

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 26 November 2019 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 29 November 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 26 November 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
Bлага Naumoski	Executive Manager Governance and Legal Services
Melanie Holt	Acting Executive Manager Community Services
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Enrique Gutierrez	Manager Capital Works
Heath Gillett	Manager Recreation and Leisure
Eddie Cheng	Manager Information Technology
Kelly Reaburn	Head of Communications and Marketing
Natalie Town	Senior Communications Officer
Lara Bailey	Communications Officer
Nichole Johnson	Coordinator Strategic Projects
Geoff Lawler	Strategic Advisor
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 Reverend Jonathan Lopez of St Matthews Anglican Church, Panton Hill.

4. Apologies

Nil

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 29 October 2019 and the Special Council Meeting held on Wednesday 30 October 2019.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That the minutes of the Ordinary Council Meeting held on Tuesday 29 October 2019 and the Special Council Meeting held on Wednesday 30 October 2019 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Petition No. 2019-03

A petition containing **15** signatures requests that residents and owners of Lots 1-8 (inclusive) and 29-36 (inclusive) Serenity Place, Diamond Creek be given permission to erect standard timber paling boundary fences.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Jane Ashton

That Council:

1. Receives and notes the petition requesting permission to erect standard timber paling boundary fences to Lots 1-8 (inclusive) and 29-36 (inclusive) Serenity Place, Diamond Creek.
2. Refers this matter to the Executive Manager Planning and Community Safety for investigation and response.
3. Advises the petition organiser accordingly.

CARRIED

Petition No. 2019-04

A petition containing over **1,100** signatures calling on the Nillumbik Shire Councillors to abandon the 'draft' Green Wedge Management Plan and immediately begin actioning the current Green Wedge Management Plan.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Receives and notes the petition calling on the Nillumbik Shire Councillors to abandon the 'draft' Green Wedge Management Plan and immediately begin actioning the current Green Wedge Management Plan.
2. Refers this matter to the Executive Manager Planning and Community Safety.
3. Advises the petition organiser accordingly.

CARRIED

9. Questions from the gallery

Bill Lord asked Council:

1. Given 68 submitters to the draft GWMP had reservations about the “impact of keeping horses or other hard hoofed animals and potential damage to the environment” and officer acknowledged this need by suggesting “Included support for responsible keeping and riding of horses in a manner consistent with environmental protection.” So, I ask why is this not now mentioned in the Key Actions of the latest GWMP where it should be?

Response

Page 37 states that the revised GWMP will inform future strategies.

On page 30 the GWMP states that “Responsible keeping and riding of horses in a manner consistent with environmental protection is important and will be encouraged.” It is expected that this direction will be part of any future Plan.

2. Given officers acknowledge that only 23 of 746 submitters to the draft GWMP expressed support for “keeping of horses” the officers then interpreted this as “Changed action to prepare a Nillumbik Equine Industry and Activity Plan.” So my question is how many of these 23 submissions actually wrote to support a “Nillumbik Equine Industry and Activity Plan” and which submissions were they please?

Response

Council resolved its intention to prepare a plan for equine industry and activity when it approved its Council Plan in 2017. Council Plan action 4.1.5. Through this plan Council will detail how it will recognise and support people engaged with the riding and keeping of horses in the Shire. There were over 1000 responses to the equine survey.

Cindy Allen asked Council:

1. Has this GWMP planned for the potential hazards of floating numerous additional Equine Industry horses out of Nillumbik during Severe Fire Danger periods and what are the measures planned?

Response

The GWMP is not the key document to address issues associated with emergency events and the associated issues that arise of such events.

2. Will recreational horse owners be disadvantaged when Council's limited support and resources are redirected to Equine Industry ventures?

Response

Recreational horse owners do not currently receive any support from Council.

