

Ordinary Meeting of Council

Held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 18 December 2018 commencing at 7.30pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 21 December 2018

Distribution: Public

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Domin je ka

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 18 December 2018. The meeting commenced at 7.30pm.

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
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
Jeremy Livingston	Executive Manager Organisational Performance
Vince Lombardi	Executive Manager Finance
Mitch Grayson	Chief of Staff to Mayor and Councillors
Licardo Prince	Corporate Affairs Lead
Corrienne Nichols	Manager Community Programs
Nichole Johnson	Coordinator Major Projects
Melissa Morganti	Project Support Officer
Geoff Lawlor	Strategic Advisor Integrated Strategy

1. Welcome

Mayor, Cr Karen Egan read the following statement:

Council is committed to safe and productive meetings for all attendees. I would like to remind you that harassment, intimidation, or discrimination of any kind or bad behaviour will not be tolerated.

I would like to take this opportunity with so many people in the room to remain courteous during tonight's proceedings to ensure a safe and respectful environment for everyone present.

2. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Karen Egan.

3. Prayer

A prayer was read by Fr Francis Kolencherry, Vicar General, St Thomas the Apostle, Melbourne.

4. Apologies

Nil

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 27 November 2018.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

That the minutes of the Council Meeting held on Tuesday 27 November 2018 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

9. Questions from the gallery

Mayor, Cr Karen Egan reminded the gallery of the provisions in Council's Meeting Procedure Local Law 2017, and advised that if more than two questions were submitted, only the first two will be accepted and answered.

Ben Ramcharan asked Council the following questions:

Next year, the Electoral Boundaries Commission will be conducting a review into the ward boundaries in Nillumbik. With this comes the opportunity for Nillumbik to change to multi-member wards. Having multi-member wards would make Council more representative of all of the varying views in our shire. It would also make council more stable, as it would result in less drastic changes in Council during elections and a broader collection of views on Council. This would encourage councillors to work together and compromise so decisions are made that work for everyone in the shire, not just those who managed to gain a majority at the last election.

1. What is Council's view on this?

Response

Council will take into consideration which electoral structure provides the best fit for the Shire and provides for fair and equitable representation of the voters of the Council.

A formal view on Council's position will be resolved following an officer briefing of Councillors early in the new year.

2. Will Council be making a submission into the review and will they advocate for a more representative and democratic system?

Response

Council will formally review if the existing representation levels are sufficient and will make a submission in the review once public submissions are requested by the VEC.

Tim Phillips asked Council the following questions:

During the last council meeting Councillor Grant Brooker responded to a motion put by Councillor John Dumaresq about the Eltham site of the old Nillumbik Shire Office and the next door Senior Citizens Building and adjacent associated buildings. Councillor Brooker suggested that the council may open itself up to legal complications/ramifications if the current proposals for the site is halted or significantly reconfigured.

1. The specific question is what are the council implications for halting the current development process for this site?

Response

There are no implications for halting the current development process

Again related to the same site. At the same previous council meeting Councillor Peter Perkins said he'd love to have a hospital on that site.

2. According to the scope given to developers for the site how feasible is that hospital idea and has a hospital proposal been put forward by developers.?

Response

Council has not detailed specifically a hospital in the Request for Proposal brief which has been made available on Council's website.

Brian Murray on behalf of Nillumbik Ratepayers Association asked Council the following questions:

Former Emergency Management Commissioner for Victoria, Mr.Craig Lapsley has been engaged by the Nillumbik Shire;

1. What is Councils 'Aim' by engaging Mr Lapsley? and
2. What are Mr Lapsley's 'Terme of Reference'

Response

Council has engaged the services of Craig Lapsley to undertake a wideranging review of our emergency management function, including our Bushfire Mitigation Strategy.

Craig will review our current practices, procedures and capabilities before he delivers an analysis and recommendations aimed at moving our emergency management function onto a best practice footing.

Vicky Shukuroglou on behalf of NEAG asked Council the following questions:

1. How many calls per month does Nillumbik Shire Council receive requesting enforcement checks and/or action in response to removal of vegetation?

Response

The number of phone calls specifically related to concerns about vegetation removal is unknown. Before any call is registered, as planning officers first triage the issue and in some cases there is no breach to investigate. Where a potential breach is identified, this is registered. This year 20 formal complaints regarding unlawful vegetation removal have been registered.

2. What is the expected time frame for responses to such calls, and if these time frames are not met how does Council follow-up?

