

## Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 25 September 2018 commencing at 7.30pm.

## Minutes

**Hjalmar Philipp**  
**Acting Chief Executive Officer**

Monday 1 October 2018

Distribution: Public

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*Domin je ka*

**Nillumbik Shire Council**

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**Contents**

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<b>1. Welcome</b>	<b>1</b>
<b>2. Reconciliation statement</b>	<b>1</b>
<b>3. Prayer</b>	<b>1</b>
<b>4. Apologies</b>	<b>1</b>
<b>5. Presentations</b>	<b>1</b>
<b>6. Confirmation of minutes</b>	<b>1</b>
<b>7. Disclosure of conflicts of interest</b>	<b>2</b>
<b>8. Petitions</b>	<b>2</b>
Petition No. 2018-04	2
Petition No. 2018-05	2
Petition No. 2018-06	3
<b>9. Questions from the gallery</b>	<b>3</b>
<b>10. Reports of Advisory Committees</b>	<b>8</b>
AC.008/18      Advisory Committee Report	8
<b>11. Reports of Special Committees</b>	<b>9</b>
<b>12. Officers' reports</b>	<b>10</b>
OCM.146/18    Aged Care Reforms	10
OCM.148/18    Assessment criteria to evaluate proposals to develop 895 and 903-907 Main Road, Eltham	12
OCM.149/18    Expression of Interest for the Management and Operation of the Hurstbridge Farmers' Market	14
OCM.150/18    Provision of computer hardware, peripherals and deployment services for the replacement of the existing fleet of desktops and laptops	15
OCM.151/18    Hillmartin Lane Area Special Charge Scheme - Reconciliation	16
OCM.152/18    Audit Committee Reappointment	17
OCM.153/18    Rescheduling Special (Statutory) Meeting in October 2018	18
OCM.155/18    Confidential Information Policy	19
OCM.156/18    Review of Instrument of Delegation to Chief Executive Officer and Instrument of Delegation to Members of Council Staff	21
OCM.157/18    Assemblies of Councillors	23
<b>13. Notices of Motion</b>	<b>24</b>
<b>14. Delegates' Reports</b>	<b>24</b>

**Contents**

---

<b>15. Supplementary and urgent business</b>	<b>24</b>
OCM.159/18 Green Wedge Management Plan Review - Revised Timetable	24
<b>16. Confidential reports</b>	<b>26</b>

**Nillumbik Shire Council**

**Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 25 September 2018. The meeting commenced at 7.30pm**

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**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 Bruce Ranken	Swipers Gully Ward

**Officers in attendance:**

Hjalmar Philipp	Acting Chief Executive Officer
Matt Kelleher	Director Services and Planning
Adrian Cully	Director Business and Strategy
Mitch Grayson	Chief of Staff to Mayor and Councillors
Jeremy Livingston	Acting Director Sustainability & Place and Executive Manager Organisational Performance
Vince Lombardi	Executive Manager Finance
Suzy Ellingsen	Executive Manager People Culture and Innovation
Blaga Naumoski	Executive Manager Governance
Katia Croce	Governance Lead
Naomi Paton	Manager Integrated Strategy
Kylie Lethbridge	Manager Business Tourism and Marketing, Business and Strategy
Jonathon Miller	Manager Assets and Property

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**1. Welcome**

**2. Reconciliation statement**

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

**3. Prayer**

A prayer was read by Margie Dahl, Pastoral Assistant, St Margaret's Anglican Church, Eltham.

**4. Apologies**

**Council Resolution**

**Cr Karen Egan  
Cr Peter Clarke**

**That** Cr Ashton's approved leave of absence be accepted.

**CARRIED**

**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 28 August 2018 and the Special Meeting held on Tuesday 11 September 2018.

**Council Resolution**

**Cr Karen Egan**  
**Cr Peter Perkins**

**That** the minutes of the Council Meeting held on Tuesday 28 August 2018 and the Special Meeting held on Tuesday 11 September 2018 be confirmed.

**CARRIED**

**7. Disclosure of conflicts of interest**

Nil

**8. Petitions**

**Petition No. 2018-04**

A petition containing 23 signatures from residents urging Council to re-consider their proposal to have “No Standing” signs on both sides of the proposed area at Dering Street, Diamond Creek.

**Council Resolution**

**Cr Peter Perkins**  
**Cr Peter Clarke**

**That** Council:

1. Receives and notes the petition regarding Council to re-consider their proposal for ‘No Stopping’ Signs in Dering Street, Diamond Creek.
2. Refers this matter to Director Sustainability and Place for investigation and response.
3. Advises the petition organiser accordingly.

