

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 24 September 2019 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 27 September 2019

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 24 September 2019. The meeting commenced at 7:01pm.

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
Corrienne Nichols	Executive Manager Community Services
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Kelly Reaburn	Acting Executive Manager Communications and Engagement
Jonathan McNally	Manager Community Safety and Amenity
Enrique Gutierrez	Manager Capital Works
Heath Gillett	Manager Recreation and Leisure
Ayman William	Transport Coordinator
Fae Ballingall	Acting Strategic Planning Lead
Paul Usatov	Senior Project Manager
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 Steven Rigo, Parish Priest of St Mary's Parish, Greensborough.

The Mayor, Cr Karen Egan welcomed Cr Alison Champion from Banyule City Council to the meeting.

4. Apologies

Nil

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 27 August 2019 and the Special Council Meeting held on Tuesday 10 September 2019.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That the minutes of the Ordinary Council Meeting held on Tuesday 27 August 2019 and the Special Council Meeting held on Tuesday 10 September 2019 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Ben Ramcharan asked Council:

Glyphosate has been linked to cancer and environmental damage but Nillumbik Council continues to use ratepayers' money to pay contractors to spray it throughout the shire, including in Green Wedge areas. Contractors are often unaware of why they are spraying and because of the decision to not put green dye in the glyphosate in Nillumbik, locals are often unaware of areas that have been sprayed.

1. Why was the dye removed?

Response

Council staff and contractors are appropriately trained and qualified in the use of herbicides and are provided with clear instructions for use. They generally use dye to indicate sprayed areas. There are 3 locations where dye is not used because it causes staining of the pavement. These locations are spot sprayed for minor weed infestations on a very limited number of occasions in a year.

2. If Council has examined the non-toxic alternatives, why was the decision made to continue to use glyphosate?

Response

The appropriate regulatory authority regarding use of glyphosate is the Australian Pesticides and Veterinary Medicines Authority who, have the position that, if used according to the product label conditions, glyphosate can continue to be used safely.

Council staff and contractors only use very small quantities of dilute glyphosate as an efficient weed control method in conjunction with other techniques.

Council's systems to safely manage glyphosate have been checked by WorkSafe and have been found to be safe for both the operator and the general public.

Colleen Hackett asked Council:

1. Of the 747 written submissions 80% or more did not approve of Council's draft GWMP. Is the draft plan to be scrapped and if not please explain how the concerns of the majority of submitters will be addressed in the rewrite?
2. Around 16 Nillumbik Scientists have requested a rewrite of the draft GWMP, calling for the inclusion of actions for climate mitigation and environment protection as central themes of the new document. What is your response to these well respected professionals?

Response

Having heard the verbal submissions at FNC on 10 & 11 September, officers are currently working on a revised draft which focuses on the key themes arising from submissions for Council's review and consideration.

Henry Haszler asked Council:

On behalf of Friends of Nillumbik, I note that Nillumbik's Annual Financial Reports indicate that for the years ended 30 June 2017, 2018 and 2019, the total income from rates and charges (less the interest income from rates) was \$62.8 million, \$63.1 million and \$64.8 million respectively. I ask, for each of these amounts:

1. How much of the income came from private households, businesses and other entities with addresses within the Urban Growth Boundaries of the Shire's townships – namely Eltham, Diamond Creek, Hurstbridge, Research, etc?
2. How much came from households, businesses and other entities with addresses outside the Urban Growth Boundaries applicable within Nillumbik but not within the township boundaries that are Township Zone?

Response

Both of these questions are quite complicated and I've taken them on notice and referred them to the Chief Financial Officer to respond to you in writing.

10. Reports of Advisory Committees

AC.009/19 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 Jane Ashton

SECONDED: Cr Grant Brooker

That Council notes the minutes of the following meetings:

- Municipal Emergency Management Planning Committee held on 29 August 2019; and
- Positive Ageing Advisory Committee held on 6 September 2019.

