

Council Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 27 June 2023 commenced at 7:03pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 30 June 2023

Distribution: Public

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Nillumbik Shire Council

Contents

1.	Welcome by the Mayor	2
2.	Acknowledgement of Country	2
3.	Good Governance Pledge	2
4.	Prayer	2
5.	Apologies	2
6.	Presentations	3
7.	Confirmation of Minutes	4
8.	Disclosure of conflicts of interest	5
9.	Petitions	5
10.	Questions from the gallery	5
11.	Reports of Advisory Committees	9
	AC.005/23 Advisory Committee Report - 27 June 2023	9
12.	Officers' reports	10
	CM.045/23 Seeking Adoption of Council's Governance Rule - Meeting Procedures	10
	CM.046/23 Glass collection service	13
	CM.047/23 Endorsement of Recreational Trails Advisory Committee Members 2023-2025	15
	CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption	17
	CM.049/23 Youth Hub Community Engagement Plan	21
	CM.050/23 Implications of Bus Safety Act on Council's Community Bus Programs	23
	CM.051/23 Quarterly Risk and Safety Report - March 2023	25
	CM.052/23 Audit and Risk Committee Meeting June 2023	27
	CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking Enforcement – Services and Products	29
	CM.054/23 Fair Access Policy	31
	CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)	33
	CM.056/23 Informal Meetings of Councillors Records - 27 June 2023	35
13.	Notices of Motion	36
14.	Delegates' Reports	36
15.	Supplementary and urgent business	39
16.	Confidential reports	39
17.	Close of Meeting	39

Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 27 June 2023.
The meeting commenced at 7.03pm.**

Councillors present:

Cr Ben Ramcharan	Sugarloaf Ward (Mayor)
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 Operating Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Corrienne Nichols	Director Communities
Rosa Zouzoulas	Director Planning, Environment and Strategy
Jeremy Livingston	Director Culture and Performance
Rowena Cairns	Acting Manager Governance and Property

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 ready by Cr Karen Egan.

4. Prayer

A prayer was read by Rev Dr Tim Stringer from Lutheran Calvary Church Greensborough.

5. Apologies

Recommendation

That Council;

1. Accepts the leave of absence for Cr Richard Stockman until 30 September 2023.
2. Notes the apologies received.

Council Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Natalie Duffy

That Council change the order of business to consider Apologies in the Confidential section of the Agenda.

CARRIED UNANIMOUSLY

7. Confirmation of Minutes

COM.001/23 Confirmation of Minutes Council Meeting held Tuesday 23 May 2023

A request for a leave of absence was received by Cr Richard Stockman.

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 Geoff Paine

That Council:

1. Does not approve the leave of absence request submitted by Cr Richard Stockman; and
2. Makes public the decision of Council.

CARRIED

6. Presentations

The Mayor addressed the meeting and read out the King's Birthday 2023 Honours List.

It was great, yet again, to see members of our community being recognised for their achievements in the recent King's Birthday Honours List.

Tonight I would like to acknowledge these outstanding citizens and their achievements.

The following Nillumbik resident was appointed an Officer of the Order of Australia (AO) in the General Division:

- **Professor Julie-Anne CONSIDINE**, for distinguished service to medicine in the field of emergency nursing, to tertiary education, and to professional association.

The following Nillumbik resident was appointed a Member of the Order of Australia (AM) in the General Division:

- **Marina PRIOR**, for significant service to musical theatre as a singer and performer.

The following Nillumbik resident was appointed a Member of the Order of Australia (AM) in the Military Division:

- **Miranda ARMSTRONG**, for service to the community through social welfare organisations.

The following Nillumbik residents were awarded a Medal of the Order of Australia (OAM) in the General Division:

- **Maria DOPHEIDE**, for service to the community through social welfare organisations.
- **Dr Julie EDWARDS**, for service to the community through social welfare organisations.
- **Dr Julie FITZHERBERT**, for service to conservation, and the environment.
- **Detective Senior Sergeant Joy MURPHY APM**, for service to the community through emergency response organisations.
- **Natalie ROSE**, for service to the law.

7. Confirmation of Minutes

COM.001/23 Confirmation of Minutes Council Meeting held Tuesday 23 May 2023

I would like to commend everyone for their dedication, service and achievement of excellence in their respective fields. They embody the Nillumbik ethos of service, diligence, commitment and, above all, serving the broader community.

7. Confirmation of Minutes

Summary

Confirmation of the minutes of the Council Meeting held on Tuesday 23 May 2023.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

That Council confirms the minutes of the Council Meeting held on Tuesday 23 May 2023 (**Attachment 1**).

CARRIED UNANIMOUSLY

8. Disclosure of conflicts of interest

Nil

9. Petitions

Nil

10. Questions from the gallery

Aidan Fuhrmeister submitted the following question:

Question

Could households have kitchen caddys to put food scraps in to take to the green bin pls

Response

Yes, kitchen caddies will be available from August to households who require one to start separating their food waste.

The caddies will be part of an educational campaign to remind residents about the importance of saving food waste from landfill. Residents will be able to pick up a kitchen caddy at various council locations and pop-up events should they require one.

Residents can sign up now to be notified when kitchen caddies are ready for collection on council's website.

