

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 28 August 2018 commencing at 7.30pm.

Minutes

Mark Stoermer
Chief Executive Officer

Friday 31 August 2018

Distribution: Public

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Domin je ka

Nillumbik Shire Council

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Ordinary Meeting of Council Minutes

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 28 August 2018. The meeting commenced at 7.30pm

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:

Matt Kelleher	Director Services and Planning
Hjalmar Philipp	Director Sustainability and Place
Adrian Cully	Director Business and Strategy
Blaga Naumoski	Executive Manager Governance
Katia Croce	Governance Lead
Mitch Grayson	Chief of Staff to Mayor and Councillors
Jeremy Livingston	Executive Manager Organisational Performance
Vince Lombardi	Executive Manager Finance
Suzy Ellingsen	Executive Manager People Culture and Innovation
Naomi Paton	Manager Integrated Strategy
Melika Sukunda	Financial Accountant

1. Welcome

The chairperson, Mayor Peter Clarke welcomed community members in the gallery and in particular students from Eltham North Primary School.

2. Reconciliation statement

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

3. Prayer

A prayer was read by Robyn Bland, leadership at St Johns Anglican Church, Diamond Creek.

4. Apologies

Nil

5. Presentations

The presentation as listed in Agenda was deferred to a future Ordinary Council Meeting.

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 31 July 2018.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr John Dumaresq

That the minutes of the Council Meeting held on Tuesday 31 July 2018 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

The Chairperson, Mayor Peter Clarke responded to the following questions submitted.

Bill Lord asked Council:

1. Is Council giving up on the shire's indigenous vegetation and wildlife and on its educational role or when will Council again make readily available to the public these information booklets please?

Response

Nillumbik Shire Council is proud of the role these information booklets play in educating the community on indigenous vegetation and wildlife.

They are certainly still available and both the Shire Office and Edendale foyers have been restocked with supply.

Sue Dyet asked Council:

1. When giving information to the developers of the current use of the War Memorial Complex, no mention is made of the continued and ongoing use of the Preschool site in comparison to the information given to the developers for the current use by the community of the War Memorial Hall and Maternal & Child Health Centre, is this absence of information for the preschool an oversight or a prelude to the imminent closure of the preschool ?

Response

Interested potential developers will be provided with information relating to 895 and 903-907 Main Road Eltham, detailing the sites' history and current uses.

Most people are aware of the significance of some parts of the site including some trees and the War Memorial Site. Should this proceed, information will be made available to potential joint ventures with Council in this particular proposal.

In terms of the preschool/kindergarten, should this proceed the intention is to redevelop a new kindergarten with the co-op on the other side of the railway line as the State Government has encouraged to have hubs of child activities together. However this would be a long way off.

Carlota Quinlan asked Council:

1. Why is there a total lack of accurate information regarding the social and cultural history of both sites. Is this absence a rewrite of history to entice developers or just a lack of foresight to alert developers to our Eltham identity?

Response

There will be no lack of information history or background or what is unique to Eltham as we move forward in talking to developers who express interest and all that information about history will be made available and they would be encouraged to speak to the historical society to get a full understanding. It is Council's intension to be respectful and we will be discussing further later tonight to resolve on this item. Council is looking initially to speak to the developer community to ask if they are they interested, and question if they have a credential that would be satisfactory to a joint venture with Council on this. Council are not seeking proposals at this stage.

Helen Coleman asked Council:

1. As the Nillumbik Council is doing a major activity centre review for the Eltham Major Activity Centre it would have been sensible to include a question about the proposed sale of the Old Shire Office site & war memorial complex, which seem imminent and is on tonight's Agenda, to enquire as to what the community want on those sites. Is it a case of the left hand not knowing what the right hand is doing in Council? and why would Council be looking to sell off this community owned land without consulting with the community first and including the site as part of the review into the Eltham Activity Structure Plan?

Response

Council has for a number of years been making a concerted effort to identify a future use and development of 895 and 903-7 Main Road and these efforts have, and continue to be, informed by community engagement. This included the adoption by Council in 2013 of the vision and principles for the site and surrounds, which state that any future use and development of the land should be financially responsible.

Current wider community engagement to inform the review of the Eltham Activity Centre Structure Plan is broad in its focus, and will capture the community's views about, values of and aspirations for the activity centre, which includes all of the Eltham Town Centre, residential land around the Town Centre, the Bridge Street Business Area and the corridor of open space along the Diamond Creek. The survey provides opportunity for the community to provide feedback on particular sites.

