

## Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 28 March 2017.

### Minutes

**Mark Stoermer**  
**Chief Executive Officer**

Thursday 30 March 2017

Distribution: Executive

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone 9433 3111  
Facsimile 9433 3777  
Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)  
Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

*Domin je ka*

Nillumbik Shire Council

---

Contents

---

<b>Welcome</b>	<b>1</b>
<b>1. Reconciliation statement</b>	<b>1</b>
<b>2. Prayer</b>	<b>1</b>
<b>3. Good governance pledge</b>	<b>1</b>
<b>4. Apologies</b>	<b>1</b>
<b>5. Presentations</b>	<b>1</b>
<b>6. Confirmation of minutes</b>	<b>2</b>
<b>7. Disclosure of conflicts of interest</b>	<b>2</b>
<b>8. Petitions</b>	<b>2</b>
<b>9. Questions from the gallery</b>	<b>3</b>
<b>10. Reports of Advisory Committees</b>	<b>9</b>
AC.002/17 Advisory Committee Report	9
<b>11. Reports of Special Committees</b>	<b>10</b>
<b>12. Officers' reports</b>	<b>11</b>
OCM.028/17 Municipal Emergency Management Plan Update	11
OCM.029/17 Arts and Cultural Plan 2018-2022: Community Engagement and Consultation Plan	12
OCM.030/17 Review of the <i>Flora and Fauna Guarantee Act 1988</i>	13
OCM.031/17 Terms of Reference for the Economic Development, Environment and Inclusion Advisory Committees	14
OCM.032/17 Review of Instrument of Delegation to Chief Executive Officer and Instrument of Delegation to Members of Council Staff	15
OCM.033/17 Review of Meeting Procedure Local Law	17
OCM.034/17 Tender for the management and operation of Eltham Leisure Centre	19
OCM.035/17 Supply and transport of bulk bins for the Recycling and Recovery Centre 1617-24	20
OCM.036/17 Assemblies of Councillors	21
<b>13. Notices of Motion</b>	<b>25</b>
<b>14. Delegates' reports</b>	<b>25</b>
<b>15. Supplementary and urgent business</b>	<b>25</b>
<b>16. Confidential reports</b>	<b>25</b>

Executive

## Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 28 March 2017. The meeting commenced at 7pm.

---

### Councillors present:

Cr Peter Clarke	Wingrove Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward

### Officers in attendance:

Mark Stoermer	Chief Executive Officer
Pauline Gordon	General Manager Community and Leisure
Conal Creedon	General Manager Infrastructure Services
Jeremy Livingston	Acting General Manager Environment and Planning
Adrian Cully	Manager Community Participation
Allison Watt	Manager Governance and Communications
Naomi Paton	Manager Leisure and Social Infrastructure
Michelle Zemancheff	Coordinator Arts and Cultural Development
Joanne Hammond	Coordinator Communications
Frances Duncan	Coordinator Leisure Facilities
Lance Clarke	Senior Procurement Specialist

---

### Welcome

#### 1. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Peter Clarke.

#### 2. Prayer

A prayer was read by Rev. David Sullivan of St Matthew's Church, Panton Hill.

#### 3. Good governance pledge

The good governance pledge was read by Cr Karen Egan.

#### 4. Apologies

Nil

#### 5. Presentations

##### Sporting grant

**Kaitlyn Leffley** (Edendale Ward) received \$200 as a contribution for being selected to compete in the World Cheerleading Championships in America.

5. Presentations continued

Acknowledgements

Kangaroo Ground Fire Brigade

Motion

Cr Jane Ashton

Cr Karen Egan

That Council forward its congratulations and a certificate of appreciation to the Kangaroo Ground Fire Brigade on the occasion of its 125th anniversary, acknowledging the Brigade's outstanding service to the community.

CARRIED

Warrandyte Festival Committee

Motion

Cr Jane Ashton

Cr Peter Clarke

That Council:

1. Forward its congratulations and a certificate of appreciation to the Warrandyte Festival Committee on the occasion of the 40th annual Warrandyte Festival which was held last weekend.
2. Thanks the Committee for the commemorative book which was presented to the Mayor to mark the milestone.

CARRIED

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 28 February 2017.

Motion

Cr Karen Egan

Cr Peter Perkins

That the minutes of the Council Meeting held on Tuesday 28 February 2017 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

**Karen Coulston**, asked Council:

Are there plans for the Positive Ageing Strategy to continue? If so, what are they, if not, what is to replace it?

**Mayor, Cr Peter Clarke** responded yes, in 2017 the Positive Ageing Reference Group will be reviewing the outcomes of the Strategy and identifying the best methods of engaging older adults across Nillumbik in the development of a new Strategy.

There are other critical pieces of work occurring that will inform a new Positive Ageing Strategy, such as the Municipal Health and Wellbeing Plan and the Arts and Cultural Planning Process.

Together with Portfolio Chair, Cr Jane Ashton, the Positive Ageing Reference Group is hosting the first of a series of proposed forums at the Hurstbridge Hub on 21 April to gauge people's views a variety of topics.

