

Council Meeting

held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 30 July 2024 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 2 August 2024

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 30 July 2024.
The meeting commenced at 7.00pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Operating Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Frank Vassilacos	Director Planning, Environment and Strategy
Jeremy Livingston	Director Culture and Performance
Nichole Johnson	Acting Director Communities
Leigh Northwood	Manager Strategic Planning and Environment
Tracey Varley	Manager Communications and Engagement
Katia Croce	Manager Governance and Property
Tania Treasure	Economic Development & Tourism Lead

1. Welcome

2. Acknowledgement

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

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Peter Perkins.

4. Prayer

A prayer was read by Pastor John Graham from UniHill Church, Bundoora.

5. Apologies\Leave of Absence

Nil

6. Declarations of conflict of interest

Nil

7. Presentations

CONDOLENCE – Doug Orford

We are deeply saddened to hear of the recent passing of long-time Nillumbik resident Doug Orford.

Doug was a life member of the Eltham District Historical Society, and his family has resided in the district since the 1850s.

Doug was actively involved in the Society over many years and in many ways, including as a Committee Member and Vice President.

Doug and his wife Gwen assisted the Society to continue to develop as a not-for-profit group intent on promoting and preserving the local history of the Eltham district.

His significant work with assisting to establish their valued Local History Centre helped develop their home base and supported the continued growth of the Society.

Doug's local knowledge, suggestions and family connections were highly valued.

Until recent times, he continued to regularly attend their Collections Team workshops, providing insights and historical information about photographs and society records.

On behalf of Nillumbik Shire Council, we pass on our condolences to Doug's family and friends.

CONDOLENCE – Pam Lawson

We are also deeply saddened to hear of the recent passing of Pam Lawson, who was a wonderful advocate for Hurstbridge and its history.

She was a member of the Friends of Nillumbik, Friends of Hurstbridge and Hurstbridge Local History Group.

In 2003, Pam was a founding member of what would become the Combined Historical Societies of Nillumbik Network.

In 2015, this group amalgamated to become the Yarra Plenty Heritage Group. Pam hosted one of the first meetings at Bridges at Hurstbridge.

Pam was a local historian who actively worked to share local stories and was instrumental in writing and publishing with the Hurstbridge Local History Group, among many of her projects. One of her greatest achievements was her work on Hurstbridge's history book 'Kooka on the Wattle'.

She was also instrumental in the publication of the Hurstbridge Roundabout.

As an artist, Pam tutored art workshops at Living & Learning Panton Hill for many years.

She was also active at Allwood House in Hurstbridge and was included in the 'Celebrating Nillumbik Women 2008 – 2013' publication.

On behalf of Nillumbik Shire Council, we pass on our condolences to Pam's family and friends.

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 25 June 2024

Summary

Confirmation of the Minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 25 June 2024.

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

That Council:

- 1 Confirms the Minutes of the Council Meeting held on Tuesday Council Meeting and Confidential Council Meeting held on Tuesday 25 June 2024 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

9. Petitions

PT.003/24 Expand and Improve Facilities at Hurstbridge Dog Park

A petition containing **134** (as at 16 July 2024) signatures from people who are advocating for the Hurstbridge Dog Park to be improved.

The petition contained the following statement;

As regular visitors to the Hurstbridge Dog Park located in Fergusons Paddock, 12 Arthurs Creek Rd, we have experienced firsthand the limitations of the current facilities. With sometimes more than 20 dogs visiting at any given time, it's clear that our beloved park is simply too small to accommodate everyone comfortably. This lack of space often leads to conflicts between dogs and forces some owners to leave prematurely - a situation that could be easily avoided with a larger area.

We propose three key improvements:

1. Fence off an extra area south of the existing dog park. This would not only increase overall size but also provide two separate areas for use when needed.
2. Install shelters for inclement weather conditions. Our commitment as pet owners doesn't waver with bad weather, but exercising our dogs in rain or shine shouldn't mean getting soaked ourselves.
3. Implement lighting solutions for winter evenings when daylight fades early, making it unsafe and inconvenient for after-work visits.