This won't be the only consultation that occurs. As already indicated, as Council moves forward there will be plenty of opportunities for additional community consultation.

Roya Godden asked Council in relation to the Eltham North Adventure Playground carpark:

1. Can the car park be redesigned quickly so that the bus companies can safely continue to provide the service we need?

Response

Council has been in consultation with the school principal of the school and will continue that consultation to ensure that the carpark is both safe for school use and for the Adventure Playground ongoing use.

Council is very conscious of the importance of the carpark for the precinct and its importance in terms of Edendale Farm, the soccer ground, the school, the adventure playground and the whole precinct.

If the design needs to be improved in some way, we will do that. The first step which has commenced is meeting with the school to ensure the adequacy for the bus movements, and the community and school community will be kept informed.

10. Reports of Advisory Committees

AC.007/18 Advisory Committee Report

Distribution: Public

Manager: Katia Croce, Governance Lead

Author: Emma Christensen, Governance Officer

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:

- Arts Advisory Committee held on 2 July 2018.

Recommendation

That Council notes the Arts Advisory Committee meeting minutes held on 2 July 2018.

Motion

MOVED: Cr Karen Egan

SECONDED: Cr Jane Ashton

That Council:

1. Notes the Arts Advisory Committee meeting minutes held on 2 July 2018.
2. Request a further report to the September Ordinary Council Meeting on the proposed Public Art Installation as identified in item 7.1 of these minutes.

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

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Jane Ashton

That Council:

1. Notes the Arts Advisory Committee meeting minutes held on 2 July 2018.
2. Request a further report to the September Ordinary Council Meeting on the proposed Public Art Installation as identified in item 7.1 of these minutes.

CARRIED UNANIMOUSLY

11. Reports of Special Committees

12. Officers' reports

OCM.119/18 Process to rezone 13 parcels of Council owned land to Public Park and Recreation Zone (PPRZ)

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Julie Paget, Strategic Planner

Fae Ballingall, Senior Strategic Planner

Anthony Calthorpe, Strategic Planning Coordinator

Summary

Council previously resolved to rezone Council-owned properties to Public Park and Recreation Zone (PPRZ) at:

- Lot 1, Graysharps Road Hurstbridge following the decision not to sell the site at the 22 November 2016 Ordinary Meeting of Council; and
- 12 properties in Diamond Creek, Eltham, Greensborough and Research following Council's decision not to proceed with the sale of land at the 1 May 2018 Ordinary Meeting of Council.

Amendment C113 to the Nillumbik Planning Scheme has commenced for Lot 1, Graysharps Road Hurstbridge. To achieve cost and time savings to Council, it is opportune for this amendment to be modified to include the 12 additional properties. This status report provides an update on that process.

Recommendation

That Council notes the intention to seek authorisation to commence a planning scheme amendment to rezone 13 Council-owned properties to Public Park and Recreation Zone.

Motion

MOVED: Cr Grant Brooker

SECONDED: -

That Council:

1. Notes the intention to seek authorisation to commence a planning scheme amendment to rezone nine Council owned properties to Public Park and Recreation Zone, being:
 - a) 20A Henry Street, Eltham
 - b) 12 The Eyrie, Eltham
 - c) 34 Glen Park Road, Eltham
 - d) 120 Arthur Street, Eltham
 - e) 17a Ruskin Court, Eltham
 - f) Lot 1 Graysharps Road, Hurstbridge
 - g) 34-(parts of) 44B Civic Drive, Greensborough (namely open space identified in the Civic Drive Precinct Development Community Facilities Upgrade Masterplan, 2016)

12. Officers' reports

OCM.119/18 Process to rezone 13 parcels of Council owned land to Public Park and Recreation Zone (PPRZ)

- h) 8-9 Cosham Court, Greensborough
 - i) 34 Raglan Road, Research
2. Defer rezoning the following properties to Public Park and Recreation Zone until such time as the Open Space Strategy is reviewed:
- a) 60 David Hockney Drive, Diamond Creek
 - b) 14 Ripon Close, Diamond Creek
 - c) 26 Renshaw Drive, Eltham
 - d) 46 Symon Crescent, Greensborough
 - e) 4 Raglan Court, Research.

THE MOTION LAPSED FOR WANT OF A SECONDER

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Bruce Ranken

That Council notes the intention to seek authorisation to commence a planning scheme amendment to rezone 14 Council-owned properties to Public Park and Recreation Zone, including Lot 1 Graysharps Road, Hurstbridge, 12 properties identified through the land sales process and the Council owned open space associated with the Civic Drive Masterplan.