**CARRIED UNANIMOUSLY**

**Petition No. 2018-05**

A petition containing 20 signatures requesting Council seal Silvan Road Wattle Glen.

**Council Resolution**

**Cr Karen Egan**  
**Cr Peter Clarke**

**That** Council:

1. Receives and notes the petition requesting Council to seal Silvan Road, Wattle Glen.
2. Refers this matter to Director Sustainability and Place for investigation and response.
3. Advises the petition organiser accordingly.

**CARRIED**

**Petition No. 2018-06**

A petition contain 20 signatures regarding a permanent fixture at the end of Dingley Dell Road, Blooms Road end.

**Council Resolution**

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

**That Council:**

1. Receives and notes the petition regarding a permanent fixture at the end of Dingley Dell Road, Blooms Road end.
2. Refers this matter to Director Sustainability and Place for investigation and response.
3. Advises the petition organiser accordingly.

**CARRIED**

**9. Questions from the gallery**

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

**Jonathan O'Neill** asked Council the following questions:

1. What is Nillumbik Council's plan for Dingley Dell Road that specifically addresses all aspects of the classification of an Urban Access street (Nillumbik Road Management Plan – Appendix A)?

**Response**

The closure of Dingley Dell Road by way of a gate was only intended as a temporary solution to deal with increases in traffic along this road caused by construction works on the Warrandyte Bridge. It was always the intention of Council that the gate be removed. As outlined in previous correspondence to local residents, due to significant concerns raised regarding accessibility, Council removed the gate slightly earlier than previously anticipated. However, as this closure was a temporary measure, it was always the intention of Council that the gate be removed.

Council does note that a petition which we just received a moment ago has been tabled at tonight's meeting relating to this particular issue. In essence the petition is calling for the road to be closed. It has been referred to as you have already heard, to the Manager to review the prospect of doing that. How you achieve that outcome is that we will need to get a majority of the residents who would want to proceed with a closure, should that be achieved, then the matter of the Local Government Act comes into play and there is a formal process under the Local Government Act to close the road. So that statutory process would then commence.

This is not a simple process, it is not like a special rate scheme where you get 60% and then you close it, you can't do that, you need to get to the first state where there is a range of people or vast majority who would want us to do that and then we get to the point of the formal statutory process and that can take 3-6 months or longer because there is a formal process of advice, objections and people can actually take it to VCAT.

2. Why has Nillumbik Council take actions that specifically go against the EPA's guidelines on Environmental Guidelines for major construction paragraph 4.5 Dust Control?

**Response**

As there are no current works going on the site, the Dingley Dell Road as such is not considered as a construction site at this particular point.

**Edward Bray** asked Council:

1. Why did Council decide to remove the Dingley Dell Road gate? As a result this has deprived my special needs child of the safety to take his dog for a walk in a safe environment as he has done for the past 35 years.

**Response**

In essence I have probably outlined why we removed the gate, it was always intended to be a temporary process and now the process that we will get set in train to look at whether or not it becomes a permanent fixture.

**Sharon Bonga** asked Council:

1. During my tenure as President of the Eltham Pre School, the Pre School paid for drawings for a small upgrade to cater for improved storage and facilities. The Council had committed \$50k in the 2016 budget to proceed with these works, The Pre School was strung along until April this year when they were told the site was needed for something else.

Have the Council looked at retrofitting these buildings given their community significance as a WW2 memorial.

**Response**

I have had many meetings with this particular kindergarten group and fact to the point did some drawings for them to try to get it back on budget for the kindergarten. The extent of works that they required diminished, they decided there was certain things that they did not want to do and so at this particular point under the early years' manager's advice they did not want to proceed with the works that were previously considered. They are looking at some temporary component around storage that they are looking for support and officers are talking to them about that.

Should we proceed with a redevelopment of the site in some way, we are also in conversation with them about a brief of what that would look like for a new preschool at an alternate site. Council will consider these criteria at this meeting. Development partners will submit proposals which consider service requirements and building conditions.

