

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 30 October 2018 commencing at 7.30pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 2 November 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 30 October 2018. The meeting commenced at 7.30pm.

Councillors present:

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

Officers in attendance:

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
Mitch Grayson	Chief of Staff to Mayor and Councillors
Licardo Prince	Corporate Affairs Lead
Corrienne Nichols	Manager Community Programs

1. Welcome

2. Reconciliation statement

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

3. Prayer

A prayer was read by Vasan Venkataraman, a representative of the Hindu Community.

4. Apologies

Nil

5. Presentations

Acknowledgement of an award presented to Council from Banyule Nillumbik Local Learning and Employment Network (BNLLEN) for Council's support and involvement in the 'Stories of My Life Program 2018'.

Kate Nayler (Edendale Ward) receives \$150 as a contribution for being selected to represent Victoria at the Australian Aeroschools Championships in Queensland.

Kate thanked Council and a photo was taken of Kate, Cr John Dumaresq and the Mayor, Cr Peter Clarke.

Nillumbik Shire Council wishes Kate every success with her future sporting pursuits.

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 25 September 2018 and the Special Meeting held on Tuesday 16 October 2018.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Bruce Ranken

That the minutes of the Council Meeting held on Tuesday 25 September 2018 and the Special Meeting held on Tuesday 16 October 2018 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Petition No. 2018-07

A petition containing 103 signatures from residents objecting to Planning Application Number 159/2018/06P 109-115A Yan Yean Road, Plenty regarding development and use of the land as an Emergency Services Facility (CFA Fire Station) and associated vegetation removal.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr John Dumaresq

That Council:

1. Receives and notes the petition objecting to Planning Application Number 159/2018/06P 109-115A Yan Yean Road, Plenty regarding development and use of the land as an Emergency Services Facility (CFA Fire Station) and associated vegetation removal.
2. Refers this matter to Director Services and Planning for investigation and response.
3. Advises the petition organiser accordingly.

CARRIED

Petition No. 2018-08

A petition containing 1,604 signatures from residents against the inappropriate development and proposed EOI of 895 and 903-907 Main Road Eltham.

Recommendation

That Council:

1. Receives and notes the petition against the inappropriate development and proposed EOI of 895 and 903-907 Main Road Eltham.
2. Refers this matter to Director Business and Strategy.
3. Advises the petition organiser accordingly.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Karen Egan

That Council:

1. Receives and notes the petition against the inappropriate development and proposed EOI of 895 and 903-907 Main Road Eltham.
2. Receives and notes the additional 191 submitters.
3. Refers this matter to Director Business and Strategy.
4. Advises the petition organiser accordingly.

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Karen Egan

That Council:

1. Receives and notes the petition against the inappropriate development and proposed EOI of 895 and 903-907 Main Road Eltham.
2. Receives and notes the additional 191 submitters.
3. Refers this matter to Director Business and Strategy.
4. Advises the petition organiser accordingly.

CARRIED

Petition No. 2018-09

A petition containing 40 signatures from residents requesting Council make Reynold Road between numbers 26 to 58 in Wattle Glen less dangerous and noisy, and more liveable.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Jane Ashton

That Council:

1. Receives and notes the petition requesting Council make Reynold Road between numbers 26 to 58 in Wattle Glen less dangerous and noisy, and more liveable.
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

Graham Fildes asked Council:

1. Given that an assessment* commissioned by Nillumbik Shire in 2011 concluded that The War Memorial Building Complex at 903-907 Main Road, Eltham is historically, aesthetically and socially significant to the Shire of Nillumbik, why has Council proposed that the Eltham War Memorial Building Complex be re-developed? *Cultural Heritage Significance Assessment, Nov 2011

Response

To ensure officers have had the opportunity to develop a detailed response, this question will be taken on notice and an officer will respond directly to Graham Fildes.

Caitlyn McCleary asked Council:

1. My question relates to the sale of 895 & 903-907 Main Road, Eltham. Has a full economic projection model been completed along with a feasibility study based on the idea putting an art gallery or hotel on this block of land and have you spoken to the existing art galleries in Eltham and surrounds to ask what their visitation rates are like?

Response

Council is currently undertaking a feasibility study for a contemporary public gallery of regional significance in the Shire of Nillumbik. The study is not location specific. The study will incorporate benchmarking and industry consultation with other galleries regionally, and further afield and include projected capital and operating costs. The community has been actively involved in contributing to the study through recently convened consultation forums and an on-line survey which is open until Sunday 3 November 2018, which can be found on the Participate Nillumbik page of Council's website.

Sue Dyet asked Council:

1. I am seeking clarification of the intentions of an amendment that was passed, without debate, at the September Council meeting. It dealt with the Assessment Criteria for the Main Road, Eltham developments. Before the amendment, it appeared the community was going to be restricted to only making comment on any proposed community facilities, however the amendment giving "wide level of community consultation over the entire development of the site" left the restrictions in place in other sections of the Assessment Criteria. Is the community going to be restricted to only being able to comment on community facilities or as per the amendment passed at the September Council meeting stating, "wide level of community consultation over the entire development of the site"?

Response

The amendment sought to reaffirm that there will be a wider level of community consultation.

2. Does Council know now and will inform the community now of the specific stages in the whole development process when the community will be able to make comment or be consulted, on any aspects of the proposed project(s) ? And, if not known now, when will we informed?

Response

Subject to a successful Request for Proposal (RFP) phase, Council will be briefed on project timeframes early in the New Year. What will occur next is after we get some submissions back from potential submitters, we will be able to start that consultation early in the new year when we have something to consult with.

Greg Johnson asked Council:

Re: Council's "urban renewal" project for 895 and 903-907 Main Rd Eltham: At the Jan. OCM, Council resolved to, "consider the sale of both 895 & 903-907 Main Rd Eltham" but the notice, "Our plan for a revitalized Eltham" (DVLeader, Oct 3rd, page 7) says Council is considering a joint venture with the private sector.

1. What sort of legal agreement with a potential developer is Council currently considering, and does this potentially include a sale, or not?

