

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 27 November 2018 commencing at 7.31pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 30 November 2018

Distribution: Public

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Domin je ka

Nillumbik Shire Council

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Ordinary Meeting of Council Minutes

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Nillumbik Shire Council

**Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 27
November 2018. The meeting commenced at 7.31pm**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Matt Kelleher	Director Services and Planning
Hjalmar Philipp	Director Sustainability and Place
Adrian Cully	Director Business and Strategy
Blaga Naumoski	Executive Manager Governance
Katia Croce	Governance Lead
Jeremy Livingston	Executive Manager Organisational Performance
Vince Lombardi	Executive Manager Finance
Licardo Prince	Corporate Affairs Lead
Yasmin Green	Coordinator Strategy and Policy
Nichole Johnson	Coordinator Major Projects

1. Welcome

2. Reconciliation statement

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

3. Prayer

A prayer was read by Major Mark Kop from the Salvation Army Greensborough.

4. Apologies

Nil

5. Presentations

Green Wedge Management Plan Community Panel presenting recommendations to Council.

Mayor, Cr Karen Egan addressed the meeting and made the following address:

Tonight we receive a set of recommendations on one of the major questions we face as a Council.

What is the best way to manage Nillumbik's Green Wedge now and into the future?

The recommendations were prepared and voted on by all Green Wedge Management Plan Community Panel members in attendance at the conclusion of their final sitting day on 17 November 2018.

A requirement of the Panel process was that recommendations achieve a super-majority of 80 percent or more support. These are contained in the main report which contains 32 recommendations.

The Panel was aware that as part of this process minority recommendations could be put up if a recommendation did not achieve 80 percent support at voting. Any group of panel members could write minority recommendations, if they had been discussed by the Panel.

Minority reports are not usually seen or reviewed by the full Panel as they are the views of a smaller group of the panel, and are written in the short break prior to the presentation of the report.

The Panel put forward to Council one recommendation that was voted upon but did not achieve 80 percent support. This is referred to as Minority Report #2.

Panel process facilitators MosaicLab became aware that a small group of Panel members were preparing a second minority report. However, they were unaware of the format or report contents until it was submitted at the end of the day.

This is being referred to as 'Minority Report #1' and was – mistakenly - incorporated by MosaicLab into the final report handed over to the Councillors in attendance.

As a result, the full panel did not see and were unaware of the content of Minority Report #1 until the full document was later provided to them and published on the Council's Participate Nillumbik website.

MosaicLab have consequently apologised for not bringing this matter to the attention of the panel and for not providing specific rules about how minority reports should be prepared.

Because it was not seen by the full Panel - unlike Minority Report #2 - it cannot be taken to be consistent with the Panel's recommendation in its preamble that "Minority reports have been prepared and should be given due consideration".

Accordingly, Minority Report #1 will not be considered by Council. We would however welcome a submission from these Panel members – indeed the wider community – on the draft Green Wedge Management Plan, which we anticipate will be released for broader engagement in early 2019.

As I remarked at the end of the final Panel sitting day, this is the culmination of an enormous collective effort - an impressive example of community engagement and positive action.

The Panel has worked together for more than 50 hours, not to mention the countless more hours spent individually going over the information provided at the sessions and in preparation for those sessions.

We now enter a new phase and Council will now take these recommendations into consideration as we work towards a positive outcome.

This report is one of a number of sources that will inform Council's final decision.

As an elected Council, it is our duty to form an overall view of how best to address the key question and then put the result of our deliberations to the broader community. The ultimate decision however, does rest with Council.

This is not always easy but our commitment to doing so shows the importance with which Council views this matter. We approach our duty with the utmost seriousness.

Again, I'd like to on behalf of Council, thank you for your tremendous effort in representing the community's diversity of views with such distinction.

Thank you.

Green Wedge Management Plan Community Panel member Yolanda Silveri addressed the meeting, outlining the process undertaken by the Panel and detailing each of the Panel days. Yolanda complimented Council for undertaking the process and for the opportunity to be part of the Community Panel. The great work done by the facilitators Mosaic Lab was also complimented.

Green Wedge Management Plan Community Panel member Wayne Kinrade addressed the meeting, and spoke to the Community Panel recommendations. Wayne also complimented Council for undertaking the process and for the opportunity to be part of the Community Panel. The great work done by the facilitators Mosaic Lab was also complimented.

Recommendation

That Council receives the Green Wedge Management Plan Community Panel recommendations.

Motion

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Perkins

That Council:

1. Receives the recommendations prepared by the Green Wedge Management Plan Community Panel, including Minority Report no #2.
2. Requests officers prepare a response to all recommendations for consideration at the December 2018 Council meeting.