**Nerida Kirov** asked Council:

1. Ian Lyon, sent a letter dated 20th September addressed to Mayor Peter Clarke, all Nillumbik Shire Councillors & a copy to me. Ian Lyon, is the son of Ada Lyon who was a community leader at the forefront of the fundraising and building of the Eltham War Memorial complex of buildings. I would to ask 2 things in my question. Firstly, that all the councillors have read the letter which opposes the selling of this land purchased by the Eltham War Memorial Trust & secondly, if all Councillors have considered the importance of the historical and cultural significance of these buildings as they were purposely built for the women, children and families of our Shire, from funds raised by the community including his mother, as a living memorial for those who gave their lives during the Second World War & those who worked so tirelessly? If not all Councillors have read & understood the importance of the points raised in Ian Lyon's letter, can it be read out now for all Councillors & those present at this meeting to hear? Below is a copy of the letter; Mayor Peter Clark, And Councilors, Shire of Nillumbik. Attention:

Major Project Manager Former Eltham Shire Office Site It has been brought to my attention that the War Memorial Trust/Pre School buildings are to be demolished. These buildings were built with funds raised by my Mother and a large committee group of people in the community, who worked tirelessly over many years. It is rumored that there are plans for a high rise development to take place on the land in question. My concern is for the safe guarding of the sundial which has been relocated to it's current place in recent years together with the cenotaph . Are these also to be removed? I am concerned that there be no further disturbance to take place. These buildings and land were paid for and constructed for the Eltham community in memory of those people who gave their lives and those who worked so tirelessly. They are not the Councils to dispose of. Leave Eltham alone! No changes. Yours sincerely, Ian D. Lyon

- i. Have all the Councillors read the letter which opposes the selling of this land purchased by the Eltham War Memorial Trust?

**Response**

Yes all Councillors have read the letter and are aware of the letter.

- ii. Have Councillors considered the importance of the historical and cultural significance of these buildings?

**Response**

Councillor have received a briefing from the Eltham Historical Society on the heritage and cultural significance of the Eltham War Memorial buildings, and have received a copy of the 2011 Cultural Heritage Significance Assessment prepared by Council's heritage advisory in association with architectural historian.

- iii. My concern is for the safe guarding of the sundial which has been relocated to it's current place in recent years together with the cenotaph . Are these also to be removed?

**Response**

The cenotaph and sundial would be regarded should the Council precede with the redevelopment and would be repositioned or located appropriately to be significant other larger community gatherings that would utilise the site.

**Sue Dyet** asked Council:

1. Proposed assessment criteria for 895 and 903-907 (RFP) process. Criteria 6 states 'the location of the Cenotaph can be moved' as this is the third location for the Cenotaph it is obvious that it can be physically moved however has the Council received, in writing, from the RSL documentation stating that the RSL is in agreement with:
  - i. moving the Cenotaph to an, as yet, unknown location and to the demolition of the War Memorial complex?
  - ii. If these agreements from the RSL have been received in writing, when did Council receive them?

**Response**

Officers have met with the Montmorency-Eltham RSL on at least two occasions with their committee to talk about the prospect of looking at the redevelopment of this particular site. We have had indications that the RSL is in support of the Council's proposal to redeveloped the land and the relocation of the cenotaph should it be required, as part of any new plans to renew the precinct. The RSL has expressed a strong interest in being involved at the design stage of any relocation of the cenotaph should it be required and requirements for a public place around it. Certainly very supportive of the nature of providing a much larger public and civic space to be able to recognise ANZAC Day and other activities that would occur around that. We will continue those consultations with the RSL.



No agreements have been received in writing at this stage.

**Graham Fildes** asked Council:

1. Will Council please advise how much rate payer money has been expended on the EOI and RFP assessment work on 895 and 903-907 Main Road Eltham - even before the community have been effectively consulted?

**Response**

Councils have expended a lot of money on these precincts 3 and 4 over the journey and strategic assessments along the way, but I am not aware as to how much councils has spent in past years. Certainly there has been a number of proposals and submissions been prepared for that site over the journey including a new shire offices where council employed Design Ink to design buildings for that particular site but we have not gone back into the history, I think that you are really asking about this particular process.

In this case, Council's expenditure has been detailed in the 2018-2019 budget and we have allocated \$164,500 in our budget towards the site investigation and specialist advice. Should all that money be expended the full amounts will be disclosed in the end-of-year financial statements.

2. Further, some drilling work took place earlier this month on the former Shire Office Site - what was its purpose?

**Response**

Council has undertaken preliminary geotechnical and environmental investigations to provide information on the existing subsurface as part of the feasibility study for the proposed development of the sites.

**1) Helen Coleman asked Council:**

1. Having carefully read and trawled through the 3 reports, 30 January, 28 August & tonight's report OCM.148/18 in relation to the potential sale to a developer of the community owned and historically significant land at 895 & 903-907 Main Road Eltham I am more confused than ever, even with my considerable local government experience.

My question from tonight's motion is for Council to explain how a joint venture will operate with a potential development partner and could you please provide the community with an example of a similar project that has been undertaken in local government to identify a precedent for the community?