At this first forum keynote speakers will discuss:

- intentional housing for older adults and people with a disability and their carers
- the municipal health and wellbeing plan
- problem gambling.

Further information will be made available shortly.

**Alexander Coollum**, asked Council:

Manningham City Council has for some time included in introductory remarks at events and meetings – in addition to acknowledging the traditional owners of the land – a statement recognising the ‘contribution made to Manningham over the years by people of diverse backgrounds and cultures.’

Considering the warmth and support shown by both Council and the Shire community to the Syrians who have recently moved in to homes at St Vincent’s in Eltham, as well as the wider diversity of cultures and backgrounds in our Shire, Welcome to Eltham was wondering whether Council would explore the adoption of a similar statement for its meetings and events?

**Mayor, Cr Peter Clarke** responded In 1999, Nillumbik Shire Council formalised Civic recognition protocols for acknowledging Wurundjeri traditional ownership of local lands. This was developed in close consultation with the Wurundjeri Tribe land Compensation Cultural Heritage Council Inc., the Wandooon Estate Aboriginal Corporation Inc. and elders of the Wurundjeri Wiliam clan.

The Mayor or representative delivers Council's Reconciliation Acknowledgement Statement at the commencement of functions and all meetings sponsored by or organised by Nillumbik.

Council would welcome the community's thoughts around additional acknowledgements as part of its Arts and Cultural Planning process.

There will be many ways of participating in this planning including focus groups, arts forums and online surveys with further details of all engagement opportunities to be announced in the coming weeks.

Once all information is collated, a draft plan will be released for public comment. We encourage you to become involved.

**9. Questions from the gallery continued**

Council received questions from 10 people relating to motorised toy vehicles. As they all related to the same issues, the Mayor responded with one answer.

**Alan Caldow**, asked Council:

This new Council has been elected on a platform of community consultation. Why then, didn't council consider and consult with key stakeholders before voting to remove permits for Motorised Toy Vehicles (MTV)? For example, residents who had made objections to previous permit applications. Given only three permit applications were made last year what evidence do Council have to support claims that this new MTV policy reflects 'the wishes of the majority of families' as quoted in the *Diamond Valley Leader* 8 March 2017?

**Laura Wade**, asked Council:

At the Ordinary Council Meeting on 28 February, Council voted to remove permits for Motorised Toy Vehicle (MTV) use on private land.

I am concerned that Council made this decision without giving due consideration to the health, safety and enjoyment of residents on neighbouring properties. I am particularly concerned about the dangers this poses for the numerous small children living next to properties where unrestricted riding is now permitted. I have expressed these concerns in written correspondence to Council and specifically raised the issue of safety.

Can Council please explain how you will proactively ensure the safety of residents?

Will Council amend the Guidelines on MTVs to ensure this exemption includes a minimum boundary setback of 50 metres? If not, why?

**Stephen Wade**, asked Council:

At the Ordinary Council Meeting on 28 February, Council voted to remove permits for Motorised Toy Vehicle (MTV) use on private land.

Previous permit conditions restricted MTV use to a two-hour window on three days per: a maximum of one hour between 3-5pm Tuesday and Thursday and a maximum of 1.5 hours on Saturdays (total 3.5 hours per week). The new policy permits riding for 87 hours per week (over 50 per cent and effectively equates to all daylight hours). This dramatically negatively impacts on our ability to enjoy our property and the peace of our neighbourhood.

Will Council amend the Guidelines on MTVs to limit vehicle usage hours to match previous permit hours? If not, why?

I would therefore ask Council to consider the following revision to the Policy Guidelines:

Will Council amend the Guidelines on MTVs to ensure this exemption only applies to properties five acres or larger? If not, why?

**9. Questions from the gallery continued**

**David Strange**, asked Council:

Regarding the Motorised Toy Vehicle recent amendment. Previous permit conditions stipulated Motorised Toy Vehicles (MTV) use 'must not create any dust which detrimentally affects neighbouring properties'. Will Council amend the Guidelines on MTVs to this same protection for neighbouring properties? If not, why?

Previous permit conditions stipulated Motorised Toy Vehicles (MTV) use 'must not create any noise which detrimentally affects neighbouring properties'. Will Council amend the Guidelines on MTVs to this same protection for neighbouring properties? If not, why?

**Norm Ellis**, asked Council:

My questions are regarding the recent decision to allow motorised toy vehicles to be used on residential land without a permit. Do motorised toy vehicles such as dirt bikes need to meet EPA requirements for noise, as most aren't registered or have road worthy certificates?

Is Council going to be responsible for ensuring EPA requirements are met and what is the projected cost of managing the complaints associated with noise pollution?

**Pauline Ellis**, asked Council:

I am very concerned about the Council's recent decision to remove permits for the use of motorised toy vehicle use on private land (e.g. dirt bikes). Given they are allowed to be used between 7am and 8pm weekdays and 9am until 8pm on weekends, will council provide permits when people plan to use their outdoor entertainment areas and want to have some quiet time?

