

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Wednesday 27 January 2021 commenced at 7:02pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 29 January 2021

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Wednesday 27 January 2021.
The meeting commenced at 7:02pm.**

Councillors present:

Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward (Mayor)
Cr Ben Ramcharan	Sugarloaf Ward
Cr Frances Eyre	Swipers Gully Ward (Deputy Mayor)
Cr Geoff Paine	Wingrove Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Jeremy Livingston	Executive Manager Business Transformation and Performance
Renae Ahern	Acting Executive Manager Planning and Community Safety
Enrique Gutierrez	Manager Capital Works
Emma Christensen	Acting Governance Lead

1. Welcome by the Mayor

2. Acknowledgement of Country

Acknowledgement of Country was read by the Mayor, Cr Peter Perkins.

3. Good Governance Pledge

The Good Governance Pledge was read by Cr Karen Egan

3. Prayer

A prayer was read by Reverend Dr Tim Johnson, Senior Minister with St John's Anglican Church, in Diamond Creek.

4. Apologies

Nil

5. Presentations

Condolence Ted Brierley AM

I was deeply saddened to hear of the passing, on Christmas Eve, of a distinguished member of the Nillumbik community, Edward (Ted) Brierley AM.

Ted was a significant contributor to International, National and Victorian education. A past President of Victorian Association of State Secondary Principals, past President of the Australian Secondary Principals Association and a past Executive Secretary of the International Confederation of Principals.

This commitment to excellence in teaching and learning saw him awarded a Member of the Order of Australia honour in 2006 for service to education, particularly through professional organisations and contributions to promote effective leadership in secondary schools.

Among his areas of focus was working to promote leadership opportunities for females, both among staff and students.

All who knew Ted would have been well aware of his dry sense of humour and gift for direct, earthy vernacular. Both qualities were great sources of wisdom, as well as entertainment to those around him.

Ted joined Diamond Valley Railway Inc. in April 2010 and after nine years as their Honorary Secretary, he was described as the most dedicated member in its 60 year history. His achievements on behalf of the Diamond Valley Railway Inc. include:

- 10 years of progressive planning for railway.
- Membership surveys.
- Negotiating new 21 year lease with Council.
- Producing a monthly newsletter (Diamond Rails) a publication widely recognised as being unmatched anywhere in the railway community of railway enthusiasts.
- Introducing child safety standards.
- Tireless work on the Yarra Landing Project.

In honour of Ted's contribution to the Diamond Valley Railway Inc., their office will be officially named, the "Ted Brierley Memorial Office".

Ted will be greatly missed by all who knew him through his various professional and community involvements.

On behalf of Nillumbik Shire Council, I offer my deepest condolences to Ted's family, friends and his colleagues at the Diamond Valley Railway Inc.

Nillumbik Australia Day Awards 2021

Another incredibly successful Australia Day awards and citizenship ceremony at the Eltham Community and Reception Centre was held yesterday.

Thanks to an Australia Day Council grant we held a COVID-safe event with limited numbers, which was livestreamed for anyone to watch at home.

We are really pleased to have worked with Wurundjeri Elders and Nillumbik Reconciliation Group in preparing for this event. A message was provided by Wurundjeri Elder Aunty Julianne Axford and President of the Nillumbik Reconciliation Group, Jan Aitken delivered a speech.

Another event highlight was a Flag Raising Ceremony where the Aboriginal flag and the Australian flag were raised in unison.

Reflect. Respect. Celebrate...We're all part of the story was this year's theme and I'm pleased to say that the event lived up to this sentiment.

Five awards were presented as follows:

Citizen of the Year – Josh Allen

Over a decade of service to the local community was recognised when Josh Allen was named Nillumbik's 2021 Citizen of the Year.

Through his work with the CFA as a member of the Diamond Creek Fire Brigade, Josh has been involved in the response and recovery from significant events including the 2009 Black Saturday bushfires and the Christmas Day flash floods of 2011.

A member of the Rotary Club of Diamond Creek, Josh's work in the community has been notable for both, the energy and enthusiasm that he brings, along with his ability to collaborate with various local groups and services. These include the Men's Shed, Lions Club and Diamond Creek Traders' Association.

