

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 26 April 2022 commenced at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 29 April 2022

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 Tuesday 26 April 2022.
The meeting commenced at 7.00pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Nichole Johnston	Manager Community Partnerships
Eddie Cheng	Manager Infrastructure Technology
Leigh Northwood	Strategic Planning Lead
Katia Croce	Governance Lead

1. Welcome by the Mayor

Members of the public were advised the meeting would be livestreamed and recorded and the live stream recording made publicly available on YouTube and Council's website.

The Mayor also advised that Cr Natalie Duffy has joined the meeting virtually and that members of the public would hear Cr Duffy but not see her.

2. Acknowledgement of Country

Acknowledgement of Country was read by the Mayor, Cr Frances Eyre.

3. Good Governance Pledge

The Good Governance Pledge was read by Cr Peter Perkins.

4. Prayer

A prayer was read by Sally Agostino from Southern Cross Community Church Eltham.

5. Apologies

Nil

6. Presentations

ANZAC Day 2022

Yesterday, like so many others around the country, I and a number of my fellow councillors had the honour of laying wreaths at various ANZAC Day memorial services throughout the Shire.

The wreaths were laid at the Eltham Cenotaph, Diamond Creek Memorial, Hurstbridge ANZAC Memorial Park and Kangaroo Ground War Memorial.

It was great to see so many of all ages in our community, turn out to honour, commemorate and reflect on the deeds of those men and women who, with immense bravery and a strong sense of duty, made great sacrifices, often giving their lives to protect our freedom and the freedom of others.

ANZAC Day is also about recognising the sacrifices made by so many parents, children, siblings, spouses and partners whose loved ones either didn't return from war and conflict, or who returned so deeply affected that their lives were never the same.

It was heartening therefore, after all that we've experienced these past two years, to see our community again come together in such numbers, to solemnly commemorate and reflect on, these enormous sacrifices.

Condolence - Deb Ganderton

I would like to acknowledge one of Nillumbik's former employees and Nillumbik resident, Deb Ganderton, who sadly passed away recently.

Deb brought a positive energy to everything she did and was widely known across Victorian Local Government. She was a good friend to many from Nillumbik, Bayside and Boroondara Councils.

In 2019, Deb was appointed CEO of Greater Metropolitan Cemeteries Trust, and was much loved and highly regarded by the staff, Executive team and Trust of the Greater Metropolitan Cemeteries Trust.

Deb was a leader in strategic communications, media, community and employee engagement. Her contribution to public life and the lasting impact she had on her peers was widely recognised and respected.

Deb was also a Board Member of Montsalvat Trust.

Genuinely wonderful and a force of nature, Deb leaves an enduring legacy and will be missed by all. Our thoughts are with Deb's partner John Henry, her family and friends.

Condolence - Glenn O'Donnell

I would also like to acknowledge long-standing VICSES Nillumbik Unit Controller, Glenn O'Donnell, who passed away recently. Joining the organisation in 1988, Glenn dedicated 34 years to the service, the last 18 years as Unit Controller. Prior to this he held the role of Deputy Controller for 10 years.

Glenn championed the development of the VICSES Nillumbik Unit, taking it from an ultra basic, two-bay shed with a portaloo, to the fabulous modern facility that it is today.

Glenn participated in several working groups and task-forces in his time, sharing and applying his in-depth knowledge and experience to achieve successful outcomes. His personal contribution in assisting his own community and beyond included the 'Black Saturday' bushfires in 2009 and demonstrated his exceptional commitment and compassion, taking annual leave from work when his volunteer leave ran out to further support VICSES activities.

Glenn was a VICSES Life Member and Emergency Services Medal (ESM) recipient. He was also a member of the Nillumbik and Banyule Municipal Emergency Management Planning Committees.

Glenn exemplified leadership, emotional guidance and passion for his volunteer work and continual support to others. At his funeral, a guard of honour was formed along Main Road, Eltham – a farewell befitting a man respected by all who knew him.

Our thoughts are with Glenn’s family, friends and work colleagues at this time.

Condolence - Terry Bramham

I would also like to acknowledge the recent passing of Terry Bramham, Principal Lawyer at Macquarie Local Government Lawyers.

Terry was an exemplary professional and trusted advisor to many across Victorian Local Government. He was a kind, compassionate, considered and caring man, and above all a person with the highest ethics and integrity.

Our thoughts are with Terry’s partner Tracie Bramham, his family and friends.

Sporting Grants - 26 April 2022

The following Sporting Grants presentations were made:

Cr Karen Egan presented **Asher Andrews** (Bunjil Ward) with \$150 as a contribution for being selected to represent Victoria at the Australian Little Athletics Championships in Melbourne.

Cr Geoff Paine presented **Lawson Franzmann** (Wingrove Ward) with \$150 as a contribution for being selected to represent Victoria at the 2022 AusCycling Junior Track National Championships in Brisbane.

Cr Richard Stockman presented **Olivia-Beau Cutler** (Blue Lake Ward) with \$150 as a contribution for being selected to represent Victoria at the 2022 Australian U18 Hockey Championships in Cairns.

Following the presentations, each recipient gave a response and photos were taken of each of the recipients with the Ward Councillor and the Mayor.

7. Confirmation of Minutes

Confirmation of the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 22 March 2022.

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Karen Egan

That Council:

- 1 Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 22 March 2022 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Cr Ramcharan disclosed a general conflict of interest in item CM.041/22 -Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme due to a resident subject to the special charge having made a significant donation to his election campaign.

9. Petitions

Nil

10. Questions from the gallery

The following questions have been grouped due to the response being applicable for all the questions raised.

