

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 28 June 2022 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 1 July 2022

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 28 June 2022.
The meeting commenced at 7.02pm.**

Councillors present:

Cr Ben Ramcharan	Sugarloaf Ward (Deputy Mayor)
Cr Richard Stockman	Blue Lake Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Sally Johnson	Acting Executive Manager Governance, Communications and Engagement
Narelle Hart	Acting Executive Manager Community Services
Eddie Cheng	Manager Information Technology
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Katia Croce	Governance Lead

1. Welcome by the Deputy Mayor

2. Acknowledgement of Country

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

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Richard Stockman.

4. Prayer

A prayer will be read by Reverend Yoo Mi Park from the Eltham Montmorency, Uniting Church.

5. Apologies

Cr Geoff Paine submitted a Leave of Absence for Tuesday 28 June 2022 and apologies have been received from the Mayor, Cr Frances Eyre and Cr Karen.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Richard Stockman

That Council:

1. Approves a Leave of Absence for Cr Geoff Paine for Tuesday 28 June 2022; and

2. Notes apologies from the Mayor, Cr Frances Eyre and Cr Karen Egan.

CARRIED UNANIMOUSLY

6. Presentations

The Queen's Birthday 2022 Honours List

It was great, yet again, to see members of our community being recognised for their achievements in the recent Queen's Birthday Honours List. It's always a proud moment when we have residents on that list, which is a regular occurrence. Tonight we would like to acknowledge them and their achievements.

The following Nillumbik resident was appointed a Member of the Order of Australia (AM) in the General Division:

- **Leighton BOYD**, for significant service to people who are blind or have low vision.

The following Nillumbik resident was awarded a Medal of the Order of Australia (OAM) in the General Division:

- **Rosemary BOYD**, for service to people who are blind or have low vision.

I would like to commend both Leighton and Rosemary for their dedication, service and achievement of excellence in their respective fields. They embody the Nillumbik ethos of service, diligence, commitment and above all, serving the broader community.

Thank you to them both.

7. Confirmation of Minutes

Confirmation of Minutes Council Meeting held Tuesday 24 May 2022

Confirmation of the minutes of the Council Meeting held on Tuesday 24 May 2022.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Richard Stockman

That Council confirms the minutes of the Council Meeting held on Tuesday 24 May 2022 (Attachment 1).

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Nil

9. Petitions

Nil

10. Questions from the gallery

Lynda Muscat has asked the following question:

Question

Has any consultation been made to local residents that reside near the new Eltham Community Hospital located on Ryans Road?

Response

The Eltham Area Community Hospital is a State Government project undertaken by the Victorian Health Building Authority (VHBA). It is understood that the VHBA, appointed by the Minister for Health, has been actively working to identify and assess land in the Eltham Area district for the purposes of a community hospital. This work is undertaken entirely separately from Council.

Accordingly Council has not been afforded the opportunity to gain a comprehensive understanding of the proposal and its impacts nor has Council been informed of consultation undertaken or planned with the community by the State Government on this project. Council cannot therefore comment on the consultation or decision making process of the State or its representatives. The decision on where to site the Eltham Area Community Hospital was a decision made solely by the State Government. Consultation undertaken or proposed is entirely at the State Government's discretion. Any questions about the project would be best put to the VHBA as the responsible authority.

Michael Kruse has asked the following question:

Question

According to an article published by The Age Online (June 1 refer link), 31 Victorian councils are pushing for greater sustainability standards. Nillumbik is not one of them. Why?

<https://www.theage.com.au/national/victoria/not-cooking-with-gas-councils-want-to-ban-gas-connections-in-new-developments-20220531-p5apts.html>

Response

On 10 June 2022 the State Government amended all Victorian Planning Schemes through Amendment VC216. This Amendment makes changes to the Planning Policy Framework (PPF) in all planning schemes to support Environmentally Sustainable Development (ESD). The amendment implements Plan Melbourne 2017-2050 Action 80 'Review of planning and building systems to support environmentally sustainable development outcomes'. The amendment also implements new policy relating to water management, cooling and greening, air and noise pollution, and recycling and resource recovery. These changes to the PPF are part of stage one of the Environmentally sustainable development of buildings and subdivisions - A roadmap for Victoria's planning system (Department of Environment, Land, Water and Planning, 2020).