These enhancements will significantly improve both safety and enjoyment at Hurstbridge Dog Park - not just for us dog owners but most importantly, for our four-legged friends who deserve a safe and comfortable environment where they can run free.

We urge Nillumbik Council and the Councillors that represent us to consider these much-needed improvements seriously. Please sign this petition if you agree that our pets deserve better!

Council Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Natalie Duffy

That Council:

1. Receives and notes the “Expand and Improve Facilities at Hurstbridge Dog Park Petition” petition requesting improvements at the Hurstbridge Dog Park, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Chief Operating Officer for investigation and response.
3. Notes that officers will advise the petition organiser of the outcome.

CARRIED UNANIMOUSLY

10. Questions from the gallery

Natalie Alessio – President Hohnes Road Playhouse has submitted the following questions:

Question 1

Why are Nillumbik using a preference based system for kinder allocation when places aren't allocated in a preferential way?

Response 1

Nillumbik preschool places are allocated in the first instance by a priority of access system. In the situation that the demand for one preschool exceeds the supply of places, a preferential placement process is then offered.

What this means:

Nillumbik provides the opportunity and recommends that, at the time of registering, families identify three preschools that they would be happy to send their children to in the order of their preference. This is to provide the family a higher chance of receiving a preschool offer.

In the situation that a family's first preference preschool is oversubscribed, they will then be offered their 2nd preference if a place exists at that service. The same is applied if the 2nd preference is not available.

As part of this preferential process, families can accept a place at one of their lower preferred preschools but stay on the waiting list for their first preference. This ensures if a position becomes available at their first preference, they are still on the waiting list for a spot.

Whilst three preferences are requested from families at the time of registration, there are families that choose to put only one preference down when applying. This can limit their chance of a place when their preschool of choice is oversubscribed.

Question 2

Can council prioritise fixing the Kinder allocation process so siblings are granted places at the same kinder, as well as implementing a zoning area so residents are given preference for the closest kinder to their residence in order to provide continuity of community and connection between kinder and school as it causes great distress to families who are unable to be accommodated?

Response 2

Nillumbik Shire Council's Preschool Central Registration Priority of Access was designed to meet the Department of Education's Central Registration and Enrolment Scheme (CRES) guidelines to ensure the allocation of preschool places is fair and equitable.

The current process of allocation of places ensures that families who have children attending a preschool in the same year, are allocated the same preschool.

Currently preschools have the autonomy to develop their own program and timetable. This means that preschools operate differently to each other and families often need to choose preschools who offer a program that best suits the needs of the child and family circumstances. The closest preschool to where they reside is not always going to meet their child or family needs.

Rebecca Goddard has submitted the following questions:

Question 1

The rollout of free kinder has seen an overwhelming demand for the sessional kindergartens in Nillumbik, so much so that some families miss out on a place entirely. The State Government has generous grants supporting the rollout for free kindergarten.

What infrastructure plans does the council have to increase the number and capacity of sessional kindergartens in Nillumbik to meet increasing demand?

Response 1

The Department of Education (DE) offers a range of facility improvement and capacity grants. Since the roll out of funded three year old kindergarten, DE has been using population and preschool supply data to determine which Local Government areas they direct their capacity funding to.

When assessing the need for preschool places, DE considers the total number of licensed places across both the long day care setting and the standalone preschools. Due to the availability of places in long day care settings across Nillumbik and many of the standalone preschools choosing to operate at a lower capacity than they are licensed for, DE have determined that there is no supply shortage of places in Nillumbik and therefore are not a high priority for capacity funding.

Whilst Council has been successful attaining funding for facility improvements, recent applications to DE for capacity funding have been unsuccessful.