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Bruce Ranken

That Council notes the intention to seek authorisation to commence a planning scheme amendment to rezone 14 Council-owned properties to Public Park and Recreation Zone, including Lot 1 Graysharps Road, Hurstbridge, 12 properties identified through the land sales process and the Council owned open space associated with the Civic Drive Masterplan.

CARRIED UNANIMOUSLY

12. Officers' reports

OCM.120/18 Potential development of 895 and 903-7 Main Road Eltham

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Poul Tvermoes, Senior Project Manager

Naomi Paton, Manager Integrated Strategy

Summary

Council has committed to exploring the development of the former Eltham Shire offices and adjacent site, located at 895 and 903-7 Main Road Eltham, with the vision to create a vibrant precinct supporting community and economic outcomes at the gateway to the Eltham town centre.

The precinct has the potential to offer a range of community benefits and uses including gathering and meeting places, spaces for community celebrations, place activation and growing local employment and economic activity, whilst retaining existing uses within the precinct.

Development would need to reflect Eltham's unique sense of place and preferred character through the provision of appropriate design features and materials, and public spaces that could support community uses such as markets, concerts and outdoor cinema.

To explore the possibilities of renewing both sites, Council needs to find a development partner who can deliver on the vision at no cost to Council while delivering community benefit. The potential redevelopment may include a broad range of uses including retirement living, boutique hotel, regional art gallery and community spaces aligned with the needs of the community and Eltham town centre.

The feasibility of these or other potential uses will only be known by testing the market. A two-stage market-testing process is recommended to identify suitably qualified developers through an initial Expression of Interest and then a more formal Request for Proposal process to identify the best outcomes for the sites. The preferred proposal would then be considered by Council and released for broader community engagement in early 2019.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Karen Egan

That Council:

1. Commence an urban renewal process for Council land at 895 and 903-7 Main Road, Eltham, to deliver enhanced social, economic and public realm outcomes and a built form reflective of Eltham's preferred character.
2. Test market feasibility to achieve the desired outcome at no cost to Council through an Expression of Interest process then subsequent Request for Proposal process.
3. Subject to a future Council decision, select a development partner to prepare detailed plans as the basis for broader community engagement.

CARRIED

12. Officers' reports

OCM.120/18 Potential development of 895 and 903-7 Main Road Eltham

Cr John Dumaresq called for a division

For: Cr Peter Perkins, Cr Bruce Ranken, Cr Jane Ashton, Cr Karen Egan, Mayor Peter Clarke and Cr Grant Brooker

Against: Cr John Dumaresq

CARRIED

12. Officers' reports

OCM.121/18 Green Wedge Management Plan Review status update

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Nichole Johnson, Coordinator Strategy Projects - Community and Leisure

Naomi Paton, Manager Integrated Strategy

Summary

This report provides an update on the review of the Green Wedge Management Plan (GWMP). The purpose of the GWMP is to review “what is the best way for us to manage Nillumbik’s Green Wedge, now and into the future”.

The wider community engagement program was designed in collaboration with community leaders in April and May 2018. Between late May and mid July 2018, more than 1,000 participants attended a workshop, completed a survey, uploaded a story, attended a community conversation and/or drew a picture, detailing their values, challenges and aspirations for Nillumbik’s Green Wedge.

The community’s feedback has been presented to the 44-member Community Panel. The Panel has been recruited to consider information and hear from a range of speakers to deliberate and then recommend to Council a vision, objectives and key actions to shape the future management of Nillumbik’s Green Wedge.

The Panel’s recommendations will be presented to Council in late October. Council will formally respond to recommendations and consider the draft GWMP in late November ahead of further and final wider community consultation. Feedback will inform the final GWMP which is due to be completed by mid-2019.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Karen Egan

That Council notes the status update of the Green Wedge Management Plan review.

CARRIED

Mitch Grayson Chief of Staff to Mayor and Councillors, temporarily left the meeting at 8.15pm during discussions.

12. Officers' reports

OCM.122/18 Audit Committee meeting August 2018

File: 20/15/006

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Melika Sukunda, Financial Accountant

Summary

In accordance with section 139 of the *Local Government Act 1989* and good governance principles, Councils must have an Audit Committee. As resolved at the Ordinary Meeting of Council on 16 August 2005, the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.

The Audit Committee met on 13 August 2018. The minutes for the meeting are attached in Attachment 1.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Karen Egan

That Council notes the minutes of the Audit Committee meeting held on 13 August 2018.

