

Council Meeting

held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 25 March 2025 commencing at 7:00 PM.

Minutes

Carl Cowie
Chief Executive Officer

Friday 28 March 2025

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 25 March 2025.
The meeting commenced at 7.03pm.**

Councillors present:

Cr John Dumaresq	Wingrove Ward (Mayor)
Cr Naomi Joiner	Bunjil Ward (Deputy Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr Kelly Joy	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Kim Cope	Sugarloaf Ward
Cr Kate McKay	Swipers Gully Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Melika Sukunda	Acting Chief Operating Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Corrienne Nichols	Director Communities
Frank Vassilacos	Director Planning, Environment and Strategy
Jeremy Livingston	Director Culture and Performance
Katia Croce	Manager Governance and Property

1. Welcome

2. Acknowledgement

Acknowledgement of Country was read by the Mayor, Cr John Dumaresq.

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Kelly Joy.

4. Prayer

A prayer was read by Jasmine Mathieson from Green Wedge Community Church.

5. Apologies\Leave of Absence

Nil

6. Declarations of conflict of interest

Chief Executive Officer Carl Cowie declared a general conflict of interest in the item CM.034/25 CEO Employment Matters - mid-year performance review.

7. Presentations

Former Councillor Recognition and Sporting Grants

- **Recognition of Former Councillors**

Former councillors were presented with a certificate of recognition for their past term.

The Mayor delivered a recognition speech and presented certificates to former Councillors Natalie Duffy, Karen Egan, Frances Eyre, Geoff Paine and Ben Ramcharan for their service during the previous term. They were congratulated, and photos were taken. Former Councillor Richard Stockman was also acknowledged but was unable to attend and extended his apologies for the evening.

Sporting Grant Presentations

Stefanie Voelker (Edendale Ward) receives \$250 as a contribution for being selected to represent Australia in Dragon Boating at the Club Crew World Championships in Italy.

Xanthe Watson-Jones (Wingrove Ward) receives \$250 as a contribution for being selected to represent Australia in the Junior National Volleyball Championships in Thailand.

The recipients thanked Council and photos were taken with their ward Councillor.

Nillumbik Shire Council wishes them every success with their future sporting pursuits.

8. Confirmation of Minutes

COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 25 February 2025

Confirmation of the Minutes of the Council Meeting held on Tuesday 25 February 2025.

Council Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Naomi Joiner

That Council confirms the Minutes of the Council Meeting held on Tuesday 25 February 2025 (Attachment 1).

CARRIED UNANIMOUSLY

8. Confirmation of Minutes

COM.001/25 Confirmation of Minutes Council Meeting held Tuesday 25 February 2025

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9. Petitions

PT.003/25 Petition to Nillumbik Shire Council - LGBTIQA+ Advisory Committee

A petition containing **16** signatures requests that Nillumbik Shire Council to establish an LGBTIQA+ Advisory Committee.

The petition contained the following statement;

“Petition to Nillumbik Shire Council: LGBTIQA+ Advisory Committee - We, residents and ratepayers of Nillumbik Shire, petition Nillumbik Shire Council to establish an LGBTIQA+ Advisory Committee”

Recommendation

That Council:

1. Receives and notes the “Nillumbik Shire Council: LGBTIQA+ Advisory Committee, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to Director of Communities for investigation and response.
3. Notes that officers will advise the petition organiser of the outcome.

Motion

MOVED: Cr Kate McKay
SECONDED: Cr Naomi Joiner

That Council:

1. Receives and notes the “Nillumbik Shire Council: LGBTIQA+ Advisory Committee, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to Director of Communities for investigation and response **and requests that Officers brief Council on the outcomes of the review.**
3. Notes that officers will advise the petition organiser of the outcome.

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

Council Resolution

MOVED: Cr Kate McKay
SECONDED: Cr Naomi Joiner

That Council:

1. Receives and notes the “Nillumbik Shire Council: LGBTIQA+ Advisory Committee, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to Director of Communities for investigation and response and requests that Officers brief Council on the outcomes of the review.
3. Notes that officers will advise the petition organiser of the outcome.