It is understood that the Government will be, through stage 2, next year, introducing more specific design requirements in the Planning Scheme to require ESD objectives to be met in buildings and subdivisions. This aligns with the purpose of the Councils (Councils that are members of the Council Alliance for a Sustainable Built Environment) identified in the article and the letter to the state government calling for planning laws to be amended to allow them to ban gas on new developments. Nillumbik Shire Council is not a member of the Council Alliance for a Sustainable Built Environment although is aligned with and is kept informed of their work. Council continues to progress its own ESD work in accordance with its recently adopted Climate Action Plan. This is also a priority action in our council plan and we hope to continue this work in a coming financial year.

Allana Sharman asked the following questions:

Question 1

We want to understand what is your view on the best way forward to ensure that there is a future service at Panton Hill Pre-School (PHPS) for 2023, and beyond? Is there a more formal role that Council may need to take in service provision, if a suitable service provider cannot be found?

Response

Council has been working to find a new provider for the preschool since March and is continuing to work closely with potential providers to support them in undertaking their due diligence to consider taking over the preschool licence and operations from 2023.

Council has also been actively advocating to the State Government and the Department of Education to support Panton Hill Preschool's continued and sustainable operations.

Council will continue to be actively involved in preschool provision by supporting and building the capacity of operators, the provision of the infrastructure to the preschool and the management of the preschool central registration program.

Question 2

My question to Nillumbik Council is whether you feel it is appropriate to be actively reducing the availability of early learning opportunities to residents living in the rural north of your Council area? At this time when availability of early learning is being actively expanded by state government – to ensure more kids get access to kinder?

Response

Council does not operate or hold the license to operate Panton Hill Preschool. The existing provider has made the decision to divest from the preschool.

Council has been actively pursuing a new provider since March this year.

The State Government as the funder, determines the long term direction for kindergarten provision and as such, is responsible to ensure the sector can deliver on the directions.

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11. Reports of Advisory Committees

AC.005/22 Advisory Committee Report - 28 June 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. Arts & Culture Advisory Committee meeting – 21 February 2022
2. Positive Ageing Advisory Committee – 6 May 2022
3. Youth Council Advisory Committee – 6 June 2022.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Peter Perkins

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

CARRIED UNANIMOUSLY

11. Reports of Advisory Committees

AC.005/22 Advisory Committee Report - 28 June 2022

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12. Reports of Special Committees

Nil.

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12. Officers' reports

CM.039/22 Audit and Risk Committee Meeting May 2022

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 31 May 2022. The minutes for the meeting are shown in **Attachment 1**.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Richard Stockman

That Council notes the minutes of the Audit and Risk Committee meeting held on 31 May 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.039/22 Audit and Risk Committee Meeting May 2022

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12. Officers' reports

CM.056/22 Adoption of the Recreation & Leisure Strategy 2022-2030

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

The proposed Recreation and Leisure Strategy 2022-2030 (**Attachment 1**) renews Council's commitment to sport and active recreation across the municipality. The strategy provides strategic priorities and objectives, which will inform the development of sport, leisure and active recreation in Nillumbik over the next eight years. It will be underpinned by two 4-year operational action plans spanning from 2022-2026 and 2027-2030.

A draft Recreation and Leisure Strategy 2022-2030 was exhibited for community consultation between 31 January and 6 March 2022. To maximise community input, Council officers engaged with key stakeholders (including Council advisory committees, community sporting clubs, and State sporting associations) together with members of the general public through pop-up consultation sessions, focus groups, a comprehensive social media campaign and an online survey via *Participate Nillumbik*.

103 submissions to the draft Recreation and Leisure Strategy were received via the *Participate Nillumbik* website, demonstrating a majority support of the 6 priority areas outlined in the strategy.

This report requests that Council adopts the Recreation and Leisure Strategy 2022-2030.