**Brooke Heinicke**, asked Council:

At the Council Meeting held on the 28 February, a decision was made to remove permits for motorised toy vehicle use on private land. I am not normally one to complain and we have nice neighbours who use trail bikes. I am concerned however as since this motion was carried, we have already experienced the negative effects of this decision, both inside our residence while doing homework with my children, and in our yard.

I am concerned about the lack of restrictions placed on the use of motorised toy vehicles and would like to know how council will ensure that residents in residential areas, including those on acre blocks, can enjoy their own land and outdoor entertainment areas without the constant threat of noise?

**Carl Heinicke**, asked Council:

At the Council Meeting held on the 28 February, a decision was made to remove permits for motorised toy vehicle use on private land. To explain my question, we are on a one-acre block with a number of dirt bike riders on neighbouring properties. Although we are on an acre, our alfresco is only five metres from our boundary fence line. We like to entertain and enjoy being outdoors with our young family, which is why we moved to this area.

I am concerned with the current decision around motorised toy vehicles that we are not going to be able to enjoy our property for the reasons we moved here.

How is Council going to ensure that all residents can enjoy their properties, in particular, have family and friends over and exercise quiet enjoyment of their own amenity?

9. Questions from the gallery continued

**Jarrold Ellis**, asked Council:

We currently live in Nillumbik on a smaller parcel of land and have been thinking of moving to a larger property in the area. Does the recent motion to remove permits for motorised toy vehicles mean that we have almost no waking hours to enjoy a larger residential property, if we are unlucky enough to buy a property in close proximity to one or many other property owners who frequently use motorised toy vehicles?

Have you spoken to the EPA for their position on this decision (regarding noise pollution)?

**Carly Joyce**, asked Council:

I am asking a question in response to the recent motion passed regarding the use of motorised toy vehicles on private residential land. I am unlikely to be affected by this decision at my own residence, however, I have family members who live on larger blocks. These family members are the ones who have most of our family get-togethers as they have the room outdoors for the kids.

What will Council do to ensure that we can still have these times as a family, without noise pollution from surrounding properties?

**Mayor, Cr Peter Clarke**, responded that individual Councillors received feedback from local property owners to remove the permit requirements for the use of a motorised toy vehicle. Council has not removed the requirement for a permit in its entirety, but rather only during the hours otherwise permitted for such activities under the *Environmental Protection (Residential Noise) Regulations 2008*.

The rationale for aligning the Local Law requirement for a permit with these Regulations was based on the premise that landowners should be able to use any motorised device (including motorbikes) on their property if it is done so in accordance with State Government legislation.

Council also considered the time it took to administer the process to consider a motorised toy vehicle permit and found that it was a considerable cost to the general ratepayer.

**Ben Ramcharan**, asked Council:

As Amendment C101 has been abandoned, so too has the provision for specifying what a rural fence is and making it mandatory to apply for a permit for new fencing if barbed wire was to be used. Nillumbik Greens is strongly supportive of measures to deter the use of barbed wire fencing. Barbed wiring is harmful to native wildlife, horses and indeed all animals, as they can get caught on the painful barbs and often die if no one finds and rescues them.

The Nillumbik Greens would like to know if Council is planning to instigate any measures to actively discourage the use of barbed wire in rural fencing, now that we have lost this provision due to the abandonment of the C101 amendment?



9. Questions from the gallery continued

**Mayor, Cr Peter Clarke**, responded that there are no provisions currently in the Planning Scheme that preclude the use of barbed wire as a component of a standard rural fence. However, Council does provide general advice to rural landholders suggesting construction of rural fences that use alternatives to barbed wire.

Council assists landholders and community groups to construct fencing for the purpose of protecting biodiversity in certain circumstances. Funding assistance for such fences can be provided under Council's Land Management Incentive Program. In any situation where Council is part funding such a fence, it is stipulated that the fences must not contain any component of barbed wire.

Council also runs community education events, such as whole farm planning courses, at which fence design and construction is a common component. The use of barbed wire is strongly discouraged in these situations and various options for wildlife friendly fences are encouraged. Advice such as this is also provided by Council officers when fencing design is discussed at Land Management related rural property site visits.

**Carlotta Quinlan**, asked Council:

According to the Terms of Reference for the Economic Development Advisory Committee, the public call for nominations will be for 'six general business and industry representatives' plus representatives from the various existing trader and tourism bodies.

Economic Development is not one sided. Its impact is on our whole society be it a football club or a single parent in need of assistance. An advisory group comprised totally of those with something to sell i.e. retail/industry would seem to be operating in a vacuum. A better outcome would be gained by including in the group the consumers, those who have a broad but general knowledge of the various Nillumbik communities, rather than those with commercial and financial interests.

How will the proposed composition of the Economic Advisory Committee ensure that all the needs of Nillumbik residents are considered in its decision making?

**Mayor, Cr Peter Clarke** responded that potential membership on the Committee, including Councillors, are not solely 'business' orientated, but advise as parents and residents of the area, and bring this perspective with them.