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

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Perkins

That Council:

1. Receives the recommendations prepared by the Green Wedge Management Plan Community Panel, including Minority Report no #2.
2. Requests officers prepare a response to all recommendations for consideration at the December 2018 Council meeting.

CARRIED

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 30 October 2018 and the Special Meeting held on Wednesday 31 October 2018.

Recommendation

That the minutes of the Council Meeting held on Tuesday 30 October 2018 and the Special Meeting held on Wednesday 31 October 2018 be confirmed.

Motion

MOVED: Cr Peter Clarke
SECONDED: Cr John Dumaresq

That:

1. The minutes of the Council Meeting held on Tuesday 30 October 2018, with an Amendment to the response to question 1 on page 7 to read the following “*Council has accepted 201 additional signatures*”, be confirmed; and
2. The Special Council Meeting held on Wednesday 31 October 2018 be confirmed.

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

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr John Dumaresq

That:

1. The minutes of the Council Meeting held on Tuesday 30 October 2018, with an Amendment to the response to question 1 on page 7 to read the following “*Council has accepted 201 additional signatures*”, be confirmed; and
2. The Special Council Meeting held on Wednesday 31 October 2018 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Petition No. 2018-10

A petition containing 55 signatories regarding car park safety at the Eltham Woods Children’s Centre (50 Frank Street, Eltham). The petition outlines concerns of cars parking alongside the path presenting a hazard to children and other individuals.

Council Resolution

MOVED: Cr Bruce Ranken
SECONDED: Cr Grant Brooker

That Council:

1. Receives and notes the petition requesting Council to install concrete wheel bumpers in the Car Park servicing the Eltham Woods Childcare Co-Operative, Eltham Woods Preschool and Eltham Woods Maternal Child Health Centre.

2. Refers this matter to Director Sustainability and Place for investigation and response.
3. Advises the petition organiser accordingly.

CARRIED

The Chairperson, Mayor Karen Egan advised Council that an additional petition was presented to Council and sought to include this petition to the Agenda for consideration.

Council Resolution

MOVER: Cr Peter Clarke
SECONDER: Cr Grant Brooker

That Council include an additional petition in item 8, Petition No. 2018-11.

CARRIED

Petition No. 2018-11

A petition containing over 1,000 signatures of local residents who do not want Nillumbik Council to proceed with the sale of Eltham Preschool.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Grant Brooker

That Council:

1. Receives and notes the petition requesting Council not to proceed with the sale of Eltham Preschool.
2. Refers this matter to Director Business and Strategy for investigation and response.
3. Advises the petition organiser accordingly.

CARRIED

9. Questions from the gallery

Nerida Kirov asked Council the following questions:

Councillor Clarke promised 120 jobs to local resident with the building of Aurrum Plenty aged care facility in Diamond Creek Road claiming that it would become one of the largest employers in Nillumbik.

1. How many of the 120 jobs this facility expected to bring to the Shire have actually gone to Nillumbik residents?

Response

Response from the facility is that they currently employ over 100 staff and will get to 200 when at full capacity (approx. January/February 2019).

90% of their current staff quota come from Nillumbik or the immediate surrounds and they make a concerted effort to support local suppliers e.g. services, goods, maintenance etc.

2. With this facility now completed, is there still more demand for further aged care places in Nillumbik?

Response

In 2016 Nillumbik Shire Council requested an analysis to understand the current and future housing and accommodation implications for Nillumbik's ageing population. The *Housing Implications for Nillumbik's Ageing Population Final Report* indicated that based on the total bed supply and forecast bed demand, there is a need for an additional 149 aged care beds by 2036. This forecast takes into account the 120 beds delivered by Arrum Plenty in 2017.

The focus of Nillumbik's upcoming Housing Strategy includes a strong focus on investigating options for housing and retirement living to enable residents to age in place throughout the Shire.

Council continues to monitor these issues in collaboration with community and providers.

Jim Connor asked Council the following questions:

1. Further to our earlier presentations, discussions and submissions to councillors, the Eltham District Historical Society asks will Council and each councillor please respect and protect, for future generations, the Shillinglaw trees at 895 Main Road, Eltham and both the World War 1 and the World War 2 war memorials at 903-907 Main Road, Eltham?

Response

The assessment criteria by which the Council will evaluate the Request for Proposal include "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. The trees are protected by a heritage overlay.