Colleen Hackett asked Council:

1. This GWMP draft's continued attack on the RCZ could lead, if pursued, to further development of housing in the Green Wedge. With climate change influencing catastrophic bushfires in many parts of our country will Council acknowledge the folly of putting more people in harm's way, and, which will at the same time lead to more detriment to the environment??
2. I notice you propose to "advocate for policy reform". Will Council please outline precisely what plans it has to pursue RCZ changes which could allow more development in the Green Wedge and why this draft clearly ignores the objections of a large number of submitters in doing so?

Response

As stated, the revised GWMP does not seek substantial changes to the Nillumbik Planning Scheme and it confirms Council's support for the existing Urban Growth Boundary.

As you very well know this is a state planning issue, not something that Council can change.

It nominates a number of matters for Council advocacy to the State. One of these is to ensure that the right-to-farm should be further enabled on agricultural land currently zoned RCZ. Another is to extend the right-to-rebuild after loss from the 2009 bushfires to future bushfires.

Charlie Stutchbury asked Council:

1. As a local business owner I have concerns about whether sufficient scientific assessment was undertaken to investigate the potential effects (in the medium and long term) of an Equine Industry on Nillumbik's soil profiles. Which professionals undertook this work?
2. Can you make public the economic and environmental modelling relied upon to justify the expansion of an Equine Industry in the GWMP and on RCZ lands?

Response

The GWMP and the RCZ zonings does not advocate for the expansion of the equine industry or the RCZ lands and therefore no scientific assessment or modelling was required. It sought to quantify and gather the existing data of the established equine industry. The GWMP outlines the current context of equine within the green wedge and notes a document, *Equine in Nillumbik*, will be developed.

Greg Johnson on behalf of Friends of Nillumbik asked Council:

1. The Council Plan promises to 'preserve and nurture the natural environment of the Green Wedge for future generations', and Objectives 02.1 and 02.5 of the latest draft seem to support this, so why does the draft again fail to promise effective regulatory action under the Overlay provisions of the Planning Scheme, to achieve this?

Response

As stated in its introduction, the revised GWMP does not seek substantial changes to the Nillumbik Planning Scheme and does not seek any changes to the Environmental Significance Overlay (which is documented at Appendix 3). The revised GWMP nominates nine key actions to give effect to the objectives referred to in the question.

2. Thirty-three submitters to the draft GWMP wanted less regulation in the Green Wedge. Are these the submitters Council hopes to please with its latest draft GWMP?

Response

The draft GWMP to be decided on tonight has been prepared to reflect all of the significant input provided to this review since its inception, from all residents.

Garry Hayes asked Council:

1. Having created a new plan from scratch rather than updating the existing Plan, has this new "Green Wedge Management Plan November 2019" been sent to the State Government's Department of Environment, Land, Water and Planning to seek their comment, and will the Council's adoption of the plan be held over until those comments are considered and acted upon.

Response

DELWP has been kept informed throughout the process of developing the GWMP. The Department provided written feedback of the draft which has been incorporated into this revision. The Department also has been provided with the revised plan and its officers have acknowledged the revised plan picks up on its feedback and will not be providing any further written comments.

2. The Goal 4 summary states – "Continue to develop equine tourism through trail investment". Why does equine seem to feature so heavily when trails are shared by all?

Response

The revised GWMP makes it clear that the Nillumbik trail network is for walking, cycling and horse riding and that one way to develop tourism is through shared trail investment.

And basically because for the last number of years, horses have been ignored.

10. Reports of Advisory Committees

AC.011/19 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 Bruce Ranken

SECONDED: Cr Grant Brooker

That Council notes the minutes of the following meetings:

- Environment and Sustainability Advisory Committee held on 31 July 2019 and 21 August 2019; and
- Positive Ageing Advisory Committee held on 1 November 2019.

CARRIED

Cr Jane Ashton temporarily left the meeting at the conclusion of the above item at 7:20pm and returned at 7:24pm.

The Mayor, Cr Karen Egan adjourned the meeting at 7:21pm due to disruption from the gallery. The meeting resumed at 7:24pm.