Response

The timeframes for investigation vary depending on the circumstances:

- If the vegetation removal is occurring at the time the complaint is received, Council's Planning Investigations Team attend the site as quickly as possible to collect evidence, identify whether a breach has or is occurring, and if confirmed, to direct the offenders to cease activities.
- In some cases, calls are received days, weeks or in some cases, a number of months after the removal has occurred. In these cases the investigation commences with collection of evidence and discussions with relevant stakeholders. In these situations the immediacy has passed. The response times for these complaints is generally 10 business days. In many of these cases, the evidence has been removed, inhibiting the ability to effectively investigate.

Timeframes are monitored to ensure appropriate progress on investigating and resolving complaints is achieved. Actual remediation on the ground depends on the enforcement action taken. Where formal action is required through other bodies such as the Magistrates Court and/or VCAT, the remediation can take many months, and in some cases, years to achieve.

Nerida Kirov asked Council the following questions

A new green wedge review wasn't due until 2020 however this council insisted on embarking on what they felt was necessary. After spending around \$400,000 and engaging what was seen as an unbiased panel taking up 6 full Saturdays of their time and a large amount of reading time also engaging experts in the field.

1. Why now ignore their advice and come up with a document that is watered down to a level of protection that was below where the process started, pandering to the self-interest of a vocal minority rather than the professional advice that was asked for.
2. What then was the point of the exercise if you weren't prepared to listen to their advice?

Response

Council is very thankful for all the efforts made by the Panel members to distil a great range of information and is carefully considering its recommendations. Council has not ignored advice and it was made clear at the start of the process that if Council disagreed with any recommendations it would provide reasons. The results of our considerations will help shape a draft Green Wedge Management Plan to be released for further engagement in 2019.

Janet Holmes asked Council the following questions

1. Can Council quote verbatim from the MosaicLab report on minority reports, exactly where it recommends that Minority Report No 1 be deleted from the GWMP panel's Final Report?

Response

MosaicLab's report was available to Council when it made its decision on 27 November and is available for all to read on the Participate Nillumbik website.

The reasons for Council's decision not to receive or consider Minority Report 1 as part of the Panel's recommendations were stated at its meeting on 27 November 2018.

2. Is the council aware the MosaicLab did not recommend that Minority Report No1 be excised, but in fact refused to be a party to its excision?

Response

MosaicLab's report is its own words and is publicly available.

Damian Crocke asked Council the following questions

1. Can the council explain why it considers the Victorian Parliament rules on minority reports should not apply in the case of Minority Report No 1, when they state that; "It is a fundamental right that anyone on a committee is able to disagree with a majority report and have their dissent and alternate opinion included as part of the public record. This can be in regard to just one part or element of the report, or in relation to the entire report. This process of drafting a minority report is "completely confidential" and the minority report is not seen until the entire report is tabled in Parliament."

Response

Council cannot comment on the rules of the Victorian Parliament. Council was guided by MosaicLab who set out the usual and accepted practice of preparing minority reports in a deliberative process.

2. Can the council publicly say how many panel members and how many community members complained to the council to pressure it to excise MR1?

Response

Council did receive complaints expressing surprise and concern with Minority Report 1. Council will not disclose the source of complaints in a public forum.

Council will not disclose the source of complaints unless required to do so under the Act.

Narelle Campbell asked Council the following questions

1. It was stated in the preamble to the Final Report that “The panel acknowledges that while this is a majority view, not all of its members agree on all points. Minority reports have been prepared and should be given due consideration.” The explanation for the excision of Minority Report No 1 given by the council was that the MR1 had not been presented to the panel despite MosaicLab saying that minority reports are generally not seen by the main panel. How does council explain the entirely inconsistent nature of these two statements?

Response

As stated in Council’s reasons for its decision on 27 November 2018, Minority Report 1, unlike Minority Report 2 was not seen by the full Panel so cannot be taken to be consistent with the Panel’s preamble.

2. Who authorised council officers to post on the Nillumbik council website the statement disavowing the preamble in Minority Report No 1 which effectively accused the writers of MR1 of lying?

Response

The post referred to was placed on the Participate Nillumbik website by Shire management in response to concerns by the community and other Panel members that the comments in the report on the behaviour of Panel members were causing distress. The post stated that the administration of the Shire did not agree or support this characterisation of the conduct of the Panel, or the criticism of the facilitators.

Catherine Russell asked Council the following questions

1. Will Council accept another 134 signatures to be added to the already 2020 signatures received for Petition No. 2018-08, the Community Petition Against the Inappropriate Development & Proposed EOI of 895 & 903-907 Main Rd, Eltham so that this petition numbers 2154?

Response

Yes. The Director of Business and Strategy has already responded in writing on behalf of Council to the petitioner organiser, but will write again to acknowledge receipt of the 134 additional signatories.

Its important to note that clause 6.9 of Council’s Meeting Procedure Local Law details Council’s process for a petition being lodged with Council. Petitions must be lodged one week prior to the Ordinary Council Meeting to be included on the agenda of that meeting.

