

Council Meeting

held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 27 February 2024 commencing at 7.00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 1 March 2024

Distribution: Public

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Nillumbik Shire Council

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Council Meeting Minutes

27 February 2024

CM.012/24 Unused Government Road (Joslyn Drive, Research)

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17. Close of Meeting

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Nillumbik Shire Council

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 27 February 2024.
The meeting commenced at 7.00pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Operating Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Corrienne Nichols	Director Communities
Jeremy Livingston	Director Culture and Performance
Katia Croce	Manager Governance and Property
Leigh Northwood	Manager Strategic Planning and Environment
Tracey Varley	Manager Communications and Engagement
Melanie Burns	Electoral Project Officer

1. Welcome

2. Acknowledgement

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

3. Good Governance Pledge

The Good Governance Pledge was ready by Cr Richard Stockman.

4. Prayer

A prayer was read by Jasmine Maitheson, Church Leader at Green Wedge Community Church.

Jasmine Mathieson, who is one of the Church Leaders at Green Wedge Community Church (GWCC). GWCC was started over 30 years ago in 1993, and is a part of Acts Global Churches.

It is a fellowship of believers who love God, each other and the beautiful part of the world that is Nillumbik.

They are named Green Wedge Community Church as a reflection of their belief God has called them to minister to and care for the people of the beautiful place of Nillumbik (and surrounds) – the wonderful Green Wedge Shire that is a great example of God’s beautiful creation.

They get to be involved with many amazing community things – such as the Wattle Festival and Combined Churches events like the Good Friday Service and Community

Christmas Carols that they are heavily involved in yearly, and they are able to have many ongoing pastoral care and community involvement opportunities.

In the past they have been able to support an orphanage in Indonesia, and the Hurstbridge Primary School Chaplain over a period of about 10 years.

It is supported by Green Wedge Christian Community Enterprises, who run Hurstbridge Opportunity Shop and the Reuse Shop at the Nillumbik Transfer Station, both of which they believe are places that help build community, provide sustainability benefits, and a place of help and haven for the community.

Through this, they get the blessing of meeting many people in the community – and being their friend through the highs and lows of life.

These shops allow them to have many opportunities to help the community – from the more obvious things like clothing, when other places might be unaffordable, to the lesser known side of emotional and spiritual care – they want to be there to listen, pray and support people as well.

They love being in this community and this fellowship together.

5. Apologies\Leave of Absence

A leave of absence request for this meeting was received from Cr Peter Perkins.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That the leave of absence request be accepted from Cr Peter Perkins for the meeting of 27 February 2024.

CARRIED UNANIMOUSLY

6. Declarations of conflict of interest

Nil

7. Presentations

Australia Day 2024 Honours List

It is always wonderful to see local Nillumbik community members being awarded and recognised for their achievements in the Governor General's Australia Day Honours list and tonight I'd like to acknowledge them.

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

Dr Jennifer GOWAN, for significant service to medicine as a pharmacist, to professional societies, and to community health.

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

Michael AITKEN, for service to optometry.

I'd like to commend both of them for their dedication service and achievement of excellence in that respective fields. They embodied the Nillumbik ethos of service diligence commitment and above all servicing the broader community so thank you to them both.

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 12 December 2023

Summary

Confirmation of the Minutes of the Council Meeting held on Tuesday 12 December 2023.

Council Resolution

MOVED: Cr Frances Eyre
SECONDED: Cr Natalie Duffy

That Council confirms the Minutes of the Council Meeting held on Tuesday 12 December 2023 (**Attachment 1**).

CARRIED UNANIMOUSLY

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 12 December 2023

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9. Petitions

PT.001/24 Cigarette Butt Education And Bins

A petition containing **32** signatures titled “Cigarette Butt Education and Bins” requests for the placement of bins throughout the shire and relates to the dangers of cigarette butt litter.

The petition contains the following statement:

We, the undersigned, residents of Victoria request the Nillumbik shire council to have education programmes regarding the dangers of cigarette butt litter and to put up cigarette butt bins around parks, shopping centres and schools in Nillumbik Shire council.