CARRIED UNANIMOUSLY

10. Questions from the gallery

Nil

11. Reports of Advisory Committees

AC.001/25 Advisory Committee Report - 25 March 2025

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Katia Croce, Manager Governance and Property

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 3 February 2025;
2. Recreation Trails Advisory Committee meeting held 12 February 2025;
3. Positive Ageing Advisory Committee meeting held 14 February 2025;
4. Environment & Sustainability Advisory Committee meeting held 19 February 2025;and
5. Youth Council Advisory Committee meeting held 3 March 2025.

Council Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Kim Cope

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

CARRIED UNANIMOUSLY

11. Reports of Advisory Committees

AC.001/25 Advisory Committee Report - 25 March 2025

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12. Officers' reports**CM.018/25 Preschool Registration and Enrolment Scheme Priority of Access review****Distribution: Public****Manager: Corrienne Nichols, Director Communities****Author: Narelle Hart, Manager Community Programs****Summary**

In response to the feedback from services and community, as well as the Best Start, Best Life reforms being implemented by the Department of Education which includes the roll out of funded three year old kindergarten and an increase in hours for four year old kindergarten, Nillumbik Shire Council undertook a review of the Central Registration and Enrolment Scheme (CRES) Priority of Access (PoA) for the allocation of places at the sessional stand-alone preschools within the Shire.

An external consultant was appointed to undertake the review to ensure an objective and transparent review. The consultant met with early years services and undertook benchmarking of other CRES PoA's as part of the review process.

The report seeks Council's endorsement of Option C for implementation as the new PoA and allocation process. The proposal to adopt a new, cumulative scoring system that assigns points for multiple priorities. These include local residency (or soon-to-be residency), repetition at the service, continuity by allocating children to the same preschool where they attended three-year-old preschool (when requested), and proximity to their preferred service. The system also recognises other contributions to the Shire, such as business ownership, studying, or volunteering and considers non-residents who live nearby.

Furthermore, it suggests revising sibling priority by limiting it to within two years with a higher score for children in the same year and allowing some discretion for extenuating circumstances. This points-based approach will ensure that children who meet more of these criteria are allocated positions at their preferred preschool first.

The consultant's findings are presented as **Attachment 1** and **2**, and form the basis of this report and the recommendations.

Council Resolution**MOVED: Cr Naomi Joiner****SECONDED: Cr Kelly Joy****That Council:**

1. Notes that the 2024 review of the CRES PoA indicates that:
 - a. there is a strong preference from the community and service providers to acknowledge and give priority to sibling connection; and
 - b. the community and service providers have also indicated a desire to prioritise families within the local area of a preschool within the Priority of Access for the allocation of preschool places.
2. In supporting the views of the community, endorses the implementation of Option C as Council's new Priority of Access and allocation process for preschool places within the Shire's stand-alone kindergartens from 2026 onwards.

12. Officers' reports

CM.018/25 **Preschool Registration and Enrolment Scheme Priority of Access review**

3. Notes that the application of the new PoA would be implemented as part of the 2025 offer process commencing in July 2025.
4. Resolves that Priority of Access Review - Nillumbik Shire Council - Findings and Recommendations (**Attachment 1**) remains confidential in accordance with section 3(1)(f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.019/25 Quarterly Risk and Safety Report - December 2024

Distribution: Public**Manager: Jeremy Livingston, Director Culture and Performance****Summary**

This report provides a summary of Council's Risk and Safety Report for the quarter ending December 2024.

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 24 February 2025.

The full confidential Risk and Safety Report for December 2024 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Council Resolution

MOVED: Cr Naomi Joiner**SECONDED: Cr Kate McKay****That Council:**

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the year ending December 2024.
2. Resolves that the 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.019/25 Quarterly Risk and Safety Report - December 2024

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12. Officers' reports

CM.020/25 Audit and Risk Committee Meeting February 2025

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

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 25 June 2024 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 24 February 2025. The Minutes for the meeting are shown in **Attachment 1**.

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kate McKay

That Council notes the Minutes of the Audit and Risk Committee meeting held on 24 February 2025 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.020/25 Audit and Risk Committee Meeting February 2025

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12. Officers' reports

CM.021/25 Draft Budget 2025-2026

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Robert Malignaggi, Acting Manager Finance, Assets and Procurement****Summary**

This report presents the draft Budget 2025-2026 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services, delivery of Council Plan actions and for the development and maintenance of infrastructure throughout the Shire.

