

# Extraordinary Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Wednesday 24 November 2021 commencing at 7pm.

## Agenda

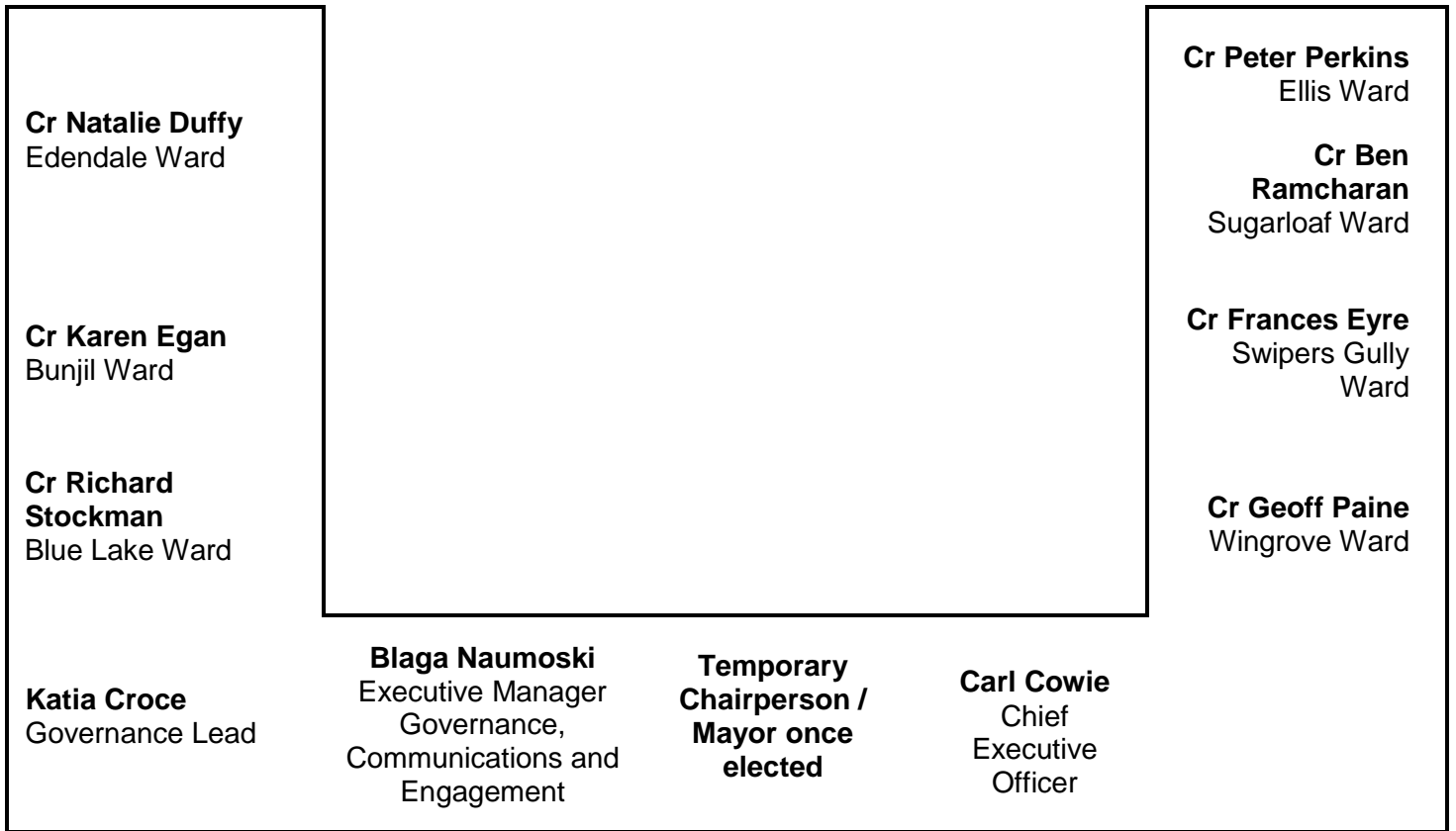
**Carl Cowie**  
**Chief Executive Officer**

Thursday 18 November 2021

Distribution: Public

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# Extraordinary Council Meeting seating plan



**Nillumbik Shire Council**

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**Nillumbik Shire Council**

**Agenda of the Extraordinary Meeting of Nillumbik Shire Council to be held  
Wednesday 24 November 2021 commencing at 7pm.**

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*In accordance with Council's Governance Rule – Election of the Mayor and Deputy Mayor, the Chief Executive Officer (CEO) will be the first temporary Chairperson of the Meeting at which the election of the Mayor is to be conducted but will have no voicing rights.*

*The first temporary Chairperson will chair proceedings until the election of the second temporary Chairperson.*

**1. Welcome**

Members of the public are advised the meeting will be livestreamed and recorded and the livestream and video recording will be made publicly available on YouTube and Council's website.

**2. Acknowledgement of Country by the Chief Executive Officer**

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

**3. Apologies**

To accept apologies from any Councillors not in attendance at the meeting.

