

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 17 December 2019 commencing at 7:00pm.

Agenda

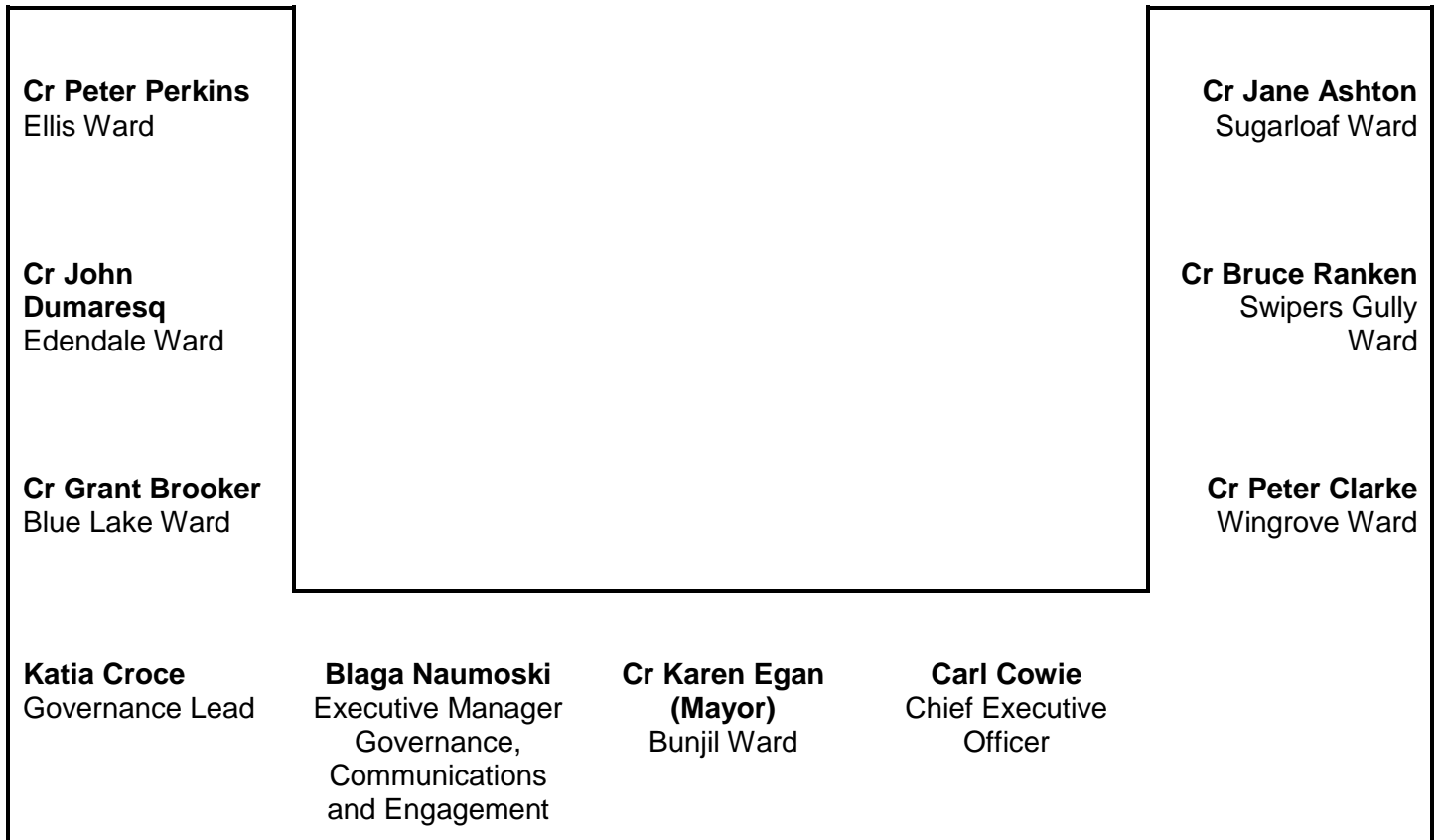
Carl Cowie
Chief Executive Officer

Friday 13 December 2019

Distribution: Public

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Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held
Tuesday 17 December 2019 commencing at 7:00pm.**

1. Welcome by the Mayor

Members of the public are advised the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

2. Reconciliation statement

The reconciliation statement to be read by the Mayor

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

3. Prayer

A prayer will be read.