2. Given that Heritage Victoria has advised that it will be undertaking an assessment of Eltham War Memorial buildings to ascertain whether they merit inclusion on the Victorian Heritage Register, will Nillumbik Shire Council undertake to retain and maintain the war memorial buildings until such a time as Heritage Victoria makes a decision?

Response

Council has made no decision on the future of the War Memorial complex, nor considered proposals for the development of Council land at 895 and 903-907 Main Road, Eltham. Until proposals are assessed, Council can’t comment on any potential impacts on the Complex.

Dougal Holmes asked Council the following questions

1. Can the Council confirm how many letters, phone calls and emails from panelists were received in which the panelists asked for the intimidation tactics by some panel members to be reined in, and what if anything was done to try and stop this bullying of the panel members?

Response

At the beginning of the panel process the panel developed their own agreements about behaviour in the room. There was some passionate conversations held amongst the panel members during sitting days and within the panel's closed online forum. Any instances of concern were raised by panel members with the facilitators or employees were shared with and resolved by the panel as a whole.

2. How many members of the "community" panel were or had ever been council employees, councilors, or council contractors, and how does council justify the inclusion of council functionaries on the so-called "community" panel?

Response

Council set a criteria that no Panel member could be a current Councillor or employee of Council. The Panel was recruited from those of live or operated businesses in the Shire. On nominating for the Panel, community members were not required to disclose if they were or had ever been a Councillor, employee or contractor of Nillumbik Shire Council.

Jenny Bullock asked Council the following questions:

1. Can council quote verbatim the substance of the complaints against the MR1 exclusion?
2. Can the council publicly say how many panel members and how many community members complained to the council to pressure it to excise MR1?

Response

Council did receive complaints expressing surprise and concern with Minority Report 1. Council will not disclose the source of complaints in a public forum.

Council will not disclose the source of complaints unless required to do so under the Act.

Will Wyatt asked Council the following questions

1. Why is Nillumbik fast recalling the process of outsourcing kerbside waste collection?

Response

Nillumbik Council has not made any decision to outsource kerbside collection. Market testing kerbside collection services through a tender process from time to time will help inform whether Council is providing best value service for our ratepayers. Financial value is one component of best value.

2. Are councillors aware that meaningful consultation has not occurred with impacted employees despite the union's requests?

Response

Staff, as well as the Australian Services Union (ASU), have been notified of the direction of the Council paper being presented tonight, in accordance with requirements under our Enterprise Agreement and we will continue to keep them updated about the process.

Katia Croce, Governance Lead entered the meeting at 7.46pm during public question time.

10. Reports of Advisory Committees

AC.011/18 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 – 29 October 2018;
- Environment and Sustainability Advisory Committee – 5 September 2018;
- Economic Development Advisory Committee – 14 November 2018;
- Panton Hill Bushland Reserves Advisory Committee – 6 December 2018; and
- Positive Ageing Advisory Committee - 7 December 2018.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

That Council notes the:

1. Arts Advisory Committee meeting minutes held on 29 October 2018;
2. Environment and Sustainability Advisory Committee meeting minutes held on 5 September 2018;
3. Economic Development Advisory Committee meeting minutes held on 14 November 2018;
4. Panton Hill Bushland Reserves Advisory Committee meeting minutes held on 6 December 2018; and
5. Positive Ageing Advisory Committee meeting minutes held on 7 December 2018.

CARRIED

11. Reports of Special Committees

12. Officers' reports

OCM.198/18 Domestic Animal Management Plan 2017-2021, Update on Year One Actions

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

**Author: Jonathan McNally, Manager Community Safety and Amenity
Caroline Correa, Community Safety Coordinator**

Summary

The Domestic Animal Management Plan was developed in line with section 68A of the *Domestic Animal Act* 1994. Council has a legislated responsibility under the Act to ensure compliance and delivery of animal management services related to community expectations around responsible pet ownership. This Plan continues to build on the foundation of work undertaken by Council through the development of its adopted Domestic Animal Management Plan 2017-2021 (DAMP).

The Plan provides Council with a strategic framework, policy direction and action plan for domestic animal management practices throughout the municipality over the lifetime of the plan and beyond. This report provides Council with an annual update of the DAMP, as required by the Act.

Council Resolution

MOVED: Cr Peter Perkins
SECONDED: Cr Peter Clarke

That Council receives and notes the actions undertaken to complete Year One of the Domestic Animal Management Plan, including:

- a) Providing free boarding service for domestic animals for families who are experiencing family violence; and
- b) Seek community consultation on an additional dog park area within the Shire.