CARRIED

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.142/19 Audit and Risk Committee meeting August 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 12 August 2019. The minutes for the meeting are shown in **Attachment 1**.

Suspension of Standing Orders – 7:11pm

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council suspends standing orders to allow the Chairperson of the Audit and Risk Committee to address the meeting.

Mr John Watson, Chairperson of the Audit and Risk Committee addressed the meeting.

Resumption of Standing Orders – 7:16pm

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council resumes standing orders.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes:

1. The minutes of the Audit and Risk Committee meeting held on 12 August 2019.
2. The report from the Chair of the Audit and Risk Committee, John Watson, on the 2018-2019 activities of the Audit and Risk Committee.

CARRIED

12. Officers' reports

OCM.143/19 Fireworks Local Law

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Jonathan McNally, Manager Community Safety and Amenity

Summary

In 2018, Council commenced investigations 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 display on private property in St Andrews which has resulted in considerable community interest, and a subsequent commitment from Council that it would undertake investigations in terms of regulating this type of activity. These investigations included considerable benchmarking of other councils, and seeking 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*. 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.

Council endorsed the draft Fireworks Local Law and the draft Prohibition of Fireworks Local Law for public consultation at the 25 June 2019 Ordinary Council Meeting. The public consultation period was between 26 June 2019 and 7 August 2019. Council received 49 written submissions.

This report recommends that Council, having received written submissions, determines to adopt the Prohibition of Fireworks Local Law, subject to amendments detailed below.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Jane Ashton

That Council:

1. Adopts the Prohibition of Fireworks Local Law subject to the following amendments:
 - a) Section 5 (*Application of this local law*) of the draft local laws be amended to read:

“This Local Law applies to:

 - (a) *all land outside of the urban growth boundary within the Nillumbik Shire;*
 - and*
 - (b) *all land within the townships of St Andrews and Panton Hill within the Nillumbik Shire.”*
 - b) The map at schedule 1 to the draft local law amended to incorporate the townships of St Andrews and Panton Hill.
2. Instructs officers to implement a communications plan to inform the community of the Prohibition of Fireworks Local Law.

CARRIED

12. Officers' reports**OCM.144/19 Bushfire Mitigation (Fire Prevention) Works Program 2019-2020**

Distribution: Public**Manager: Blaga Naumoski, Executive Manager Governance and Legal Services****Author: Kim Halse, Emergency Management Lead****Summary**

Council makes an annual allocation of funding towards works on Council owned and managed land to prepare for the Fire Danger Period. The annual Bushfire Mitigation (Fire Prevention) Works Program has been developed in consultation with the Municipal Fire Management Planning Committee and includes planned work on roadsides and in Council reserves. The planned works are well underway and are planned to be completed by the end of December 2019 depending on weather conditions.

All Neighbourhood Safer Places (Bushfire Places of Last Resort) are required to be assessed each year by the Country Fire Authority (CFA) and Council is required to record the outcome of these assessments. All sites have been reassessed as being compliant.

Council Resolution

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

1. Notes the Bushfire Mitigation (Fire Prevention) Works Program 2019-2020 (**Attachment 1**).
2. Notes, that as part of the annual review process, the Neighbourhood Safer Places (Bushfire Places of Last Resort) located at:
 - a) Civic Drive, Greensborough, the outdoor performance area
 - b) Diamond Hills Oval, Plenty River Drive, Greensborough
 - c) Collendina Reserve, Greensborough
 - d) Diamond Creek Community Centre, Main Hurstbridge Road, Diamond Creek
 - e) Yarrambat Park, Yarrambat, golf course building
 - f) Circulatory Road, Eltham
 - g) Hurstbridge Basketball Stadium, Graysharps Road, Hurstbridge

have been reassessed by the Country Fire Authority and have been found to still meet the criteria for designation as a Neighbourhood Safer Place (Bushfire Place of Last Resort).