**Response**

A joint venture arrangement for the development of a public site is a means to exchange the value of the land for assets and facilities that provide community benefits. As opposed to a direct land sale or council funded development, a joint venture better spreads the risks and costs for such a project and brings development expertise that councils do not have. The purpose of the EOI is to test the capability of potential development partners. The purpose of the RFP is to test the merit of various proposals that delivery community benefit for the site.

Public authorities such as VicTrack and Development Victoria and other councils use this method to release land value at sites such as carparks.

**2) Natalie Duffy and Bartolo Scaffidi asked Council:**

1. Following Nillumbik Shire Council's decision on 28 August to invite developers to submit their Expressions of Interest in 895 & 903-907 Main Road Eltham, the site of the Eltham War Memorial Complex & the former shire office site, a community petition opposing the inappropriate development &/or sale of this community owned land has been signed by hundreds of locals. What is Council's process for taking petitions into account before making a decision & how many signatures of opposition are required for Council to respect the wishes of residents of today, the residents from the late 1990's who fought against inappropriate retail development & those who of the late 1940's who dared to create a living War Memorial to honour the memory of those veterans who fought & died in World War Two?

**Response**

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 Meeting to be included on the agenda of that meeting. An officer recommendation is prepared for Council to consider whether the petition is tabled and referred to the relevant Director for investigation and response.

If the petition contains fewer than 15 signatures, it will not be presented at the Council meeting and will, instead, be forwarded to the relevant Director for response.

10. Reports of Advisory Committees

AC.008/18 Advisory Committee Report

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**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:

- Urban Design Review Project Reference Group – 30 May 2018
- Environment and Sustainability Advisory Committee minutes and attachment - 18 July 2018
- Economic Development Advisory Committee minutes - 8 August 2018

**Council Resolution**

**Cr Karen Egan**

**Cr Bruce Ranken**

**That** Council notes the:

- Urban Design Review Project Reference Group meeting minutes held on 30 May 2018;
- Environment and Sustainability Advisory Committee meeting minutes and attachment held on 18 July 2018; and
- Economic Development Advisory Committee meeting minutes held on 8 August 2018.

**CARRIED**

**11. Reports of Special Committees**

**12. Officers' reports****OCM.146/18 Aged Care Reforms**

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**Distribution: Public****Manager: Matt Kelleher, Director Services and Planning****Author: Corrienne Nichols, Manager Community Programs****Summary**

The Commonwealth Government has implemented a new system of aged care. This includes the introduction of the MyAgedCare gateway and the progressive introduction of a market driven, Consumer Directed Care (CDC) model across community based, packaged and residential aged care services.

Council currently subsidises the service to approx. 20 per cent or \$430,000 p.a. with services delivered via a contract arrangement with MECWACare. In addition, the move to a market-based aged care system in 2020 will require councils to implement full-cost reflective pricing to comply with the Commonwealth Competitive Neutrality Policy.

The proposal that Council remain in some services, and exit from those direct care services where there are other suitable providers was considered at the Future Nillumbik Committee meeting of 11 September 2018. The proposal provides an opportunity for Council to strengthen its support for older residents by reinvesting funds currently subsidising Commonwealth Home Support services.

In particular, it will enable Council to increase its response to the three most common concerns and aspirations raised by older residents for their positive ageing:

- Social isolation and loneliness - by increasing social support programs.
- Difficulty navigating the new Commonwealth service system - by creating an information, advocacy and navigation service to assist residents to access the services and activities that enable them to age well.
- Physical isolation – by providing accessible community transport, particularly for residents in the rural hinterland.

**Council Resolution****Cr Grant Brooker****Cr Karen Egan**

**That** Council confirms the following recommendations of the Future Nillumbik Committee held 11 September 2018 to:

1. Endorses the transition from the delivery of highly subsidised services (Domestic Assistance, Personal Care, Respite Care and Property Maintenance) which can be offered by other providers in the market based aged care system by June 2020.
2. Endorses the realignment of Council's role in supporting older people toward achieving the Positive Ageing Strategy's primary outcome of improved opportunities and choices for older residents to live and age well in Nillumbik by:
  - a) Establishing an information, advocacy and navigation service which supports older residents and carers to navigate a significantly changed service system and a diverse range of positive ageing programs.

12. Officers' reports

OCM.146/18 Aged Care Reforms

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- b) Continuing to provide community transport and conduct a service delivery review to ensure the service delivery model responds to the new service system and achieves best value.
  - c) Developing business model for social connection and social participation including the continuation of Nillumbik Neighbours Social Support group for Council consideration.
  - d) Undertaking a service delivery review for community based social meals in place of delivered meals for Council consideration.
3. Continues to deliver Regional Assessment Services (RAS) until such point that the Commonwealth and State Governments determine the future operating and funding model and then review Council's role.
  4. Continues to engage with Council's Positive Ageing Reference Group (PARG) as part of the transition process and service delivery reviews.
  5. Develops and resource a transition plan to effectively implement these changes.

