

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 25 June 2019 commencing at 7:30pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 28 June 2019

Distribution: Public

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Domin je ka

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 25 June 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
Jeremy Livingston	Acting Director Community and Planning
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance and Legal Services
Mitch Grayson	Executive Manager Communications and Engagement
Corrienne Nichols	Executive Manager Community Services
Kylie Lethbridge	Executive Manager Economic Development and Tourism
Jonathan McNally	Manager Community Safety and Amenity
Nichole Johnson	Coordinator Strategic Projects
Geoff Lawler	Strategic Advisor
Leah Farrell	Coordinator Environmental Health Services
Caroline Correa	Coordinator Community Safety
Daniel Sadler	Environmental Health Officer
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 Sam Scott, Baptist Minister.

4. Apologies

Nil

5. Presentations

Queen's Birthday Honours List

David Buttner and **Dr Andrew Lemon** appointed Members of the Order of Australia (AM) in the General Division;

Dr Janice Davies and **Douglas Seymour** awarded a Medal of the Order of Australia (OAM) in the General Division; and

Dr Lindy Lumsden awarded a Public Service Medal (PSM).

Russell Yeoman received a Certificate of Recognition for his service to the Eltham District Historical Society as Secretary for 50 years.

The Mayor, Cr Karen Egan made the following address:

Russell is an inaugural member of the Shire of Eltham Historical Society established in 1967, which is now known as the Eltham District Historical Society. Initially he was the Assistant Secretary, then since 1969 he has continuously undertaken the role of Secretary, and so in 2019 he celebrates his 50th year in this position.

Without Russell's dedicated voluntary work and commitment, great parts of the cultural and historical heritage of Eltham would have been lost. His unending and tireless effort in preserving, recording, and sharing the history of the Eltham district has benefited past, present and will so future members of our community.

Marion, Russell's wife has been an ongoing supporter and contributor to the Historical Society and her contributions are also highly valued.

Russell's passion and efforts have effectively contributed to the wealth of knowledge and resources now held by the Eltham District Historical Society. Indeed, a remarkable achievement. Congratulations Russell.

Russell thanked Council, and a photo was taken with the Mayor.

Lauren Jatczak (Edendale Ward) received \$150 as a contribution for her selection to represent School Sport Victoria at the School Sport Australia U15 Girls Australian Football Championship in Tasmania.

Lauren thanked Council.

Olivia Bandera (Swipers Gully Ward) received \$150 as a contribution for her selection to represent School Sport Victoria at the School Sport Australia U15 Girls Australian Football Championship in Tasmania.

Olivia thanked Council.

Emma Rao (Bunjil Ward) received \$150 as a contribution for her selection to represent Victoria at the School Sport Australia Swimming Championships where she will be competing in 4 individual events.

Emma thanked Council.

A photo of Lauren, Olivia and Emma was taken with Cr John Dumaresq, Cr Bruce Ranken and the Mayor, Cr Karen Egan.

Nillumbik Shire Council wishes Lauren, Olivia and Emma every success with their future sporting pursuits.

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 28 May 2019.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That the minutes of the Ordinary Council Meeting held on Tuesday 28 May 2019 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Carlota Quinlan asked Council:

At a recent Ward Meeting, the Ward Councillor commented on the amount of road traffic through Eltham caused by residents needing to leave Nillumbik for employment purposes, and that more workplaces should be encouraged in the Shire. Council is the major employer in Nillumbik. Presumably some employees come from adjoining municipalities and further afield. What percentage of Council's employees actually live in Nillumbik?

Response

We currently employ 452 people across a casual, part-time and permanent basis of which 36.95 per cent (167 people) currently reside in the Shire.

John Fecondo asked Council:

I refer to Council's recent decision to abort the proposal to develop the site at 895 and 903-907 Main Road, Eltham with the "development industry" that commenced last year.

1. Can you please provide details of the total cost of the project to ratepayers from inception to now and if there is any further expenditure required with a justification for the money spent to date?

Response

This will be taken on notice and responded directly by the CEO.

2. Is Council liable for any of the draft project design costs or any other costs incurred by any of the parties who expressed initial interest in this project?

Response

Council is not liable for any of the project design costs or any other costs incurred by the parties who expressed an interest in the project.

10. Reports of Advisory Committees

AC.006/19 Advisory Committee Report

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance and Legal Services

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.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Jane Ashton

That Council notes the Living & Learning Nillumbik Advisory Committee meeting minutes held on 29 May 2019.