Response

If the RFP process identifies projects that strongly meets the Council's objectives and is supported by the community, Council would work towards establishing a development agreement with the preferred joint venture developer. The Agreement will identify the parcel of land to be subdivided and sold. We are not that far yet.

Re: the future of 895 & 903-907 Main Rd Eltham - the Eltham Major Activity Centre Structure Plan (May, 2007) page 2 and 48, affirms the action for these sites is to retain them in council ownership for public use with a Public Use zoning.

2. How does Council intend to resolve this inconsistency between the Structure Plan intention and Council's current "urban renewal" plans for the sites?

Response

In 2016, Activity Centre Zone was applied to this part of the Eltham Major Activity Centre, a requirement of the State Government of the day. Any development will need to be consistent with this zoning, which is not limited to public purposes.

The Eltham Major Activity Structure Plan (2004; updated May 2007) is a reference document to the Planning Scheme, considered by State Government to be outdated and Council is undertaking a review.

Sharon Bonga asked Council:

At recent community gatherings which include a public meeting with 350 people in attendance, multiple Sunday morning Eltham farmers markets, Eltham craft markets, Edendale sustainability festival and more recently the Eltham Halloween market (which we were kicked out of) people were lining up to sign a petition as they DO NOT support the sale of ANY community land on Main Road, Eltham and wish to retain the war memorial buildings for their original purpose.

1. What will it take for Councillors to stop talking with private developers about grandiose plans and listen to the community about what they want?

Response

Council has resolved to enter in a Request for Proposal process.

2. What rate payer funds have been spent on 895 and 903-907 Main Road, Eltham in the last 2 financial years ending 30.6.2018 in relation to development of the site?

Response

The cost to ratepayers to develop the sites at 895 and 903-907 Main Road up to 30 June 2018 are \$82,695, these include the financial years of 2016-2017 and 2017-2018, .

Nerida Kirov asked Council:

1. Are you aware that the War memorial building in Eltham was built as a living memorial in memory of the 2nd world war vets, fundraised and built by early local families for the services of local women, children and families and as the memorial is the actual building it cannot be moved? This is very different to the cenotaph.

Response

Yes, Council is aware of its history.

Why has nothing been mentioned by Council about this?

Response

The assessment criteria by which council will evaluate the Requests for Proposal includes 'respects the history of the site'. How developers respond to the social and heritage values from across the War Memorial buildings complex, together with the community's feedback, will guide Council's decision in considering further applications.

John Fecondo asked Council:

With reference to the Mayor's detailed "Policy Statement" published during the 2016 election campaign (copy can be provided on request) and all successful candidate statements issued by the VEC with the ballot papers, I note that there is not a single mention of selling or development of 895 and 903-907 Main Road, Eltham nor was it discussed with the community before the election. On this basis, the current council clearly has no mandate to develop these significant community-owned sites further during this term. I also note that the Mayor's "Policy Statement" promised to "Create a culture at Council which listens, consults and responds to demands of ratepayers".

1. In light of these facts together with the very widespread opposition and angst within our community over this proposed development, can I please ask that Council cease all proposed work, expenditure or decisions relating to 895 and 903-907 Main Road, Eltham and take the proposal to the next election and let the community decide on its fate using a proper democratic process?

Response

Consistent with the aspirations of successive past Councils the sites being considered for development for community benefit of various forms.

It should also be mentioned that Cr Brooker did indicate in his brochures (still available on the website) about the sale of this particular site and is something that he took to the election.

Natalie Duffy asked Council:

1,604 people opposing Council's action to sell and/or develop prime community Eltham land at 895 (the Old Shire Office Site) and 903-907 Main Road (the War Memorial Complex and Senior Citizens Hall), signed the Eltham Community Action Group petition which was lodged to Council on 22 October.

Will Council:

1. Accept another 191 signatures to this petition, and

At its Ordinary Council meeting on 27 November 2018 an amendment was made to change the number to 201 additional signatures in the confirmation of the Minutes (Item 6).

Response

Council has accepted the ~~191~~ 201 additional signatures in an earlier recommendation.

2. Comply with the Australian Privacy Principles regarding personal information supplied by signatories so it is not used for marketing purposes, and

Response

Council views the protection of an individual's privacy as part of its commitment towards accountability and integrity and is committed to protecting an individual's right to privacy.

The personal information will only be used and disclosed for the primary purpose for which it was collected, or for a secondary purpose that would be reasonably expected, as set out within the Information Privacy Principles under Schedule 1 of the *Privacy and Data Protection Act 2014*.

It does provide the opportunity for Council equally to contact those members and indicate to them, given their interest in the matter, how we are progressing.

3. Cease dealings with developers regarding these sites and start consulting with the community who have been blindsided by this action which was not an election platform by any sitting Councillor?

Response

The Consultation process will commence, if there are successful Request for Proposal candidates.

4. When Council next updates its local laws, will it change the online petition acceptance from 'may' to 'will' to ensure Council is in step with community expectations and with modern practises utilising technology so that all residents have accessibility to signing a petition in an environmentally friendly manner that aligns with Council's practise of engaging with the community through online forms & submissions?

Response

The process for amending the Meeting Procedures Local Law does take considerable time to amend and adopt formally as there are statutory requirements under the *Local Government Act 1989*, that Council must follow, including community consultation. This is not on the agenda for Council at this stage, and is usually considered as part of any new Council's appointments .

Carlota Quinlan asked Council:

1. If Council were to sell all or part of 895 and 903-907 Main Road, Eltham following the outcome of its request for proposal process, would it ensure that the contract of sale requires the purchaser to enter into a s173 agreement that would be recorded on the title to the land sold and which would contain appropriate planning controls over the future development of the land such as responding to Eltham's form and character, protecting public amenity, access and use?

Response

As Council has not yet received proposals from the RFP process, nor entered into a Development Agreement, it is premature to determine whether it would be appropriate for a section 173 Agreement to be required for a future development and if so, on what basis or the specific aspects of a future development and land holding it would seek to manage or control.

A Development Agreement will play a role in confirming a future proposal for the site, and the existing suite of Planning Provisions also play a role to consider a proposal through the planning permit application process. Entering into a section 173 Agreement under the *Planning and Environment Act 1987* can be a suitable instrument to consider in such circumstances.