Council Resolution

MOVED: Cr Richard Stockman**SECONDED: Cr Peter Perkins**

That Council having considered the submissions received, adopts the Recreation and Leisure Strategy 2022-2030 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.056/22 Adoption of the Recreation & Leisure Strategy 2022-2030

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CM.057/22 Quarterly Risk and Safety Report - March 2022

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Summary

This report provides a summary of Council's Risk and Safety Report for the quarter ending March 2022.

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

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 31 May 2022.

The full confidential Risk and Safety Report for March 2022 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Also attached is Council's Risk Management Policy, Risk Management Plan and Strategic Risk Register (**Attachments 2, 3 and 4**) for noting, following their endorsement by Council's Audit and Risk Committee on 31 May 2022.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Richard Stockman

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending March 2022.
2. Notes the accompanying updated Risk Management Policy (**Attachment 2**), updated Risk Management Framework (**Attachment 3**) and Strategic Risk Register Summary (**Attachment 4**) which were endorsed by Council's Audit and Risk Committee at its quarterly meeting on 31 May 2022.
3. 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.057/22 Quarterly Risk and Safety Report - March 2022

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12. Officers' reports**CM.058/22 Diamond Creek Community Infrastructure Master Plan project - Phase A - Strategic Plan (Draft) for exhibition****Distribution: Public****Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Leigh Northwood, Strategic Planning Lead****Summary**

The purpose of this report is to seek Council's approval to exhibit the draft Diamond Creek Community Infrastructure Strategic Plan (draft Strategic Plan), for community awareness and specifically seek feedback in regard to the proposed Youth Hub.

The draft Strategic Plan is an early step in the overall broader development of a master plan that, subject to funding, will further develop the community infrastructure proposed, and provide long-term direction for community infrastructure delivery. The adoption of the strategic plan, after exhibition, will complete the first phase (Phase A) of the master plan project.

The project delivers on the 2021-2025 Council Plan priority action to develop a master plan for community facilities in Diamond Creek including recreation and community precincts and buildings.

The draft Strategic Plan investigates 'what', 'how' and 'where' community infrastructure could be provided in Diamond Creek to service the community infrastructure needs of a projected Diamond Creek population of 15,000 in 2036 — and the wider communities of the Shire that the township serves.

The draft Strategic Plan proposes two service model options for a Youth Hub, and the community will be asked to indicate their preferred option via survey on Participate Nillumbik.

The draft Strategic Plan, once adopted by Council after exhibition, will serve as the basis for the preparation of a more detailed master plan in the subsequent and final phase (Phase B) of the project, subject to Council project funding.

The overall broader master plan when developed will provide a long-term direction to the provision of community infrastructure (including a detailed needs and business case analyses for specific community infrastructure, as well as concept designs and a cost plan for all community infrastructure), and enable a planned approach to its investment. Further detailed designs and approvals will be required subsequent to the completion of a master plan, as well as external funding applications to support delivery that is anticipated to span several years.

Council Resolution**MOVED: Cr Peter Perkins****SECONDED: Cr Natalie Duffy**

That Council approves the draft Diamond Creek Community Infrastructure Strategic Plan (**Attachment 1**) for exhibition on Participate Nillumbik commencing in early July 2022 for a period of 4 weeks, subject to graphic/administrative refinements as required for exhibition.

CARRIED UNANIMOUSLY

12. Officers' reports

**CM.058/22 Diamond Creek Community Infrastructure Master Plan project - Phase
A - Strategic Plan (Draft) for exhibition**

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12. Officers' reports

CM.059/22 Asset Plan 2022-2032 - Council Adoption

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Enrique Gutierrez, Manager Assets and Capital Works****Summary**

This report recommends that Council adopts the Asset Plan 2022-2032 (the Plan) **(Attachment 1)**.

The Plan is a requirement under section 92 of the *Local Government Act 2020* (the LGA) and must be adopted by 30 June 2022. The Plan provides a high level strategic and financial view of how Council intends to manage its transport, building, drainage and open space assets over the next ten (10) financial years.

The Planning and Consultation Committee (acting under delegation from Council) resolved to acknowledge and note any submissions received from community members who provided any feedback on the Draft Asset Plan 2022-2032 at its Planning and Consultation Committee Meeting on 10 May 2022 and requested a further report to be presented at its June 2022 Council Meeting to endorse the final version of the Asset Plan 2022-2032.