CARRIED

Mitch Grayson Chief of Staff to Mayor and Councillors, returned to the meeting at 8.18pm during discussions.

12. Officers' reports

OCM.123/18 Financial statements and performance statement for 2017 -2018

File: 20/10/004

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Melika Sukunda, Financial Accountant

Summary

Council is required to produce audited Annual Financial Statements and a Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

The draft 2017-2018 Financial Statements and Performance Statement have been reviewed by Council's external auditors on behalf of the Victorian Auditor General.

For the 2017-2018 financial year Council has achieved an operating surplus of \$16.557 million on an accrual basis.

This report recommends that Council give 'in principle' approval to the 2017-2018 accounts and appoint the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2017-2018 Financial Statements and Performance Statement.

Council has produced a Performance Statement in accordance with the Local Government Performance Reporting Framework. This provides results on a range of prescribed indicators of service performance, financial performance and sustainable capacity.

The draft statements have been presented to Council's Audit Committee which has recommended that Council give in principle approval for the statements pursuant to Section 132 of the Act, prior to formal presentation to the Auditor General.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Karen Egan

That Council:

1. Approves 'in principle' the 2017-2018 Annual Financial Statements (Attachment 1) and Performance Statement (Attachment 2).
2. Authorises the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2017-2018 Annual Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made.

CARRIED

Matt Kelleher Director Services and Planning, temporarily left the meeting at 8.18pm during discussions.

12. Officers' reports**OCM.124/18 State Government Election Advocacy**

Distribution: Public**Manager: Mark Stoermer, Chief Executive Officer****Author: Mitch Grayson, Chief of Staff to Mayor and Councillors****Summary**

The Victorian State election will be held on 24 November 2018 which includes all seats for the Legislative Assembly and the Legislative Council. Nillumbik Shire Council will continue its advocacy for a broad range of infrastructure, service improvements and funding requirements to deliver better outcomes for the Shire's residents. These priorities include improvements to public transport and congestion reducing initiatives meaning parents will spend less times on the roads and more time with their families, upgrades to sporting pavilions to ensure disability access and female change facilities, many which are not currently available and access to and new and improved shared trail networks enabling residents safe and accessible access to keep fit, explore our region and enjoy our unique environment.

Recommendation

That Council endorses the content of the Nillumbik Shire Council 2018 State Election Advocacy Statement as shown in Attachment 1 prior to the design, layout and distribution of the final document to all political parties, before the State election.

Motion**MOVED: Cr Peter Perkins****SECONDED: Cr Karen Egan****That Council**

1. Endorses the content of the Nillumbik Shire Council 2018 State Election Advocacy Statement as shown in Attachment 1, with the following changes:

a) **Main Hurstbridge Road, Diamond Creek, level crossing removal and grade separation**

Removal of the level crossing would reduce congestion and allow for more frequent train services. It would also assist in providing better connections across Diamond Creek for the community. Finally, removal of the level crossing would increase safety.

SEEKING: Level crossing removal at Main Hurstbridge Road, Diamond Creek

b) **Duplication of the train line from Greensborough to Hurstbridge.**

Duplication of the train line from Greensborough to Hurstbridge would significantly increase rail services to Nillumbik residents, allowing for 10 minute services to Eltham and a 20 minute service to Diamond Creek. This would increase the usage of public transport and therefore reduce congestion on arterial roads.

SEEKING: Duplication of Hurstbridge line from Greensborough to Hurstbridge

12. Officers' reports

OCM.124/18 State Government Election Advocacy

- c) Any other grammatical errors pick up by Councillors.
- 2. Endorses the design, layout and distribution of the final document to all political parties, before the State election.

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Karen Egan

That Council

- 1. Endorses the content of the Nillumbik Shire Council 2018 State Election Advocacy Statement as shown in Attachment 1, with the following changes:
 - a) **Main Hurstbridge Road, Diamond Creek, level crossing removal and grade separation**

Removal of the level crossing would reduce congestion and allow for more frequent train services. It would also assist in providing better connections across Diamond Creek for the community. Finally, removal of the level crossing would increase safety.

SEEKING: Level crossing removal at Main Hurstbridge Road, Diamond Creek
 - b) **Duplication of the train line from Greensborough to Hurstbridge.**

Duplication of the train line from Greensborough to Hurstbridge would significantly increase rail services to Nillumbik residents, allowing for 10 minute services to Eltham and a 20 minute service to Diamond Creek. This would increase the usage of public transport and therefore reduce congestion on arterial roads.