Travis Hall has submitted the following questions:

Question 1

I read in today's agenda that Councillor Richard Stockman has requested a leave of absence until 30 September 2023. Everyone is entitled to leave here and there however, it is my understanding that Councillor Stockman has been absent from Council affairs since approx. Anzac Day. Given this new request for leave; and knowing that unlike other places, there is no second in charge who can step in to assist. What are Blue Lake ward residents to do in the absence of their elected Councillor?

Question 2

Who can we go to if we need someone to represent us in the Blue Lake ward during the further upcoming three month period?

Dr Svetlana Ryzhikh on behalf of Friends of Apollo Parkways has submitted the following questions:

Question 1

Who is going to represent the Blue Lake residents whilst Councillor Stockman is on leave?

Response

The Local Government Act provides for the ability of a Councillors to apply for leave, and that the Council must grant any reasonable request for leave.

In performing the role of a Councillor, a Councillor must consider the diversity of interests and needs of the municipal community. During a time of Councillor leave, residents may approach any other Councillor to represent themselves or their community. In addition to having responsibilities as a Councillor, the Mayor has the additional responsibility to represent the council and acts as spokesperson for council.

Council communication channels remain available to all residents providing for equal access to Council services.

Dr Svetlana Ryzhikh on behalf of Friends of Apollo Parkways has submitted the following questions:

Question 2

Is NSC supportive of FoAP application for the North East Link grant to install the outdoor fitness stations in the Recreation Space adjacent to the DVSFC?

Response 2

Council is happy to provide advice and guidance on grant applications. With regard to the specific application being put forward by FoAP, a request will be made that officers make contact with respective members of FoAP to understand the grant application and potential next steps.

Jim Connor has submitted the following questions:

Question 1

These are my personal questions and not on behalf of any organisation

CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)

The approved masterplan for the Fabbro Fields passive open space allowed for 2.5% of the area to be allocated for the establishment and operation of a community garden.

Given the officer report on this proposal by Local Food Connect states the proposed size, scale, layout and governance are substantially different than originally considered, why is Council suggesting a community consultation process for a proposal where there is a clear lack of details put forward for the community to consider, where perhaps 60-75% of valuable passive open space may be lost to what may be a commercial type operation?

Response 1

The purpose of the community consultation is to ascertain the community's views on whether an urban farm use on the land described as 2 Bell Street Eltham is welcomed before considering details pertaining to size, lease arrangements, traffic etc. In the absence of any recent detailed master-planning for the site, this information will assist Council to determine if the use aligns with the community's expectations for the land into the future.

Question 2

With this proposal by Local Food Connect will any community volunteers, including Eltham High School students, be able to grow and keep their own produce, as envisaged with the approved master plan?

Response 2

Should the community support the land being used for the purposes of an urban farm or part thereof, further detail pertaining to the operations of a proposed urban farm at this site will be subject of the lease and planning permit application processes. From the information publically available on LFC's website, LFC is a not-for-profit organisation that utilises community volunteers and is seeking to educate the community on an environmentally and socially sustainable food future through partnerships and programs.

Sue Dyet has submitted the following question:

Question

CM.055/23

The absence of publicly available information about the proposal for Fabro's Fields Farm precludes thoughtful community response through any mechanism such as Principate Nillumbik.

When will council be given sufficient detail to enable a meaningful response by the community to the proposal - such as the size of the land required, the length of lease and what remediation, and by whom will be needed if/when the lease is terminated, the traffic management and parking, the provision of water & sewerage, business plan and consideration of the impact of actions, as stated in the brochure ,on existing community organisations and private businesses in Nillumbik and which sections of the community will be negatively impacted by this project?

Response

The purpose of the community consultation is to ascertain the community's views on whether an urban farm use on the land described as 2 Bell Street Eltham is welcomed before considering details pertaining to size, lease arrangements, traffic etc. In the absence of any recent detailed master-planning for the site, this information will assist Council to determine if the use aligns with the community's expectations for the land into the future. Should the community indicate support for an urban farm on the land, further consultation will be undertaken that will provide such detail during the statutory processes aligned for both the lease and planning permit application processes to assist submissions to those processes.

Lachlan Ruhr has submitted the following question:

Question

Recent changes made to parking zones surrounding the Woolworths Supermarket in Eltham have made it difficult for employees of the essential workplace to find onsite parking, without risking a fine.

Why has council suddenly elected to make this change, (after some zones haven't had any major changes for at least over 20 years) and when will council respect the fact that employees (of any registered business) who serve the community will need to have somewhere to park/may be parking for longer than signed due to them having to attend their workplace?

Response

In response to concerns raised by the Eltham Chamber of Commerce & Industry pertaining to loading on Arthur Street and blocking the road Council introduced late 2022 a 'Loading Zone' on Arthur Street and rescind some spaces on the north side of Arthur Street from 8P to 3P. This would compensate for the loss of parking as a result of the loading zone.

Council is currently in the process of undertaking a detailed parking review around all on-street parking areas.

Any changes that have been made in the past, were undertaken in consultation and at the request of Eltham Chamber of Commerce & Industry.

Available trader parking is an integral part of an efficiently functioning precinct, and as such, Council has nominated the Circulatory Road car park (accessed via Pryor, Arthur and Dudley Streets) for utilisation by long term traders.