The draft Budget proposes a 3.00 percent increase to rates levied and an increase of 3.27 percent to the waste management standard charge.

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

The Strategic Resource Plan has also been prepared for the next ten financial years.

Council Resolution

MOVED: Cr Peter Perkins**SECONDED: Cr Kelly Joy****That Council:**

1. Adopts the draft Budget 2025-2026 (**Attachment 1**) for the purposes of section 94 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council Meeting proposed to be held at 7:00 pm on 27 May 2025, the Budget 2025-2026.
3. Notes that any person who makes a written submission in relation to the draft Budget 2025-2026 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting on Tuesday 13 May 2025.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under sections 94 and 96 of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.021/25 Draft Budget 2025-2026

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12. Officers' reports**CM.022/25 Proposal to rename a section of Duffs Road, Panton Hill to Welton View****Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Natalie Campion, Coordinator Property****Summary**

Council has received a request from a resident in Panton Hill to rename a section of Duffs Road. Duffs Road is split into two separate sections with no connecting access between them, yet both sections of the road share the same name.

The resident is proposing to rename the section of Duffs Road off Goldmans Road end to 'Welton View' in honour of Mrs Welton and their relevant family history and association to the area since the 1950s.

This report is seeking endorsement to commence a public consultation process on the proposed name 'Welton View' for a section of Duffs Road, Panton Hill as required under section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.

Council Resolution**MOVED: Cr Naomi Joiner****SECONDED: Cr Kim Cope****That Council:**

1. Endorses the commencement of the public consultation process as outlined in **Attachment 1** on the proposed renaming of a section of Duffs Road, Panton Hill to Welton View as shown on the plan in **Attachment 2 and 3** as required under Section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.
2. Requests all residents and businesses abutting Duffs Road, Panton Hill be formally advised of the proposal to rename a section of Duffs Road, Panton Hill to Welton View.
3. Invites public submissions on the naming proposal between 27 March and 27 April 2025.
4. Notes that public submissions will be considered at the Planning and Consultation Committee meeting to be held on 13 May 2025.
5. Notes that any person who requests to make a verbal submission in relation to the road renaming proposal be heard at the 13 May 2025 Planning and Consultation Committee meeting.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.022/25 Proposal to rename a section of Duffs Road, Panton Hill to Welton View

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12. Officers' reports

CM.023/25 Jayson Avenue Special Charge Scheme, Eltham

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Amanda James, Infrastructure Design Coordinator

Summary

On 24 November 2022, Council received a petition by property owners to seal Jayson Avenue, Eltham.

The results of an initial questionnaire to all affected property owners confirmed sufficient support to proceed with further investigation into a Special Charge Scheme to seal Jayson Avenue.

On 31 July 2024, a formal questionnaire, including cost apportionment details, was sent to property owners to determine the level support for a Special Charge Scheme to seal Jayson Avenue. The level of support was 62.5 percent (5 of the 8 property owners).

As the level of support for the Scheme is over the required 60 percent threshold as outlined in Council's Special Rates and Special Charges Policy and Guidelines 2024, it is recommended that the scheme development process proceeds and Council invites affected property owners for nominations to join a task group to provide input to the design.

Council Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Kelly Joy

That Council:

1. Proceeds with the development of a Special Charge Scheme for the sealing of Jayson Avenue, Eltham.
2. Requests Council officers to notify affected property owners of Council's decision and invite nominations to join a task group to provide input to the design.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.023/25 Jayson Avenue Special Charge Scheme, Eltham

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12. Officers' reports**CM.024/25 Astons Road, Yarrambat - Proposed Special Charge Scheme**

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Summary**

Council received a petition on 14 November 2019 from property owners on Astons Road between De Fredericks Lane and Milthorpe Road in Yarrambat, requesting the road to be sealed. The results of an initial questionnaire sent to property owners on 25 February 2020 confirmed sufficient support to proceed with investigation into a Special Charge Scheme (SCS) for this section of Astons Road.

As the proposed road length to be sealed under a SCS exceeded 1 km, it could be considered without connecting to a sealed road, in line with the SCS policy.