Council Resolution

MOVED: Cr Geoff Paine
SECONDED: Cr Frances Eyre

That Council:

1. Receives and notes the “Cigarette Butt Education and Bins” petition relating to the dangers of cigarette butt litter, and the placement of bins throughout the shire in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Chief Operating Officer for investigation and response.
3. Notes that officers will advise the petition organiser of the outcome.

CARRIED UNANIMOUSLY

10. Questions from the gallery

Robyn Lees-West has asked the following questions:

Question 1

Given the strong feelings expressed by the public at the end of the November council meeting, regarding the handling of conflict & disciplinary matters within the council , & the engaging of an arbitor (& related cost). It was disappointing to see no item on the agenda for the December meeting regarding improving conflict resolution within the council. (other than a question asked by a member of the public regarding any ongoing action & cost).

Whilst I understand that due to confidentiality reasons the council is limited as to what they can publicly say about individual matters, is there any plan to improve the handling of incidents of this kind within the council ?

Response 1

The Council, in January 2021, adopted its Councillor Code of Conduct in line with section 139 of the *Local Government Act 2020*. This code outlines the expected standards of conduct for Councillors during the execution of their duties and responsibilities. The standards of conduct, along with a Councillor conduct framework, are specified in the *Local Government Act 2020* and the Local Government (Governance and Integrity) Regulations 2020.

These regulations establish a clear hierarchy for managing issues related to Councillor conduct. The Council is obligated to adhere to the legislative framework governing its operations, and any alterations to legislation or procedures for addressing Councillor conduct complaints fall under the jurisdiction of the Local Government Minister at state Government level.

The Minister is currently in the process of reviewing some aspects of the Code of Conduct Framework and Council is making a submission to this process.

Question 2

Is this above something that the newly recruited CEO of Employment Matters Committee - Margaret Devin will be facilitating ?

Response 2

The CEO Employment Matters Committee's purpose is to make recommendations to Council on contractual employment matters, performance matters and any other functions or responsibilities prescribed by the *Local Government Act 2020* relating to the Chief Executive Officer (CEO). This Committee's role is not to manage issues related to Councillor conduct.

Wendy Faulkner has submitted the following questions:

Question 1

My last question to this forum was 23 February 2021. i.e. 3 years ago. I would like an update; "In 2016 the Municipal Building Surveyor issued a number of 'show cause' notices on properties in the Rangeview Estate." i.e. show cause notices are now almost 8 years old.

How many building notices remain ? Have all building notices now been upgraded to building orders ?

Response 1

Twelve (12) properties are currently affected by Building Notices and or Building Orders. Ten (10) of these twelve (12) impacted properties have had escalations to the previous Notices issued and now have Amended Building Orders. The remaining two (2) properties are currently seeking the appropriate approvals to complete the necessary building works, which will see the removal of such notices being cancelled once permits are issued and works are completed. In addition, there are two (2) other properties separate to the twelve (12) properties noted, that have had their orders cancelled with compliance achieved.

Question 2

Council have stated (meeting minutes 23 Feb 2021) that 'on compassionate grounds (council) have so far resisted calls for prosecution" - do these compassionate grounds apply to the owner of No 21 Haven Lane, being owned by Company Director and Registered Builder of the 62 properties issued building notices ?

Response 2

The matter of compliance is with the Building Owners and the Owners Corporation of this particular property. Council's Municipal Building Surveyor will endeavour to have compliance achieved via the Owner's own volition and with the Owners Corporation participation. Should such endeavours fail, the matter upon review will be escalated.

Liz Morris has asked the following questions:

I recently visited Edendale Farm and was appalled by the lack of shade provided for the animals. Large pavilions provide shade for visitors but Not for all the animals on display. In at least 3 paddocks where animals are fenced in, there is NOT ONE tree for shelter for those animals ! Im asking what, if any consideration is being given to these very vulnerable animals on days like today when its 37 degrees ! I saw animals really searching for shade which was totally unavailable at some stages of the day as the sun moved . I am very concerned for their welfare. I consider it neglect.

I have been advised that trees may soon be planted to improve conditions (at Edendale Farm) but as it will take YEARS before they offer any shade i am asking what council can do to provide shade immediately. I have made some suggestions directly to the Farm management but nothing is being done about it. (that i know of) PLEASE address this urgent problem as it will not get better for those animals unless the problem is resolved by council.