4. Apologies

Recommendation

That the apologies be noted.

5. Presentations

Olivia-Beau Cutler (Blue Lake Ward) receives \$150 as a contribution for being selected to play at the 2020 Australian Indoor Hockey Championships in Wollongong.

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 26 November 2019 and the Special Council Meeting held on Tuesday 10 December 2019.

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 26 November 2019 and the Special Council Meeting held on Tuesday 10 December 2019 be confirmed.

7. Disclosure of conflicts of interest

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

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8. Petitions

Petition No. 2019-05

A petition containing **186** written signatures and a further **18** online signatures requests that Council pursue a policy to phase out single-use plastics from Nillumbik Shire by 2021.

Recommendation

That Council:

1. Receives the petition requesting Council to pursue a policy to phase out of single-use plastics from Nillumbik Shire by 2021.
2. Refers it to the Director Operations and Infrastructure for investigation and response.
3. Advises the petition organiser accordingly.

9. Questions from the gallery

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10. Reports of Advisory Committees

AC.012/19 Advisory Committee Report

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

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.

Attachments

1. Arts Advisory Committee minutes - 21 October 2019

Recommendation

That Council notes the minutes of the Arts Advisory Committee held on 21 October 2019.

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11. Reports of Special Committees

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12. Officers' reports**OCM.186/19 Shire Plan 2050 Research Paper**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Yasmin Green, Strategy and Policy Advisor****Summary**

The Shire Plan 2050 Research Paper provides a high-level overview to assist Council's understanding of the forecasts and future trends of life in Nillumbik in 2050. It is anticipated that this research paper will be used to help inform the development of a Community Vision for Nillumbik.

Developing a long-term Community Vision is now considered best practice. This is highlighted by the Local Government Bill 2019 that will introduce the new requirement for all councils to have a long-term Community Vision developed in consultation with the local community and articulating a vision for the municipality. The development of a Community Vision/ Shire Plan 2050 is now intended to occur in the first half of 2021.

Attachment 1 provides a high level overview of the key changes, challenges and opportunities that impacts Nillumbik now and into the future.

Recommendation

That Council:

1. Endorses the Shire Plan 2050 Research Paper (**Attachment 1**).
2. Requests officers commence the preparation of a Background Paper, to be completed by May 2020.

Attachments

1. Shire Plan 2050 Research Paper

Background

1. The preparation of a Shire Plan 2050 was identified as a priority action in the Council Plan 2017-2021 (Key Action 1.1.1). At the June 2018 Ordinary Council Meeting, it was resolved to extend the timeline to the end of 2019.
2. Following the release of the proposed reforms in Local Government Bill 2019, at the August 2019 Ordinary Council Meeting, Council endorsed the project approach and agreed on the following outputs:
 - a) Produce an in-house Research Paper by December 2019;
 - b) Subject to Council agreement, convert the Research Paper into a public Background Paper by May 2020; and
 - c) Consider the aforementioned papers in developing a Community Vision to be created in conjunction with the next Council Plan (in 2021).

Policy context

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:

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OCM.186/19 Shire Plan 2050 Research Paper

- Improve community trust through better communications and genuine engagement.

Budget implications

4. A budget of \$50,000 has been allocated to the 2019-2020 budget though the major initiatives program. The Research Paper has been prepared within existing operating budgets (and therefore no major initiative budget has been spent to date). It is estimated that approximately \$15,000 will be required for the next stage of the project.

Consultation/communication

5. Community engagement is scheduled to take place in early 2021 with the development of a Community Vision. Details regarding this engagement are subject to the Local Government Bill 2019, which at the time of the writing of this report is currently before Parliament.

Issues/options

6. Officers have prepared a draft Shire Plan 2050 Research Paper as per item 2a) above (**Attachment 1**).
7. The Shire Plan 2050 Research Paper provides a high-level overview to assist Council's understanding of the forecasts and future trends of life in Nillumbik in 2050. The Research Paper is factually based which reflects past, present and future trends that influence Nillumbik.
8. The Research Paper is intended to feed into future stages of a Community Vision project that is likely to be mandated in the new Local Government Act. Using the Research Paper as a basis, the Background Paper will explore possible future scenarios, and this could be achieved through the lens of liveability. These scenarios can then be tested through a community engagement process as part of a broader Community Visioning initiative in 2021, as per the timeframes outlined by the Local Government Bill 2019.

