

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 28 March 2023 commenced at 7:02pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 31 March 2023

Distribution: Public

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Nillumbik Shire Council

Contents

1.	Welcome by the Mayor	1
2.	Acknowledgement of Country	1
3.	Good Governance Pledge	1
4.	Prayer	1
5.	Apologies	1
6.	Presentations	1
7.	Confirmation of Minutes	2
8.	Disclosure of conflicts of interest	2
9.	Petitions	2
10.	Questions from the gallery	2
11.	Reports of Advisory Committees	4
AC.002/23	Advisory Committee Report - 28 March 2023	4
12.	Officers' reports	5
CM.011/23	Endorsement of Youth Council Advisory Committee Members 2023-2025	5
CM.012/23	Youth Strategy 2022-2026 Implementation Plan Year 1 Review and Year 2 Plan	9
CM.013/23	Recreational Trails Advisory Committee Terms of Reference	11
CM.014/23	Quarterly Risk and Safety Report - December 2022	13
CM.015/23	Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership recommendation	15
CM.016/23	Triennial Events and Festivals Program 2023-2026 - Expression of Interest Assessment Report	17
CM.017/23	Audit and Risk Committee Meeting February 2023	21
CM.018/23	Panton Hill Bushland Reserve System User Group Advisory Committee 2023-25 - Endorsement of additional member	23
CM.019/23	Residential Building at 1225 Main Road, Eltham	25
CM.020/23	Contract Report - Contract 2223-045 INFOR Pathway	27
CM.021/23	Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling	29
CM.022/23	Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works	31
CM.023/23	Informal Meetings of Councillors Records - 28 March 2023	35

Council Meeting Minutes

28 March 2023

13. Notices of Motion	36
14. Delegates' Reports	36
15. Supplementary and urgent business	36
16. Confidential reports	36
17. Close of Meeting	36

Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 28 March 2023.
The meeting commenced at 7.02pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer / Acting Director Operations and Infrastructure
Blaga Naumoski	Director Governance and Communications
Corrienne Nichols	Director Community Services
Rosa Zouzoulas	Director Planning and Community Safety
Jeremy Livingston	Executive Manager Business Transformation and Performance
Lance Clark	Senior Procurement Specialist
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Acknowledgement of Country

Acknowledgement of Country was read by the Mayor, Cr Ben Ramcharan.

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Peter Perkins.

4. Prayer

A prayer was read by Captain Allison Footer, Chaplain, Salvation Army Greensborough.

5. Apologies

Nil

6. Presentations

Nil

7. Confirmation of Minutes

Confirmation of the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 28 February 2023.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council:

- 1 Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 28 February 2023 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) (a) and (f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Nil

9. Petitions

10. Questions from the gallery

David Smith has submitted the following questions:

Question 1

If council is serious about reconciliation with first nations tribes then council should invite the Wurundjeri people to speak at the beginning of councils monthly meetings.

Have council invited the Wurundjeri people to the monthly council meetings to make opening remarks?

Response 1

Council currently hold monthly cultural consultations with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. These consultation meetings have been taking place for over two years and provide Council with guidance for many projects and programs.

Council currently invite an Elder from the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation at the beginning of each new Council term. Council have also recently proposed future funding in the draft budget to inviting an Elder from the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to attend a Council meeting once a year to provide a 'Welcome to Country' and a smoking ceremony.

Question 2

The CFA will not go down Bella Vista Court in Plenty due to the extremely narrow road, lack of alternative escape route and the fire danger posed by the tall pine trees which are located on council land (i.e. roadway). This causes significant stress to the residents of this area. Council have not connected Namitjira Ave to Grange Road so there is only one way in and one way out.

Why have council protected these dangerous pine trees whilst they deemed the pine plantation of the Plenty Primary School not of significance and cut those down to make housing?

Response 2

The Municipal Fire Management Planning Committee - Fuel Management Working Group consisting of subject matter experts in advising Council on bushfire related risk on roadsides unanimously agreed that the pine trees in Bellavista Court, Plenty:

- do not pose a significant additional fire hazard to the area;
- will not be included in the review of primary and secondary roads in Nillumbik as it does not fit the criteria, and
- whilst the group accepts that access and egress to the area is negatively impacted by the trees, their removal would not result in any significant improvement of access and egress in an emergency.

The former Plenty Primary School is on private land and the provisions of the Nillumbik Planning Scheme exempt the requirement for the applicant at the time to seek a planning approval for the removal of the specific pine trees from this site.