1. Vicky Ellmore has asked the following questions

Question 1

Considering the recent flooding events in northern NSW that show how vulnerable we are to the catastrophic impacts of rapidly accelerating temperatures and that these disasters are only destined to increase, will council declare a climate emergency?

Question 2

With the urgent need to reduce emissions due to being at a stage where every emission matters, will council set a target of net zero community emissions by 2030?

2. Renee Hasseldine has asked the following questions

Question 1

Many other councils have already declared a climate emergency. Why hasn't Nillumbik council already done so?

Question 2

Can the councillors who are opposed to declaring a climate emergency please identify themselves and explain their reasoning?

3. Mitzi Tuke has asked the following questions

Question 1

In council messaging of climate change, will council please use the word DECLARE that there is a climate emergency, instead of ACKNOWLEDGE a climate emergency?

Question 2

Will council support that the Nillumbik Shire will reach net zero community emissions by 2030, instead of by 2035?

4. Bill Spawton has asked the following questions

Question 1

In order to increase awareness amongst the residents and ratepayers of Nillumbik of the climate emergency which threatens the existence of organised human life and to be a part of the solution I respectfully ask that Council declare a climate emergency. If council decides against this step could council articulate it's reasoning please.

Question 2

Would Council please set a target of net zero community emissions by 2030?

5. Elizabeth Doig has asked the following questions

Question 1

A Declaration of Climate Emergency sends a clear, unequivocal message to the community, council officers, other councils and higher levels of government that Nillumbik Council is serious in its commitment to tackling the most urgent crisis of our times.

Will Nillumbik Council change its response to the climate emergency from an acknowledgement to a declaration?

Question 2

Ironbark Sustainability has calculated a science derived emissions reduction target for Nillumbik, which scales the global carbon budget (in line with IPCC recommendations) down to a local level based on a council's socio-economic rating, growth trajectory and relative ability to reduce emissions. On the basis of this, they calculate that Nillumbik has a carbon budget of 8 years in which to reach net zero emissions for the community, that is, by 2030.

In consideration of this, will Nillumbik Council bring forward the proposed target date of net zero emissions for the community to 2030 (currently 2035 in the draft Climate Action Plan)?

6. Angela Davies has asked the following questions

Question 1

As a resident of Nillumbik and a rate payer I want to thank council for your hard work in preparing the Climate Action Plan, but to be fully effective, it requires the strongest language possible – therefore I ask will you please change the wording from an acknowledgement to a Declaration of a Climate Emergency?

Question 2

As this IS an emergency and we cannot afford to delay taking action any longer, will you commit to a target of net zero community emissions by 2030?

7. Jill Kellow has asked the following questions

Question 1

In the light of the recent IPCC report, which makes it clear that climate change is an existential threat to life on planet earth, will the Nillumbik Council bring forward the Climate Action Plan community emissions target to Net Zero by 2030, instead of 2035?

Question 2

In the light of the recent IPCC report, which makes it clear that climate change is an existential threat to life on planet earth, will the Nillumbik Council change the wording of its CAP from an acknowledgement of a climate emergency to a declaration of an emergency?

8. Rosemary Glaisher has asked the following questions

Question 1

Ironbark Sustainability, environmental consultants specialising in sustainability at a council level, have calculated a science-based emissions reduction target specifically for Nillumbik. They used the global carbon budget, as recommended by the IPCC, along with Nillumbik's socio-economic rating, growth trajectory and ability to reduce emissions.

They found that Nillumbik has a carbon budget of 8 years to reach net zero emissions for the community. In other words, 2030.

Will Nillumbik Council therefore bring forward the proposed target date of net zero emissions for the community to 2030 rather than the currently proposed 2035?

Question 2

A Declaration of Climate Emergency would make a stronger statement than the more passive-sounding "acknowledgement". It would tell the world that Nillumbik Council is serious about tackling the most urgent crisis humanity has ever faced.

Will Nillumbik Council change its response to the climate emergency from an acknowledgement to a declaration?

Response

The draft Climate plan includes a target of net zero community emissions by 2035 which is significantly more ambitious than the Victorian government's target of net zero community emissions by 2050. Council is considering the draft Climate Plan as part of the meeting tonight.

The draft Climate plan includes an acknowledgement of a Climate Emergency. Council is considering the draft Climate Plan as part of the meeting tonight.

9. Anthony Hasseldine has asked the following questions

Question 1

We all need to take action and play a role in saving this planet. Why haven't councillors committed to net-zero community emissions by 2030?

Response 1

The draft Climate plan includes a target of net zero community emissions by 2035 which is significantly more ambitious than the Victorian government's target of net zero community emissions by 2050. Council is considering the draft Climate Plan as part of the meeting tonight.

Question 2

And if council's lack of action means my kids don't have a planet to live on, do the councillors promise to find them an alternative planet?

Response 2

The draft Climate plan provides the roadmap by which Council and our community will work together over the next decade to do our part to address one of the most pressing issues faced by society. Council is considering this draft plan as part of the meeting tonight.

10. Judith Wenborn has asked the following questions

Question 1

Thank you for this opportunity. We hear a lot of talk about Climate change and fossil fuels versus renewables.

Could you please tell the shire what exactly is the Council's position on deforestation and reforestation in Nillumbik?

Response 1

Council does not have an adopted position on deforestation and reforestation specifically. Our draft Climate Action Plan has a specific focus area on a climate-resilient natural environment and our adopted Tree Management Policy and Guidelines 2018, which can be found on our website, outline our commitment to managing and caring for trees in the Shire

Question 2

If substantial trees are approved for removal by Council or are removed by organisations like Vicroads with or without Council approval, what is Council's policy on replacement of removed trees; is it replacement with the same species, replacement with native or no replacement for loss is required ?