Council Resolution

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

1. Adopts the Asset Plan 2022-2032 **(Attachment 1)**.
2. Authorises the Director Operations and Infrastructure to update legislative and council requirements listed in the Asset Plan 2022 – 2032 which may occur over the life of the Asset Plan.
3. Makes a copy of the adopted Asset Plan 2022 - 2032 publicly available on Council's website.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.059/22 Asset Plan 2022-2032 - Council Adoption

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12. Officers' reports

CM.060/22 Bateson Road Special Charge Scheme, Wattle Glen**File: FOL/21/4468****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Patrick Wood, Acting Manager Infrastructure****Summary**

In response to a petition from property owners, received on 6 March 2020, Council investigated a Special Charge Scheme to seal Bateson Road, Wattle Glen.

Initial questionnaires were sent on 7 July 2020.

After the initial questionnaire demonstrated sufficient support for further investigation, an information session was held on 11 March 2021 on site.

Following an information session formal questionnaires were sent on 9 June 2021, with estimated cost liability for each property. The result indicated 1 of 4 (25%) property owners supported the development of a special charge scheme.

Given that the level of support for the Special Charge Scheme is below 60 per cent, it is recommended that Council abandon the scheme and place further investigation for road construction of Bateson Road, Wattle Glen on a three year moratorium.

Council Resolution**MOVED: Cr Richard Stockman****SECONDED: Cr Peter Perkins****That Council:**

1. Abandons further investigation into a Special Charge Scheme for Bateson Road, Wattle Glen.
2. Places any further investigation into a Special Charge Scheme for Bateson Road, Wattle Glen on a three-year moratorium.
3. Notifies affected property owners accordingly.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.060/22 Bateson Road Special Charge Scheme, Wattle Glen

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12. Officers' reports**CM.061/22 Clarke Avenue (reduced length) Special Charge Scheme, Wattle Glen**

File: FOL/21/5980**Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Patrick Wood, Acting Manager Infrastructure****Summary**

In response to petition from property owners, received on 4 July 2020, Council investigated a special charge scheme to seal a reduced length of Clarke Avenue, Wattle Glen (between the existing seal and adjacent to 19 Clarke Avenue).

Initial questionnaires were sent on 21 September 2020.

After the initial questionnaire demonstrated sufficient support for further investigation, an information session was held on 1 April 2021 on site.

Following the information session, formal questionnaires were sent on 23 July 2021.

Having further consideration of safety, proposed sealing work was extended near the bend, east of the rear vehicle access of the property 36 Mannish Road. This resulted in having to recalculate the apportioning liabilities due to an additional property being included in the scheme, being 36 Mannish Rd.

Formal questionnaires with adjusted apportionment liabilities were then sent on 12 August 2021. The results indicated 3 of 9 (33.3%) property owners supporting the development of a special charge scheme.

Given that the level of support for the Special Charge Scheme is below 60 per cent, it is recommended that Council abandon the scheme and place further investigation for road construction in this section of Clarke Avenue, Wattle Glen on a three year moratorium.

Council Resolution

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

1. Abandons further investigation into a Special Charge Scheme for Clarke Avenue, Wattle Glen (between the existing seal and near the bend, east of the rear vehicle access of the property 36 Mannish Road).
2. Places any further investigation into a Special Charge Scheme in this section of Clarke Avenue on a three year moratorium.
3. Notifies affected property owners accordingly.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.061/22 Clarke Avenue (reduced length) Special Charge Scheme, Wattle Glen

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12. Officers' reports

CM.062/22 Growing Suburbs Fund 2022-2023 project endorsement

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Assets and Capital Works
Corrienne Nichols, Executive Manager Community Services

Summary

To seek Council's endorsement of the candidate projects for the 2022/2023 Growing Suburbs Fund grant released on 23 May 2022 for prioritisation and endorsement prior to submission before the 4 July 2022 grant submission deadline.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Richard Stockman

That Council:

1. Endorses the following list of projects to be submitted for funding through the 2022-2023 round of Growing Suburbs Fund, subject to meeting grant criteria:
 - a) Expanded BMX/Mountain Bike facility
 - b) Diamond Valley Library Landscaping Works
 - c) Ryans Reserve, Broadgully Road, Diamond Creek Open Space Upgrade
 - d) Eltham Lower Park Masterplan Implementation
 - e) Former CFA Plenty Building Open Space Enhancement
 - f) Diamond Creek Outdoor Pool Energy Efficiency Upgrade.