SEEKING: Duplication of Hurstbridge line from Greensborough to Hurstbridge
 - c) Any other grammatical errors pick up by Councillors.
- 2. Endorses the design, layout and distribution of the final document to all political parties, before the State election.

CARRIED

Matt Kelleher Director Services and Planning, returned to the meeting at 8.25pm during discussions.

12. Officers' reports**OCM.125/18 Rodger Road Special Charge Scheme, Panton Hill**

Distribution: Public**Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Patrick Wood, Coordinator Design****Summary**

At the Ordinary Council Meeting on 19 December 2017, Council resolved to declare a Special Charge Scheme to construct Rodger Road, Panton Hill.

The lowest price tendered to Council to construct Rodger Road was in excess the maximum amount that can be levied under the current declaration. Therefore, Council has repeated the statutory process of declaring the scheme, by giving notice of its intention to declare a special charge. Council's notice of its intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 4 July 2018.

A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has received five submissions and one objection to the scheme. These submissions were considered by the Future Nillumbik Committee on 14 August 2018 (FN.025/18).

This report recommends that Council formally declares the Rodger Road Special Charge Scheme.

Council Resolution**MOVED: Cr Karen Egan****SECONDED: Cr John Dumaresq****That Council:**

1. Notes that five (5) submissions and one (1) objection were received for this scheme.
2. Having considered these submissions and objection, gives notice under section 163 (4) of the *Local Government Act 1989* (the Act) of the declaration of a special charge for the purpose of constructing Rodger Road, Panton Hill (between Bishops Road and Lawrence Road).
3. Incorporates the following outline of declaration:
 - a) The Special Charge Scheme shall apply to the properties in Rodger Road, Panton Hill as shown in **Attachment 1** (Properties included in the proposed scheme).
 - b) The apportionment cost to each property is based on the method shown in the report and **Attachment 2** (Guidelines for Apportionment of Costs for Road Construction).
 - c) The total estimated cost to each property is shown in **Attachment 3** (Apportionment to affected properties) and may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the Act.
 - d) The interest rate applicable to instalments paid by each due date is to be one per cent higher than the rate applying to Council in relation to funds borrowed for this project.

12. Officers' reports

OCM.125/18 Rodger Road Special Charge Scheme, Panton Hill

- e) The Special Charge Scheme for Rodger Road shall remain in force for 10 years.
 - f) The estimated total project cost is \$506,344 with a benefit ratio of 0.8884' (88.84 per cent). The total amount to be levied under this special charge is \$449,855.83. Council will be contributing \$56,488.17 for a Council property 105 Rodger Road known as Bunjil Reserve. This amount has been allocated within the 2018/19 Capital Works Program.
 - g) Within twelve months of the completion of works a final cost statement will be issued to all of the property owners in the Rodger Road Special Charge Scheme and any adjustments to liabilities will be made at that time.
4. That the submitters and objector be advised of Council's decision and the reason for the decision.

CARRIED

12. Officers' reports

OCM.126/18 Worns Lane Special Charge Scheme, Yarrambat

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Patrick Wood, Coordinator Design

Summary

Following a tender process to construct Worns Lane under a Special Charge Scheme, the lowest tendered price has increased by more than 10 percent from the declared amount. In accordance with Section 166 (3) of the *Local Government Act 1989* (the Act), Council cannot vary the declared amount by more than 10 percent, without declaring the scheme again. Council resolved on 26 June 2018 (Item OCM.095/18), to commence the statutory process for a Special Charge Scheme for Worns Lane, between Latrobe Road and Licola Street, Yarrambat.

Council's notice of its intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 4 July 2018.

A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has received no submissions or objections to the scheme.

This report recommends that Council formally declares the Worns Lane Special Charge Scheme.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr John Dumaresq

That Council:

1. Notes that no submissions or objections were received for this scheme.
2. Having considered no submissions or objections, gives notice under section 163 (4) of the Act of the declaration of a special charge for the purpose of constructing Worns Lane, Yarrambat (between Latrobe Road and Licola Street).
3. Incorporates the following outline of declaration:
 - a) The Special Charge Scheme shall apply to the properties in Worns Lane, as shown in **Attachment 1** (Properties included in the proposed scheme).
 - b) The apportionment cost to each property is based on the method shown in the report and **Attachment 2** (Guidelines for Apportionment of Costs for Road Construction).
 - c) The total estimated cost to each property is shown in **Attachment 3** (Apportionment to affected properties) and may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the Act.
 - d) The interest rate applicable to instalments paid by each due date is to be one per cent higher than the rate applying to Council in relation to funds borrowed for this project.
 - e) The Special Charge Scheme for Worns Lane shall remain in force for 10 years.