Response 2

Council's adopted Tree Management and Guidelines 2018, which can be found on our website, outline our commitment to managing and caring for trees in the Shire. Council will meet the requirements of the Nillumbik Planning Scheme, which may require indigenous vegetation planting on public and private land in response to vegetation removal.

11. Kerry Kaskamanidis has asked the following questions

Question 1

How many councillors have read the latest IPCC report?

Response 1

The findings of the IPCC have been considered in the drafting of the draft Climate plan.

Question 2

What idea can each councillor initiate and follow through to implementation, for urgently addressing climate change within the power invested in their roles as Nillumbik councillors?

Response 2

Council's focus areas, objectives and strategies are contained in the draft Climate Action Plan being considered at tonight's meeting.

12. Laurie Niven - Forty Trout Electronics Pty Ltd has asked the following questions

Question 1

Re the Climate Action Plan:

Why does the apparent data summary in Agenda item j) ii) ignore the key finding that most submission feedback was that a “declaration would be stronger and preferable” than an “acknowledgement” (see p5/103 of the attachments file), and give the June 2021 petition of 1,846 people no standing at all, when what Council wants to do is to act on community input?

Response 1

Community feedback was that 64 respondents from a total of 91 supported acknowledging a climate emergency with 36 (of the 64 supporting acknowledging a climate emergency) wanting Council to use declare rather than acknowledge.

The petition received by Council in June 2021 requesting Council declare a climate emergency has been considered in development of the draft Climate plan.

Council is considering the draft Climate Plan as part of the meeting tonight.

Question 2

Re the Climate Action Plan:

By what actual deadline will the zero emissions transition roadmap be drafted?

Response 2

The Climate plan will be delivered via an annual Implementation Plan, which will be published on Council’s website each year. Preparation of a council-operations zero emissions transition roadmap will commence in year 1 (2022/23).

13. Jeff White has asked the following questions

Question 1

As the pandemic forced thousands of kids in Nillumbik shire to willingly sacrifice two formative years of their lives in order to protect other mostly vulnerable, aged adults from covid-19, what is Nillumbik Council willing to do to protect our children’s futures from being further sacrificed due to inaction on climate change which, unlike the pandemic, will not end in their lifetimes

Response 1

The draft Climate plan provides the roadmap by which Council and our community will work together over the next decade to do our part to address one of the most pressing issues faced by society. Council is considering this draft plan as part of the meeting tonight.

Question 2

Two years ago Covid-19 profoundly changed how governments, businesses and society operated, and did so within a few weeks. Since then, communities throughout Australia have experienced massive floods, fires, droughts and climate related tragedy.

What is it going to take for Nillumbik Council to take the climate emergency as seriously as they rightly took the pandemic?

Response 2

The draft Climate plan provides the roadmap by which Council and our community will work together over the next decade to do our part to address one of the most pressing issues faced by society. Council is considering this draft plan as part of the meeting tonight.

14. Jan Illingworth has asked the following questions

Question 1

Why would it be acceptable to build a new home within 11 metres of a neighbours residence, when there is already a residence on the small block of 3 acres, when this goes directly against many of councils guidelines? (question in relation to 180 Menzies Road, Kangaroo Ground Planting Permit)

Response 1

The planning controls affecting the subject site include the Rural Conservation Zone (Schedule 3) and the Bushfire Management Overlay. These planning controls allow for an application to be made for a new dwelling. Any application for a planning permit is considered under the relevant policies of the planning scheme and the assessment must follow the process set out in the Planning and Environment Act 1987. Council officers are still assessing this application and a final assessment and decision of not yet been undertaken. The zoning of the land only allows for one dwelling, meaning that if the application is approved, the existing dwelling would need to be demolished or appropriately decommissioned. The application is currently being advertised and any party can make an objection or a submission for the application.

Question 2

What rules have changed within council to permit such an extensive building envelope on such a small block of land of 3 acres? (question in relation to 180 Menzies Road, Kangaroo Ground Planting Permit)

Response 2

The planning controls affecting the subject site include the Rural Conservation Zone (Schedule 3) and the Bushfire Management Overlay. These planning controls have not changed.

11. Reports of Advisory Committees

AC.003/22 Advisory Committee Report - 26 April 2022

Distribution: Public

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

Author: Katia Croce, Governance Lead

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 following minutes of Advisory Committee meetings are attached (**Attachment 1**) and presented to Council for noting:

1. Youth Council Advisory Committee Meeting held 4 April 2022.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Geoff Paine

That the minutes of the Advisory Committee meetings (**Attachment 1**) reported be noted.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.029/22 Nillumbik Customer First Strategy 2019-2022 - Final Year Update

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Craig King, Customer Experience Lead****Summary**

The Nillumbik Customer First Strategy 2019-2022 was Council's first customer experience strategy which defined the strategic direction of Council's customer focus for our community.

This report presents a final year update of the strategy that highlights implementation achievements, as well as recommended next steps given the expiry of the current strategy.

Overall, the implementation of the current strategy has progressed well. In particular, the strategy has achieved:

- establishing a series of data tools to measure our performance and gather customer intelligence;
- implemented and promoted modern customer channels/tools which have become even more important than anticipated during the COVID-19 pandemic; and
- enabled successful cultural change whereby customer service is everyone's priority.