Question 1

What, if any consideration is being given to these very vulnerable animals on days like today when its 37 degrees !

Question 2

What council can do to provide shade immediately.

Combined Response

Edendale Community Environment Farm has 24 years of experience caring for animals and prides itself of the level of care delivered. As you have highlighted, providing shade is critical to animal welfare, especially during extreme heat events. Shading options are available to all animals in the paddocks, although sometimes this may not be visible from public viewing points. The animals know where the shading is but can decide not take advantage of it if they are comfortable with the environment and conditions. We also recognise that there may be ways to exceed standard requirements so we are reaching out to a third party expert to help us review our infrastructure and practices. The hot day procedures that the trained farm staff follow are available at the reception for anyone to view.

John Fecondo has submitted the following questions:

It is commendable that Council is discussing at this meeting the long awaited Draft Biodiversity Strategy. The Nillumbik Council’s Tree Management policy dated September 2018 states in Section 2.3, dot point 4 (page 8):“Council will keep a list of all trees removed and plant replacements if appropriate”

Question 1

Was this list generated and is it updated regularly in accordance with this policy?

Question 2

If yes, how may it be accessed by the public?

Combined Response

A priority action of the 2021-2025 Council Plan is to ‘Investigate measures to establish and enhance the urban tree canopy’. This work is identified as Action 16 of Council’s Annual Action Plan 2023-2024 as “Complete and adopt the new Biodiversity Strategy, including investigation into measures to establish and enhance the urban tree canopy and protect wildlife”. The drafting of the Biodiversity Strategy has identified some higher level tree canopy data for the Shire. This data has been fed into a further investigation as a separate but dependent piece of strategic work, preparation of a draft Urban Tree Canopy Strategy.

The draft Strategy also has regard to the Council Plan Action ‘Review Council’s tree management policy and supporting guidelines’. There are some iterative matters across the draft Urban Tree Canopy Strategy and the Tree Management Policy and Guidelines which will have implications for the Tree Management Policy and Guidelines particularly in regard to strategic data collection (on trees) and replacement planting.

Council will be briefed on preparation of the draft Urban Tree Canopy Strategy, and any implications for Council’s Tree Management Policy and Guidelines. Advancement of this work will be subject to Councillor consideration.

11. Reports of Advisory Committees

AC.001/24 Advisory Committee Report - 27 February 2024

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

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

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

1. Panton Hill Bushland Reserve System User Group Advisory Committee meeting held 16 November 2023; and
2. Environment & Sustainability Advisory Committee meeting held 22 November 2023.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

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

CARRIED UNANIMOUSLY

11. Reports of Advisory Committees

AC.001/24 Advisory Committee Report - 27 February 2024

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12. Officers' reports

CM.001/24 Future delivery of the TAC L2P Program

Distribution: Public

Manager: Corrienne Nichols, Director Communities

Author: Nichole Johnson, Manager Community Partnerships

Summary

The current contract for the Transport Accident Commission (TAC) L2P Program in Nillumbik will cease 30 June 2024. This report provides the background, issues, and recommendations for future delivery of the TAC L2P Program delivery in line with the new four year funding contract for 2024/25 – 2027/28.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That Council:

1. Transitions the delivery of the TAC L2P Program to the Banyule Nillumbik Local Learning and Employment Network (BNLLEN) from 1 July 2024 and cease the current contract with Department of Transport and Planning (DTP) on 30 June 2024.
2. Supports this transition, by providing BNLLEN the in-kind donation of two L2P Vehicles.
3. Continues to support and celebrate Nillumbik's L2P Program through ongoing partnership with BNLLEN, including but not limited to:
 - a) Team Leader Youth Development to chair the Nillumbik L2P Steering Committee
 - b) Co-branding and promotion through Council's website and communication channels
 - c) Participation and recognition in events, celebrations and media releases
 - d) Support with volunteer and learner recruitment and retention.
4. Monitors the ongoing effectiveness of the Nillumbik L2P Program and ensures it continues to meet the needs of the Nillumbik community.