11. Reports of Advisory Committees

AC.002/23 Advisory Committee Report - 28 March 2023

Distribution: Public

Manager: Blaga Naumoski, Director Governance and Communications

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 Advisory Committee meeting held 5 December 2022;
2. Inclusion and Access Advisory Committee meeting held 16 December 2022;
3. Positive Ageing Advisory Committee meeting held 3 February 2023;
4. Panton Hill Bushland Reserve System User Group Advisory Committee meeting held 17 February 2023;
5. Living and Learning Nillumbik Advisory Committee meeting held 20 February 2023
6. Arts and Culture Advisory Committee meeting held 20 February 2023; and
7. Youth Advisory Committee meeting held 6 March 2023.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council notes the Minutes of the Advisory Committee meetings reported (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports**CM.011/23 Endorsement of Youth Council Advisory Committee Members
2023-2025****Distribution: Public****Manager: Corrienne Nichols, Director Community Services****Author: Nichole Johnson, Manager Community Partnerships****Summary**

The Nillumbik Youth Council acts as a Formal Advisory Committee of Council, consisting of up to fifteen young people aged 15-25 years of age who are passionate about their community and represent the views, ideas and needs of young people in the municipality.

Recruitment for the Youth Council 2023-25 opened on 12 January 2023 and closed on Sunday 12 February 2023.

A total of 21 applications were received, assessed and shortlisted against the selection criteria by an internal assessment panel. Shortlisted applicants were then offered an opportunity to interview with a Council Officer to confirm their suitability and commitment to the program.

This report provides Council with a full copy of the assessment outcomes against the 21 applications, including Officer comments to support the recommendations (see **Attachment 1**). A total of 15 applicants are being recommended for the Nillumbik Youth Council Advisory Committee.

Recommendation

That Council:

1. Endorses the fifteen applicants listed (**Attachment 2**) onto the Nillumbik Youth Council Advisory Committee:
 - (a) Applicant 1 _____ for their role as a Youth Council Advisory Committee Member
 - (b) Applicant 2 _____ for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 3 _____ for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 4 _____ for their role as a Youth Council Advisory Committee Member
 - (e) Applicant 5 _____ for their role as a Youth Council Advisory Committee Member
 - (f) Applicant 6 _____ for their role as a Youth Council Advisory Committee Member
 - (g) Applicant 7 _____ for their role as a Youth Council Advisory Committee Member
 - (h) Applicant 8 _____ for their role as a Youth Council Advisory Committee Member

12. Officers' reports

CM.011/23 Endorsement of Youth Council Advisory Committee Members 2023-2025

- (i) Applicant 9 _____ for their role as a Youth Council Advisory Committee Member
 - (j) Applicant 10 _____ for their role as a Youth Council Advisory Committee Member
 - (k) Applicant 11 _____ for their role as a Youth Council Advisory Committee Member
 - (l) Applicant 12 _____ for their role as a Youth Council Advisory Committee Member
 - (m) Applicant 13 _____ for their role as a Youth Council Advisory Committee Member
 - (n) Applicant 14 _____ for their role as a Youth Council Advisory Committee Member
 - (o) Applicant 15 _____ for their role as a Youth Council Advisory Committee Member
2. Authorises Officers to appoint the next available applicant according to the assessment results (**Attachment 1**), if an appointed applicant declines or resigns from the advisory committee.
 3. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.
 4. Resolves that the Assessment Results (**Attachments 1**) are 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 Natalie Duffy
SECONDED: Cr Frances Eyre

That Council:

1. Endorses the fifteen applicants listed (**Attachment 2**) onto the Nillumbik Youth Council Advisory Committee:
 - (a) Applicant 1 _____ for their role as a Youth Council Advisory Committee Member
 - (b) Applicant 2 _____ for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 3 _____ for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 4 _____ for their role as a Youth Council Advisory Committee Member
 - (e) Applicant 5 _____ for their role as a Youth Council Advisory Committee Member