At an information session held with property owners on 10 November 2022, property owners voiced their interest in extending the scheme to Bannons Lane or along part of Milthorpe Road to Broad Gully Road to connect with an existing sealed road. The results of an initial questionnaire sent to property owners in the extended sections on 16 March 2023 showed less than 60 percent support in each section and therefore the Scheme was not extended.

On 26 August 2024, a formal questionnaire and cost apportionment were sent to property owners to determine their support for sealing Astons Road between De Fredericks Lane and Milthorpe Road. The level of support for the Special Charge Scheme was 52 percent (11 out of 21 property owners).

The level of support is below the required 60 percent threshold as required by Council's Special Rate and Special Charge Policy and Guidelines (June 2024). Therefore, it is recommended that Council abandon the proposed Scheme for Astons Road, between De Fredericks Lane and Milthorpe Road and place any further investigation of the Scheme on a three year moratorium.

Council Resolution

MOVED: Cr Grant Brooker**SECONDED: Cr Kim Cope****That Council:**

1. Abandons further investigations into the Special Charge Scheme for Astons Road between De Fredericks Lane and Milthorpe Road in Yarrambat.
2. Places any further investigations into a Special Charge Scheme for Astons Road between De Fredericks Lane and Milthorpe Road on a three year moratorium, commencing 25 March 2025.
3. Notes that Officers will advise affected property owners of Council's resolution.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.024/25 Astons Road, Yarrambat - Proposed Special Charge Scheme

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12. Officers' reports**CM.025/25 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Declaration**

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Summary**

Council resolved on 25 June 2024 (Item CM.059/24) to give public notice of its Intention to Declare a Special Charge Scheme for the sealing of Bouchiers Road, Kangaroo Ground. The submissions received in response to the public notice indicated that six abutting property owners supported the Scheme and four abutting property owners objected.

On 27 August 2024 (Item CM.093/24) Council noted the submissions considered at the Planning and Consultation Committee on 13 August 2024 and resolved to defer any decision in relation to the Scheme to a future Council Meeting. The decision was deferred to enable Council officers to obtain legal advice and undertake additional assessments, particularly in relation to the cost apportionment and the change of address of one of the properties.

The estimated cost of the Scheme is \$430,000. Council is responsible for the liability for a Council reserve and a crown land property, with the remaining cost apportioned between ten rural residential properties.

Council advised property owners in June 2024 that Council's contribution would be \$57,252.15 to the Scheme. Following a review of one property's classification and updated traffic counts from January 2025, Council's liability has been revised upwards to \$86,775.14. This accounts for the higher than anticipated use of the crown land and river during the summer holiday period.

This report recommends that Council declares the Bouchiers Road Special Charge Scheme, Kangaroo Ground and levies the special charge.

Council Resolution

MOVED: Cr Kim Cope**SECONDED: Cr Peter Perkins****That Council:**

1. Notes that property owners abutting Bouchiers Road have provided various submissions and feedback since July 2024 in response to Council's Intention to Declare and that six of ten property owners support the Scheme.
2. Notes that Council officers have obtained legal advice and undertaken additional assessments, and that traffic counts undertaken in January 2025 support revision of the cost apportionment for the Scheme to increase Council's funding contribution.
3. Declares a special charge under Section 163(1) of the *Local Government Act 1989* for the purposes of defraying the expenses to be incurred by Council for road construction works in Bouchiers Road, Kangaroo Ground.
4. Bases the declaration on the following key matters:

12. Officers' reports

CM.025/25 Bourchiers Road Special Charge Scheme, Kangaroo Ground - Declaration

- a) The Special Charge Scheme shall apply to the properties at 15, 35, 40, 60, 80, 85, 95, 100 and 105 Bourchiers Road and 185 Menzies Road, Kangaroo Ground, as shown in **Attachment 1**.
 - b) The estimated total project cost is \$430,000 with a benefit ratio of 0.7982. The total amount to be levied under the Scheme based on Council's Special Rate and Special Charge Policy and Guidelines (June 2024) is \$343,224.86. Council will contribute \$86,775.14 for the Crown Land at 110 Bourchiers Road and Council reserve at 120 Bourchiers Road.
 - c) The total estimated cost to each property is shown in **Attachment 2** and may be paid as a lump sum within the 30 days of invoice or by quarterly instalments over a 10 year period with interest.
 - d) The Scheme shall remain in force for 10 years
5. Levies the special charge to each person liable to pay it by giving notice under Section 163(4) of the *Local Government Act 1989*.

