Mitch Grayson	Executive Manager Communications and Engagement
Kylie Lethbridge	Executive Manager Economic Development and Tourism
Jeremy Livingston	Executive Manager Transformation and Performance
Kelly Reaburn	Head of Communications and Marketing
Naomi Paton	Manager Integrated Strategy
Nichole Johnson	Coordinator Major Projects
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Reconciliation statement

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

3. Prayer

A prayer was read by Father Vlad Sipovac of St Sava Serbian Orthodox Church.

4. Apologies

Nil

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 26 March 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That the minutes of the Ordinary Council Meeting held on Tuesday 26 March 2019 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Petition No. 2019-02

A petition containing **45** signatures from residents requests that Council immediately review and reduce the speed limit on Ironbark Road Yarrambat/Diamond Creek to 60 kph.

Recommendation

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Perkins

That Council:

1. Receives and notes the petition to immediately review and reduce the speed limit on Ironbark Road Yarrambat/Diamond Creek to 60 kph.
2. Refers this matter to Hjalmar Philipp, Director Operations and Infrastructure for investigation and response.
3. Advises the petition organiser accordingly.

Cr Peter Clarke proposed that an additional point 4 be added as follows:

4. Refers resident concerns to local member of State Parliament seeking her support for presentations to VicRoads if required.

This was accepted by the mover and seconder.

THE MOTION READS AS FOLLOWS:

Motion

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Perkins

That Council:

1. Receives and notes the petition to immediately review and reduce the speed limit on Ironbark Road Yarrambat/Diamond Creek to 60 kph.
2. Refers this matter to Hjalmar Philipp, Director Operations and Infrastructure for investigation and response.
3. Advises the petition organiser accordingly.
4. Refers resident concerns to local member of State Parliament seeking her support for presentations to VicRoads if required.

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

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Perkins

That Council:

1. Receives and notes the petition to immediately review and reduce the speed limit on Ironbark Road Yarrambat/Diamond Creek to 60 kph.
2. Refers this matter to Hjalmar Philipp, Director Operations and Infrastructure for investigation and response.
3. Advises the petition organiser accordingly.
4. Refers resident concerns to local member of State Parliament seeking her support for presentations to VicRoads if required.

CARRIED

9. Questions from the gallery

Alexander Collum asked Council:

I note that in Council's 2019-2020 Draft Budget \$5 million has been received from the Federal Government for road upgrades as part of the 'Urban Congestion Fund'.

1. What works does Council intend to use this funding on?

Response

The Australian Government's \$5 million commitment was made to Nillumbik under its Federal Urban Congestion Fund and targets works relevant to the Fitzsimons Lane/Main Road Corridor. The funding is in addition to any works undertaken by State Government.

2. Has the Federal Government provided criteria on works that can be undertaken using this funding?

Response

Council Officers are presently working through the detail of the proposed works. The Federal Government is required to formally approve the project and have provided us with report templates that are needed to support this.

Bill Lord asked Council:

Nillumbik Council's Strategic Resource Plan forms part of the Council Plan 2017-2021 and states: "Staffing levels are projected to remain constant, with employee costs estimated to grow by 2 per cent each year."

Therefore I ask: Given the two recent restructures, how do the current Council staffing level and costs compare to when the Council Plan was written in 2017?

Response

The Strategic Resource Plan (SRP) is reviewed and updated annually in line with the Council Plan.

Current permanent staffing levels as of the end of March compared with the SRP published in 2017 show an overall increase of 8 positions and forecast increase in staffing costs of \$400,000.

It must be also noted that the SRP and underlying assumptions and are reviewed each year to reflect the current business needs and future direction of Council.

Mel Ellis asked Council:

1. The 2018-2019 Budget showed an estimate for Adjusted underlying result of 0.8% which is now forecast to be far worse (-7.4%) in the forecast in the current Budget. The Council appears to have a problem in achieving its service delivery as indicated by the forecast 2018-2019 negative "adjusted underlying result" (-7.4%) figure which is significantly worse (-8.2%) than target. What measures is Council taking to ensure the same issues do not arise and impact this year's budget target and to remedy this fragility in Council's finances?

