

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 28 January 2020 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 31 January 2020

Distribution: Public

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

Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 28 January 2020. The meeting commenced at 6:59pm.**

Councillors present:

Cr Karen Egan	Bunjil Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward
Cr Peter Clarke	Wingrove Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Enrique Gutierrez	Manager Capital Works
Heath Gillett	Manager Recreation and Leisure
Danielle Phyland	Coordinator Economic Development and Tourism
Steven Blight	Construction Coordinator
Angela Clare	Acting Community Inclusion and Volunteer Coordinator
Lawrence Seyers	Lead Transport Planner
Emma Christensen	Senior Governance Officer

1. Welcome by the Mayor

2. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Karen Egan.

3. Prayer

A prayer was read by Father Vlad Sipovac of St Sava Serbian Orthodox Church.

4. Apologies

Nil

5. Presentations

The Mayor, Cr Karen Egan made the following address:

On a sombre note, I invite the Chamber to all stand for a minute's silence for the Australian bushfires:

- More than 30 people have lost their lives;
- Over two thousand homes have been destroyed;
- An estimated one billion plus animals; and
- Millions of hectares of land have been lost Australia-wide.

A minute's silence was observed for the Australian bushfires.

Nillumbik Australia Day Awards 2020

On Sunday we also had an incredibly successful Australia Day Awards and Citizenship Ceremony at the Eltham Community and Reception Centre.

More than 300 people turned up to witness or take part in the event. We had four awards, including Citizen of the Year, which were presented to some exceptional people doing great things to support our community.

Wurundjeri Elders Aunty Jacqui Wandin and Perry Wandin joined us for Acknowledgement of history and conducted a smoking ceremony outside. We are really pleased to have worked with the Wurundjeri and the Nillumbik Reconciliation Group by introducing this significant aspect into the event which plays an important part towards reconciliation.

Our **Citizen of the Year** was **Neil Marshall**. After 59 years as a member of the Panton Hill Fire Brigade, Neil knows a thing or two about giving back to the community. He has been a fire tower observer at Kangaroo Ground Fire Tower for over 18 years and was instrumental in providing input at the Incident Control Centre on Black Saturday.

Our **Senior Citizen of the Year** is **Tony Barbeta** of St Andrews. Tony was fundamental in establishing the St Andrews Men's Shed, where he helps members with projects, ensures there is a focus on men's health at the shed, liaises with grant bodies and gives back to the community through the provision of items like wildlife boxes and Christmas decorations.

Cottles Bridge resident **Carol Jenkinson** is Nillumbik's **Volunteer of the Year**. I think many know Carol's role at the Panton Hill Football Club covering everything from coordinating Auskick and being club secretary to organising the canteen on match day and arranging committee meetings. Carol also has volunteer roles with the local church, is Diamond Valley College council president, and coordinates the running of the annual Hurstbridge Wattle Festival every year.

Our **Community Group of the Year** is **Nillumbik Youth Productions (NYP)**. NYP is a committee of young volunteers who provide a really safe and accessible space for young people aged between 10 and 28 to express themselves in the arts, through its program Nillumbik Youth Theatre. Last year they managed its production *All Shook Up* independently – from casting to fundraising and putting on the show. In the lead-up to the performances, the dedicated committee contributed about 40 hours per week to the production, in addition to their schooling and work commitments.

Citizenship Ceremony

Council's Australia Day celebrations were not just about the enormous contributions made by our community members.

The Citizenship Ceremony was very important and our largest one to date with 78 people taking the pledge to become Australian citizens. We wish our new citizens the very best for a happy, healthy and prosperous future and we look forward to the contributions that I'm sure they will also make to the community.

Finally, events like this take a lot of people to make happen, and I would like to thank all those at Council involved in making our Australia Day celebrations such a significant event.

Australia Day 2020 Honours List

It is great to see members of our community being recognised for their achievements in the Governor General's Australia Day Honours List this year.