12. Officers' reports

OCM.126/18 Worns Lane Special Charge Scheme, Yarrambat

- f) The estimated total project cost is \$283,914 with a benefit ratio of 'one' (100 percent). The total amount to be levied under this special charge is \$283,914.

CARRIED UNANIMOUSLY

12. Officers' reports

OCM.127/18 Feasibility of Renewable Energy Generation within the Shire of Nillumbik

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

**Author: Poul Tvermoes, Senior Project Manager
Ian Culbard, Sustainability Officer**

Summary

Council officers have completed a preliminary review of the potential for renewable energy generation on Council land within the Shire, with particular interest in the Council owned former landfill sites at Plenty and Kangaroo Ground. The review supports progressing to a detailed feasibility study, which is proposed to be undertaken in the second half of 2018.

Council Resolution

MOVED: Cr Grant Brooker

CARRIED: Cr Bruce Ranken

That Council:

1. Request officers to undertake a detailed feasibility study into the development of a solar energy generation facility, focussing on Council land within the Shire.
2. Report on progress of the feasibility study to Council in December 2018.

CARRIED UNANIMOUSLY

12. Officers' reports**OCM.128/18 Addendum to the supply, delivery and finance of one road sweeper unit****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Vladimir Mistic, Engineer****Previous Items: OCM.116/18 - Supply, delivery and finance of one road sweeper unit - Ordinary Meeting of Council - 31 Jul 2018****Addendum Summary**

This report follows a previous report presented and accepted at the 31 July 2018 Ordinary Council Meeting related to the supply, delivery and finance of a road street sweeper unit (OCM.116/18).

As the contract with the supplier (Bucher Municipal Pty Ltd) was being prepared, Council officers were made aware of a new safety component being offered as an optional extra.

The component is a *Reverse Smart* braking system and *Eco Smart* alarm. It is designed to stop the vehicle from reversing when a person walks behind it at close range. It is a new technology developed after an employee working on a VicRoads project was tragically killed when reversed over by a street sweeper.

Council officers were not aware of this safety system being available at the time of the tender preparation. It was not available on any of the other sweeper tenders received, nor was it an option that had been previously fitted to any Council owned vehicle. In a review of the changes offered it was considered prudent to include this item as an additional safety feature.

In consultation with the manufacturer it was found that the Reverse Smart Braking system is not a bolt on like a set of reverse sensors but had to be incorporated into the truck build. This adds \$6,506 to the already approved capital cost.

Given this safety feature will benefit the community through reduced risk, officers recommend its inclusion.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the total contract value exceeds the specific financial limits and a council resolution is therefore required to award the contract.

Council Resolution**MOVED: Cr John Dumaresq****SECONDED: Cr Bruce Ranken****That Council:**

1. Approves the purchase of a Reverse Smart Braking system and Eco Smart Alarm at a cost of \$6,506 in addition to the tender accepted from BUCHER Municipal Pty Ltd at the OCM.116/18 on 31 July 2018.
2. Authorises acceptance of the finance option including a variance of up to 10 percent of original stated financing costs, due to shift in finance rates at time of contract acceptance. As per confidential report to Council on 31 July 2018.

12. Officers' reports

OCM.128/18 Addendum to the supply, delivery and finance of one road sweeper unit

3. Authorises the Director, Sustainability and Place to finalise and execute the contract documentation and finance option.

CARRIED

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Bruce Rankin

SECONDED: Cr John Dumaresq

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

- OCM.129/18 Assemblies of Councillors
- OCM.130/18 Risk and Insurance Report June Quarter 2018
- OCM.131/18 Sportground Maintenance Contract
- OCM.132/18 Tender Report - Falkiner Street Area - Construction of Traffic Management Treatments
- OCM.133/18 Amenity and Fire Prevention Mowing Contracts
- OCM.134/18 Tender report - Civic Drive Playground and Landsacaping Works
- OCM.135/18 Tender Report - 1819-1 Marngrook Oval Pavilion Development

CARRIED UNANIMOUSLY

12. Officers' reports

OCM.129/18 Assemblies of Councillors

Distribution: Public

Manager: Katia Croce, Governance Lead

Author: Emma Christensen, 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 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 26 June 2018.

