

# Council Meeting

held virtually on Tuesday 30 April 2024 commencing at 7:00pm.

## Minutes

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

Friday 3 May 2024

Distribution: Public

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## Nillumbik Shire Council

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**Nillumbik Shire Council**

**Minutes of the Meeting of Nillumbik Shire Council held Tuesday 30 April 2024.  
The meeting commenced at 7.02pm.**

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**Councillors present:**

Cr Ben Ramcharan	Sugarloaf Ward ( <b>Mayor</b> )
Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward ( <b>Deputy Mayor</b> )
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis 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
Renae Ahern	Acting Director Planning, Environment and Strategy
Jeremy Livingston	Director Culture and Performance
Tracey Varley	Manager Communications and Engagement
Tania Treasure	Economic Development and Tourism Lead
Georgie Nathan	Industry Development Officer
Daniel Tarquinio	Manager Information Technology
Katia Croce	Manager Governance and Property

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**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 Frances Eyre.

**4. Prayer**

A prayer was read by Pastor Sam Scott of the Hurstbridge Christian Fellowship.

**5. Apologies\Leave of Absence**

Nil.

**6. Declarations of conflict of interest**

Nil

**7. Presentations**

**CONDOLENCE – Beverley Brock OAM**

We are deeply saddened to hear of the recent passing of long time Nillumbik resident, Beverley Brock OAM.

Bev was a former teacher, life counsellor, an author, a passionate environmentalist and road safety advocate.

Bev was an extremely well-known woman in Australian motorsport. She was the former partner of Australian motorsport icon Peter Brock, writing two books on his career and their life together, before publishing an autobiography of her own.

Bev lived a life dedicated to others and was involved with a number of charities including the Lighthouse Foundation, the Leukemia Foundation and the Brock Foundation which is aimed at disadvantaged youth and others that experience difficulties.

She was also a volunteer tutor at the Pantom Hill Living and Learning Centre for more than 10 years until December 2001.

Bev was Citizen of the Year in Nillumbik's 2003 Australia Day Awards. She was also awarded a Medal of the Order of Australia (OAM) in the General Division (OAM) in 2016 for service to the community through charitable organisations.

Over recent years Bev focused her time and passion on The Skyline Foundation, Melbourne Rotary, public speaking and her ever expanding family.

Our thoughts are with Bev's family and friends.

8. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Council Meeting held Tuesday 26 March 2024

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Confirmation of the Minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 26 March 2024.

**Council Resolution**

**MOVED:** Cr Natalie Duffy

**SECONDED:** Cr Karen Egan

**That Council:**

- 1 Confirms the Minutes of the Council Meeting and Confidential Council Meeting held on Tuesday 26 March 2024 (**Attachment 1** and **Attachment 2**).
- 2 Resolves that the Confidential Council Meeting minutes (**Attachment 2**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.

**CARRIED UNANIMOUSLY**

**9. Petitions**

Nil

**10. Questions from the gallery**

**Stephen Clendinnen - Member Nillumbik for Palestine has submitted the following questions:**

**Question 1**

Will this Council clearly take a stand against the genocide that is being enacted on the people of Palestine?

**Question 2**

Will this council express solidarity with the communities in Nillumbik traumatised by the extreme violence of Israel on the people of Gaza?

**Nina Gillespie for Nillumbik 4 Palestine has submitted the following questions:**

**Question 1**

At the 2022 NGA of Local Councils, a motion in support of Ukraine was unanimously passed by all Councils in Australia. If there is a motion submitted at the 2024 NGA in July in support of Palestine, will Nillumbik Council support this?

**Question 2**

And if not, why?

**Combined response**

This is an international issue and outside Council's jurisdiction and therefore Council does not have an official position on this issue.

While we acknowledge these tragic circumstances are on a lot of people's minds our primary responsibility remains on addressing the needs and concerns of our local community.



11. Reports of Advisory Committees

AC.003/24 Advisory Committee Report - 30 April 2024

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**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. Inclusion and Access Advisory Committee meeting held 23 February 2024.