**CARRIED**

**12. Officers' reports**

**OCM.148/18 Assessment criteria to evaluate proposals to develop 895 and 903-907 Main Road, Eltham**

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**Distribution: Public**

**Manager: Adrian Cully, Director Business and Strategy**

**Author: Poul Tvermoes, Senior Project Manager  
Naomi Paton, Manager Integrated Strategy  
Jon Miller, Manager Assets and Property**

**Summary**

At the Ordinary Meeting of Council on 28 August 2018, Council resolved to commence an urban renewal process at no cost to Council for the Council owned land at 895 and 903-907 Main Road, Eltham, to deliver enhanced social, economic and public realm outcomes in a built form reflective of Eltham's preferred character.

The community's vision for the precinct, which highlights a highly accessible, convenient and attractive location to access public transport, information, arts and cultural services and range of social, community and every day business activities, was established through the 2004 Eltham Structure Plan. The 2017-2021 Council Plan commits to implementing this outcome by developing a visionary plan for the precinct.

Council is now exploring the commercial realities of the development of the two sites through a two-phase market testing process. This will provide Council with a proposed development, in keeping with the community's vision and objectives for the Eltham Activity Centre enabling Council to then undertake broad community engagement. Expressions of Interest (EOI) have been invited. Those proponents with the strongest credentials will be shortlisted to submit a detailed proposal at the formal Request for Proposal (RFP) phase.

This report recommends the assessment criteria (**Attachment 1**) against which the RFP submissions will be assessed. One of the criteria includes how the developer proposes to engage with the community. The assessment criteria will form part of the RFP brief. Subject to sufficient interest at the EOI phase, it is expected the RFP process will take place over October and November 2018. Officers would then recommend to Council a preferred development partner at the December 2018 Ordinary Meeting of Council.

The community will be engaged on Council's preferred development proposal in early 2019, to determine the uses and design aesthetics of the community building.

<b>Recommendation</b>
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**That Council:**

1. Endorses the Request for Proposal assessment criteria, as presented in **Attachment 1**, to inform the selection of a development partner in a joint venture to renew Council land at 895 and 903-907 Main Road, Eltham.
2. Subject to progressing past the Expression of Interest phase, release the Request for Proposal brief detailing the assessment panel membership, assessment criteria and evaluation measurements.

12. Officers' reports

OCM.148/18 Assessment criteria to evaluate proposals to develop 895 and 903-907 Main Road, Eltham

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**Motion**

**Cr Peter Perkins**  
**Cr Grant Brooker**

**That Council:**

1. Endorses the Request for Proposal assessment criteria, as presented in **Attachment 1** with an amendment to item 8 of the proposed assessment criteria to read 'A wide level of community consultation over the total re-development of the site', to inform the selection of a development partner in a joint venture to renew Council land at 895 and 903-907 Main Road, Eltham.
2. Subject to progressing past the Expression of Interest phase, release the Request for Proposal brief detailing the assessment panel membership, assessment criteria and evaluation measurements.

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

**Council Resolution**

**Cr Peter Perkins**  
**Cr Grant Brooker**

**That Council:**

1. Endorses the Request for Proposal assessment criteria, as presented in **Attachment 1** with an amendment to item 8 of the proposed assessment criteria to read 'A wide level of community consultation over the total re-development of the site', to inform the selection of a development partner in a joint venture to renew Council land at 895 and 903-907 Main Road, Eltham.
2. Subject to progressing past the Expression of Interest phase, release the Request for Proposal brief detailing the assessment panel membership, assessment criteria and evaluation measurements.

**CARRIED**

Cr John Dumaresq called for a division

For: Crs Peter Perkins, Bruce Ranken, Karen Egan, Peter Clarke and Grant Brooker

Against: Cr John Dumaresq

**CARRIED**



12. Officers' reports

**OCM.149/18 Expression of Interest for the Management and Operation of the Hurstbridge Farmers' Market**

**Distribution: Public**

**Manager: Adrian Cully, Director Business and Strategy**

**Author: Christine Gibbins, Business Development and Tourism Officer  
Kylie Lethbridge, Manager Business, Tourism and Marketing**

**Summary**

The Hurstbridge Farmers' Market (HFM) has been operated by Nillumbik Shire Council since 2009. In response to declining visitor and stallholder numbers at the market, Nillumbik Shire Council engaged Urban Enterprise in 2017 to review the current operation of the HFM. This review suggested transferring management of the market to an external organisation as the best way to revitalise and grow the market.