Notes that no other Council contributions are available and the Growing Suburb Fund submissions will seek to leverage existing Federal Local Roads and Community Infrastructure grant and Federal election commitment funding, subject to meeting Growing Suburbs Fund criteria.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.062/22 Growing Suburbs Fund 2022-2023 project endorsement

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12. Officers' reports

CM.063/22 Informal Meetings of Councillors Records - 28 June 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 26 April 2022.

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

1. Australia Day | January 26 Councillor Workshop held 11 May 2022;
2. Arts and Cultural Advisory Committee meeting held 16 May 2022;
3. Councillor Briefing held 17 May 2022;
4. Council Meeting pre-meet held 24 May 2022;
5. Neighbourhood Character Strategy - 2nd Councillor workshop - held 3 June 2022; and
6. Councillor Briefing held 7 June 2022.

Council Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Natalie Duffy

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.063/22 Informal Meetings of Councillors Records - 28 June 2022

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12. Officers' reports

CM.064/22 Proposed relinquishment of Registered Training Organisation Status

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Community Services

Author: Cobie Vermeulen, Coordinator Living & Learning Nillumbik

Summary

The purpose of this report is to provide Councillors with an understanding of the impacts facing Council's Registered Training Organisation (RTO) and options for consideration.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Richard Stockman

That Council:

1. Considers the presented challenges and risks associated with Council's Registered Training Organisation.
2. Resolves to relinquish the Registered Training Organisation Licence.
3. Resolves that the Budget Considerations (**Attachment 4**) to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(a) of the *Local Government Act 2020*

CARRIED

Cr Natalie Duffy called for a division

For: Crs Peter Perkins, Ben Ramcharan and Richard Stockman

Against: Cr Natalie Duffy

The Deputy Mayor, Cr Ben Ramcharan declared the Motion Carried.

12. Officers' reports

CM.064/22 Proposed relinquishment of Registered Training Organisation Status

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12. Officers' reports

CM.065/22 Arts and Cultural Advisory Committee Membership Endorsement 2022-2024

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Community Services

Author: Nichole Johnson, Manager Community Partnerships

Summary

The Arts and Cultural Advisory Committee (ACAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development, implementation and evaluation of Arts and Culture.

Council called for nominations for the 2022-24 ACAC for a 3-week period in April 2022. All nominations received have been assessed and the purpose of this report is to seek endorsement of the recommended new members (**Attachment 1**).

Council's endorsement is also sought for an update of the proposed Arts and Cultural Advisory Committee Terms of Reference 2022-25 (TOR) (**Attachment 2**)

Recommendation

That Council:

1. Endorses the nine recommended applicants listed for appointment to the 2022-24 Arts and Cultural Advisory Committee (**Attachment 1**):
 - (a) Applicant 1 _____ for their role as Arts and Cultural Advisory Committee member.
 - (b) Applicant 2 _____ for their role as Arts and Cultural Advisory Committee member.
 - (c) Applicant 3 _____ for their role as Arts and Cultural Advisory Committee member.
 - (d) Applicant 4 _____ for their role as Arts and Cultural Advisory Committee member.
 - (e) Applicant 5 _____ for their role as Arts and Cultural Advisory Committee member.
 - (f) Applicant 6 _____ for their role as Arts and Cultural Advisory Committee member.
 - (g) Applicant 7 _____ for their role as an Arts and Cultural Advisory Committee member.
 - (h) Applicant 8 _____ for their role as an Arts and Cultural Advisory Committee member.
 - (i) Applicant 9 _____ for their role as an Arts and Cultural Advisory Committee member.

2. Acknowledges and thanks all community members who submitted expressions of interest to the Arts and Cultural Advisory Committee.