An Assembly of Councillors record was kept for:

- Councillor Briefing Session – Tuesday 31 July 2018
- CEO Employment Matters Committee – Thursday 2 August 2018
- Panton Hill Bushland Reserves Advisory Committee – Thursday 2 August 2018
- Councillor Briefing Session – Tuesday 7 August 2018
- Economic Development Advisory Committee – Wednesday 8 August 2018
- CEO Employment Matters Committee – Thursday 9 August 2018
- Arts Advisory Committee – Monday 13 August 2018
- Councillor Briefing Session – Tuesday 14 August 2018

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr John Dumaresq

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 31 July 2018, 2 August 2018, 7 August 2018, 9 August 2018, 13 August 2018 and 14 August 2018 (**Attachment 1**).

CARRIED UNANIMOUSLY

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

12. Officers' reports

OCM.130/18 Risk and Insurance Report June Quarter 2018

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: Craig Commane, Risk Advisor

Summary

This report provides a summary of Council's Risk and Insurance Report for the quarter ending June 2018.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF) that commenced on 1 July 2014. 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 will be tabled each quarter following consideration by the Audit Committee.

A separate report in this agenda provides detailed information for Council 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 John Dumaresq

That Council resolves that the report remain confidential and the resolution of Council be made public.

CARRIED UNANIMOUSLY

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

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Grant Brooker

That Council:

1. Notes the summary of the confidential Risk and Insurance report for the quarter ending June 2018.
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

12. Officers' reports

OCM.131/18 Sportsground Maintenance Contract

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Lisa Pittle, Manager Environment

Joseph Emmanuel, Coordinator Road and Drain Maintenance

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for a single provider for a range of sports ground maintenance services and works and to provide efficiencies in administration process associated with maintaining sports grounds.

Sports grounds are currently managed through a number of service providers with annual contract arrangements. A range of sports ground maintenance services have been packaged and publicly tendered.

The awarding of this tender will support Council in maintaining sports grounds year round to provide a safe and reasonable playing surface for community use.

The contract period is for an initial period of three (3) years with further options of two additional twelve (12) month terms.

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

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr John Dumaresq

That Council notes the report.

CARRIED UNANIMOUSLY

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

12. Officers' reports

OCM.131/18 Sportsground Maintenance Contract

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Bruce Rankin

SECONDED: Cr John Dumaresq

That Council:

1. Resolves to appoint a single provider and accepts the tender of Citywide Service Solutions Pty Ltd for an initial contract term of three (3) years for the the following services and works
 - a) General Sports Ground Maintenance Services and Works
 - b) Irrigation Services and Works
2. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.
3. Authorises the Director Sustainability and Place to review the performance of the contract and determine to approve each extension period of 12 months to a maximum of two periods.
4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.132/18 Tender Report - Falkiner Street Area - Construction of Traffic Management Treatments

File: 1718-109

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the construction of local area traffic management treatments in Falkiner and Ely Streets in Eltham.

The works will involve the construction of central splitter islands, road humps, kerb and channel and other associated works.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the construction of local area traffic management treatments in Falkiner and Ely Streets in Eltham.

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.

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr John Dumaresq

That Council notes the report.

CARRIED UNANIMOUSLY

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

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr John Dumaresq

That Council:

1. Enters into a contract with S and O Ricchiuti Pty Ltd for the construction of local area traffic management treatments in Falkiner Street and Ely Street, Eltham for the amount of \$243,486.10 (inclusive of GST) and a 10% contingency amount of \$24,350.00

12. Officers' reports

OCM.132/18 Tender Report - Falkiner Street Area - Construction of Traffic Management Treatments

2. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.
4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.133/18 Amenity and Fire Prevention Mowing Contracts

Distribution: Public
Manager: Hjalmar Philipp, Director Sustainability and Place
Author: Joseph Emmanuel, Coordinator Road and Drain Maintenance
Lance Clark, Senior Procurement Specialist
Lisa Pittle, Manager Environment
Norm Golgerth, Emergency Management Coordinator

Summary

This report is an overview of a separate confidential report recommending the awarding of a panel of providers for seasonal mowing services replacing a previous panel contract which has expired.

The awarding of this tender will support Council (i) to maintain and improve community satisfaction with open spaces (ii) reduce rural roadside hazard due to vegetation and (iii) manage fuel loads to reduce risk of bushfire and bushfire hazards. The contract term is for an initial period of three (3) years with further options of two additional twelve (12) month terms.