CARRIED

12. Officers' reports

OCM.199/18 Preparing a Community Infrastructure Planning Framework for Nillumbik

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Yasmin Green, Co-ordinator Strategy and Policy

Naomi Paton, Manager Integrated Strategy

Summary

In the 2017 – 2021 Council Plan, Council committed to delivering a Community Infrastructure Plan.

Council plays a key role in ensuring that the right community infrastructure exists in the right locations to enable service providers to respond to residents in a proactive and flexible manner, taking into account evolving demographic profiles, customer experience and shifting service delivery models.

Preparation of the Community Infrastructure Plan will be underpinned by a policy and decisions making tools to ensure that the provision of community infrastructure responds to community needs.

Officers have prepared a proposed framework for the development of a Community Infrastructure Policy and Plan, to provide a consistent and robust evidence base upon which to make community infrastructure planning decisions.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council endorses the Community Infrastructure Planning Framework Project Scope (Attachment 1).

CARRIED

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

Mayor, Cr Karen Egan addressed the meeting and read the following statement:

Tonight Council issues its formal response to the recommendations contained in the Green Wedge Management Plan Community Panel report.

As I've remarked previously, the panel process has been an enormous collective effort and for Council, an unprecedented and innovative approach to community engagement and consultation.

I think it helpful to offer a brief re-cap of the process to date.

- More than 1000 community members provided their views and input at the earlier phases of consultation
- A 42 member community Panel – selected by an independent third party - was formed;
- The Panel sat for six days to consider the community's views and receive presentations on topics ranging from economics to environment through to social issues;
- For recommendations to be included in the final report they required a super majority of 80 per cent support.
- The entire Panel process was managed by an independent facilitator – MosaicLab.

At its November Ordinary Meeting of Council, Council decided not to consider what was known as Minority Report #1 as this was prepared outside the Panel process.

Let me reiterate however, that Council welcomes a submission from these Panel members – and the wider community – on the draft Green Wedge Management Plan, which will be released for broader engagement in early 2019.

Further, as we made clear at the outset of this process and on numerous occasions throughout, Council has committed to careful consideration of the recommendations contained in the Community Panel Report, and where any recommendations are only partly adopted or not adopted, Council would provide its rationale.

Tonight we table the result of that very careful and painstaking consideration.

Our responses to the recommendations fall within the following categories:

Support: These will appear in the draft Green Wedge Management Plan.

Support-in-principle: The essential direction of the recommendation is supported but certain detail aspects (as explained in each response) cannot be committed to at this time. The essential direction will appear in the draft Green Wedge Management Plan.

Partially support: Only part of the recommendation is supported (as explained in each response). The part that is supported will appear in the draft Green Wedge Management Plan.

Not support: This recommendation will not appear in the draft Green Wedge Management Plan for the reasons explained in the response.

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

The fundamental question we asked the Panel to consider over six full-day sessions and countless more hours of reading and discussion was this:

“What is the best way for Council to manage the Green Wedge now and into the future?”

This - as anyone who lives in our Shire would appreciate – is not a question to be answered with simple, glib responses. Little, if anything else, arouses such a range of passionate views among locals like issues relating to the Green Wedge.

I would again therefore commend the Panel for its work in compiling its report and the 32 recommendations. It underlines a true commitment to finding the best possible solution to preserving and enhancing the Shire’s greatest asset.

Achieving total consensus was always going to be close to impossible on an issue such as this – and so it has proven.

Nevertheless the work contained in this report and the effort expended to compile it speaks to an admirable commitment. The Panel approached its task with the utmost seriousness.

In providing its considered responses to the recommendations, so did Council.

And so we reach another key milestone in this process.

Informed by the panel report recommendations, Council’s responses to those recommendations, community feedback from the earlier phases of consultation and input from various experts, we will now produce a draft Green Wedge Management Plan. This will be released for further community consultation.

In addition, Council has also engage the services of former Emergency Management Commissioner Craig Lapsley to help it develop a comprehensive bushfire mitigation strategy. This work is currently underway and will also help inform the updated Green Wedge Management Plan.

As part of the development the Draft Plan, Council will also formulate an action plan for the implementation phase.

Further, it is likely that planning scheme amendments will be required in order to reference the Green Wedge Management Plan in the planning scheme – a process which will also involve community consultation.

Clearly, what we’re working on here is no small task but this Council is committed to doing the hard yards to get it done. We owe it to our community as evidenced by the passion and commitment of the Panel members.

Again, I’d like on behalf of Council, to thank you for representing the community’s diversity of views with such distinction.

Thank you.

12. Officers' reports**OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations**

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 responds to the recommendations from the Green Wedge Management Plan (GWMP) Community Panel, appointed to shape Council's review of GWMP. The Community Panel was appointed to provide recommendations to Council on "what is the best way for us to manage Nillumbik's Green Wedge, now and into the future".