CARRIED

11. Reports of Special Committees

12. Officers' reports

OCM.081/19 Draft Green Wedge Management Plan 2019 for public consultation

Distribution: Public

Manager: Jeremy Livingston, Acting Director Community and Planning

Author: Nichole Johnson, Coordinator Strategic Projects
 Geoff Lawler, Strategic Advisor

Summary

This report presents the Draft Green Wedge Management Plan 2019 (Draft GWMP) (**Attachment 1**) for Council's consideration prior to wider community consultation.

The Draft GWMP is proposed to replace the existing *Nillumbik Green Wedge Management Plan 2010-2025* and has resulted from inputs by various sources. This includes Council's response to the recommendations of the Community Panel majority report, Victorian Government guidelines, the extensive community engagement program and relevant Council policies and strategies, including the draft Bushfire Mitigation Strategy. Consideration has also been given to a minority report from five members of the Community Panel.

The Draft GWMP is proposed to provide direction over the next decade and includes a vision, principles, goals, objectives and key actions.

Community consultation on the Draft GWMP is scheduled for 1 July 2019 to 11 August 2019 (6 weeks). Council will receive feedback and submissions on the Draft GWMP at the 10 September 2019 Future Nillumbik Committee prior to considering adoption of the final plan at the 29 October 2019 Ordinary Council Meeting.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

That Council:

1. Endorses the Draft Green Wedge Management Plan 2019 (**Attachment 1**) for public consultation which will occur for 6 weeks, ending 11 August 2019.
2. Endorses the proposed consultation process (**Attachment 2**).

CARRIED

12. Officers' reports**OCM.083/19 Fireworks Local Law**

Distribution: Public**Manager: Jeremy Livingston, Acting Director Community and Planning****Author: Jonathan McNally, Manager Community Safety and Amenity****Summary**

Private fireworks displays in rural areas have created considerable community interest in recent years. Most recently, a display was held as part of a private function in St Andrews which resulted in considerable community angst due to the timing of the event during the declared fire danger period, and the impact that fireworks have on livestock and wildlife on surrounding properties.

A report was presented to Council in February 2019 which presented options available to Council in order to regulate the display of fireworks within the rural areas of the Shire. At the 26 February 2019 Ordinary Council Meeting, Council determined it would proceed with the development of a new Fireworks Local Law focusing on regulating displays on private land only, outside of the Urban Growth Boundary (UGB).

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.

This report presents two options for a proposed Fireworks Local Law. The first option would introduce a permit requirement for fireworks displays on private land outside of the UGB (i.e. rural land). The second option would create an outright prohibition of fireworks displays on private land outside of the UGB.

Community consultation on both versions of the proposed local law is recommended in order to ensure the most appropriate controls are put in place.

Council Resolution

MOVED: Cr Peter Clarke**SECONDED: Cr Jane Ashton****That Council:**

1. Endorses the draft Fireworks Local Law (**Attachment 1**) and draft Prohibition of Fireworks Local Law (**Attachment 2**) for public consultation, in accordance with Section 223 of the *Local Government Act 1989*.
2. Endorses the Fireworks Local Law Community Impact Statement (**Attachment 3**), in accordance with Section 223 of the *Local Government Act 1989*.

CARRIED

Nichole Johnson, Coordinator Strategic Projects and Geoff Lawler, Strategic Advisor left the meeting at 8:07pm at the commencement of the above item.

12. Officers' reports

OCM.084/19 Domestic Wastewater Management Plan 2019-2023

Distribution: Public

Manager: Jeremy Livingston, Acting Director Community and Planning

Author: Leah Farrell, Coordinator Environmental Health Services

Jonathan McNally, Manager Community Safety and Amenity

Summary

Under State Environment Protection Policy (SEPP) Waters, Council is required to develop and regularly review a Domestic Wastewater Management Plan (DWMP). This Plan outlines Council's program for managing septic tank systems across the Shire. The Plan has been developed in consultation with Yarra Valley Water (YVW), the community and other relevant stakeholders.

The DWMP 2019-2023 has been developed and is now ready for adoption.