Council website contains more information on how to obtain a trader parking permit in Eltham.

Margaret McKenzie has submitted the following questions:

Question 1

I have read on a website Councillor Stockman will be on extended leave till the end of September.

Who will be following thru on projects in hand as discussed with Councillor Stockman re paths linking Snake Park to Passive Park which was on the initial Community Facilities Upgrade Master Plan in 2015 and left uncompleted?

Question 2

Some staff at Nillumbik Council were not aware of the Community Facilities Upgrade Master Plan in 2015. Could I ask if the Councillors have read the plan on their Website?

Response 2

In performing the role of a Councillor, a Councillor must consider the diversity of interests and needs of the municipal community.

The Council as a whole provide a leadership role in guiding the development of any strategic plans for the area and are responsible for monitoring the implementation of the council's delivery program.

During a time of Councillor leave, residents may approach any other Councillor to represent themselves or their community. In addition to having responsibilities as a Councillor, the Mayor has the additional responsibility to represent the council and acts as spokesperson for council.

Corrienne Nichols Director Communities temporarily left the meeting at 7:15pm during question time and returned at 7:19pm during question time.

11. Reports of Advisory Committees

AC.005/23 Advisory Committee Report - 27 June 2023

Distribution: Public

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

Author: Rowena Cairns, Acting Manager Governance and Property

Summary

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the following minutes of Advisory Committee meetings are attached (**Attachment 1**) and presented to Council for noting:

1. Economic Development Advisory Committee meeting held 1 June 2023.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

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

CARRIED UNANIMOUSLY

12. Officers' reports

CM.045/23 Seeking Adoption of Council's Governance Rule - Meeting Procedures

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Rowena Cairns, Acting Manager Governance and Property****Summary**

Council's existing Governance Rule - Meeting Procedure 2020 (**Meeting Procedures 2020**) 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 meetings 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.

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

The draft Governance Rule – Meeting Procedures (**Meeting Procedures 2023**) went out on public exhibition via Participate Nillumbik in the week commencing 1 March 2023. Public exhibition closed on 30 March 2023, with ten (10) submissions received via Participate together with two written submissions.

The updated version has been informed by the experience of Council meetings and feedback from Councillors, staff and the written and verbal submissions made by members of the community during the consultation phase.

The purpose of this report is to request that Council consider adoption of the Meeting Procedures 2023 (**Attachment 1**).

Recommendation**That Council:**

1. Notes that ten submissions in relation to the draft Governance Rule – Meeting Procedures were received, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 06 June 2023.
2. Having considered the written and verbal submission, adopts the Governance Rule – Meeting Procedures shown at **Attachment 1**.
3. Notes that Council's existing Governance Rule - Meeting Procedure adopted on 25 August 2020 ceases to apply.
4. Requests that Officers write to all respondents to the public engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution.

12. Officers' reports

CM.045/23 Seeking Adoption of Council's Governance Rule - Meeting Procedures

Motion**MOVED: Cr Geoff Paine****SECONDED: Cr Frances Eyre****That Council:**

1. Notes that ten submissions in relation to the draft Governance Rule – Meeting Procedures were received, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 06 June 2023.
2. Having considered the written and verbal submission, adopts the Governance Rule – Meeting Procedures shown at **Attachment 1**.
3. Notes that Council's existing Governance Rule - Meeting Procedure adopted on 25 August 2020 ceases to apply.
4. Requests that Officers write to all respondents to the public engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution.

Amendment**MOVED: Cr Peter Perkins****SECONDED: Cr Karen Egan****That Council:**

1. Notes that ten submissions in relation to the draft Governance Rule – Meeting Procedures were received, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 06 June 2023.
2. Having considered the written and verbal submission, adopts the Governance Rule – Meeting Procedures shown at Attachment 1 **with the following amendment:**
 - **Retained the Prayer in the Order of Business.**
3. **Requests that officers review council process to allow for multi-faith prayer participation to ensure Council remains inclusive and respectful.**
4. Notes that Council's existing Governance Rule - Meeting Procedure adopted on 25 August 2020 ceases to apply.
5. Requests that Officers write to all respondents to the public engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution.

LOST*Cr Peter Perkins called for a division**For: Crs Natalie Duffy, Karen Egan and Peter Perkins**Against: Crs Frances Eyre, Geoff Paine and Ben Ramcharan**The Mayor Cr Ben Ramcharan used his casting vote to vote against the Amendment.**The Mayor, Cr Ben Ramcharan declared the Amendment Lost.*

12. Officers' reports

CM.045/23 Seeking Adoption of Council's Governance Rule - Meeting Procedures

Motion

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

That Council:

1. Notes that ten submissions in relation to the draft Governance Rule – Meeting Procedures were received, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 06 June 2023.
2. Having considered the written and verbal submission, adopts the Governance Rule – Meeting Procedures shown at **Attachment 1**.
3. Notes that Council's existing Governance Rule - Meeting Procedure adopted on 25 August 2020 ceases to apply.
4. Requests that Officers write to all respondents to the public engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution.