CARRIED

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

Against: Cr Natalie Duffy

12. Officers' reports

CM.001/24 Future delivery of the TAC L2P Program

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12. Officers' reports

CM.002/24 Land Management Incentive Program - Guidelines Update

Distribution: Public

Manager: Renae Ahern, Manager Planning Services

Author: Leigh Northwood, Manager Strategic Planning and Environment

Summary

The purpose of this report is to seek Council's endorsement of the Land Management Incentive Program Guidelines (as updated) at **Attachment 1**.

The Land Management Incentive Program (LMIP) supports the community with grants and advice to undertake sustainable land management and biodiversity conservation activities.

The Expression of Interest (EOI) for the LMIP grant is open all year round and we communicate it through our webpage, newsletters and socials and particularly our Landcare Network.

Unlike other grant funding provided by Council, administration of the LMIP is an iterative process from application submission to Council, through to agreement on land management outcomes, and will often have regard and alignment where possible to other environmental works being undertaken by Council on its own land or by other land owners to achieve the best possible landscape-scale environmental outcomes.

There is also a clear seasonal relationship to demand for the grant, typically leading into spring/summer as this is the key time people want to do works (and we encourage such), as it corresponds with breeding and prime weed growing weather conditions.

Given the seasonal aspects and lead time associated with preparing land management plans in administering the LMIP, granting of funds over a yearly 'even' basis is not realistic, achievable, nor optimal. For this reason the LMIP is open for Expressions of Interest all year round. Even where grant funding is exhausted, which tends to be the case in the later half of the financial year (Mar-Jun) aligned to seasonal demand at peak 'treatment' times, officers work with applicants to get their land management plans ready to align with optimal seasonal programming and availability of the grant funding the following year.

The LMIP guidelines provide detail on the program and eligibility criteria. These guidelines are available on Council's webpage (as updated).

After a risk review of the LMIP was undertaken, based on community feedback, Council endorsed the recommendation to remove shooting based activities for the control of deer from the LMIP in April 2023.

Further minor changes to the current LMIP guidelines have been identified to support further clarity in regard to the program and community concerns. Changes are detailed (track changed) at **Attachment 1**, and include:

- i. Ineligibility of projects requiring the use of firearms;
- ii. Ineligibility of projects where a company or contractor who has a personal interest in any property will benefit from the grant;
- iii. Consideration of negative amenity impacts as part of the grant assessment process (e.g. noise, odour, etc.); and

12. Officers' reports

CM.002/24 Land Management Incentive Program - Guidelines Update

- iv. Inclusion of climate resilience and protection of plants from pest animal browsing as part of the criteria for indigenous revegetation projects.

There are no known budget implications for 2024-25 by the proposed changes to the LMIP guidelines as the changes are operational in nature. The program is currently funded for the 2023/24 financial year at \$60K.

Council Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Frances Eyre

That Council:

1. Notes and adopts the updated Land Management Incentive Program Guidelines which are provided at **Attachment 1**; and
2. Instructs officers to make the updated Land Management Incentive Program Guidelines available on Council's webpage.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.003/24 Review of the Governance Rule - Election Period Policy

File: FOL/24/50

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

Council's existing Governance Rule – Election Period Policy (Election Period Policy) 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.

Any review of Council's Governance Rules requires Council to undertake community consultation on any amendments.

The draft Governance Rule – Election Period Policy (**Attachment 1**) has been informed by the experience of the 2020 Council election.

This report outlines the amendments that have been included since the previous version of the Election Period Policy adopted by Council in 2020 and to seek endorsement from Council of the draft Governance Rule – Election Period Policy (Election Period Policy) (**Attachment 1**) for public consultation.

Council Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

That Council:

1. Endorses the draft Governance Rule – Election Period Policy shown at **Attachment 1** for public consultation from 1 March 2024 to 24 March 2024 inclusive;
2. Invites written submissions regarding the draft Governance Rule – Election Period Policy by 24 March 2024;
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 16 April 2024; 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 April 2024 Planning and Consultation Committee meeting.

CARRIED UNANIMOUSLY

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CM.003/24 Review of the Governance Rule - Election Period Policy

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CM.004/24 Environment and Sustainability Advisory Committee (ESAC) - revised Terms of Reference and Expressions of Interest for new committee

Distribution: Public

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

Author: Leigh Northwood, Manager Strategic Planning and Environment

Summary

The current term of Council's Environment and Sustainability Advisory Committee (ESAC) is nearing completion.