Additionally, the Economic Development Committee only provides advice to Council which will be considered alongside all other feedback received by Council.

**Rex Niven**, asked Council:

In January this year the Mayor appeared twice in *Diamond Valley News* talking about taking action on graffiti. Is an assault on graffiti planned? Can the community assist?

**Mayor, Cr Peter Clarke** responded that Council has purchased detection equipment and maintains a graffiti database to assist police identify, apprehend and prosecute graffiti vandals. We have also conducted a shire-wide audit to identify all graffiti with the municipality. All identified graffiti has been prioritised and will be removed by Council. The community could assist by reporting graffiti to Council.

9. Questions from the gallery continued

**Colleen Hackett**, asked Council:

Is the Lot 1 Precinct Plan near completion and when is the continuation of the Diamond Creek Trail expected to be recommenced?

**Mayor, Cr Peter Clarke** responded that the Lot 1 Precinct Plan ceased when Council determined in November 2016 not to proceed with Lot 1. However, the information gathered is to be used as the first stage of engagement for the Hurstbridge Recreation and Open Space Plan, with the first key engagement for this occurring on Saturday 20 May 2017 at the Town and Country connect.

Council will shortly call for expressions of interest for a reference group to guide this work.

The alignment of the Diamond Creek Trail extension is due to be recommenced once Council has considered the Hurstbridge Recreation and Open Space Plan.

**Adrian Leenaerts**, asked Council:

When is the continuation of the Diamond Creek trail expected to be recommenced?

**Mayor, Cr Peter Clarke** responded the alignment of the Diamond Creek Trail extension is due to be recommenced once Council has considered the Hurstbridge Recreation and Open Space Plan, most likely in June.

**Adrian Leenaerts**, asked Council:

Does Council expect to get more or fewer questions from the gallery when the rules regarding questions from the public are changed?

**Mayor, Cr Peter Clarke**, responded that it was unclear whether Council would receive more or fewer public questions when the Meeting Procedure Local Law changes, however the intention of bringing forward the deadline was to ensure there is time to prepare considered responses to residents' questions.

**Colleen Hackett on behalf of Friends of Nillumbik Inc.** asked Council:

What is the justification for changing the way objectors get to address Councillors at the Future Nillumbik Committee. Why is the proposed new system better than the old?

**Mayor, Cr Peter Clarke**, responded that he was not sure what was meant by Ms Hackett's question and he would speak to her about it after the meeting.

10. Reports of Advisory Committees

AC.002/17 Advisory Committee Report

---

**Distribution: Public**

**Manager: Andrew Port, General Manager Corporate Services**

**Author: Tracey Classon, Personal Assistant to General Manager Corporate Services**

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

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

- Living & Learning Nillumbik Advisory Committee meeting held 22 February 2017.

**Motion**

**Cr Jane Ashton**

**Cr Karen Egan**

**That Council notes the following Advisory Committee minutes:**

1. **Living & Learning Nillumbik Advisory Committee meeting held 22 February 2017**

**CARRIED**

**11. Reports of Special Committees**

Nil

12. Officers' reports

OCM.028/17 Municipal Emergency Management Plan Update

---

**Distribution:** Public

**Manager:** Conal Creedon, General Manager Infrastructure Services

**Author:** Justin Murray, Executive Officer Emergency Management

**Summary**

It is a requirement of the *Emergency Management Act 1986*, that each municipal council must prepare and maintain a Municipal Emergency Management Plan (MEMP).

Each MEMP is audited by the Victoria State Emergency Service every three years.

In preparation for the 2017 audit, the Municipal Emergency Management Planning Committee (MEMPC) has reviewed and updated the MEMP. The updated plan was endorsed by the MEMPC on 20 March 2017.

Included in the updated plan is a new section 'Safer More Resilient Communities.' This is a commitment to a more consultative and community focused approach to emergency management.

The updated plan is presented with this report for Council's consideration and endorsement.

**Recommendation**

That Council endorses the Nillumbik Municipal Emergency Management Plan 2017-2020.

**Motion**

**Cr Peter Perkins**

**Cr Jane Ashton**

**That Council:**

1. **Endorses the Nillumbik Municipal Emergency Management Plan 2017-2020 for the purpose of audit by State Emergency Service.**
2. **Refers the recent submission on the Plan to the Municipal Emergency Management Planning Committee for consideration and amendment of the Plan as necessary.**

**CARRIED**

**12. Officers' reports**

**OCM.029/17 Arts and Cultural Plan 2018-2022: Community Engagement and Consultation Plan**

---

**Distribution: Public**

**Manager: Pauline Gordon, General Manager Community and Leisure**

**Author: Michelle Zemancheff, Coordinator Arts and Cultural Development  
Adrian Cully, Manager Community Participation**

**Summary**

The purpose of the report is to inform Council of the proposed process to undertake Nillumbik's Arts and Cultural Plan 2018-2022.

