

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 24 March 2020 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 27 March 2020

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 24 March 2020. The meeting commenced at 7:04pm.**

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
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaža Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Heath Gillett	Manager Recreation and Leisure (arrived at 8:28pm)
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Reconciliation statement

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

3. Prayer

A prayer was read by the Mayor, Cr Karen Egan.

4. Apologies

Nil

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 25 February 2020.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Grant Brooker

That the minutes of the Council Meeting held on Tuesday 25 February 2020 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Ben Ramcharan asked Council:

1. Sunday 1 March was Clean Up Australia Day. I arranged a clean up event in Kangaroo Ground, where 6 volunteers spent two hours collecting litter along the footpath on a short 1km section of the road. They collected a whopping 83kg of litter. Frustratingly, grass cutters had been along the heavily littered road and shredded the litter, making it impossible to clean up in amongst the cut grass, which has now dried out, becoming fuel for bushfire. Why does Council allow grass cutters to go through an area before litter is removed?

Response

Thank you to you and the team of volunteers who collected litter. Please note on Council managed roadside, Council's in house mowing staff and contractors are required to collect litter prior to any mowing work. KG-Warrandyte road is managed by Department of Transport. DoT also require their contractors to collect litter prior to mowing. Your observations have been passed on to DoT.

2. What measures will Council implement to raise awareness of the issue within the community, reduce the spillage from kerbside garbage collection and reduce litter throughout the Green Wedge Shire?

Response

With respect to kerbside litter, please note Council's kerbside waste collection staff are required to pick up litter if it is spilled from a bin during the collection. If residents are overfilling bins, causing waste to be spilled or allowing birds to pull waste from bin, then drivers place stickers on the bins to remind residents about how to present their bins.

Council supports annual Clean Up Australia Day events across the Shire with skip bins and picks up the collected material. We have supported additional events due to community interest.

Bill Lord asked Council:

Whilst Council rates have been capped by State Government at about 2% in line with cost of living, the general increases in Shire's 'User Fees' was up 15% in 2017/18, another 25% in 2018/19 and by 8.17% in 19/20, Now the draft 2020/21 budget has hefty increase in the 'total user fees' of 17.62% (page 39)

How come this 17.62 figure is not in the officer report and how does Council justify these huge increases for people, who in the main are Nillumbik residents?

Response

The increase in user fees of 17.62% refers to the amount of revenue forecast to be generated through user fees when compared to prior year. The increase in income is not reflective of individual user fees/charges passed onto the community. The budgeted increase is reflective of an increase in the usage of Council facilities. The fees and charges are disclosed in appendix 1 on page 58 of the draft budget document.

Jeremy Loftus-Hills asked Council:

1. November 21 2019 EDAC Minutes read: 'The strategic themes were all agreed to. Terry, on behalf of Hurstbridge Traders Association, presented a list of performance indicators for each of the strategic themes (see attached)'. Why are Council's promised indicators of success not written into the draft EDS and when will Council release the Hurstbridge Trader's list?

Response

The Hurstbridge Trader's List was never received to include in the minutes despite being requested. There was an error in the Minutes stating a document was attached.

2. The Council Plan includes the following 4 year rates commitment: 'Rates for established properties will ... be set at least 0.25 per cent below the estimated rate cap'. The draft 20/21 budget states: 'The Budget proposes a 2.00 percent increase on rates for 2020-21, which is line with the official rate cap set by the Victorian Government'. Can Council explain its intention to break the Plan's rates commitment?

Response

At this stage, Council has proposed to increase rates to the full cap of 2.00%. This is a draft budget and is yet to be resolved by Council. The budget is schedule to be presented to Council at the May OCM following a public consultation process.

Colleen Hackett asked Council:

1. Does Council have a policy of giving priority to local Nillumbik people when hiring staff?

Response

No, the hire process is based on merit.

2. What is the percentage of current Council staff who live in Nillumbik?

Response

36% of staff currently live within Nillumbik.

Henry Haszler asked Council:

1. I have noticed that from time to time Council endorses activities or events occurring in the Shire. I would like to know what principles apply in deciding to agree to a Council endorsement, including who makes the decision?

Response

Applications can be made for funding requests via an open grant round process with a required application form. Approval through an open grant round, follows a defined process and review, dependant on the funding round conditions which may be conducted by internal departments, Managers and/or Council prior to a final approval made. Alternatively direct requests outside of a defined process can potentially be made to individual teams and would be considered on a case by case basis and on the nature of the individual request.

To ensure activities or events on Council owned/managed land are compliant, an application is made with required documentation supplied and referred to relevant internal departments for comment, feedback and cross checking prior to approval given for such activities or events to be delivered.

2. Relating to Shire relevant activities or events that are endorsed by Council what form does endorsement take, for example might it include some financial assistance such as waiving fees for use of Council owned facilities such as halls?