2. If not why not, as it has been done successfully on other land under Council's control and would help ensure council's legacy regarding this land was in keeping with the wishes of the community?

Response

The response to the previous question explains that a section 173 agreement can be a suitable instrument to help ensure Council's legacy regarding this land is in keeping with the wishes of the community.

Beatrice Howe asked Council:

As the renaming by Nillumbik of the section of road between the current alignment of Research-Warrandyte Road and the commencement of the actual Camelot Close (near number 6-7 Camelot Close) does not comply with Section 10 of the Local Government Act, the road's legal name is Research-Warrandyte Road. This fact, together with the Road Management Act stating Nillumbik are responsible for operation, maintenance and management of this road, creates an outcome where Nillumbik have a responsibility for all costs associated with the upgrading of this road.

1. Why Nillumbik are not accepting total responsibility for all costs associated with the upgrading of this section of road, or as an alternative, why is Nillumbik not accepting responsibility for all costs associated with the upgrading of this section of road being shared between Nillumbik and the owner of 1 Camelot Close who abuts this section of road?
2. What legislation allows Nillumbik to pass the cost of upgrading this section of road on to property owners living in the actual Camelot Close?
3. Can you please provide explanations, verbally at the Council meeting, and subsequently in writing to these two questions?

Response

Council recognises it has obligations under the *Road Management Act 2004*. Council implements Special Charge Schemes under section 163 of the *Local Government Act*. We do not have information to suggest these powers and responsibilities are incompatible however I encourage you to submit your question as a formal submission so that it can be presented to Councillors, with a response by Officers as part of the statutory consultation process.

If Council resolves tonight to formally proceed to the next step, then we start the formal process of consultation. The question can be resubmitted and discussed during that process.

Margaret Baldock asked Council:

The attachment provided with the Agenda for the 30 October 2018 Council meeting regarding the Special Charge Scheme for Camelot Close states Mrs Howe, the owner of 6-7 Camelot Close has an Access Benefit Unit of 1.0 Mrs Howe has no frontage to the proposed sealing of Camelot Close. Mrs Howe only has sideage to the proposed sealing of Camelot Close. The councils policy states that the owners of properties with only sideage are allocated an Access Benefit Unit of 0.5.

1. Why are Mrs Howe's charges based on an Access Benefit Unit of 1.0?

Response

Councillors understand that Officers have apportioned benefit based on the gravel road outside Lots 6-7 being a private road. I encourage you to submit your question as a formal submission so that it can be presented to Council for consideration as part of the statutory consultation process.

David Baldock asked Council:

At the 31 October 2017 NSC Council Meeting I asked a question about the lack of consultation by the council concerning a letter dated 06 October 2017 that I had sent to the then NSC CEO, Mark Stoermer, regarding the Intention to Declare the Camelot Close Special Charge Scheme. The Mayor, Cr Clarke, speaking publicly on behalf of the Council in response to my question, advised me that Mr Hjalmar Philipp, Director Sustainability and Place, would consult with me about the matters raised in my letter dated 06 October 2017. I, and any reasonable person present, interpreted this as a commitment by the Council to a process of consultation managed by Mr Philipp. At the request of Mr Philipp, I and other affected Camelot Close residents met with him briefly immediately after the meeting. At that meeting, Mr Philipp personally undertook to consult with me. No consultation has taken place since. Given the failings of Mr Philipp in arranging any consultation during the past 52 weeks

1. Please explain how the Council can proceed on this matter before the significant matters included in my letter dated 06 October 2017 have been addressed?

Response

Throughout the entire administrative process, NSC's default position has been what is most convenient for them rather than what is legally correct and supported by the provision of evidence. For example, NSC's ownership of an allotment adjoining the proposed Scheme road was denied in writing and at meetings, and after evidence of ownership was provided NSC then claimed the land had been declared road reserve when no evidence existed to support that claim. It took my letter to the Victorian Ombudsman and then my letter to NSC CEO for the matter to be resolved. My letter to the NSC CEO dated 06 October 2017 included some significant matters relating to the Camelot Close Special Charge Scheme.

2. How can elected Councillors make a decision about this Scheme, or follow principles of good governance, when they, like me, have not been provided with a response to all the legally correct facts and evidence contained in my letter to the NSC CEO dated 06 October 2017?

Response

Council reviewed its Special Charge Scheme Policy throughout the tail end of 2017 and first half of 2018. It was formally adopted at the July Council Meeting. Officers suspended activity on Camelot Close until this review was completed.

The decision at tonight's meeting is to notify an Intent to Declare. It is not a formal resolution to declare the Scheme. The Intent to Declare triggers the public notification and consultation process through receipt and hearing of submission and/or objections.

The next stage is to hear all submissions for Councillor's consideration. If appropriate, Councillors may then request another report outlining proposed amendments to the Scheme in response to the submissions.

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

Re: Bushfire Mitigation Strategy 16 October 2018, passed unanimously by the Future Nillumbik Committee. In her address to the Committee Cr. Ashton said how accurate bushfire expert Mr David Packham was in his 2003 report 'Bushfire Threat to Nillumbik Shire' presented in 2003 to NSC , along with the Rod Incoll report, by the Nillumbik Ratepayers Association Inc.

1. Will Council be approaching Mr Packham to take up the position, or one of the positions of Bushfire Mitigation Specialists, if not why not?
2. If not Mr Packham who/whom has or will Council be approaching for those positions?

Response

Council is intending to engage a suitably qualified Emergency Management expert of a high calibre. Currently we are seeking to conclude negotiations to do that with Mr Craig Lapsley, to support the work in Emergency Management.

Christine Farrugia asked Council:

1. Given our Council and community upholds a commitment to the Nillumbik healthy green wedge which encourages the use and provision of pedestrian access to activity centres and transport, does the Council propose to preserve the road reserve and pedestrian right of way adjoining the proposed three lot subdivision at 91 John Street, Eltham submitted by Mr John Lordan.

General response to the questions from Christine Farrugia and Sue Cook.