A Community Engagement and Communication Plan has been developed in order to involve the local community in the development, implementation and evaluation of the Arts and Cultural Plan 2018-2022. The new Arts and Cultural Plan will ensure the people of Nillumbik have the freedom to participate in the arts and to celebrate one's culture, and inform its investment in future infrastructure program priorities, community wellbeing and social capital.

**Motion**

**Cr Karen Egan**

**Cr Peter Perkins**

**That Council:**

- 1. Notes the Year Five Annual Review of the Cultural Plan 2011-2017.**
- 2. Endorses an increase of the membership number of the Arts Advisory Committee from six to seven in order to align with the National Arts and Culture Accord and provide diverse representation of Nillumbik's arts and cultural community.**
- 3. Endorses the Terms of Reference for the Arts Advisory Committee for public exhibition seeking expressions of interest for nomination.**
- 4. Instructs officers to report nominations for the Arts Advisory Committee to Council for endorsement.**
- 5. Endorses the Community Engagement and Communications Plan for the Arts and Cultural Plan 2018-2022.**

**CARRIED**

12. Officers' reports

OCM.030/17 Review of the *Flora and Fauna Guarantee Act 1988*

---

**Distribution:** Public

**Manager:** Jeremy Livingston, Acting General Manager Environment and Planning

**Author:** Pat Vaughan, Sustainability and Environment Executive Officer  
Julia Franco, Land Management Officer-Biodiversity

**Summary**

The State Government has sought comment on their review of the *Flora and Fauna Guarantee Act 1988*. Council supports the submission of the Municipal Association of Victoria (MAV). Council will also reaffirm that bushfire and the threat to human life and property are kept at the fore when developing any new or revised legislation relevant to management of the natural environment.

**Motion**

**Cr Grant Brooker**

**Cr Jane Ashton**

**That Council:**

1. Writes a letter to the Department of Environment, Land, Water and Planning (DELWP) advising that Council endorses the Municipal Association of Victoria draft submission to the Review of the *Flora and Fauna Guarantee Act 1988* Consultation Paper (Attachment 1).
2. Includes a copy of Council's recent submission on the Native Vegetation Clearing Regulations (Attachment 2) as approved by Council at the February 2017 Ordinary Council Meeting.

**CARRIED**

12. Officers' reports

**OCM.031/17 Terms of Reference for the Economic Development, Environment and Inclusion Advisory Committees**

---

**Distribution: Public**

**Manager: Jeremy Livingston, Acting General Manager Environment and Planning**

**Author: Jeremy Livingston, Acting General Manager Environment and Planning**

**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.

Following a recent reconfiguration of Council's Advisory Committees, this report seeks endorsement of the Terms of Reference of three of these newly configured committees for public exhibition and seeking expressions of interest for community membership nomination. The three committees are the Economic Development, Environment and Sustainability and Inclusion Advisory Committees.

**Recommendation**

That Council:

1. Endorses the Terms of Reference for the Economic Development, Environment and Sustainability, and Inclusion Advisory Committees for public exhibition seeking expressions of interest for membership nomination.
2. Instructs officers to report nominations for each of these three Advisory Committees to Council for endorsement.

**Motion**

**Cr Karen Egan  
Cr Grant Brooker**

**That Council:**

1. **Endorses the Terms of Reference for the Economic Development, Environment and Sustainability, and Inclusion Advisory Committees for public exhibition seeking expressions of interest for membership nomination, subject to rectification of some required administrative corrections to be undertaken by the Acting General Manager Environment and Planning.**
2. **Instructs officers to report nominations for each of these three Advisory Committees to Council for endorsement.**

**CARRIED**



**12. Officers' reports****OCM.032/17 Review of Instrument of Delegation to Chief Executive Officer and Instrument of Delegation to Members of Council Staff**

---

**Distribution: Public****Manager: Andrew Port, General Manager Corporate Services****Author: Naomi Ellis, Corporate Planner****Summary**

Council is empowered under a number of pieces of legislation to undertake duties and functions in accordance with that legislation. To actually undertake these duties and functions, it is necessary for Council to delegate relevant powers to the Administration.

It is also necessary for Council to delegate some of its other functions to the Administration for reasons of efficiency and to prevent Council from having to make a lot of operational decisions at Council meetings. Therefore, the *Local Government Act 1989* (the Act) provides for each Council to establish a delegation of power. The Act also requires Council to review the delegations within one year of each general election.

To ensure compliance with the Act, the Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to Members of Council Staff have been reviewed and are presented to Council for consideration.

<b>Motion</b>
---------------

**Cr John Dumaresq****Cr Bruce Ranken****That Council:**

- 1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer (Attachment 1), resolves that:**
  - a) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.**
  - b) The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument.**
  - c) On the coming into force of the Instrument, all previous delegations to the Chief Executive Officer are revoked.**
  - d) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may, from time to time, adopt.**
  - e) It is noted that the Instrument includes a power of delegation to members of Council staff in accordance with section 98(3) of the Act.**

12. Officers' reports

**OCM.032/17 Review of Instrument of Delegation to Chief Executive Officer and Instrument of Delegation to Members of Council Staff**

---

2. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the Instrument of Delegation to Members of Council Staff (Attachment 2), resolves that:
  - a) There be delegated to members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument of Delegation to Members of Council Staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
  - b) The Instrument comes into force immediately after the common seal of Council is affixed to the required document.
  - c) On coming into force of the Instrument, all previous delegations to members of Council staff under the Instrument of Delegation to Members of Council Staff are revoked.
  - d) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may, from time to time, adopt.
3. Affixes the common seal to the Instrument of Delegation to the Chief Executive Officer (Attachment 1) and the Instrument of Delegation to Members of Council Staff (Attachment 2).