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

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

That Council:

1. Notes that ten submissions in relation to the draft Governance Rule – Meeting Procedures were received, and that these submissions were considered and submitters were provided with the opportunity to be heard by the Planning and Consultation Committee on 06 June 2023.
2. Having considered the written and verbal submission, adopts the Governance Rule – Meeting Procedures shown at **Attachment 1**.
3. Notes that Council's existing Governance Rule - Meeting Procedure adopted on 25 August 2020 ceases to apply.
4. Requests that Officers write to all respondents to the public engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution.

CARRIED

Cr Karen Egan called for a division

For: Crs Frances Eyre, Geoff Paine and Ben Ramcharan

Against: Crs Natalie Duffy, Karen Egan and Peter Perkins

The Mayor Cr Ben Ramcharan used his casting vote to vote in favour of the Motion.

The Mayor, Cr Ben Ramcharan declared the Motion Carried.

12. Officers' reports

CM.046/23 Glass collection service

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Heath Gillett, Manager Operations Centre

Summary

This report considers the potential early introduction of a kerbside bin collection service for glass (purple-lidded bin), to meet the Victorian Government requirements of a four-stream household waste and recycling service.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That Council:

1. Does not commit to early introduction of a kerbside bin collection service for glass by end of 2024.
2. Continues to investigate the introduction of a separate glass collection service in Nillumbik, which considers impacts of Victoria's container deposit scheme, legislated requirements, service options and design.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.047/23 Endorsement of Recreational Trails Advisory Committee Members 2023-2025

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Rebecca Burton, Manager Recreation and Leisure

Chris Gipps, Recreation and Community Infrastructure Project Manager

Summary

The Recreation Trails Advisory Committee’s (RTAC) role is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development and review of new and existing recreation trails within the Shire of Nillumbik.

Motion

MOVED: Cr Natalie Duffy

SECONDED: Cr Karen Egan

That Council:

1. Endorses the eleven applicants listed (**Attachment 1**) as Committee members of the Recreational Trails Advisory Committee:
 - a) Applicant 1 _____
 - b) Applicant 2 _____
 - c) Applicant 3 _____
 - d) Applicant 4 _____
 - e) Applicant 5 _____
 - f) Applicant 6 _____
 - g) Applicant 7 _____
 - h) Applicant 8 _____
 - i) Applicant 9 _____
 - j) Applicant 10 _____
 - k) Applicant 11 _____
2. Authorises officers to appoint the next available applicant according to the Confidential: RTAC Committee recommendations (**Attachment 1**), if an appointed applicant declines the offer to be appointed to the advisory committee.
3. Acknowledges and thanks community members who submitted applications to the Recreational Trails Advisory Committee.
4. Resolves that the Confidential: RTAC Committee recommendations (**Attachment 1**) are to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
3. Resolves that the successful applicants be named.

12. Officers' reports

CM.047/23 Endorsement of Recreational Trails Advisory Committee Members 2023-2025

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

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Karen Egan

That Council:

1. Endorses the eleven applicants listed (**Attachment 1**) as Committee members of the Recreational Trails Advisory Committee:
 - a) Applicant 1 Andrew Bakos;
 - b) Applicant 2 Cath Giles;
 - c) Applicant 3 Rex Niven;
 - d) Applicant 4 Serena Marriott;
 - e) Applicant 5 Janice Davies;
 - f) Applicant 6 Bill Penrose;
 - g) Applicant 7 Brad March;
 - h) Applicant 8 Julie O'Connell Seamer;
 - i) Applicant 9 Andrew McMahon;
 - j) Applicant 10 Andrew Chau; and
 - k) Applicant 11 Bernie Broom.
2. Authorises officers to appoint the next available applicant according to the Confidential: RTAC Committee recommendations (**Attachment 1**), if an appointed applicant declines the offer to be appointed to the advisory committee.
3. Acknowledges and thanks community members who submitted applications to the Recreational Trails Advisory Committee.
4. Resolves that the Confidential: RTAC Committee recommendations (**Attachment 1**) are to remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
3. Resolves that the successful applicants be named.

CARRIED UNANIMOUSLY

12. Officers' reports**CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption**

Distribution: Public**Manager: Rosa Zouzoulas, Director Planning, Environment and Strategy****Author: Leigh Northwood, Manager Strategic Planning and Environment****Summary**

The purpose of this report is to seek Councils endorsement of the final draft of each the Municipal Planning Strategy (MPS) and Clause 74.02 Further Strategic Work of the Nillumbik Planning Scheme, that have been updated subject to recommended final changes as an outcome of Phase 3 engagement. This report also seeks Councils approval to seek authorisation to prepare and exhibit a planning scheme amendment to the Nillumbik Planning Scheme to insert the new adopted MPS and Clause 74.02.

There are specific requirements and format that the MPS must follow. The MPS must succinctly explain the context for a municipality and provide the overarching strategic directions for the major land use and development matters that affect it. The content of the MPS should be easily read, expressed in a logical sequence and grouped by related land use and development themes. The draft MPS must also be structured to meet the drafting requirements of Department of Transport and Planning (DTP).