With the most recent State Government announcement of 30 hours of 4 year old kindergarten due to be fully implemented in Nillumbik in 2036, Council is continuing to work with DE to gain in-principle agreement for future funding.

Question 2

Many Nillumbik sessional kindergartens rely on parent volunteers as members of the committee of management, required for these services to operate. This unpaid labour is mostly performed by women/mothers for the benefit of the broader kindergarten community.

What measures are being taken to ensure that families with a history of volunteering and prior connections to a kindergarten are given due consideration in the enrolment process?

Response 2

It is acknowledged that there is a significant contribution by the community to the operation of the early years services across Nillumbik.

Preschool is funded by the Victorian State Government and is considered a universal service meaning that all families and children will have access to quality education regardless of income or other barriers. Council allocates preschool places according to the guidelines set by the Department of Education.

Children should not be disadvantaged in accessing preschool places based on their family capacity or capability to participate in preschool management functions.

Lana North has submitted the following questions:

Background information: My 3rd child is going to kinder next year and I submitted 3 preferences for a placement through the Council application process. We didn't receive any offer at all in the first round of placement offers, despite being a resident and ratepayer in Nillumbik and having my older two children attend 4yo kinder at Eltham Woods Preschool in the past. I know of other families who have had the same experience in the past.

Question 1

Is Council willing to make changes to the Nillumbik kindergarten allocation process to include consideration of residential proximity to kindergartens and prior connection (ie: past sibling enrolments) to kindergartens?

Response 1

Council officers are reviewing all feedback received from the allocation process and is benchmarking the Priority of Access applied across other Local Government areas. We will undertake an evaluation at the end of the offer process to ensure that all children eligible to attend kindergarten have fair and equitable access to places.

Question 2

Is Council obliged to offer a kindergarten placement to all Nillumbik residents who apply to attend kindergarten at a Nillumbik Preschool?

Response 2

Council is not obliged to offer a kindergarten place to all Nillumbik residents who apply. Council is funded by the State Government to manage the allocation process of preschool places. Council does this within the guidelines set by the State and within the constraints of supply and demand across the Shire.

With the implementation of free kindergarten and the extension of hours to the programs, more families are seeking to attend programs at stand-alone kindergartens as opposed to long day care services. Council does not determine the number of places available at services and with many services choosing to operate with less places than their licence allow them to, there are currently not enough places at stand-alone preschools for the demand.

Meena Gill for Nillumbik4Palenstine has submitted the following questions:

Question 1

On June 25th, Nillumbik Council received our petition "Nillumbik Shire - Call for solidarity with Palestine", which was signed by 430 community members. When can we expect to see the requests of this petition become resolutions that are acted upon by Council?

Response 1

Council understands the importance of this matter, and our officers are currently reviewing the petition. As it is under review, Council cannot yet comment on whether the requests in the petition will become resolutions. It is important to note that the process to undertake the necessary work, consider the petition, and brief Councillors can take time. This work is balanced against our current planned actions and priorities. Our officers are diligently working on a response and will brief Council in due course.

Question 2

Can Council please confirm that the upcoming election period (also the "caretaker period") begins on September 17 as per the Governance Rule - Election Period policy?

Response

Yes, the election period commences 12pm on 17 September 2024.

11. Reports of Advisory Committees

AC.006/24 Advisory Committee Report - 30 July 2024

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. Arts & Cultural Advisory Committee meeting held 19 February 2024;
2. Positive Ageing Advisory Committee meeting held 7 June 2024;
3. Living Learning Nillumbik Advisory Committee meeting held 17 June 2024;
4. Environment & Sustainability Advisory Committee meeting held 19 June 2024; and
5. Panton Hill Bushland Reserve System User Group Advisory Committee meeting held 20 June 2024.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Frances Eyre

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

CARRIED UNANIMOUSLY

11. Reports of Advisory Committees

AC.006/24 Advisory Committee Report - 30 July 2024

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12. Officers' reports

CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan

Distribution: Public

Manager: Renae Ahern, Acting Director Planning, Environment and Strategy

Author: Leigh Northwood, Manager Strategic Planning and Environment

Summary

Council's overarching *Nillumbik Climate Action Plan 2022-2032* was adopted in April 2022 and its Year 2 (2023/24) Implementation Plan was endorsed in July 2023.