**CARRIED**

12. Officers' reports

OCM.033/17 Review of Meeting Procedure Local Law

---

**Distribution: Public**

**Manager: Andrew Port, General Manager Corporate Services**

**Author: Allison Watt, Manager Governance and Communications**

**Summary**

Council's Meeting Procedure Local Law was last reviewed by Council in early 2015 with the current Local Law adopted on 28 April 2015.

The purpose of the Meeting Procedure Local Law is to:

- Regulate proceedings at Council Meetings, Special Committee Meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply
- Regulate proceedings for the election of the Mayor, Deputy Mayor and Chairpersons
- Facilitate community engagement by providing opportunities at meetings for community members to express their views
- Regulate the use and keeping of the common seal.

It is proposed that the following changes be made to the Meeting Procedure Local Law to reflect recent Council decisions and changes to organisational processes:

- That Council may, by resolution, accept electronic petitions received via online websites if it is satisfied that the petition is authentic and from a legitimate website
- That public questions to an Ordinary Council Meeting be submitted by 5pm on the day prior to the scheduled date of the meeting
- That the requirement of Councillors to rise when speaking at a Council Meeting be removed from the Local Law
- That a Rescission Motion must be submitted by a minimum of two Councillors
- That speakers making a submission to a Special Committee can speak for themselves for up to three minutes and for one other person for a further period of three minutes. No person may speak on behalf of more than one other person unless Council or the Committee specifically resolves to allow them to do so.

The current Meeting Procedure Local Law has been reviewed by Council officers and Council's solicitors and the draft revised version of the Local Law is submitted for Council consideration.

The Local Law review and consultation process is extensive and is regulated by Part 5 of the *Local Government Act 1989* (the Act).

Council is required to undertake a community consultation process consistent with Section 223 of the Act which requires the proposed changes to the local law to be made publicly available for 28 days, that submissions from members of the public be invited and that those submitters are provided with an opportunity to be heard in respect to their submission.

12. Officers' reports

OCM.033/17 Review of Meeting Procedure Local Law

It is recommended that the attached Local Law be adopted as a draft and that the required statutory notices be published to enable the community consultation process to commence.

Following the community consultation process a further report will be provided to Council, having regard to any submissions received from the community.

Recommendation

That Council:

1. Adopts, as a draft, the attached proposed Meeting Procedure Local Law for public exhibition.
2. Pursuant to Section 119 of the *Local Government Act 1989*, gives notice in the Victoria Government Gazette, together with a public notice, of the proposed Meeting Procedure Local Law
3. Receives a further report, having regard to any submissions received, following the conclusion of the community consultation process.

Motion

Cr Karen Egan  
Cr Bruce Ranken

That Council:

1. **Adopts, as a draft, the attached Meeting Procedure Local Law for public exhibition with the following changes:**
  - a) **The deletion of clause 6.4**
  - b) **The insertion of the words 'or organisation/company' in the third paragraph of clause 13.3 to read 'They may also speak on behalf of one other person or organisation/company for a further period of up to three minutes**
  - c) **The insertion of words in the fourth paragraph of clause 13.3 to read 'No person is permitted to speak on behalf of an absent submitter or organisation/company unless he/she is authorised in writing by the absent submitter or by an authorised officer of the organisation/company to address Council on their behalf.**
2. **Pursuant to section 119 of the *Local Government Act 1989*, gives notice in the *Victoria Government Gazette*, together with a public notice, of the proposed Meeting Procedure Local Law**
3. **Receives a further report, having regard to any submissions received, following the conclusion of the community consultation process.**

CARRIED

12. Officers' reports

OCM.034/17 Tender for the management and operation of Eltham Leisure Centre

---

**Distribution: Public**

**Manager: Pauline Gordon, General Manager Community and Leisure**

**Author: Frances Duncan, Coordinator Leisure Facilities**

**Naomi Paton, Manager Leisure and Social Infrastructure**

**Summary**

This report considers the awarding of the contract for the management and operation of the Eltham Leisure Centre.

The contract will provide for a full range of leisure management services in a cost effective, competitive and responsible manner, with an expectation that high quality, customer-orientated-services that respond to the community's recreation and wellbeing needs will be delivered, with Council's assets being managed in the community's long-term interests.

Requests for Tender were advertised on 17 December 2016 for the management and operation of the Eltham Leisure Centre. Tenders closed on 31 January 2017.