This report provides an overview of the remit and work of the current ESAC, makes recommendations for minor edits to the Terms of Reference, and recommends that a recruitment process to appoint a new two-year committee be undertaken.

The last meeting of the current committee will be in April 2024, and the first meeting of the new committee will be in June 2024.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council:

1. Acknowledges and thanks members of the Environment and Sustainability Advisory Committee for their advice and practical contribution to environment and sustainability outcomes for the Shire over the term of the committee.
2. Endorses the revised Terms of Reference for the Environment and Sustainability Advisory Committee for public exhibition in March 2024 seeking expressions of interest for membership nomination to renew the committee by June 2024.
3. Instructs officers to report nominations to the Environment and Sustainability Advisory Committee to Council for endorsement.

CARRIED UNANIMOUSLY

12. Officers' reports

**CM.004/24 Environment and Sustainability Advisory Committee (ESAC) - revised
Terms of Reference and Expressions of Interest for new committee**

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12. Officers' reports

CM.005/24 Jalna Court Special Charge Scheme - Intention to Declare

File: FOL/20/3711**Distribution:** Public**Manager:** Vince Lombardi, Chief Operating Officer**Author:** Alex Stewart, Acting Manager Capital and Infrastructure**Summary**

On 29 July 2021 Council received a petition by property owners to partially seal Jalna Court, Eltham, with costs recovered via the implementation of a Special Charge Scheme.

On 21 December 2021 an initial questionnaire was sent to all property owners in Jalna Court to gauge their level of support. As part of this questionnaire the two east most properties in the street (1 Jalna Court and 6 Jalna Court) were also asked of their interest for a partial scheme to seal only the section of road adjoining these two properties.

The results of the questionnaires confirmed insufficient support to proceed further with an investigation to seal the full length of Jalna Court. However there was support to proceed with further investigation into a partial scheme involving the two eastern properties.

Council resolved on 26 April 2023 to proceed with the development of a Special Charge Scheme for the partial sealing of Jalna Court, Eltham (between the western boundary of 1 Jalna Court and the intersection with Sweeneys Lane), with a rural standard of construction. The development has now been completed.

This report commences the statutory process to levy the special charge.

Council Resolution

MOVED: Cr Geoff Paine**SECONDED:** Cr Karen Egan**That Council:**

1. Gives public notice of its intention to declare a Special Charge Scheme in accordance with Part 8 of the *Local Government Act 1989*, for the construction of the partial length of Jalna Court subject to the following conditions:
 - a) The Special Charge Scheme shall apply to the two properties 1 and 6 Jalna Court, Eltham.
 - b) The total estimated cost to each property may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.
 - c) The Special Charge Scheme for Jalna Court, Eltham shall remain in force for 10 years.
 - d) Within 12 months of the completion of works, a final cost statement will be issued to participating properties in Jalna Court, Eltham and any adjustment to liabilities will be made.

12. Officers' reports

CM.005/24 Jalna Court Special Charge Scheme - Intention to Declare

- e) The estimated total project cost and total amount to be levied under this special charge is \$46,070.
- 2. Sends a copy of the public notice to each person who will be liable to pay the special charge.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.006/24 Draft Budget 2024-2025

Distribution: Public**Manager: Vince Lombardi, Chief Operating Officer****Author: Melika Sukunda, Manager Finance, Assets and Procurement****Summary**

This report presents the draft Budget 2024-2025 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services, delivery of Council Plan actions and for the development and maintenance of infrastructure throughout the Shire.

The draft Budget proposes a 2.75 per cent increase to rates levied and an increase of 6.81 per cent to the waste management standard charge.

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

The Strategic Resource Plan has also been prepared for the next ten financial years.

Council Resolution

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

1. Adopts the draft Budget 2024-2025 (**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 28 May 2024, the Budget 2024-2025.
3. Notes that any person who makes a written submission in relation to the draft Budget 2024-2025 and requests to be heard in support of the written submission, be heard at the Planning and Consultation Committee meeting on Tuesday 16 April 2024.
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.006/24 Draft Budget 2024-2025

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12. Officers' reports

CM.007/24 December Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Melika Sukunda, Manager Finance, Assets and Procurement

Summary

This report outlines Council's financial performance and financial position for the period ended 31 December 2023.