Engagement on the MPS was initiated as part of the Our People, Our Place, Our Future (OPOPOF) community engagement program (February to April 2021) involving a Shire-wide survey used to inform the themes within the MPS. Subsequently, throughout the months of September and October 2021 (Phase 2 engagement) (458 submissions), and then again through June and July 2022 (Phase 3 engagement) (100 submission), officers conducted an extensive program of consultation on MPS themes and subsequently consulted on a draft of the MPS. Submitters were invited to attend the February 2022 Planning and Consultation Committee Meeting (PCC) to speak to Phase 1 engagement, and subsequently the November 2022 PCC to speak to their submissions to the draft MPS (Phase 2 engagement).

All submissions and feedback were considered and were used in drafting the new MPS where appropriate and relevant.

As part of consideration of the final draft of the MPS and Clause 74.02, Council may choose to:

1. Adopt the MPS and Clause 74.02 and request the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to insert the MPS and amended Clause 74.02; or
2. Request officers make further refinements to the final draft MPS and Clause 74.02; or
3. Abandon the process.

Note: the planning scheme amendment process will involve another formal round of consultation whereby the final adopted version of the MPS will be exhibited to the community and stakeholders pursuant to the notification requirements of the Planning & Environment Act 1987 (VIC), who will have another opportunity to provide comment.

12. Officers' reports

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption

Recommendation

That Council:

1. Notes the Summary of Feedback to Phase 3 Engagement on the MPS and Clause 74.02 at Attachment 2, and instructs officers to make the summary available on Council's Participate Nillumbik page;
2. Adopts the Municipal Planning Strategy (MPS) which is provided as **Attachment 4**;
3. Adopts amended Clause 74.02 *Further Strategic Work* which is provided as **Attachment 6**;
4. Advises all submitters in writing of Council's decision;
5. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to insert the MPS and amended Clause 74.02; and
6. On receipt of that authorisation, places the amendment to the Nillumbik Planning Scheme on exhibition.

Motion

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

That Council:

1. Notes the Summary of Feedback to Phase 3 Engagement on the MPS and Clause 74.02 at Attachment 2, and instructs officers to make the summary available on Council's Participate Nillumbik page;
2. Adopts the Municipal Planning Strategy (MPS) which is provided as **Attachment 4 with the following changes to be made prior to Council requesting authorisation of the Minister (as per point 5 below)**:
 - a) **Amend all Strategic plans in the MPS to include a label 'Bend of Islands'**;
 - b) **Amend clause 02.04-2 Faunal habitat and remnant vegetation plan, to:**
 - i) **identify a separate hatching on the plan, defined in the legend, that identifies the area as 'Environmental living' consistent with the purpose of the underlying zone;**
 - ii) **include an identification in the legend for the thin purple lines on the plan as 'Habitat Link Boundaries';**
 - iii) **denote Watsons Creek as a 'Priority tributary' as identified in the Yarra Strategic Plan (Burndap Birrarung burndap umarkoo);**
 - iv) **denote 'Yarra River Land' as identified in the Yarra Strategic Plan (Burndap Birrarung burndap umarkoo);**

12. Officers' reports

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption

c) Amend clause 02.04-3 the Open space and recreation facilities plan – to show the local trail as 'existing' only to Calwell Road on the western edge of the green 'Habitat Link Reserve' and to identify the trail through green Habitat Link Reserve as 'proposed'.

3. Adopts amended Clause 74.02 *Further Strategic Work* which is provided as **Attachment 6**;
4. Advises all submitters in writing of Council's decision;
5. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to insert the MPS and amended Clause 74.02; and
6. On receipt of that authorisation, places the amendment to the Nillumbik Planning Scheme on exhibition.

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

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

That Council:

1. Notes the Summary of Feedback to Phase 3 Engagement on the MPS and Clause 74.02 at Attachment 2, and instructs officers to make the summary available on Council's Participate Nillumbik page;
2. Adopts the Municipal Planning Strategy (MPS) which is provided as **Attachment 4** with the following changes to be made prior to Council requesting authorisation of the Minister (as per point 5 below):
 - a) Amend all Strategic plans in the MPS to include a label 'Bend of Islands';
 - b) Amend clause 02.04-2 Faunal habitat and remnant vegetation plan, to:
 - i) identify a separate hatching on the plan, defined in the legend, that identifies the area as 'Environmental living' consistent with the purpose of the underlying zone;
 - ii) include an identification in the legend for the thin purple lines on the plan as 'Habitat Link Boundaries';
 - iii) denote Watsons Creek as a 'Priority tributary' as identified in the Yarra Strategic Plan (Burndap Birrarung burndap umarkoo);
 - iv) denote 'Yarra River Land' as identified in the Yarra Strategic Plan (Burndap Birrarung burndap umarkoo);

12. Officers' reports

CM.048/23 Draft Municipal Planning Strategy (MPS) consideration of adoption

- c) Amend clause 02.04-3 the Open space and recreation facilities plan – to show the local trail as 'existing' only to Calwell Road on the western edge of the green 'Habitat Link Reserve' and to identify the trail through green Habitat Link Reserve as 'proposed';
3. Adopts amended Clause 74.02 *Further Strategic Work* which is provided as **Attachment 6**;
4. Advises all submitters in writing of Council's decision;
5. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to insert the MPS and amended Clause 74.02; and
6. On receipt of that authorisation, places the amendment to the Nillumbik Planning Scheme on exhibition.