2. Every Council and every individual councillor has had, and does have significant opportunities to contribute to our past, present and future local history. Once important elements of our history are lost these can never be regained. When deciding on the future of the properties at 895 and 903-907 Main Road, Eltham, we therefore ask of each of you as our current councillors; will you please look beyond your relatively short election cycle (in historical terms) and consider the ongoing needs and future history of the whole shire, over the next 20 to 50 years and beyond; while respecting the desires of those who came before you, to continue to honour our citizens who sacrificed their lives by preserving our living memorial site and its functions in caring for the children of the community?

Response

Any development must reflect Eltham's unique sense of history, place and character through appropriate design. Developer proposals must reflect the community's 2013 vision and principles and respect the history of the site.

Tom Fisher asked Council the following questions:

1. The Mayor has complimented 'respectful approach' exhibited by the GWMP Community Panel. The 'administration of the Shire of Nillumbik notes that there is commentary within Minority Report #1 as to the behaviour of Panel members.

We do not agree or support this characterisation of the conduct of the Panel, or the criticism.' Which view should I believe?

Response

This was not an easy task and are grateful that a group of our citizens were willing to take on the task and work through differences of opinion with, as far as we could see, goodwill and determination.

2. Is the GWMP Review Community Panel Minority Report #1 issued in the proper format? It does not seem to refer directly to the actual recommendations adopted by at least 80% of the Panel members, which might make it difficult for Council work with in producing its own responses. If not, should it not be received and resubmitted in an appropriate format?

Response

As you will have observed from the presentation earlier in the meeting, Council has not received Minority Report#1 as part of the Community Panel recommendations.

Council invites its authors, and all of the community, to make a submission on the draft Green Wedge Management Plan, which we anticipate will be released for broader engagement in early 2019.

Lou Empson asked Council the following question:

In August, 2018 I informed my ward Councillor, then Mayor Peter Clark that a dwelling in construction in Marlow Place, Eltham exceeded height restrictions, according to the state planning scheme, and requested that he bring the matter to the Future Nillumbik Committee. Cr Clark replied that "all planning matters sit under a legal and planning framework and need to be given assessment and due process". Cr Clark failed to refer the matter to the FNC and planning officers issued a permit, ignoring the planning scheme laws. The DVL (21 November 2018) reported that council had cancelled a community event because it contravened the planning scheme. Cr Egan explained the council had to enforce the planning state laws.

1. Could Council please explain the criteria used when deciding whether or not to enforce the planning scheme?

Response

Council takes its responsibility for administering the Planning Scheme seriously and seeks to ensure compliance with the planning scheme.

In the case of the recent planning permit application referenced here, construction of the dwelling started prior to a planning permit being issued. Once aware of the situation, Council engaged with the external building surveyor and a planning permit application was quickly lodged with Council.

Although a retrospective application, the planning permit application was still assessed on its merit against the Planning Scheme. The proposed height of the dwelling did not breach the planning controls, instead the height was a permit trigger for the dwelling. Officers undertook a full assessment of the proposal against the relevant planning scheme provisions and determined that the building height was appropriate.

John Fecondo asked Council the following questions:

1. I refer to Council's response to Sharon Bonga's question at the previous ordinary meeting of Council (30 October 2018) in relation to the cost to ratepayers to date to develop the sites at 895 and 903-907 Main Road until 30 June 2018. 1. Can you please provide a detailed breakdown of the expenditure incurred (\$82,695) and a justification for this expenditure to date?

Response

Expenditure to 30 June 2018 was for various site/feature surveys and assessments, cultural heritage assessment, legal advice, preparation of master plan preparation, specialist property and legal advice to Council and site valuation. These reports and surveys were required to inform the process.

2. Is it proposed to commit extra funds or expenditure during this current financial year (2018-19) for the development of these two sites (895 and 903-907 Main Road)? If so, can you please provide details and justification for this expenditure?

Response

At this stage, it is not proposed to commit extra funds for the development of these two sites.

Council budgeted \$164,850 in 2018-2019 for the project. The budget expenditure is for preparation of the Request for Proposal documentation, legal advice, probity advisor, title survey, geotechnical report, advisor to Council, Expression of Interest and Request for Proposal assessment panel, community engagement and contingency. These surveys and reports will be required to test the market and further inform Council.

Peter Yates asked Council the following question:

1. MosaicLab facilitators, working on behalf of Council, made very clear to Green Wedge Management Plan Review panellists, including myself, that Majority and Minority Reports would be based on recommendations developed by the entire panel. Recommendations which received support from 80% or more of panellists would become part of the Majority Report, and recommendations which received less than 80% support could become part of a Minority Report if some panellists chose to write one on the final day of panel deliberations. There was no proposal, or agreement, that any other type of commentary be included in panel reports. Given that Minority Report No.1 does not meet these agreed standards, and even includes language denigrating the majority of panellists and the work of facilitators, why did council choose to publish it on the council website?