Awarded a Medal of the Order of Australia (OAM) in the General Division were:

Reynold Gilson for service to music through brass bands; and

Sandy Jeffs for service to mental health organisations.

A big congratulations for those two members of Nillumbik.

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 17 December 2019.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

That the minutes of the Ordinary Council Meeting held on Tuesday 17 December 2019 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Ken Crompton asked Council:

Road projects of social, economic or environmental significance to the State, may be declared by the Premier as major projects, which then require comprehensive examination with Councils, an Environmental Effects Statement and community consultation over 12 months by the Minister for Planning. (*Major Projects Facilitation Act 2009*)

However, the Minister for Planning, off his own bat, and without legislative authority, has declared the proposed Fitzsimons Lane roadworks of social and economic significance for the State and the region, but has declined to give notice to impacted parties, thereby denying them the normal Statutory Planning process of controlled examination by the relevant Council and full community consultation. (*Planning and Environment Act 1987*)

1. Will the Council ask the Premier to have the Minister for Planning cancel Amendment C119 and allow the normal process of community consultation (approved by Parliament – not the one the Minister has made up) and Municipal control for Planning Scheme Amendments to proceed?

Response

Council and the community have made repeated representations to the Victorian Government about the proposed works and impacts on environment and amenity of the Eltham Gateway.

Council has not received the revised reference designs that the Minister for Planning has cited in his reasons for intervention and will await these before deciding the next step in representations to the Minister for Planning, the Minister for Major Transport Infrastructure or the Premier.

2. Will Council, otherwise, immediately write to all members of the Legislative Council requesting that they resolve to –
 - a. Disallow Nillumbik Planning Scheme Amendment C119; and
 - b. Request Cabinet to facilitate a new process, inclusive of community consultation and an Environmental Effects Statement, for the approval of roadworks in Fitzsimons Lane?

Response

C119 was gazetted on Thursday 16 January 2020. The Minister for Planning has acted within the provisions of the *Planning and Environment Act 1987*.

Alexander Collum asked Council:

My question relates to grant funding Nillumbik Council received under the Federal Government's Community Sport Infrastructure program.

I understand that in December 2018 Council was notified that it would receive \$170,000 in Round 1 of the program, and in March 2019 Council was notified that it would receive a further \$170,000 in Round 2.

Which projects were these funds awarded for and how much was directed to each of these projects?

Response

Funds received in 2018/2019 financial year under the CSIF program were allocated as follows:

Yarrambat War Memorial Park Floodlight Upgrade \$170,000.

Yarrambat War Memorial Park Sportsground Surface Improvement \$170,000.

Ben Ramcharan asked Council:

1. Does Council currently have an officer in charge of ensuring that Council meets the targets set out in the Climate Change Action Plan 2016-2020?

Response

Meeting the greenhouse reduction target in the Climate Change Action Plan is a collective effort across many areas of Council, such as procurement, grants, infrastructure, fleet, buildings and leisure facilities to name a few.

As a plan adopted by Council, achievements against the plan are ultimately reported to Council.

2. As the current Climate Change Action Plan finishes this year, when does Council plan on renewing this plan and what sort of consultation process will be used?

Response

Review of this plan will commence with a workshop with Council's Environment and Sustainability Advisory Committee next month. Broader community interaction on the topic will take place over the following months. It is not proposed to have any gap between the current plan and its replacement.

Sue Ormerod asked Council:

Will all matters raised in the draft Nillumbik Economic Development Strategy 2020-2030 be open for public consultation?

Response

Yes, the draft strategy will be open for public consultation for a minimum of 6 weeks. Feedback to the draft strategy is invited through Participate Nillumbik, that will be open from tomorrow should the resolution be passed tonight.

10. Reports of Advisory Committees

AC.001/20 Advisory Committee Report

Distribution: Public

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

Author: Alena Spry, Governance Officer

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 minutes of meetings are presented to Council.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

That Council notes the minutes of the following meetings:

- Environment and Sustainability Advisory Committee held on 16 October 2019; and
- Arts Advisory Committee held on 16 December 2019.