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.171/19 Green Wedge Management Plan November 2019

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

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

Summary

Preparation of the Green Wedge Management Plan (GWMP) has been informed by extensive community engagement since April 2018. The draft GWMP was released for community consultation over the six week period of 1 July 2019 to 11 August 2019.

Council received 746 submissions in response to the draft GWMP and Council's Future Nillumbik Committee meeting considered community feedback to the draft. The Committee heard 80 verbal submissions over two nights on 10 and 11 September 2019.

The document has been revised in response to the feedback received.

The purpose of the GWMP is to provide direction for the management of the Green Wedge over the next decade. The Plan includes a vision, principles, goals, objectives and key actions.

Motion

MOVED: Cr Peter Clarke
SECONDED: Cr Jane Ashton

That Council:

1. Adopts the Green Wedge Management Plan November 2019 (**Attachment 1**).
2. Thanks the community for their participation and significant contribution to the review of the Green Wedge Management Plan.

Procedural Motion to extend speakers time limit

In accordance with Clause 8.4.1 of the Meeting Procedure Local Law 2017, a Councillor must not speak longer than the times set out, unless granted an extension by the Chairperson.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Cr Jane Ashton be given an additional two minutes to speak to this item.

CARRIED

12. Officers' reports

OCM.171/19 Green Wedge Management Plan November 2019

Amendment

MOVED: Cr Grant Brooker

SECONDED: Cr John Dumaresq

That Council:

1. Adopts the Green Wedge Management Plan November 2019 (**Attachment 1**) with an amendment to the Vision {draft page 7, Council page 55}

Delete paragraph 1 Green Text

Substitute

“Management of the Nillumbik Green Wedge will lead the way in supporting a vibrant, resilient and diverse community. Environmental protection, biodiversity enhancement, social and economic sustainability will guide decision making.”

2. Thanks the community for their participation and significant contribution to the review of the Green Wedge Management Plan.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Grant Brooker called for a division

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

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

The Mayor, Cr Karen Egan declared the Amendment Lost.

Amendment

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Perkins

That Council:

1. Adopts the Green Wedge Management Plan November 2019 (**Attachment 1**) with an amendment to Principles - 10. Sustainability and the precautionary principle {draft page 8, Council page 56}

Add to the final sentence “even when full scientific certainty of such harm is lacking”.

2. Thanks the community for their participation and significant contribution to the review of the Green Wedge Management Plan.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Grant Brooker called for a division

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

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

The Mayor, Cr Karen Egan declared the Amendment Lost.

12. Officers' reports

OCM.171/19 Green Wedge Management Plan November 2019

Amendment

MOVED: Cr Grant Brooker

SECONDED: Cr John Dumaresq

That Council:

1. Adopts the Green Wedge Management Plan November 2019 (**Attachment 1**) with an amendment to **Action 2.13 {draft page 24, Council page 72}**.

Delete from “balance amenity uses of our waterways with environmental considerations and balance demand for public and private use of water flows through extraction and diversion with broader community and environmental considerations.”

2. Thanks the community for their participation and significant contribution to the review of the Green Wedge Management Plan.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Grant Brooker called for a division

For: Cr Grant Brooker and Cr John Dumaresq

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

The Mayor, Cr Karen Egan declared the Amendment Lost.

Amendment

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Perkins

That Council:

1. Adopts the Green Wedge Management Plan November 2019 (**Attachment 1**) **however delete Key Action 4.10 {draft page 32, Council page 80}**.

2. Thanks the community for their participation and significant contribution to the review of the Green Wedge Management Plan.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Grant Brooker called for a division

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

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

The Mayor, Cr Karen Egan declared the Amendment Lost.