12. Officers' reports

CM.011/23 Endorsement of Youth Council Advisory Committee Members 2023-2025

- (f) Applicant 6 _____ for their role as a Youth Council Advisory Committee Member
- (g) Applicant 7 _____ for their role as a Youth Council Advisory Committee Member
- (h) Applicant 8 _____ for their role as a Youth Council Advisory Committee Member
- (i) Applicant 9 _____ for their role as a Youth Council Advisory Committee Member
- (j) Applicant 10 _____ for their role as a Youth Council Advisory Committee Member
- (k) Applicant 11 _____ for their role as a Youth Council Advisory Committee Member
- (l) Applicant 12 _____ for their role as a Youth Council Advisory Committee Member
- (m) Applicant 13 _____ for their role as a Youth Council Advisory Committee Member
- (n) Applicant 14 _____ for their role as a Youth Council Advisory Committee Member
- (o) Applicant 15 _____ for their role as a Youth Council Advisory Committee Member

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- 2. Authorises Officers to appoint the next available applicant according to the assessment results (**Attachment 1**), if an appointed applicant declines or resigns from the advisory committee.
- 3. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.
- 4. Resolves that the Assessment Results (**Attachments 1**) are to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
- 5. **Resolves that the successful applicants be named.**

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:

12. Officers' reports

**CM.011/23 Endorsement of Youth Council Advisory Committee Members
2023-2025**

-
1. Endorses the fifteen applicants listed (**Attachment 2**) onto the Nillumbik Youth Council Advisory Committee:
 - (a) Applicant 1 Fieke van der Kamp for their role as a Youth Council Advisory Committee Member
 - (b) Applicant 2 Niamh Coffey for their role as a Youth Council Advisory Committee Member
 - (c) Applicant 3 Ayelet Yahav Zloof for their role as a Youth Council Advisory Committee Member
 - (d) Applicant 4 Joshua Adams for their role as a Youth Council Advisory Committee Member
 - (e) Applicant 5 Elysia Cheche for their role as a Youth Council Advisory Committee Member
 - (f) Applicant 6 Orianna Edmonds for their role as a Youth Council Advisory Committee Member
 - (g) Applicant 7 Sophie McDonald for their role as a Youth Council Advisory Committee Member
 - (h) Applicant 8 Kirra Imbriano for their role as a Youth Council Advisory Committee Member
 - (i) Applicant 9 Bailey Cumming for their role as a Youth Council Advisory Committee Member
 - (j) Applicant 10 Soren Kean for their role as a Youth Council Advisory Committee Member
 - (k) Applicant 11 Emily Yin for their role as a Youth Council Advisory Committee Member
 - (l) Applicant 12 Aeve Pelley for their role as a Youth Council Advisory Committee Member
 - (m) Applicant 13 Scarlett Magnanini for their role as a Youth Council Advisory Committee Member
 - (n) Applicant 14 Martina Charalambous for their role as a Youth Council Advisory Committee Member
 - (o) Applicant 15 Aishah Pelley for their role as a Youth Council Advisory Committee Member
 2. Authorises Officers to appoint the next available applicant according to the assessment results (**Attachment 1**), if an appointed applicant declines or resigns from the advisory committee.
 3. Acknowledges and thanks all community members who submitted applications to the Youth Council Advisory Committee.
 4. Resolves that the Assessment Results (**Attachments 1**) are to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the Local Government Act 2020.
 5. Resolves that the successful applicants be named.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.012/23 Youth Strategy 2022-2026 Implementation Plan Year 1 Review and Year 2 Plan****Distribution: Public****Manager: Corrienne Nichols, Director Community Services****Author: Nichole Johnson, Manager Community Partnerships****Summary**

Nillumbik's Youth Strategy 2022-2026 (**Attachment 1**) sets out a four-year strategic commitment to how Council will support and respond to the needs of young people aged 12-25 years of age who live, work, study, volunteer or play in the Nillumbik Shire.

This report presents the Youth Wrap Up Report 2022 (**Attachment 2**) alongside a Year 1 Progress Report (**Attachment 3**) which outlines the substantial progress made in the first year of delivery for the Youth Strategy 2022-26, and Year 2 Implementation Plan (**Attachment 4**) for Councillor endorsement.

Recommendation**That Council:**

1. Endorses the Youth Strategy 2022-2026, Year 1 Progress Report (**Attachment 2**).
2. Makes the Nillumbik Youth Wrap Up 2022 report (**Attachment 3**) publicly available on Council's website.
3. Endorses the Youth Strategy 2022-2026, Year 2 Implementation Plan 2023 (**Attachment 4**).