I would like to have a conversation in more detail outside this public forum. Assuming the applicant Mr John Lordan is not in the gallery, we are not wanting to prejudice Council's position with respect to this application by answering these questions in too much detail in this public forum.

Response

The proposed vehicle crossover is being considered concurrently with the application for a three lot subdivision at 91 John Street, Eltham. The subdivision application has recently concluded public notice and a final assessment is underway, which will also include consideration as to whether vehicle access to the proposed three lot subdivision from the John Street and Bridge Street road reserves is appropriate

I have visited the site and walked the street. You are absolutely right to suggest that it is extremely difficult to access this site, and you would have thought that would be strong grounds for refusal.

Having said that, I don't want to pre-empt outcomes and we can talk further about it and how it will play out. We are up to 27 days in the process and have another month to resolve this. We do have to process it properly understanding the applicant we are dealing with.

Sue Cook asked Council:

1. In the last 30 years, upper John Street, Eltham has not only had a 34% increase in dwellings as a result of sub-division, but it has also become encircled by sub-divisions, namely, Plumtree Court, Harlington Avenue and 163 Pitt Street Estates. Why is Victorian Planning Policy 65.02(c) inter alia, not being applied to Mr John Lordan's application to sub-divide 91 John Street, Eltham. When will the Council call a halt to sub-division in this iconic and unique location?

Response

In short we cannot stop anyone from making a planning application whether you think it is well founded or ill founded, he has the right to make the application.

The application for a three lot subdivision at 91 John Street, Eltham has recently concluded public notice and a final assessment is underway. The planning provisions that apply to the site and the areas around it allow an applicant to lodge a planning permit application for subdivision and therefore Council must accept and assess the application. The assessment of the application will be undertaken against the relevant clauses and provisions of the Nillumbik Planning Scheme. Depending on Council's final decision, either objectors or the applicant may lodge an Application for Review with the Victorian Civil and Administrative Tribunal (VCAT) if either are dissatisfied with the decision.

Suffice to say, we are taking very seriously all the overlays and all matters that the Planning Scheme has an impact on with respect to this site.

I've read the arborist report and looked at the full application. My view is that it will be difficult for Mr Lordan to comply with the various matters which the planning scheme throws up. Suffice to say, the Officers are still to conclude their recommendations, but my own view is this is an application that is not well considered by the applicant.

Katrina McDonald asked Council:

Since the redevelopment of the Diamond Street bridge last year why hasn't the pedestrian bridge been returned to it's original width? Currently, the bridge is dangerous with it's high sides and single walkway. it is inappropriate for the high volume of traffic, mobility scooters, bikes, pram and dog walkers.

1. Why has this not be amended?

Response

For safety reasons, it was recognised that we needed to provide better separation for pedestrians from the traffic therefore the additional fence was installed, which narrowed the width by a small amount 75-100mm.

Cr Dumaresq can have a further conversation with you outside the meeting.

2. What did the previous council do with the entrance gates to the Lower Eltham Park when it was revamped? Why haven't they been returned?

Response

Vehicle entrance to the park was widened, which means the gates are now redundant. They gates are stored at the Operations Centre, and we are looking for an appropriate alternate re-use.

10. Reports of Advisory Committees

AC.009/18 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:

- Urban Design Review Project Reference Group – 8 August 2018
- Recreation Trails Advisory Committee – 13 September 2018

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Bruce Ranken

That Council notes the:

- Urban Design Review Project Reference Group meeting minutes held on 8 August 2018;
- Recreation Trails Advisory Committee minutes held on 13 September 2018

CARRIED

11. Reports of Special Committees

12. Officers' reports

OCM.161/18 Camelot Close Special Charge Scheme, Research - Intention to declare

Distribution: Public

Manager: Hjalmar Philipp, Acting Chief Executive Officer

Author: Matthew Theuma, Engineer

Summary

On 20 January 2016, Council received a petition signed by property owners in Camelot Close, Research requesting that Council investigate road sealing.

After conducting a survey and determining that more than 60 per cent of property owners support road sealing, Council resolved on 26 July 2016 to proceed with the consultation process for the Camelot Close Special Charge Scheme, Research (Item OCM.121/16). This has now been completed.

At the Ordinary Meetings of Council on 31 October 2017, 28 November 2017 and 1 May 2018, Council deferred its decision on giving notice of its intention to declare a Special Charge Scheme until the completion of the Special Charge Scheme Policy review. This review has now been completed and a new Special Charge Scheme Policy was adopted by Council.

The new policy does not impact the outcomes proposed for the Camelot Close scheme.

This report commences the statutory process to levy the special charge. Council must first give notice of its intention to declare a special charge and then hear any submissions and/or objections to the scheme. Following this, Council may resolve to declare, vary or abandon the scheme.

Recommendation

That Council:

1. Council gives notice of its intention to declare a Special Charge Scheme in accordance with Part 8 of the *Local Government Act 1989*, for the construction of Camelot Close, Research subject to the following conditions:
 - a) The Special Charge Scheme shall apply to the properties in the Camelot Close, Research and to the section of road as shown in **Attachment 1**.
 - b) The apportionment cost to each property is based on the method shown in the report and **Attachment 2**.
 - c) The total estimated cost to each property is shown in **Attachment 3** and may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.
 - d) The interest rate applicable to instalments paid by each due date is to be one per cent higher than the rate applying to Council in relation to funds borrowed for this project.
2. The Special Charge Scheme for Camelot Close shall remain in force for 10 years.
3. Within 12 months of the completion of works, a final cost statement will be issued to all properties in Camelot Close and any adjustment to liabilities will be made at the time.

12. Officers' reports

OCM.161/18 Camelot Close Special Charge Scheme, Research - Intention to declare

4. The estimated total project cost is \$149,298 with a benefit ratio of 0.7828 (78.28 per cent). The total amount to be levied under this special charge is \$116,873. Council will be contributing \$23,667 for a Council property at Allotment 9 (plan of subdivision 056150) and \$8,757 for culvert upgrade and associated drainage works at the Research-Warrandyte intersection. This amount will be referred to the 2018-2019 Capital Works Program.