The purpose of this report is to present the Year 2 Climate Action Plan annual performance report (**Attachments 1 & 2**) for noting; and the Year 3 (2024/25) annual Implementation Plan (**Attachment 3**) for consideration to endorse.

This work supports Council's ongoing response to its declaration of a Climate Emergency in April 2022, that:

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

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

The overall position, as reflected in the annual performance reporting suggests that Council has made solid progress in delivering on the goals, objectives and targets of the Climate Action Plan, with much work still to be programmed.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council:

1. Receives and notes the Nillumbik Climate Action Plan – 2023/24 Annual Performance Report (**Attachment 1** and **Attachment 2**).
2. Endorses the Climate Action Plan Year 3 Implementation Plan (2024/25) (**Attachment 3**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.065/24 Nillumbik Climate Action Plan - Year 2 (23/24) Annual Performance Report and Year 3 (24/25) Implementation Plan

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12. Officers' reports

CM.066/24 Nillumbik Biodiversity Strategy 2024 - 2034 - adoption of strategy

Distribution: Public**Manager: Leigh Northwood, Manager Strategic Planning and Environment****Author: Warren Tomlinson, Senior Environment Project Officer****Summary**

This report presents the Nillumbik Biodiversity Strategy 2024-2034 (**Attachment 1**) to Council for consideration for adoption.

It incorporates changes arising from the public exhibition period that was held from 1 February to 3 March 2024, and from verbal submissions heard at the Planning and Consultation Committee meeting held on 14 May 2024.

It includes two goals and four focus areas for biodiversity action, with associated targets and indicators.

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

A 'Year 1 Implementation Plan' is scheduled to be presented to Council for endorsement at the December 2024 Council meeting. It will detail Council's biodiversity initiatives for 2024-25.

Recommendation**That Council:**

1. Adopts the Nillumbik Biodiversity Strategy 2024-2034 (**Attachment 1**) and notes the strategy, subject to graphic design, will be made available on Council's website.
2. Receives a Year 1 Implementation Plan (2024/25) for endorsement at the first Council meeting of the new Council term.
3. Receives an annual update on the implementation of the Biodiversity Strategy, and that a summary be provided to the community on Council's website and in Council's Annual Report.

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

1. **Notes an administrative error at Section 1 (page 2) which states '70% of Nillumbik residents are acting to protect our natural environment by 2034' will be replaced with the correct target of '70% of Nillumbik residents care for nature by 2034', to be consistent with Section 4.2 (Our overarching goals, targets and indicators).**
2. Adopts the Nillumbik Biodiversity Strategy 2024-2034 (**Attachment 1**) and notes the strategy, subject to graphic design, will be made available on Council's website.
3. Receives a Year 1 Implementation Plan (2024/25) for endorsement at the first Council meeting of the new Council term.

12. Officers' reports

CM.066/24 Nillumbik Biodiversity Strategy 2024 - 2034 - adoption of strategy

4. Receives an annual update on the implementation of the Biodiversity Strategy, and that a summary be provided to the community on Council's website and in Council's Annual Report.