Motion**MOVED: Cr Geoff Paine****SECONDED: Cr Natalie Duffy****That Council:**

1. **Notes** the Youth Strategy 2022-2026, Year 1 Progress Report (**Attachment 2**).
2. Makes the Nillumbik Youth Wrap Up 2022 report (**Attachment 3**) publicly available on Council's website.
3. Endorses the Youth Strategy 2022-2026, Year 2 Implementation Plan 2023 (**Attachment 4**).

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

12. Officers' reports

CM.012/23 Youth Strategy 2022-2026 Implementation Plan Year 1 Review and Year 2 Plan

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. Notes the Youth Strategy 2022-2026, Year 1 Progress Report (**Attachment 2**).
2. Makes the Nillumbik Youth Wrap Up 2022 report (**Attachment 3**) publicly available on Council's website.
3. Endorses the Youth Strategy 2022-2026, Year 2 Implementation Plan 2023 (**Attachment 4**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.013/23 Recreational Trails Advisory Committee Terms of Reference

Distribution: Public**Manager: Vince Lombardi, Acting Director Operations and Infrastructure****Author: Rebecca Burton, Manager Recreation and Leisure****Summary**

The Recreational Trails Advisory Committee (RTAC) consists of a selection of community members, representatives the diverse users of Nillumbik's trails.

The RTAC term of membership ceased in June 2022. The purpose of this report is to seek Council endorsement of the updated RTAC Terms of Reference and recruitment process to take place during 10 April – 8 May 2023.

Council Resolution

MOVED: Cr Richard Stockman**SECONDED: Cr Karen Egan****That Council:**

1. Thanks and acknowledges the outgoing members of the Recreational Trails Advisory Committee for their advice and contribution to Council's work to represent the diverse views, ideas and needs of users of Nillumbik's trails.
2. Endorses the revised Terms of Reference for the Recreational Trails Advisory Committee (**Attachment 1**).
3. Endorses the recruitment process for the Recreational Trails Advisory Committee to renew the committee by July 2023.
4. Instructs officers to report nominations to the Recreational Trails Advisory Committee to Council for endorsement in June 2023.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.013/23 Recreational Trails Advisory Committee Terms of Reference

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12. Officers' reports

CM.014/23 Quarterly Risk and Safety Report - December 2022

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 December 2022.

The report is presented in accordance with the *Local Government (Planning and Reporting) Regulations 2020*, which 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 Council's Audit and Risk Committee, which in this quarter occurred on 27 February 2023.

The full confidential Risk and Safety Report for December 2022 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 Risk and Safety Report (**Attachment 1**) for the quarter ending December 2022.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.014/23 Quarterly Risk and Safety Report - December 2022

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12. Officers' reports

CM.015/23 Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership recommendation**Distribution: Public****Manager: Corrienne Nichols, Director Community Services****Author: Cobie Vermeulen, Coordinator Living & Learning Nillumbik****Summary**

Following the endorsement of six Advisory Committee nominees at the Council meeting held 13 December 2022 it was decided that ongoing recruitment would be prioritised until the maximum number of 12 members was achieved. As a result of further recruitment initiatives one additional Expression of Interest has been received.

The purpose of this report is to seek formal endorsement of an additional nominee (**Attachment 2**).

Recommendation**That Council:**

1. Endorses the additional nominee listed for appointment 2023 – 25 L&LN Neighbourhood House Advisory Committee (**Attachment 2 - Confidential**):
 - (a) Applicant 1 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
2. Acknowledges and thanks all community members who submitted expressions of interest to the L&LN Neighbourhood House Advisory Committee.
3. Resolves that the Panel Recommendations (**Attachment 2**) remains 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 Frances Eyre****SECONDED: Cr Geoff Paine****That Council:**

1. Endorses the additional nominee listed for appointment 2023 – 25 L&LN Neighbourhood House Advisory Committee (**Attachment 2 - Confidential**):
 - (a) Applicant 1 _____ for their role as L&LN Neighbourhood House Advisory Committee member.
2. Acknowledges and thanks all community members who submitted expressions of interest to the L&LN Neighbourhood House Advisory Committee.
3. Resolves that the Panel Recommendations (**Attachment 2**) remains 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 Applicant be named.**

12. Officers' reports

CM.015/23 Living & Learning Nillumbik Neighbourhood House Advisory Committee Membership recommendation

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

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council:

1. Endorses the additional nominee listed for appointment 2023 – 25 L&LN Neighbourhood House Advisory Committee (**Attachment 2 - Confidential**):
 - (a) Applicant 1 Alison Lynne Ellis for their role as L&LN Neighbourhood House Advisory Committee member.
2. Acknowledges and thanks all community members who submitted expressions of interest to the L&LN Neighbourhood House Advisory Committee.
3. Resolves that the Panel Recommendations (**Attachment 2**) remains 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 Applicant be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.016/23 Triennial Events and Festivals Program 2023-2026 - Expression of Interest Assessment Report

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

The purpose of this report is to seek endorsement from Councillors for the final outcomes and recommended funding allocations (**Attachment 1**) for the Triennial Events and Festivals Program 2023-2026.