12. Officers' reports

OCM.171/19 Green Wedge Management Plan November 2019

Amendment

MOVED: Cr Peter Perkins
SECONDED: Cr John Dumaresq

That Council:

1. Adopts the Green Wedge Management Plan November 2019 (**Attachment 1**) with an amendment to the Vision {draft page 7, Council page 55}
Delete "rural" and add "Diamond Creek" to the last paragraph in the left column.
2. Thanks the community for their participation and significant contribution to the review of the Green Wedge Management Plan.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

The Mayor, Cr Karen Egan declared the Amendment Lost.

THE MOTION BEFORE THE CHAIR IS AS FOLLOWS:

Motion

MOVED: Cr Peter Clarke
SECONDED: Cr Jane Ashton

That Council:

1. Adopts the Green Wedge Management Plan November 2019 (**Attachment 1**).
2. Thanks the community for their participation and significant contribution to the review of the Green Wedge Management Plan.

Procedural Motion to extend speakers time limit

In accordance with Clause 8.4.1 of the Meeting Procedure Local Law 2017, a Councillor must not speak longer than the times set out, unless granted an extension by the Chairperson.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr John Dumaresq

That Cr Peter Perkins be given an additional minute to speak to this item.

CARRIED

Council Resolution

MOVED: Cr John Dumaresq
SECONDED: Cr Bruce Ranken

That Cr Peter Clarke be given an additional minute to speak to this item.

CARRIED

12. Officers' reports

OCM.171/19 Green Wedge Management Plan November 2019

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. Adopts the Green Wedge Management Plan November 2019 (**Attachment 1**).
2. Thanks the community for their participation and significant contribution to the review of the Green Wedge Management Plan.

CARRIED

Cr Grant Brooker called for a division

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

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

The Mayor, Cr Karen Egan declared the Motion Carried.

Cr Jane Ashton temporarily left the meeting at the conclusion of the above item at 8:41pm and returned at 8:43pm.

12. Officers' reports

OCM.172/19 Digital Business Transformation - Digital Project Funding

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Eddie Cheng, Manager Information Technology

Summary

This report seeks Council’s approval to fund digital projects.

Council has embarked on a digital business transformation with the focus of improving and modernising the platforms through which services are delivered and information is held.

As part of the digital business transformation project, investment in IT systems is required for council to be able to meet community needs into the future. Access to the funds in the Defined Benefits and Debt reserve will enable the continuation of digital projects towards the overall digital business transformation.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Authorises the release of the funds in the amount of \$856,821.21 held in the Debt reserve for digital business transformation projects.
2. Authorises the release of the funds in the amount of \$1,455,053 held in the Defined Benefits reserve for digital business transformation projects.
3. Refers \$738,125.79 for consideration as part of the 2020-2021 budget process to fund digital business transformation projects.
4. Notes subsequent authorisation for proposed expenditure on projects will be sought from Council reflective of the procurement policy and sub delegation of authority.

CARRIED

Nichole Johnson, Coordinator Strategic Projects and Geoff Lawler, Strategic Advisor left the meeting at the conclusion of the above item at 8:54pm.

12. Officers' reports

OCM.173/19 Yarra Plenty Regional Library - Opening Hours Review

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Community Services

Author: Corrienne Nichols, Executive Manager Community Services

Summary

The purpose of this report is to present the Libraries Alive! Opening Hours Review and recommendations for Council's consideration.

At the request of the Board, Yarra Plenty Regional Library (YPRL) has undertaken both an internal staff consultation and community consultation through in-branch feedback and an online survey (refer **Attachment 1**). 1,923 responses were received.

Based on community feedback, staff consultation, and cost considerations, YPRL is proposing two options for extending its opening hours to better meet community demand.

YPRL is seeking additional financial contribution from Member Councils with a decision needing to be communicated to YPRL by December 2019.