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

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Karen Egan

That Council:

1. Notes an administrative error at Section 1 (page 2) which states '70% of Nillumbik residents are acting to protect our natural environment by 2034' will be replaced with the correct target of '70% of Nillumbik residents care for nature by 2034', to be consistent with Section 4.2 (Our overarching goals, targets and indicators).
2. Adopts the Nillumbik Biodiversity Strategy 2024-2034 (**Attachment 1**) and notes the strategy, subject to graphic design, will be made available on Council's website.
3. Receives a Year 1 Implementation Plan (2024/25) for endorsement at the first Council meeting of the new Council term.
4. Receives an annual update on the implementation of the Biodiversity Strategy, and that a summary be provided to the community on Council's website and in Council's Annual Report.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.067/24 Leasing and Licensing Policy

Distribution: Public

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

Author: Natalie Campion, Coordinator Property

Summary

At its Council Meeting on 26 March 2024, Council endorsed the draft Leasing and Licensing Policy for the purpose of community exhibition and community consultation process to seek the views of the Nillumbik community and relevant stakeholders with respect to the draft Policy.

The draft Leasing and Licensing Policy was exhibited and open for community consultation for the period 4 April to 25 April 2024.

Two submissions were received (**Attachment 1**), one in support of the draft Policy and the other generally supportive but raised concerns about insurance requirements for Historical Societies (not-for-profit organisations).

This report presents the Leasing and Licensing Policy (Policy) (**Attachment 2**) for adoption, following public consultation, receipt of submissions and refinements in response to submissions received.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council:

1. Notes that two submissions were received in relation to the draft Leasing and Licensing Policy, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 11 June 2024.
2. Adopts the Leasing and Licensing Policy with the minor amendments highlighted in red in **Attachment 2**, following a review of the written and verbal submissions.
3. Requests that Officers write to all respondents to the public engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution.

CARRIED

For: Crs Karen Egan, Frances Eyre, Geoff Paine, Peter Perkins, Ben Ramcharan and Richard Stockman

Against: Cr Natalie Duffy

12. Officers' reports

CM.067/24 Leasing and Licensing Policy

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12. Officers' reports

CM.068/24 Economic Development Advisory Committee 2024-2026 membership recommendation

Distribution: Public

Manager: Renae Ahern, Acting Director Planning, Environment and Strategy

Author: Tania Treasure, Economic Development & Tourism Lead

Summary

This report provides the recommendations for membership of the 2024-2026 term of Council's Economic Development Advisory Committee (EDAC).

The Terms of Reference for EDAC are provided in **Attachment 1**

Nominations were sought from the 6 May to 13 June 2024 and were assessed against the selection criteria. See **Confidential Attachments 2 (membership recommendation)** and **3 (verbatim applications)**.

Council endorsement of the recommended 12 committee members which includes general committee members, a Youth representative an Agricultural representative and representatives from the business groups is sought.

Recommendation

That Council:

1. Endorses the twelve recommended applicants listed for membership of the Nillumbik Economic Development Advisory Committee. **See Confidential Attachment 2.**
2. Resolves that the successful applicants be named.
3. Acknowledges and thanks all community members who submitted applications for membership of the Economic Development Advisory Committee.
4. Resolves that the applications and assessment (**Attachments 2 and 3**) remain confidential on the grounds specified in the definition of confidential information in section 3(1) (f) of the *Local Government Act 2020*.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Karen Egan

That Council:

1. Endorses the twelve recommended applicants listed for membership of the Nillumbik Economic Development Advisory Committee. **See Confidential Attachment 2.**
2. Resolves that the successful applicants be named;
 - Malcolm Cock
 - Orianna Edmonds
 - John Gawne
 - Wayne Kinrade

12. Officers' reports

CM.068/24 Economic Development Advisory Committee 2024-2026 membership recommendation

- Katrina Naish
 - Luke Marshall
 - Sarah Panneels
 - Patricia Weinberg
 - Nicole Staveley
 - Simon Mauger
 - Chanmali Tregambe
 - Hudson Brown.
3. Acknowledges and thanks all community members who submitted applications for membership of the Economic Development Advisory Committee.
 4. Resolves that the applications and assessment (**Attachments 2 and 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

12. Officers' reports

CM.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court Resurfacing – Courts 3 & 4

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Lance Clark, Senior Procurement Specialist

Steven Blight, Manager Capital and Infrastructure

Summary

This report recommends the awarding of contract 2324-057 for Diamond Creek Tennis Court Resurfacing – Courts 3 & 4

The contract commencement date is 1 August 2024 with a completion date of 31 October 2024.