Josh was instrumental in securing the W-Class Tram, which now occupies such a prominent place in the new Diamond Creek Regional Playspace and operates as a community café.

Volunteer of the Year – Peter Talbot

Peter Talbot is Nillumbik's Volunteer of the Year. An active member of Community and Volunteers of Eltham (CAVE) for 20 years, he has also been Liaison Officer for Eltham High School and Eltham Lions Club President.

Over this time Peter has been tireless, despite his own health setbacks and challenges, in driving fundraising efforts for various important community causes.

Senior Citizen of the Year

Jan Aitken is Nillumbik Senior Citizen of the Year. Jan has been integral to the development and success of the Nillumbik Reconciliation Group.

For 13 years as President, she has worked to connect communities through passion, warmth and a commitment to Reconciliation.

Over the years numerous other community organisations, including schools, as well as individuals have also benefited from Jan's dedication to giving.

Young Citizen of the Year – Finn Deacey

Nillumbik's Young Citizen of the Year is Finn Deacey, who over the past year has balanced the completion of his Year 12 studies with his commitment to volunteering for a variety of community organisations.

These include the Eltham CFA, Nillumbik's FreeZa Group, Nillumbik Unplugged and Eltham Life 3095.

Community Group of the Year – Rotary Club of Diamond Creek

Rotary Club of Diamond Creek (the Club) was named Nillumbik Community Group of the Year. Despite all the challenges of 2020, the Club managed to push ahead with a range of initiatives and projects to help those in need of support.

These included the Second Bite project (providing food to the disadvantaged) as well as a range arts and education initiatives.

The award recipients and their achievements and those of others nominated, underline the strong legacy of community service in Nillumbik.

The award recipients highlight the strength of commitment to helping others that exists in our community. While their ages and backgrounds may be diverse, this unwavering commitment to bettering the lives of those around them is the thread that draws them together. It is also a reflection of an attitude among the broader Nillumbik community.

Citizenship Ceremony

Council's Australia Day celebrations were not just about the enormous contributions made by our community members.

Citizenship Ceremony is also incredibly important. A very proud moment for 12 people taking the pledge to become Australian citizens. We wish our new citizens the very best for a happy, healthy and prosperous future and we look forward to the contributions that I'm sure they will also make to the community.

Guest speaker at the event was Syrian Refugee Rima Touma, who spoke movingly of her experiences and of her work since arriving in Australia in 2016, to help others experiencing trauma. She also spoke of how warmly she had been welcomed into the Nillumbik community during her time here.

Finally, events like this take a lot of people to make happen, and I would like to thank all those at Council involved in making our Australia Day celebrations such a significant and successful event.

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 15 December 2020.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That the minutes of the Council Meeting held on Tuesday 15 December 2020 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Alexander Collum of Diamond Creek

Question

Since the introduction of the new bin system with additional options last year, can Council please advise the take-up (number of households) of each of the new options on offer, e.g. upsized 240L green bin, 80L landfill bin, etc?

Response

- There was an overwhelming uptake of 240-L organics waste bin. The % uptake rate for the organics bin was approximately 39% (8,473 households).
- Only 2.6% (557 households) upgraded to 140-L garbage bin.
- Only 0.26% (57 households) subscribed to a 120-L weekly garbage collection service.
- With only 2.6% (559 households) downgraded 80-L garbage bin.

Bill Lord of Wattle Glen

Question 1

On the Council website the VCAT Appeals Register appears to be woefully out of date at: <https://www.nillumbik.vic.gov.au/Planning-and-building/Planning-appeals-and-VCAT>.

Now we have a new Council can this register be kept up-to-date with each new VCAT appeal?

Response 1

Thank you for bringing this to Council's attention. We can confirm that this was a technical issue and the link has now been updated to reflect the current VCAT Appeals Register. The behind the scenes process has been modified to ensure this doesn't occur again.

Question 2

Will Council re-institute the practice of Council prior to 4 years ago where officers would provide a written report for each monthly Council meeting registering the current Nillumbik Council VCAT hearings and at the same time, reporting on any significant VCAT decisions from that month?