2. Given the figures below show the average staff turnover in the last three years was approximately 13% per annum, how does Council justify their 2019-2020 Budget forecast that for each of the following four years the staff turnover will be only 5%?

Response

Both these questions are deemed operational and therefore I have referred them to the CEO to provide a response directly to you in writing.

Colleen Hackett asked Council:

1. Can you explain why you are deleting the indigenous welcome, womin je ka, from Council township signs and were the Wurrundjeri people consulted about this?

Response

We are not deleting the indigenous welcome Wominjeka. It will be featured on all township signage, and in fact increased.

Jim Connor asked Council:

Agenda item OCM.052/19 proposes implementing a Nillumbik Shire Council brand refresh, without allowing for any appropriate community consultation. As any revised logo design will apply in Council interactions across the whole municipality, and so is of general community interest, Council may be seen to not be transparent and community responsive in this important decision-making process. I consider some of the proposed design elements/colour combinations may not be inclusive or accessible for everyone, including some people who may experience low vision, vision impairment or colour vision deficits.

I therefore ask that any decision on this item be deferred until after appropriate community consultation is undertaken and to allow time for these proposed designs to be professionally reviewed, in respect of access for everyone.

Response

We have taken into consideration accessibility and all colours when used in their sub-groups meet accessibility requirements.

As this matter is listed on the Agenda tonight, a response cannot be provided to this question, as Council cannot predetermine the outcome of the matter to be discussed.

The Mayor, Cr Karen Egan made the following address:

Our agenda tonight includes a report from officers on the Green Wedge Management Plan. Specifically, it relates to advice from the office of the Victorian Ombudsman in response to a complaint received by the Ombudsman about Council not having accepted the Community Panel Minority Report no 1 in November 2018. The officer report responds to the Ombudsman's advice and makes recommendations to Council. We have received a number of questions from the gallery relating to the matter.

In November 2018, Council was presented with Minority Report no 1 at the conclusion of the Community Panel process. Council did not accept Minority Report no 1 but invited its authors to make a submission when the new draft plan becomes available. The Ombudsman however has advised that in their view the community consultation process will be made all the stronger to have Minority Report no 1 considered in the preparation of the draft GWMP.

It has been important to us that people were made aware of the matter being considered by Council this evening. Last week we notified the GWMP Community Panel and those community members who have registered their details of the matter being considered.

Some have asked if we can share the Ombudsman's advice. We have approached the Ombudsman asking it make public its advice to Council. The office has not granted our request and explain, and I quote directly from it, *"as Ombudsman enquiries are conducted in private, we would only make information about complaints of investigations public in very limited circumstances"*.

Council thanks the community for its ongoing interest in the preparation of one of the most important Plans for our whole Shire in our review of the Green Wedge Management Plan.

Greg Johnson asked Council:

1. In complying with the Ombudsman's advice about the 'Minority Report 1' document, Council appear to have abandoned its own direction that panel recommendations achieve 80% support before being considered by Council. Does Council support its own panel process?

Response

Council supports its Community Panel process. All recommendations put forward through the Panel process, including those which don't achieve the 80 per cent supermajority, are being considered in the preparation of the draft GWMP.

Additionally, Council is now taking into consideration the Ombudsman's advice.

2. Why were members of the Community Panel advised that the Ombudsman's advice to Council was confidential?

Response

Correspondence from the Ombudsman to Council was marked confidential, intended only to be accessed by the person or entity to whom it was addressed.

Sue Grad asked Council:

1. Did the Council make a written submission to the Ombudsman's inquiry, regarding the Green Wedge Management Plan Review, and Minority Report #1?

Response

Yes, Council provided a written response to the Ombudsman's enquiry.

2. If "yes", can that submission be made available to ratepayers? If "no", why not?

Response

No as per my preamble, I quote directly from the Ombudsman email *"Ombudsman enquiries are conducted in private, we would only make information about complaints of investigations public in very limited circumstances"*.