The Tender Evaluation Panel has assessed all submissions in accordance with the evaluation criteria. A separate confidential report provides the tender assessment and recommendations to Council regarding the awarding of contracts.

**Motion**

**Cr Bruce Ranken**

**Cr Jane Ashton**

**That Council:**

- 1. Notes the report.**
- 2. Makes public the decision to award the contracts, but the tender evaluation remain confidential.**

**CARRIED**

12. Officers' reports

**OCM.035/17 Supply and transport of bulk bins for the Recycling and Recovery Centre 1617-24**

---

**Distribution: Public**  
**Manager: Conal Creedon, General Manager Infrastructure Services**  
**Author: Lisa Pittle, Manager Infrastructure Maintenance**  
**John Smyth, Coordinator Waste Management**

**Summary**

This report considers awarding a contract for Supply and Transport of bulk bins from Nillumbik Shire Council's Recycling and Recovery Centre (RRC). Presently Council has a contract with Citywide Service Solutions that concludes on 16 May 2017.

The purpose of this request for quotation is to formalise bulk haulage arrangements for the RRC for the next three years with no option for extension. The requested services include the supply of 33 cubic metre and 16 metre bins bulk bins for hard waste, green waste, cardboard with scrap metal as an option at Council's discretion and regular transport of the bulk material to a disposal or processing facility.

The tender evaluation panel has assessed all submissions and this report outlines the evaluation and recommendations to award the contract.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the anticipated value of this contract exceeds financial limits and a Council resolution is required to accept the recommendation to award and use this contract.

**Recommendation**

That Council:

1. Notes the report.
2. Makes public the decision regarding the contract but the tender evaluation remain confidential.

**Motion**

**Cr Bruce Ranken**  
**Cr Peter Perkins**

**That Council defers consideration of this report to the Future Nillumbik Committee meeting on 18 April 2017.**

**CARRIED**

12. Officers' reports

OCM.036/17 Assemblies of Councillors

**File:** 10/30/002  
**Distribution:** Public  
**Manager:** Andrew Port, General Manager Corporate Services  
**Author:** Naomi Ellis, Corporate Planner

**Summary**

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary meeting of Council a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 28 February 2017.

<b>Motion</b>
---------------

**Cr Karen Egan**  
**Cr Grant Brooker**

**That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following assemblies of Councillors:**

1	<b>Date of assembly</b>	20 February 2017	
	<b>Matters considered</b>	Councillor workshop – Eltham Precincts 3 and 4	
	<b>Councillors present</b>	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Peter Perkins	Cr Bruce Ranken Cr Jane Ashton Cr Grant Brooker
	<b>Staff present</b>	Paul Fyffe Chad Griffiths Ransce Salan Andrew Port	Pauline Gordon Conal Creedon Mark Stoermer
	<b>Conflict of interest</b>	None declared	

2	<b>Date of assembly</b>	22 February 2017	
	<b>Matters considered</b>	Living and Learning Nillumbik Advisory Committee	
	<b>Councillors present</b>	Cr Jane Ashton	
	<b>Staff present</b>	Maggie Clarke Leanne Wilson Cindy Geyer	Karyn Kamminga Liz Buijs Matt Campbell
	<b>Conflict of interest</b>	None declared	

12. Officers' reports

OCM.036/17 Assemblies of Councillors

<b>3</b>	<b>Date of assembly</b>	<b>28 February 2017</b>	
	<b>Matters considered</b>	<b>Pre-meeting for Ordinary Council Meeting</b>	
	<b>Councillors present</b>	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Peter Perkins	Cr Bruce Ranken Cr Jane Ashton Cr Grant Brooker
	<b>Staff present</b>	Mark Stoermer Andrew Port Conal Creedon Pauline Gordon Jeremy Livingston Pat Vaughan	Phil Lovelace Naomi Paton Joanne Hammond Corrienne Nichols Narelle Hart Craig Commane
	<b>Conflict of interest</b>	None declared	

<b>4</b>	<b>Date of assembly</b>	<b>2 March 2017</b>	
	<b>Matters considered</b>	<b>CEO Recruitment Sub-Committee</b>	
	<b>Councillors present</b>	Cr Peter Clarke Cr Karen Egan	Cr Bruce Ranken
	<b>Staff present</b>	Suzy Ellingsen	
	<b>Conflict of interest</b>	None declared	

<b>5</b>	<b>Date of assembly</b>	<b>7 March 2017</b>	
	<b>Matters considered</b>	<b>Officer briefings of Councillors</b> <ul style="list-style-type: none"> <li>• Planning applications</li> <li>• Domestic Wastewater Management</li> <li>• Amendment C107 – Bridge Street</li> <li>• Yarrambat Township Plan</li> <li>• Meeting Procedure Local Law</li> <li>• Eltham Leisure Centre redevelopment</li> <li>• Operating Budget 2017-2018</li> <li>• Northlink membership</li> <li>• Councillor/CEO discussions</li> <li>• CEO recruitment update</li> </ul>	
	<b>Councillors present</b>	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Peter Perkins	Cr Bruce Ranken Cr Jane Ashton Cr Grant Brooker