**4. Disclosure of conflicts of interest**

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

**5. Appointment of a Second Temporary Chairperson**

*Council's Governance Rule – Election of the Mayor and Deputy Mayor states that the Chief Executive Officer, as first temporary Chairperson, must invite nominations for a second temporary Chairperson, which do not need to be seconded.*

The second temporary Chairperson will be responsible for chairing the Mayoral term.

*Following the nomination process, the Chief Executive Officer calls for a motion to appoint a second temporary Chairperson.*

**Officer Recommendation**

**That** Cr \_\_\_\_\_ be nominated as second temporary Chairperson.

*The second temporary Chairperson will assume the Chair.*

**6. Mayoral Term**

In accordance with Section 26(3) of the *Local Government Act 2020* (the Act) a Council must before the election of the Mayor, determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

Nillumbik has traditionally elected a Mayor for a 1 year term.

**Officer Recommendation**

**That** Council resolves to elect the Mayor for a term of \_\_\_\_\_ year/s.

*The second temporary Chairperson vacates the Chair and the Chief Executive Officer will assume the Chair for the Election of the Mayor.*

**7. Election of Mayor**

The *Local Government Act 2020* (the Act) requires the Councillors to elect a Councillor to be the Mayor of the Council. Any Councillor is eligible for election to the Office of Mayor. The election of the Mayor must be chaired by the Chief Executive Officer and conducted in accordance with section 25 of the Act and Council's Governance Rules.

The Mayor must be elected by an absolute majority vote.

The Mayor is responsible for leading the Council and has a number of roles which are both legislative and functional. The legislative requirements are outlined in Division 3 of the Act. The Act states that Council must elect a Mayor at a meeting that is open to the public no later than one month after the date of a general election.

The Mayoral position is responsible for leading the Council. The Mayor has responsibilities towards, and is accountable to, all Councillors and the Mayor's leadership style should reflect this.

Section 18 of the Act outlines the role and specific powers of the Mayor to:

- chair Council meetings;
- be the principal spokesperson for the Council;
- lead engagement with the municipal community on the development of the Council Plan;
- report to the municipal community, at least once each year, on the implementation of the Council Plan;
- promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct;
- assist Councillors to understand their role;
- take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer;
- provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- perform civic and ceremonial duties on behalf of the Council.

In addition to the role outlined above, specific powers of the Mayor (section 19 of the Act) include:

- to appoint a Councillor to be the chair of a delegated committee;
- to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
- to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

The Mayor's role, however, extends well beyond officiating at Council Meetings or other municipal proceedings. Additional important roles are providing leadership, promoting positive relationships, and modelling good governance.

The Mayoral term commences from this meeting and becomes vacant at the time and on the day of the election of the next Mayor.

*The Chief Executive Officer calls for nominations for the Office of Mayor, which nominations do need to be seconded.*

**Officer Recommendation**

**That** Cr \_\_\_\_\_ be elected Mayor of Nillumbik Shire Council.

*The elected Mayor will assume the Chair.*

## 8. Election of Deputy Mayor

The *Local Government Act 2020* (the Act) outlines that Council may establish an office of Deputy Mayor (s20A) and if an office of Deputy Mayor is established, the legislative requirements of the Deputy Mayor are provided in Sections 21 and 27 of the Act.

The Act states the Deputy Mayor must undertake the role of the Mayor if:

- the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- the office of Mayor is vacant.

Should Council not elect a Deputy Mayor, it must appoint an Acting Mayor in the above circumstances.

The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.

The Deputy Mayor is not entitled to any additional allowance. The current provisions under the former *Local Government Act 1989* still apply even though these sections are repealed.

On 17 June 2021, the Minister for Local Government requested that the Tribunal make the first Determination. The Determination will come into effect on 18 December 2021 - 6 months from the day the Tribunal received the Minister's request.

Until the Determination takes effect, allowances payable to Council members continue to be determined by individual Councils in accordance with limits set by the Victorian Government.

*The Mayor calls for nominations for the office of Deputy Mayor, which nominations do need to be seconded.*

### **Officer Recommendation**

**That Cr \_\_\_\_\_** be elected Deputy Mayor of Nillumbik Shire Council.

## 9. Appointment of Chairpersons to Delegated Committee

Planning and Consultation Committee (the Committee) has delegated powers from Council to determine any issue, take any action or do any act or thing as set out in the Instrument of Delegation (resolved by Council on 23 February 2021).

The Committee was effective 11 March 2021, with all seven Councillors being appointed to Committee.

The Instrument of Delegation for the Committee and the Terms of Reference were adopted by Council on 23 February 2021.



The scope of the Committee’s responsibilities includes all matters within the following portfolio areas

- **Planning**
  - Planning applications
  - Land-use planning policy
  - Planning scheme and amendments

(excluding adoption or abandonment of amendments, which must be determined by Council)
- **Consultation**
  - Section 223 process
  - Community Engagement

Meetings are usually held on the second Tuesday of each month at 7pm.

Unless otherwise notified, meetings will be held at the Civic Centre, Civic Drive, Greensborough.