Conclusion

9. Following Council's endorsement of the Research Paper, the intended next step in this project is the preparation of a Background Paper, to be completed by May 2020. The Background Paper will help facilitate a community engagement process to be undertaken with the Community Vision development in 2021.

12. Officers' reports

OCM.187/19 Protected Disclosure legislation updates

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Heather Holt, Legal Advisor

Summary

New procedures, to be made readily available to the public and each Councillor, officer and employee of Council, have been developed to facilitate disclosures of improper conduct by public officers and bodies, including councils, and to provide protection to disclosers from reprisals for making disclosures.

The procedures are required to replace Council's existing procedures under the *Protected Disclosure Act 2012* as the Act has been re-named the *Public Interest Disclosures Act 2012* and on 1 January 2020 significant amendments will change the operation of the Act. These amendments were outlined in the Briefing to Councillors on 19 November 2019.

Recommendation

That Council adopts the Public Interest Disclosures Procedures 2020 (**Attachment 1**).

Attachments

1. Public Interest Disclosures Procedures 2020

Background

1. From 1 January 2020, the Protected Disclosure Act (PD Act) will be known as the *Public Interest Disclosures Act 2012* (PID Act). This amended Act will incorporate a number of changes to the existing PD Act, and associated changes to the *Local Government Act 1989* (LGA).
2. Councillors were briefed on 19 November 2019 as to the following:
 - Changes to the LGA will include 13 new sections (ss.223BA-BM), two amended sections, six new definitions and include giving the Chief Municipal Inspector the function of investigating public interest complaints referred from the Independent Broad-based Anti-corruption Commission (IBAC) against Councillors.
 - Under the new legislation, the terms 'protected disclosure' and 'protected disclosure complaint' have been replaced with 'public interest disclosure' (PID) and 'public interest complaint':
 - public interest disclosure: disclosure by a natural person of information that shows or tends to show or information that the person reasonably believes shows or tends to show improper conduct or detrimental action; and
 - public interest complaint: a public interest disclosure that has been determined by IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee (IOC) to be a public interest complaint.

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OCM.187/19 Protected Disclosure legislation updates

3. Further changes to the PD Act include:
 - Expanded purposes (s.11) to require proper assessment of a disclosure, and where necessary, investigation;
 - Improper conduct definition (s.4) substituted to exclude trivial conduct;
 - Public interest disclosures (s.9); and
 - Removal of the necessity to identify wrongdoer (s.10).
4. Improper conduct is defined as:
 - a) Corrupt conduct; or
 - b) Conduct that constitutes:
 - A criminal offence;
 - Serious professional misconduct;
 - Dishonest performance of public functions;
 - Intentional or reckless breach of public trust;
 - Intentional or reckless misuse of information;
 - Substantial mismanagement of public resources;
 - A substantial risk to the health or safety of one or more persons; or
 - A substantial risk to the environment
 - c) Conduct of any person that:
 - Adversely affects the honest performance by a public officer or public body of their functions.
 - Intends to affect the functions or powers of the public officer or body adversely and results in the person or body obtaining:
 - i) A licence, permit, approval, authority or other statutory entitlement;
 - ii) An appointment to a statutory office or a board of a public body;
 - iii) A financial benefit or real or personal property; or
 - iv) Any other direct or indirect monetary or proprietary gain.
 - d) Conduct that could constitute a conspiracy or an attempted conspiracy.

The definition excludes matters that are “trivial”.
5. The proposed effect of the PID Act for local government is to facilitate disclosures by Council officers and employees of improper conduct by Council officers and employees.
6. The PID Act will also provide confidentiality of the content of disclosures, the identity of the discloser, and protection for those who may suffer detrimental action in reprisal for disclosures.
7. Detrimental action would include:

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OCM.187/19 Protected Disclosure legislation updates

- a) Action causing injury, loss or damage;
- b) Intimidation or harassment; and
- c) Discrimination, disadvantage or adverse treatment in relation the disclosure.

Policy context

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.
9. Council is required to draft new procedures incorporating the changes in the amended Act. These new procedures include:
 - a) The requirements under section 12 of the amended Act outlining who can make a PID and how to make a PID;
 - b) Who the Public Interest Coordinator is, including;
 - i) Name;
 - ii) Multiple contact details including landline number and email address; and
 - iii) An alternate officer to whom a disclosure can be made.
 - c) The rights of the discloser.