Wayne Kinrade asked Council:

The MosaicLab paper on 'Development of Minority Reports' noted concerns that the GWMP Community Panel Minority Report #1 was "outside the spirit of the rules or stretched the rules".

Did Council bring this observation to the attention of the Ombudsman?

Response

Yes. Council did provide the Ombudsman with a copy of MosaicLab's statement.

Lynlee Tozer asked Council:

1. When developing the replacement Green Wedge Management Plan, does Council fully intend to uphold the wishes of the broader community – as determined through the consultation process, and which is in-line with the majority vote from the randomly-selected GWMP Community Panel while formulating their recommendations – OR does Council intend to push their own different agenda and/or that of a very vocal minority?
2. Can Council offer written guarantees, showing their rationale, that the outcomes of the GWMP review process will result in a plan that actually provides protection for the values within the Green Wedge – that is, environmental, landscape, community, recreational, agricultural, uncongested living values, etc – and not simply provide added value to a vocal minority or landholders?

Response

The guarantee I will give you is that Council is currently working through a process that includes the entire community on what is the best way for us to manage Nillumbik's Green Wedge, now and into the future. And we look forward to hearing the feedback on the Draft when it does go out to the broader community.

Judith Cordingley asked Council:

Council was advised on 15 January 2019 by the Ombudsman of the complaint against the disallowing of Minority Report no. 1 which had been decided by Council on 27 November 2018. Other members of the Panel, whose conduct and fairness had been impugned directly in the report by its authors, were not advised of this situation until 24 April 2019 and have had no opportunity to seek to inform the Ombudsman of their view of the situation. What was the reason for this delay?

Response

The complaint made to the Ombudsman and the following enquiry was conducted in private between the Ombudsman and the complainant.

As the outcome of the enquiry and the Ombudsman's advice to Council is being considered tonight, it is only appropriate now that the community, including GWMP Community Panel members, are advised of the matter.

Colleen Hackett asked Council:

2. Will Council be querying the Ombudsman's decision that a report unseen by 80% of GWMP Panellists be included in Council deliberations on the Plan, with no reference to MosaicLab or any other Stakeholders, and if not why not?

Response

This matter is listed on the Agenda tonight. A response cannot be provided to this question, as Council cannot predetermine the outcome of the matter to be discussed.

Lara Jackson asked Council:

Did Council ensure that the Ombudsman, when undertaking their enquiry into the processes surrounding Minority Report no 1, was given a copy of the advice from MosaicLab titled "Development of Minority Reports in a Deliberative Process" dated 27 November 2018? If the answer is 'no', why not?

Response

Yes. Council did provide MosaicLab's statement as part of its response to the Ombudsman's enquiry.

Mitch Grayson, Executive Manager Communications and Engagement temporarily left the meeting during public question time at 7:50pm, and returned at 7:52pm.

10. Reports of Advisory Committees

AC.004/19 Advisory Committee Report

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Alena Spry, Governance Officer

Summary

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

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

- Arts Advisory Committee – 11 February 2019;
- Economic Development Advisory Committee – 20 February 2019;
- Recreation Trails Advisory Committee – 28 February 2019; and
- Positive Ageing Advisory Committee – 1 March 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council notes the:

- Arts Advisory Committee meeting minutes held on 11 February 2019;
- Economic Development Advisory Committee meeting minutes held on 20 February 2019;
- Recreation Trails Advisory Committee meeting minutes held on 28 February 2019; and
- Positive Ageing Advisory Committee meeting minutes held on 1 March 2019.

CARRIED

11. Reports of Special Committees

12. Officers' reports

OCM.049/19 Green Wedge Management Plan Review - advice from the Victorian Ombudsman

Distribution: Public

Manager: Matt Kelleher, Director Community and Planning

Author: Naomi Paton, Manager Integrated Strategy

Summary

In January 2019, Council was notified by the Victorian Ombudsman's office (the Ombudsman) of a complaint received from a Green Wedge Management Plan (GWMP) community panel member. The complaint related to Council's resolution in November 2018 receiving the community panel's recommendations (including Minority Report no 2), but not including Minority Report no 1.