CARRIED

12. Officers' reports

OCM.145/19 2019/2020 Growing Suburbs Funding Applications

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Heath Gillett, Manager Recreation and Leisure

Summary

The State Government has announced the 2019/2020 Growing Suburbs Fund (GSF). This report provides details of proposed projects, financial implications and recommends projects in priority order.

It is recommended officers prepare and submit applications for Growing Suburbs Fund, in the following priority order:

1. Hurstbridge Masterplan implementation
2. Diamond Creek synthetic soccer pitch, running track and pavilion
3. Three additional tennis courts at Eltham Tennis Club
4. Connectivity in Eltham

Officers have engaged with internal departments, community groups, sporting governing bodies and community members to shape project proposals. Feedback has been obtained from State Government representatives.

All projects have strategic links to the Council Plan and Strategies. Securing State funding will enable Council to bring forward the delivery of much needed community infrastructure.

Recommendation

That Council submits grant applications in the following priority order to the 2019/2020 Growing Suburbs Fund:

- a) Hurstbridge Masterplan implementation
- b) Diamond Creek synthetic soccer pitch, running track and pavilion
- c) Three additional tennis courts at Eltham Tennis Club
- d) Connectivity in Eltham.

Motion

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

That Council:

1. Submits grant applications in the following priority order to the 2019/2020 Growing Suburbs Fund:
 - a) Hurstbridge Masterplan implementation
 - b) Diamond Creek synthetic soccer pitch, running track and pavilion
 - c) Three additional tennis courts at Eltham Tennis Club
 - d) Connectivity in Eltham.

12. Officers' reports

OCM.145/19 2019/2020 Growing Suburbs Funding Applications

2. Notes the grant applications are in the process of being finalised and adjustments may still be made by officers to final scope and cost estimates.

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

That Council:

1. Submits grant applications in the following priority order to the 2019/2020 Growing Suburbs Fund:
 - a) Hurstbridge Masterplan implementation
 - b) Diamond Creek synthetic soccer pitch, running track and pavilion
 - c) Three additional tennis courts at Eltham Tennis Club
 - d) Connectivity in Eltham.
2. Notes the grant applications are in the process of being finalised and adjustments may still be made by officers to final scope and cost estimates.

CARRIED

12. Officers' reports

OCM.146/19 Council's Submission to a State Government Discussion Paper: Better Apartments in Neighbourhoods

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Paul Fyffe, Senior Strategic Planner

Fae Ballingall, Acting Strategic Planning Lead

Summary

This report presents Council's submission to the State Government's discussion paper "Better Apartments in Neighbourhoods".

The State Government is developing changes to the planning rules for apartment developments, with a focus on the relationship between new apartment developments and the amenity of existing neighbourhoods.

A discussion paper has been prepared for the project which explores five policy aims for new apartment developments, including the need for greater landscaping and green space, high quality building facades, protection from wind impact, contributing to attractive and engaging streets and finally better managed construction impacts. The discussion paper makes recommendations in relation to each of these areas.

A draft submission (**Attachment 1**) has been prepared. It gives strong support to the intent and recommendations outlined in the discussion paper, and also highlights potential issues or opportunities to further strengthen the existing standards.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Perkins

That Council endorses and submits the draft submission (**Attachment 1**) to the State Government's discussion paper "Better Apartments in Neighbourhoods" by 27 September 2019.

CARRIED

12. Officers' reports

OCM.147/19 Over the Counter Native Vegetation Offset Program

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Kirsten Reedy, Coordinator Environment