Who can make a Public Interest Disclosure to Council

10. Current officers or employees of Council can make a protected disclosure to Council's CEO, PID Coordinator, PID Officer, or the Council manager of the discloser or of the person to whom the disclosure relates.
11. A PID to Council would relate to the conduct of the Council or a Council officer or employee.

What cannot be received as a Public Interest Disclosure to Council

12. Under the amended Act, a PID in relation to the conduct of a Councillor cannot be received and the discloser should be immediately referred to the IBAC or Victorian Ombudsman.

Handling of PID

13. Within 28 days of the PID an assessment is to occur to ascertain whether improper conduct or detrimental action has occurred and the following action taken:
 - Matter referred to IBAC; or
 - Matter remains open and investigation may continue if further information is provided at a later date; or
 - The discloser is advised in writing that:
 - a) The matter has been or will be referred to IBAC; or
 - b) There is not enough evidence to refer the matter and the investigation will remain open; or
 - c) It is not deemed a notifiable matter and discloser is advised of their rights to refer to IBAC.

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Budget implications

14. There are no budget implications to Council associated with this amendment to the PD Act.

Consultation/communication

15. The existence and content of the new procedures will be communicated throughout the business to Councillors, officers and employees. Members of the public will be made aware of the new procedures and their content through the Council's website, their listing in the annual report and through availability in hard copy at Council office reception.

Issues/options

16. Under section 58 of the PID Act, as an entity that may receive disclosures in accordance with Part 2 of the PID Act, Council must establish procedures to facilitate the making of those disclosures and for the handling of those disclosures. It must also, where appropriate, notify the appropriate entity, usually the IBAC.

Conclusion

17. As Part 2 of the PID Act comes in operation on 1 January 2020, Council is required to have its updated procedures in place from that date.

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OCM.188/19 Mid-Year Financial Review 2019-2020

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Robert Malignaggi, Business Services Lead
Melika Sukunda, Manager Finance

Summary

This report presents the outcomes of the Mid-Year Financial Review.

The revised forecast is for Council to achieve an operating surplus of \$19.925 million for the financial year 2019-2020.

Recommendation

That Council:

1. Approves the changes detailed in the Mid-Year Financial Review (**Attachment 1**).
2. Notes the revised forecast of \$19.925 million operating surplus for financial year 2019-2020.

Attachments

1. Mid-Year Financial Review 2019-2020

Background

1. The purpose of this report is to present the Mid-Year Financial Review.
2. Officers have completed a Mid-Year Financial Review for 2019-2020 as at November 2019 to identify major changes that have occurred since the budget adoption.
3. The review includes both operational and capital items.
4. The outcome of the review is a revised forecast operating surplus of \$19.925 million.

Operating Budget

5. The Mid-Year Financial Review identified a number of favourable and unfavourable movements in operational income or expenditure as detailed in **Attachment 1**.

Capital works

6. Capital works is currently on budget with no major variances to report at the mid-year review.

Conclusion

7. The MYFR projects an increase in the surplus to \$19.925 million for the 2019-2020 financial year. This is based on the proposed changes to operating budget as detailed in **Attachment 1**.
8. Management will continue to monitor operational items and seek to achieve the adopted budget surplus.

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OCM.189/19 Investment Policy

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Manager Finance

Summary

This report presents an updated Investment Policy for Council's endorsement.

Council's Investment Policy provides guidance for the investment of Council's cash. The Policy takes a conservative approach to investment, in accordance with the requirements of the *Local Government Act 1989* (section 143) which restricts councils to low-risk investments.

This policy is periodically reviewed and updated, the latest review has been conducted and was presented to the Audit and Risk Committee in November 2019.

The updates include the recognition of the three rating agencies, being Standard & Poor's, Fitch Ratings and Moody's Investors Service. An additional change has also been made to the counterparty limit.

Recommendation

That Council endorses the Investment Policy (**Attachment 1**).

Attachments

1. NSC Investment Policy - 2019

Background

1. Council invests cash with authorised deposit-taking institutions (banks) in accordance with the provisions of the *Local Government Act 1989*.
2. Council holds cash reserves for purposes which do not always require immediate expenditure (for example, developer contributions that will be used to fund future infrastructure works). Investments are made through term deposits for periods of up to one year.
3. Council's Investment Policy provides guidance for cash investments, taking account of the credit rating of each bank, and also the interest rate.