The Ombudsman considers that the five panel members who co-authored Minority Report no 1 should have an opportunity for their core concerns to be considered in the development of the draft GWMP. Further, the Ombudsman advised Council officers should negotiate a revised report which contains the authors' core message for Council's consideration.

Officers have negotiated with the authors a revised Minority Report no 1. In accordance with the Ombudsman's advice, officers recommend Council consider receiving the revised Minority Report no 1 (**Attachment 1**) and refers the report to the Council administration for consideration in the preparation of the draft GWMP.

Recommendation

That Council:

1. Receives the revised Minority Report no 1 prepared by five Green Wedge Management Plan community panel members.
2. Refers the revised Minority Report no 1 to the administration to take into account when drafting the new Green Wedge Management Plan.
3. Requests officers to advise all Green Wedge Management Plan panel members of Council's decision.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Receives the revised Minority Report no 1 prepared by five Green Wedge Management Plan community panel members.
2. Refers the revised Minority Report no 1 to the administration to take into account when drafting the new Green Wedge Management Plan.
3. Requests officers to advise all Green Wedge Management Plan panel members of Council's decision.
4. **Makes public Council's response to the Victorian Ombudsman's enquiry.**

12. Officers' reports

OCM.049/19 Green Wedge Management Plan Review - advice from the Victorian Ombudsman

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Receives the revised Minority Report no 1 prepared by five Green Wedge Management Plan community panel members.
2. Refers the revised Minority Report no 1 to the administration to take into account when drafting the new Green Wedge Management Plan.
3. Requests officers to advise all Green Wedge Management Plan panel members of Council's decision.
4. Makes public Council's response to the Victorian Ombudsman's enquiry.

CARRIED

The Mayor, Cr Karen Egan welcomed Craig Lapsley to the meeting.

12. Officers' reports

OCM.050/19 Nillumbik Shire Council Draft Bushfire Mitigation Strategy

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Blaga Naumoski, Executive Manager Governance and Legal Services

Summary

A priority action of the Council Plan 2017-2021 is to develop a Bushfire Mitigation Strategy.

A draft Bushfire Mitigation Strategy was prepared in August 2018 and a three-week public consultation period occurred in September 2018, with fifteen submissions received.

At Council's Future Nillumbik Committee meeting on 16 October 2018 the Committee supported the engagement of a bushfire management specialist to review the current strategy and submissions, define intent and purpose, coordinate the future consultation process and report back to Council on the outcome.

As a result of the Committee resolution, Mr Craig Lapsley was engaged to review and provide recommendations to Council on the adequacy of the existing and future emergency management arrangements at Council. The outcome of the engagement resulted in an *Emergency Management Future Directions Plan (the Plan)*, prepared with the aim of providing a framework to support Council moving toward a best practice model for emergency management planning and emergency preparedness. It also supports Council's commitment to adopt a future approach to emergency and bushfire management.

The work on the Plan attached as *Appendix 1* to the revised *Bushfire Mitigation Strategy (the revised Strategy)* has helped inform the structure and direction of the revised Strategy.

The intent of the revised Strategy is to drive change through being more strategically focused and agile. The overall objective is to reduce bushfire risk to the community with an emphasis on building community resilience, participation and shared responsibility.

This report is seeking Council to endorse the revised Strategy and resolve to commence public consultation.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Jane Ashton

That Council:

1. Adopts the draft *Bushfire Mitigation Strategy* and its attached reference documents for the purposes of community consultation.
2. Notes that any person who makes a written submission in relation to the draft *Bushfire Mitigation Strategy* and requests to be heard in support of the written submission, be heard at the Future Nillumbik Committee meeting to be held in the Council Chamber, Civic Centre, at 7:30 pm on 11 June 2019.

CARRIED

12. Officers' reports

OCM.050/19 Nillumbik Shire Council Draft Bushfire Mitigation Strategy

The Mayor, Cr Karen Egan thanked and congratulated Craig Lapsley on behalf of Council and the community for his work.