12. Officers' reports

OCM.036/17 Assemblies of Councillors

	<b>Staff present</b>	<b>Mark Stoermer Andrew Port Conal Creedon Pauline Gordon Jeremy Livingston Jonathan McNally Stephen Meloury Suzy Ellingsen</b>	<b>Darko Popovski Chad Griffiths Joanne Hammond Mathew Deayton Allison Watt Vince Lombardi Naomi Paton</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

<b>6</b>	<b>Date of assembly</b>	<b>7 March 2017</b>	
	<b>Matters considered</b>	<b>CEO Recruitment</b>	
	<b>Councillors present</b>	<b>Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Peter Perkins</b>	<b>Cr Bruce Ranken Cr Jane Ashton Cr Grant Brooker</b>
	<b>Staff present</b>	<b>Suzy Ellingsen</b>	
	<b>Conflict of interest</b>	<b>None declared</b>	

<b>7</b>	<b>Date of assembly</b>	<b>14 March 2017</b>	
	<b>Matters considered</b>	<b>Officer briefings of Councillors and Pre-meeting for Future Nillumbik Committee</b> <ul style="list-style-type: none"> <li>• Major Projects Plan/Capital Works Program</li> <li>• Asset sales</li> <li>• Capital Works schedules</li> <li>• Pre-meeting for Future Nillumbik Committee</li> </ul>	
	<b>Councillors present</b>	<b>Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Peter Perkins</b>	<b>Cr Bruce Ranken Cr Jane Ashton Cr Grant Brooker</b>
	<b>Staff present</b>	<b>Mark Stoermer Andrew Port Conal Creedon Pauline Gordon Jeremy Livingston Jonathan Miller Natalie Campion</b>	<b>Vince Lombardi Robert Malignaggi Jonathan McNally Corrienne Nichols Lance Clark Rebecca Burton</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

12. Officers' reports

OCM.036/17 Assemblies of Councillors

<b>8</b>	<b>Date of assembly</b>	<b>21 March 2017</b>	
	<b>Matters considered</b>	<b>Officer briefings of Councillors</b> <ul style="list-style-type: none"> <li>• <b>National Broadband Network</b></li> <li>• <b>Budget – new initiatives</b></li> <li>• <b>Instrument of Delegation</b></li> <li>• <b>DPO4 Purchase of public open space</b></li> <li>• <b>Eltham Leisure Centre management</b></li> <li>• <b>Roadside vegetation management</b></li> <li>• <b>Flora and Fauna Guarantee Act</b></li> <li>• <b>Health and Wellbeing profile</b></li> <li>• <b>Arts and Cultural Plan</b></li> <li>• <b>Advisory committees</b></li> </ul>	
	<b>Councillors present</b>	<b>Cr Peter Clarke</b> <b>Cr Karen Egan</b> <b>Cr John Dumaresq</b> <b>Cr Peter Perkins</b>	<b>Cr Bruce Ranken</b> <b>Cr Jane Ashton</b> <b>Cr Grant Brooker</b>
	<b>Staff present</b>	<b>Mark Stoermer</b> <b>Andrew Port</b> <b>Pauline Gordon</b> <b>Jeremy Livingston</b> <b>Lisa Pittle</b> <b>Mathew Deayton</b> <b>Vince Lombardi</b> <b>Allison Watt</b> <b>Joanne Hammond</b> <b>Jonathan Miller</b>	<b>Pat Vaughan</b> <b>Adrian Cully</b> <b>Michelle Zemancheff</b> <b>Lance Clark</b> <b>Darko Popovski</b> <b>Natalie Campion</b> <b>Neil Hordern</b> <b>Naomi Paton</b> <b>Trish Spiteri</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

**CARRIED**

**13. Notices of Motion**

Nil

**14. Delegates' reports**

Nil

**15. Supplementary and urgent business**

Nil

**16. Confidential reports**

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

<b>Motion</b>
---------------

Cr John Dumaresq  
Cr Bruce Ranken

That Council closes the meeting to the public pursuant to section 89(2) of the *Local Government Act 1989* to consider the following items, which are confidential for the reasons indicated:

Report No.	Title	Reason for confidentiality
OCM.037/17	Plenty Low Density Residential Area - Purchase of Land for Public Open space	(d) contractual matters
OCM.038/17	Eltham Leisure Centre Aquatic Redevelopment - Contingency	(d) contractual matters
OCM.039/17	Tender for the Management and Operation of Eltham Leisure Centre	(d) contractual matters
OCM.040/17	Supply and Transport of Bulk Bins for the Recycling and Recovery Centre 1617-24	(d) contractual matters
OCM.041/17	Appointment of the Chief Executive Officer	(a) personnel matters

**CARRIED**

The meeting closed to the public at 8.32pm.

**Ordinary Meeting of Council minutes**

**28 March 2017**

The meeting closed at 8.45pm.

Confirmed: \_\_\_\_\_

Cr Peter Clarke, Mayor