Response

Endorsement for activities or events can be in the form of direct funding or in-kind support such as waste removal, venue use and/or waiver of fees provided to applicants.

It can also be in the form of approval to deliver an activity or event on Council owned/managed land by way of a permit, or agreement without funding or in-kind support provided and such activity or event is conducted by an external party needing to adhere to conditions within a permit or agreement.

Sue Dyet asked Council:

1. Regarding both the Eltham Activity Centre Structure Plan and the Diamond Creek Structure Plans, what are the next steps to be taken by Council and elsewhere, once this current period of public submissions is completed?

Response

The public consultation period will formally close on 29 April 2020. There are still 4 weeks available to Have Your Say. Please see the Participate Nillumbik website for details.

After the close of submissions, Council officers will review all feedback and make recommendations based on this feedback.

Submitters will be invited to speak (if they so choose) at a Future Nillumbik Committee where Councillors will also consider recommended changes in responding to feedback to the draft plans.

The amended final Structure Plans will be brought to an OCM for consideration of adoption.

Once adopted, the final Structure Plans would then be part of a planning scheme amendment to implement the Structure Plans into the Nillumbik Shire Planning Scheme.

2. Eltham Activity Centre Structure Plan to be superseded?

Response

The existing Eltham Activity Centre Structure Plan would be superseded upon Council's adoption of the new Structure Plan.

John Fecondo asked Council:

I refer to Council's decision to use \$1,455,053 from the Defined Benefits Superannuation reserve to fund "digital business transformation projects" at the Ordinary Council Meeting held 26th November 2019. It is my understanding that from 1st July 2013, Councils were required to ensure that there were sufficient funds in their

Defined Benefits Reserve to fund all liabilities associated with Council employees' superannuation benefits.

1. Will this action of using these funds for "digital transformation" place the Council i.e. ratepayers at risk if there is insufficient funds at Vision Super for council employees?

Response

There is no statutory requirement on Councils to hold reserves for superannuation benefits, the funds were held in discretionary reserve. The risk of a call from Vision Super is an unknown factor. Vision Super has a three year restoration plan which has been implemented by the fund and is monitored through the industry regulator under the superannuation prudential standards, what this means is if there were to be a shortfall, the fund has three years to regain its position prior to making a call.

2. In light of the extremely uncertain economic climate at present, it is possible that there will be a fund shortfall and a call is made. Where will these funds come from if such a call is made?

Response

Vision Super is maintaining active communication with Councils regarding the current market situations. If a call were to be made by Vision Super funding options as to how to respond to the call will be presented to Council at that point.

10. Reports of Advisory Committees

AC.003/20 Advisory Committee Report

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Alena Spry, Governance Officer

Summary

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.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Peter Clarke

That Council notes the minutes of the following meetings:

- Economic Development Advisory Committee held on 9 May 2018;
- Economic Development Advisory Committee held on 8 August 2019;
- Economic Development Advisory Committee held on 21 November 2019; and
- Economic Development Advisory Committee held on 13 February 2020.

CARRIED

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.034/20 Amendment C117 Part 2 - Recommendations Panel Report

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

Amendment C117 Part 2 seeks to rezone Lot 1, 44 Graysharps Road, Hurstbridge from the Township Zone to the Public Park and Recreation Zone and to remove redundant overlays.

Two objecting submissions were referred to a Panel by Council for consideration. The Panel Hearing was conducted on 24 February 2020. Subject to the hearing, the panel report has been finalised and the Panel concluded that:

- Council has established that there is strategic justification for the Amendment.
- Council is applying policy, supported by other action plans, in the rezoning of the subject land as open space.
- The Open Space Plan and the allocation of funds confirms the intention to proceed with implementation.
- The formulation of the Amendment with the rezoning from the Township Zone (TZ) to the Public Park and Recreation Zone (PPRZ) was a considered decision of Council.

The Panel recommends that the Amendment be adopted as exhibited.

This report seeks that Council adopt the Amendment as exhibited and submit it to the Minister for Planning for approval.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Peter Perkins

That Council:

1. Notes the Panel's report and recommendations with respect to Amendment C117 Part 2 (**Attachment 1**);
2. Adopts Amendment C117 Part 2 as exhibited;
3. In accordance with section 31 of the *Planning and Environment Act 1987*, submits the Amendment as adopted to the Minister for Planning for consideration and approval together with the prescribed information;
4. Makes the Panel's report available at its office during office hours for any person to inspect free of charge; and
5. Notifies submitters to the Amendment of its resolution.