12. Officers' reports

OCM.051/19 VEC Preliminary Report - Nillumbik Electoral Representation Review

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance and Legal Services

Author: Katia Croce, Governance Lead

Summary

This report allows Council the opportunity to consider its submission in response to the recommendations of the Victorian Electoral Commission's (VEC) Preliminary Report on the Electoral Representation Review of Nillumbik Shire Council released on 10 April 2019.

It is suggested that, as part of its response submission, Council advise the VEC that whilst it welcomes the Electoral Representation Review of Nillumbik Shire Council, it is disappointed that the VEC has recommended the seven councillors be elected from three wards (one three-councillor ward and two, two-councillor wards). The recommendation introduces a divide between the populated urban and rural areas of the Shire and does not adequately represent all communities in the Shire.

It is recommended that the response submission, as attached, be approved and that a copy be forwarded to the VEC.

Submissions in relation to the Preliminary Report will be received by the VEC until 8 May 2019.

Recommendation

That Council:

1. Endorses Council's submission in response to the Preliminary Report – Electoral Representation Review for the Nillumbik Shire Council (**Attachment 1**).
2. Officers forward the submission to the VEC Review Panel prior to the due date of 8 May 2019.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Endorses Council's submission in response to the Preliminary Report – Electoral Representation Review for the Nillumbik Shire Council (**Attachment 1**) with the following changes to dot point 7:
 - Include after the word communities of interest '*and split postcodes*';
 - Include '*Yarrambat*' after the word Diamond Creek;
 - Include '*because generally people associate with their postcode which can be seen as a community*' after the word confusion.
2. Officers forward the submission to the VEC Review Panel prior to the due date of 8 May 2019.

12. Officers' reports

OCM.051/19 VEC Preliminary Report - Nillumbik Electoral Representation Review

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Endorses Council's submission in response to the Preliminary Report – Electoral Representation Review for the Nillumbik Shire Council (**Attachment 1**) with the following changes to dot point 7:
 - Include after the word communities of interest '*and split postcodes*';
 - Include '*Yarrambat*' after the word Diamond Creek;
 - Include '*because generally people associate with their postcode which can be seen as a community*' after the word confusion.
2. Officers forward the submission to the VEC Review Panel prior to the due date of 8 May 2019.

CARRIED

12. Officers' reports

OCM.052/19 Nillumbik Shire Council brand refresh

Distribution: Public

Manager: Carl Cowie, Chief Executive Officer

Author: Kylie Lethbridge, Executive Manager Economic Development and Tourism

Summary

The Council Plan identifies a requirement to rationalise Council's communications and promotional material to ensure consistent messaging.

The logo currently in use was created at the point of amalgamation, well over 20 years ago when many of the modern and current uses for it did not exist, accessibility was not a consideration and it has not been revisited since its creation.

Having brand consistency is vital, whether it be on or offline. Every interaction customers have with our brand needs to build trust and recognition. Consistency across our brand including our website, social media channels, customer experience, buildings and services makes customers feel more comfortable and more likely to engage with us.

With the Council objectives and the creation of a dedicated Communications and Engagement Department, it has afforded the opportunity to look at a refresh and evolve the branding guidelines and to develop new processes and policies for their consistent use.

The new guidelines would be implemented using existing 2018/2019 operational budget then on a renewal or as needs basis from then on.

This report seeks Council endorsement of the new branding guidelines with a view to commencing implementation.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

That Council:

1. Endorses the Nillumbik Shire Council Branding Guidelines 2019 (**Attachment 1**).
2. Instructs officers to commence implementation.

CARRIED

Cr Peter Perkins called for a division

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

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

The Mayor, Cr Karen Egan declared the Motion Carried.

Cr Peter Clarke temporarily left the meeting during discussions of the above item at 8:49pm, and returned at 8:50pm.

12. Officers' reports

OCM.053/19 De Fredericks Road Special Charge Scheme, Yarrambat

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Matthew Theuma, Engineer

Summary

On 26 June 2018, Council received a petition signed by property owners in De Fredericks Road, Yarrambat requesting that Council investigate road sealing.