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 2324-057 for Diamond Creek Tennis Court Resurfacing – Courts 3 & 4.

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

Recommendation

That Council:

1. Accepts the tender submitted by the **preferred tenderer** for the sum of **#[Redacted]** plus **#[Redacted]** for contingency (inclusive of GST) and enter into the following contract:
Number: 2324-057
Title: Diamond Creek Tennis Court Resurfacing – Courts 3 & 4
Term: 1 August 2024 to 31 October 2024
Options: Not applicable
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 – 2324-057 (**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*.

12. Officers' reports

CM.069/24 Tender Report - Contract 2324-057 Diamond Creek Tennis Court Resurfacing – Courts 3 & 4

7. Resolves that the preferred tenderer be named.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That Council:

1. Accepts the tender submitted by the preferred tenderer Turf One Pty Ltd for the sum of \$371,324.25 plus \$74,264.85 for contingency (inclusive of GST) and enter into the following contract:
Number: 2324-057
Title: Diamond Creek Tennis Court Resurfacing – Courts 3 & 4
Term: 1 August 2024 to 31 October 2024
Options: Not applicable
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 – 2324-057 (**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

Tania Treasure, Economic Development & Tourism Lead left the meeting during discussion of this item at 7:57pm

12. Officers' reports

CM.070/24 Tender Report - Upcoming Contracts during Election Period

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Lance Clark, Senior Procurement Specialist

Melika Sukunda, Manager Finance, Assets and Procurement

Summary

This report is to provide notice of a range of tender activities and resulting contracts via Nillumbik Shire Council public tender processes or tender processes via Appointed Agencies – MAV, Procurement Australia and State Purchasing Contracts via Department of Treasury and Finance, for which contracts will need to be entered into during the period September 2024 to December 2024.

Due to the timing of some of the tender dates there are some contracts which have a commencement date later than December 2024, but notification of contract award will need to be made by no later than 31 December 2024.

These agency arrangements are subject to a public tender process and conform to Council's procurement requirements as per the relevant provisions of the *Local Government Act 2020* – Sections 108 and 109 and Councils Procurement Policy 2021-2025.

Aside from one Capital Works tender, all other tender activities are to replace existing business as usual goods and services or to manage Councils fleet requirements.

The list of current tenders that will require contracts to be executed during the stated period are provided in **Attachment 1- List of Future Contracts**. The details of the contract periods and anticipated contractual spend based on historical expenditure over the full possible term of the contract is also provided in **Attachment 1- List of Future Contracts**.

A CEO Tender Report will be provided to the Chief Executive Officer for each of these tenders and contracts as part of the contract execution process.

Pursuant to the Instrument of Delegation to the Chief Executive Officer, the individual value of these contracts exceed the specified financial limits and a Council resolution is therefore required to award the contracts.

12. Officers' reports

CM.070/24 Tender Report - Upcoming Contracts during Election Period

Recommendation

That Council:

1. Authorises the Chief Executive Officer to finalise and execute the contract documentation for the list of provided tenders below.