In June, Council commenced an Expression of Interest (EOI) process to ascertain options for outsourcing the operation of the HFM. A panel, made up of stallholder and community representatives, together with Council officers, assessed the application received and determined that the submission from Diamond Valley Community Support met the selection criteria and would be a good option for the market and the community.

**Council Resolution**

**Cr Karen Egan**

**Cr Bruce Ranken**

**That Council:**

1. Enters into a three (3) year contract with Diamond Valley Community Support for the operation and management of the Hurstbridge Farmers' Market.
2. Council agrees to contribute \$21,000 in year one, \$12,000 in year two and \$9,000 in year three via an official three year agreement to Diamond Valley Community Support for the operation and management of the Hurstbridge Farmers Market from November 2018.
3. Council receives annual reviews and a recommendation made for the future of the Market at the completion of the three year agreement.

**CARRIED**

12. Officers' reports

**OCM.150/18 Provision of computer hardware, peripherals and deployment services for the replacement of the existing fleet of desktops and laptops**

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**Distribution: Public**

**Manager: Suzy Ellingsen, Executive Manager People, Culture and Innovation**

**Author: Eddie Cheng, Systems Analyst  
Lance Clark, Senior Procurement Specialist**

**Summary**

This report recommends the awarding of the lease contract for the provision of Hewlett Packard laptops/tablets, associated peripherals and deployment services for the replacement of the existing desktop and laptop fleet of machines.

Currently, Council has a mixed fleet of desktops and laptops that are between 7 – 10 years old and they are not meeting with the digital requirements of our staff and in turn are not able to deliver up to date digital services to our community.

The awarding of this lease contract will enable to acquisition of laptop/tablet hardware and associated peripherals. It will also enable the deployment of new Hewlett Packard tablets to the organisation and remove, wipe and recycle the existing machines.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract.

**Council Resolution**

**Cr Peter Perkins  
Cr Grant Brooker**

**That Council:**

1. Resolves to accept the proposal to enter into a lease contract with for the provision Hewlett Packard tablet hardware, peripherals and deployment services for the lease term of four years with Hewlett Packard Financial Services up to the value of \$785,966 excluding GST.
2. Authorises the Chief Executive Officer to finalise and execute the contract documents.

**CARRIED**

**12. Officers' reports****OCM.151/18 Hillmartin Lane Area Special Charge Scheme - Reconciliation**

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**Distribution: Public****Manager: Jeremy Livingston, Acting Director Sustainability and Place and Executive Manager Organisational Performance****Author: Patrick Wood, Coordinator Design  
Matthew Theuma, Engineer****Summary**

The special charge scheme outlined in this report has been completed and the final costs have been calculated. At this stage, property owners have been invoiced for the estimated cost, which was the amount at the time of declaration by Council. Property owners who elected to pay the full cost of the scheme up-front would have paid the total estimated cost and for those who chose to pay by instalments, the instalments that have been invoiced to date were calculated on the estimated amount.

Council may now vary these schemes under section 166 of the *Local Government Act 1989*, so that property owners pay the actual cost. The amount of the refund or additional charge to each property will be proportionate with the original contribution.

In the case of the Hillmartin Lane Area Special Charge Scheme, property owners will receive an average refund of \$392.75. The affected properties are shown in **Attachment 1**.

<b>Council Resolution</b>
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**Cr John Dumaresq  
Cr Peter Perkins****That Council:**

1. Varies the following Hillmartin Lane Area Road Special Charge Scheme under section 166 of the *Local Government Act 1989*, in line with the revised liabilities set out in Attachment 2.
2. Advises property owners of the applicable variation and provide a refund for the required amount.

**CARRIED**

12. Officers' reports

OCM.152/18 Audit Committee Reappointment

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**Distribution: Public**

**Manager: Vince Lombardi, Manager Finance**

**Author: Melika Sukunda, Financial Accountant**

**Summary**

The three year term of independent member, Mr John Watson has recently expired. Mr Watson was recently appointed as Chair of the audit committee in August 2018.

The *Local Government Act 1989* requires each Council to have an Audit Committee to oversee Council's management of risk, internal controls and financial reporting.

The Committee meets four times each year and the minutes are presented at a subsequent Council meeting.

The Audit Committee comprises of three positions for independent members, and two positions for Councillors (currently Cr Clarke and Cr Ranken). The position of Chairperson is held by one of the independent members.

It is recommended to extend Mr Watson's term for a further three years.

**Council Resolution**

**Cr Karen Egan**

**Cr Bruce Ranken**

**That** Council reappoints Mr John Watson as an independent member of the Audit Committee for a three year term concluding 30 June 2021 and advises Mr Watson accordingly.

