

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 28 February 2023 commenced at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 3 March 2023

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 28 February 2023.
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
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Frances Eyre	Swipers Gully Ward
Cr Geoff Paine	Wingrove Ward (Deputy Mayor)

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer / Acting Director Operations and Infrastructure
Blaga Naumoski	Director Governance and Communications
Corrienne Nichols	Director Community Services
Rosa Zouzoulas	Director Planning and Community Safety
Jeremy Livingston	Executive Manager Business Transformation and Performance
Natalie Town	Acting Communications and Engagement Lead
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Acknowledgement of Country

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

3. Good Governance Pledge

The Good Governance Pledge was read by Cr Natalie Duffy.

4. Prayer

A prayer was read by Pastor Sally Agostino from the Southern Cross Community Church in Eltham.

5. Apologies

Nil

6. Presentations

Sporting Presentations February 2023

Matilda Johnson (Wingrove Ward) receives \$150 as a contribution for being selected to represent Victoria at the 2022 School Sports Track and Field Championships in Queensland.

Zander Botha (Wingrove Ward) receives \$150 as a contribution for being selected to represent Victoria at the SSV Track and Field championship in Queensland.

Talise Botha (Wingrove Ward) receives \$150 as a contribution for being selected to represent Victoria at the SSV Track and Field championship in Queensland.

Renae Lister (Edendale Ward) receives \$100 as a contribution for being selected to compete at the Victorian Metro swimming championships.

Luke Zeliff (Blue Lake Ward) receives \$200 as a contribution for being selected to represent Australia in speed skating at the 2023 Viking Race in the Netherlands.

Dyani Ananiev (Sugarloaf Ward) receives \$150 as a contribution for being selected to represent Victoria in basketball in the National Schools tournament in Queensland.

Nillumbik Shire Council wishes all the recipients every success with their future sporting pursuits.

Australia Day 2023 Honours List

It was great to see a member of our community recognised for their achievements in the recent Governor-General's Australia Day Honours List.

Tonight I would like to acknowledge Emeritus Professor Robert MANNE, who was appointed an Officer of the Order of Australia (AO) in the General Division, for distinguished service to tertiary education, to political and social commentary, to public affairs, and to the Indigenous community.

I would like to commend Emeritus Professor Manne for his dedication, service and achievement of excellence in his field. He embodies the Nillumbik ethos of service, diligence, commitment and above all, serving the broader community.

Thank you.

Condolence – Les Clarke AM

The Mayor Cr Ben Ramcharan spoke.

We are deeply saddened to hear of the recent passing of Les Clarke AM. Les was a Councillor for the West Riding of the former Shire of Eltham between 1968 and 1974, and became Shire President in October 1973.

Les was a founding partner of ClarkeHopkinsClarke Architects and in 1973, he founded and designed ELTHAM College. He was the College's Founding Chairman, and a past parent, past grandparent and College Life Member.

Les was involved in the design of the Rotex Cinema in Were Street Montmorency, opened in August 1976. He won the 1976 Victorian Architecture Medal (Community Design Award) for this project from the Royal Institute of Architects.

Les was also actively involved in the design/development of other buildings in Nillumbik, including the Coles complex and the healthAbility building, both in Main Road, Eltham.

In January 1992, Les became a Member of the Order of Australia (AM) 'in recognition of service to the community through the design of schools that incorporate community facilities'.

On behalf of Nillumbik Shire Council, we pass on our condolences to Les's family, friends and the ELTHAM College Community.

Condolence – Harry Gilham

We are also deeply saddened to hear of the recent passing of Harry Gilham.

Harry was a former Assistant District Commissioner of the Scouting movement, Secretary and Vice President of the Technical Teachers Union of Victoria (TTAV) and inaugural member of the State Government Teacher Registration Board. In 1977 he became the Deputy Chair (Technical Schools section) until his retirement.

He moved to Eltham with wife, Sue Dyet, in 1976 and actively contributed to various community groups over many years.