CARRIED UNANIMOUSLY

Carl Cowie Chief Executive Officer temporarily left the meeting during discussion of this item at 8.01pm and returned at 8.03pm prior to the vote on this item.

12. Officers' reports

CM.026/25 Alistair Knox Park - Emergency Rectification Works

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Steven Blight, Manager Capital and Infrastructure****Summary**

During works on the Alistair Knox Park Changing Places and Universal Design project, small pieces of non-friable asbestos sheeting were encountered during excavation works. As a result and in the interests of public safety, it was necessary to urgently engage a specialist asbestos management consultant and a suitably licenced and experienced contractor to assist in the safe removal of any affected soil on site.

As the site is an old landfill, these works were significant and the resulting costs substantial. This report is to inform Council of these costs and the need to complete the works as soon as possible, outside the requirements of Council's procurement policy.

Council Resolution

MOVED: Cr Naomi Joiner**SECONDED: Cr Kelly Joy****That Council:**

- a) Acknowledges that the asbestos remediation works at Alistair Knox Park were necessary and needed to be acted upon immediately in line with the relevant legislation and in the best interest of public and contractor safety.
- b) Acknowledges the expenditure for the asbestos remediation works required at Alistair Knox Park of \$460,709.04 (GST exclusive).
- c) Acknowledges that the engagement of the contractors in relation to the asbestos remediation works has been reported to Council, in line with Council's procurement responsibilities.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.026/25 Alistair Knox Park - Emergency Rectification Works

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12. Officers' reports

CM.027/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Katia Croce, Manager Governance and Property

Summary

Section 224 of the *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer makes these appointments by authority conferred by Instrument of Delegation by Council dated 26 March 2024.

Section 147(4) of the *Planning and Environment Act 1987* provides for the appointment and authorisation of Council Officers for the purpose of the *Planning and Environment Act 1987*.

To strengthen Council's decision making and enforcement processes, appointment of authorisation under the *Planning and Environment Act 1987* is being recommended by Council Resolution.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Kelly Joy

That Council in the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The Nillumbik Shire Council staff referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) (**Attachment 1**) be appointed and authorised as set out in the instrument.
2. The common seal of Council be affixed to the Instrument.
3. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.027/25 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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12. Officers' reports

CM.028/25 Instrument of Delegation to the Chief Executive Officer

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Katia Croce, Manager Governance and Property

Summary

Council approved the current Instrument of Delegation of powers, duties and functions to the Chief Executive Officer (CEO) on 26 March 2024.

The *Local Government Act 2020* (the Act) provides for each Council to establish a delegation of power. The Act also requires Council to review the delegation within one year of each general election. This report meets Councils obligations under the Act.

The delegation of powers is considered essential to enable day-to-day decisions to be made to ensure the operations of Council are enacted efficiently and effectively. Delegations are standard practice across all Councils. Delegations should be regularly updated to reflect any legislative changes and or a more appropriate level of accountability.

The review of the Instrument of Delegation to the Chief Executive Officer in this instance does not recommend any changes.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Kim Cope

That Council in the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, (**Attachment 1**) subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.028/25 Instrument of Delegation to the Chief Executive Officer

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12. Officers' reports

CM.029/25 Instrument of Delegation from Council to Council staff

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Katia Croce, Manager Governance and Property****Summary**

Council is empowered under various legislation to undertake duties and functions in accordance with that legislation. To undertake these duties and functions, it is necessary for Council to delegate relevant powers to the administration of the Council.

It is also necessary for Council to delegate some of its other functions to the administration for reasons of efficiency and to prevent Council from having to make many operational decisions at Council meetings.

The *Local Government Act 2020 (the Act)* requires Council to undertake a review within 12 months of a general election.

Directors and Officers have undertaken a review of the existing Instrument of Delegation – Council to Council staff (**Instrument**) provisions in addition to new and amended provisions since it was last presented to Council.