**Council Resolution**

**MOVED:** Cr Frances Eyre

**SECONDED:** Cr Karen Egan

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

**CARRIED UNANIMOUSLY**

**11. Reports of Advisory Committees**

**AC.003/24      Advisory Committee Report - 30 April 2024**

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## 12. Officers' reports

## CM.030/24 Creative Infrastructure Framework

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**Distribution:** Public

**Manager:** Corrienne Nichols, Director Communities

**Author:** Nichole Johnson, Manager Community Partnerships

**Summary**

The purpose of this report is to present the draft Creative Infrastructure Framework (the draft Framework) (**Attachment 1**) for adoption following the Planning and Consultation Committee meeting held on 12 March 2024. The feedback received from community was constructive and there have been only very minor changes made to the Draft Framework.

**Recommendation**

**That** Council:

1. Adopts the Creative Infrastructure Framework (**Attachment 1**).
2. Authorises the Director Communities to make any further minor changes to the Framework that may be necessary and are inconsequential in nature.
3. Makes the adopted Creative Infrastructure Framework publically available on Council's website.
4. Notes the incorrect date was inadvertently nominated to endorse the Creative Infrastructure Framework at the Planning and Consultation Committee meeting held on the 12 March 2024.

**Motion**

**MOVED:** Cr Geoff Paine

**SECONDED:** Cr Karen Egan

**That** Council:

1. Adopts the Creative Infrastructure Framework (**Attachment 1**).
2. Authorises the Director Communities to make any further minor changes to the Framework that may be necessary and are inconsequential in nature.
3. Makes the adopted Creative Infrastructure Framework publically available on Council's website.
4. Notes the incorrect date was inadvertently nominated to endorse the Creative Infrastructure Framework at the Planning and Consultation Committee meeting held on the 12 March 2024.
5. **Request officers to make the following changes to the Creative Infrastructure framework:**
  - a) **On Page 38 under 'What does the evidence say?', add a paragraph referring to the feasibility study from 2019 and mention that 895 Main Rd Eltham scored highest in this study.**
  - b) **On Page 47 at Strategic Direction 19, which currently states:**

12. Officers' reports

CM.030/24 Creative Infrastructure Framework

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**“Explore options for delivering a purpose-built, gallery-grade exhibition space to display the collection and works of established artists.”  
Add at the end of this sentence “and collaborate with groups in the community who share this vision.”**

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

<b>Council Resolution</b>
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**MOVED: Cr Geoff Paine**

**SECONDED: Cr Karen Egan**

1. Adopts the Creative Infrastructure Framework (**Attachment 1**).
2. Authorises the Director Communities to make any further minor changes to the Framework that may be necessary and are inconsequential in nature.
3. Makes the adopted Creative Infrastructure Framework publically available on Council’s website.
4. Notes the incorrect date was inadvertently nominated to endorse the Creative Infrastructure Framework at the Planning and Consultation Committee meeting held on the 12 March 2024.
5. Request officers to make the following changes to the Creative Infrastructure framework:
  - a) On Page 38 under ‘What does the evidence say?’, add a paragraph referring to the feasibility study from 2019 and mention that 895 Main Rd Eltham scored highest in this study.
  - b) On Page 47 at Strategic Direction 19, which currently states:

**CARRIED UNANIMOUSLY**

## 12. Officers' reports

## CM.031/24 Northern Regional Trails Strategy

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**Distribution:** Public

**Manager:** Vince Lombardi, Chief Operating Officer

**Author:** Rebecca Burton, Manager Recreation and Leisure

**Summary**

The purpose of the Northern Regional Trails Strategy 2022 (the Strategy 2022) is to guide future planning and development of regional trails north of Melbourne.

The Strategy 2022 is the culmination of a collaboration between six local government areas: Banyule, Darebin, Hume, Merri-bek, Nillumbik and Whittlesea. All other Councils involved in the development have endorsed the strategy.

The endorsement of the Strategy 2022 will enable strengthened advocacy for regional trails across the Shire.