Recommendation

That Council:

1. Receives the Libraries Alive! Opening Hours Review (**Attachment 1**).
2. Endorses Option 1 as recommended in the review:-

Option 1

- 9am opening at all branches, increased evening hours and full day Sunday openings at the 1 main library in each Local Government Area (LGA) branches
- It is also proposed that the remaining branches close at 8pm not 8.30pm
- 9am opening at all branches, increased evening hours and full day Sunday openings at the 1 main library in each LGA branches
- It is also proposed that the remaining branches close at 8pm not 8.30pm
- This represents a 10.4 per cent increase in our current opening hours for a 3.1 per cent increase in Council contributions for a total increase of \$385,746 across the region.

OR

3. Endorses Option 2 as recommended in the review:-

Option 2

- 9am opening at all branches, increased evening hours at 1 main library and no extension of Sunday hours
- It is also proposed that the remaining branches close at 8pm not 8.30pm
- This represents an 8.6 per cent increase in our current opening hours for a 2.3 per cent increase in Council contributions of \$286,501 across the region.

12. Officers' reports

OCM.173/19 Yarra Plenty Regional Library - Opening Hours Review

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Receives the Libraries Alive! Opening Hours Review (**Attachment 1**).
2. Endorses Option 1 with the following:
 - 9am opening at all branches, increased evening hours and full day Sunday openings at the 1 main library in each Local Government Area (LGA) branches.
 - It is also proposed that the remaining branches close at 8pm not 8.30pm.
 - This represents a 10.4 per cent increase in our current opening hours for a 3.1 per cent increase in Councils' contributions for a total increase of \$385,746 across the region of which Nillumbik's contribution is \$84,501.
 - Council retains the half hour in Diamond Valley Library.
 - That Council will seek a review of the implementation of this proposal within 12 months of implementation.

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 Libraries Alive! Opening Hours Review (**Attachment 1**).
2. Endorses Option 1 with the following:
 - 9am opening at all branches, increased evening hours and full day Sunday openings at the 1 main library in each Local Government Area (LGA) branches.
 - It is also proposed that the remaining branches close at 8pm not 8.30pm.
 - This represents a 10.4 per cent increase in our current opening hours for a 3.1 per cent increase in Councils' contributions for a total increase of \$385,746 across the region of which Nillumbik's contribution is \$84,501.
 - Council retains the half hour in Diamond Valley Library.
 - That Council will seek a review of the implementation of this proposal within 12 months of implementation.

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.174/19 Audit and Risk Committee meeting November 2019
- OCM.175/19 Council Plan Quarterly Performance Report

CARRIED

12. Officers' reports

OCM.174/19 Audit and Risk Committee meeting November 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 11 November 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 11 November 2019.

CARRIED

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

12. Officers' reports

OCM.175/19 Council Plan Quarterly Performance Report

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business 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 Quarterly Performance Report provides the first update on delivery progress and performance of the 2019-2020 Annual Plan priority actions, which aligns to delivery of the Council Plan 2017-2021.

Of the 40 actions in the 2019-2020 Annual Action Plan, 35 are "On track", four are "Yet to commence" and one is "Business-As-Usual/ongoing".

The year's performance against the delivery of the Council Plan will be published in the Annual Report 2019-2020, which will be presented to the Minister for Local Government before 30 September 2020.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the first quarter, being the period ending 30 September 2019.
2. Notes the progress and status of the five actions which were not completed in the 2018-2019 Annual Action Plan, and which have subsequently been re-scoped or rescheduled to now be delivered in the 2019-2020 financial year (**Attachment 2**).

CARRIED

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

12. Officers' reports

OCM.176/19 Renewable Energy Generation Feasibility Update

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Paul Usatov, Senior Project Manager

Summary

A study exploring the feasibility of developing a solar energy generation facility (solar farm) at the former Plenty and Kangaroo Ground landfill sites has been completed. It indicated that there are no fundamental impediments to developing a solar farm at either site, with Plenty being the most feasible and preferred site.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

That Council:

1. Seeks offers from the market to develop a solar farm at the former landfill on Yan Yean Road, Plenty.
2. Continues to explore opportunities to incorporate a community investor element in the solar farm development.