*The Mayor calls for nominations for the Chairperson for Planning Matters.*

**Officer Recommendation**

**That** Cr \_\_\_\_\_ to act as Chairperson for Planning Matters before the Planning and Consultation Committee.

*The Mayor calls for nominations for the Chairperson for Consultation Matters.*

**Officer Recommendation**

**That** Cr \_\_\_\_\_ to act as Chairperson for Consultation Matters before the Planning and Consultation Committee.

**10. Councillor appointments to Internal Advisory Committees**

Council has a range of advisory committees which provide an important mechanism for consultation with the community and key stakeholders. Advisory committees provide advice to Council but do not make formal decisions.

Council appoints Councillors as representatives on its advisory committees and reviews these appointments annually.

Following consultation with Councillors, the appointments listed in the table below are recommended.

**Officer Recommendation**

**That** Council appoints Councillors as listed below as its representatives on Advisory Committees for the 2021/2022 Council year:

Advisory Committee	Councillor(s) appointed
Arts and Cultural Advisory Committee	Cr (Chair) Cr
Audit and Risk Committee	Cr (Mayor of the day) Cr (Deputy Mayor)
CEO Employment Matters Advisory Committee	All Councillors
Economic Development Advisory Committee	Cr (Chair) Cr
Environment and Sustainability Advisory Committee	Cr (Chair) Cr
Health and Wellbeing Advisory Committee	Cr (Chair) Cr
Inclusion and Access Advisory Committee	Cr (Chair) Cr
Living & Learning Advisory Committee	Cr (Chair) Cr
Panton Hill Bushland Reserves System User Group Advisory Committee	Cr (Chair) Cr
Positive Ageing Advisory Committee	Cr (Chair) Cr
Recreation Trails Advisory Committee	Cr (Chair) Cr
Youth Advisory Committee	Cr Youth Council Mayor chairs the meetings

## 11. Councillor appointments to External Organisations

Council is a member or participant in a range of external organisations at a local, regional or sector level.

Councillors are appointed to represent Council as delegates to those organisations. In some cases, an alternate is also appointed who can attend if the primary Councillor is not available.

Following consultation with Councillors, the appointments listed in the table below are recommended for 2021/2022 Council year.

### Officer Recommendation

**That** Council appoints Councillors as listed below as its delegates to external organisations for the 2021/2022 Council year:

External Organisation	Councillor(s) appointed
Banyule/Nillumbik Local Learning and Employment Network Inc. Board	Appointment of Cr Frances Eyre was resolved by Council on 24 August 2021. <i>A new Councillor Representative to this organisation is to be made in August 2023 in accordance with Board Guidelines</i>
Diamond Creek Traders' Association	Cr Cr Cr
Eltham Chamber of Commerce and Industry	Cr Cr Cr
Hurstbridge Traders' Association	Cr Cr (Proxy)
Interface Councils Group	Cr (Mayor of the day) Cr (Deputy Mayor) Proxy
Metropolitan Transport Forum Inc.	Cr Cr (Proxy)
Metropolitan Local Government Waste Forum	Cr Cr (Proxy)
Municipal Association of Victoria	Cr Cr (Proxy)

External Organisation	Councillor(s) appointed
Nillumbik Reconciliation Group	Cr Cr (Proxy) <i>NRG will allow proxy to attend if Councillor Representative can't attend.</i>
Nillumbik Tourism and Business	Cr Cr (Proxy)
Northern Alliance for Greenhouse Action	Cr Cr (Proxy)
Northern Council Alliance	Cr (Mayor of the day) Cr (Deputy Mayor) Proxy
Victorian Local Governance Association	Cr Cr (Proxy)
Yarra Plenty Regional Library Board	Cr Cr Executive Manager Communities (Proxy)

## 12. Delegated Committee(s) and Council meeting schedule for 2022

It is recommended the arrangements for the 2022 meeting cycle be as follows:

- Meetings occur on Tuesday nights throughout the year unless otherwise notified.
- The Delegated Committee(s) will commence at 7.00pm, usually on the second Tuesday of the each month.
- Council meetings will commence at 7.00pm, usually on the fourth Tuesday of each month.
- Unless otherwise notified, meetings will be held at the Civic Centre, Civic Drive, Greensborough.
- At least one week of each school holidays has been left free of meetings.

## Extraordinary Council Meeting Agenda

24 November 2021

Following consultation with Councillors, the 2022 meeting schedule listed in the table below is recommended.

### Officer Recommendation

**That** Council adopts and advertises the Delegated Committee(s) and Council Meeting schedule for the 2022 Council year as listed below:

<b>Delegated Committees</b>	<b>Council Meetings</b>
8 February 2022	22 February 2022
8 March 2022	22 March 2022
12 April 2022	26 April 2022
10 May 2022	24 May 2022
14 June 2022	28 June 2022
12 July 2022	26 July 2022
9 August 2022	23 August 2022
13 September 2022	27 September 2022
11 October 2022	25 October 2022
8 November 2022	22 November 2022
	23 November 2022 – (Election of Mayor)
	13 December 2022

### 13. Address by the Mayor

The Mayor to address the meeting.

### 14. Close of meeting