Harry was President of the Eltham District Historical Society from 1993 until 2009 and was a driving force behind its success.

He was engaged in many personal historical projects including the history of local schools, the local railway, and the Eltham Justice Precinct. He was instrumental in establishing the Local History Centre in Main Road, Eltham, for the Society. His ongoing commitment to the operation of this centre was a significant contribution to the provision of a permanent home for the Society.

Harry was also instrumental in helping establish the records base, which the Society continues to build, for our future generations.

As Convener of Council's Kangaroo Ground War Memorial Tower Committee, he played a leading role in the ongoing refurbishment of this important site and tower, together with the building of the Moor-rul Viewing Platform.

In 2009, Harry Gilham received a Royal Historical Society of Victoria Award of Merit in recognition of his exceptional service.

Harry and wife Sue, were named joint 2008 Nillumbik Citizens of the Year, in acknowledgement of the decades of community service both have given to their local communities.

On behalf of Nillumbik Shire Council, I thank Harry Gilham for all he contributed to our community and express our sincere condolences to Sue Dyet and their family.

Cr Geoff Paine also expressed his condolences as follows:

I got to know Harry toward the end of his life and Sue of course. They were the original powerhouse couple and their commitment to environment, education, history and this community are second to none. They were extraordinary movers and shakers.

Harry was an enthusiastic wine maker, who has a wine award named after him. His work with the Eltham Cemetery, the Historical Society and the redevelopment of the Eltham Library live on.

Vale Harry, and our thoughts are will Sue and family.

7. Confirmation of Minutes

Confirmation of the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 13 December 2022.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council:

- 1 Confirms the minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 13 December 2022 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Carl Cowie declared a material conflict of interest in Item CM.010/23 CEO Employment Matters in the confidential section of the meeting.

9. Petitions

Nil

12. Officers' reports

CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge

10. Questions from the gallery

Lisa Bootlis has submitted the following questions:

Question 1

Have you consulted with the rate payers regarding the 5G system implemented and the safety data of this deadly 5G weapon and what the health issues will be after activation?

Response 1

The Federal Government, not local councils, regulates radio frequency electromagnetic energy from telecommunications, including 5G. The two agencies involved in protecting the health and safety of all Australians with 5G are:

- The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) who are responsible for research and health standards; and
- The Australian Communication and Media Authority (ACMA) who checks that radio frequency electromagnetic energy from telecommunications networks is below the exposure limits set out in ARPANSA standards.

More information can be found on the Federal Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts website – www.infrastructure.gov.au/media-communications-arts/spectrum/5g-and-eme.

Question 2

Have you, are you transparent about the SMART cities and their long-term goal, we are aware that you have had meetings in Canberra about this rollout?

Response 2

In 2018, Council collaborated with four other Victorian councils which resulted in the establishment of a LoRaWAN network to enable information sensors for air quality, water level monitoring, waste management collection, asset tracking and people counting. In Nillumbik, the installed sensors are on Council facilities and assets only, and the data is maintained by the councils involved in the project.

Council has no plans at the current time to expand the use of information sensors.

Ruya Hudleston has submitted the following question:

Question

Are there plans to replace the roundabout on Greensborough bypass and Diamond Creek Rd and Civic Drive?

It's causing many car accidents, traffic jams and with a school nearby it's unsafe and dangerous. We already had one accident which was caused by another driver and saw many other crashes. For public safety this should be looked at. There are also plans for new homes to be built on St Helena Place nearby which will elevate the number of cars passing by.

12. Officers' reports**CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge**

Response

The North East Link project has this roundabout identified as a North East Link interchange, the maintenance and safety assessment of this roundabout lies with the Department of Transport. At this point the public information does not specify any proposed works for the roundabout. Council has written to relevant Ministers advocating for a detailed investigation to be undertaken in relation to traffic congestion and road safety issues.

David Smith has submitted the following questions:**Question 1**

Transport Emissions contributing to climate change in Australia account for close to 20% of total emissions and are growing. To reduce transport emissions the citizens of Nillumbik can take actions such as walking and utilising public transport. In Plenty where I grew up and live we don't have footpaths.