This report requests that Council resolves to adopt the amended Instrument of Delegation (**Attachment 1**) to reflect legislative changes and organisational requirements.

Council Resolution

MOVED: Cr Peter Perkins**SECONDED: Cr Kim Cope**

That Council in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (**Attachment 1**) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council Staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.029/25 Instrument of Delegation from Council to Council staff

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12. Officers' reports**CM.030/25 National General Assembly of Local Government 2025 - Call for Motions****Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Megan Medhurst, Acting Manager Communications and Engagement****Summary**

The Australian Local Government Association (ALGA) National General Assembly (NGA) provides the opportunity for Councils throughout Australia to contribute to the development of national local government policy and receive updates on the major policy issues facing the local government sector.

The 31st NGA will be held in Canberra from 24-27 June 2025, featuring the theme 'National Priorities Need Local Solutions'. The Assembly is a major event and typically attracts more than 600 Mayors, Councillors and senior officers from across Australia.

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

Motions must be submitted no later than 31 March 2025.

Motions that are carried by the NGA become resolutions, which are then considered by the ALGA Board when setting national local government policy, while also feeding into the Australian Council of Local Government processes. Each of the three motions submitted by Nillumbik at last year's NGA was passed by delegates and became resolutions.

This report seeks endorsement of the Nillumbik Shire Council - Motions (**Attachment 2**) to be put forward to the ALGA NGA in June 2025.

Council Resolution

MOVED: Cr Kelly Joy**SECONDED: Cr Grant Brooker****That Council:**

1. Adopts the motions to the Australian Local Government Association National General Assembly as outlined in **Attachment 2**, to be held in Canberra from 24- 27 June 2025.
2. Requests officers to lodge the motions as outlined in **Attachment 2** to the Australian Local Government Association Board by no later than 31 March 2025.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.030/25 National General Assembly of Local Government 2025 - Call for Motions

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12. Officers' reports**CM.031/25 Tender Report - Contract 2324-093 Cleaning Services**

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Lance Clark, Senior Procurement Specialist****Summary**

A collaborative public tender was issued by the following Councils in the Northern Council Alliance (NCA) group of Councils along with Yarra Plenty Regional Library for Cleaning Services.

The organisations involved in the collaborative public tender process are as follows;

- Banyule City Council
- Merri-bek City Council
- Nillumbik Shire Council
- Yarra Plenty Regional Library

This report recommends the awarding of contract 2324-093 Cleaning Services for Nillumbik Shire Council requirements.

The contract term is for an initial period of 3 years, with a 2 x 1 year and 2 x 1 year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed 7 years.

The Contract commencement date is 1 July 2025.

The services to be provided under this contract to Nillumbik Shire Council is for general and periodic cleaning services across Council occupied buildings, Public Toilets, Public BBQ's, Bus Shelters (Urban and Rural) and 6 key priority sites.

The Collaborative 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 2324-093 for Cleaning Services in respect to Nillumbik Shire Council requirements.

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: 2324-093

Title: Cleaning Services

Term: 1 July 2025 to 30 June 2028

Options: Term extensions up to 4 years

2. Authorises the Chief Executive Officer to finalise and execute the contract documentation.

12. Officers' reports

CM.031/25 Tender Report - Contract 2324-093 Cleaning Services

3. Authorises the Chief Executive Officer to approve contract term extensions.
4. Authorises the Chief Executive Officer to approve changes to operational requirements throughout the term of the contract and any exercised extensions.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2324-093 (**Attachment 1**) and Group Tender Evaluation Report (**Attachment 2**) 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 Grant Brooker

SECONDED: Cr Kate McKay

That Council:

1. Accepts the tender submitted by the preferred tenderer Cleaning Melbourne Pty Ltd for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2324-093
Title: Cleaning Services
Term: 1 July 2025 to 30 June 2028
Options: Term extensions up to 4 years
2. Authorises the Chief Executive Officer to finalise and execute the contract documentation.
3. Authorises the Chief Executive Officer to approve contract term extensions.
4. Authorises the Chief Executive Officer to approve changes to operational requirements throughout the term of the contract and any exercised extensions.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report 2324-093 (**Attachment 1**) and Group Tender Evaluation Report (**Attachment 2**) 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.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works**

Distribution: Public**Manager: Melika Sukunda, Acting Chief Operating Officer****Author: Lance Clark, Senior Procurement Specialist
Steven Blight, Manager Capital and Infrastructure
Rebecca Burton, Manager Recreation and Leisure****Summary**

This report recommends the awarding of contract 2425-028 for Panton Hill Tennis Courts Resurfacing and Drainage Works.