The report also outlines the evaluation process (**Attachment 2**) and provides information on the panel members (**Attachment 3**).

Recommendation

That Council:

1. Endorses the recommended funding allocations for the Triennial Events and Festivals Program 2023-2026 (see **Attachment 1**).
 - (a) Applicant 1 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (b) Applicant 2 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (c) Applicant 3 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (d) Applicant 4 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (e) Applicant 5 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (f) Applicant 6 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (g) Applicant 7 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (h) Applicant 8 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (i) Applicant 9 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
2. Acknowledges and thanks all community members who submitted grant applicants for the Triennial Events and Festivals Program 2023-2026.
3. Thanks the community panel for their contributions to the assessment process.
4. Resolves that the Triennial outcomes (**Attachment 1**) and individual Panel details (**Attachment 3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

12. Officers' reports

CM.016/23 Triennial Events and Festivals Program 2023-2026 - Expression of Interest Assessment Report

Motion

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the recommended funding allocations for the Triennial Events and Festivals Program 2023-2026 (see **Attachment 1**).
 - (a) Applicant 1 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (b) Applicant 2 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (c) Applicant 3 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (d) Applicant 4 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (e) Applicant 5 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (f) Applicant 6 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (g) Applicant 7 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (h) Applicant 8 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (i) Applicant 9 _____ as a successful applicant for the Triennial Events and Festivals 2023-2026
2. Acknowledges and thanks all community members who submitted grant applicants for the Triennial Events and Festivals Program 2023-2026.
3. Thanks the community panel for their contributions to the assessment process.
4. Resolves that the Triennial outcomes (**Attachment 1**) and individual Panel details (**Attachment 3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. **Resolves that the successful Applicant be named.**

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

12. Officers' reports

CM.016/23 Triennial Events and Festivals Program 2023-2026 - Expression of Interest Assessment Report

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the recommended funding allocations for the Triennial Events and Festivals Program 2023-2026 (see **Attachment 1**).
 - (a) Applicant 1 Diamond Creek Rotary Town Fair as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (b) Applicant 2 Eltham Jazz Food and Wine Festival as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (c) Applicant 3 Warrandyte Festival as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (d) Applicant 4 Hurstbridge Wattle Festival as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (e) Applicant 5 St Andrews Community Festival as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (f) Applicant 6 Rotary Eltham Festival as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (g) Applicant 7 Nillumbik Artists Open Studios as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (h) Applicant 8 Night on the Hill Festival as a successful applicant for the Triennial Events and Festivals 2023-2026
 - (i) Applicant 9 Open Cellars of Nillumbik as a successful applicant for the Triennial Events and Festivals 2023-2026.
2. Acknowledges and thanks all community members who submitted grant applicants for the Triennial Events and Festivals Program 2023-2026.
3. Thanks the community panel for their contributions to the assessment process.
4. Resolves that the Triennial outcomes (**Attachment 1**) and individual Panel details (**Attachment 3**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. Resolves that the successful Applicant be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.016/23 Triennial Events and Festivals Program 2023-2026 - Expression of Interest Assessment Report

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12. Officers' reports

CM.017/23 Audit and Risk Committee Meeting February 2023

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 23 June 2020 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Council Meeting.

The Audit and Risk Committee met on 27 February 2023. The minutes for the meeting are shown in **Attachment 1**.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That Council notes the minutes of the Audit and Risk Committee meeting held on 27 February 2023 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.017/23 Audit and Risk Committee Meeting February 2023

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12. Officers' reports

CM.018/23 Panton Hill Bushland Reserve System User Group Advisory Committee 2023-25 - Endorsement of additional member

Distribution: Public

Manager: Vince Lombardi, Acting Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

An expression of interest from a suitably qualified applicant has been received for membership of the Pantan Hill Bushland Reserve System (PHBRS) User Group Advisory Committee 2023-25. The current committee has seven members and the terms of reference allow for up to ten members.