When will council build footpaths in Plenty so that the citizens of Plenty can reduce their impact to the climate and environment?

Response 1

Council's list of footpaths include footpaths proposed in Plenty, such as McLaughlans Lane and Butlers Road (from Memorial Drive to Mackelroy Road). Footpath works are continually assessed across the shire with an annual allocation within the capital works budget towards maintaining, upgrading and new construction of footpaths.

Question 2

I refer to the council meeting in November, where councillors discussed tree canopy and I do agree that Nillumbik is a leader in Victoria in tree canopy coverage.

In Plenty residents try to improve the tree canopy, particularly along roadways, only for it to be cut down by Ausnet. Nbn copper wires run underground, but not the power lines.

Alternatively the 3 phase power lines on towers can be coated in plastic and interweaved where they are not affected by the tree canopy.

What plans do council have to influence Ausnet and the Victorian government to improve tree canopy where power lines stand to move power lines underground?

Response 2

Ausnet is responsible for the electricity network in Nillumbik. In new development areas where it is possible to run underground cabling this is the standard. Currently there is no legislation that requires power companies to replace their aerial power network with an underground network. (the cost of works to replace aerial power lines with underground is significantly higher (cost estimates are as high as \$2 million per kilometre, as it involves avoiding clashes with other third party assets, trenchless technologies, minimum depths, tree roots, etc.).

12. Officers' reports

CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge

Andrew Bakos has submitted the following questions:

Question 1

Can Council advise when a new Recreational Trails Advisory Committee will be advertised and formed given the old committee was retired back in June 2022?

Response 1

The new Recreational Trails Advisory Committee Terms of Reference will be presented to Council in March for endorsement. An Expression of Interest process for the new Committee will be undertaken in April, with the evaluation process occurring during May. Endorsement of new RTAC members is scheduled to be presented at the June Council meeting, with the new RTAC membership to commence from 1 July 2023.

Question 2

Is there an option for officers to relocate the foot bridge washed away just north of Bridge St to align with the new Greensborough Trail extension closer to the Trestle bridge for a more natural confluence for trail users?

Response 2

As part of the replacement of the Alistair Knox Park Bridge Council will look to integrate the replacement bridge with the trails on either side of the Diamond Creek with consideration given to all users of the trails. Updates will be provided as to the progress and design of the bridge. It is important to note Melbourne water signs off on the final location of the new bridge.

Michael McCarthy on behalf of an informal Community Group has submitted the following question:

Question 1

There is a growing community group which would like to work collaboratively with Council regarding the re-opening of the Eltham North ovals for dogs more suited to large public open spaces.

What solution might Council propose so that all members of the community (including sporting groups, residents and dog owners) can work collaboratively and respectfully to share use of the Eltham North ovals?

Response 1

Officers are currently reviewing the amenities available for users in the area.

11. Reports of Advisory Committees

AC.001/23 Advisory Committee Report - 28 February 2023

Distribution: Public

Manager: Blaga Naumoski, Director Governance and Communications

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 and Culture Advisory Committee meeting held 15 August 2022;
2. Positive Ageing Advisory Committee meeting held 4 November 2022;
3. Environment & Sustainability Advisory Committee meeting held 30 November 2022;
4. Environment & Sustainability Advisory Committee meeting held 15 February 2023.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

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

CARRIED UNANIMOUSLY

12. Officers' reports

CM.001/23 Draft Budget 2023-2024

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer / Acting Director Operations and Infrastructure****Author: Melika Sukunda, Finance Manager****Summary**

This report presents the draft Budget 2023-2024 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, delivery of Council Plan actions and for the development and maintenance of infrastructure throughout the Shire.

Rates and charges

- The draft Budget proposes a 3.50 per cent increase to rates levied and an increase of 5.78 per cent to the waste management standard charge.