Policy context

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Maintain good governance and effective leadership.

Budget implications

5. Investment income is an important revenue source for Council.
6. Council invests cash for periods up to one year, where that cash is not required to meet Council's immediate expenditure requirements.

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OCM.189/19 Investment Policy

Consultation/communication

7. The updated Investment Policy was presented to the Audit and Risk Committee in November 2019.

Investment Policy

8. The Investment Policy (**Attachment 1**) address the following aspects:
- a) Purpose and legislative scope
 - b) Ethics and conflicts of interest
 - c) Investment objectives
 - d) Portfolio implementation
 - e) Investment guidelines
 - f) Reporting on investments
 - g) Review of policy
9. Council takes a conservative approach to cash investment. This is consistent with the requirements of the *Local Government Act 1989* (section 143) which restricts councils to low-risk investments.
10. The policy stipulates that preservation of capital shall be the principal objective of Council's investment. This means that minimisation of risk is the overriding principle ahead of other factors, such as the interest rate.
11. Risk is minimised in two ways through the policy:
- a) By restricting the amount that can be invested with any individual bank, according to the credit rating of that bank. This is known as the Counterparty Limit in the policy. Spreading Council's investments across multiple banks assists Council to minimise the level of risk.
 - b) By restricting the cumulative amount that can be invested in banks that have particular credit ratings. The better the credit rating, the greater the proportion of funds that can be invested with banks in that category.
12. Subject to these two conditions being satisfied, the policy then seeks the highest interest rate available through quotations from banks, with preference given to institutions fully divested of fossil fuel investment.

Policy changes

Recognition of three credit rating agencies

13. The key change to the policy is to include the three broadly recognised credit rating agencies, being Standard & Poor's, Fitch Ratings and Moody's Investors Service, rather than only Standard and Poor's.
14. This gives Council a clear indication of a financial institutions overall credit rating and status, and recognises that in the current market, not all financial institutions are rated by Standard and Poor's.

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OCM.189/19 Investment Policy

Counterparty limit

15. Minor changes have also been made to the individual counterparty limit, increasing the amount that can be invested with any single A-1+/A-1 rated institution to 50% (previously 33%).

Conclusion

16. Council's Investment Policy has been updated and is presented to Council for formal endorsement.

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OCM.190/19 Brinkkotter Road Special Charge Scheme - Resolution to proceed

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Azad Abul, Engineer

Summary

On 24 December 2018, Council received a petition signed by property owners in Brinkkotter Road, Research requesting that Council investigate road sealing.

On 22 March 2019, an initial questionnaire was sent to property owners of Brinkkotter Road to ascertain the level of support for Council to investigate the sealing of Brinkkotter Road (between Reynolds Road and the southern boundary of no. 29 Brinkkotter Road), via a Special Charge Scheme.

The initial questionnaire indicated that 9 of 13 (69.23 per cent) property owners supported further investigation into a scheme. On 14 August 2019, an information session was held for all interested property owners.

Following the information session, a formal questionnaire was sent to all property owners on 10 October 2019. The results indicated that 8 of 13 (61.53 per cent) property owners supported the development of a scheme.

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

Recommendation

That Council:

1. Proceeds with the development of a Special Charge Scheme for the sealing of Brinkkotter Road, Research (between Reynolds Road and the southern boundary of no. 29 Brinkkotter Road), with a combination of both the urban and rural standards of construction.
2. Invites affected property owners for nominations to join the task group and to provide comments for consideration within the design process.

Attachments

1. Scheme Area
2. Apportionment
3. Apportionment Guidelines

Background

1. On 24 December 2018, Council received a petition signed by property owners in Brinkkotter Road, Research requesting that Council investigate road sealing (between Reynolds Road and the southern boundary of no. 29 Brinkkotter Road).

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OCM.190/19 Brinkkotter Road Special Charge Scheme - Resolution to proceed

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that the provision of community infrastructure responds to community needs.