CARRIED UNANIMOUSLY

Cr Natalie Duffy temporarily left the meeting during discussion of this item at 8:08pm.

12. Officers' reports

CM.049/23 Youth Hub Community Engagement Plan

Distribution: Public

Manager: Corrienne Nichols, Director Communities

Author: Katie Camilleri, Acting Manager Community Partnerships /
Coordinator Youth & Community Development

Summary

This report presents the draft designs for the Nillumbik Youth Hub (**Attachment 1**) for endorsement and the purpose of public consultation. Public consultation on the draft designs of the redevelopment of 32-34 Elizabeth Street, Diamond Creek into a dedicated, standalone Youth Hub will be open from 30 June to 20 July 2023. Public submissions will close 11.59pm on Sunday 20 July 2023 and will be considered by the Planning and Consultation Committee on 8 August 2023.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Frances Eyre

That Council:

1. Endorses the draft designs for the Nillumbik Youth Hub (**Attachment 1**) for the purposes of public consultation.
2. Invites written submissions on the draft designs to Council by 20 July 2023.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 8 August 2023.

CARRIED UNANIMOUSLY

Cr Natalie Duffy returned to the meeting during discussion of this item at 8:14pm and prior to the vote on this item.

12. Officers' reports

CM.050/23 Implications of Bus Safety Act on Council's Community Bus Programs

Distribution: Public

Manager: Corrienne Nichols, Director Communities

Author: Narelle Hart, Manager Community Programs

Summary

The purpose of this report is provide Councillors with information about the changes to the Bus Safety Act 2009 resulting in the requirement that Council become an accredited bus operator.

The report will also outline the implications of the new Act on the bus hire service offered by Council and provides advice and recommendation that Council discontinue the hire service to non-accredited community groups and users.

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Geoff Paine

That Council:

1. Discontinues providing bus hire to non-accredited community groups.
2. Continues to provide bus hire to community groups/users who have their own accreditation.
3. Requests officers to support and provide information to non-accredited community groups about other bus hire options that are available to them.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.051/23 Quarterly Risk and Safety Report - March 2023

Distribution: Public

Manager: Jeremy Livingston, Director Culture and Performance

Author: Craig Commane, Risk and Safety Lead

Summary

This report provides a summary of Council's Risk and Safety Report for the quarter ending March 2023.

The report is presented in accordance with the *Local Government (Planning and Reporting) Regulations 2020*, which requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by Council's Audit and Risk Committee, which in this quarter occurred on 5 June 2023.

The full confidential Risk and Safety Report for March 2023 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Peter Perkins

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending March 2023.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.052/23 Audit and Risk Committee Meeting June 2023

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Melika Sukunda, Acting Chief Operating Officer

Summary

In accordance with section 53 of the *Local Government Act 2020* and good governance principles, councils must have an Audit and Risk Committee.

As resolved at the 23 June 2020 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Council Meeting.

The Audit and Risk Committee met on 5 June 2023. The minutes for the meeting are shown in **Attachment 1**.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That Council notes the minutes of the Audit and Risk Committee meeting held on 5 June 2023 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking Enforcement – Services and Products

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Elishia Jansz, Acting Manager Community Safety and Amenity****Summary**

This report recommends the awarding of contract 2223-016 for Infringement and Parking Enforcement – Services and Products.

The contract term is for an initial period of 5 years, with 2 x 1 year options to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed 7 years.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report provides a summary of their evaluation in recommending the awarding of the contract for 2223-016 for Infringement and Parking Enforcement – Services and Products.

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.

Motion**MOVED: Cr Peter Perkins****SECONDED: Cr Geoff Paine****That Council:**

1. Accepts the tender submitted by the **preferred tenderer** for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
 - Number: 2223-016
 - Title: Infringement and Parking Enforcement – Services and Products.
 - Term: 1 July 2023 to 30 June 2028
 - Options: Term extensions up to 30 June 2030
2. Authorises the Director of Governance, Communications and Community Safety to finalise and execute the contract documentation.
3. Authorises the Director of Governance, Communications and Community Safety to approve contract term extensions.
4. Authorises the Director of Governance, Communications and Community Safety to approve additional cost variations that are a result of changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Summary Report 2223-016 (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.

12. Officers' reports

CM.053/23 Tender Report - Contract 2223-016 Infringement and Parking Enforcement – Services and Products

7. Resolves that the preferred tenderer be named.

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

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That Council:

1. Accepts the tender submitted by the **preferred tenderer** DCA Cities Holdings Pty Ltd for the schedule of rates disclosed in (**Attachment 1**) and enter into the following contract:
 - Number: 2223-016
 - Title: Infringement and Parking Enforcement – Services and Products.
 - Term: 1 July 2023 to 30 June 2028
 - Options: Term extensions up to 30 June 2030
2. Authorises the Director of Governance, Communications and Community Safety to finalise and execute the contract documentation.
3. Authorises the Director of Governance, Communications and Community Safety to approve contract term extensions.
4. Authorises the Director of Governance, Communications and Community Safety to approve additional cost variations that are a result of changes to operational requirements throughout the term of the contract.
5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Summary Report 2223-016 (**Attachment 1**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g) of the *Local Government Act 2020*.
7. Resolves that the preferred tenderer be named.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.054/23 Fair Access Policy

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Rebecca Burton, Manager Recreation and Leisure

Summary

The Victorian government has developed a Fair Access Policy Roadmap in partnership with local governments, the state sport and active recreation sector and other key stakeholders. The intent is to improve gender equitable access and use of publicly owned community sports infrastructure across Victoria.