**Recommendation**

**That** Council endorses the Northern Regional Trails Strategy 2022 (**Attachment 1**).

**Motion**

**MOVED:** Cr Karen Egan

**SECONDED:** Cr Natalie Duffy

**That** Council:

1. Endorses the Northern Regional Trails Strategy 2022 (**Attachment 1**), and makes the following changes to Attachment 1:
  - a) replaces the illustration on page 51 to show two alternative trail options:
    - I. the Maroondah Aqueduct Trail to follow the southern alignment (Calwell Rd through Ashmore Rd to Yarra Glen) below sugarloaf reservoir instead of the current illustration showing the trail to the northern alignment above the sugarloaf reservoir; and
    - II. the Maroondah Aqueduct Trail to follow the southern alignment (Calwell Rd via the Melbourne Water Caretakers trail to Ashmore Rd on to Yarra Glen) below sugarloaf reservoir instead of the current illustration showing the trail to the northern alignment above the sugarloaf reservoir.
  - b) removes any reference to Warrandyte Kinglake road on page 51.
  - c) updates the priority actions on page 51 to reflect the southern alignment of the two options listed in point 1a) i and ii).
  - d) change the wording to priority action 8 on page 39 to remove the words “from along the Main Road” to “around”.
2. Notes any future trail construction within Nillumbik is to consider land use zones with specific reference to the special use zones.

## 12. Officers' reports

## CM.031/24 Northern Regional Trails Strategy

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

<b>Council Resolution</b>
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**MOVED: Cr Karen Egan**

**SECONDED: Cr Natalie Duffy**

**That Council:**

1. Endorses the Northern Regional Trails Strategy 2022 (**Attachment 1**), and makes the following changes to Attachment 1:
  - a) replaces the illustration on page 51 to show two alternative trail options:
    - I. the Maroondah Aqueduct Trail to follow the southern alignment (Calwell Rd through Ashmore Rd to Yarra Glen) below sugarloaf reservoir instead of the current illustration showing the trail to the northern alignment above the sugarloaf reservoir; and
    - II. the Maroondah Aqueduct Trail to follow the southern alignment (Calwell Rd via the Melbourne Water Caretakers trail to Ashmore Rd on to Yarra Glen) below sugarloaf reservoir instead of the current illustration showing the trail to the northern alignment above the sugarloaf reservoir.
  - b) removes any reference to Warrandyte Kinglake road on page 51.
  - c) updates the priority actions on page 51 to reflect the southern alignment of the two options listed in point 1a) i and ii).
  - d) change the wording to priority action 8 on page 39 to remove the words "from along the Main Road" to "around".
2. Notes any future trail construction within Nillumbik is to consider land use zones with specific reference to the special use zones.

The Mayor, Cr Ben Ramcharan called for a division

For: Crs Natalie Duffy, Karen Egan, Frances Eyre, Geoff Paine, Peter Perkins and Richard Stockman

Against: Cr Ben Ramcharan

**CARRIED**

*The Mayor, Cr Ben Ramcharan declared the Motion Carried.*

**12. Officers' reports****CM.032/24 Reconciliation Action Plan (RAP) - Proposed draft**

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**Distribution: Public****Manager: Corrienne Nichols, Director Communities****Author: Nichole Johnson, Manager Community Partnerships****Summary**

This report presents the Draft Reconciliation Action Plan (RAP) (**Attachment 1**) for endorsement and the purpose of community engagement. Community engagement on the Draft RAP will be open from 2 May 2024 to 26 May 2024. Public submissions will close 11.59pm on Sunday 26 May 2024 and will be considered by the Planning and Consultation Committee on the 16 July 2024.

This report also outlines the progress of the RAP Working Group (RWG), next steps for the RAP artwork process and recommends a slight wording change to Council's Acknowledgment of Country (**Attachment 2**).