Capital Works

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

Strategic Resource Plan

In conjunction with the Council Plan, the Strategic Resource Plan has also been prepared for the next ten financial years.

Council Resolution

MOVED: Cr Natalie Duffy**SECONDED: Cr Geoff Paine****That Council:**

1. Adopts the draft Budget 2023-2024 (**Attachment 1**) for the purposes of section 94 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer to give public notice in accordance section 96 of the *Local Government Act 2020* of Council's intention to adopt, at a Council Meeting proposed to be held at 7:00 pm on 23 May 2023, the Budget 2023-2024 presented to this meeting.
3. Notes that any person who makes a written submission in relation to the draft Budget 2023-2024 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting to be held in the Council Chamber, Civic Centre, at 7:00 pm on Tuesday 11 April 2023.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under sections 94 and 96 of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.002/23 Local Government Performance Reporting Framework - Mid-Year 2022-2023 Performance Report

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: James Hartigan, Business Performance Analyst

Summary

The purpose of this report is to present (for noting) the Local Government Performance Reporting Framework (LGPRF) mid-year service performance results for the 2022-2023 financial year.

The report measures Council's current performance against the expected range (based on LGPRF guidelines set by State Government) as well as comparing Council's current performance against the 2021-2022 end of financial year result.

This is the fourth time Council is completing a mid-year progress update on the LGPRF indicators, with the aim of the report to provide more frequent and current data to better monitor and more proactively address any issues or trends identified with Council's performance.

The report demonstrates that Council is performing well against the LGPRF framework, with one result exceeding the expected range based on Local Government Victoria guidelines. A large number of indicators have improved compared to previous reporting, and when comparing performance to similar councils.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Natalie Duffy

That Council notes the Local Government Performance Reporting Framework (LGPRF) service performance results for the period from July to December 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.003/23 Review of the Meeting Procedure - Governance Rule

File: **FOL/20/282****Distribution:** **Public****Manager:** **Blaga Naumoski, Director Governance and Communications****Author:** **Katia Croce, Governance Lead****Summary**

Council's existing Governance Rule - Meeting Procedure was prepared and adopted on 25 August 2020 as required under the *Local Government Act 2020* (the Act), after a period of public exhibition and community consultation was undertaken.

On 30 November 2021, the Regulatory Legislation Amendment (Reform) Bill 2021 was introduced into Parliament, foreshadowing that the previous emergency provisions that allowed councils to conduct online meeting would expire on 1 September 2022. The *Regulatory Legislation Amendment (Reform) Act 2022* passed in March 2022.

Councils are required to review and establish their Governance Rules to allow for online attendance and participation.

Council opted to expand the review to go beyond the inclusion of attendance at Council meetings by electronic means and cover more of the Governance Rules made in August 2020, as it aligns to our ongoing commitment to ensuring our decision-making processes are best-practice, contemporary and support Council's Access, Equity and Inclusion Policy.

The updated version has been informed by the experience of Council meetings and feedback during that time (staff and members of the community) and the Councillors.

A review of Council's Governance Rule – Meeting Procedures requires Council to undertake community consultation on any amendments.

The purpose of this report is to seek endorsement from Council of the draft Governance Rule – Meeting Procedures (**Meeting Procedures**) (**Attachment 2**) for public consultation.

Council Resolution

MOVED: **Cr Frances Eyre****SECONDED:** **Cr Karen Egan****That Council:**

1. Endorses the draft Governance Rule – Meeting Procedures shown at **Attachment 2** for public consultation from 1 March 2023 to 30 March 2023 inclusive;
2. Invites written submissions regarding the proposed amendments outlined in the draft Governance Rule – Meeting Procedures by 30 March 2023;
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 13 June 2023; and
4. Notes that any person who makes a written submission in relation to the draft Governance Rule – Meeting Procedures and requests to be heard in support of the written submission, be heard at the June 2023 Planning and Consultation Committee meeting.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.004/23 Reconciliation Action Plan (RAP) Community Engagement Plan

Distribution: Public

Manager: Corrienne Nichols, Director Community Services

Author: Nichole Johnson, Manager Community Partnerships

Summary

The purpose of this report is to seek Council endorsement of the Reconciliation Action Plan (RAP) Community Engagement Plan (**Attachment 1**).