Council is now well placed to consolidate and leverage off the work achieved under the current strategy, to inform a future action plan to continue the delivery of our 'customer first' vision and consistently meet our customer commitments.

Council Resolution

MOVED: Cr Ben Ramcharan**SECONDED: Cr Geoff Paine****That Council:**

1. Notes the report which highlights the four-year implementation and delivery of the Nillumbik Customer First Strategy 2019-2022.
2. Notes that a future report be presented to Council in late 2022 on the next version of the Nillumbik Customer First Strategy/Action Plan, to replace the expiring 2019-2022 strategy document.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.030/22 Draft Communications Strategy 2022-2025 - Endorsement of Community Engagement Phase

File: DOC/21/28801**Distribution:** Public**Manager:** Blaga Naumoski, Executive Manager Governance, Communications and Engagement**Author:** Licardo Prince, Communications and Advocacy Lead**Summary**

The communications environment is constantly changing, making connecting with stakeholders an ongoing challenge. Traditional local media, once the primary means, has given way to a multitude of media channels. This fractured media landscape means the one-size-fits-all approach to communicating must often give way to something more targeted and segmented in order to reach an audience of diverse interests which consumes its news and information on a diversity of platforms and channels.

This report presents the draft Communications Strategy 2022-2025 (**Attachment 1**). This Strategy has been informed by the *Council Vision, Council Plan 2021-2025* and with input and insights gained from a Councillor workshop, Councillor survey, one-on-one discussions with the Executive Management Team and in consultation with other key internal stakeholders – in particular, the Communications and Engagement Unit.

It also draws on a significant body of existing information and data from a range of Council sources. These include the Annual Community Survey, as well as feedback gained from various community engagement projects undertaken over the past two years.

The draft Strategy aims to set out a framework through which Council will communicate clearly, accurately, in timely fashion and with relevance, through an effective combination of approaches and channels.

The draft Strategy is presented for Council endorsement to proceed to public exhibition for community feedback prior to finalisation and endorsement.

Council Resolution**MOVED:** Cr Peter Perkins**SECONDED:** Cr Ben Ramcharan**That Council:**

1. Endorses the draft Communications Strategy 2022-2025 (**Attachment 1**) for the purposes of public exhibition and community feedback.
2. Invites written submissions on the draft Communications Strategy to Council by 25 May 2022.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 14 June 2022.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.031/22 Climate Action Plan 2022-2032

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Kirsten Reedy, Coordinator Environment
Lisa Pittle, Manager Environment****Summary**

This report presents the Climate Action Plan 2022-2032 (**Attachment 1**) for Councillor consideration for endorsement.

It includes an acknowledgement of climate emergency, targets and eight focus areas for climate action.

Supporting information regarding community feedback on the draft and how this has been considered is provided in **Attachments 2** and **3**.

A 'Year 1 Implementation Plan' is scheduled to be presented to Council for endorsement at the June 2022 Council meeting. It will detail Council's climate-action initiatives for 2022-23.

Recommendation**That Council:**

1. Endorses an acknowledgement of climate emergency.

"As a Green Wedge Shire, Nillumbik Shire Council is acutely aware of the multiple threats facing all communities and ecosystems as a result of climate change. This requires urgent action by all levels of government, including local government.

Council therefore acknowledges a climate emergency, commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions."

2. Endorses the Climate Action Plan 2022-2032 (**Attachment 1**).
3. Receives a Year 1 Climate-Action Implementation Plan (2022/23) for endorsement at the June 2022 Council meeting.
4. Receives an annual update on the implementation of the Climate Action Plan 2022 - 2032, and that a summary be provided to the community on Council's website and in Council's Annual Report.

Motion**MOVED: Cr Geoff Paine****SECONDED: Cr Ben Ramcharan****That Council:**

1. Endorses a **declaration** of climate emergency.

"As a Green Wedge Shire, Nillumbik Shire Council is acutely aware of the multiple threats facing all communities and ecosystems as a result of climate change. This requires urgent action by all levels of government, including local government.

12. Officers' reports

CM.031/22 Climate Action Plan 2022-2032

Council therefore **declares** a climate emergency, commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions.”

2. Endorses the Climate Action Plan 2022-2032 (**Attachment 1**) and any mention of **acknowledge be amended to declare in the Attachment**.
3. Receives a Year 1 Climate-Action Implementation Plan (2022/23) for endorsement at the June 2022 Council meeting.
4. Receives an annual update on the implementation of the Climate Action Plan 2022 - 2032, and that a summary be provided to the community on Council's website and in Council's Annual Report.

Amendment

MOVED: Cr Natalie Duffy

SECONDED:

That Council:

1. Endorses a **declaration** of climate emergency.

“As a Green Wedge Shire, Nillumbik Shire Council is acutely aware of the multiple threats facing all communities and ecosystems as a result of climate change. This requires urgent action by all levels of government, including local government.

Council therefore **declares** a climate emergency, commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions.”
2. **Endorses a Council emissions target of net zero by 2030 and a Community emissions target of net zero by 2030.**
3. Endorses the Climate Action Plan 2022-2032 (**Attachment 1**) **with the amended community target of 2030 instead of 2035 and any mention of acknowledge be amended to declare in the Attachment**.
4. Receives a Year 1 Climate-Action Implementation Plan (2022/23) for endorsement at the June 2022 Council meeting.
5. Receives an annual update on the implementation of the Climate Action Plan 2022 - 2032, and that a summary be provided to the community on Council's website and in Council's Annual Report.