Julia Franco, Biodiversity Officer

Summary

1. The purpose of this report is to provide Councillors with information about:
 - a. The Victorian native vegetation offset legislation and system.
 - b. Council's native vegetation offset site in North Warrandyte (Chase Reserve – see **Attachment 1**) and its associated over the counter native vegetation offset program.
 - c. The requirement to review the price for offsets at Chase Reserve, how it has been calculated, and what the associated proposed new prices are. (See **Attachment 2**).
2. In 2017, the Nillumbik over the counter native vegetation offset program was the subject of an internal audit conducted by Crowe Horwath Pty Ltd. The outcome was that the current controls in place over the program are generally adequate. The audit identified some opportunities to reduce identified weaknesses and exposures which have been implemented.
3. In December 2017, the State Government guidelines governing native vegetation removal and associated offsets were revised. The new *Guidelines for the removal, destruction or lopping native vegetation* replaced the previous *Permitted clearing of native vegetation – biodiversity assessment guidelines*.
4. This, together with a shift in market pricing, necessitated a review of Council's offset credit pricing. A new price has been calculated and Council endorsement is sought.
5. In the interim no quotes can be issued to those seeking to purchase their offset credits at the Chase Reserve offset site.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Grant Brooker

That Council:

1. Endorses the sale price (per General Habitat Unit (GHU) and per Species Habitat Unit (SHU)) for the Chase Reserve offset credits.
2. Notes that the price has been adjusted to provide consistency with market rates as well as ensuring that cost recovery and management requirements are met.

CARRIED

Cr Peter Perkins temporarily left the meeting during discussions of the above item at 7:45pm and returned at 7:46pm.

12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Ayman William, Transport Coordinator
Joseph Emmanuel, Manager Infrastructure**

Summary

Council has received significant feedback from trader permit holders within the Eltham CBD precinct regarding limited availability of trader carparking spaces in the Circulatory Road and Dudley Street carparks.

There are a total of 149 businesses in the Eltham CBD precinct with a total supply of 141 car parking spaces in the Circulatory Road and Dudley Street carparks. As of 20 October 2017 a total of 543 trader permits had been issued to the varying businesses for the exclusive use of these spaces.

At the 1 May 2018 Ordinary Council Meeting (OCM), Council resolved to endorse a proposed scheme for the purpose of consultation.

Council officers have considered the feedback and assessed available data, including the parking study completed in April 2018 and historic data relating to issued permits and presented an officer recommendation to Council at the 27 August 2019 OCM.

At the August 2019 OCM, Council resolved an alternative motion with respect to the Eltham Trader Parking Permit Scheme for the purpose of additional consultation with the Eltham Chamber of Commerce and Industry (ECCI).

The ECCI have considered and responded to the alternative motion and this report considers ECCI's response and provides a recommendation.

Recommendation

That Council:

- 1) Endorses the following Eltham Trader Parking Permit Scheme (Scheme) for the Circulatory Road and Dudley Street carparks in the Eltham CBD precinct:
 - a) \$100 per permit for all permits
 - b) No cap is applied per business
 - c) No cap is applied to the total permits available; and
 - d) Businesses at 6-20 Luck Street, 19 Arthur Street and 906 Main Road, Eltham are ineligible for permits.

- 2) Instructs officers to:
 - a) Implement the Scheme no later than 2 December 2019
 - b) Commence negotiations with traders operating from business addresses 6-20 Luck Street, 19 Arthur Street and 906 Main Road, Eltham to create private trader parking permit schemes to allow trader parking within the respective parking areas for these sites

12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

- c) Advise all existing permit holders of the new Scheme and that permits will no longer be valid at the commencement of the new Scheme; and
 - d) Advise all traders in the Eltham CBD precinct of the new Scheme.
- 3) Reviews the Circulatory Road, Dudley Street and private trader parking permit schemes, including consideration of available technology options and requests officers to report to Council prior to December 2020.
 - 4) Implements a technology solution to cater for the casual workforce at the earliest convenience.
 - 5) Delegates the decision to consider altering the hours of operation of the trader parking area to Monday to Friday, 9am to 3pm to the Director of Operations and Infrastructure.