Motion

MOVED: Cr Jane Ashton

SECONDED: Cr John Dumaresq

That Council:

1. Council gives notice of its intention not to declare a Special Charge Scheme in accordance with Part 8 of the *Local Government Act 1989*, for the construction of Camelot Close, Research.

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

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr John Dumaresq

1. Council gives notice of its intention not to declare a Special Charge Scheme in accordance with Part 8 of the *Local Government Act 1989*, for the construction of Camelot Close, Research.

CARRIED

12. Officers' reports

OCM.162/18 Diamond Creek Bowling Club Loan Guarantee Request

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Joanne Massoud, Acting Coordinator Recreation and Open Space Planning

Rosalynd Ponte, Leisure Services Development Officer

Vince Lombardi, Manager Finance

Summary

This report considers a request from the Diamond Creek Bowling Club operating under a lease from Council-owned facilities at Diamond Creek Recreation Reserve, Diamond Creek.

The Club has conducted works to renew two of the bowling greens which cost \$200,000.

The Club successfully attained a current guarantee for \$130,000 from Council in June 2018.

Subsequently the club has approached Council requesting the balance of \$70,000 to fund the works to the facility.

The Bendigo Bank has agreed to provide a loan of \$70,000, subject to a Council guarantee of the loan. The Club proposes to repay the total loan over fifteen years.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Bruce Ranken

That Council:

1. Acts as loan guarantor for the Diamond Creek Bowling Club for \$70,000 for a period of fifteen years for the Club to complete redevelopment of the bowling greens, on the condition that the Club provides over the life of the loan:
 - a) Quarterly loan statements from the Bank to demonstrate that the loan repayment has been made as scheduled.
 - b) Annual cash flow reports and projections to ensure the Council is informed of any possible adverse financial projections.
 - c) Current Business Plan forecasting memberships, programs and services.
2. Affixes the common seal of Nillumbik Shire Council to the necessary loan guarantee documentation.

CARRIED

12. Officers' reports**OCM.163/18 Eltham and District Woodworkers Club Incorporated - Lease Agreement**

Distribution: Public**Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Dora Ilov, Property Officer****Summary**

The Eltham and District Woodworkers Club Incorporated 'the Club' is a community organisation that has held a licence agreement with Council since April 2001 to use part of the Council owned land and building known as Yarrambat Community Centre, located at 444-450 Ironbark Road, Yarrambat to undertake woodworking activities. The land and building are depicted in **Attachment 1**.

The current licence agreement is for a three year term and expires on 31 October 2019.

The Club has recently requested to be moved onto a lease agreement in place of the current licence. A lease will provide the Club with exclusive use of the building and provide additional security of tenure.

The Club has contributed \$12,000 of its funds to a current building extension project, and has previously contributed \$15,000 towards building renovation works.

This report seeks Council's resolution to cancel the current licence agreement between the two parties, and enter into a new longer term lease agreement with the Club.

Council Resolution**MOVED: Cr Grant Brooker****SECONDED: Cr Karen Egan****That Council:**

1. Terminate the current Licence Agreement for their use of the building located at 444-450 Ironbark Road, Yarrambat, known as the Yarrambat Community Centre.
2. Enters into a new Lease Agreement with the Eltham and District Woodworkers Club Incorporated for use of part of the land and building known as Yarrambat Community Centre at 444-450 Ironbark Road, Yarrambat, on the following key terms and conditions:
 - a) Term of lease: Five year term with a further term option of four years and 364 days.
 - b) Commencement date: 1 November 2018.
 - c) Rental amount: \$200 per annum (GST inclusive) be charged to the lessee, with a 3% increase annually on the anniversary of the commencement date.
 - d) Rent review: Anniversary of the commencement date in Year 2, in line with Council's adopted fee structure.
 - e) Use: for the woodworking club rooms and office activities and to comply with any planning permit conditions, or miscellaneous consent (574/2009/20P).

12. Officers' reports

OCM.163/18 Eltham and District Woodworkers Club Incorporated - Lease Agreement

3. Authorises the Chief Executive Officer or his delegate to sign the new Lease Agreement between Council and the Eltham and District Woodworkers Club Incorporated.

CARRIED UNANIMOUSLY

12. Officers' reports**OCM.164/18 Acquisition of Council land - 501 Main Road, Eltham**

Distribution: Public**Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Natalie Campion, Property Officer****Summary**

Nillumbik Shire Council owns a parcel of land located at 501 Main Road, Eltham (the land), known as Reserve 1 on Plan of Subdivision 043320, Certificate of Title Vol 08269 Folio 411 which is on the corner of Bolton Street and Main Eltham Road, Eltham.

An agreement reached between Council and VicRoads that a small area of the reserve known as 501 Main Road, Eltham as shown on the surveyed plan in **Attachment 1** could be used as part of the Bolton Street upgrade works for the construction of a double left slip lane from Bolton Street to Main Road, Eltham prior to the finalisation of the formal land acquisition process.

Following the completion of the Bolton Street Upgrade works, VicRoads sent Council a formal notice to acquire the land on 24 April 2018. VicRoads with Council's permission has now organised and received a joint valuation through the Valuer-General Victoria for compensation of the land having regard to the relevant provisions of the *Land Acquisition and Compensation Act 1986* and sent Council a formal notice of acquisition and offer of compensation.

Council Resolution

MOVED: Cr John Dumaresq**SECONDED: Cr Grant Brooker****That Council:**

1. Formally advise VicRoads of acceptance of compensation being offered for part of the Council land being acquired at 501 Main Road, Eltham, described in Certificate of Title Vol 8269 Folio 411, comprising of 56 square metres and shown as Parcel 1 on VicRoads' Survey Plan SP23717 in Attachment 1 for \$20,000.
2. Authorises the Chief Executive Officer or his delegate to sign the VicRoads Response to Offer, Contract of Sale, Transfer of Land and other documents relating to the sale of the land.