CARRIED

12. Officers' reports

OCM.035/20 Amendment C125 'Garambi Baan' (Laughing Waters) Residency Centre Project

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

Proposed Amendment C125 seeks to facilitate the re-use of existing buildings at 130 and 195 Laughing Waters Road for the purpose of an Artist Residency Centre by inserting an incorporated document 'Garambi Baan' (Laughing Waters) Residency Centre Project, at Clause 45.12 of the Nillumbik Planning Scheme to allow the existing buildings to be used, subject to conditions. Officers seek Council's resolution to prepare and submit a request to Minister utilising Section 20(4) of the *Planning & Environment Act 1987* to consider and approve proposed Planning Scheme Amendment C125.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That Council resolves to:

1. Request from the Minister for Planning utilise his powers under Section 20(4) of the *Planning & Environment Act 1987* to exempt himself from the notice requirements for the planning scheme amendment;
2. Request the Minister for Planning to prepare, consider and approve a planning scheme amendment to the Nillumbik Planning Scheme to insert an incorporated document at Clause 45.12.

CARRIED

12. Officers' reports

OCM.036/20 Graffiti Removal Plan

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Jonathan McNally, Manager Community Safety and Amenity

Megan Sparks, Team Leader Community Safety and Amenity Support

Summary

Nillumbik Shire Council is committed to providing safe and healthy environments to the community. The removal of graffiti from our built and natural environment is key to ensuring the ongoing wellbeing of the community. Priority action 3.8.1 of the Council Plan 2017-2021 identifies the development and implementation of a Graffiti Removal Plan for the Shire. The Graffiti Removal Plan (**Attachment 1**) aims to establish guidelines for Council's approach to the removal of graffiti, in order to inform the future tender process for the ongoing provision of this service.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Endorses the Graffiti Removal Plan (**Attachment 1**).
2. Commences a procurement process for the ongoing provision of this service.

CARRIED

12. Officers' reports

OCM.037/20 Draft Temporary and Community Advertising Signage Policy

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Jonathan McNally, Manager Community Safety and Amenity

Megan Sparks, Team Leader Community Safety and Amenity Support

Summary

Council receives requests throughout the year for the display of temporary community event signage on Council land. The display of temporary signage is considered to be vital for communicating upcoming events to the community. Under Councils Amenity Local Law, signage cannot be displayed on Council Land without a permit.

An existing Council policy, the *Erection of Temporary Advertising Signs for Community Events on Road Reserves and Council Property Policy*, guides decision making under a local law for community event signage on Council land and road reserves. Currently, there are two key issues with the policy:

- There is significant competition for optimum signage locations, with smaller community groups often not having fair opportunity to place signs.
- Discretion in the policy to allow signage at other than the approved locations, has contributed to an adverse proliferation in the number and locations of signs.

The unlawful display of signage represents a challenge for Council as it creates a negative impact on the amenity and appearance of the Shire when applied in an uncontrolled manner.

The draft Temporary and Community Advertising Signage Policy (**Attachment 1**) has been developed to create a framework for the control of all temporary signage throughout the Shire, establishing fixed locations for the display of temporary event signage, and provides greater clarity for community groups seeking to advertise upcoming events.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council endorses the draft Temporary and Community Signage Policy (**Attachment 1**) and releases the Policy for public consultation to enable the Nillumbik community and other external stakeholders to provide feedback to the draft Policy.

CARRIED UNANIMOUSLY

Rosa Zouzoulas, Executive Manager Planning and Community Safety left the meeting at the conclusion of the above item at 7:58pm.

12. Officers' reports

OCM.038/20 Draft Budget 2020-2021

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer****Author: Robert Malignaggi, Business Services Lead
Melika Sukunda, Manager Finance****Summary**

This report presents the draft Budget for 2020-2021 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, and for the development and maintenance of infrastructure throughout the shire.

Rates and charges

- The draft Budget proposes a 2.00 percent increase to rates levied.
- An increase of 8.87 percent to the waste management standard charge.

Capital Works

- A range of major capital works projects have been identified through planning and community consultation. The draft Budget also provides significant resources to maintain and develop existing infrastructure.

Strategic Resource Plan

- In conjunction with the Council Plan, the Strategic Resource Plan has also been prepared for the next ten financial years.

Recommendation

That Council:

1. Adopts the draft 2020-2021 Budget for the purposes of section 127 of the *Local Government Act 1989*.
2. Authorises the Chief Executive Officer to give public notice in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at a Council meeting proposed to be held at 7:30 pm on 26 May 2020, the 2020-2021 Budget (**Attachment 1**) presented to this meeting.
3. Notes that any person who makes a written submission in relation to the draft 2020-2021 Budget and requests to be heard in support of the written submission, be heard at the Future Nillumbik Committee meeting to be held in the Council Chamber, Civic Centre, at 7:30 pm on 12 May 2020.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the *Local Government Act 1989*.