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12. Officers' reports

CM.031/22 Climate Action Plan 2022-2032

Motion**MOVED: Cr Geoff Paine****SECONDED: Cr Ben Ramcharan****That Council:**

1. Endorses a **declaration** of climate emergency.

“As a Green Wedge Shire, Nillumbik Shire Council is acutely aware of the multiple threats facing all communities and ecosystems as a result of climate change. This requires urgent action by all levels of government, including local government.

Council therefore **declares** a climate emergency, commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions.”

2. Endorses the Climate Action Plan 2022-2032 (**Attachment 1**) and any mention of **acknowledge be amended to declare in the Attachment**.
3. Receives a Year 1 Climate-Action Implementation Plan (2022/23) for endorsement at the June 2022 Council meeting.
4. Receives an annual update on the implementation of the Climate Action Plan 2022 - 2032, and that a summary be provided to the community on Council's website and in Council's Annual Report.

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

Council Resolution**MOVED: Cr Geoff Paine****SECONDED: Cr Ben Ramcharan****That Council:**

1. Endorses a declaration of climate emergency.

“As a Green Wedge Shire, Nillumbik Shire Council is acutely aware of the multiple threats facing all communities and ecosystems as a result of climate change. This requires urgent action by all levels of government, including local government.

Council therefore declares a climate emergency, commits to a climate emergency response, and will proactively integrate climate change mitigation and adaptation into all Council actions.”

2. Endorses the Climate Action Plan 2022-2032 (**Attachment 1**) and any mention of **acknowledge be amended to declare in the Attachment**.
3. Receives a Year 1 Climate-Action Implementation Plan (2022/23) for endorsement at the June 2022 Council meeting.
4. Receives an annual update on the implementation of the Climate Action Plan 2022 - 2032, and that a summary be provided to the community on Council's website and in Council's Annual Report.

CARRIED

12. Officers' reports

CM.031/22 Climate Action Plan 2022-2032

Cr Ben Ramcharan called for a division

*For: Crs Natalie Duffy, Karen Egan, Frances Eyre, Geoff Paine, Peter Perkins,
Ben Ramcharan*

Against: Cr Richard Stockman

*The Motion was **Carried***

12. Officers' reports

CM.032/22 Health and Wellbeing Advisory Committee Community Member Recruitment

Distribution: Public**Manager: Corrienne Nichols, Executive Manager Community Services****Author: Nichole Johnson, Manager Community Partnerships****Summary**

The endorsed Terms of Reference (**Attachment 1**) for the Health and Wellbeing Advisory Committee (the Committee) outlines that membership will consist of up to six community members to the Committee for a two-year term until April 2024.

Recruitment for community nominees for the Committee opened Thursday 28 February 2022 and closed Sunday 20 March 2022. A total of three applications were received and assessed against the selection criteria by an internal assessment panel.

This report seeks Council endorsement for three community member nominees for membership of the Health and Wellbeing Committee.

Recommendation**MOVED: Cr Richard Stockman****SECONDED: Cr Natalie Duffy****That Council:**

1. Endorses the three recommended applicants listed onto the Nillumbik Health and Wellbeing Advisory Committee (see **Attachment 2**):
 - (a) Applicant 1 _____ for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
 - (b) Applicant 2 _____ for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
 - (c) Applicant 3 _____ for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
2. Acknowledges and thanks all community members who submitted applications to the Health and Wellbeing Advisory Committee.
3. Resolves that the Panel Assessment (**Attachment 2**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

Motion**MOVED: Cr Richard Stockman****SECONDED: Cr Natalie Duffy****That Council:**

1. Endorses the three recommended applicants listed onto the Nillumbik Health and Wellbeing Advisory Committee (see **Attachment 2**):

12. Officers' reports

CM.032/22 Health and Wellbeing Advisory Committee Community Member Recruitment

-
- (a) Applicant 1 _____ for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
 - (b) Applicant 2 _____ for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
 - (c) Applicant 3 _____ for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
2. Acknowledges and thanks all community members who submitted applications to the Health and Wellbeing Advisory Committee.
 3. Resolves that the Panel Assessment (**Attachment 2**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
 4. **Resolves that the successful applicants be named.**

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the three recommended applicants listed onto the Nillumbik Health and Wellbeing Advisory Committee (see **Attachment 2**):
 - (a) Applicant 1 Deanna Finn for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
 - (b) Applicant 2 Ann Hutchinson for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
 - (c) Applicant 3 Jules Jay for their role as a Nillumbik Health and Wellbeing Advisory Committee member.
2. Acknowledges and thanks all community members who submitted applications to the Health and Wellbeing Advisory Committee.
3. Resolves that the Panel Assessment (**Attachment 2**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Resolves that the successful applicants be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.033/22 Draft Arts and Culture Strategy 2022-2026 - Endorsement of Community Engagement Phase

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Community Services

Author: Nichole Johnson, Manager Community Partnerships

Summary

This report presents the Draft Arts and Culture Strategy 2022-2026 (the Strategy) (**Attachment 1**). The Draft Strategy has been informed by the *Council Vision, Council Plan 2021-2025* and the *What We Know: Arts and Culture Strategy 2022-2026 Community Consultation Summary Report (Attachment 2)* along with additional arts and culture sector reports and data from State, National and International bodies.

The Draft Strategy sets out a four-year strategic commitment to guide Council in the support and development of arts and culture in Nillumbik Shire. The Strategy identifies four goals and responds directly to the strategic themes and objectives of the Council Plan 2021-2025 in line with community needs and aspirations.