The proposed period of Phase 2 Community Engagement for the Nillumbik *Reflect* RAP is 7 weeks; from Monday 6 March 2023 – Sunday 23 April 2023.

This Community Engagement Plan forms *Phase 2* of the Nillumbik Reconciliation Action Plan (RAP) Framework (**Attachment 2**), and will lead to the development of a draft RAP document (*Phase 3*).

Recommendation

That Council endorses the Reconciliation Action Plan (RAP) Community Engagement Plan (**Attachment 1**).

Motion

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council endorses the Reconciliation Action Plan (RAP) Community Engagement Plan (**Attachment 1**), **subject to including general community as a stakeholder.**

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

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council endorses the Reconciliation Action Plan (RAP) Community Engagement Plan (**Attachment 1**), subject to including general community as a stakeholder.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.005/23 Loan Guarantor Diamond Creek Tennis Club

Distribution: Public

Manager: Vince Lombardi, Acting Director Operations and Infrastructure

Author: Rebecca Burton, Manager Recreation and Leisure

Summary

This report considers a request from the Diamond Creek Tennis Club (DCTC), operating from a Council-owned facility at 28 Phipps Crescent, Diamond Creek.

The Club has approached Council requesting that Council act as loan guarantor for a \$200,000 loan covering the club's contribution to the upgrading of the facility.

Council have estimated that total costs for the upgrading of the facility will be \$500,000. Local Labor Party Leader, Vicki Ward, has committed \$300,000.

Recommendation

That Council:

1. Acts as loan guarantor for the DCTC for a maximum of \$200,000 to be used within the scope of the project.
2. Provides a letter to the bank confirming Council's intention to guarantee a loan to DCTC for \$200,000.
3. Affixes the common seal of Nillumbik Shire Council to the necessary loan guarantee documentation. (Officers will put this in the recommendation summary for the Council Report when we seek resolution).
4. Notes that any potential future redraw request must be endorsed through a Council resolution.

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That Council:

1. Acts as loan guarantor for the **Diamond Creek Tennis Club** for a maximum of \$200,000 to be used within the scope of the project.
2. Provides a letter to the bank confirming Council's intention to guarantee a loan to **Diamond Creek Tennis Club** for \$200,000.
3. Affixes the common seal of Nillumbik Shire Council to the necessary loan guarantee documentation. (Officers will put this in the recommendation summary for the Council Report when we seek resolution).
4. Notes that any potential future redraw request must be endorsed through a Council resolution.

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

12. Officers' reports

CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That Council:

1. Acts as loan guarantor for the Diamond Creek Tennis Club for a maximum of \$200,000 to be used within the scope of the project.
2. Provides a letter to the bank confirming Council's intention to guarantee a loan to Diamond Creek Tennis Club for \$200,000.
3. Affixes the common seal of Nillumbik Shire Council to the necessary loan guarantee documentation. (Officers will put this in the recommendation summary for the Council Report when we seek resolution).
4. Notes that any potential future redraw request must be endorsed through a Council resolution.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.006/23 Council Plan Quarterly Performance Report - 2022-2023 - Quarter 2

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: James Hartigan, Business Performance Analyst****Summary**

The purpose of this report is to present the Council Plan Quarterly Performance Report (**Attachment 1**) for noting.

These reporting updates are received by Council on a quarterly basis to demonstrate in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

The Council Plan Quarterly Performance Report provides the second update on delivery progress and performance of the 2022-2023 Annual Action Plan actions, which align to delivery of the second year of the Council Plan 2021-2025.

Of the 22 actions designated for quarterly reporting in the 2022-2023 Annual Action Plan, 19 actions are currently 'on track', two actions are experiencing minor issues and one action is completed.

The overall position reflected in the report suggests that Council continues to make solid progress in delivering on key actions of the Council Plan and significant outcomes for the community.