Response 2

Council's Planning Appeals and VCAT web page has now been updated and will include the monthly decisions determined by VCAT, as well as an electronic copy of the accompanying VCAT order. This will enable the community to stay updated with current VCAT outcomes with ready access to the VCAT orders. Subject to a decision of Council, Council intends to include this report and information at future monthly delegated committee meetings, noting that there will be a 14 days delay in reporting due to the process in preparing reports for Council.

11. Reports of Advisory Committees

AC.001/21 Advisory Committee Report - 27 January 2021

Distribution: Public

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

Author: Janet Taylor, 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 the following meetings are presented to Council:

- Environment and Sustainability Advisory Committee meeting held 19 August 2020
- Arts and Cultural Advisory Committee meeting held 31 August 2020;
- Health and Wellbeing Advisory Committee meeting held on 9 September 2020;
- Economic Development Advisory Committee meeting held 17 December 2020.

The minutes of the meeting are attached (**Attachment 1**).

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Natalie Duffy

That the minutes of the Environment and Sustainability Advisory Committee meeting held 19 August 2020; Arts and Cultural Advisory Committee meeting held 31 August 2020; Health and Wellbeing Advisory Committee meeting held on 9 September 2020; and Economic Development Advisory Committee meeting held 17 December 2020 (**Attachment 1**).

CARRIED

11. Reports of Special Committees

Nil

13. Officers' reports

CM.001/21 **Audit and Risk Committee Meeting December 2020**

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

In accordance with section 53 of the Local Government Act 2020 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 14 December 2020. The minutes for the meeting are shown in Attachment 1.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council notes the minutes of the Audit and Risk Committee meeting held on 14 December 2020.

CARRIED

13. Officers' reports

CM.002/21 December Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

This report outlines Council's financial performance and financial position for the period ended 31 December 2020.

The Income Statement shows an overall favourable year to date (YTD) variance of \$2.155 million representing 4.91 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$1.879 million and lower than budgeted operating expenses of \$275,280.

Council's overall financial position at the end of this quarter is sound. The impacts of the state of emergency due to the coronavirus pandemic continue to be monitored.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Ben Ramcharan

That Council receives and notes the Financial Report for the period ended 31 December 2020 (**Attachment 1**).

CARRIED

13. Officers' reports

CM.003/21 Mid-Year Financial Review 2020-2021

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

This report presents the outcomes of the Mid-Year Financial Review.

The revised forecast is for Council to achieve an operating surplus of \$27.771 million for the financial year 2020-2021.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Natalie Duffy

That Council:

1. Approves the changes detailed in the Mid-Year Financial Review (**Attachment 1**).
2. Notes the revised forecast of \$27.771 million operating surplus for financial year 2020-2021.

CARRIED

13. Officers' reports

CM.004/21 265 Chapel Lane Doreen

Distribution: Public**Manager: Carl Cowie, Chief Executive Officer****Author: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Summary**

Council applied to the Victorian Civil and Administrative Tribunal (VCAT) for an interim enforcement order with respect to the activities (clean fill dumping) occurring at 265 Chapel Lane, Doreen. The matter has progressed through the preliminary hearing and compulsory conference hearing as directed by VCAT.

All parties agreed to formulate a position that both ESG and the owners would like Council to consider to bring the land into compliance and avoid any further actions before VCAT. This report recommends that Council resolve to agree to the Terms of Settlement (**Attachment 1**) as drafted by Council's legal representatives including the consent attached to the terms of which would contain the orders the parties will be asking VCAT to make, and request that VCAT make an enforcement order on the terms requested. Once the enforcement order is made by VCAT, the enforcement order would be binding on ESG and the landowners, the hearing would be vacated and the matter ended.

Recommendation**That Council:**

1. Agrees to the Terms of Settlement (**Attachment 1**) ;
2. Authorises the Chief Executive Officer to sign the Terms of Settlement , including the minutes of consent attached to the terms, which contain the wording of the orders the parties will be asking the Victorian Civil and Administrative Tribunal to make;
3. Request the Victorian Civil and Administrative Tribunal make an enforcement order by consent; and
4. Resolves that the Terms of Settlement remain confidential on the grounds specified in the definition of confidential information in section 3(1)(d) and (e) of the *Local Government Act 2020*.