Budget implications

3. All costs associated with the investigation of the scheme are accommodated within existing operational budgets.

Consultation/communication

4. The properties included within the scheme can be viewed in **Attachment 1**.
5. Consultation has been carried out in line with Council's Special Charge Schemes for Roads and Drainage Works Policy and Guidelines:
- An initial questionnaire was sent to property owners on 22 March 2019 to establish the level of support for further investigation into sealing Brinkkotter Road (between Reynolds Road and the southern boundary of no. 29 Brinkkotter Road), Research. The results are shown in Table 1.

Table 1 – Support for further investigation (initial questionnaire)

	Construction	No change	No response	Total
Votes	9	2	2	13
Percentage	69.23%	15.38%	15.38%	100%

- An information session was held for all interested property owners on 14 August 2019, to discuss a construction proposal, cost apportionment and the special charge process. Seven of the thirteen properties were represented at this information session.
- A formal questionnaire was sent to property owners on 10 October 2019 to establish the level of support for the development of a scheme for the sealing Brinkkotter Road (between Reynolds Road and the southern boundary of no. 29 Brinkkotter Road), Research. The results are shown in Table 2 below.

Table 2 – Support for the development of a scheme (formal questionnaire)

	Construction	No change	No response	Total
Votes	8	4	1	13
Percentage	61.53%	30.76%	7.69%	100%

6. Progress on the development of the Special Charge Scheme is typically reported to Council at three points in the process:

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OCM.190/19 Brinkkotter Road Special Charge Scheme - Resolution to proceed

- Advise Council of the level of support for sealing and recommend proceeding or abandoning (this report).
- At the completion of the design, when Council is required to commence the statutory process by notifying residents and publicly advertising its intention to declare the special charge.
- Via a Future Nillumbik Committee report to consider any objections or submissions on Council's intention to declare the Special Charge. At this time the Future Nillumbik Committee may recommend that Council decide to formally declare, amend or abandon the Special Charge Scheme.

Issues/options

7. The level of support established for a Special Charge Scheme for Brinkkotter Road (refer to Table 2) is above the 60 per cent requirement for the scheme to proceed.
8. Property owners were given the opportunity to include comments in their questionnaire responses. A summary of the comments received is listed below:
 - a) Cost:
 - i) Estimated liability is higher than expected.
 - b) Traffic Management:
 - i) Traffic will travel at higher speed after the road is sealed.
 - ii) Concerns with the impacts of speeding vehicles on pedestrians, cyclists and dog walkers if the road is sealed. Consultation is also required with these groups.
 - c) Road:
 - i) Sealing the road will destroy unique rural nature of the street.
 - ii) Do not support the road being sealed.
 - iii) In favour of a spray sealed surface to keep cost down.
 - iv) Maintain rural aspects of the street as much as possible.
 - v) Do not see any amenity or benefit from sealing the road.
 - d) Drainage:
 - i) Install underground drainage from property number 34 to 46 and direct water to Reynolds Road.
 - ii) Drainage needs to be incorporated in works.
9. Throughout the consultation process, much of the discussion has focused on the geographical extent of the scheme, particularly at the east end of Brinkkotter Road. While some alternatives have been put forward by property owners, the end point in **Attachment 1** is proposed by officers for safety reasons, specifically to avoid the risks associated with transitioning from a sealed to unsealed section of road at or near a bend. This is in line with Council's Special Charge Scheme Policy.
10. Indicative costs for the properties involved in the proposed special charge scheme for Brinkkotter Road are outlined in **Attachment 2**.

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OCM.190/19 Brinkkotter Road Special Charge Scheme - Resolution to proceed

11. The apportionment of costs for the scheme is based on 75 per cent of the total cost being distributed on the basis of benefit and the remaining 25 per cent on the basis of frontage. A more detailed explanation of the apportionment can be found in **Attachment 3**.
12. The proposal for Brinkkotter Road is a combination of both the urban and rural standards of construction with an asphalt surface. This standard is considered appropriate as the size of properties present challenges in the onsite management of stormwater. The proposal will control and manage stormwater to an acceptable level.

Conclusion

13. The results of the questionnaire of property owners in Brinkkotter Road demonstrates majority support for the sealing of the road via a Special Charge Scheme, with a combination of both the urban and rural standards of construction.
14. Based on this support, it is recommended that the development process proceeds and that Council invites affected property owners for nominations to join the task group and provide comments for consideration within the design process.

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OCM.191/19 Assembly of Councillors

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

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 26 November 2019.