Gender equity is the provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council endorses the proposed Nillumbik Shire Council Fair Access Policy (Attachment 1).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)

Distribution: Public

Manager: Rosa Zouzoulas, Director Planning, Environment and Strategy

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

Summary

Local Food Connect has received a Department of Energy, Environment and Climate Action grant (Suburban Grants Program) to operate a proposed urban farm on Council-managed land at 2 Bell Street, Eltham, known as Fabbro Fields.

Local Food Connect's aim is that Fabbro Fields becomes a financially viable not-for-profit urban agriculture centre. There are a number of approvals required before Local Food Connect can operate including obtaining a lease from Council to use the land, obtaining consent from the land manager to apply for a planning permit application and obtaining planning permit approval.

Separate to any engagement that may be undertaken by Council through its statutory processes as the Responsible Authority and the Responsible Planning Authority for the lease of land which Council is the Committee of Management and the Planning Permit Application, Council can also seek community feedback to inform the potential use of Council managed land. This report contains a proposed approach to do so.

Motion

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

That Council:

1. Endorses the commencement of a community consultation process as outlined in Proposed Community Engagement Next Steps (**Attachment 1**) to seek the views of the Nillumbik community with respect to the potential use of land at 2 Bell Street Eltham for the purpose of an urban farm.
2. Following the conclusion of the community engagement period, hears from submitters at the Planning and Consultation Committee meeting on 8 August 2023 with respect to the potential use of land at 2 Bell Street Eltham for the purpose of an urban farm.

CARRIED

Cr Natalie Duffy called for a division

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

Against: Cr Natalie Duffy

The Mayor, Cr Ben Ramcharan declared the Motion Carried.

12. Officers' reports

CM.055/23 Proposed Community Consultation – 2 Bell Street Eltham (Fabbro Fields)

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

That Council:

1. Endorses the commencement of a community consultation process as outlined in Proposed Community Engagement Next Steps (**Attachment 1**) to seek the views of the Nillumbik community with respect to the potential use of land at 2 Bell Street Eltham for the purpose of an urban farm.
2. Following the conclusion of the community engagement period, hears from submitters at the Planning and Consultation Committee meeting on 8 August 2023 with respect to the potential use of land at 2 Bell Street Eltham for the purpose of an urban farm.

CARRIED

12. Officers' reports

CM.056/23 Informal Meetings of Councillors Records - 27 June 2023

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and Community Safety****Author: Rowena Cairns, Acting Manager Governance and Property****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 23 May 2023.

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

1. Kangaroo Ground War Memorial Park Governance Meeting held 19 April 2023;
2. Arts & Culture Advisory Committee Meeting held 15 May 2023;
3. Councillor Briefing held 16 May 2023;
4. Councillor Briefing held 30 May 2023;
5. Positive Ageing Advisory Committee Meeting held 2 June 2023; and
6. Planning and Consultation Committee Meeting Pre-Meet and Councillor Briefing held 6 June 2023.

Council Resolution

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

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

Delegated Committee: Nillumbik Reconciliation Group **Cr Natalie Duffy**

During National Reconciliation Week on Sunday 28 May 2023, Nillumbik Reconciliation Group (NRG) held a free community event to celebrate 25 Years of Reconciliation in Nillumbik.

Wurundjeri Woi-wurrung Elder Ian Hunter started the event with a Welcome to Country and concluded it with a Smoking Ceremony. Ian was involved in the original event 25 years ago and instructed the removal of bark from a tree to create a *coolamon* at the time. Nillumbik Shire Council treasures this artifact in its Art Collection and enabled the coolamon to be displayed and used at the event.

Wurundjeri women's dance group *Djirri Djirri* performed cultural dances to songs sung by Mandy Nicholson in Woi-wurrung language. Mandy shared stories and reflected on the meaningful and personal connection for her to be involved in the celebration as her late father was present at the original event.

Yorta Yorta singer songwriter Scott Darlow entertained us with his music, yidaki (didgeridoo) and powerful words. Local choir The Chocolate Lilies sang and the Eltham High School Symphonic Band composed and performed a moving tribute piece, as they had done 25 years ago.

The celebration, held at the Eltham Community and Reception Centre, was attended by 300 people including The Hon. Kate Thwaites MP Federal Member for Jaga Jaga, Vicki Ward MP Member for Eltham, Cindy McLeish MP Member for Eildon along with Mayor Cr Ben Ramcharan, Deputy Mayor Cr Geoff Paine, Cr Frances Eyre and myself. We were joined by past Councillors Margaret Jennings, John Graves, Warwick Leeson OAM, Greg Johnson, Helen Coleman OAM and Bill Penrose, along with past NRG President Carol Leeson.

We heard from Jan Mackenzie current President of NRG and Jan Aitken past President of NRG that this event was to commemorate Nillumbik Shire Council's first Reconciliation ceremony, the Shire's progressive journey at the time and since then.