CARRIED

12. Officers' reports

OCM.165/18 Kerbside waste bin configuration

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Lisa Pittle, Manager Environment

Mikael Ooi, Waste Management Coordinator

Summary

This report recommends a future level of service for Council's kerbside waste collection service including a baseline service with customised options. The current baseline service is considered best practice by Sustainability Victoria predominantly because it maximises landfill diversion while optimising utilisation.

Based on a survey of 425 residents, 70 percent of Nillumbik residents are satisfied with the current service; 18 percent prefer a weekly residual collection and 11 percent prefer a larger (240L) food and green waste bin.

The objectives of maximising community satisfaction and maintaining current levels of landfill diversion can best be met by retaining the current existing service with expanded customisation options to meet the demand for increased frequency in residual and green waste collection.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Grant Brooker

That Council:

1. Retains the current waste bin configuration and collection schedule, i.e. weekly FOGO bin (120L), fortnightly recycling bin (240L) and fortnightly residual waste bin (120L) as the base line service to maintain the overall environmental benefit of the service.
2. Continues to provide the current level of customisation relating to additional bins.
3. Adds customised options for FOGO and residual waste bins to respond to community needs including options to:
 - a) Upgrade the FOGO bin size from 120L to 240L
 - b) Upgrade the residual waste bin from 120L to 140L
 - c) Weekly collection of the existing 120L bin residual waste bin.
4. Receives a further report on the procurement strategy for the kerbside waste collection service.
5. Receives a further report on the structure of the annual waste management charge for the baseline service and customised options.
6. Implements a new service following procurement and pricing review.

CARRIED

12. Officers' reports

OCM.166/18 September Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Robert Malignaggi, Management Accountant

Summary

This report outlines Council's financial performance and financial position for the period ending 30 September 2018.

The Income Statement shows an overall favourable year to date (YTD) variance of \$2.458 million representing 6.22 percent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$3.24 million and higher than budgeted operating expenses of (\$781,907).

Council's overall financial position at the end of this quarter is sound, and continues to be actively monitored.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Karen Egan

That Council receives and notes the Financial Report for the period ended 30 September 2018 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.167/18 Arts Advisory Committee membership nomination

Distribution: Public

Manager: Kylie Lethbridge, Manager Business, Tourism and Marketing

Author: Michelle Zemancheff, Coordinator Arts and Cultural Services

Summary

The Arts Advisory Committee provides a formal mechanism for council to consult with key stakeholders, seek specialist advice and enable community participation in the development, implementation and evaluation of the Arts and Cultural Plan 2018-2022.

Nominations to the Arts Advisory Committee responding to specific criteria of performing arts expertise have been sought and received. Council's endorsement of two nominations is now recommended, together with an amendment of the Terms of Reference, in order to complete a full and diverse membership of the Arts Advisory Committee.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Jane Ashton

That Council:

1. Endorses the proposed changes to the Arts Advisory Committee Terms of Reference and increase membership of the Arts Advisory Committee from seven volunteer community members to eight.
2. Endorses the following nominees for appointment to the Arts Advisory Committee:
 - a) Gillian Essex; and
 - b) Dennis Coard.
3. Publicly acknowledges and thanks the two nominees for their expression of interest and willingness to actively contribute to the development of arts and culture in Nillumbik.

CARRIED

12. Officers' reports

OCM.168/18 Early Years Infrastructure Plan Update

Distribution: Public

Manager: Corrienne Nichols, Manager Community Programs

Author: Carmel Boyce, Senior Project Manager Early Years Infrastructure Plan

Summary

The purpose of this report is to provide Councillors with an update on the Early Years Infrastructure Plan (EYIP) implementation process and outline the proposed next steps.

Proposed next steps include an extensive community engagement program to be undertaken with members of the community, past, current and future service providers including those with expertise in early years provision, across two stages, to develop the:

- a) Principles for early years provision, partnership and collaboration
- b) Practical application in townships plans to guide provision, development and redevelopment of early years infrastructure over the coming decade.

The community engagement program will result in progress report to Council in February and an Early Years Plan to be delivered to Council mid-year for public exhibition.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

That Council endorse:

- 1. The Early Years Infrastructure Plan (EYIP) project concept which proposes implementation delivered over two stages:
 - a) Community Reference Group (CRG) focused on principles, partnership and collaboration; and
 - b) Place based plans to respond to and apply principles in place.
- 2. The project timeframe which envisages presentation of the first stage work on principles, partnership and collaboration, by way of an update on progress to Council in February 2019.
- 3. The EYIP community engagement plan as per **Attachment 1**.
- 4. The recruitment of a CRG using clear selection criteria, based on having demonstrated an:
 - a) interest in high quality early years outcomes;
 - b) expertise in the early learning sector;
 - c) record of current or past community participation;
 - d) current or past membership of a preschool or early years' service;
 - e) current, past or future early years, preschool or playgroup participant; and
 - f) the capacity to work collaboratively with others to promote whole of community outcomes.

12. Officers' reports

OCM.168/18 Early Years Infrastructure Plan Update

5. Cr Jane Ashton as Chair of the Community Reference Group.

CARRIED

12. Officers' report

OCM.169/18 Positive Ageing Reference Group

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Neil Hordern, Manager Connected Communities

Summary

The Positive Ageing Reference Group commenced in August 2012 and aims to actively promote and support positive ageing across the wider Nillumbik community. The purpose of the group is to provide a mechanism for Council to consult with community representatives in seeking advice and guidance around issues and barriers affecting people aged 55 and over.

The newly reinvigorated group consisting of 20 community members are looking to formalise their role within Council and the community and ensure positive ageing is embedded into all of Council practices. To do this, we are seeking Council endorsement to become an Advisory Committee.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Grant Brooker

That Council endorses the Positive Ageing Reference Group to become the Positive Ageing Advisory Committee, who will act in a formal advisory role to Council on issues and opportunities for older people in Nillumbik.

CARRIED

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Peter Perkins

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

- OCM.170/18 Assemblies of Councillors
- OCM.171/18 Recreation Trails Advisory Committee Nominations
- OCM.172/18 Recycling Contract - Direct Deed Revised Pricing Arrangements
- OCM.173/18 Tender Report - Contract 1819-031 - Eltham Lower Park and Susan Street Oval Pavilions - Construction Works
- OCM.174/18 Tender Report - Contract 1819-12 Acacia Road, Hurstbridge - Drainage Improvement Works
- OCM.175/18 1718-151 Consulting Arborist Services

CARRIED

12. Officers' reports

OCM.170/18 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 28 August 2018.