12. Officers' reports

OCM.038/20 Draft Budget 2020-2021

Motion

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

That Council:

1. Adopts the draft 2020-2021 Budget for the purposes of section 127 of the *Local Government Act 1989*.
2. Authorises the Chief Executive Officer to give public notice in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at a Council meeting proposed to be held at 7:30 pm on 26 May 2020, the 2020-2021 Budget (**Attachment 1**) presented to this meeting.
3. **Council reviews its financial hardship policy in light of the current situation as a result of the COVID-19 pandemic and report back to Council in April 2020.**
4. Notes that any person who makes a written submission in relation to the draft 2020-2021 Budget and requests to be heard in support of the written submission, be heard at the Future Nillumbik Committee meeting to be held in the Council Chamber, Civic Centre, at 7:30 pm on 12 May 2020.
5. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the *Local Government Act 1989*.

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

That Council:

1. Adopts the draft 2020-2021 Budget for the purposes of section 127 of the *Local Government Act 1989*.
2. Authorises the Chief Executive Officer to give public notice in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at a Council meeting proposed to be held at 7:30 pm on 26 May 2020, the 2020-2021 Budget (**Attachment 1**) presented to this meeting.
3. Council reviews its financial hardship policy in light of the current situation as a result of the COVID-19 pandemic and report back to Council in April 2020.
4. Notes that any person who makes a written submission in relation to the draft 2020-2021 Budget and requests to be heard in support of the written submission, be heard at the Future Nillumbik Committee meeting to be held in the Council Chamber, Civic Centre, at 7:30 pm on 12 May 2020.

12. Officers' reports

OCM.038/20 Draft Budget 2020-2021

5. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the *Local Government Act 1989*.

CARRIED

12. Officers' reports

OCM.039/20 Nillumbik Customer First Strategy - First Year Delivery Update

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig King, Customer Experience Lead

Summary

Nillumbik Customer First is Council's first customer experience strategy which defines the strategic direction of Council's customer focus for our community. The strategy was adopted by Council in March 2019, and this report presents a first year update that highlights implementation achievements, along with performance measurement.

The strategy has progressed well in the first 12 months since its adoption, and Council is well advanced in the implementation/delivery of the strategy. To date, 16 of the 24 actions outlined in the strategy are already operational or in progress.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

That Council:

1. Notes the report which highlights the first year implementation and delivery of the Nillumbik Customer First Strategy 2019-2022 (**Attachment 1**).
2. Receives an annual progress update on the second year of implementing the Nillumbik Customer First Strategy 2019-2022 in March 2021.

CARRIED

12. Officers' reports

OCM.040/20 Northern Horizons 2020

Distribution: Public

Manager: Carl Cowie, Chief Executive Officer

Author: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Summary

A report titled '*Building Communities, Connecting People: Northern Horizons 2020*' has been prepared by the National Institute of Economic and Industry Research for the Northern Metropolitan Partnership Project managed by NORTH Link.

A summary report (**Attachment 1**) recognises that Melbourne's northern region is growing in population at a rate faster than Melbourne as a whole. The report outlines the key strategic directions for 2020, as well as short-term (2020-2024), medium-term (2025-2032) and long-term (2033 and beyond) key projects and initiatives for the northern region.

The summary report details seven strategic development themes. They are:

- Developing the La Trobe National Employment and Innovation Cluster and other leading regional clusters;
- Connected north;
- Innovative north;
- Greener north;
- Healthier north;
- Well-educated and skilled north; and
- Fairer north.

This report is presented to Council for noting.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council notes the Northern Horizons 2020 – Summary Report (Attachment 1).

CARRIED

12. Officers' reports

OCM.041/20 Motions for the National General Assembly of Local Government 2020

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Katia Croce, Governance Lead

Summary

The Australian Local Government Association, National General Assembly (NGA) provides the opportunity for councils throughout Australia to contribute to the development of national local government policy and receive updates on the major policy issues facing local government. This will be the 26th NGA and will focus on the future of local government and local communities.

The NGA is an opportunity for individual councils to identify matters of national relevance to the sector, influence the future direction of our council and our community and to submit notices of motion to seek support at the NGA for these matters to be considered by NGA as national policy.

This report informs Council and seeks endorsement of the proposed motion to be put forward to the ALGA, NGA in June 2020.

Motions need to be submitted by 5pm on Friday 27 March 2020.

Recommendation

That Council resolves to adopt and lodge the following motion to the Australian Local Government Association, National General Assembly to be held in Canberra on 14-17 June 2020:

1. 'That this National General Assembly call on the Australian Government to work closely with state and local government to develop appropriate legislative policy, implementation frameworks and provide direct funding to assist local governments to implement actions and to mitigate potential climate change impacts likely to affect communities, economies and the environment.'

Motion

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

That Council resolves to adopt and lodge the following motion to the Australian Local Government Association, National General Assembly: ~~to be held in Canberra on 14-17 June 2020:~~

1. 'That this National General Assembly call on the Australian Government to work closely with state and local government to develop appropriate legislative policy, implementation frameworks and provide direct funding to assist local governments to implement actions and to mitigate potential climate change impacts likely to affect communities, economies and the environment.'