A 44 member Community Panel received information and heard 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 sat for 6 days from August through to November 2018. The Panel's recommendations were formally presented to Council on 27 November 2018.

This report proposes Council's response to recommendations. Of the 32 specific recommendations made by the Panel only part of one recommendation is not supported. All the others are either 'supported', 'supported in principle' or 'partially supported'. The administration recommends the minority report recommendation, which did not achieve the eighty per cent super majority, be 'not supported' by Council.

Council's response will help shape the draft GWMP in early 2019 ahead of wider community consultation. Feedback will inform the final GWMP which is due to be completed by mid-2019.

Recommendation**That Council:**

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1**.
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

Motion

MOVED: Cr Jane Ashton
SECONDED: Cr Bruce Ranken

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1**.
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

Amendment

MOVED: Cr Grant Brooker
SECONDED: Cr Peter Perkins

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1 and include the following amendments:**
 - a. **Recommendation 2: Strengthened governance for the Green Wedge Management Plan – delete word “partially” and substitute with “Council does support a Green Wedge Management Plan Advisory Committee”.**
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Peter Perkins called for a division

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

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

The Mayor, Cr Karen Egan declared the Amendment Lost.

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

Further Amendment

MOVED: Cr Peter Perkins
SECONDED: Cr John Dumaresq

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1 and include the following amendments:**
 - a. **Recommendation 4: Biodiversity - delete final sentence in Council response “An additional land management plan as suggested by the Panel is not needed”.**
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

THE FURTHER AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Peter Perkins called for a division

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

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

The Mayor, Cr Karen Egan declared the Further Amendment Lost.

Further Amendment

MOVED: Cr John Dumaresq
SECONDED: Cr Grant Brooker

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1 and include the following amendments:**
 - a. **Recommendation 10: Regulation regarding grazing - remove the word “horses” and replace with “livestock”, delete the word “especially” and delete words “in preference to increasing regulation and policing”.**
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

Cr Perkins proposed to Cr John Dumaresq and Cr Grant Brooker rather than deleting words “in preference to increasing regulation and policing” replace with “over increasing regulation and policing”.

This was accepted by *Cr John Dumaresq and Cr Grant Brooker*.

The further amendment now reads as follows:

Further Amendment

MOVED: Cr John Dumaresq

SECONDED: Cr Grant Brooker

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1** and include the following amendments:
 - a. **Recommendation 10: Regulation regarding grazing - remove the word “horses” and replace with “livestock”, delete the word especially and replace the words “in preference to” to “over increasing regulation and policing”.**
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

THE FURTHER AMENDMENT WAS PUT TO THE VOTE AND CARRIED.

The Mayor, Cr Karen Egan declared the Further Amendment Carried.

Further Amendment

MOVED: Cr Peter Perkins

SECONDED: Cr Bruce Ranken

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1** and include the following amendment:
 - a. Recommendation 10: Regulation regarding grazing - remove the word “horses” and replace with “livestock”, delete the word especially and replace the words “in preference to” to “over increasing regulation and policing”.
 - b. **Recommendation 25: Internet connectivity – insert “whole of the shire” in place of “community”.**

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

THE FURTHER AMENDMENT WAS PUT TO THE VOTE AND CARRIED.

Mayor, Cr Karen Egan called for a division

For: Cr Peter Perkins, Cr Bruce Ranken, Cr Peter Clarke, Cr John Dumaresq and Cr Grant Brooker

Against: Cr Jane Ashton and Cr Karen Egan

The Mayor, Cr Karen Egan declared the Further Amendment Carried.

Further Amendment

MOVED: Cr John Dumaresq

SECONDED: Cr Peter Perkins

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1** and include the following amendments:
 - a. Recommendation 10: Regulation regarding grazing - remove the word "horses" and replace with "livestock", delete the word especially and replace the words "in preference to" to "over increasing regulation and policing".
 - b. Recommendation 25: Internet connectivity – insert "whole of the shire" in place of "community".
 - c. **Recommendation 27: Right to farm – Remove second last sentence "Council does not fully support part 2 of the recommendation because of its absoluteness."**
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

THE FURTHER AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Peter Perkins called for a division

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

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

The Mayor, Cr Karen Egan declared the Further Amendment Lost.

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

Further Amendment

MOVED: Cr Peter Perkins

SECONDED: Cr John Dumaresq

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1** and include the following amendments:
 - a. Recommendation 10: Regulation regarding grazing - remove the word "horses" and replace with "livestock", delete the word especially and replace the words "in preference to" to "over increasing regulation and policing".
 - b. Recommendation 25: Internet connectivity – insert "whole of the shire" in place of "community".
 - c. **Minority Report – The Green Wedge Management Authority recommendation.**
 - **Amend the response to "Support".**
 - **And include the words "Council welcome the establishment of a body to provide expert advice in support to both state and local government on Green Wedge issues". We however would not support the use of the word "Authority" as the body should have a focus on advisory and support to state and local government.**
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

THE FURTHER AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Peter Perkins called for a division

For: Cr Peter Perkins and Cr John Dumaresq

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

The Mayor, Cr Karen Egan declared the Further Amendment Lost.