The Draft Strategy is presented for Council endorsement to proceed to public exhibition for community feedback prior to finalisation and endorsement.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That Council:

1. Endorses the Draft Arts and Culture Strategy 2022-2026 (**Attachment 1**) for the purposes of public exhibition and community feedback.
2. Invites written submissions on the Draft Arts and Culture Strategy to Council by 22 May 2022.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 12 July 2022.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty****Distribution: Public****Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Julie Paget, Strategic Planner****Leigh Northwood, Strategic Planning Lead****Summary**

The purpose of this report is to update Council in regard to the outcomes of exhibition of Amendment C142nill (the Amendment) and to provide an officer recommendation based on the outcomes of such exhibition in meeting the requirements of consideration required by Council in accordance with Section 22 of *the Planning and Environment Act 1987* (the Act).

The Amendment was placed on exhibition pursuant to the requirements of the Act, from 27 January 2022 to 02 March 2022. Council received twenty-eight (28) submissions in total, all objecting.

Submitters were invited to attend the 12 April 2022 Planning & Consultative Committee Meeting (PCC) to speak to their submissions.

Where a submission raises an issue with regard to the proposed amendment that cannot be resolved, the Act sets out the process for the Amendment. In accordance with Section 22 of the Act, Council must consider all submissions received. Section 23 of the Act, requires that Responsible Authority after considering submissions, must:

- a. change the Amendment in the manner requested; or
- b. refer the submission to an independent planning panel appointed under Part 8 of the Act by the Minister for Planning; or
- c. abandon the amendment or part of the amendment.

This report will recommend that Council resolve to refer the unresolved submissions to an independent Planning Panel and ask the Minister for Planning to appoint the Panel in accordance with Part 8 of the Act. This will allow third party review of the Amendment and allow submitters to address the Panel.

Subject to the Panel hearing, a Panel report and recommendations will be given to Council, and at a future Council Briefing Council can consider the Panel's recommendations, and can still resolve to adopt, adopt with changes or abandon at a subsequent Council meeting prior to any request to the Minister to consider and approve the Amendment.

Recommendation**That Council:**

1. Notes the submissions to Amendment C142nill to the Nillumbik Planning Scheme.
2. Requests the Minister for Planning appoint an independent planning panel to consider Amendment C142nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.

12. Officers' reports

CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty

-
3. Requests that Officers notify submitters to Amendment C142nill of the Committee's resolution and update Participate Nillumbik accordingly with next steps in the Amendment process.
 4. Brings the C142nill Panel report as an outcome of the Panel Hearing (once available) to a future Council briefing for Council consideration.

Motion**MOVED: Cr Richard Stockman****SECONDED: Cr Natalie Duffy****That Council:**

1. Resolves to abandon Amendment C142nill pursuant to Section 23 1)c) of the Planning and Environment Act 1987.
2. Pursuant to Section 28 (1) of the Planning and Environment Act 1987 resolves to write to the Minister for Planning to advise of its resolution.
3. Requests that Officers notify submitters to Amendment C142nill of Council's resolution and updates Participate Nillumbik with the decision accordingly as required by Section 28 (2)(3) and (4) of the Planning and Environment Act 1987.
4. Resolves to request the Minister for Planning to undertake a Planning Scheme Amendment pursuant to Section 20(4) of the Planning and Environment Act 1987 to remove interim HO272 from the Schedule to the Heritage Overlay and Maps of the Nillumbik Planning Scheme which the Minister for Planning introduced through Amendment C141 to the Nillumbik Planning Scheme to reflect Council's resolutions above.

THE MOTION WAS PUT TO THE VOTE AND WAS LOST

*Cr Natalie Duffy called for a division**For: Crs Natalie Duffy, Karen Egan, Richard Stockman**Against: Crs Frances Eyre, Geoff Paine, Peter Perkins, and Ben Ramcharan**The Motion was **Lost*****Motion****MOVED: Cr Peter Perkins****SECONDED: Cr Geoff Paine****That Council:**

1. Notes the submissions to Amendment C142nill to the Nillumbik Planning Scheme.
2. Requests the Minister for Planning appoint an independent planning panel to consider Amendment C142nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.

12. Officers' reports

CM.034/22 Planning Scheme Amendment C142nill - Applying the Heritage Overlay on a permanent basis to 50 Oatland Road, Plenty

3. Requests that Officers notify submitters to Amendment C142nill of Council's resolution and update Participate Nillumbik accordingly with next steps in the Amendment process.
4. Brings the C142nill Panel report as an outcome of the Panel Hearing (once available) to a future Council Meeting for Council consideration.

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That Council:

1. Notes the submissions to Amendment C142nill to the Nillumbik Planning Scheme.
2. Requests the Minister for Planning appoint an independent planning panel to consider Amendment C142nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.
3. Requests that Officers notify submitters to Amendment C142nill of the Council's resolution and update Participate Nillumbik accordingly with next steps in the Amendment process.
4. Brings the C142nill Panel report as an outcome of the Panel Hearing (once available) to a future Council Meeting for Council consideration.

CARRIED

12. Officers' reports

CM.035/22 March 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 March 2022.

The Income Statement shows an overall favourable year to date (YTD) variance of \$2.24 million representing 8.4 percent of YTD Budget. This reflects the combined result of lower than budgeted operating income of \$393,663 and lower than budgeted operating expenses of \$2.63 million.

Council's overall financial position at the end of this quarter remains sound.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That Council receives and notes the Financial Report for the period ended 31 March 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.036/22 Local Roads and Community Infrastructure Program - Phase 3

File: FOL/21/9162**Distribution:** Public**Manager:** Hjalmar Philipp, Director Operations and Infrastructure**Author:** Lawrence Seyers, Lead Transport Planner**Summary**

To confirm the proposed works to be funded by the Local Roads and Community Infrastructure Program (Phase 3) prior to submission to the Department of Infrastructure, Transport, Regional Development and Communications for approval.