We also heard that Nillumbik Shire Council created an Advisory Committee to arrange the 1998 ceremony promoting Reconciliation. This Advisory Committee then became the Nillumbik Reconciliation Group. So our advisory groups can become powerful Community groups in their own right which is exciting.

The original ceremony included 1,000 locals walking together along Main Street Eltham into Wingrove Park in May 1998 with the then Mayor Robert Marshall reading out Statements of Recognition, Apology, Acknowledgment and Commitment to Wurundjeri Woi-wurrung Elders and presented this letter of commitment to Elders. Wurundjeri Elders spoke of the importance of this action for the time. It was quite progressive at the time. There were

Other guest speakers at the 25 year anniversary celebration included the Nicholson Family, The Hon. Kate Thwaites MP, Vicky Ward MP, Mayor Ben Ramcharan, Youth Mayor Kirra Imbriano, Nerida Kirov and Dr Jodie Blackshaw.

Kate Thwaites spoke of the upcoming Referendum for a Voice, Vicki Ward spoke of the steps towards Treaty in Victoria and Mayor Ramcharan spoke of Council's recent decisions to step away from holding citizenship ceremonies and community awards on January 26 and to start a Reconciliation Action Plan.

Many attendees recalled being at the original event. It was especially significant that Elizabeth Savage Kooroonya and John Browning two of the original organisers along with Marg Jennings and John Graves two of the 1998 Councillors were able to attend.

Nillumbik Reconciliation Group continues to invite and assist our community, schools, groups and sports clubs to embrace action to advance Reconciliation. We were able to see some of the wonderful actions taken by our community over the years through a photo slide show.

I would like to acknowledge and thank Nillumbik Reconciliation Group for all they have done over the past 25 years and continue to do to celebrate First Nations people, to educate and facilitate conversations in our community. Thank you NRG for bringing our community together to celebrate the historic and truly meaningful action of Nillumbik Shire Council back in 1998 and our shared journey since. The 25 Year Celebration of Reconciliation in Nillumbik was a joyful event. I am pleased that Council was able to help NRG with grant funding and Officer assistance when needed for this event.

I would like to thank the special guest performers and speakers and all those who participated to make this event a wonderful occasion including representatives from Nillumbik Youth Council, Catholic Ladies College, Eltham High School, Eltham Lacrosse Club, Diamond Valley Basketball Association, Diamond Creek Women's Football Club, Lower Eltham Cricket Club and Eltham Rugby Club.

Kind regards, Natalie Duffy

Diamond Creek Rotary**Report by: Cr Peter Perkins**

Cr Perkins reported that he attended the recent handover dinner of Diamond Creek Rotary, where Warwick Leeson OAM is now the president.

The Annual Report details all the great work that the Diamond Creek Rotary does in the Diamond Creek area. Cr Perkins looks forward to Warwick's continued support over the next 12 months and beyond.

This year, the Australian Local Government Association's (ALGA) National General Assembly (NGA) ran in Canberra from Wednesday 14 June to Thursday 15 June. In addition to this, ALGA ran a Regional Forum on Tuesday 13 June to engage with councils in regional, rural and remote areas.

On Friday 16 June, following the NGA, ALGA delegates participated in the Australian Council of Local Government (ACLG) for the first time since 2008. The ACLG was reinstated this year by the Federal Government and was a fantastic opportunity for councillors from across the country to discuss issues with Federal Government ministers. There was a strong commitment from the government to partner with local governments in the interest of our communities.

At the ACLG, the Prime Minister announced a \$100million Energy Upgrade Fund, which will co-fund councils to upgrade community facilities to make them more energy efficient and reduce our carbon footprint. This is in addition to the recently announced \$200million Thriving Suburbs Program, which will support councils to deliver infrastructure and community projects.

Nillumbik submitted four advocacy motions for consideration by ALGA at the NGA. These related to Regional Assessment Services for aged care, improved infrastructure to combat the Climate Emergency, support for councils in protecting biodiversity and Green Wedges and funding for dedicated youth spaces. All four motions passed unopposed, a testament to their importance and relevance to the local government sector across the country.

In addition, a number of significant motions from other councils were supported by the NGA, including a motion to note the importance of Australia's upcoming Voice to Parliament Referendum.

Nillumbik councillors also met with four ministers in Canberra – Minister for Aged Care, Anika Wells, Minister for Youth, Anne Aly, Minister for Infrastructure, Transport, Regional Development and Local Government, Catherine King and Minister for Regional Development, Local Government and Territories, Kristy McBain. Discussions related to the motions raised by Nillumbik at the NGA as well as opportunities for Nillumbik under the Energy Upgrade Fund and the Thriving Suburbs Program.

Thanked Alex Cullum for his support as chief tour guide who lead Councillors around Parliament House.

A key message from Nillumbik was the potential for local government to become a key delivery partner for the Federal Government in meeting their biodiversity targets. The mayor raised this in a panel session on liveability at the ACLG.

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:

Apologies – Leave of Absence

This item is confidential because it is confidential information pursuant to paragraph (h) 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).

Council Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Frances Eyre

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 9:05pm.

The meeting re-opened to the public at 9:44pm.

17. Close of Meeting

The meeting closed at 9:44pm.

Confirmed: _____

Cr Ben Ramcharan, Mayor