Recommendation

That Council:

1. Endorses the Domestic Wastewater Management Plan 2019-2023 (**Attachment 1**) and Background Paper (**Attachment 2**).
2. Instructs officers to commence implementation of the plan.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Endorses the Domestic Wastewater Management Plan 2019-2023 (**Attachment 1**) and Background Paper (**Attachment 2**).
2. Instructs officers to commence implementation of the plan.
3. **Requests that Yarra Valley Water provide to Council a schedule of implementation dates of sewer access to the balance of the Shire impacted by septic systems.**

12. Officers' reports

OCM.084/19 Domestic Wastewater Management Plan 2019-2023

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. Endorses the Domestic Wastewater Management Plan 2019-2023 (**Attachment 1**) and Background Paper (**Attachment 2**).
2. Instructs officers to commence implementation of the plan.
3. Requests that Yarra Valley Water provide to Council a schedule of implementation dates of sewer access to the balance of the Shire impacted by septic systems.

CARRIED

Jonathan McNally, Manager Community Safety and Amenity, Caroline Correa, Coordinator Community Safety, Leah Farrell, Coordinator Environmental Health Services and Daniel Sadler, Environmental Health Officer left the meeting at the conclusion of the above item at 8:30pm.

12. Officers' reports

OCM.085/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022

Distribution: Public

Manager: Kylie Lethbridge, Executive Manager Economic Development and Tourism

**Author: Michelle Zemancheff, Coordinator Arts and Cultural Development
Clare Leporati, Public and Participatory Arts Officer**

Summary

Creative life is synonymous with the culture of the Shire of Nillumbik from the early Australian Impressionists to the establishment of artist communities at Montsalvat and Dunmoochin. These legacies continue to strengthen with professional artists representing Nillumbik at local, regional and international levels.

Nillumbik Shire Council actively commissions contemporary public artworks that speak to Nillumbik's culture and the Nillumbik Shire Art Collection currently houses 15 significant public art works. Council also supports the development and implementation of public art through partnerships with community groups and individuals.

As the owner of open space, built infrastructure and facilities, Council has an opportunity to utilise its public spaces for creative expression, which includes the installation of public artworks.

The draft Nillumbik Shire Public Art Policy 2019-2022 and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 are key actions under the Arts and Cultural Plan 2018-2022, and are now presented to Council.

Recommendation

That Council:

1. Endorses the draft Nillumbik Shire Public Art Policy 2019-2022 (**Attachment 1**) and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 (**Attachment 2**).
2. Instructs officers to:
 - a) Place the draft Nillumbik Shire Public Art Policy 2019-2022 and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 on public exhibition for a period of three weeks for the purpose of community consultation; and
 - b) Report to Council on the results of the community consultation process.

12. Officers' reports

OCM.085/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022

Motion

MOVED: Cr Grant Brooker

SECONDED: Cr Jane Ashton

That Council:

1. Endorses the draft Nillumbik Shire Public Art Policy 2019-2022 (**Attachment 1**) and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 (**Attachment 2**).
2. Instructs officers to:
 - a) Place the draft Nillumbik Shire Public Art Policy 2019-2022 and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 on public exhibition for a period of three weeks for the purpose of community consultation; and
 - b) Report to Council on the results of the community consultation process.
 - c) **Report to Council on benchmarking with Victorian Councils on percent for art policies.**

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

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Jane Ashton

That Council:

1. Endorses the draft Nillumbik Shire Public Art Policy 2019-2022 (**Attachment 1**) and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 (**Attachment 2**).
2. Instructs officers to:
 - a) Place the draft Nillumbik Shire Public Art Policy 2019-2022 and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 on public exhibition for a period of three weeks for the purpose of community consultation; and
 - b) Report to Council on the results of the community consultation process.
 - c) Report to Council on benchmarking with Victorian Councils on percent for art policies.

CARRIED

Mitch Grayson, Executive Manager Communications and Engagement temporarily left the meeting during discussions of the above item at 8:43pm, and returned at 8:49pm.

12. Officers' reports

OCM.085/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022

Hjalmar Philipp, Director Operations and Infrastructure and Kylie Lethbridge, Executive Manager Economic Development and Tourism temporarily left the meeting during discussions of the above item at 8:53pm, and returned at 8:55pm.

Vince Lombardi, Chief Financial Officer temporarily left the meeting during discussions of the above item at 8:53pm, and returned at 8:58pm.

Mitch Grayson, Executive Manager Communications and Engagement left the meeting during discussions of the above item at 8:55pm.