Council Resolution

MOVED: Cr Ben Ramcharan**SECONDED:** Cr Peter Perkins**That Council:**

1. Notes the Local Roads and Community Infrastructure Program (Phase 3) funding allocation of \$1,478,302 (excluding GST).
2. Approves the following projects for submission to the Department of Infrastructure, Transport, Regional Development and Communications for approval:
 - a) Trail Upgrades (\$200,000)
 - b) Sports Infrastructure Upgrade (\$100,000)
 - c) Public Open Space Infrastructure (\$100,000)
 - d) Offroad Carparks & Community Facility Accessibility Upgrades (\$100,000)
 - e) BMX Facility (\$650,000)
 - f) Eltham and District Wood Workers Association Kitchen Extension (\$150,000)
 - g) Place Activation Concept (\$30,000)
 - h) Diamond Valley Sports Complex Vegetation Planting (\$38,302)
 - i) Kangaroo Ground War Memorial, Caretaker's Cottage (\$110,000).

CARRIED UNANIMOUSLY

Leigh Northwood, Strategic Planning Lead left the meeting during discussion of the above item at 9:01pm.

12. Officers' reports

CM.037/22 Request for Road Closure for section of Brisbane Street, Eltham

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Patrick Wood, Acting Manager Infrastructure****Summary**

The Department of Environment, Land, Water and Planning (DELWP) has requested Council consent to close a section of Brisbane Street, Eltham, under section 349 of the *Land Act 1958* (Act). The proposed closure is for a section of road reserve, which does not currently contain a road, approximately 500 square metres in area, located immediately south of the rail corridor, at the northern end of Brisbane Street.

Given the potential for this land as a pedestrian and cycling link, it is recommended that Council does not consent to the closure of this section of Brisbane Street.

Council Resolution

MOVED: Cr Geoff Paine**SECONDED: Cr Peter Perkins****That Council:**

1. Acknowledges receipt of the request from the Department of Environment, Land, Water and Planning for the closing of a section Brisbane Street, Eltham, being Government Road Section, Brisbane Street, Eltham, Victoria, adjoining:
 - Lot 1 TP80155 2/1 Brisbane Street Eltham 3095 (Certificate of Title Volume 09418, Folio 329) and;
 - Lot 1 TP117317 1/7 Brisbane Street Eltham 3095 (Certificate of Title Volume 09785 Folio 771)
2. Requests the Director of Operations and Infrastructure to write to the Department of Land, Environment, Water and Planning to advise that Council does not consent to the closing of this section of road, under section 349 of the *Land Act 1958*.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.038/22 Media and Civic Representation Protocol

File: DOC/22/16358**Distribution:** Public**Manager:** Blaga Naumoski, Executive Manager Governance, Communications and Engagement**Author:** Licardo Prince, Communications and Advocacy Lead**Summary**

With the Federal and State elections fast approaching, Council is seeing an increase in media activity, event attendance, announcements, openings and photo opportunities. The current Media and Social Media Protocol adopted in 2017 as part of the broader Good Governance Policy is outdated therefore it is timely that Council look to review and reconfirm Council's protocol on media and council civic representation.

The objective of the protocol is to set clear guidelines for the Council, CEO and employees when dealing with the media and addressing requests on civic representation to ensure a coordinated, accurate and reliable representation.

This report introduces a revised Councillor Media and Civic Representation Protocol (**Attachment 1**), and seeks Council endorsement of the protocol.

Council Resolution

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

1. Endorses the Media and Civic Representation Protocol 2022 (**Attachment 1**); and
2. Notes that the Media and Social Media Protocol (Appendix 1) of Council's existing Good Governance Policy 2017 ceases to apply.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.039/22 Informal Meetings of Councillors Records - 26 April 2022

Distribution: Public

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

Author: Katia Croce, Governance Lead

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 Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 22 March 2022.

An Informal Meeting of Councillors Record was kept for the following meetings (**Attachment 1**):

1. Capital Works Forum held 11 March 2022;
2. Neighbourhood Character Strategy Project Councillor Workshop 1 held 15 March 2022;
3. Councillor Briefing held 15 March 2022;
4. Council Meeting pre-meet held 22 March 2022;
5. Communications Strategy Workshop held 5 April 2022;
6. Councillor Briefing held 5 April 2022; and
7. Planning and Consultation Committee Pre-Meeting held 12 April 2022.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.040/22 Tender Report - Contract 2122-042 Finance, Supply and Delivery of 14 Metre Rear Load Waste Truck

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Lisa Pittle, Manager Environment****Summary**

This report recommends the awarding of contract *2122-042 Finance, supply and delivery of a 14 cubic metre rear load waste truck* inclusive of cab/chassis, rear loading compactor body, a telemetry system and lease financing. This vehicle delivers primarily Council's public place litter collection service.

The contract lease term is 7 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 *2122-042 Finance, supply and delivery of a 14 cubic metre rear load waste truck*.