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

12. Officers' reports

OCM.041/20 Motions for the National General Assembly of Local Government 2020

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

That Council resolves to adopt and lodge the following motion to the Australian Local Government Association, National General Assembly:

1. 'That this National General Assembly call on the Australian Government to work closely with state and local government to develop appropriate legislative policy, implementation frameworks and provide direct funding to assist local governments to implement actions and to mitigate potential climate change impacts likely to affect communities, economies and the environment.'

CARRIED

12. Officers' reports

OCM.042/20 Arts and Cultural Advisory Committee membership nominations 2020-2022

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Communities

Author: Sarah Hammond, Community Arts Officer

Simon Doyle, Coordinator Arts and Cultural Development

Summary

The Arts and Cultural Advisory Committee (formerly 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 Arts and Culture.

In December 2019, five members of the Arts Advisory Committee completed their term. Council called for nominations to fill these vacancies in February 2020. In addition to filling these vacancies it was identified that increasing the membership of the Committee would assist in achieving quorum and provide a greater depth of candidates for Council to draw on for arts and culture activity.

Nominations to the Arts and Cultural Advisory Committee have now closed and the selection panel is seeking endorsement of the successful new members. Due to the large amount of high quality applications and to address identified need the selection panel suggests growing Committee membership to thirteen.

Council's endorsement is also sought for an amendment of the Terms of Reference.

Recommendation

That Council:

1. Endorses the amended Arts and Cultural Advisory Committee Terms of Reference (**Attachment 1**).
2. Endorses increasing the membership of the Arts and Cultural Advisory Committee to thirteen members.
3. Endorses the nominees listed for appointment to the Arts and Cultural Advisory Committee (**Attachment 2**).

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council resolves to hear item OCM.042/20 in confidential, in accordance with section 89(2)(h) of the *Local Government Act 1989*.

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

12. Officers' reports

OCM.042/20 Arts and Cultural Advisory Committee membership nominations 2020-2022

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Council resolves to hear item OCM.042/20 in confidential, in accordance with section 89(2)(h) of the *Local Government Act 1989*.

CARRIED

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

Council Resolution

MOVED: Cr Peter Perkins
SECONDED: Cr Jane Ashton

That Council:

1. Endorses the amended Arts and Cultural Advisory Committee Terms of Reference (**Attachment 1**).
2. Endorses increasing the membership of the Arts and Cultural Advisory Committee to thirteen members.
3. Endorses the nominees listed for appointment to the Arts and Cultural Advisory Committee (**Attachment 2**).
4. Makes public the decision regarding this report.

CARRIED

12. Officers' reports

OCM.043/20 Audit and Risk Committee meeting February 2020

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

In accordance with section 139 of the *Local Government Act 1989* and good governance principles, councils must have an Audit and Risk Committee.

As resolved at the 26 February 2019 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Ordinary Council Meeting.

The Audit and Risk Committee met on 17 February 2020. The minutes for the meeting are shown in **Attachment 1**.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr John Dumaresq

That Council notes the minutes of the Audit and Risk Committee meeting held on 17 February 2020.

CARRIED

12. Officers' reports

OCM.044/20 Assembly of Councillors

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Alena Spry, 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 Council Meeting 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 25 February 2020.

An Assembly of Councillors record was kept for:

- Economic Development Advisory Committee – 13 February 2020;
- Councillor Briefing – 18 February 2020;
- Living & Learning Nillumbik Advisory Committee – 19 February 2020;
- Councillor Briefing – 20 February 2020;
- Councillor Briefing – 21 February 2020;
- Councillor Briefing and Pre-meeting to Ordinary Council Meeting – 25 February 2020;
- Arts and Cultural Advisory Committee – 3 March 2020;
- Councillor Briefing – 3 March 2020; and
- Councillor Briefing and Pre-meeting to Future Nillumbik Committee – 10 March 2020.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the assemblies of Councillors held on 13 February 2020, 18 February 2020, 19 February 2020, 20 February 2020, 21 February 2020, 25 February 2020, 3 March 2020, 3 March 2020 and 10 March 2020 (**Attachment 1**).

CARRIED

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Bruce Ranken

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.045/20 Tender Report – Contract 1819-110 Leisure Centres Management and Operation Services
- OCM.046/20 Tender Report – Contract 1819-116 Supply and Transport of Bulk Haulage Bins
- OCM.047/20 Tender Report – Contract 1920-29 Community Engagement Consultants Panel
- OCM.048/20 Tender Report - Contract 1920-31 Diamond Creek Bowls Club Car Park Upgrade

CARRIED

12. Officers' reports

OCM.045/20 Tender Report - Contract 1819-110 Leisure Centres Management and Operation Services

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Heath Gillett, Manager Recreation and Leisure
Andrea Jackson, Coordinator Leisure Facilities
Lance Clark, Senior Procurement Specialist**

Summary

This report is an overview of a separate confidential report recommending the awarding of Contract 1819-110 Leisure Centres Management and Operation Services.