Motion**MOVED: Cr Karen Egan****SECONDED: Cr Ben Ramcharan****That Council:**

1. Agrees to the Terms of Settlement (**Attachment 1**) ;
2. Authorises the Chief Executive Officer to sign the Terms of Settlement , including the minutes of consent attached to the terms, which contain the wording of the orders the parties will be asking the Victorian Civil and Administrative Tribunal to make;
3. Request the Victorian Civil and Administrative Tribunal make an enforcement order by consent; and

13. Officers' reports

CM.004/21 265 Chapel Lane Doreen

4. Resolves that the Terms of Settlement remain confidential on the grounds specified in the **definition** of confidential information in section 3(1)(d) and (e) of the *Local Government Act 2020*.

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

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Ben Ramcharan

That Council:

1. Agrees to the Terms of Settlement (**Attachment 1**) ;
2. Authorises the Chief Executive Officer to sign the Terms of Settlement , including the minutes of consent attached to the terms, which contain the wording of the orders the parties will be asking the Victorian Civil and Administrative Tribunal to make;
3. Request the Victorian Civil and Administrative Tribunal make an enforcement order by consent; and
4. Resolves that the Terms of Settlement remain confidential on the grounds specified in the definition of confidential information in section 3(1)(d) and (e) of the *Local Government Act 2020*.

CARRIED

13. Officers' reports

CM.005/21 Councillor Code of Conduct

Distribution: Public**Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement****Author: Heather Holt, Legal Advisor****Summary**

As part of the implementation of the *Local Government Act 2020* (the 2020 Act) Council is required to develop a Councillor Code of Conduct (the Code) to include standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors.

Councillors have considered the draft Code on two occasions and their improvements are now included.

The Code needs to be operative by 24 February 2021 after adoption by a formal Council resolution passed at a meeting by at least two-thirds of the total number of Councillors elected to Council.

Recommendation

That Council, by a formal resolution passed by at least two-thirds of the total number of Councillors elected to the Council, adopt the Councillor Code of Conduct attached to this report, to be effective immediately.

Motion**MOVED: Cr Natalie Duffy****SECONDED: Cr Ben Ramcharan**

That Council, by a formal resolution passed by at least two-thirds of the total number of Councillors elected to the Council, adopt the Councillor Code of Conduct attached to this report, to be effective immediately, **once minor grammatical errors are corrected.**

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

Council Resolution**MOVED: Cr Natalie Duffy****SECONDED: Cr Ben Ramcharan**

That Council, by a formal resolution passed by at least two-thirds of the total number of Councillors elected to the Council, adopt the Councillor Code of Conduct attached to this report, to be effective immediately, once minor grammatical errors are corrected.

CARRIED

13. Officers' reports**CM.006/21 Tender Report - Contract 2021-45 Eltham North Reserve - Synthetic Pitch Replacement****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Heath Gillett, Manager Recreation and Leisure****Enrique Gutierrez, Manager Capital Works****Summary**

This report recommends the awarding of contract 2021-45 for Eltham North Reserve - Synthetic Pitch Replacement.

The contract is for the provision for a FIFA quality-certified synthetic pitch surface to replace the existing one at the Eltham North Reserve. Works include the supply and installation of the new surface and related infrastructure as well as the removal and disposal of the existing surface.

The contract will also include scheduled servicing and maintenance for a period of ten (10) years.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-45 for Eltham North Reserve - Synthetic Pitch Replacement.

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

Council Resolution**MOVED: Cr Natalie Duffy****SECONDED: Cr Karen Egan****That Council:**

1. Accept the preferred tender for the sum of \$569,496.30 (exclusive of GST) including 20% for construction contingency for the following contract:
Number: 2021-45
Title: Eltham North Reserve - Synthetic Pitch Replacement
Term: 1 February 2021 to 29 March 2021
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract, with a value of no more than 15% of the updated total contract value (excluding the fee for the ten-year maintenance period).
4. Notes that any variations that exceed the agreed total contract value will require a further Council resolution.

13. Officers' reports

CM.006/21 Tender Report - Contract 2021-45 Eltham North Reserve - Synthetic Pitch Replacement

5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report and Sustainability and Recycling Report remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

CARRIED

13. Officers' reports**CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Steven Blight, Construction Coordinator****Enrique Gutierrez, Manager Capital Works****Summary**

This report recommends awarding Contract 2021-34 for Diamond Valley Library Upgrade Works.