The Income Statement shows an overall favourable year to date (YTD) variance of \$814,685 representing 1.63 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$1.5 million and higher than budgeted operating expenses of \$720,995.

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 Natalie Duffy

SECONDED: Cr Karen Egan

That Council receives and notes the Financial Report for the period ended 31 December 2023 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

CM.007/24 December Quarter Financial Report

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12. Officers' reports

CM.008/24 Local Government Performance Reporting Framework - Mid-Year 2023-2024 Performance Report

Distribution: Public

Manager: Jeremy Livingston, Director Culture 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 2023-2024 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 2022-2023 end of financial year result.

This is the fifth 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.

Council Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Karen Egan

That Council notes the Local Government Performance Reporting Framework (LGPRF) service performance results for the period from July to December 2023 (**Attachment 1**).

CARRIED UNANIMOUSLY

12. Officers' reports

**CM.008/24 Local Government Performance Reporting Framework - Mid-Year
2023-2024 Performance Report**

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12. Officers' reports

CM.009/24 Council Plan Quarterly Performance Report - 2023-2024 - Quarter 2

Distribution: Public**Manager: Jeremy Livingston, Director Culture 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 2023-2024 Annual Action Plan actions, which align to delivery of the third year of the Council Plan 2021-2025.

Of the 37 actions in the 2023-2024 Annual Action Plan, 17 of those actions are reported quarterly, with the remaining actions reported on an annual basis in the final quarterly report for the financial year.

Of the 17 actions reported quarterly, 14 actions are 'on track', two actions are yet to commence and one action is experiencing minor issues.

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.

Council Resolution

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

That Council receives and notes the Council Plan Quarterly Performance Report (**Attachment 1**) for the second quarter of 2023-2024.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.009/24 Council Plan Quarterly Performance Report - 2023-2024 - Quarter 2

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12. Officers' reports

CM.010/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

File: GF/20/96

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

Section 224 of the *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer makes these appointments by authority conferred by Instrument of Delegation by Council dated 27 July 2021.

Section 147(4) of the *Planning and Environment Act 1987* provides for the appointment and authorisation of Council Officers for the purpose of the *Planning and Environment Act 1987*.

To strengthen Council's decision making and enforcement processes, appointment of authorisation under the *Planning and Environment Act 1987* is being recommended by Council Resolution.

Council Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

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

- a) The Nillumbik Shire Council staff referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) (**Attachment 1**) be appointed and authorised as set out in the instrument.
- b) The common seal of Council be affixed to the Instrument.
- c) The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.010/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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12. Officers' reports

CM.011/24 Informal Meetings of Councillors Records - 27 February 2024

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

In accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, adopted on 25 July 2023, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 12 December 2023.

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

1. Positive Ageing Advisory Committee meeting held 1 December 2023;
2. Youth Council Formal Advisory Committee meeting held 5 December 2023;
3. Councillor Briefing held 5 December 2023;
4. Council Meeting pre-meet 12 December 2023;
5. Inclusion and Access Advisory Committee meeting held 15 December 2023;
6. Positive Ageing Advisory Committee meeting held 2 February 2024;
7. Youth Council Formal Advisory Committee meeting held 5 February 2024;
8. Councillor Briefing held 5 February 2024;
9. Councillor Workshop held 8 February 2024; and
10. CEO Employment Matters Committee meeting held 12 February 2024.

Council Resolution

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

That Council, in accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

CARRIED UNANIMOUSLY

12. Officers' reports

CM.011/24 Informal Meetings of Councillors Records - 27 February 2024

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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.012/24 Unused Government Road (Joslyn Drive, Research)

This item is confidential because it is law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person pursuant to paragraph (d) of the definition of confidential information under section 3(1) of the *Local Government Act 2020*; and 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 (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).

Council Resolution

MOVED: Cr Geoff Paine
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 8:03pm.

The meeting re-opened to the public at 8:09pm.

17. Close of Meeting

The meeting closed at 8:09pm.

Confirmed: _____
Cr Ben Ramcharan, Mayor