12. Officers' reports

OCM.086/19 Nillumbik Shire Art Collection Policy 2019-2022 and Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022

Distribution: Public

Manager: Kylie Lethbridge, Executive Manager Economic Development and Tourism

Author: Michelle Zemancheff, Coordinator Arts and Cultural Development
Grace Longato, Curator and Creative Industries Officer

Summary

Nillumbik Shire Council values the interpretation of the Shire's local culture and heritage as expressed through the arts. As such, Council actively collects contemporary and modernist artworks of excellence that reflect our artistic heritage and local culture.

The Nillumbik Shire Art Collection supports the development and growth of creative and cultural industries through the acquisition of indoor visual and outdoor public artworks of excellence, and the acquisition of significant heritage items and civic objects.

The Nillumbik Shire Art Collection is a public collection, and a Council asset and as such there is an imperative to ensure return on investment to Council in its acquisitions.

The review of the Nillumbik Shire Art Collection 2014-2017 is Council Plan priority action and a key action of the Arts and Cultural Plan 2018-2022.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

That Council:

1. Endorses the draft Nillumbik Shire Art Collection Policy 2019-2022 (**Attachment 1**) and the draft Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022 (**Attachment 2**).
2. Instructs officers to:
 - a) Place the draft Nillumbik Shire Art Collection Policy 2019-2022 and the draft Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022 on public exhibition for a period of three weeks for the purpose of community consultation; and
 - b) Report to Council on the results of the community consultation process.

CARRIED

12. Officers' reports

OCM.087/19 Regional Gallery Feasibility Study

Distribution: Public

Manager: Kylie Lethbridge, Executive Manager Economic Development and Tourism

Author: Michelle Zemancheff, Coordinator Arts and Cultural Development

Summary

Nillumbik Shire Council is committed to investing in the arts through strategic objective two of the Council Plan 2017-2021; *Active lifestyles and artistic expression are fostered through participation and innovation.*

This strategic objective is augmented by the Arts and Cultural Plan 2018-2022, which talks to the objective through three goals:

1. Public and participatory arts as an everyday experience;
2. Develop and grow creative and cultural industries; and
3. Support and promote arts and cultural activities that maximise access.

A priority action of the Council Plan 2017-2021 is to attract external funding for the development of a gallery of regional significance. The Regional Gallery Feasibility Study (feasibility study) is the first step in attracting that funding.

The next step in the process, which is facilitated by the 2019/2020 draft budget is to undertake the business case and master planning that will ultimately be required to attract state, federal or private sector funding for major capital works.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Endorses the findings of the draft Nillumbik Regional Art Gallery Feasibility Study Report (**Attachment 1**).
2. Instructs officers to:
 - a) Place the draft Nillumbik Regional Art Gallery Feasibility Study Report on public exhibition for a period of three weeks for the purpose of community consultation; and
 - b) Report to Council on the results of the community consultation process.

CARRIED

12. Officers' reports

OCM.088/19 Yarra Plenty Regional Library Service Meeting Procedure
(Amendment) Local Law 2018

Distribution: Public

Manager: Jeremy Livingston, Acting Director Community and Planning

Author: Corrienne Nichols, Executive Manager Community Services

Summary

The draft Yarra Plenty Regional Library Meeting Procedure (Amendment) Local Law 2018 authorises the Yarra Plenty Regional Library Board (the Board) to make resolutions out-of-session in extraordinary circumstances or to meet major opportunities. This Amendment has been endorsed by the Board which now seeks ratification of this Local Law by Council to then allow for it to be passed and operationalised.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council resolves to ratify the draft Yarra Plenty Regional Library Meeting Procedure (Amendment) Local Law 2018 (**Attachment 1**) to allow for out-of-session resolutions to be made.

CARRIED

12. Officers' reports

OCM.089/19 Amendment to 2019 Council and Committee meeting commencement times

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance and Legal Services

Author: Katia Croce, Governance Lead

Summary

At the Statutory Council Meeting held on 31 October 2018, Council resolved to establish a meeting schedule for Future Nillumbik Committee and Ordinary Council Meetings for the 2019 calendar year. The meeting schedule states the commencement of each meeting as being 7:30pm. This report seeks to amend the meeting schedule so that the remainder of meetings held in the 2019 calendar year commence at 7:00pm.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Resolves to amend the times of the current Council and Committee meeting schedule for the remainder of 2019, so that all Future Nillumbik Committee and Ordinary Council Meetings commence at 7:00pm.
2. Requests that in accordance with section 89(4) of the *Local Government Act 1989*, the Chief Executive Officer advertises the revised Council and Committee meeting schedule in the local newspaper and on Council's website.