<b>Council Resolution</b>
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**MOVED: Cr Natalie Duffy****SECONDED: Cr Frances Eyre****That Council:**

1. Endorses the Draft Reconciliation Action Plan (**Attachment 1**) to go out for the purpose of community engagement from 2 May 2024 to 26 May 2024.
2. Invites written submission on the Draft Reconciliation Plan to Council by 26 May 2024.
3. Considers public submission at the Planning and Consultation Committee meeting to be held on 16 July 2024.
4. Endorses the wording change from 'European' to 'colonial' in the long-version of Council's Acknowledgment of Country (**Attachment 2**).

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.032/24      Reconciliation Action Plan (RAP) - Proposed draft**

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12. Officers' reports

**CM.033/24 Economic Development Advisory Committee (EDAC) - revised Terms of Reference and Expressions of Interest for new committee**

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**Distribution: Public**

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

**Author: Tania Treasure, Economic Development & Tourism Lead**

**Summary**

The current term of Council's Economic Development Advisory Committee (EDAC) is nearing completion.

This report provides an overview of the remit and work of the current Economic Development Advisory Committee (EDAC), 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 May 2024, and the first meeting of the new committee will be in August 2024.

**Council Resolution**

**MOVED: Cr Karen Egan**

**SECONDED: Cr Natalie Duffy**

**That Council:**

1. Acknowledges and thanks members of the Economic Development Advisory Committee for their advice and practical contribution to economic and tourism outcomes for the Shire over the term of the committee.
2. Endorses the revised Terms of Reference for the Economic Development Advisory Committee for public exhibition in May 2024 seeking expressions of interest for membership nomination to renew the Committee by August 2024.
3. Instructs officers to report nominations for the Economic Development Advisory Committee to Council for endorsement.

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.033/24      Economic Development Advisory Committee (EDAC) - revised Terms of Reference and Expressions of Interest for new committee**

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## 12. Officers' reports

**CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills**

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**Distribution: Public**

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

**Author: Katia Croce, Manager Governance and Property**

### Summary

In 2017, the Governor in Council and Minister approved the transfer of 288 hectares of Melbourne Water Corporation (MWC) surplus land to the Crown for the extension of the existing Warrandyte Kinglake Nature Conservation Reserve.

As part of the transfer of land from MWC to the Crown, Department of Energy, Environment and Climate Action (DEECA) require that all land parcels divested to the Crown are appropriately zoned, have correct road status and appropriate land data particulars.

It has been identified by DEECA and MWC that part of Simpson Road and Ridge Road, Christmas Hills (as constructed) does not conform with the title boundary of the Government Road, as the road has been constructed on part of the adjoining land owned by MWC as shown on the aerial plan in **Attachment 1** and lot 4 of the title plan in **Attachment 2** (Title Plan).

Council has been requested by MWC to realign the title boundaries so that they are consistent with the location of Simpson Road and Ridge Road as constructed.

To achieve this outcome, officers propose that Council resolves to:

1. write to the Minister administering the *Land Act 1958* (Minister) to seek the Minister's consent to the proposed road deviation described in paragraph 2 below, under clause 2(2) of Schedule 10 of the *Local Government Act 1989* (Act), as part of the land affected by the road deviation is on Crown land;
2. deviate Simpson Road and Ridge Road as follows:
  - a. discontinue the road shown cross hatched on the plan contained in Attachment 3 to this report, being those parts of the Government Road that are not used as a road (Unused Road); and
  - b. deviate the road to the location shown hatched on the plan contained in Attachment 3 to this report, being that part of MWC's land currently constructed as part of Simpson Road and Ridge Road (Constructed Road),  
(together the 'Road Deviation'); and
3. if Council resolves to deviate Simpson Road and Ridge Road, then following the completion of the Road Deviation, Council proposes that:
  - a. the title to the Unused Road will be transferred from Council to MWC; and
  - b. the title to the Constructed Road will be registered in Council's name  
(Land Transfers).

Council is able to carry out a Road Deviation pursuant to clause 2 of Schedule 10 of the Act and the Land Transfers pursuant to section 116 of the *Local Government Act 2020* (2020 Act).

**12. Officers' reports****CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills**

This report provides background information on the proposed Road Deviation and Land Transfers and seeks Council's endorsement to commence the road deviation and transfer of land process including public consultation as outlined in **Attachment 4**.