Council endorsement of this additional committee member is recommended.

The committee may remain open to expressions of interest from suitably qualified applicants (as per the terms of reference) to increase member numbers and diversity of representation of the various user groups.

Recommendation

That Council:

1. Endorses the recommended applicant listed for membership of the Pantan Hill Bushland Reserve System User Group Advisory Committee for the 2023-2025 term:
 - a) Applicant _____
2. Resolves that the Evaluation Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1) (f) of the *Local Government Act 2020*.
3. Resolves that the successful applicant be named.

Motion

MOVED: Cr Karen Egan

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the recommended applicant listed for membership of the Pantan Hill Bushland Reserve System User Group Advisory Committee for the 2023-2025 term:
 - a) Applicant _____
2. Resolves that the Evaluation Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1) (f) of the *Local Government Act 2020*.
3. Resolves that the successful applicant be named.

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

12. Officers' reports

CM.018/23 Panton Hill Bushland Reserve System User Group Advisory Committee 2023-25 - Endorsement of additional member

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the recommended applicant listed for membership of the Panton Hill Bushland Reserve System User Group Advisory Committee for the 2023-2025 term:
 - a) Applicant Sueann Penrose.
2. Resolves that the Evaluation Panel Assessment (**Attachment 2**) remain confidential on the grounds specified in the definition of confidential information in section 3(1) (f) of the *Local Government Act 2020*.
3. Resolves that the successful applicant be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.019/23 Residential Building at 1225 Main Road, Eltham

Distribution: Public**Manager: Vince Lombardi, Acting Director Operations and Infrastructure****Author: Natalie Campion, Coordinator Property****Summary**

Council owns a parcel of land known as 1225 Main Road, Eltham as shown in **Attachment 1** which is adjacent to the Alan Marshall Reserve. There is a residential building located on a portion of this land.

This residential building resided on the land when council purchased the land for public open space in 1995. The residential house has been leased out since Council purchased the property and has recently become vacant. The condition of the dwelling has been assessed as not fit for purpose any longer.

Council is now in a position to determine whether or not to demolish the house with the purpose of fulfilling the original intention that the land can be utilised for public open space.

This report is seeking that Council resolve to demolish the residential building on the land known as 1225 Main Road, Eltham and reinstate the land as public open space.

Council Resolution

MOVED: Cr Frances Eyre**SECONDED: Cr Karen Egan****That Council:**

1. Resolves to demolish the residential building on the land known as 1225 Main Road, Eltham and reinstate the land as public open space.
2. Requests Council Officers to investigate options on future use of the parcel of land zoned Public Park and Recreation Zone, outlining the process for any community engagement requirements and report back to Council at a future Council meeting.

CARRIED

Cr Natalie Duffy abstained from the vote.

12. Officers' reports

CM.019/23 Residential Building at 1225 Main Road, Eltham

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12. Officers' reports**CM.020/23 Contract Report - Contract 2223-045 INFOR Pathway**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: Daniel Tarquinio, Manager Information Technology****Summary**

This report recommends the awarding of contract 2223-045 for INFOR Pathway.

The contract term is for a period of five (5) years and is for software licensing and maintenance renewal for INFOR Pathway.

Under section 2.3.2.1 *Exemptions from tendering* of the Council Procurement Policy 2021-2025, there was no public tender issued as the INFOR Pathway solution is:

- a proprietary software solution with no third party reseller model available; and
- only available via Infor Global Solutions.

Costing for a 5-year software licensing and maintenance agreement was obtained directly from Infor Global Solutions.

The existing INFOR Pathway platform is a business critical software platform within Council's operating and technology environment.

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

1. Accepts the tendered software licensing and maintenance agreement submitted by Infor Global Solutions for the sum of \$1,013,509.70 (inclusive of GST) and enter into the following contract:
Number: 2223-045
Title: INFOR Pathway
Term: 1 July 2023 to 30 June 2028
Options: Nil
2. Authorises the Executive Manager Business Transformation & Performance to finalise and execute the contract documentation.
3. Authorises the Executive Manager Business Transformation & Performance to approve additional cost variations that are a result of changes to operational requirements throughout the term of the contract.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.020/23 Contract Report - Contract 2223-045 INFOR Pathway

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12. Officers' reports

CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling

Distribution: Public

Manager: Vince Lombardi, Acting Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