The contract involves building works for the Diamond Valley Library Upgrade, including the upgrade of the existing amenities, internal refitting, lighting, supply and installation of furniture and fittings.

The intended contract commencement date is 1 February 2021 with an intended practical completion date of 30 July 2021.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2021-34 for Diamond Valley Library Upgrade Works.

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

Recommendation**That Council:**

1. Accept the preferred tender for the tendered sum (exclusive of GST) plus \$10% for contingency for the following contract:
Number: 2021-34
Title: Diamond Valley Library Upgrade Works
Term: 1 February 2021 to 30 July 2021
2. Authorises the Director Operations and Infrastructure to finalise and execute the Contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract worth no more than 10% of the updated total contract value.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

13. Officers' reports

CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works**Motion**

MOVED: Cr Richard Stockman
SECONDED: Cr Karen Egan

That Council:

1. Accept the preferred tender for the tendered sum of **\$1,095,414.00** (exclusive of GST) plus \$10% for contingency for the following contract:
Number: 2021-34
Title: Diamond Valley Library Upgrade Works
Term: 1 February 2021 to 30 July 2021
2. Authorises the Director Operations and Infrastructure to finalise and execute the Contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract worth no more than 10% of the updated total contract value.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

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

Council Resolution

MOVED: Cr Richard Stockman
SECONDED: Cr Karen Egan

That Council:

1. Accept the preferred tender for the tendered sum of \$1,095,414.00 (exclusive of GST) plus \$10% for contingency for the following contract:
Number: 2021-34
Title: Diamond Valley Library Upgrade Works
Term: 1 February 2021 to 30 July 2021
2. Authorises the Director Operations and Infrastructure to finalise and execute the Contract documentation.
3. Authorises the Director Operations and Infrastructure to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract worth no more than 10% of the updated total contract value.

13. Officers' reports

CM.007/21 Tender Report - Contract 2021-34 Diamond Valley Library Upgrade Works

4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the Tender Evaluation Report (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

CARRIED

13. Officers' reports

CM.008/21 Quarterly Risk and Safety Report September 2020

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig Commene, Risk and Safety Lead

Summary

This report provides a summary of Council's Risk and Safety Report for the quarter ending September 2020.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF). 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 Safety reporting to Council is tabled each quarter following consideration by the Audit and Risk Committee. This quarterly report is presented to Council later than normal due to the Audit and Risk Committee having its first quarterly meeting in the financial year later than normal, held on 14 December 2020.

The full confidential Quarterly Risk and Safety Report for the September is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

That Council:

1. Notes the summary of the confidential Quarterly Risk and Safety Report for the September 2020 quarter.
2. Resolves that the Quarterly Risk and Safety Report remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

CARRIED

13. Officers' reports

CM.009/21 Review of Council's Road Management Plan

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Joseph Emmanuel, Manager Infrastructure

 Jeff Saker, Roads and Drains Maintenance Coordinator

Summary

The Road Management Act 2004 grants power to a road authority (Council) to make a Road Management Plan (RMP) to establish the management system and standards for the exercise of the authority's road management functions.

In accordance with section 301(3) of the Road Management (General) Regulations 2005, Council is required to prepare and approve a review of its RMP within the period of six months after each general election or by the next 30 June, whichever is the later.

This review will consider current operational performance, benchmarking with neighbouring Councils and with that industry practice, impact of changes in legislation and emerging case law and public liability risks and claims in recommending any amendments to Council's 2017 Road Management Plan.

The first step in the review process is for Council to advertise via a public notice its intent to review its Road Management Plan.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Richard Stockman

That Council publishes a public notice of its intention to review its Road Management Plan, inviting submissions to be heard at the next available Future Nillumbik Committee Meeting.

CARRIED

13. Officers' reports

CM.010/21 Informal Meetings of Councillors Records - 27 January 2021

Distribution: Public

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

Author: Janet Taylor, Governance Officer

Summary

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Information Meetings of Councillors held.

This report lists Information Meetings of Councillors records that have been submitted since the matter was last reported to Council on 15 December 2020.