Motion

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Council:

- 1) Endorses the following Eltham Trader Parking Permit Scheme (Scheme) for the Circulatory Road and Dudley Street carparks in the Eltham CBD precinct:
 - a) \$100 per permit for all permits
 - b) No cap is applied per business
 - c) No cap is applied to the total permits available; and
 - d) Businesses at 6-20 Luck Street, 19 Arthur Street and 906 Main Road, Eltham are ineligible for permits.
- 2) Instructs officers to:
 - a) Implement the Scheme **preferably in December 2019**
 - b) Commence negotiations with traders operating from business addresses 6-20 Luck Street, 19 Arthur Street and 906 Main Road, Eltham to create private trader parking permit schemes to allow trader parking within the respective parking areas for these sites
 - c) Advise all existing permit holders of the new Scheme and that permits will no longer be valid at the commencement of the new Scheme; and
 - d) Advise all traders in the Eltham CBD precinct of the new Scheme.
- 3) Reviews the Circulatory Road, Dudley Street and private trader parking permit schemes, including consideration of available technology options and requests officers to report to Council prior to December 2020.
- 4) Implements a technology solution to cater for the casual workforce at the earliest convenience, **preferably at the same time as the annual permit process commences.**

12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

- 5) Delegates the decision to consider altering the hours of operation of the trader parking area to Monday to Friday, 9am to 3pm to the Director of Operations and Infrastructure.

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 the following Eltham Trader Parking Permit Scheme (Scheme) for the Circulatory Road and Dudley Street carparks in the Eltham CBD precinct:
 - a) \$100 per permit for all permits
 - b) No cap is applied per business
 - c) No cap is applied to the total permits available; and
 - d) Businesses at 6-20 Luck Street, 19 Arthur Street and 906 Main Road, Eltham are ineligible for permits.
- 2) Instructs officers to:
 - a) Implement the Scheme preferably in December 2019
 - b) Commence negotiations with traders operating from business addresses 6-20 Luck Street, 19 Arthur Street and 906 Main Road, Eltham to create private trader parking permit schemes to allow trader parking within the respective parking areas for these sites
 - c) Advise all existing permit holders of the new Scheme and that permits will no longer be valid at the commencement of the new Scheme; and
 - d) Advise all traders in the Eltham CBD precinct of the new Scheme.
- 3) Reviews the Circulatory Road, Dudley Street and private trader parking permit schemes, including consideration of available technology options and requests officers to report to Council prior to December 2020.
- 4) Implements a technology solution to cater for the casual workforce at the earliest convenience, preferably at the same time as the annual permit process commences.
- 5) Delegates the decision to consider altering the hours of operation of the trader parking area to Monday to Friday, 9am to 3pm to the Director of Operations and Infrastructure.

CARRIED

12. Officers' reports

OCM.149/19 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 27 August 2019.

An Assembly of Councillors record was kept for:

- Councillor Briefing – 20 August 2019;
- Environment and Sustainability Advisory Committee – 21 August 2019;
- Recreation Trails Advisory Committee – 22 August 2019;
- Municipal Emergency Management Planning Committee – 29 August 2019;
- Councillor Briefing – 3 September 2019;
- Positive Ageing Advisory Committee – 6 September 2019; and
- Arts Advisory Committee – 9 September 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

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 August 2019, 21 August 2019, 22 August 2019, 29 August 2019, 3 September 2019, 6 September 2019 and 9 September 2019 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.150/19 Environment and Sustainability Advisory Committee and Panton Hill Bushland Reserves System User Group membership endorsement

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Kirsten Reedy, Coordinator Environment

Summary

The Environment and Sustainability Advisory Committee (ESAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in initiatives, policies and strategies concerning climate resilience, renewable energy, water, biodiversity and the natural environment, sustainable land management, recycling and waste management, and environmental education and engagement.

The Panton Hill Bushland Reserves System User Group (PHBRSUG) Advisory Committee provides a formal mechanism for Council to consult with the various user groups of these bushland reserves, to encourage an understanding, appreciation, enjoyment and care by the community and the reserve users of the significant natural features, biodiversity, social, educational, recreational and historical values of the Panton Hill bushland reserves.

On 25 June 2019, Council endorsed the revised Terms of Reference for both advisory committees and approved the issue of a public invitation seeking community representatives to nominate to join one or both of the committees.