CARRIED

12. Officers' reports

OCM.177/19 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 29 October 2019.

An Assembly of Councillors record was kept for:

- Panton Hill Bushland Reserves System User Group Advisory Committee – 17 October 2019;
- Arts Advisory Committee – 21 October 2019;
- Councillor Briefing – 22 October 2019;
- Meeting with Department of Education and Best Chance – 29 October 2019;
- Councillor Briefing and Pre-meeting to Ordinary Council Meeting – 29 October 2019; and
- Councillor Briefing and Pre-meeting to Future Nillumbik Committee – 12 November 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the assemblies of Councillors held on 17 October 2019, 21 October 2019, 22 October 2019, 29 October 2019, 29 October 2019 and 12 November 2019 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.178/19 1920-020 Eltham Lower Park Back Oval Flood Lighting - Design and Construct

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Alex Stewart, Project Management Officer
Lance Clark, Senior Procurement Specialist**

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the design and construct of the Eltham Lower Park Back Oval Flood Lighting.

The works will involve removal of existing redundant flood lights and construction of four new flood light poles. The new floodlighting will provide 200 Lux average across the existing Lacrosse field.

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

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 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 decision public:

Council Resolution

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

1. Enters into a Contract with Eastern Data & Electrical for the Eltham Lower Park Back Oval Flood Lighting project, for the amount of \$244,188.31 (inclusive of GST), plus a 10 per cent contingency.
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.
4. Makes public the Council resolution but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.179/19 Tender Report - Supply and Delivery of a 13,000 litre water tanker truck as a single unit (Contract number 1415-30 MAV Vendor Panel, VP152899)

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Vladimir Mistic, Acting Coordinator Road and Drain Maintenance

Summary

This report is an overview of a separate confidential report recommending the awarding of a contract for supply and delivery of a 13,000 litre water tanker truck.

This water tanker is proposed to replace an existing road maintenance vehicle and its replacement is like-for-like and consistent with the scheduled timing and funding provided within Council's 10 year plant replacement program.

The water tanker was tendered through the National Procurement Network (NPN) Register of Prequalified Supplier for the supply of Specialised Trucks and Bodies (Contract number 1415-30 MAV Vendor Panel, VP152899).

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

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 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 decision public:

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Enters into a contract with Isuzu Australia Ltd for the supply and delivery of an Isuzu FXZ 240 fitted with a 13,000 litre Allquip water tanker (Contract number 1415-30 MAV Vendor Panel, VP152899) for the amount of \$322,190 inclusive of GST.
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.

12. Officers' reports

OCM.179/19 Tender Report - Supply and Delivery of a 13,000 litre water tanker truck as a single unit (Contract number 1415-30 MAV Vendor Panel, VP152899)

4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.180/19 Quarterly Risk and Insurance Report

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig Commene, Risk and Safety Lead

Summary

This report provides a summary of Council's Risk and Insurance Report for the quarter ending September 2019.

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

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

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

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 decision public:

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

That Council:

1. Notes the summary of the confidential Quarterly Risk and Insurance Report for the quarter ending September 2019.
2. Resolves that the Report remains confidential in accordance with sections 77 and 89(2) of the *Local Government Act 1989*.
3. Resolves to make the resolution of Council public.

CARRIED

13. Notices of Motion

Nil

14. Delegates' reports

Nil

15. Supplementary and urgent business

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.181/19 1920-020 Eltham Lower Park Back Oval Flood Lighting - Design and Construct

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

OCM.182/19 Tender Report - Supply and Delivery of a 13,000 litre water tanker truck as a single unit (Contract number 1415-30 MAV Vendor Panel, VP152899)

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

OCM.183/19 Quarterly Risk and Insurance Report

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

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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 9:20pm.

The meeting re-opened at 9:24pm.

Close of Meeting

The meeting closed at 9:24pm.

Confirmed: _____

Cr Karen Egan, Mayor