CARRIED

12. Officers' reports**OCM.090/19 Council Plan 2017-2021 annual review and Annual Plan 2019-2020**

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer****Author: Jeremy Livingston, Executive Manager Transformation and Performance****Summary**

Presented for consideration is the draft Annual Plan 2019-2020. This Plan consists of a list of 40 key actions that Council will undertake during the 2019-2020 financial year to demonstrate in a practicable and tangible way how the Council Plan is being delivered to the community.

The draft Annual Plan 2019-2020 has been developed in line with the Annual Budget process and has taken into consideration Council priorities, major initiatives and service improvements. It is recommended that the Annual Plan 2019-2020 be adopted with reporting updates received following every quarter.

This report also includes the annual review of the Council Plan 2017-2021. The annual review is a legislated requirement of the *Local Government Act 1989* (the Act). Council has made solid progress with delivering the 117 priority actions outlined in the Council Plan, and it is therefore recommended that the Council Plan 2017-2021 remain unchanged.

Council Resolution

MOVED: Cr Peter Clarke**SECONDED: Cr Bruce Ranken****That Council:**

1. Adopts the 40 actions outlined in the draft Annual Plan 2019-2020 (**Attachment 1**) and receives quarterly updates on its progress.
2. Having reviewed the Council Plan 2017-2021 in accordance with section 125(7) of the *Local Government Act 1989*, reaffirms the existing Strategic Objectives, Strategies, Priority Actions and Strategic Indicators.
3. Notes Council's performance over the past two years with respect to the strategic indicators outlined in the Council Plan (**Attachment 2**).
4. Notes that reference in Action 1.1.1 of the Council Plan to 'end of 2018' (updated by resolution at the 26 June 2018 Ordinary Council Meeting to 'end of 2019') is no longer relevant given the adjusted timeframes and delivery of this action.

CARRIED

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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

- OCM.091/19 Audit and Risk Committee meeting May 2019
- OCM.092/19 Audit and Risk Committee Reappointment

CARRIED

12. Officers' reports

OCM.091/19 Audit and Risk Committee meeting May 2019

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Manager Finance

Summary

In accordance with section 139 of the *Local Government Act 1989* and good governance principles, Councils must have an Audit and Risk Committee.

As resolved at the 26 February 2019 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Ordinary Council Meeting.

The Audit and Risk Committee met on 27 May 2019. The minutes for the meeting are shown in **Attachment 1**.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council notes the minutes of the Audit and Risk Committee meeting held on 27 May 2019.

CARRIED

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

12. Officers' reports

OCM.092/19 Audit and Risk Committee Reappointment

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Manager Finance

Summary

The three-year term of independent member, Mr Gregory Hollyman is due to expire in July 2019.

The *Local Government Act 1989* (the Act) requires each Council to have an Audit and Risk Committee to oversee Council's management of risk, internal controls and financial reporting.

The Committee meets four times each year and the minutes of each meeting are presented to a subsequent Ordinary Council Meeting.

The Audit and Risk Committee comprises of three positions for independent members, and two positions for Councillors (currently Cr Peter Clarke and Cr Bruce Ranken). The position of Chairperson is held by one of the independent members.

It is recommended to extend Mr Hollyman's term for a further three years.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council reappoints Mr Gregory Hollyman as an independent member of the Audit and Risk Committee for a three-year term concluding 30 June 2022 and advises Mr Hollyman accordingly.

CARRIED

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

12. Officers' reports

OCM.093/19 Amendment to the lease term for the provision of computer hardware, peripherals and deployment services for the replacement of desktops and laptops

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Eddie Cheng, Head of IT Operations

Summary

This report recommends an amendment to the report presented at the 25 September 2018 Ordinary Council Meeting, "Provision of computer hardware, peripherals and deployment services for the replacement of desktops and laptops". Upon reviewing the value proposition of a three-year versus a four-year lease term for the financing of Hewlett Packard computer equipment, it is recommended that Council enters into a three-year lease term with Hewlett Packard Financial Services.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Resolves to accept the proposal to enter into a lease contract with Hewlett Packard Financial Services for the financing of Hewlett Packard tablet hardware, peripherals and deployment services up to the value of \$767,541 excluding GST over three years.
2. Authorises the Chief Executive Officer to finalise and execute the contract documents.