Response

As you will have observed from the presentation earlier in the meeting, Council has not received Minority Report#1 as part of the Community Panel recommendations. The reason for the report being published on the website, will be taken on notice and a response will be provided in writing to you.

Andrew Lemon asked Council the following question:

1. Will our Council withdraw its historically inaccurate and offensive public signage at 893 and 903-907 Main Road, Eltham – offensive because it heartlessly appropriates the expression 'the heart of Eltham's Town Centre' without

acknowledging that 903-907 is more than just the recently-relocated 'cenotaph and obelisk' on its road frontage, but instead is in its entirety the community's dedicated World War II Eltham War Memorial children's facility, instigated in 1945-46, paid for and built over the next 15 years by community effort, transferred free of debt to the local Council as trustees in 1965, its first building (the Infant Welfare Centre) described by the then Governor of Victoria in 1951 in these words:

"This memorial, based on the absolute determination that we of our generation will do our utmost for the next generation, will be the heart of the Shire of Eltham"?

Response

No, the sign will not be removed. Council erected the sign on the site to ensure residents were informed of the process.

It is one of a number of communication mediums Council is using to ensure residents are informed about the historical context and Council's overarching vision for the precinct.

Natalie Duffy asked Council the following questions:

1. In October, Nillumbik Shire Council accepted 1,805 signatures from residents against the inappropriate development and proposed EOI of 895 and 903-907 Main Road Eltham. Will Council, accept an additional 213 signatures from residents to add to the already received 1805 signatures to this petition, Petition No. 2018-08, bringing the tally of signatures in opposition to 1,947?

Response

Yes, Council will accept the additional 213 signatures. Council notes that its October Ordinary Council meeting, through its petition process, it received and formally accepted a petition with 1,604 signatures from residents with an additional 191 signatures.

At the same meeting during question time a request for a further 10 signatures was put to Council and subsequently accepted by Council. The minutes of the meeting have been amended to reflect this change.

This now brings the total of signatures to 2,018.

2. At the last Council meeting, 30 October, Council resolved to receive Petition 2018-08, refer the matter to the Director Business & Strategy and to advise the petition organiser accordingly. When can the petition organiser expect to receive a reply from the Director Business & Strategy?

Response

The Director of Business and Strategy will provide a response to the petitioner organiser by the end of this week.

Peter Yates on behalf of Nillumbik Environment Action Group asked Council the following questions:

1. Regarding the proposed subdivision at 91 John Street Eltham: given the applicant's record of infringements relating to removal of vegetation within the Shire, and that illegal tree removal often occurs when effective intervention is extremely difficult, how will Council ensure prevention of illegal tree removal on this site?

Response

Council must consider any planning permit application and assess it on its merit against the Nillumbik Planning Scheme. Council seeks to inform and educate the community around obligations under the Planning Scheme. Council takes any breaches of planning controls seriously and pursues appropriate enforcement action. In the event that a planning permit is issued for this site, permit conditions can be placed on any permit to require tree protection fencing and site inspections to confirm adequate tree protection is afforded to vegetation required to be retained.

2. How will Council better fulfil its responsibility to ensure mature trees and other native species are protected in the Shire, given the current approach leads to ongoing and severe loss of the tree canopy which gives the area its unique character?

Response

Council is bound by State Government planning controls which allow for vegetation to be removed in proximity to dwellings and boundary fences. Council has previously advocated to the State Government, seeking changes to the policy following community and Council concerns around the municipality-wide blanket exemptions that enable vegetation removal. The State Government ultimately decided not to amend the exemptions. As a result the exemptions apply to all parts of the Shire and provide all properties the ability to create defensible space.

Vince Lombardi, Executive Manager Finance entered the meeting at 8.01pm during questions.

10. Reports of Advisory Committees

AC.010/18 Advisory Committee Report

Distribution: Public

Manager: Katia Croce, Governance Lead

Author: Emma Christensen, Governance Officer

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

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

- Arts Advisory Committee - 24 September 2018
- Positive Aging Reference Group meeting held 9 November 2018.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

That Council notes the:

1. Arts Advisory Committee meeting minutes held on 24 September 2018; and
2. Positive Aging Reference Group meeting minutes held 9 November 2018.

CARRIED

11. Reports of Special Committees

12. Officers' reports

OCM.181/18 Audit Committee meeting November 2018

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Melika Sukunda, Financial Accountant

Summary

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

The Audit Committee met on 12 November 2018. The minutes for the meeting are attached in **Attachment 1**.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council notes the minutes of the Audit Committee meeting held on 12 November 2018.