Contract Number	Contract Name	Capital Works or Operations
2324-048	Herberts Lane Playspace – Construction	Capital Works
2324-073 2324-074 2324-075	Supply and Delivery of; 1 x 5.5 tonne Hybrid Tip Truck with Winch and Removable Litter Cage 1 x 8.5 tonne Hybrid truck with 6-8m ³ storage bin/hopper and 2.2 tonne towing capacity 1 x 8.5 tonne Hybrid Truck with specified trade body	Operations
2324-083	Finance Lease of Combination Vac Hydro Excavation Truck	Operations
2324-084	Insurance Brokerage Services	Operations
2324-087	Provision of Internal Audit Services	Operations
2324-090	Provision of Banking Services	Operations
2324-093	Cleaning Services - Collaborative Joint Council Tender	Operations
2425-002	Fuel Cards via Procurement Australia	Operations
2425-003	Electricity Large Sites and Street Lighting - MAV	Operations
2425-004	Fleet (incl. EV) Services and Consumables	Operations

2. Delegates the powers and authorisation to the Chief Executive Officer to review and approve the options to extend the individual contract terms as per the listed options in **Attachment 1- List of Future Contracts**.
3. Authorises the Chief Operating Officer to approve contract variations that are a result of changes to operational requirements throughout the term of the contracts.
4. Notes that for Contract 2324-048, that any variations that exceed the agreed approved budget will require a further Council resolution.
5. Makes public the future decisions regarding these contracts but the individual CEO Tender Reports for each contract, remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
6. Advises all tenderers accordingly.

12. Officers' reports

CM.070/24 Tender Report - Upcoming Contracts during Election Period

Motion

MOVED: Cr Natalie Duffy

SECONDED: Cr Peter Perkins

That Council:

1. Authorises the Chief Executive Officer to finalise and execute the contract documentation for the list of provided tenders below.

Contract Number	Contract Name	Capital Works or Operations
2324-048	Herberts Lane Playspace – Construction	Capital Works
2324-073 2324-074 2324-075	Supply and Delivery of; 1 x 5.5 tonne Hybrid Tip Truck with Winch and Removable Litter Cage 1 x 8.5 tonne Hybrid truck with 6-8m ³ storage bin/hopper and 2.2 tonne towing capacity 1 x 8.5 tonne Hybrid Truck with specified trade body	Operations
2324-083	Finance Lease of Combination Vac Hydro Excavation Truck	Operations
2324-084	Insurance Brokerage Services	Operations
2324-087	Provision of Internal Audit Services	Operations
2324-090	Provision of Banking Services	Operations
2324-093	Cleaning Services - Collaborative Joint Council Tender	Operations
2425-002	Fuel Cards via Procurement Australia	Operations
2425-003	Electricity Large Sites and Street Lighting - MAV	Operations
2425-004	Fleet (incl. EV) Services and Consumables	Operations
2425-010	Eltham North Reserve Car Park - Construction	Capital Works

2. Delegates the powers and authorisation to the Chief Executive Officer to review and approve the options to extend the individual contract terms as per the listed options in **Attachment 1- List of Future Contracts**.
3. Authorises the Chief Operating Officer to approve contract variations that are a result of changes to operational requirements throughout the term of the contracts.
4. Notes that **there are two capital works projects listed, and that any variations that exceed the agreed approved budget will require a further Council resolution:**
 - **2324-048 - Herberts Lane Playspace – Construction which has an approved budget of \$360,000.**

12. Officers' reports

CM.070/24 Tender Report - Upcoming Contracts during Election Period

- **2425-010 - Eltham North Reserve Car Park – Construction which has an approved budget of \$650,000.**

5. Makes public the future decisions regarding these contracts but the individual CEO Tender Reports for each contract, remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
6. Advises all tenderers accordingly.

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

Council Resolution

MOVED: Cr Natalie Duffy
SECONDED: Cr Peter Perkins

That Council:

1. Authorises the Chief Executive Officer to finalise and execute the contract documentation for the list of provided tenders below.