**CARRIED**

12. Officers' reports

OCM.153/18 Rescheduling Special (Statutory) Meeting in October 2018

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**Distribution:** Public

**Manager:** Blaga Naumoski, Executive Manager Governance

**Author:** Katia Croce, Governance Lead

**Summary**

This report recommends rescheduling the 30 October 2018 Special (Statutory) Meeting to 31 October 2018 and extending the term of the Mayor and Deputy Mayor for 1 day to allow continuity of their role until a new Mayor and Deputy Mayor are elected.

**Council Resolution**

**Cr Karen Egan**

**Cr Bruce Ranken**

**That Council:**

1. Reschedule the 30 October 2018 Special (Statutory) Meeting to 31 October 2018 to be held in the Council Chamber at Civic Drive, Greensborough at 7pm.
2. Resolves to extend the term of the mayor for 1 day until 31 October 2018 at 6am.
3. Requests that in accordance with section 89(4) of the *Local Government Act 1989*, the Chief Executive Officer advertises the date in the local newspaper and on Council's website.

**CARRIED**

12. Officers' reports

OCM.155/18 Confidential Information Policy

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**Distribution: Public**

**Manager: Blaga Naumoski, Executive Manager Governance**

**Author: Katia Croce, Governance Lead**

**Summary**

The *Local Government Act 1989* (the Act) currently empowers Council to determine that a matter is confidential and closed to the public to discuss certain matters.

When Council determines a matter to be confidential:

- it considers the matter in a part of a council meeting closed to the public;
- it records its discussions in separate, confidential minutes; and
- Councillors who disclose confidential information can be prosecuted or referred to a Councillor Conduct Panel.

At the same time, Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

Whilst endeavouring in the interests of public accountability to limit the number of matters which are considered in confidential sessions, Council also acknowledges that it is appropriate to consider certain matters in closed meetings.

This report seeks Council endorsement of the Confidential Information Policy which:

- Ensures that Councillors, staff, volunteers and contractors are made aware of their obligations, responsibilities and duties concerning access to and disclosure of, Confidential Information associated with any Council business or activities; and
- Provides guidance to Councillors and staff in identifying, assessing, managing and reporting on the use and/or misuse of Confidential Information.

**Recommendation**

**That Council endorses the Confidential Information Policy (Attachment 1).**

**Motion**

**Cr Peter Perkins**

**Cr Karen Egan**

**That Council:**

1. Endorses the Confidential Information Policy (**Attachment 1**) with the following amendments:
  - i. On page 3 of the policy include the word 'Committees' in the first dot point; and
  - ii. On page 5 of the policy replace dot points 2 and 3 to read as follows:
    - Handed to Councillors at a time of distribution of the agenda or agreed by Councillors; or
    - Sealed in an envelope marked 'CONFIDENTIAL' and delivered to Councillors with their bags at the discretion of the CEO.

12. Officers' reports

OCM.155/18 Confidential Information Policy

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

**Council Resolution**

**Cr Peter Perkins**

**Cr Karen Egan**

**That Council:**

1. Endorses the Confidential Information Policy (**Attachment 1**) with the following amendments:
  - i. On page 3 of the policy include the word 'Committees' in the first dot point; and
  - ii. On page 5 of the policy replace dot points 2 and 3 to read as follows:
    - Handed to Councillors at a time of distribution of the agenda or agreed by Councillors; or
    - Sealed in an envelope marked 'CONFIDENTIAL' and delivered to Councillors with their bags at the discretion of the CEO.

**CARRIED**

12. Officers' reports

**OCM.156/18 Review of Instrument of Delegation to Chief Executive Officer and Instrument of Delegation to Members of Council Staff**

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**Distribution: Public**

**Manager: Blaga Naumoski, Executive Manager Governance**

**Author: Katia Croce, Governance Lead**

**Summary**

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

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

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

**Council Resolution**

**Cr Bruce Ranken**

**Cr Grant Brooker**

**That Council:**

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



12. Officers' reports

**OCM.156/18 Review of Instrument of Delegation to Chief Executive Officer and Instrument of Delegation to Members of Council Staff**

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

**CARRIED**

12. Officers' reports

OCM.157/18 Assemblies of Councillors

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**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 28 August 2018.