CARRIED

12. Officers' reports

OCM.182/18 2018-19 Recommendations - Annual Grants Arts and Culture Stream,
Nillumbik Community Fund

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Sarah Hammond, Community Arts Officer

Michelle Zemancheff, Coordinator Arts and Cultural Services

Summary

The purpose of this report is to provide Council with the Arts Advisory Committee's recommendations for the Arts and Cultural Grant stream of the 2018-2019 Nillumbik Community Fund, and seek Council's endorsement of same.

Council Resolution

SECONDED: Cr Jane Ashton

MOVED: Cr Grant Brooker

That Council endorses the Arts Advisory Committee's recommendations for Arts and Cultural Grants 2018-2019 (**Attachment 3**).

CARRIED

12. Officers' reports

OCM.183/18 Allendale Road - Sealing and/or Road Closure

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Patrick Wood, Coordinator Design

Summary

The purpose of this report is to present a summary of the relevant data, issues and opinion relating to sealing and/or closing parts of Allendale Road and provide a recommendation on the next steps.

Recommendation

That Council:

1. Seal Allendale Road West (from Aqueduct Trail to Ingrams Road) in the 2018/2019 financial year.
2. Review the status of Allendale Road East (Ingrams Road to Donaldson Road), twelve months following the sealing of the Allendale Road West.
3. Incorporate the following traffic management treatments into the road design for Allendale Road West:
 - a) Modification at intersection of Ingrams Road and Allendale Road West, in accordance with **Attachment 1**.
 - b) Speed humps along Allendale Road West.

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr John Dumaresq

That Council:

1. Seal Allendale Road West (from Aqueduct Trail to Ingrams Road) in the 2018/2019 financial year.
2. Review the status of Allendale Road East (Ingrams Road to Donaldson Road), twelve months following the sealing of the Allendale Road West, including an appropriate traffic count program to monitor traffic volume.
3. Incorporate the following traffic management treatments into the road design for Allendale Road West:
 - a) Modification at intersection of Ingrams Road and Allendale Road West, in order to dissuade through use of Allendale Road East for example through the design in **Attachment 1**.
 - b) Speed management treatments along Allendale Road West.

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

12. Officers' reports

OCM.183/18 Allendale Road - Sealing and/or Road Closure

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr John Dumaresq

That Council:

4. Seal Allendale Road West (from Aqueduct Trail to Ingrams Road) in the 2018/2019 financial year.
5. Review the status of Allendale Road East (Ingrams Road to Donaldson Road), twelve months following the sealing of the Allendale Road West, including an appropriate traffic count program to monitor traffic volume.
6. Incorporate the following traffic management treatments into the road design for Allendale Road West:
 - a) Modification at intersection of Ingrams Road and Allendale Road West, in order to dissuade through use of Allendale Road East for example through the design in **Attachment 1**.
 - b) Speed management treatments along Allendale Road West.

CARRIED

Nichole Johnson, Coordinator Major Projects left the meeting at 8.28pm during discussions.

12. Officers' reports

OCM.184/18 Council Plan Quarterly Performance Report

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: James Hartigan, Business Performance Analyst

Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report for Council's consideration. The attached Quarterly Performance Report provides the first update on delivery progress and performance of the 2018-2019 Annual Plan priority actions which align with the delivery of the Council Plan 2017-2021.

Of the 51 priority actions reported for 2018-2019, 44 actions are 'in progress' and a further seven actions have not yet commenced. Of those 44 actions 'in progress', 41 are on track and three are being delivered as business as usual activity.

Performance against the delivery of the Council Plan is presented to Council and the community on a quarterly basis, and is also published in the Annual Report which is presented to the Minister of Local Government before 30 September each year.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the first quarter, being the period ending 30 September 2018.

CARRIED

12. Officers' reports

OCM.185/18 Federal Government election advocacy

Distribution: Public

Manager: Mitch Grayson, Chief of Staff to Mayor and Councillors

Author: Mitch Grayson, Chief of Staff to Mayor and Councillors

Summary

The Federal Election must be held by 18 May 2019. In order for Council to continue to advocate on the important policy issues that affect the community and call on funding for much needed community infrastructure projects, this document will be circulated to all main political parties and uploaded to Council's website ahead of the upcoming election. The Federal Election Advocacy Statement will form Council's official position on the outlined items. Once adopted, the document will be designed, printed and distributed for consideration.