CARRIED

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.001/20 Economic Development Strategy

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Dwayne Rabel, Economic Development and Tourism Project Consultant

Summary

The draft Economic Development Strategy (Strategy) seeks to capitalise on Nillumbik's strengths to grow our economy and create jobs through collaboration, partnerships and innovation whilst respectful of our natural environment.

This report seeks Council's endorsement to go public consultation on the draft Strategy for a period of six weeks. Following the consultation process, the Strategy will be updated to incorporate changes based on the feedback received prior to adoption.

Recommendation

That Council endorses the draft Economic Development Strategy (**Attachment 1**) for public consultation which will occur for 6 weeks, ending 20 March 2020.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Endorses the draft Economic Development Strategy (**Attachment 1**) for public consultation which will occur for 6 weeks, ending 20 March 2020.
2. **Notes that any persons who make a submission in relation to the draft strategy and requests to be heard in support of their written submission, be heard at the Future Nillumbik Committee meeting on 12 May 2020.**

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

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Grant Brooker

That Council:

1. Endorses the draft Economic Development Strategy (**Attachment 1**) for public consultation which will occur for 6 weeks, ending 20 March 2020.
2. Notes that any persons who make a submission in relation to the draft strategy and requests to be heard in support of their written submission, be heard at the Future Nillumbik Committee meeting on 12 May 2020.

CARRIED

12. Officers' reports**OCM.002/20 Hurstbridge Line Upgrade - Stage 2**

Distribution: Public**Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Lawrence Seyers, Lead Transport Planner****Paul Fyffe, Senior Strategic Planner****Rosa Zouzoulas, Executive Manager Planning and Community Safety****Summary**

This report provides an update on the State Government's Hurstbridge Line Upgrade Project - Stage 2 and also on advocacy by Council for much-needed improvements to the project.

Stage 2 of the Hurstbridge Line Upgrade proposes significant upgrades to the line in the municipalities of Banyule and Nillumbik. In Nillumbik, it is proposed to duplicate the line between Diamond Creek and Wattle Glen railway stations. Planning for the project is now underway and officers from Nillumbik Shire and Banyule City Councils have had discussions with the relevant State Government Authority, the Level Crossing Removal Authority (LXRA), regarding the scope of the works, urban design and planning approval for the project.

These discussions have revealed some significant shortcomings with the project for both councils. For Nillumbik, these shortcomings particularly comprise four limitations in the scope of the works, including three that have significant safety implications for the Diamond Creek community.

The Ordinary Council Meeting on 17 December 2019 considered these shortcomings as an urgent business item and responded by advocating, particularly by a letter, to the State Government to address the shortcomings.

Recommendation

That Council:

1. Notes the current status of the Hurstbridge Line Upgrade Project - Stage 2.
2. Notes officers have, in line with Council's resolution of 17 December 2019, written to the State Government advocating for improvements to the Hurstbridge Line Upgrade Project Stage 2, particularly to:
 - a) provide safe pedestrian crossing points of the duplicated line near schools;
 - b) enable removal of the Main Hurstbridge Road, Diamond Creek level crossing at a future stage;
 - c) deliver upgrades to Diamond Creek station that are required to support the project; and
 - d) consider low cost, high impact additions to significantly enhance community outcomes, such as a shared trail along the rail corridor between Greensborough and Eltham.
3. Continues to advocate both independently and together with Banyule City Council where appropriate for these outcomes.