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. Accepts **Option 1** from **Tenderer A** inclusive of cab/chassis, compactor body, telemetry system and lease finance for a seven year term and enter into the following contract:
Number: 2122-042
Title: Finance, supply and delivery of a 14 cubic metre rear load waste truck
Lease Term: 7 Years
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the Tender Evaluation Summary 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*.
6. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.040/22 Tender Report - Contract 2122-042 Finance, Supply and Delivery of 14 Metre Rear Load Waste Truck

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Karen Egan

That Council:

1. Accepts **Option 1** from **Tenderer A: Westar Truck Centre**, inclusive of cab/chassis, compactor body, telemetry system and lease finance for a seven year term and enter into the following contract:
Number: 2122-042
Title: Finance, supply and delivery of a 14 cubic metre rear load waste truck
Lease Term: 7 Years
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the Tender Evaluation Summary 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*.
6. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

Cr Ramcharan disclosed a general conflict of interest in item CM.041/22 -Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme due to a resident subject to the special charge having made a significant donation to his election campaign.

Cr Ramcharan left the meeting at 9:14pm.

12. Officers' reports

CM.041/22 Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Steven Blight, Construction Coordinator

Enrique Gutierrez, Manager Assets and Capital Works

Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of contract 2122-051 for Rockliffe Street Special Charge Scheme.

Works will include the construction and sealing of Rockliffe Street, including an asphalt pavement, kerb and channel, asphalt table drains, underground drainage, vehicle crossings, road humps and associated works between Pitt Street and Mount Pleasant Road, Eltham.

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 2122-051 for Rockliffe Street Special Charge Scheme.

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. Accepts the tender submitted by the preferred tenderer for the sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:
Number: 2122-051
Title: Rockliffe Street Special Charge Scheme.
Term: 2 May 2022 to 29 July 2022
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 total value of no more than the approved budget for the project.

12. Officers' reports

CM.041/22 Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme

4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. 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*.
7. Resolves that the preferred tenderer be named.

Motion

MOVED: Cr Geoff Paine
SECONDED: Cr Peter Perkins
 That Council:

That Council:

1. Accepts the tender submitted by the preferred tenderer for the sum of \$[Redacted] plus \$[Redacted] for contingency (**inclusive** of GST) and enter into the following contract:
 - Number: 2122-051
 - Title: Rockliffe Street Special Charge Scheme.
 - Term: 2 May 2022 to 29 July 2022
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 total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. 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*.
7. Resolves that the preferred tenderer be named.

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

12. Officers' reports

CM.041/22 Tender Report - Contract 2122-051 Rockliffe Street Special Charge Scheme

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That Council:

1. Accepts the tender submitted by the preferred tenderer **Di Carlo Constructions Aust Pty Ltd** for the sum of 273,279.60 plus \$40,991.94 for contingency (inclusive of GST) and enter into the following contract:
 - Number: 2122-051
 - Title: Rockliffe Street Special Charge Scheme.
 - Term: 2 May 2022 to 29 July 2022
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 total value of no more than the approved budget for the project.
4. Notes that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. 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*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

Cr Ben Ramcharan returned to the meeting at the conclusion of this item at 9:16pm.

12. Officers' reports

CM.042/22 Tender Report - Contract 2021-103 Network Refresh

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Nik Mistriotis, IT Systems Officer

Eddie Cheng, Manager Information Technology

Summary

This report recommends the awarding of contract 2021-103 for Network Refresh.

The scope of the contract is for the upgrade of Councils cabled and wireless network to replace end of life hardware located at 8 operational sites. The existing hardware is no longer supported by the manufacturer.

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 2021-103 Network Refresh.

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. Accepts the tender submitted by the **preferred tenderer** for the sum of \$[Redacted] plus \$[Redacted] for contingency (exclusive of GST) and enter into the following contract:
Number: 2021-103
Title: Network Refresh
Term: 28 April 2022 to 31 August 2022
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Authorises the Chief Financial Officer to approve changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. 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*.
7. Resolves that the preferred tenderer be named.

12. Officers' reports

CM.042/22 Tender Report - Contract 2021-103 Network Refresh

Motion**MOVED: Cr Ben Ramcharan****SECONDED: Cr Peter Perkins****That Council:**

1. Accepts the tender submitted by the **preferred tenderer** for the total sum of \$[Redacted] **as follows:**
 - **Hardware Component Lump Sum \$[Redacted]**
 - **Professional Services Component \$ [Redacted]**plus \$[Redacted] for contingency **on Professional Services component only (inclusive of GST)** and enter into the following contract:
Number: 2021-103
Title: Network Refresh
Term: 28 April 2022 to 31 August 2022
2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Authorises the Chief Financial Officer to approve changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. 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*.
7. Resolves that the preferred tenderer be named.

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

Council Resolution**MOVED: Cr Ben Ramcharan****SECONDED: Cr Peter Perkins****That Council:**

1. Accepts the tender submitted by the **preferred tenderer Onel Consulting Pty Ltd** for the total sum of \$525,572.30 as follows:
 - Hardware Component Lump Sum \$449,523.80
 - Professional Services Component \$ 76,048.50plus \$13,827.00 for contingency on Professional Services component only (inclusive of GST) and enter into the following contract:

12. Officers' reports

CM.042/22 Tender Report - Contract 2021-103 Network Refresh

Number: 2021-103
Title: Network Refresh
Term: 28 April 2022 to 31 August 2022

2. Authorises the Chief Financial Officer to finalise and execute the contract documentation.
3. Authorises the Chief Financial Officer to approve changes to operational requirements throughout the term of the contract with a total value of no more than the approved budget for the project.
4. Any variations that exceed the agreed approved budget will require a further Council resolution.
5. Advises all tenderers accordingly.
6. 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*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

14. Notices of Motion

Nil

15. Delegates' Reports

Nil

16. Supplementary and urgent business

Nil

17. Confidential reports

Nil

18. Close of Meeting

The meeting closed at 9:22pm.

Confirmed: _____

Cr Frances Eyre, Mayor