JJ's Waste & Recycling have submitted a claim to vary the contract price per lift for collection of 240 litre food organics & garden organics (FOGO) bins. The Variation Claim (**Attachment 1**) is based on a significant increase in FOGO tonnages and a loss of service growth income attributable to the roll out of 240 litre FOGO bins at contract commencement.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Karen Egan

That Council:

1. Accepts JJs Waste and Recycling claim to vary contract 1819-086 - Provision of garbage, recycle and organic waste collection services including:
 - a) The amended 240 litre bin collection rate provided in **Confidential Attachment 1** commencing 1 July 2021.
 - b) With the following triggers applying to review the varied rate:
 - i) If tonnages reduce from the current levels to 8,000 tonnes per year. FOGO tonnage to be reviewed in April each year.
 - ii) If Council arranges for disposal of FOGO at a facility which reduces travel distance and time.
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract variation.
3. Authorises the Director Operations and Infrastructure to approve variations that are a result of changes to operational requirements throughout the remaining term of the contract.
4. Resolves that the Variation Claim (**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 UNANIMOUSLY

12. Officers' reports

CM.021/23 Contract 1819-086 Provision of garbage, recycle and organic waste collection services - variation claim JJs Waste & Recycling

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12. Officers' reports

CM.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works

Distribution: Public

Manager: Vince Lombardi, Acting Director Operations and Infrastructure

Author: Jonathon Miller, Manager Property and Facilities Maintenance

Summary

This report recommends the awarding of contract 2223-017 for Kangaroo Ground Caretaker's Cottage - Conservation works

The contract commencement date is 28 March 2023 with an intended completion date of 30 June 2023.

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 2223-017 for Kangaroo Ground Caretaker's Cottage - Conservation 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. 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: 2223-017
Title: Kangaroo Ground Caretaker's Cottage - Conservation works
Term: 28 March 2023 to 30 June 2023
Options: Not applicable
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve cost variations that are a result of unknown latent site conditions with a value of no more than the total contract value.
4. Notes that any variations that exceed the total contract value including contingency will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Resolves that 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.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works

Motion

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

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: 2223-017
Title: Kangaroo Ground Caretaker's Cottage - Conservation works
Term: 28 March 2023 to 30 June 2023
Options: Not applicable
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve cost variations that are a result of unknown latent site conditions with a value of no more than the total contract value.
4. Notes that any variations that exceed the total contract value including contingency will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Resolves that 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 Geoff Paine
SECONDED: Cr Frances Eyre

That Council:

1. Accepts the tender submitted by the preferred tenderer AJ Grant Building Pty Ltd for the sum of \$269,500.00 plus \$40,425.00 for contingency (inclusive of GST) and enter into the following contract:

12. Officers' reports

CM.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's Cottage - Conservation works

Number: 2223-017

Title: Kangaroo Ground Caretaker's Cottage - Conservation works

Term: 28 March 2023 to 30 June 2023

Options: Not applicable

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve cost variations that are a result of unknown latent site conditions with a value of no more than the total contract value.
4. Notes that any variations that exceed the total contract value including contingency will require a further Council resolution.
5. Advises all tenderers accordingly.
6. Resolves that 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

12. Officers' reports

**CM.022/23 Tender Report - Contract 2223-017 Kangaroo Ground Caretaker's
Cottage - Conservation works**

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12. Officers' reports

CM.023/23 Informal Meetings of Councillors Records - 28 March 2023

Distribution: Public

Manager: Blaga Naumoski, Director Governance and Communications

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 28 February 2023.

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

1. Environment & Sustainability Advisory Committee meeting held 14 February 2023;
2. Panton Hill Bushland Reserve System User Group – Advisory Committee meeting held 16 February 2023;
3. Clean Energy Nillumbik team - Climate Action Plan and Clean Energy Nillumbik held 17 February 2023;
4. Arts and Cultural Advisory Committee - sub-committee meeting held 20 February 2023;
5. Living and Learning Nillumbik Advisory Committee meeting held 20 February 2023;
6. Councillor Briefing held 21 February 2023;
7. Access and Inclusion Advisory Committee meeting held 24 February 2023
8. Positive Ageing Advisory Committee meeting held 3 March 2023;
9. Councillor Briefing held 7 March 2023.

Council Resolution

MOVED: Cr Frances Eyre

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

13. Notices of Motion

Nil

14. Delegates' Reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

Nil

17. Close of Meeting

The meeting closed at 7:45pm.

Confirmed: _____
Cr Ben Ramcharan, Mayor