Council owns five major community / leisure centres which are currently operated by three separate providers under five separate contract arrangements as follows:

- Eltham Leisure Centre: Aligned Leisure
- Diamond Valley Sports and Fitness Centre: ClubLinks
- Community Bank Stadium: YMCA
- Diamond Creek Outdoor Pool: YMCA
- Diamond Creek Community Centre: YMCA

All current contracts expire on 30 June 2020.

A comprehensive tender process was undertaken to award the management and operation of these five facilities to a single provider.

The proposed contract tenure is an initial prior of three years with extension periods to a total possible contract term of 12 years.

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 remain confidential.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council notes this report.

CARRIED

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

12. Officers' reports

OCM.045/20 Tender Report - Contract 1819-110 Leisure Centres Management and Operation Services

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr John Dumaresq

That Council:

1. Enters into a contract with Aligned Leisure for the operation and management of Council's five major leisure facilities.
2. Authorises the Director Operations and Infrastructure to enter into negotiations 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

Heath Gillett, Manager Recreation and Leisure entered the meeting at the commencement of the above item at 8:28pm.

Cr Jane Ashton temporarily left the meeting at the commencement of the above item at 8:28pm and returned at 8:30pm.

12. Officers' reports

OCM.046/20 Tender Report - Contract 1819-116 Supply and Transport of Bulk Haulage Bins

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

This report is an overview of a separate report recommending the award of contract 1819-116 for Supply and Transport of Bulk Haulage Bins, replacing a previous contract, 1617-24 which expires on 17 May 2020.

This new contract will facilitate haulage of hard waste, green waste, cardboard, steel and e-waste disposed by our customers in the Recycling and Recovery Centre at 290 Yan Yean Road, Plenty. It does not relate to kerbside collection and disposal.

The recommended contract term is for an initial period of five (5) years, with two (2) by one (1) year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed seven (7) years.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract 1819-116 Supply and Transport of Bulk Haulage Bins.

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 Bruce Ranken

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 Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Resolves to accept the tender of Suez Recycling and Recovery Pty Ltd for their submitted schedule of rates for RFT 1819-116 Supply and Transport of Bulk Haulage

12. Officers' reports

OCM.046/20 Tender Report - Contract 1819-116 Supply and Transport of Bulk Haulage Bins

Bins for an initial contract term of five (5) years with two (2), one (1) year extension options at Council's discretion.

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Delegates the powers and authorisation to the Director Operations and Infrastructure to review and approve the options to extend the contract term for a maximum of up to two (2) further years.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.047/20 Tender Report - Contract 1920-29 Community Engagement Consultants Panel

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

**Author: Michelle Wright, Community Engagement Officer
Lance Clark, Senior Procurement Specialist**

Summary

This report is an overview of a separate confidential report recommending the awarding of Contract 1920-29 for the establishment of a panel of six qualified and professional community engagement consulting companies to assist and support Council officers by providing quality services in community engagement and development requirements across the following categories.

Category 1: Development of community engagement strategic documents

Category 2: Design and implementation of community engagement plans and associated activities

Category 3: Community engagement data analysis, report writing and evaluation

The contract term is for an initial period of three years, with two by one year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed five years.

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 remain confidential.

Council Resolution

MOVED: Cr Bruce Ranken

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.047/20 Tender Report - Contract 1920-29 Community Engagement Consultants Panel

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr John Dumaresq

That Council:

1. Enters into contracts with the following suppliers:
Category 1: Development of community engagement strategic documents
 - RPS AAP Consulting Pty Ltd
 - RM Consulting Group Pty Ltd
 - GHD Pty LtdCategory 2: Design and implementation of community engagement plans and associated activities
 - RPS AAP Consulting Pty Ltd
 - GHD Pty Ltd
 - Chatterbox ProjectsCategory 3: Community engagement data analysis, report writing and evaluation
 - RPS AAP Consulting Pty Ltd
 - Kathy Jones & Associates Pty Ltd
 - Capire Consulting Group Pty Ltd
2. Authorises the Chief Executive Officer to finalise and execute the contract documentation.
3. Delegates the powers and authorisation to the Chief Executive Officer to review and approve the options to extend the contract term for a maximum of up to two (2) further years.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.048/20 Tender Report - Contract 1920-31 Diamond Creek Bowls Club Car Park Upgrade

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Capital Works

Summary

This report is an overview of a separate confidential report recommending the award of contract 1920-31 Diamond Creek Bowls Club Car Park Upgrade.