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

Further Amendment

MOVED: Cr Peter Perkins
SECONDED: Cr John Dumaresq

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1 as a draft response to recommendations for the purpose of community consultation with responses back at the February Future Nillumbik Committee meeting and include the following amendments:**
 - a. Recommendation 10: Regulation regarding grazing - remove the word "horses" and replace with "livestock", delete the word especially and replace the words "in preference to" to "over increasing regulation and policing".
 - b. Recommendation 25: Internet connectivity – insert "whole of the shire" in place of "community".
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

THE FURTHER AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Peter Perkins called for a division

For: Cr Peter Perkins and Cr John Dumaresq

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

The Mayor, Cr Karen Egan declared the Further Amendment Lost

THE MOTION BEFORE THE CHAIR IS AS FOLLOWS:

Motion

MOVED: Cr Jane Ashton
SECONDED: Cr Bruce Ranken

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1** and include the following amendments:
 - a. Recommendation 10: Regulation regarding grazing – remove the word "horses" and replace with "livestock", delete the word especially and replace the words "in preference to" to "over increasing regulation and policing".

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

- b. Recommendation 25: Internet connectivity – insert “whole of the shire” in place of “community”.
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.
4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

Motion to extend speakers time limit

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

Council resolved to allow Cr Grant Brooker an additional two minutes to speak to this item.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Karen Egan

That Cr Grant Brooker be given an additional two minutes to speak to this item.

CARRIED

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

Council Resolution

MOVED: Cr Jane Ashton
SECONDED: Cr Bruce Ranken

That Council:

1. Endorses the responses to the Green Wedge Management Plan Community Panel recommendations as detailed in **Attachment 1** and include the following amendments:
 - a. Recommendation 10: Regulation regarding grazing – remove the word “horses” and replace with “livestock”, delete the word especially and replace the words “in preference to” to “over increasing regulation and policing”.
 - b. Recommendation 25: Internet connectivity – insert “whole of the shire” in place of “community”.
2. Thanks the Green Wedge Management Plan Community Panel for their time and commitment.
3. Requests Officers commence writing the draft Green Wedge Management Plan.

12. Officers' reports

OCM.200/18 Green Wedge Management Plan Response to Community Panel Recommendations

4. Endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by March 2019 for the purposes of wider community engagement.

CARRIED

Nichole Johnson, Coordinator Major Projects, Geoff Lawlor, Strategic Advisor Integrated Strategy and Melissa Morganti, Project Support Officer left the meeting at 10.04pm prior to the next item.

Mayor, Cr Karen Egan welcomed Waste Collection staff to the meeting and thanked them for waiting patiently.

12. Officers' reports**OCM.201/18 Kerbside waste collection - service delivery review**

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Lisa Pittle, Manager Environment

Mikael Ooi, Waste Management Coordinator

Summary

In October 2018, Council resolved to provide an enhanced level of residential waste collection services to residents by introducing an expanded range of collection options on top of the current service.

Council can now determine the best value for delivering this service to the community. Service delivery options are generally either in-house, contract, or a combination.

Desktop analysis comparing in-house with a contracted service indicates a potential cost saving with the latter. Further, an internal examination of opportunities to improve the current waste collection service levels suggests potential value-add through a service contract.

Market testing the service through a tender process will therefore inform a decision on how to deliver waste collection services which results in best value for the community.

The lease for the majority of Council's current fleet of waste collection vehicles expires in April 2019. Given the lead time to procure new vehicles, irrespective of an in-house or contracted service, it is recommended Council extend the current waste vehicle lease for fourteen months to provide service continuity until the market testing and procurement process is complete.

The attachments to this report are confidential as they contain financial information which may prejudice a future tender process.

Recommendation**That Council:**

1. Authorises the Chief Executive Officer to commence preparation of a contract specification to market test the kerbside waste collection service through a tender process.
2. Extends contract no 1112-19 for lease finance of eight (8) waste collection vehicles with SG Fleet Australia Pty Ltd from the end of the initial lease period to June 2020 with a lump sum of \$533,115 (excluding GST), and with the option to further extend on a monthly basis for up to six months.
3. Authorises the Director, Sustainability and Place to finalise and execute the lease documentation.