An Assembly of Councillors record was kept for:

- Officer Briefing – 18 September 2018
- Officer Briefing - 25 September 2018
- Officer Briefing - 9 October 2018
- Councillor Briefing - 16 October 2018

Council Resolution

MOVED: Cr Karen Egan

SECONDED: 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 18 September 2018, 25 September 2018, 9 October 2018 and 16 October 2018.

CARRIED

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

12. Officers' reports

OCM.171/18 Recreation Trails Advisory Committee Nominations

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Joanne Massoud, Acting Coordinator Recreation and Open Space Planning

Summary

The Recreation Trails Advisory Committee (RTAC) provides advice to Council on the planning, development and use of trails across the Shire. The Committee consists of three Councillors and 12 community representatives.

In July 2017, the 12 community representatives were appointed for a two year term, ending July 2019. Three resignations have been received and this report will consider filling two positions. The third position will be advertised in early 2019.

Six expressions of interested were received to fill the following two positions:

- A person with a disability or advocate on behalf of people with a disability; and
- A walking group representative

Officers and the RTAC Chair Cr John Dumaresq have assessed the applications. The recommended appointment to the committee will serve until July 2019 consistent with the remaining nine members.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Bruce Ranken

That Council:

1. Notes this report.
2. Makes the resolution public but the report remains confidential.

CARRIED

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

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

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Bruce Ranken

That Council:

1. Endorses the following nominees for appointment to the Recreation Trails Advisory Committee until July 2019:
 - a) Finn Westerman
 - b) Louise Barry

12. Officers' reports

OCM.171/18 Recreation Trails Advisory Committee Nominations

2. Makes public the decision to appoint the nominees to the Recreation Trails Advisory Committee and thank each nominee for their expression of interest.

CARRIED

12. Officers' reports**OCM.172/18 Recycling Contract - Direct Deed Revised Pricing Arrangements**

Distribution: Public**Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Lisa Pittle, Manager Environment****Mikael Ooi, Waste Management Coordinator****Summary**

This report provides advice about the and next steps related to Nillumbik's kerbside recycling contract arrangements as a participating council in the Metropolitan Waste Resource Recovery Group (MWRRG) collaborative contract C2015/3 with SKM Recycling Pty Ltd (SKM).

This report is an overview of a separate confidential report recommending a revised pricing arrangement as requested by SKM based on changes to the global market for recyclables for the period 1 March 2018 to 30 June 2018. Rather than a payment to Council, SKM requested a payment from Council for this period. This revised pricing arrangement was accepted under delegation and funded by the Victorian Government's Recycling Service Temporary Relief Funding.

SKM has requested a second revised pricing arrangement for 2018-19, 2019-20 and 2020-21. MWRRG and participating councils sought independent advice on the requested SKM revised pricing arrangement. The outcome is a recommendation to accept the second revised pricing arrangement. This results in a significant budget impact requiring Council endorsement.

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

Council Resolution**MOVED: Cr Karen Egan****SECONDED: Cr Bruce Ranken****That Council notes this report.****CARRIED**

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

12. Officers' reports

OCM.173/18 Tender Report - Contract 1819-031 - Eltham Lower Park and Susan Street Oval Pavilions - Construction Works

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

**Author: Jake Hart, Project Management Officer
Alex Stewart, Project Management Officer**

Summary

This report is an overview of a separate confidential report recommending the award of a contract for the Eltham Lower Park and Susan Street Oval Pavilions Construction Works.

The works will involve renovations to both pavilions so that the pavilions comply with female friendly sport facility standards.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the both the Eltham Lower Park and Susan Street Oval pavilion construction works.

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

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

Council Resolution

**MOVED: Cr Karen Egan
SECONDED: Cr Bruce Ranken**

That Council:

1. Notes the report.
2. Makes public the council resolution but the tender evaluation and report remain confidential.

CARRIED

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

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

Council Resolution

**MOVED: Cr John Dumaresq
SECONDED: Cr Grant Brooker**

1. Enters into a Contract with Malcorp Building and Carpentry Services for the Eltham Lower Park and Susan Street Oval Pavilions Construction Works, for the amount of \$487,682.80 (inclusive of GST), plus a 10 percent contingency.
2. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.

12. Officers' reports

OCM.173/18 Tender Report - Contract 1819-031 - Eltham Lower Park and Susan Street Oval Pavilions - Construction Works

3. Advises all tenderers accordingly.
4. Makes public the council resolution but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.174/18 Tender Report - Contract 1819-12 Acacia Road, Hurstbridge - Drainage Improvement Works

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 award of a contract for the drainage improvement works in Acacia Road, Hurstbridge. The contract involves the construction of a new 675mm/750mm diameter easement drain along the front of the residential properties on the south side of Acacia Road, between numbers 3 to 27.

These works will include the removal of some trees, construction of underground drainage pipes and pits, some alterations to existing vehicle crossings, the connection of existing road and house drains and other associated works.

The tender evaluation panel have assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Acacia Road Drainage Improvement Works.

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

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

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Bruce Ranken

That Council:

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

CARRIED

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

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

12. Officers' reports

OCM.174/18 Tender Report - Contract 1819-12 Acacia Road, Hurstbridge - Drainage Improvement Works

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Jane Ashton

That Council:

1. Resolves to enter into a Contract with MJ Construction Group Pty Ltd for the Acacia Road Drainage Improvement Works for the amount of \$269,648.50 (inclusive of GST) plus 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

12. Officers' reports

OCM.175/18 1718-151 Consulting Arborist Services

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Joseph Emmanuel, Coordinator Road and Drain Maintenance
Renae Ahern, Manager Planning Services
Lisa Pittle, Manager Environment
Lance Clark, Senior Procurement Specialist

Summary

This report is an overview of a separate confidential report recommending the award of a contract to support Council's tree inspection service and arboricultural planning advisory services.