Works include sealing of the existing gravel car park, extension of the existing asphalt access road, construction of a raised flat top road hump, two accessible parking bays, concrete access paths, a new gravel car park and bus drop off area, drainage, line marking, signage, fencing and other associated works. Works are expected to be completed by June 2020.

This project is being funded through the Growing Suburbs Fund (GSF) grant of \$2.5M as part of the Diamond Creek Regional Playspace project.

The Tender Evaluation Panel (TEP) has assessed all submissions. This report outlines their evaluation in recommending the awarding of the contract.

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 Bruce Ranken

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 Peter Perkins

SECONDED: Cr John Dumaresq

That Council:

1. Enters into a contract with MJ Construction Group Pty Ltd for the Diamond Creek Bowls Club Car Park Upgrade for the amount of \$329,245.00 (exclusive of GST) plus a 10% contingency.

12. Officers' reports

OCM.048/20 Tender Report - Contract 1920-31 Diamond Creek Bowls Club Car Park Upgrade

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

CARRIED

13. Notices of Motion

Nil

14. Delegates' reports

Nil

The Mayor, Cr Karen Egan admitted the following urgent business item in accordance with section 6.15 of the Meeting Procedure Local Law 2017.

15. Supplementary and urgent business

OCM.053/20 Review of Instrument of Delegation to the Chief Executive Officer

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Katia Croce, Governance Lead

Summary

The current Instrument of Delegation of powers, duties and functions to the Chief Executive Officer (CEO) was approved by Council on 28 January 2020.

Council is empowered under various legislation to undertake duties and functions in accordance with that legislation. To undertake these duties and functions, it is necessary for Council to delegate relevant powers to the administration of the Council. Section 98 of the *Local Government Act 1989* sets out the requirements for delegating council powers, duties and functions.

Over the coming months, Councils will need to consider the management of the COVID-19 pandemic. As the pandemic is evolving and dynamic, the possibility of the majority of Councillors being unable or unwilling to attend a Council meeting because of COVID-19, may result in not achieving a quorum to proceed with Council meetings.

Local Government Victoria has encouraged Councils to review delegations to maximise the opportunity for business continuity. Modifying the CEO delegation will enable the CEO to generally carry on the business of council and only exercise the power subject to conditions and limitations.

To enable continued council operations, it is recommended that Council consider the need to increase the exercise of delegated decisions to the CEO. The Instrument of Delegation to the CEO has been reviewed and is presented to Council for consideration.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Council:

1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the Instrument of Delegation to the Chief Executive Officer (**Attachment 1**), resolves that:
 - a) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;
 - b) The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument;
 - c) On the coming into force of the Instrument, all previous delegations to the Chief Executive Officer are revoked;

15. Supplementary and urgent business

OCM.053/20 Review of Instrument of Delegation to the Chief Executive Officer

- d) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may, from time to time, adopt; and
 - e) It is noted that the Instrument includes a power of delegation to members of Council staff in accordance with section 98(3) of the Act.
2. Affixes the common seal to the Instrument of Delegation to the Chief Executive Officer (**Attachment 1**).

CARRIED

Cr Peter Perkins called for a division

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

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

The Mayor, Cr Karen Egan declared the Motion Carried.

Attachments

1. S5 Instrument of Delegation to the Chief Executive Officer
2. Marked up - S5 Instrument of Delegation to the Chief Executive Officer

Background

1. The delegation is necessary to enable the Chief Executive Officer (CEO) and Council staff to carry out the day-to-day management of Council's operations.
2. The spread of COVID-19 has led Council to consider the possibility of not being able to conduct Council meetings.
3. The Instrument of Delegation to the CEO which flows from section 98(1) is a broad, 'by exception' delegation. This means that Council's powers, duties and functions, under any legislation, are delegated by the Instrument, excepting those matters specifically excluded from delegation by the Instrument.
4. Council's current Instrument of Delegation to the CEO excludes adoption of Budgets, returns of valuations and entering into contracts over \$150,000 for goods and services and \$200,000 for carrying out works, such decisions can only be made by Councillors collectively.
5. Local Government Victoria and Council's solicitors Maddocks are asking Council to consider whether those exclusions are best removed or modified now that COVID-19 means that a Council meeting might not be held.

Policy context

6. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.
 - Maintain good governance and effective leadership.

Budget implications

7. The regular updates of Council's Instruments of Delegation are an administrative function, the cost of which is included within Council's operational budget.

15. Supplementary and urgent business

OCM.053/20 Review of Instrument of Delegation to the Chief Executive Officer

Consultation/communication

8. Council's Instruments of Delegation have been developed in conjunction with Council's solicitors, Maddocks, and satisfy current legislative requirements.