12. Officers' reports

OCM.201/18 Kerbside waste collection - service delivery review

Motion

Moved: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Authorises the Chief Executive Officer to commence preparation of a contract specification to market test the kerbside waste collection service through a tender process.
2. Extends contract no 1112-19 for lease finance of eight (8) waste collection vehicles with SG Fleet Australia Pty Ltd from the end of the initial lease period to June 2020 with a lump sum of \$533,115 (excluding GST), and with the option to further extend on a monthly basis for up to six months.
3. Authorises the Director, Sustainability and Place to finalise and execute the lease documentation.

Amendment

MOVED: Cr Peter Perkins

SECONDED: Cr John Dumaresq

That Council:

1. Delay until March 2019 the authority for the Chief Executive Officer to commence preparation of a contract specification to market test the kerbside waste collection service through a tender process.
2. Extends contract no 1112-19 for lease finance of eight (8) waste collection vehicles with SG Fleet Australia Pty Ltd from the end of the initial lease period to June 2020 with a lump sum of \$533,115 (excluding GST), and with the option to further extend on a monthly basis for up to six months.
3. Authorises the Director, Sustainability and Place to finalise and execute the lease documentation.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

Cr Peter Perkins called for a division

For: Cr Peter Perkins and Cr John Dumaresq

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

The Mayor, Cr Karen Egan declared the Motion Lost.

12. Officers' reports

OCM.201/18 Kerbside waste collection - service delivery review

THE MOTION BEFORE THE CHAIR IS AS FOLLOWS:

Motion

Moved: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Authorises the Chief Executive Officer to commence preparation of a contract specification to market test the kerbside waste collection service through a tender process.
2. Extends contract no 1112-19 for lease finance of eight (8) waste collection vehicles with SG Fleet Australia Pty Ltd from the end of the initial lease period to June 2020 with a lump sum of \$533,115 (excluding GST), and with the option to further extend on a monthly basis for up to six months.
3. Authorises the Director, Sustainability and Place to finalise and execute the lease documentation.

Motion to extend the Meeting

In accordance with the Meeting Procedure Local Law, Clause 2.1, an Ordinary or Special Committee must not continue after 10.30pm unless a majority of Councillors present vote in favour of the meeting continuing.

Council resolved the following procedural motion to continue the meeting past 10.30pm

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That the meeting be extended until 11pm.

CARRIED

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council:

1. Authorises the Chief Executive Officer to commence preparation of a contract specification to market test the kerbside waste collection service through a tender process.
2. Extends contract no 1112-19 for lease finance of eight (8) waste collection vehicles with SG Fleet Australia Pty Ltd from the end of the initial lease period to June 2020 with a lump sum of \$533,115 (excluding GST), and with the option to further extend on a monthly basis for up to six months.

12. Officers' reports

OCM.201/18 Kerbside waste collection - service delivery review

3. Authorises the Director, Sustainability and Place to finalise and execute the lease documentation.

CARRIED

Cr Peter Perkins called for a division

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

Against: Cr Peter Perkins and Cr John Dumaresq

The Mayor, Cr Karen Egan declared the Motion carried.

12. Officers' reports

OCM.202/18 Assembly 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 27 November 2018.

An Assembly of Councillors record was kept for:

- Environment and Sustainability Advisory Committee – 14 November 2018;
- Councillor Briefing Session – 20 November 2018;
- Recreation Trails Advisory Committee – 22 November 2018;
- Councillor Briefing Session – 27 November 2018;
- Living & Learning Nillumbik Committee – 28 November 2018;
- Arts Advisory Committee – 4 December 2018;
- Councillor Briefing Session – 4 December 2018;
- Panton Hill Bushland Reserve System Advisory committee – 6 December 2018; and
- Positive Ageing Advisory Committee – 7 December 2018

Council Resolution

MOVED: Cr Peter Clarke

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 14 November 2018, 20 November 2018, 22 November 2018, 27 November 2018, 28 November 2018, 4 December 2018, 4 December 2018, 6 December 2018, and 7 December 2018 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.203/18 Provision of Immunisation Services Contract

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Corrienne Nichols, Manager Community Programs

Summary

Local government has been a provider of this service in Victoria for many years, commencing with the City of Melbourne offering immunisation against Diphtheria in 1924. The Municipal Association of Victoria (MAV) has previously supported local government retaining a role in the provision of immunisation. A study undertaken by MAV in 2004 claimed that local government's provision of the service was highly cost-effective. Since that study, new vaccines have been added to the schedule. Standards have increased and subsidies have not kept pace with local government costs.

Nillumbik Shire Council like all other Victorian councils provides an immunisation service for children and young people. The service is currently provided under contract with Banyule City Council (BCC).

This report is an overview of a separate confidential report that considers the extension of the contract for the provision of Immunisation Services (Contract No. 1516-31). The immunisation program has been delivered via a contract arrangement since 1996.