Recommendation

That Council:

1. Adopts the Federal Election Advocacy Statement (**Attachment 1**).
2. Authorises officers to distribute the Federal Election Advocacy Statement to all major political parties ahead of the next Federal Election.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Adopts the Federal Election Advocacy Statement (**Attachment 1**) with the addition of Greensborough Hockey Pavilion added to the Statement.
2. Authorises officers to distribute the Federal Election Advocacy Statement to all major political parties ahead of the next Federal Election.

Cr Peter Perkins proposed an amendment to point 1. to read as follows:

1. Adopts the Federal Election Advocacy Statement (**Attachment 1**) with the addition of Greensborough Hockey Pavilion added to the Statement **and amend the commentary under the heading Diamond Creek Trail extension to reflect the needs of residents of Diamond Creek and the broader community.**

This was accepted by Cr Peter Clarke and Cr Grant Brooker.

THE AMENDED MOTION THEN READ AS FOLLOWS:

12. Officers' reports

OCM.185/18 Federal Government election advocacy

Amended Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Adopts the Federal Election Advocacy Statement (**Attachment 1**) with the addition of Greensborough Hockey Pavilion added to the Statement and amend the commentary under the heading Diamond Creek Trail extension to reflect the needs of residents of Diamond Creek and the broader community.
2. Authorises officers to distribute the Federal Election Advocacy Statement to all major political parties ahead of the next Federal Election.

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Adopts the Federal Election Advocacy Statement (**Attachment 1**) with the addition of Greensborough Hockey Pavilion added to the Statement and amend the commentary under the heading Diamond Creek Trail extension to reflect the needs of residents of Diamond Creek and the broader community.
2. Authorises officers to distribute the Federal Election Advocacy Statement to all major political parties ahead of the next Federal Election.

CARRIED

12. Officers' reports

OCM.186/18 Federal Government pre-budget submission

Distribution: Public

Manager: Mitch Grayson, Chief of Staff to Mayor and Councillors

Author: Mitch Grayson, Chief of Staff to Mayor and Councillors

Summary

A pre-budget submission can be made to the Federal Treasurer and the Department of Treasury by individuals, businesses and community groups outlining their priorities ahead of the annual Federal Budget. The Federal Budget is usually handed down in May, however due to the upcoming Federal election due in the same month, incumbent governments sometimes release a mini-budget ahead of time.

To ensure enough time is given for the appropriate consideration to Nillumbik's priorities, it is recommended the priority items be adopted and submitted in December. Once the items are adopted, the pre-budget submission will be designed with a cover letter and sent to the Federal Treasurer for consideration.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Adopts the Nillumbik Shire Council Federal Government pre-budget submission (**Attachment 1**).
2. Authorises officers to distribute the Nillumbik Shire Council pre-budget submission to the Federal Government.

CARRIED

12. Officers' reports**OCM.187/18 Bushfire Mitigation (Fire Prevention) Work Program 2018-2019**

Distribution: Public**Manager: Blaga Naumoski, Executive Manager Governance****Author: Norm Golgerth, Emergency Management Coordinator****Summary**

Council makes an annual allocation of funding towards works on Council owned and managed land to prepare for the Fire Danger Period. The annual Bushfire Mitigation (Fire Prevention) works program has been developed in consultation with the Municipal Fire Management Planning Committee and includes planned work on roadsides and in Council reserves. The planned works are well underway and are planned to be completed by the end of December 2018 depending on weather conditions.

All Neighbourhood Safer Places - Places of Last Resort are required to be assessed each year by the CFA and Council is required to record the outcome of these assessments. All sites have been reassessed as being compliant.

Council Resolution

MOVED: Cr Peter Perkins**SECONDED: Cr Jane Ashton****That Council:**

1. Notes the 2018-2019 Bushfire Mitigation (Fire Prevention) Program included as **Attachment 1** to this report.
2. Notes that as part of the annual review process, Neighbourhood Safer Places – Places of Last Resort sites at:
 - a) Civic Drive, Greensborough, the outdoor performance area
 - b) Diamond Hills Oval, Plenty River Drive, Greensborough
 - c) Collendina Reserve, Greensborough
 - d) Diamond creek Community Centre, Main Hurstbridge Road, Diamond Creek
 - e) Yarrambat Park, Yarrambat, golf course building
 - f) Circulatory Road, Eltham
 - g) Hurstbridge Basketball Stadium, Graysharps Road, Hurstbridge

have been reassessed by the CFA and have been found to still meet the criteria for designation as a Neighbourhood Safer Place – Place of Last Resort.