12. Officers' reports

CM.065/22 Arts and Cultural Advisory Committee Membership Endorsement 2022-2024

-
3. Resolves that the Panel Recommendations and Scoring (**Attachment 1**) 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. Endorses the update of the proposed Arts and Cultural Advisory Committee Terms of Reference 2022-25 (**Attachment 2**)

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That Council:

1. Endorses the nine recommended applicants listed for appointment to the 2022-24 Arts and Cultural Advisory Committee (**Attachment 1**):
 - (a) Applicant 1 **Alli Spoor** for their role as Arts and Cultural Advisory Committee member.
 - (b) Applicant 2 **Chloe Mann** for their role as Arts and Cultural Advisory Committee member.
 - (c) Applicant 3 **Leanne Ipsen** for their role as Arts and Cultural Advisory Committee member.
 - (d) Applicant 4 **Elsa Ch'ng** for their role as Arts and Cultural Advisory Committee member.
 - (e) Applicant 5 **Rebecca Davies** for their role as Arts and Cultural Advisory Committee member.
 - (f) Applicant 6 **Terrie Waddell** for their role as Arts and Cultural Advisory Committee member.
 - (g) Applicant 7 **Chris Cook** for their role as an Arts and Cultural Advisory Committee member.
 - (h) Applicant 8 **Mel Paine** for their role as an Arts and Cultural Advisory Committee member.
 - (i) Applicant 9 **Jean Verso** for their role as an Arts and Cultural Advisory Committee member.
2. Acknowledges and thanks all community members who submitted expressions of interest to the Arts and Cultural Advisory Committee.
3. Resolves that the Panel Recommendations and Scoring (**Attachment 1**) 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. Endorses the update of the proposed Arts and Cultural Advisory Committee Terms of Reference 2022-25 (**Attachment 2**)

CARRIED UNANIMOUSLY

12. Officers' reports**CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services**

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

This report recommends the awarding of contract 2021-063 for Bushland Reserves Conservation Management Services.

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

This Contract is for business as usual supply of environmental works services, replacing a previous contract, to support Council's operational requirements for bushland reserves. The contracted service arrangement may also be accessed by other areas of the Council as required.

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 2021-063 Bushland Reserves Conservation Management Services.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2021-063
Title: Bushland Reserves Conservation Management Services
Term: 1 July 2022 to 30 June 2027
Options: Term extensions up to 30 June 2029
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.

12. Officers' reports

CM.066/22 Tender Report - Contract 2021-063 Bushland Reserves Conservation Management Services

6. Makes public the decision regarding this contract but the Tender 2021-063 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.

Council Resolution

MOVED: Cr Natalie Duffy
SECONDED: Cr Peter Perkins

That Council:

1. Accepts the tender submitted by the **preferred tenderer Acacia Environmental Management Pty Ltd** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2021-063
Title: Bushland Reserves Conservation Management Services
Term: 1 July 2022 to 30 June 2027
Options: Term extensions up to 30 June 2029
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Authorises the Director Operations and Infrastructure to approve contract term extensions.
4. Authorises the Director Operations and Infrastructure to approve changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender 2021-063 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.067/22 Tender Report - Contract 2122-044 Coventry Oval Sports Lighting Upgrade**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Enrique Gutierrez, Manager Assets and Capital Works****Summary**

This report recommends the awarding of contract for Coventry Oval Sports Lighting Upgrade.

The scope of works involve the removal off the existing oval lighting system infrastructure and supply and installation of a 200lux LED lighting solution suitable for twilight/night AFL games at the Coventry Oval Sports field.

The project is joint funded by Sport and Recreation Victoria and Council.

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 2122-044 for Coventry Oval Sports Lighting Upgrade.

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

Recommendation

That Council:

1. Accept the 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: 2122-044
Title: Coventry Oval Sports Lighting Upgrade
Term: 30 June 2022 to 31 March 2023
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.