Council currently employs one consultant to provide both these services, creating potential and perceived conflicts. The new contract arrangement will enable Council to achieve full transparency by managing both these services separately.

In the last financial year, customers generated 338 planning referrals that required a consulting arborist to undertake a planning assessment.

Council's reactive tree maintenance program generates approximately 420 requests per year that require a consulting arborist to provide an independent report on the trees.

Both services are core business and assist Council in managing public liability risks associated with trees in public spaces and meeting Council's statutory obligations under the *Planning and Environment Act 1987*.

The evaluation process has resulted in a recommendation to appoint ENSPEC as the preferred consultant for the Tree Inspection service and Arbor Survey Pty Ltd as the preferred consultant for the Arboricultural Planning Advisory services.

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

Council Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Bruce Ranken

That Council:

1. Notes this report.
2. Makes public the decision regarding this contract but the tender evaluation and report remains confidential.

CARRIED

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

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

12. Officers' reports

OCM.175/18 1718-151 Consulting Arborist Services

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Grant Brooker

That Council:

1. Resolves to accept the tender of ENSPEC Pty Ltd for their submitted schedule of rates for the Tree Inspections service category for an initial contract term of three (3) years.
2. Resolves to accept the tender of Arbor Survey Pty Ltd for their submitted schedule of rates for the Arboricultural advice and support to administer and enforce the Nillumbik Planning Scheme category for an initial contract period of three (3) years.
3. Authorises the Director Sustainability and Place to finalise and execute the contract documentation for the Tree Inspection Contract.
4. Authorises the Director Sustainability and Place to review the performance of the Tree Inspection Contract and determine to approve each extension period of 12 months to a maximum of two periods.
5. Authorises the Director Services and Planning to finalise and execute the contract documentation for the Planning Consultancy Arborist Contract.
6. Authorises the Director Services and Planning to review the performance of the Planning Consultancy Arborist Contract and determine to approve each extension period of 12 months to a maximum of two periods.
7. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

13. Notices of Motion

NOM.002/18

Cr Grant Brooker advised of his intention to move the following:

That:

- 1 Nillumbik Shire welcomes the announcement from the Minister of Sport John Uren of an \$8 million funding commitment to the Expansion Works Package as outlined in the Draft Masterplan for the DVSFC.
2. Nillumbik Shire calls upon the Liberal Party to make a matching or greater funding commitment to the Expansion Works Package as outlined in the Draft Masterplan for the DVSFC.
3. Nillumbik Shire calls upon the Greens to commit to the Expansion Works Package as outlined in the Draft Masterplan for the DVSFC should they enter into a coalition government with either the Liberal or Labor Party.
4. The investment in grass roots community sporting infrastructure is consistent with the Council Plan 2017-2021 specifically:
 - a) 2. Active & Creative People
 - b) 2.1.8 Develop infrastructure to enable sporting groups to promote participation in sport & community wellbeing.

WITH LEAVE OF THE CHAIRPERSON, MAYOR PETER CLARKE, CR GRANT BROOKER AMENDED HIS MOTION PRIOR TO IT BEING MOVED AS FOLLOWS:

Motion

MOVED: Cr Grant Brooker
SECONDED: Cr John Dumaresq

That:

- 1 Nillumbik Shire welcomes the election commitment from the Andrews Labor Government of a \$8 million funding commitment to the Expansion Works Package as outlined in the Draft Masterplan for the DVSFC.
- 2 Nillumbik Shire seeks a commitment from the Liberal Party from its proposed \$196 million Community Infrastructure Fund for at least \$8 million to the Expansion Works Package as outlined in the Draft Masterplan for the DVSFC.
- 3 Nillumbik Shire calls upon the Greens to commit to the Expansion Works Package as outlined in the Draft Masterplan for the DVSFC should they enter into a coalition government with either the Liberal or Labor Party.
- 4 Notes the investment in grass roots community sporting infrastructure is consistent with the Council Plan 2017-2021 specifically:
 - a) 2. Active & Creative People
 - b) 2.1.8 Develop infrastructure to enable sporting groups to promote participation in sport & community wellbeing.

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

Council Resolution

MOVED: Cr Grant Brooker
SECONDED: Cr John Dumaresq

That:

- 1 Nillumbik Shire welcomes the election commitment from the Andrews Labor Government of a \$8 million funding commitment to the Expansion Works Package as outlined in the Draft Masterplan for the DVSFC.
- 2 Nillumbik Shire seeks a commitment from the Liberal Party from its proposed \$196 million Community Infrastructure Fund for at least \$8 million to the Expansion Works Package as outlined in the Draft Masterplan for the DVSFC.
- 3 Nillumbik Shire calls upon the Greens to commit to the Expansion Works Package as outlined in the Draft Masterplan for the DVSFC should they enter into a coalition government with either the Liberal or Labor Party.
- 4 Notes the investment in grass roots community sporting infrastructure is consistent with the Council Plan 2017-2021 specifically:
 - a) 2. Active & Creative People
 - b) 2.1.8 Develop infrastructure to enable sporting groups to promote participation in sport & community wellbeing

CARRIED

14. Delegates' Reports

Nil

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.176/18 Recreation Trails Advisory Committee Nominations**
 This item is designated confidential because any other matter which the Council or special committee considers would prejudice the Council or any person pursuant to section 89(2)(h) of the Act.
- **OCM.177/18 Recycling Contract - Direct Deed Revised Pricing Arrangements**
 This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.
- **OCM.178/18 Tender Report - Contract 1819-031 - Eltham Lower Park and Susan Street Oval Pavilions - Construction Works**
 This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.
- **OCM.179/18 Tender Report - Contract 1819-12 Acacia Road, Hurstbridge - Drainage Improvement Works**
 This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

- **OCM.180/18 1718-151 Consulting Arborist Services**

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 Karen Egan

SECONDED: Cr Bruce Ranken

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

CARRIED

The meeting closed to the public at 8.32pm.

The meeting reopened at 8.44pm

Close of Meeting

The meeting closed at 8.44pm.

Confirmed: _____
Cr Karen Egan, Mayor