Nominees for both advisory committees have been sought and received.

Council endorsement of 14 members for ESAC and 9 members for PHBRSUG is now recommended in order to form the advisory committees.

This will require the Terms of Reference of ESAC to be amended to allow for an increase in the maximum number of committee members by an additional two members (i.e. 14 committee members); and the Terms of Reference of PHBRSUG to be amended to allow for one additional committee member (i.e. 9 committee members).

A separate confidential report contains a recommendation to make public the appointment of committee members, but to keep candidate evaluation details confidential and to publicly acknowledge the submissions received and thank each nominee for their expression of interest.

Council Resolution

MOVED: Cr Jane Ashton

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:

12. Officers' reports

OCM.150/19 Environment and Sustainability Advisory Committee and Panton Hill Bushland Reserves System User Group membership endorsement

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

That Council:

1. Endorses the amended Terms of Reference for the Environment and Sustainability Advisory Committee and the Panton Hill Bushland Reserves System User Group Advisory Committee.
2. Endorses the following 14 nominees for appointment to the Environment and Sustainability Advisory Committee:
 - 1) Narelle Campbell
 - 2) Lauren Poulton
 - 3) David Turner
 - 4) Zachary Lombardo
 - 5) Alan Thatcher
 - 6) Elley Thomas
 - 7) Elizabeth Parsons
 - 8) Areej Hashmi-Weyman
 - 9) John Huf
 - 10) Sali Bache
 - 11) John Brenan
 - 12) Carol Jadraque
 - 13) Aidan Somers
 - 14) Andrew Robinson
3. Endorses the following 9 nominees for appointment to the Panton Hill Bushland Reserves System User Group Advisory Committee:
 - 1) Rex Niven
 - 2) Bob West
 - 3) Seth Ferwerda
 - 4) Cath Giles
 - 5) Janice Crosswhite
 - 6) Lee Hartman
 - 7) Sueann Penrose
 - 8) Lydia Heap
 - 9) Mark Hood

12. Officers' reports

OCM.150/19 Environment and Sustainability Advisory Committee and Panton Hill Bushland Reserves System User Group membership endorsement

4. Makes public the appointment of committee members and keeps candidate evaluation details confidential.
5. Publicly acknowledges the submissions received and thanks each nominee for their expression of interest.

CARRIED

12. Officers' reports

OCM.151/19 Diamond Creek Regional Playspace Tender Evaluation Report 1920-3

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Paul Usatov, Senior Project Manager

Summary

This report is an overview of a separate confidential report recommending the awarding Contract 1920-3 for the design and construction of the Diamond Creek Regional Playspace (DCRP).

The contract's objective is the delivery of the design and construction of the playground component of DCRP, located in the Diamond Creek Linear Reserve. The project includes other components such as the integration of the refurbished W Class Historic Tram Café and the upgrade of the Bowling Club carpark.

The Tender Evaluation Panel has assessed all submissions.

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.

A separate confidential report contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

12. Officers' reports

OCM.151/19 Diamond Creek Regional Playspace Tender Evaluation Report 1920-3

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 Peter Clarke

That Council:

1. Enters into a Contract with Ace Landscape Services Pty Ltd for the design and construction of the Diamond Creek Regional Playspace project at Diamond Creek Linear Reserve for the amount of \$1,178,559.46 (inclusive of GST).
2. Authorises the Director Operations and Infrastructure to finalise and execute the corresponding contract documentation and expenditure of the contingency allocated to this contract.
3. Advises all unsuccessful tenderers accordingly.
4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

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.152/19 Environment and Sustainability Advisory Committee and Panton Hill Bushland Reserves System User Group membership endorsement

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.

OCM.153/19 Diamond Creek Regional Playspace Tender Evaluation Report 1920-3

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 8:14pm.

The meeting re-opened at 8:25pm.

Close of Meeting

The meeting closed at 8:25pm.

Confirmed:

Cr Karen Egan, Mayor