CARRIED

12. Officers' reports**OCM.188/18 Nillumbik Housing Strategy - Proposed project scope**

Distribution: Public**Manager: Adrian Cully, Director Business and Strategy****Author: Yasmin Green, Co-ordinator Strategy and Policy
Naomi Paton, Manager Integrated Strategy****Summary**

In the 2017-2021 Council Plan, Council committed to developing a new shire-wide housing strategy to support the Shire's growing and ageing population, whilst protecting the neighbourhood character and enhancing the green wedge.

The population of Nillumbik is the slowest growing off all metropolitan Melbourne local government areas. The Shire's population is 64,626 which, based on current trends, is forecast to increase by nearly 6,000 additional residents by 2036. This will require an estimated increase in dwellings by nearly 3,800, up from 20,974 in 2012.

Housing stock is dominated by three or more bedroom dwellings. Accordingly, couple families with children will continue to be the predominant household type. More housing to better accommodate couple families with no children and lone person households in particular is needed, in part reflecting our ageing population which will increase from currently one in four residents to one in three being aged 55 years and over by 2036. In keeping with the Council Plan and the Shire's Health and Wellbeing Plan 2017-2021, the strategy will address housing affordability and housing for people with a disability.

Officers have prepared a proposed scope for the development of a new housing strategy. The strategy will establish a policy position on the location and type of housing across the Shire in line with future population requirements and community needs while protecting Nillumbik's neighbourhood character and the Shire's green wedge.

Council Resolution**MOVED: Cr Grant Brooker****SECONDED: Cr Bruce Ranken****That Council endorses the Housing Strategy project scope (Attachment 1).****CARRIED**

Yasmin Green, Co-ordinator Strategy and Policy left the meeting at the conclusion of the above item at 8.46pm

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

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

- OCM.189/18 Assemblies of Councillors
- OCM.190/18 Tender Report - 1718-131 Worns Lane Special Charge Scheme
- OCM.191/18 Tender Report - 1718-130 Rodger Road Special Charge Scheme
- OCM.191/18 Tender Report - Greensborough Hockey Club Pavilion Redevelopment-Architectural Services
- OCM.193/18 Risk and insurance Report September Quarter 2018

CARRIED

12. Officers' reports

OCM.189/18 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 30 October 2018.

An Assembly of Councillors record was kept for:

- Arts Advisory Committee – 29 October 2018
- Councillor Briefing – 30 October 2018
- Councillor Briefing – 7 November 2018
- Councillor Briefing – 13 November 2018
- Urban Design Provisions Review Project Reference Group – 14 November 2018
- Economic Development Advisory Committee – 14 November 2018

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 29 October 2018, 30 October 2018, 7 November 2018, 13 November 2018, 14 November 2018 and 14 November 2018 (**Attachment 1**).

CARRIED

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

12. Officers' reports

OCM.190/18 Tender Report - 1718-131 Worns Lane Special Charge Scheme

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report is an overview of a separate confidential report recommending the awarding of a contract for the construction of the Worns Lane Special Charge Scheme, between Latrobe Road and Licola Street, Yarrambat.

These works will include the construction of a sprayed seal road pavement, asphalt road pavement (vehicle crossings), asphalt and natural table drains, drainage culverts, signage and line marking 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 construction of the Worns Lane Special Charge Scheme, Yarrambat.

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

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

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council notes this report.

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 Grant Brooker

SECONDED: Cr Bruce Ranken

That Council:

1. Enters into a Contract with Dicarlo Constructions (Aust) Pty Ltd for the Worns Lane Special Charge Scheme, for the amount of \$241,425.39 (inclusive of GST) plus a 10% contingency.
2. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.

12. Officers' reports

OCM.190/18 Tender Report - 1718-131 Worns Lane Special Charge Scheme

4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.191/18 Tender Report - 1718-130 Rodger Road Special Charge Scheme

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report is an overview of a separate confidential report recommending the awarding of a contract for the construction of the Rodger Road Special Charge Scheme, between Bishops Road and Lawrence Road, Panton Hill.

These works will include the provision and construction of some underground drainage, sealed table drains, road pavement and primer sealing of the road surface as well as driveway works, signs, associated line marking and other miscellaneous items.

The Tender Evaluation panel have assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the construction of the Rodger Road Special Charge Scheme, Panton Hill.

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

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

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council notes this report.

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 Grant Brooker

SECONDED: Cr Bruce Ranken

That Council:

1. Enters into a Contract with MJ Construction Group Pty Ltd for the Rodger Road Special Charge Scheme, for the amount of \$460,339.66 (inclusive of GST) plus a 10% contingency.
2. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.