An Information Meetings of Councillors Record was kept for:

- Informal Meeting of Councillors Record Arts and Cultural Advisory Committee – 7 December 2020
- Informal Meeting of Councillors Record - HWB Advisory Committee -10 December 2020
- Informal Meeting of Councillors Record Positive Ageing Advisory Committee - 11 December 2020
- Informal Meeting of Councillors Record - Pre-meet CM - 15 December 2020
- Informal Meeting of Councillors Record Environment and Sustainability Advisory Committee - 16 December 2020
- Informal Meeting of Councillors Economic Development Advisory Committee 17 December 2020 (**Attachment 1**).

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Information Meetings of Councillors records held on 7 December 2020, 10 December 2020, 11 December 2020, 15 December 2020, 16 December 2020, and 17 December 2020 as contained in (**Attachment 1**)

CARRIED

13. Officers' reports

CM.011/21 CEO Employment Matters Committee - Appointment of Chair

Distribution: Public

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

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

Summary

In accordance with Section 94(1) of the *Local Government Act 1989*, the Council is responsible for appointing a Chief Executive Officer to implement the policy decisions and to manage the administrative functions of Council. To assist Council in fulfilling its responsibilities relating to CEO employment matters, Council has formed a CEO Employment Matters Advisory Committee (**the Committee**) which includes the Mayor and all Councillors as members. The Committee is governed by Terms of Reference (**the ToR**). Each year the membership of this committee is reviewed along with all Advisory Committees.

The ToR require the appointment of an independent chairperson to the Chief Executive Officer Employment Matters Committee, must not be a Councillor and a member of Council staff; and be suitably qualified.

Following a competitive request for quote process, it is recommended that Mr Allan Bawden be appointed to assist Nillumbik Shire Council with chairing and facilitating discussion between members of the Committee consisting of all Councillors in line with the Terms of Reference.

Council Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That Council:

1. Appoints Mr Allan Bawden as the Independent Chairperson and Facilitator to the CEO Employment Matters Committee.
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Requests that the Request for Quote, Quotation Evaluation Summary Report and Evaluation Scorecard remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

CARRIED

13. Notices of Motion

NOM.001/21 Notice of Motion - War Memorial Building Complex at 903-907 Main Road, Eltham

Cr Natalie Duffy advised of her intention to move the following:

Motion

That Council:

1. Recognises that the War Memorial Building Complex at 903-907 Main Road, Eltham is historically, aesthetically and socially significant to the Nillumbik Shire Council.
2. Supports the community desire for inclusion of the Eltham War Memorial Complex in the Victorian Heritage Register.
3. In the event that the Eltham War Memorial Complex is not included in the Victorian Heritage Register, commits to applying local heritage protection and requests officers commence the process of applying a Heritage Overlay to this place which would include community consultation.

Cr Natalie Duffy sought leave of Council to amend the Motion.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Geoff Paine

That Council grant leave for Cr Natalie Duffy to amend the Motion.

CARRIED

Amended Motion

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council:

1. Recognises that the War Memorial Building Complex at 903-907 Main Road, Eltham is historically, aesthetically and socially significant to the Nillumbik Shire Council.
2. **Acknowledges the community's** desire for inclusion of the Eltham War Memorial Complex in the Victorian Heritage Register.
3. **Adds this site to the other sites designated for inclusion in the proposed Heritage Overlay Planning Scheme Amendment for the entire Shire. The Statutory Planning Scheme Amendment process includes a six week exhibition period where community members have the opportunity to make a submission.**

CARRIED

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

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council:

1. Recognises that the War Memorial Building Complex at 903-907 Main Road, Eltham is historically, aesthetically and socially significant to the Nillumbik Shire Council.
2. Acknowledges the community's desire for inclusion of the Eltham War Memorial Complex in the Victorian Heritage Register.
3. Adds this site to the other sites designated for inclusion in the proposed Heritage Overlay Planning Scheme Amendment for the entire Shire. The Statutory Planning Scheme Amendment process includes a six week exhibition period where community members have the opportunity to make a submission.

CARRIED

14. Delegates' Reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

Nil

Close of Meeting

The meeting closed at 8:18pm.

Confirmed: _____

Cr Peter Perkins, Mayor