Project is for the resurfacing and refurbishment of courts 1 & 2 at Panton Hill Tennis Courts at 35 Rodger Road, Panton Hill.

The contract commencement date will be the 1 April 2025 with an intended completion date of 31 December 2025.

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 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage 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 (exclusive of GST), as disclosed in **Attachment 1** and enter into the following contract:
Number: 2425-028
Title: Panton Hill Tennis Courts Resurfacing and Drainage Works
Term: 1 April 2025 to 31 December 2025
Options: N/A
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than the total 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.

12. Officers' reports

CM.032/25 Tender Report - Contract 2425-028 Panton Hill Tennis Courts Resurfacing and Drainage Works

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6. Makes public the decision regarding this contract but the Tender Evaluation Report 2425-028 (**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 Naomi Joiner****SECONDED: Cr Kim Cope****That Council:**

1. Accepts the tender submitted by the preferred tenderer Victorian Sports Group Pty Ltd for the sum of \$434,068.22 plus \$86,813.64 for contingency (exclusive of GST), as disclosed in **Attachment 1** and enter into the following contract:
Number: 2425-028
Title: Panton Hill Tennis Courts Resurfacing and Drainage Works
Term: 1 April 2025 to 31 December 2025
Options: N/A
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than the total 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 2425-028 (**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.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

Distribution: Public

Manager: Melika Sukunda, Acting Chief Operating Officer

Author: Lance Clark, Senior Procurement Specialist

Rebecca Burton, Manager Recreation and Leisure

Steven Blight, Manager Capital and Infrastructure

Summary

This report recommends the awarding of contract 2425-024 for Diamond Creek Outdoor Pool Redevelopment - Construction.

The contract commences on 1 April 2025 with an intended completion date of 31 October 2025.

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 2425-024 for Diamond Creek Outdoor Pool Redevelopment - Construction.

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) as disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2425-024
Title: Diamond Creek Outdoor Pool Redevelopment - Construction
Term: 1 April 2025 to 31 October 2025
Options: Nil
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than the total 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.

12. Officers' reports

CM.033/25 Tender Report - Contract 2425-024 Diamond Creek Outdoor Pool Redevelopment - Construction

6. Makes public the decision regarding this contract but the Tender Evaluation Report 2425-024 (**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 Grant Brooker****SECONDED: Cr Kim Cope****That Council:**

1. Accepts the tender submitted by the preferred tenderer Exemplo Constructions Pty Ltd for the sum of \$1,517,502.00 plus \$303,500.40 for contingency (exclusive of GST) as disclosed in (**Attachment 1**) and enter into the following contract:
Number: 2425-024
Title: Diamond Creek Outdoor Pool Redevelopment - Construction
Term: 1 April 2025 to 31 October 2025
Options: Nil
2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve additional cost variations that are a result of unknown latent site conditions or changes to operational requirements throughout the term of the contract with a value of no more than the total 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 2425-024 (**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

For: Crs Grant Brooker, Kim Cope, John Dumaresq and Kate McKay

Against: Crs Naomi Joiner, Kelly Joy and Peter Perkins

12. Officers' reports

Carl Cowie Chief Executive Officer declared a general conflict of interest in the following item and temporarily left the meeting prior to the item being heard at 8:49pm.

CM.034/25 CEO Employment Matters - mid-year performance review

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Summary

Section 44 *Local Government Act 2020* (**the Act**) requires that Council must appoint a natural person to be its Chief Executive Officer (CEO) in accordance with its Chief Executive Officer Employment and Remuneration Policy (**the Policy**), and that a CEO is eligible to be re-appointed under a new contract of employment for a period that does not exceed five years.

The Council entered into the current CEO contract on 1 October 2023 for a four-year term. This contract will expire on 30 September 2027.

In accordance with the CEO's contract, performance is reviewed on an annual basis, in order to provide feedback and to ensure the decisions and directions of Council are being implemented through the administration.