All 46 actions identified in the Annual Action Plan 2022-2023 will have final updates provided in the corresponding report for the fourth quarter, and will also be published in the Annual Report 2022-2023 when presented to the community later in 2023.

Council Resolution

MOVED: Cr Geoff Paine**SECONDED: Cr Frances Eyre**

That Council receives and notes the Council Plan Quarterly Performance Report (**Attachment 1**) for the second quarter of 2022-2023.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge****Distribution: Public****Manager: Rosa Zouzoulas, Director Planning and Community Safety****Author: Jamie-Louise Neilson, Planning Business Support Coordinator
 Renae Ahern, Manager Planning Services****Summary**

This report is to inform Councillors about a planning application that has been made to the Minister for Planning, and which the Minister has sought public submissions, for a proposed new school to be located at 1075 Heidelberg-Kinglake Road, Hurstbridge.

Council Officers have responded to the Minister for Planning's request for submissions to the public notice period, and have objected to the proposal.

Recommendation

That Council:

1. Notes that Council officers have objected to Planning Application PA2101369, currently being considered by the Minister for Planning, for the use of the land for an Education Centre (Primary and Secondary school) at 1075 Heidelberg –Kinglake Road, Hurstbridge on the following areas of concern:
 - a) The application has not provided enough information to make a fully informed assessment and determination of the proposal.
 - b) The application has not detailed how the proposal will address the Bushfire Management Overlay or how the risk to both life and property will be minimised.
 - c) Details regarding student numbers and hours of operation are unknown.
 - d) A full set of development plans and details of any proposed buildings and works have not been provided. This includes details of any proposed works to existing buildings, any proposed new buildings or structures, play equipment, sports courts or ovals.
 - e) An arborist report has not been provided, as such no assessment can be made on any of the vegetation proposed for removal.
 - f) A Cultural Heritage Management Plan has not been provided. Pursuant to the *Planning and Environment Act 1987*, a planning permit cannot be issued without an approved Cultural Heritage Management Plan.
 - g) The application is considered to be inconsistent with the Municipal Planning Strategy and Planning Policy Framework contained within the Nillumbik Planning Scheme.
 - h) The application is considered to be inconsistent with the purpose, objectives and decision guidelines of the Rural Conservation Zone (Schedule 3).
 - i) The application is considered to be inconsistent with the purpose, objectives and decision guidelines of the Environmental Significance Overlay (Schedule 4).

12. Officers' reports

CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge

-
2. Notes that officers will inform Councillors of the decision once the Minister for Planning has determined the application.

Motion

MOVED: Cr Karen Egan
SECONDED: Cr Peter Perkins

That Council:

1. Notes that Council officers have objected to Planning Application PA2101369, currently being considered by the Minister for Planning, for the use of the land for an Education Centre (Primary and Secondary school) at 1075 Heidelberg –Kinglake Road, Hurstbridge on the following areas of concern:
- The application has not provided enough information to make a fully informed assessment and determination of the proposal.
 - The application has not detailed how the proposal will address the Bushfire Management Overlay or how the risk to both life and property will be minimised.
 - Details regarding student numbers and hours of operation are unknown.
 - A full set of development plans and details of any proposed buildings and works have not been provided. This includes details of any proposed works to existing buildings, any proposed new buildings or structures, play equipment, sports courts or ovals.
 - An arborist report has not been provided, as such no assessment can be made on any of the vegetation proposed for removal.
 - A Cultural Heritage Management Plan has not been provided. Pursuant to the *Planning and Environment Act 1987*, a planning permit cannot be issued without an approved Cultural Heritage Management Plan.
 - The application is considered to be inconsistent with the Municipal Planning Strategy and Planning Policy Framework contained within the Nillumbik Planning Scheme.
 - The application is considered to be inconsistent with the purpose, objectives and decision guidelines of the Rural Conservation Zone (Schedule 3).
 - The application is considered to be inconsistent with the purpose, objectives and decision guidelines of the Environmental Significance Overlay (Schedule 4).
2. Notes that officers will inform Councillors of the decision once the Minister for Planning has determined the application.
3. **Authorises the Mayor to write to the local MPs advising them of Council's decision in relation to this application.**