Contract Number	Contract Name	Capital Works or Operations
2324-048	Herberts Lane Playspace – Construction	Capital Works
2324-073 2324-074 2324-075	Supply and Delivery of; 1 x 5.5 tonne Hybrid Tip Truck with Winch and Removable Litter Cage 1 x 8.5 tonne Hybrid truck with 6-8m ³ storage bin/hopper and 2.2 tonne towing capacity 1 x 8.5 tonne Hybrid Truck with specified trade body	Operations
2324-083	Finance Lease of Combination Vac Hydro Excavation Truck	Operations
2324-084	Insurance Brokerage Services	Operations
2324-087	Provision of Internal Audit Services	Operations
2324-090	Provision of Banking Services	Operations
2324-093	Cleaning Services - Collaborative Joint Council Tender	Operations
2425-002	Fuel Cards via Procurement Australia	Operations
2425-003	Electricity Large Sites and Street Lighting - MAV	Operations
2425-004	Fleet (incl. EV) Services and Consumables	Operations
2425-010	Eltham North Reserve Car Park - Construction	Capital Works

12. Officers' reports

CM.070/24 Tender Report - Upcoming Contracts during Election Period

2. Delegates the powers and authorisation to the Chief Executive Officer to review and approve the options to extend the individual contract terms as per the listed options in **Attachment 1- List of Future Contracts**.
3. Authorises the Chief Operating Officer to approve contract variations that are a result of changes to operational requirements throughout the term of the contracts.
4. Notes that there are two capital works projects listed, and that any variations that exceed the agreed approved budget will require a further Council resolution:
 - 2324-048 - Herberts Lane Playspace – Construction which has an approved budget of \$360,000.
 - 2425-010 - Eltham North Reserve Car Park – Construction which has an approved budget of \$650,000.
5. Makes public the future decisions regarding these contracts but the individual CEO Tender Reports for each contract, remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
6. Advises all tenderers accordingly.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.070/24 Tender Report - Upcoming Contracts during Election Period

12. Officers' reports

CM.071/24 Procurement Policy 2021-2025 - Update

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Lance Clark, Senior Procurement Specialist

Melika Sukunda, Manager Finance, Assets and Procurement

Summary

Under Section 108 (5) of the Local Government Act 2020, Council is required to undertake a review of its Procurement Policy at least once during each 4 year term.

The current version of the Procurement Policy 2021-2025 was adopted by Council on Tuesday 29 June 2021. The current policy was developed in collaboration with the Northern Council Alliance in compliance with the Local Government Act.

The review of the current policy has been undertaken by Council's Senior Procurement Specialist and Manager Finance, Assets and Procurement officers.

The proposed amendments made to the Procurement Policy 2021-2025 were presented to the Audit and Risk Committee at the meeting held on Monday 6 May 2024.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council:

1. Adopts the Procurement Policy – Procurement Policy 2021 - 2025 - Version 1 July 2024.
2. Makes the updated Procurement Policy 2021 – 2025 available for public inspection on Council's website.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.071/24 Procurement Policy 2021-2025 - Update

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12. Officers' reports

CM.072/24 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 Karen Egan

SECONDED: Cr Geoff Paine

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

- a) 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.
- b) The common seal of Council be affixed to the Instrument.
- c) 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.072/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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12. Officers' reports

CM.073/24 Informal Meetings of Councillors Records - 30 July 2024

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 June 2024.

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

1. Arts and Cultural Advisory Committee held 20 May 2024;
2. Living & Learning Nillumbik Advisory Committee held 17 June 2024;
3. Councillor Briefing held 18 June 2024;
4. Environment and Sustainability Advisory Committee Meeting held 19 June 2024;
5. Panton Hill bushland Reserve System User Group Advisory Committee held 20 June 2024;
6. Council Meeting Pre-Meet held 25 June 2024;
7. Inclusion and Access Advisory Committee held 28 June 2024; and
8. Planning and Consultation Committee Pre-Meet held 16 July 2024.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Peter Perkins

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.073/24 Informal Meetings of Councillors Records - 30 July 2024

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13. Notices of Motion

Nil

14. Delegates' Reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

Nil

17. Close of Meeting

The meeting closed at 8:07pm.

Confirmed: _____
Cr Ben Ramcharan, Mayor