Review of Instrument of Delegation to the Chief Executive Officer

9. The review of the Instrument of Delegation to the Chief Executive Officer in this instance recommends modifying the delegation to increase the exercise of delegated decisions to the Chief Executive Officer to enable the Chief Executive Officer to carry on the business of council and only exercise the power subject to conditions and limitations.
10. A marked up copy of the Instrument of Delegation to the Chief Executive Officer considered by Council in January 2020 (**Attachment 2**) is presented to illustrate the changes recommended as part of this review.

Conclusion

11. It is recommended that the amended Instrument of Delegation to the Chief Executive Officer be adopted by Council.

S5 Instrument of Delegation to the Chief Executive Officer

Updated March 2020



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Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (**the Act**) and all other powers enabling it, the **Nillumbik Shire Council** (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 24 March 2020;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

THE COMMON SEAL of NILLUMBIK)
SHIRE COUNCIL was affixed hereto)
On the day of 2020)
On the authority of the Council and)
signed by:)

..... Councillor

..... Chief Executive Officer

Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
98(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> 1. determine any issue; 2. take any action; or 3. do any act or thing <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	CEO	<p>The delegate must not determine the issue, take the action or do the act or thing</p> <ol style="list-style-type: none"> 4. if the issue, action, act or thing is an issue, action, act or thing which involves <ol style="list-style-type: none"> 4.1 awarding a contract exceeding the value of \$500,000: <ul style="list-style-type: none"> • except for where any expenditure is approved for in the Council adopted budget. • except in circumstances where the Chief Executive Officer determines that a contract must be entered into because of an emergency in the terms of s 186(5)(a) of the Act. 4.2 making a local law under Part 5 of the Act; 4.3 approval of the Council Plan under s 125 of the Act; 4.4 adoption of the Strategic Resource Plan under s 126 of the Act; 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act; 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act; 4.7 determining pursuant to s 37 of the Act that an extraordinary vacancy on Council not be filled; 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s 81 of the Act; 4.9 appointment of councillor or community delegates or representatives to external organisations; or 4.10 the return of the general valuation and any supplementary valuations; 5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;

Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
			<p>6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;</p> <p>7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a</p> <p style="padding-left: 20px;">7.1 policy; or</p> <p style="padding-left: 20px;">7.2 strategy</p> <p>adopted by Council; or</p> <p>8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or</p> <p>9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.</p>

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S5 Instrument of Delegation to the Chief Executive Officer

Updated ~~January~~ March 2020



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Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (the Act) and all other powers enabling it, the **Nillumbik Shire Council** (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on ~~28 January~~ ~~24 March~~ 2020;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

THE COMMON SEAL of NILLUMBIK)
SHIRE COUNCIL was affixed hereto)
On the day of 2020)
On the authority of the Council and)
signed by:)

..... Councillor

..... Chief Executive Officer

Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
98(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> 1. determine any issue; 2. take any action; or 3. do any act or thing <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	CEO	<p>The delegate must not determine the issue, take the action or do the act or thing</p> <ol style="list-style-type: none"> 4. if the issue, action, act or thing is an issue, action, act or thing which involves <ol style="list-style-type: none"> 4.1 awarding a contract exceeding the value of \$500,000: <ul style="list-style-type: none"> • except for where any expenditure is approved for in the Council adopted budget. • \$150,000 for goods and services, excluding the execution by the Chief Executive Officer of insurance contracts and payment of insurance premiums; and • \$200,000 for carrying-out of works • except in circumstances where the Chief Executive Officer determines that a contract must be entered into because of an emergency in the terms of s 186(5)(a) of the Act; 4.2 making a local law under Part 5 of the Act; 4.3 approval of the Council Plan under s 125 of the Act; 4.4 adoption of the Strategic Resource Plan under s 126 of the Act; 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act; 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act; 4.7 determining pursuant to s 37 of the Act that an extraordinary vacancy on Council not be filled; 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s 81 of the Act; 4.9 appointment of councillor or community delegates or representatives to external organisations; or 4.10 the return of the general valuation and any supplementary valuations;

Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
			<p>5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;</p> <p>6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;</p> <p>7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a</p> <p style="margin-left: 20px;">7.1 policy; or</p> <p style="margin-left: 20px;">7.2 strategy</p> <p>adopted by Council; or</p> <p>8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or</p> <p>9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.</p>

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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.049/20 Tender Report - Contract 1819-110 Leisure Centres Management and Operation Services

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

OCM.050/20 Tender Report - Contract 1819-116 Supply and Transport of Bulk Haulage Bins

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

OCM.051/20 Tender Report - Contract 1920-29 Community Engagement Consultants Panel

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

OCM.052/20 Tender Report - Contract 1920-31 Diamond Creek Bowls Club Car Park Upgrade

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

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

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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 8:56pm.

The meeting re-opened at 9:30pm.

Close of Meeting

The meeting closed at 9:30pm.

Confirmed:

Cr Karen Egan, Mayor