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

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

Council Resolution

MOVED: Cr Bruce Ranken
SECONDED: Cr John Dumaresq

That Council notes the report.

CARRIED UNANIMOUSLY

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

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr John Dumaresq
SECONDED: Cr Bruce Ranken

That Council:

1. Resolves to accept the tender of Webster Contracting Pty Ltd for their submitted schedule of rates for the Amenity Mowing service category for an initial contract term of three (3) years.

12. Officers' reports

OCM.133/18 Amenity and Fire Prevention Mowing Contracts

2. Resolves to appoint a panel of providers for the Municipal Fire Prevention Slashing service category and accepts the tenders of the following providers for their submitted schedule of rates for an initial contract period of three (3) years including:
 - a) The Trustee for Brereton Family Trust trading as Darren Brereton Plant Hire and General Contracting Pty Ltd for roadside slashing works.
 - b) Graham's Total Turf Care, Greensfield Group Pty Ltd trading as Greensfield Group, Herbert Group Holdings Pty Ltd trading as Herbert Contractors; Skyline Landscape Services (Vic) Pty Ltd to carry out works on private property in relation to Municipal Fire Prevention Notices.
3. Resolves to accept the tender of Citywide Service Solutions Pty Ltd for their submitted schedule of rates for the Reach Arm service category for an initial contract period of three (3) years.
4. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.
5. Authorises the Director Sustainability and Place to review the performance of the contracts and determine to approve each extension period of 12 months to a maximum of two periods.
6. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.134/18 Tender report - Civic Drive Playground and Landscaping Works

File: 1819-002

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the Civic Drive Playground and Landscaping Works.

The works will involve the construction of new playground and active space in the existing open grassed area in front of the outdoor performance facility, located between the Council offices and Diamond Valley Sports Centre in Civic Drive, Greensborough.

Works will include bulk earthworks, underground drainage, and extensive landscaping including paths, stairs, retaining walls, trees, garden beds, grassed areas. Various play elements and park furniture will also be installed.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Civic Drive Playground and Landscaping Works.

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/s.

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr John Dumaresq

That Council notes the report.

CARRIED UNANIMOUSLY

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

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Karen Egan

That Council:

1. Enters into a Contract with Citywide Service Solutions Pty Ltd for the Civic Drive Playground and Landscaping Works, for the amount of \$734,146.60 (inclusive of GST) plus a 15% contingency.

12. Officers' reports

OCM.134/18 Tender report - Civic Drive Playground and Landscaping Works

2. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.
4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.135/18 Tender Report - 1819-1 Marngrook Oval Pavilion Development

File: 1819-1

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the Marngrook Oval Pavilion Development.

The works will involve the construction of a new fit for purpose modern sporting pavilion to accommodate all oval tenants and other community groups based in the Diamond Creek Reserve.

The new pavilion will provide accessible player change rooms and umpire facilities, a kiosk, first aid room and other associated amenities to encourage growing participation.

The new pavilion will be located above the rock retaining wall at the eastern end of the oval, between the childcare centre and the Diamond Creek Leisure Centre.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Marngrook Oval Pavilion Development.

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.

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr John Dumaresq

That Council notes the report.

CARRIED UNANIMOUSLY

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

12. Officers' reports

OCM.135/18 Tender Report - 1819-1 Marngrook Oval Pavilion Development

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Bruce Ranken

That Council:

1. Enters into a Contract with J.R. and B.L. Kendall Pty Ltd for the Marngrook Oval Pavilion Development Works, for the amount of \$2,014,995.40 (inclusive of GST) plus a 10% contingency.

CARRIED

- 13. Notices of Motion**
- 14. Delegates' Reports**
- 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.136/18 Risk and Insurance Report June Quarter 2018

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

OCM.137/18 Sportsground Maintenance Contract

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

OCM.139/18 Tender Report - Falkiner Street Area - Construction of Traffic Management Treatments

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

OCM.140/18 Amenity and Fire Prevention Mowing Contracts

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

OCM.141/18 Tender Report – Civic Drive Playground and Landscaping Works

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

OCM.142/18 Tender Report - 1819-1 Marngrook Oval Pavilion Development

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

OCM.143/18 Personnel Matters

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

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Bruce Ranken

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.

CARRIED

Ordinary Meeting of Council Minutes

28 August 2018

The meeting closed to the public at 8.39pm.

The meeting reopened at 8.47pm

Close of Meeting

The meeting closed at 8.47pm.

Confirmed: _____

Cr Peter Clarke, Mayor