12. Officers' reports

OCM.002/20 Hurstbridge Line Upgrade - Stage 2

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Peter Clarke

That Council:

1. Notes the current status of the Hurstbridge Line Upgrade Project - Stage 2.
2. Notes officers have, in line with Council's resolution of 17 December 2019, written to the State Government advocating for improvements to the Hurstbridge Line Upgrade Project Stage 2, particularly to:
 - a) provide safe pedestrian crossing points of the duplicated line near schools;
 - b) enable removal of the Main Hurstbridge Road, Diamond Creek level crossing at a future stage;
 - c) deliver upgrades to Diamond Creek station that are required to support the project; and
 - d) consider low cost, high impact additions to significantly enhance community outcomes, such as a shared trail along the rail corridor between Greensborough and Eltham.
3. **Provides a submission to the Level Crossing Removal Authority's community consultation by 28 February 2020 that includes Council's concern at increased traffic congestion at existing Hurstbridge railway line level crossings; and**
4. Continues to advocate both independently and together with Banyule City Council where appropriate for these outcomes.

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Peter Clarke

That Council:

1. Notes the current status of the Hurstbridge Line Upgrade Project - Stage 2.
2. Notes officers have, in line with Council's resolution of 17 December 2019, written to the State Government advocating for improvements to the Hurstbridge Line Upgrade Project Stage 2, particularly to:
 - a) provide safe pedestrian crossing points of the duplicated line near schools;
 - b) enable removal of the Main Hurstbridge Road, Diamond Creek level crossing at a future stage;
 - c) deliver upgrades to Diamond Creek station that are required to support the project; and

12. Officers' reports

OCM.002/20 Hurstbridge Line Upgrade - Stage 2

- d) consider low cost, high impact additions to significantly enhance community outcomes, such as a shared trail along the rail corridor between Greensborough and Eltham.
- 3. Provides a submission to the Level Crossing Removal Authority's community consultation by 28 February 2020 that includes Council's concern at increased traffic congestion at existing Hurstbridge railway line level crossings; and
- 4. Continues to advocate both independently and together with Banyule City Council where appropriate for these outcomes.

CARRIED

12. Officers' reports

OCM.003/20 Draft Disability Action Plan (DAP) 2020-2024

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Communities

Author: Angela Lampard, Community Inclusion and Volunteer Coordinator
Angela Clare, MetroAccess Project Officer

Summary

The draft Disability Action Plan (DAP) 2020-2024 supports Council in eliminating, as far as possible, disability discrimination through the provision of its goods, services and facilities. While the plan's framework is established in the *Disability Discrimination Act 1992*, the DAP is a legislative requirement for Council by virtue of section 38 of the *Disability Act 2006* (Vic).

This report seeks Council's endorsement to place the draft DAP for public exhibition for a three week period, inviting submissions to the draft. Following this process, the DAP will be updated to incorporate changes based on the feedback received prior to adoption.

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Jane Ashton

That Council resolves to place the draft Disability Action Plan (DAP) 2020-2024 (**Attachment 1**) for public exhibition from 3 February 2020, inviting submissions to the draft.

CARRIED

12. Officers' reports

OCM.004/20 Review of Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to Members of Council Staff

Distribution: Public**Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement****Author: Katia Croce, Governance Lead****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. Therefore, the *Local Government Act 1989* (the Act) provides for each Council to establish a delegation of power. The Act also requires Council to review the delegations within one year of each general election.

To ensure compliance with the Act, the Instrument of Delegation to the Chief Executive Officer and the Instrument of Delegation to Members of Council Staff have been reviewed and are presented to Council for consideration.

Council Resolution

MOVED: Cr Bruce Ranken**SECONDED: Cr Peter Clarke****That Council:**

1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the Instrument of Delegation to the Chief Executive Officer (**Attachment 1**), resolves that:
 - a) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;
 - b) The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument;
 - c) On the coming into force of the Instrument, all previous delegations to the Chief Executive Officer are revoked;
 - d) 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; and
 - e) It is noted that the Instrument includes a power of delegation to members of Council staff in accordance with section 98(3) of the Act.
2. In the exercise of the powers conferred by section 98(1) of the Act and the other legislation referred to in the Instrument of Delegation to Members of Council Staff (**Attachment 2**), resolves that:

12. Officers' reports

OCM.004/20 Review of Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to Members of Council Staff

- a) There be delegated to members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the 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;
 - b) The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument;
 - c) On coming into force of the Instrument, all previous delegations to members of Council staff under the Instrument of Delegation to Members of Council Staff are revoked;
 - d) 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.
3. Affixes the common seal to the Instrument of Delegation to the Chief Executive Officer (**Attachment 1**) and the Instrument of Delegation to Members of Council Staff (**Attachment 2**).