On 4 September 2018, an initial questionnaire was sent to property owners of De Fredericks Road to ascertain the level of support for Council to investigate the sealing of De Fredericks Road, via a Special Charge Scheme.

The initial questionnaire indicated that 8 of 13 (61.5 per cent) property owners supported further investigation into a scheme. On 20 February 2019, an information session was held for all interested property owners.

Following the information session, a formal questionnaire was sent to all property owners on 6 March 2019. The results indicated that 8 of 13 (61.5 per cent) property owners supported the development of a scheme.

Given that the level of support is above 60 per cent, it is recommended that the development process proceeds and Council invites affected property owners for nominations to join the task group and provide comments for consideration within the design process.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr John Dumaresq

That Council:

1. Proceeds with the development of a Special Charge Scheme for the sealing of De Fredericks Road, Yarrambat, with a rural standard of construction.
2. Invites affected property owners for nominations to join the task group and to provide comments for consideration within the design process.

CARRIED

Kelly Reaburn, Head of Communications and Marketing, Naomi Paton, Manager Integrated Strategy and Nichole Johnson, Coordinator Major Projects left the meeting during discussions of the above item at 9:07pm.

12. Officers' reports

OCM.054/19 Cassells Road Special Charge Scheme, Research

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Azad Abul, Engineer

Summary

On 26 February 2018, Council received a petition signed by property owners in Cassells Road, Research requesting that Council investigate road sealing. On 19 July 2018, an initial questionnaire was sent to property owners of Cassells Road, Research to ascertain the level of support for Council to investigate the construction of Cassells Road, via a Special Charge Scheme.

The initial questionnaires indicated that 15 of 20 (75 per cent) property owners supported further investigation into a scheme. On 15 November 2018, an information session was held for all interested property owners. Following the information session, a formal questionnaire was sent to all property owners in Cassells Road, Research on 14 December 2018 and the results indicated that 7 of 20 (35 per cent) property owners supported proceeding with the development of a scheme.

Given that the level of support is below 60 percent, it is recommended that Council abandon the scheme and place further investigations for road construction in Cassells Road, Research on a 3 year moratorium.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

That Council:

1. Abandons the development of a Special Charge Scheme for Cassells Road, Research.
2. Places any further investigations into a Special Charge Scheme for Cassells Road on a three year moratorium.
3. Notifies affected property owners accordingly.

CARRIED

12. Officers' reports

OCM.055/19 Council Plan Quarterly Performance Report

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Transformation and 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 third update (end of the third quarter of 2018-2019) 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, 8 have minor issues/delays, two actions are completed, one action is yet to commence, and two actions are being completed as part of 'business as usual' activities.

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.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

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

CARRIED

12. Officers' reports

OCM.056/19 March Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

**Author: Robert Malignaggi, Management Accounting Coordinator
Melika Sukunda, Manager Finance**

Summary

This report outlines Council's financial performance and financial position for the period ending 31 March 2019.

The Income Statement shows an overall favourable year to date (YTD) variance of \$5.909 million representing 35.82 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$6.080 million and higher than budgeted operating expenses of (\$171,051).

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 March 2019 (Attachment 1).

CARRIED

12. Officers' reports

OCM.057/19 Assembly of Councillors

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Alena Spry, Governance Officer

Summary

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary 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 26 March 2019.

An Assembly of Councillors record was kept for:

- Economic Development Advisory Committee – 20 February 2019;
- Arts Advisory Committee – 18 March 2019;
- Councillor Briefing Session – 19 March 2019;
- Municipal Fire Management Planning Committee – 20 March 2019;
- Municipal Emergency Management Planning Committee – 20 March 2019;
- Councillor Briefing Session and Pre-meeting to Ordinary Council Meeting – 26 March 2019;
- Positive Ageing Advisory Committee – 4 April 2019;
- Councillor Briefing Session – 9 April 2019;
- Councillor Briefing Session and Pre-meeting to Future Nillumbik Committee – 16 April 2019; and
- Inclusion Advisory Committee and Disability Action Planning Subcommittee – 18 April 2019.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 20 February 2019, 18 March 2019, 19 March 2019, 20 March 2019, 20 March 2019, 26 March 2019, 4 April 2019, 9 April 2019, 16 April 2019 and 18 April 2019 (**Attachment 1**).