Margaret Devlin was contracted in January 2024 to assist Nillumbik Shire Council with facilitating discussion between members of the Committee consisting of all Councillors in line with the Terms of Reference, and CEO Carl Cowie regarding the annual performance review.

The Committee met on 11 February 2025 to discuss progress on the CEO's 2024/2025 Performance Plan (**Attachment 1**). Following the conclusion of the meeting, the Chairperson, Margaret Devlin presented Minutes detailing the discussions had during the mid-year review process (**Attachment 2**).

This report recommends that Council endorses the advice and recommendations of the Committee as outlined in **Attachment 3**.

Council Resolution

MOVED: Cr Kate McKay

SECONDED: Cr Kim Cope

That Council:

1. Notes that the CEO Employment Matters Advisory Committee has completed the 2024/25 mid-year Performance Plan review of the CEO;
2. Endorses the CEO Employment Matters Advisory Committee meeting Minutes held on 11 February 2025 (**Attachment 2**);
3. Endorses the Committees recommendation regarding the mid-year CEO Performance Review 2024/2025 as set out in the Chairperson Memorandum (**Attachment 3**); and
4. Notes the satisfactory progress made against the CEO Performance Plan 2024/2025.

12. Officers' reports

CM.034/25 CEO Employment Matters - mid-year performance review

5. Resolves that the CEO Performance Plan 2024-2025 mid-year update (**Attachment 1**), Minutes CEO Employment Matters Advisory Committee - 11 February 2024 (**Attachment 2**) and Chairperson Memorandum (**Attachment 3**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

Carl Cowie Chief Executive returned to the meeting at the conclusion of this item at 8:50pm.

12. Officers' reports

CM.035/25 Informal Meetings of Councillors Records - 25 March 2025

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Katia Croce, Manager Governance and Property

Summary

In accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, adopted on 25 July 2023, 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 25 February 2025.

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

1. Youth Council Committee held 3 February 2025;
2. Recreation Trails Advisory Committee held 12 February 2025;
3. Councillor Briefing held 18 February 2025;
4. Environmental and Sustainability Advisory Committee held 19 February 2025;
5. Council Meeting Pre-Meet held 25 February 2025;
6. Inclusion and Access Advisory Committee held 28 February 2025;
7. Youth Council Meeting held 3 March 2025;
8. Councillor Briefing held 4 March 2025; and
9. Planning and Consultation Committee Pre-Meet held 11 March 2025.

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kate McKay

That Council, in accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.035/25 Informal Meetings of Councillors Records - 25 March 2025

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13. Notices of Motion

NOM.001/25 Yan Yean Road Stage 2

Cr Naomi Joiner advised of her intention to move the following:

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kim Cope

That Council:

1. Requests the Mayor to write to the Hon. Gabrielle Williams MP, Minister for Transport Infrastructure, and the Hon. Sonya Kilkenny MP, Minister for Planning, to
 - a) convey Council's disappointment with Major Road Projects Victoria (MRPV) proceeding with the Option B proposal.
 - b) reiterate Council's strong support for Option C, highlighting its alignment with Council and community preferences, particularly in preserving the rural character of the area and protecting significant environmental and cultural assets.
2. Requests the Chief Executive Officer, Carl Cowie, to write to Duncan Elliott, CEO of Major Road Projects Victoria (MRPV), inviting MRPV representatives to present to the Councillors at a future briefing this year on the project.
3. Notes that, due to the anticipated impacts on peri-urban roads resulting from Option B, Council requests the State Government to:
 - a) consider implementing measures to mitigate increased heavy traffic flow through Hurstbridge, including but not limited to:
 - i. introducing an east-west bus service connecting Hurstbridge and Mernda to provide public transport alternatives for the community.
 - ii. implementing virtual fencing along key roads to protect local wildlife, thereby reducing the environmental impact of increased traffic
 - b) review the current plan to explore feasible alternatives that preserve the six river red gums and minimize tree loss as much as possible.

CARRIED UNANIMOUSLY

14. Delegates' Reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

Nil

17. Close of Meeting

The meeting closed at 9.04pm.

Confirmed: _____
Cr John Dumaresq, Mayor