CARRIED

12. Officers' reports

OCM.005/20 December Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

This report outlines Council's financial performance and financial position for the period ended 31 December 2019.

The Income Statement shows an overall favourable year to date (YTD) variance of \$487,427 representing 1.67 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$947,296 and higher than budgeted operating expenses of \$459,869.

Council's overall financial position at the end of this quarter is sound, and continues to be actively monitored.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council receives and notes the Financial Report for the period ended 31 December 2019 (**Attachment 1**).

CARRIED

Angela Clare, Acting Community Inclusion and Volunteer Coordinator left the meeting during discussions of the above item at 7:40pm.

12. Officers' reports

OCM.006/20 Assembly of Councillors

Distribution: Public

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

Author: Alena Spry, Governance Officer

Summary

In accordance with section 80A(2) of the *Local Government Act 1989*, Council is required to report as soon as practicable to an Ordinary Council Meeting a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 17 December 2019.

An Assembly of Councillors record was kept for:

- Councillor Briefing and Pre-meeting to Future Nillumbik Committee – 10 December 2019;
- Environment and Sustainability Advisory Committee – 11 December 2019;
- Arts Advisory Committee – 16 December 2019;
- Pre-meeting to Ordinary Council Meeting – 17 December 2019; and
- Positive Ageing Advisory Committee – 10 January 2020.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the assemblies of Councillors held on 10 December 2019, 11 December 2019, 16 December 2019, 17 December 2019 and 10 January 2020 (**Attachment 1**).

CARRIED

12. Officers' reports

OCM.007/20 Kerbside recycling contract arrangements

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Lisa Pittle, Manager Environment
Mikael Ooi, Waste Management Coordinator**

Summary

This report is an overview of a separate confidential report recommending short term arrangements for recycling processing services.

Council's contract arrangements for kerbside recycling processing have been uncertain since the closure of SKM Recycling Pty Ltd facilities in July 2019. Council has limited contract options until the long term Metropolitan Waste and Resource Recovery Group (MWRRG) collaborative procurement for kerbside recycling processing services is resolved, which is not expected before 30 June 2021.

The confidential report associated with this agreement contains a recommendation to make public the decision regarding this agreement.

Council Resolution

MOVED: Cr John Dumaresq

SECONDED: Cr Peter Clarke

That Council notes this report.

CARRIED

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

That Council:

1. Notes that the procurement of recycling processing services is exempt from the requirements of section 186 of the *Local Government Act 1989*.
2. Notes the lack of outcome from the Metropolitan Waste and Resource Recovery Group (MWRRG) procurement process for a short term panel contract for recycling sorting services.
3. Notes that officers will negotiate continuation of the current agreement originally between Nillumbik and the SKM receivers KordaMentha, now novated to Cleanaway Pty Ltd until 30 June 2021 with an option to extend until the commencement of the MWRRG collaborative contract.
4. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.

12. Officers' reports

OCM.007/20 Kerbside recycling contract arrangements

5. Makes public the decision regarding this contract but the report remain confidential.

CARRIED

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council agree to move 'en bloc' the reports listed below and their recommendations be adopted as printed in the agenda:

- OCM.008/20 Tender Report – Contract 1819-125 Cleaning Services
- OCM.009/20 Tender Report – Contract 1920-18 Greensborough Hockey Club Pavilion – Redevelopment
- OCM.010/20 Tender Report – Contract 1920-19 Annual Supply – Road Maintenance and Footpath Works

CARRIED

12. Officers' reports

OCM.008/20 Tender Report - Contract 1819-125 Cleaning Services

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Jonathon Miller, Manager Property and Facilities Maintenance
Lance Clark, Senior Procurement Specialist**

Summary

This report is an overview of a separate confidential report recommending the awarding of Contract 1819-125 for Cleaning Services.