An Assembly of Councillors record was kept for:

- Economic Development Advisory Committee - 8 August 2018
- Officer Briefing - 21 August 2018
- CEO Employment Matters Committee - 23 August 2018
- Pre-meet discussions - 28 August 2018
- Officer Briefing - 4 September 2018
- Environment and Sustainability Advisory Committee – 5 September 2018
- Councillor Briefing - 11 September 2018
- Activity Centres Project Reference Group - 12 September 2018
- Recreation Trails Advisory Committee - 13 September 2018

**Council Resolution**

**Cr Karen Egan**

**Cr Bruce Ranken**

**That** Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 8 August 2018, 21 August 2018, 23 August 2018, 28 August 2018, 4 September 2018, 5 September 2018, 11 September 2018, 12 September 2018 and 13 September 2018 (**Attachment 1**).

**CARRIED**

13. Notices of Motion
14. Delegates' Reports
15. Supplementary and urgent business

**Council Resolution**

**MOVER:** Cr Karen Egan  
**SECONDER:** Cr Bruce Ranken

**That** Council include report item 'OCM.159/18 Green Wedge Management Plan Review – Revised Timetable' for consideration as an urgent business in item 15.

**CARRIED**

**OCM.159/18 Green Wedge Management Plan Review - Revised Timetable**

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**Distribution:** Public  
**Manager:** Adrian Cully, Director Business and Strategy  
**Author:** Geoff Lawler, Senior Strategic Advisor  
Naomi Paton, Manager Integrated Strategy  
Nichole Johnson, Coordinator Strategy Projects - Community and Leisure

**Summary**

On 27 March 2018 Council endorsed the program for the review of the Green Wedge Management Plan. This program envisaged five meeting days by the Community Panel, culminating in a report to Council by the end of October and the release of a draft Green Wedge Management Plan for public consultation in December.

The Panel has requested an additional meeting day in November to enable it to complete its recommendations. This changes the overall timetable to complete the review. Council approval is sought for a revised timetable.

**Council Resolution**

**Cr Peter Perkins**  
**Cr Karen Egan**

**That** Council:

1. Endorses the revised timetable attached to this report for the Green Wedge Management Plan Review.
2. Makes necessary adjustments to the 2018-2019 Council Budget at Mid Year Budget Review reflecting the expenditure required to complete the Green Wedge Management Plan Review.

**CARRIED**

**Attachments**

1. Revised Timetable for Completion of Green Wedge Management Plan Review

## Background

1. On 27 March 2018 Council endorsed the program including timeframes for review of the Green Wedge Management Plan. The program envisaged a Community Panel report being received in time to allow a Council response and release in December 2018 of a revised Green Wedge Management Plan for community consultation.
2. During the course of Panel day 3 on 15 September 2018, the Panel requested a sixth sitting day in order to complete their task of recommending to Council the Vision, Objectives and Key Actions in responding to the key question:

*“What is the best way for us to manage Nillumbik’s Green Wedge now and in the future”.*

## Policy context

3. This report directly supports the achievement of Council Plan 2017-2021 strategies:
  - Improve community trust through better communications and genuine engagement.
  - Prepare and develop and improved and holistic approach to strategic planning.

## Budget implications

4. A program budget was allocated by Council in the 2018-2019 Budget.
5. A further budget allocation is required to fund the additional sitting day, with budget adjustments for this and other costs to be considered at Mid-Year Budget Review.

## Consultation/communication.

6. The request for an additional meeting day in November is from the Community Panel. The actual date will be established with the members as soon as Council approves the revised timetable.
7. The revised timetable will also avoid public consultation on the draft plan occurring in February 2019, coinciding with the tenth anniversary of the 2009 bushfires.

## Issues/options

8. The Panel’s request for an additional meeting day and associated extension of time should be agreed to. This enables the Panel to build on the work undertaken so far and complete the task. The original timetable did not allow for the number of speakers the Panel has asked to hear from which reflects the complexity of the Panel’s work.
9. The consequence of the additional meeting day is that the draft of the revised Green Wedge Management Plan, based on Council’s response to the Panel’s recommendations, will not be available for public consultation until early March 2019, with a view to finalisation in June 2019.

## Conclusion

10. In order to avoid further delay, Council is requested to endorse the revised timetable attached to this report.

**16. Confidential reports**

The Acting Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following item to be confidential:

**OCM.158/18 Eltham Lacrosse Club Loan Guarantee Report Request**

This item is designated confidential because it is a contractual and matters affecting the security of Council property matter pursuant to section 89(2)(d) and (g) of the Act.

**Council Resolution**

**Cr Karen Egan**  
**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 Acting Chief Executive Officer.

**CARRIED**

The meeting closed to the public at 8.12pm.

The meeting reopened at 8.15pm

**Close of Meeting**

The meeting closed at 8.16pm.

Confirmed: \_\_\_\_\_  
Cr Peter Clarke, Mayor