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

12. Officers' reports

CM.007/23 Public notice submission for 1075 Heidelberg-Kinglake Road, Hurstbridge

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Peter Perkins

That Council:

1. Notes that Council officers have objected to Planning Application PA2101369, currently being considered by the Minister for Planning, for the use of the land for an Education Centre (Primary and Secondary school) at 1075 Heidelberg –Kinglake Road, Hurstbridge on the following areas of concern:
 - a) The application has not provided enough information to make a fully informed assessment and determination of the proposal.
 - b) The application has not detailed how the proposal will address the Bushfire Management Overlay or how the risk to both life and property will be minimised.
 - c) Details regarding student numbers and hours of operation are unknown.
 - d) A full set of development plans and details of any proposed buildings and works have not been provided. This includes details of any proposed works to existing buildings, any proposed new buildings or structures, play equipment, sports courts or ovals.
 - e) An arborist report has not been provided, as such no assessment can be made on any of the vegetation proposed for removal.
 - f) A Cultural Heritage Management Plan has not been provided. Pursuant to the *Planning and Environment Act 1987*, a planning permit cannot be issued without an approved Cultural Heritage Management Plan.
 - g) The application is considered to be inconsistent with the Municipal Planning Strategy and Planning Policy Framework contained within the Nillumbik Planning Scheme.
 - h) The application is considered to be inconsistent with the purpose, objectives and decision guidelines of the Rural Conservation Zone (Schedule 3).
 - i) The application is considered to be inconsistent with the purpose, objectives and decision guidelines of the Environmental Significance Overlay (Schedule 4).
2. Notes that officers will inform Councillors of the decision once the Minister for Planning has determined the application.
3. Authorises the Mayor to write to the local MPs advising them of Council's decision in relation to this application.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.008/23 December Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer / Acting Director Operations and Infrastructure

Author: Melika Sukunda, Finance Manager

Summary

This report outlines Council's financial performance and financial position for the period ended 31 December 2022.

The Income Statement shows an overall favourable year to date (YTD) variance of \$5.2 million representing 10.91 percent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$5.2 million and higher than budgeted operating expenses of \$33,246.

Council's overall financial position at the end of this quarter is sound.

The Chief Executive Officer has reviewed the quarterly report and the mid-year forecast and has determined that a revised budget is not required.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council receives and notes the Financial Report for the period ended 31 December 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.009/23 Informal Meetings of Councillors Records - 28 February 2023

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

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 13 December 2022.

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

1. Positive Ageing Advisory Committee meeting held 2 December 2022;
2. Councillor Briefing meeting held 6 December 2022;
3. CEO Employment Matters Advisory Committee - sub-committee meeting held 24 January 2023;
4. CEO Employment Matters Advisory Committee - sub-committee meeting held 3 February 2023;
5. Positive Ageing Advisory Committee meeting held 3 February 2023;
6. Councillor Briefing meeting held 7 February 2023;
7. PCC Pre-Meet held 14 February 2023.

Council Resolution

MOVED: Cr Frances Eyre**SECONDED: Cr Natalie Duffy**

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

CARRIED UNANIMOUSLY

13. Notices of Motion

Nil

14. Delegates' Reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

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

CM.010/23 CEO Employment Matters

This item is confidential because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs pursuant to paragraph (a) and (f) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

Carl Cowie declared a material conflict of interest in Item CM.010/23 CEO Employment Matters in the confidential section of the meeting.

Carl Cowie left the meeting at 8.07pm.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Geoff Paine

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

CARRIED UNANIMOUSLY

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

The meeting re-opened to the public at 8:12pm.

17. Close of Meeting

The meeting closed at 8:12pm.

Confirmed:

Cr Ben Ramcharan, Mayor