12. Officers' reports

CM.067/22 Tender Report - Contract 2122-044 Coventry Oval Sports Lighting Upgrade

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Richard Stockman

That Council:

1. Accept the tender submitted by the preferred tenderer **Hilite Electrics Pty Ltd** for the sum of **\$318,510.50** plus **\$63,702.10** for contingency (inclusive of GST) and enter into the following contract:
Number: 2122-044
Title: Coventry Oval Sports Lighting Upgrade
Term: 30 June 2022 to 31 March 2023
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

14. Notices of Motion

NOM.002/22 Free Julian Assange

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

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Richard Stockman

That Nillumbik Shire Council:

1. Notes that Wikileaks publisher Mr Julian Assange, an Australian from Melbourne where he studied and founded Wikileaks, is one of our own and has been experiencing prolonged injustice and incarceration for publishing the truth.
2. Asserts Nillumbik Shire Council's support for Freedom of the Press and the Rule of Law and the extension of both to all people.
3. Notes that despite controversy, Wikileaks has played an important and effective role in disclosing war crimes, corporate fraud, environmental damage and other criminal abuses.
4. Notes that Mr Assange is currently being held on remand maximum security prison in the United Kingdom (UK) without charge for over 3 years and is in poor health.
5. Notes that the United Nations have ruled that Mr Assange's incarceration is unlawful and that he must be released immediately also stating his treatment constitutes psychological torture, and that the United Nations Special Rapporteur on torture, Mr Nils Melzer, has examined Mr Assange in Belmarsh Prison and believes that his life is in danger.
6. Notes and supports Amnesty International and other major civil liberties, media freedom and human rights groups have spoken out against the arrest and treatment of Mr Assange, along with the following Australian local councils:
 - Melbourne City Council
 - Darebin City Council
 - Moreland City Council
 - Yarra City Council
 - Fremantle City Council
 - Lismore City Council
 - Byron City Council
 - Blue Mountains City Council
 - Maribyrnong City Council
7. Notes that on Friday 17 June the British Home Secretary signed the order authorising Mr Assange's extradition to the United States of America (USA), where he faces unprecedented Espionage Act prosecution for engaging in journalistic activity which if found guilty could result in 175 years imprisonment.

8. Requests the Mayor write immediately to the Australian Prime Minister and the Minister for Foreign Affairs copying the local federal members Ms Kate Thwaites MP, Mr Rob Mitchell MP and Mr Keith Wolahan MP, calling on the Australian Government to urgently intervene in this matter to ensure that:
 - a. the UK authorities urgently address Mr Assange's poor health and mistreatment and in doing so, uphold the Human Rights of an Australian citizen unjustly imprisoned.
 - b. the Australian Government uphold their duty to protect Human Rights and Press Freedoms of every Australian citizen both at home and abroad.
 - c. the Australian Government publicly and privately calls for Mr Assange's extradition to the United States of America (USA) on espionage charges to be stopped and his freedom be granted so he can be reunited with his family.
9. Encourages members of the public interested in learning more on this matter view the documentary "Ithaka: A Fight To Free Julian Assange" on ABC iview and ABC TV or go to www.ithakamovie.com.

THE MOTION WAS PUT TO THE VOTE AND THE VOTE WAS TIED

THE DEPUTY MAYOR EXERCISED HIS CASTING VOTE AGAINST THE MOTION

Cr Natalie Duffy called for a division

For: Crs Natalie Duffy, Richard Stockman

Against: Crs Peter Perkins and Ben Ramcharan

The Deputy Mayor exercised his casting vote against the Motion.

The Deputy Mayor, Cr Ben Ramcharan declared the Motion lost.

15. Delegates' Reports

Nil

16. Supplementary and urgent business

Nil

17. Confidential reports

Pursuant to section 66(2) of the *Local Government Act 2020* (the Act), the meeting of the Council be closed to members of the public for the consideration of the following confidential items:

CM.068/22 Yan Yean Road Stage 1 upgrade - Operations Centre 290-304 Yan Yean Road, Plenty

This item is confidential because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released pursuant to paragraph (a) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

Council Resolution

MOVED: Cr Peter Perkins
SECONDED: Cr Richard Stockman

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider confidential items.

CARRIED UNANIMOUSLY

The meeting was closed to members of public at 8.33pm

The meeting re-opened to members of the public at 8.34pm

18. Close of Meeting

The meeting closed at 8.34pm.

Confirmed: _____
 Cr Frances Eyre, Mayor