CARRIED UNANIMOUSLY

12. Officers' reports

OCM.094/19 Review of Panton Hill Bushland Reserves System User Group

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Brad Tadday, Environmental Works Team Leader

Summary

The Panton Hill Bushland Reserves System (PHBRS) User Group was formed in 2011 to support the implementation of the PHBRS Management Plan. The User Group has representatives from groups with different interests in the activities occurring in the reserves.

The User Group is an Advisory Committee of Council. The third two-year term of the PHBRS User Group Committee concluded in December 2018.

This report seeks endorsement of the amended Terms of Reference and to renew the User Group by inviting expressions of interest from community representatives.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Grant Brooker

That Council:

1. Adopts the amended Panton Hill Bushland Reserves System User Group Draft Terms of Reference (**Attachment 1**).
2. Endorses a public invitation for community representatives to join the Panton Hill Bushland Reserves User Group commencing in July 2019.

CARRIED UNANIMOUSLY

12. Officers' reports

OCM.095/19 Assembly of Councillors

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance and Legal Services

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 Council Meeting 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 28 May 2019.

An Assembly of Councillors record was kept for:

- Councillor Briefing – 21 May 2019;
- Recreation Trails Advisory Committee – 23 May 2019;
- Pre-meeting to Ordinary Council Meeting – 28 May 2019;
- Living and Learning Nillumbik Advisory Committee – 29 May 2019;
- Councillor Briefing – 4 June 2019;
- Positive Ageing Advisory Committee – 7 June 2019; and
- Councillor Briefing and Pre-meeting to Future Nillumbik Committee – 11 June 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 21 May 2019, 23 May 2019, 28 May 2019, 29 May 2019, 4 June 2019, 7 June 2019 and 11 June 2019 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.096/19 1819-119 Marngrook Oval Precinct Power Consolidation

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Alex Stewart, Project Management Officer

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the Marngrook Oval Precinct Power Consolidation.

The works will involve the consolidation of all power meters and subsequent infrastructure to a single Main Switchboard in the Marngrook Oval Precinct. This is a requirement by AusNet Services as part of the Marngrook Oval Pavilion Development.

The Tender Evaluation Panel has assessed all submissions and outlines their evaluation in recommending the awarding of the contract for the Marngrook Oval Precinct Power Consolidation.

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 Bruce Ranken

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 Peter Perkins

SECONDED: Cr Bruce Ranken

That Council:

1. Enters into a contract with Eastern Data & Electric for the Marngrook Oval Precinct Power Consolidation, for the amount of \$426,725.64 (inclusive of GST and 20% contingency).
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.
4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.097/19 Recycling Contract - Amendments to Direct Deed

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Lisa Pittle, Manager Environment
Mikael Ooi, Waste Management Coordinator**

Summary

This report is an overview of a separate confidential report.

Council, together with other participating councils in the Metropolitan Waste and Resource Recovery Group's (MWRRG) collaborative contract C2015/3 with SKM Recycling Pty Ltd (SKM) has been negotiating amended pricing for delivery of recyclables to SKM as a consequence of China's restrictions on imports of foreign waste.

The outcome of the negotiation as determined by the majority of participating councils is presented to Council, noting that Nillumbik voted with the minority to reject the outcome as final. Now that the formal negotiation is complete, the amendment to the Direct Deed between Council and SKM with regard to pricing for delivery of recyclables needs to be executed.

Council Resolution

**MOVED: Cr Jane Ashton
SECONDED: Cr Bruce Ranken**

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 Peter Clarke
SECONDED: Cr Jane Ashton**

That Council:

1. Notes the unsatisfactory outcome of negotiations relating to the second price amendment to the Direct Deed and acknowledges the lack of alternative, competitive options.
2. Authorises the Director Operations and Infrastructure to finalise and execute the Direct Deed.
3. Notes that officers will continue to work with MWRRG to negotiate favourable contract pricing for the period 2021/2022 and subsequent years.

CARRIED

13. Notices of Motion

Nil

14. Delegates' reports

Nil

15. Supplementary and urgent business

Nil

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.098/19 1819-119 Marngrook Oval Precinct Power Consolidation

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

OCM.099/19 Recycling Contract - Amendments to Direct Deed

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 Bruce Ranken

SECONDED: Cr Peter Perkins

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 9:17pm.

The meeting re-opened at 9:19pm.

Close of Meeting

The meeting closed at 9:19pm.

Confirmed: _____

Cr Karen Egan, Mayor