An Assembly of Councillors record was kept for:

- Councillor Briefing – 19 November 2019;
- Pre-meeting to Ordinary Council Meeting – 26 November 2019;
- Living & Learning Nillumbik Advisory Committee – 27 November 2019;
- Councillor Briefing – 3 December 2019; and
- Positive Ageing Advisory Committee – 6 December 2019.

Recommendation

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the assemblies of Councillors held on 19 November 2019, 26 November 2019, 27 November 2019, 3 December 2019 and 6 December 2019 (**Attachment 1**).

Attachments

1. Assembly of Councillors reported 17 December 2019

Background

1. The *Local Government Act 1989* (the Act) requires records of assemblies of Councillors be reported to an Ordinary Council Meeting and recorded in the minutes of that meeting.

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

3. This is a routine reporting item, the resources for which are contained in Council's current operating budget.

Consultation/communication

4. None required.

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OCM.191/19 Assembly of Councillors

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Council Meeting a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 26 November 2019.

Conclusion

9. It is recommended that Council receives the records of recent assemblies of Councillors as contained in this report, fulfilling section 80A(2) of the *Local Government Act 1989*.

12. Officers' reports

OCM.192/19 1920-004 Mobile Garbage Bins and Accessories - Via PA Contract 2110-0503

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Mikael Ooi, Waste Management Coordinator

Summary

Nillumbik Shire Council is a signatory to the Procurement Australia (PA) Contract Number 1801/0503 for the supply of Mobile Garbage Bins (MGBs). This panel contract provided Council with MGBs for the kerbside and street and park waste collection service. The contract expired on 31 October 2019.

This report is an overview of a separate confidential report recommending the awarding of the contract.

Council participated in a Local Government group tender process using Procurement Australia (PA) as its tendering agent. In September 2019, PA tendered to obtain competitive pricing for MGBs mobile garbage bins and accessories under Procurement Australia (PA) Contract Number 2110-0503 Mobile Bins for an initial term of two (2) years. A further option of two one-year extensions is available at Council's discretion.

The PA Tender Evaluation Panel assessed all submissions.

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

Recommendation

That Council notes this report.

Attachments

Nil

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12. Officers' reports

OCM.193/19 1819-55 Tree Pruning and other Associated Services

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Alicia Fitzgerald, Living Landscapes Project Arborist
Andrew Solum, Team Leader Arboriculture and Parks Maintenance

Summary

This report is an overview of a separate confidential report considering appointment of a panel of nine specialist contractors to provide various tree services to Council.

The appointment of the panel of contractors is to replace an existing contract (1516-34) that expires on 3 January 2020.

The panel of contractors were identified and accessed via a collaborative public tender process run by a group of eight (8) councils. Nillumbik Shire Council was a participating Council to the tender process.

The initial contract term is two (2) years with two (2) extension options of two (2) years. The total duration of the contract, including the exercise of any options, shall not exceed six (6) years.

The Tender Evaluation Panel has assessed all submissions.

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

Recommendation

That Council notes this report.

Attachments

Nil

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12. Officers' reports

OCM.194/19 Request for Tender 1819-132 Practically Green Event(s)

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Kirsten Reedy, Coordinator Environment

Summary

This report is an overview of a separate confidential report considering appointment of Clean Energy Nillumbik to provide Practically Green Event(s) for a period of three years.

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

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

Recommendation

That Council notes this report

Attachments

Nil

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12. Officers' reports

OCM.195/19 Contract 1920-21 - Annual Community Survey

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Sue Richards, Business Support Officer

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the provision of Council's Annual Community Survey.

There have been eight prior Annual Community Surveys undertaken by Council which are designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community. The survey also assists Council in meeting annual State Government performance reporting requirements by measuring community satisfaction in a number of areas covered by the survey.

The initial contact period is for three (3) years and two (2) months with two (2) x one (1) year options to extend the contract.

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

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.

Recommendation

That Council notes this report.

Attachments

Nil

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- 13. Notices of Motion
- 14. Delegates' reports
- 15. Supplementary and urgent business
- 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.196/19 1920-004 Mobile Garbage Bins and Accessories - Via PA Contract 2110-0503

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

OCM.197/19 1819-55 Tree Pruning and other Associated Services

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

OCM.198/19 Request for Tender 1819-132 Practically Green Event(s)

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

OCM.199/19 Contract 1920-21 - Annual Community Survey

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.

Recommendation

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.