The contract is for routine and periodic cleaning services across Council's occupied facilities/sites including bus shelters, public toilets, barbecues and public areas as well as supply of consumables.

The contract term is for an initial period of three (3) years, with further periods of any duration up to another two (2) years to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed five (5) years from contract commencement date.

The tender for services was a collaborative tender process undertaken by the Northern Region Group of Councils. There is a common expiry date for the initial contract period of 31 March 2023.

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.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Council Resolution

**MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken**

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

**MOVED: Cr Peter Clarke
SECONDED: Cr Jane Ashton**

That Council:

1. Enters into a contract with Cleaning Melbourne Pty Ltd for Cleaning Services based on the final tendered schedule of rates (exclusive of GST).

12. Officers' reports

OCM.008/20 Tender Report - Contract 1819-125 Cleaning Services

2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Delegates the powers and authorisation to the Director Operations and Infrastructure review and approve the options to extend the contract term for a maximum of up to two (2) further years.
4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.009/20 Tender Report - Contract 1920-18 Greensborough Hockey Club Pavilion - Redevelopment

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Capital Works

Lance Clark, Senior Procurement Specialist

Summary

This report is an overview of a separate confidential report recommending the awarding of Contract 1920-18 Greensborough Hockey Club Pavilion Redevelopment Building Works.

Works will involve the demolition of existing pavilion and the construction of the new Greensborough Hockey Club Pavilion.

Funding for the delivery of this project has been secured from DELWP's Growing Suburbs Fund 2018-2019 (\$2,000,000), with the balance of the budget required being provided by Council and the Greensborough Hockey Club.

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.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Grant Brooker

SECONDED: Cr Jane Ashton

That Council:

1. Enters into a contract with Bowden Corporation Pty Ltd for the Greensborough Hockey Club Pavilion Redevelopment Building Works for the amount of \$1,970,852 (exclusive of GST).
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.

12. Officers' reports

OCM.009/20 Tender Report - Contract 1920-18 Greensborough Hockey Club Pavilion - Redevelopment

4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.010/20 Tender Report - Contract 1920-19 Annual Supply - Road Maintenance and Footpath Works

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Capital Works

Lance Clark, Senior Procurement Specialist

Summary

This report is an overview of a separate confidential report recommending the awarding of a panel contract to road maintenance and footpath construction contractors to provide the following services for the next two years:

- Concrete Works
- Asphalt Works
- Minor Asphalt Works (including stabilisation and recycling of existing pavements)

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.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Peter Perkins

That Council:

1. Enters into a panel contract with the contractors listed below for an initial contract period of two (2) years based on the tendered schedule of rates (exclusive of GST) to deliver Road Maintenance and Footpath Works services:
 - a) MJ Construction Group Pty Ltd for Concrete Works and Minor Asphalt Works
 - b) DiCarlo Constructions Aust Pty Ltd for Concrete Works
 - c) S & O Ricchiuti Pty Ltd for Concrete Works

12. Officers' reports

OCM.010/20 Tender Report - Contract 1920-19 Annual Supply - Road Maintenance and Footpath Works

- d) Asphaltech (Vic) Pty Ltd for Asphalt Works
 - e) Downer EDI Works Pty for Asphalt Works
 - f) Greenwood Asphalt Pty Ltd for Minor Asphalt Works
2. Notes that the contract for the provision of Spray Sealing services is to be re-tendered in early 2020.
 3. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
 4. Delegates the powers and authorisation to the Director Operations and Infrastructure to review and approve the options to extend the contract term for a maximum of up to three (3) further years.
 5. Advises all tenderers accordingly.
 6. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