CARRIED

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

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

- OCM.058/19 Tender Report - Contract 1819-088 - Yarrambat Oval Floodlighting - Design and Installation of Sportsfield Floodlighting
- OCM.059/19 RFT 1819-63 Provision of Internal Audit Services

CARRIED

12. Officers' reports

OCM.058/19 Tender Report - Contract 1819-088 - Yarrambat Oval Floodlighting - Design and Installation of Sportsfield Floodlighting

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Jake Hart, Road and Drain Maintenance Coordinator

Enrique Gutierrez, Manager Capital Works

Summary

Yarrambat War Memorial Park has sport-field lighting system that does not comply with current Australian Standards. It causes excessive glare and does not provide sufficient light levels for junior AFL competition.

This report is an overview of a separate confidential report recommending the award of a contract for works involving the design and construction of a sports-field LED lighting system for the Yarrambat oval to meet current Australian standards and the decommissioning of the old lighting system.

The Tender Evaluation Panel has assessed all submissions. This report outlines their evaluation and recommendation to award the contract.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the forecast total value of this contract could exceed its specified financial limit 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 Clarke

SECONDED: Cr Jane Ashton

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

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. Awards the contract to Hilite Electrics Pty Ltd for the amount of \$186,975.65 (inclusive of GST) with an additional 20% contingency allowance fund of \$37,395.13 (inclusive of GST) and a provisional sum of \$13,200.00 (inclusive of GST) for Power and Switch Board Upgrade Allowance.

12. Officers' reports

OCM.058/19 Tender Report - Contract 1819-088 - Yarrambat Oval Floodlighting - Design and Installation of Sportsfield Floodlighting

2. Authorises the Chief Executive Officer to finalise and execute the contract documentation and any associated contract variations within the total delegated value.
3. Advises all tenderers accordingly.
4. Makes public the decision regarding this contract but the tender evaluation remain confidential.

CARRIED

12. Officers' reports

OCM.059/19 RFT 1819-63 Provision of Internal Audit Services

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Manager Finance

Lance Clark, Senior Procurement Specialist

Summary

This report is an overview of a separate confidential report that considers the awarding of the contract for the provision of Internal Audit Services.

The existing contract 1314-43 for internal audit services is due to expire on 30 June 2019.

The new contract arrangement will commence on 1 July 2019 with a three-year initial term and a two-year option to extend at the discretion of Council.

The Tender Evaluation Panel has agreed to the results of the evaluation and recommendation to award the contract.

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 Clarke

SECONDED: Cr Jane Ashton

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

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. Resolves to accept the tender submission and enter into a contract for the provision of internal audit services with Pitcher Partners Consulting Pty Ltd based on the schedule of rates based on 600 hours per annum as follows:
 - a) An initial three-year term at a cost of \$219,600.00 (excluding GST). This is based on 600 hours per annum at an hourly rate of \$122.00 (excluding GST);
 - b) A further (optional to Council) two-year term with an hourly rate increase based on the CPI All Groups for Melbourne based on the June period 2020.
2. Authorises the Chief Executive Officer to finalise and execute the contract documents.

12. Officers' reports

OCM.059/19 RFT 1819-63 Provision of Internal Audit Services

3. Delegates the powers and authorisation to the Chief Executive Officer to review and approve the options to extend the contract term for a maximum of two further years.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the tender evaluation remain confidential.

CARRIED

13. Notices of Motion

Nil

14. Delegates' reports

Nil

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

15. Supplementary and urgent business

OCM.062/19 Submission to the Victorian Parliamentary Inquiry into Recycling and Waste Management

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

Council has been invited to make a submission by 10 May 2019 to the Victorian Parliamentary Inquiry into Recycling and Waste Management. This has been prepared for endorsement by Council prior to submission.