The current contract with Banyule City Council commenced 1 July 2016. The contract provided for an option to extend the initial three year period for a further one plus one year period at Nillumbik Shire Council's sole discretion.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council notes this report.

CARRIED

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Offer a contract extension of one plus one years to Banyule City Council for the period of 1 July 2019 to 1 July 2021.
2. Accept the Schedule of rates as detailed in this report, confirmed by Banyule City Council for the Contract No 1516-31 Provision of Immunisation Services.

CARRIED

12. Officers' reports

OCM.204/18 Tender for the Development, Management and Maintenance of Yarrambat Park Golf Course

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Frances Duncan, Coordinator Leisure Facilities

Mike Billing, Advisor Business and Strategy

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the development, management and maintenance of the Yarrambat Park Golf Course.

The Yarrambat Park Golf Course (YPGC) is owned by Council and is located on Yan Yean Road, Yarrambat. In addition to the 18-hole golf course, there is a short game practice area, a driving range with 14 bays and a clubhouse. Within the clubhouse there is a pro-shop, three virtual golf simulators, a food and beverage dining area with outdoor alfresco area.

The current golf course operation requires ongoing investment from Council with the short term contractual arrangements restricting the ability for operators to invest in golf and complementary operations.

External service providers have delivered both the management and maintenance functions at YPGC for a number of years.

The maintenance contract for the golf course is with BSF Golf Management and concludes on 30 June 2019. The current contract for the management and operation of the golf course is held by Belgravia Health and Leisure Group and is due to end on 31 January 2019.

After a review of golf course operations, it was identified that to reduce the investment required by Council a long term contractual arrangement that included both management and maintenance contracts and allowed development opportunities to be proposed should be sought. As part of the tender process Council will be asked to extend the existing management contract to coincide with the conclusion of the maintenance contract. This will enable the successful tenderer to have full control of all aspects of the facility upon commencement of this new contract.

An Expression of Interest (EOI) process was completed on 17 September 2018 seeking a long-term arrangement for ten years (10) for the development, management and maintenance of the YPGC. A subsequent invitation to tender for shortlisted candidates concluded on 11 October 2018.

The tender evaluation panel have assessed the submissions received and the Confidential Report outlines the evaluation and recommendation to Council regarding the awarding of the contract.

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

12. Officers' reports

OCM.204/18 Tender for the Development, Management and Maintenance of Yarrambat Park Golf Course

Council Resolution

Moved: Cr Grant Brooker

SECONDED: Cr Jane Ashton

That Council notes the report.

CARRIED

Cr Jane Ashton temporarily left the meeting at 10.38pm and returned at 10.40pm during discussions.

12. Officers' reports

OCM.205/18 Tender Report - Broad Gully Road Guardrail

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 design and construction of guardrail at various locations along Broad Gully Road, between Bellbird Road, Diamond Creek and Haleys Gully Road, Hurstbridge.

In November 2017, Council's Transport Engineering unit made a submission to VicRoads for funding under the Federal Blackspot Program for funding of road safety improvements along Broad Gully Road.

The grant application was successful and an allocation of \$878,150.00 has been awarded for this project.

The project involves the installation of the following safety measures along Broad Gully Road

- Flexible guardrail in high risk areas and areas of vehicle runoffs.
- Tactile edge line marking, reflectorized raised pavement markers (RRPM's), chevron alignments markers (CAM's) and guide posts.
- Shoulder sealing and road widening,
- Embankment trimming (for sight distance)
- Some property access improvements and
- Other associated works.

This report considers the tender submissions and awarding of the contract for the guardrail component of road safety improvements in Broad Gully Road only.

The Tender Evaluation panel have assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the design and construction of the Broad Gully Road Guardrail.

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 evaluation remain confidential.

12. Officers' reports

OCM.205/18 Tender Report - Broad Gully Road Guardrail

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Grant Brooker

That Council notes this report.

CARRIED

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Jane Ashton

That Council:

1. Enters into a Contract with Barrier Designs Pty Ltd for the design and construction of guardrail at various locations on Broad Gully Road, between Bellbird Road, Diamond Creek and Haleys Gully Road, Hurstbridge, for the amount of \$319,820.00 (inclusive of GST) plus a 10% contingency.
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

- 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.206/18 Provision of Immunisation Services Contract

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

OCM.207/18 Tender for the Development, Management and Maintenance of Yarrambat Park Golf Course

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

OCM.208/18 Tender Report - Broad Gully Road Guardrail

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

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

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

CARRIED

The meeting closed to the public at 10.45pm.

The meeting reopened at 10.52pm.

Close of Meeting

The meeting closed at 10.52pm.

Confirmed: _____
Cr Karen Egan, Mayor