ADOPTION OF SEVERAL REPORT RECOMMENDATIONS 'EN BLOC'

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Jane Ashton

That Council agree to move 'en bloc' the reports listed below and their recommendations be adopted as printed in the agenda:

- OCM.011/20 Tender Report – Contract 1920-24 Diamond Creek Trail – Shared Path Construction
- OCM.012/20 Tender Report – Contract 1920-25 Diamond Creek Trail – Design and Construction of Three Bridges

CARRIED

12. Officers' reports

OCM.011/20 Tender Report - Contract 1920-24 Diamond Creek Trail - Shared Path Construction

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Capital Works

Lance Clark, Senior Procurement Specialist

Summary

This report is an overview of a separate confidential report recommending the awarding of Contract 1920-24 for the Diamond Creek Trail – Shared Path Construction, as part of Stage 1 of the Diamond Creek Trail Extension, between Diamond Creek and Hurstbridge.

Works include the construction of a 3 metre wide concrete path, a 2 metre wide natural horse trail, the installation of drainage culverts and other associated works for the 2.5 km shared trail extension between Diamond Creek and Wattle Glen.

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.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Jane Ashton

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Jane Ashton

That Council:

1. Enters into a contract with MJ Construction Group Pty Ltd for Contract 1920-24 Diamond Creek Trail – Shared Path Construction, for the amount of \$593,300.00 (exclusive of GST).
2. Notes that the construction of the concrete path will include environmentally friendly materials.
3. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.

12. Officers' reports

OCM.011/20 Tender Report - Contract 1920-24 Diamond Creek Trail - Shared Path Construction

4. Advises all tenderers accordingly.
5. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

12. Officers' reports

OCM.012/20 Tender Report - Contract 1920-25 Diamond Creek Trail - Design and Construction of Three Bridges

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Capital Works

Lance Clark, Senior Procurement Specialist

Summary

This report is an overview of a separate confidential report recommending the awarding of Contract 1920-25 for the Design and Construction of Three Bridges, as part of Stage 1 of the Diamond Creek Trail Extension project.

Scope of works include design, construction and installation of three pedestrian-style bridges capable of accommodating trail users (pedestrians, cyclists, horses and light maintenance and emergency vehicles).

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.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Jane Ashton

That Council notes this report.

CARRIED

Note: This item was carried 'en bloc' earlier in the meeting.

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Perkins

That Council:

1. Awards Contract 1920-25 Diamond Creek Trail - Design and construction of three bridges to Brunton Engineering and Construction Pty Ltd for the amount of \$1,063,356.00 (exclusive of GST).
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.

12. Officers' reports

OCM.012/20 Tender Report - Contract 1920-25 Diamond Creek Trail - Design and Construction of Three Bridges

4. Makes public the decision regarding this contract but the tender evaluation and report remain confidential.

CARRIED

13. Notices of Motion

Nil

14. Delegates' reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

OCM.013/20 Kerbside recycling contract arrangements

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.014/20 Tender Report - Contract 1819-125 Cleaning Services

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.015/20 Tender Report - Contract 1920-18 Greensborough Hockey Club Pavilion - Redevelopment

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.016/20 Tender Report - Contract 1920-19 Annual Supply - Road Maintenance and Footpath Works

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.017/20 Tender Report - Contract 1920-24 Diamond Creek Trail - Shared Path Construction

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.018/20 Tender Report - Contract 1920-25 Diamond Creek Trail - Design and Construction of Three Bridges

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

The meeting be closed to members of the public to consider confidential matters.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.

CARRIED

Ordinary Meeting of Council Minutes

28 January 2020

The meeting closed to the public at 8:06pm.

The meeting re-opened at 8:09pm.

Close of Meeting

The meeting closed at 8:09pm.

Confirmed: _____
Cr Karen Egan, Mayor