The Municipal Association of Victoria are making a submission in addition to individual Council submissions.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr John Dumaresq

That Council:

1. Endorses the Nillumbik Shire Council individual submission to the Victorian Parliamentary Inquiry into Recycling and Waste Management.
2. Requests that any feedback provided by Officers to the Municipal Association of Victoria on their submission be consistent with Nillumbik Shire Council's individual submission.

CARRIED

Attachments

1. Parliamentary Inquiry into Recycling and Waste Management Nillumbik Shire Council Submission

Background

1. The Victorian Parliamentary Environment and Planning Committee is inquiring into the current circumstances in municipal and industrial recycling and waste management, and provide a final report by Tuesday 13 August 2019.
2. Submissions are invited by 10 May 2019 on the crisis in Victoria's recycling and waste management system, partly resulting from the China waste importation ban, including, but not limited to:
 - a) the responsibility of the Victorian government to establish and maintain a coherent, efficient and environmentally responsible approach to solid waste management across the state, including assistance to local councils;
 - b) whether the China National Sword policy was anticipated and responded to properly;

15. Supplementary and urgent business

OCM.062/19 Submission to the Victorian Parliamentary Inquiry into Recycling and Waste Management

- c) identifying short and long-term solutions to the recycling and waste management system crisis, taking into account:
 - i) the need to avoid dangerous stockpiling and ensure recyclable waste is actually being recycle
 - ii) the cleaning and sorting capabilities and the processing capabilities in Victoria and the potential to expand the local recycling industry
 - iii) how to better enable the use of recycled materials in local manufacturing;
 - iv) the existing business model and economic challenges facing the existing industry;
 - v) the quantifiable benefits, including job creation and greenhouse gas emissions reduction, of pursuing elements of a circular economy in Victoria;
 - vi) the existing Sustainability Fund and how it can be used to fund solutions to the waste crisis;
- d) strategies to reduce waste generation and better manage all waste such as soft plastics, compostable paper and pulp, and commercial waste, including, but not limited to:
 - i) product stewardship;
 - ii) container deposit schemes;
 - iii) banning single-use plastics;
 - iv) government procurement policies;
- e) relevant reviews, inquiries and reports into the waste and recycling industry in other Australian jurisdictions and internationally;
- f) any other related matters.

3. The Municipal Association of Victoria is making a submission in addition to Nillumbik Shire Council's individual submission.

Policy context

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Provide waste management service that meet the needs of our community.

Consultation/communication

5. The 2019 Annual Community Survey shows that the fortnightly recycling collection service is rated as one of the most important council services.

Issues/options

6. Council's submission is provided as **Attachment 1**.
7. The key issues identified in the submission are summarised as follows:

15. Supplementary and urgent business

OCM.062/19 Submission to the Victorian Parliamentary Inquiry into Recycling and Waste Management

- a) There is a need for improved waste data and information collection and collation including waste volumes, waste end products, market pricing and price trends to support decision making
 - b) There is a need for improved and more commercially aware waste policy and strategy linked to broader industry policy with clear roles for implementation
 - c) There is a need for targeted regulation to promote better resource recovery
 - d) Improved investment is required utilising the Landfill Levy to achieve a circular economy for waste products
8. The Nillumbik Shire Council submission also notes the Municipal Association of Victoria submission and their 'Rescue Our Recycling' action plan.

Conclusion

9. A submission by Nillumbik Shire Council to the Victorian Parliamentary Inquiry into Recycling and Waste Management has been prepared for Council endorsement.
10. The endorsed submission will be forwarded to the Victorian Parliament by 10 May 2019.

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.060/19 Tender Report – Contract 1819-088 – Yarrambat Oval Floodlighting – Design and Installation of Sportsfield Floodlighting

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

OCM.061/19 RFT 1819-63 Provision of Internal Audit Services

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) 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 9:19pm.

The meeting re-opened at 9:23pm.

Close of Meeting

The meeting closed at 9:24pm.

Confirmed: _____

Cr Karen Egan, Mayor