12. Officers' reports

OCM.191/18 Tender Report - 1718-130 Rodger Road Special Charge Scheme

4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.192/18 Tender Report - Greensborough Hockey Club Pavilion Redevelopment - Architectural Services

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Jake Hart, Project Management Officer

Lance Clark, Senior Procurement Specialist

Summary

This report is an overview of a separate confidential report recommending the awarding of the contract for the architectural services for the Greensborough Hockey Club Pavilion Redevelopment project.

The service will involve the review and development of the Greensborough Hockey Club Pavilion Redevelopment concept plans for female friendly and accessible player change room facilities to service both hockey pitches, accessible public amenities and expanded / refurbished social rooms.

The concept plans will be developed, in consultation with all stakeholders, to full detailed design plans, specification and tender documentation for the appointment of a builder to undertake construction of the new facilities.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Greensborough Hockey Club Pavilion Redevelopment Architectural Services.

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

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

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council notes this report.

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.192/18 Tender Report - Greensborough Hockey Club Pavilion
Redevelopment - Architectural Services

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Bruce Ranken

That Council:

1. Enters into a Contract with Loft Architecture for the Greensborough Hockey Club Pavilion Redevelopment Architectural Services, for the amount of \$128,447.00 (inclusive of GST), plus 10 percent contingency.
2. Add the "Cost Option" amount of up to \$68,332.00 (inclusive of GST), as a variation to the contract if additional funding is made available through pending grant applications.
3. Authorises the Director Sustainability and Place to finalise and execute the contract documentation.
4. Advises all tenderers accordingly.
5. Makes public the council resolution but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.193/18 Risk and Insurance Report September Quarter 2018

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: Craig Commane, Risk Advisor

Summary

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

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF) that commenced on 1 July 2014. This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and insurance reporting to Council will be tabled each quarter following consideration by the Audit Committee.

A separate report in this agenda provides detailed information for Council consideration. It is recommended that this detailed report remain confidential as it includes information which may prejudice the Council or another person.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

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

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 Grant Brooker

SECONDED: Cr Bruce Ranken

That Council:

1. Notes the summary of the confidential Risk and Insurance report for the quarter ending September 2018.
2. Resolves that the report remains confidential in accordance with sections 77 and 89(2) of the *Local Government Act 1989*.
3. Resolves to make the resolution of Council public.

CARRIED

13. Notices of Motion

NOM.003/18

Cr John Dumaresq advised of his intention to move the following:

Council:

1. To preserve the Eltham War Memorial building complex at 903-907 Main Rd, Eltham, and retain the existing uses in accordance with the Eltham War Memorial Trust purpose; and retain the Cenotaph and Eltham Senior Citizens' Centre.
2. To retain council ownership of all land at 895 and 903-907 Main Rd, Eltham for our community and future generations.
3. Following meaningful engagement with residents of the Shire, to place sufficient planning controls on the site of the former Eltham Shire Office to ensure that any future development of that land responds to Eltham's form and character and properly protects public amenity, access and use.
4. To make all proposals for the development of 895 and 903-907 Main Rd, Eltham available for public inspection as soon as they are received by Council.

Motion

MOVED: Cr John Dumaresq

SECONDED: Cr Grant Brooker

Council:

1. To preserve the Eltham War Memorial building complex at 903-907 Main Rd, Eltham, and retain the existing uses in accordance with the Eltham War Memorial Trust purpose; and retain the Cenotaph and Eltham Senior Citizens' Centre.
2. To retain council ownership of all land at 895 and 903-907 Main Rd, Eltham for our community and future generations.
3. Following meaningful engagement with residents of the Shire, to place sufficient planning controls on the site of the former Eltham Shire Office to ensure that any future development of that land responds to Eltham's form and character and properly protects public amenity, access and use.
4. To make all proposals for the development of 895 and 903-907 Main Rd, Eltham available for public inspection as soon as they are received by Council.

THE MOTION WAS PUT TO THE VOTE AND LOST.

The Mayor, Cr Karen Egan declared the Motion Lost

Cr John Dumaresq called for a division

For: Cr John Dumaresq

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

14. Delegates' Reports

15. Supplementary and urgent business

Nil

16. Confidential reports

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

OCM.194/18 Tender Report - 1718-131 Worns Lane Special Charge Scheme

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

OCM.195/18 Tender Report - 1718-130 Rodger Road Special Charge Scheme

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

OCM.196/18 Tender Report - Greensborough Hockey Club Pavilion Redevelopment - Architectural Services

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

OCM.197/18 Risk and Insurance Report September Quarter 2018

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.

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

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

CARRIED

The meeting closed to the public at 9.02pm.

The meeting reopened at 9.17pm

Close of Meeting

The meeting closed at 9.17pm.

Confirmed: _____

Cr Karen Egan, Mayor