<b>Council Resolution</b>
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**MOVED: Cr Karen Egan**

**SECONDED: Cr Geoff Paine**

**That Council:**

1. Authorises the Chief Executive Officer to enter into a Deed with Melbourne Water Corporation (MWC) regarding the realignment of title boundaries to be consistent with the location of Simpson Road and Ridge Road as constructed, including setting out the necessary statutory processes and resolution(s) required by Council to proceed with the proposal.
2. Resolves to commence the statutory procedures with respect to the proposed road deviation of part of Simpson Road and Ridge Road, Christmas Hills (Road) which comprises the following:
  - a) discontinuing that part of the Road shown as Lot 5 and cross-hatched on the plan contained in **Attachment 3** to this report (Unused Road); and
  - b) deviate the Road shown as Lot 4 and hatched on the plan contained in **Attachment 3** to this report, being part of the land contained in certificates of title volume 8222 folio 900, volume 8480 folio 275 and volume 8480 folio 278, which is registered in the name of MWC (Constructed Road),  
(together the Road Deviation) under clause 2 of Schedule 10 and sections 206, 207 and 223 of the *Local Government Act 1989* (1989 Act); and
3. Notes that subject to the outcome of the Road Deviation proposal, Council proposes that:
  - a) the title to the Unused Road will be transferred from Council to MWC under section 116 of the *Local Government Act 2020*; and
  - b) the title to the Constructed Road will be registered in Council's name  
(together the Land Transfers).
4. Authorises the Chief Executive Officer to write to the Minister administering the *Land Act 1958* (Minister) to seek the Minister's consent to the proposed Road Deviation described in paragraph 2 above, under clause 2(2) of Schedule 10 of the 1989 Act.
5. Authorises the Chief Executive Officer to:
  - a) give public notice of the proposed Road Deviation pursuant to 207A and 223 of the 1989 Act;
  - b) the public notice will note that the proposed Road Deviation is subject to Council obtaining the consent of the Minister for the Department of Energy,

12. Officers' reports

**CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills**

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Environment, and Climate Action (Minister) to the proposed Road Deviation pursuant to clause 2(2) of Schedule 10 of the 1989 Act; and

- c) undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the 1989 Act in relation to this matter.

6. Considers any public submissions received in respect of the proposed Road Deviation and Land Transfers:

- a) at the Planning and Consultation Committee (PCC) meeting on 16 July 2024; and
- b) receives a further report following the completion of the procedures required under clause 2 of Schedule 10 and 207A and 223 of the 1989 Act, prior to making a final decision on whether to proceed with the proposed Road Deviation and Land Transfers.

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.034/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road,  
Christmas Hills**

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## 12. Officers' reports

**CM.035/24 Parliamentary Inquiry into securing the Victorian food supply****Distribution: Public****Manager: Renae Ahern, Acting Director Planning, Environment and Strategy****Author: Leigh Northwood, Manager Strategic Planning and Environment****Summary**

The purpose of this report is to seek Council's endorsement for a submission to the Victorian Parliamentary Inquiry into securing the Victorian food supply.

The Victorian Parliament's Legislative Assembly, Environment and Planning Committee is conducting the Inquiry. The Committee's terms of reference are to examine the Victorian food supply in the context of urban sprawl and the impact of population growth on the farming industry and arable land.

The submission has been prepared with consideration of previous Council endorsed plans, strategies and submissions that are relevant to this subject matter including Council's endorsed submission to the State Government's Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper (endorsed by Council in February 2021).

It is noted that in March 2024 the State Government released its 'Planning for Melbourne's Green Wedges and Agricultural Land Action Plan (the Action Plan). The Action Plan is in response to its proposed reform options in its Consultation Paper, noting it effectively responds to key matters raised by Council in its submission to such. Importantly, and particularly in light of the State government mandates in regard to provision of housing through its September 2023 Housing Statement, the Action Plan re-affirms the continued application of the Urban Growth Boundary and ongoing protection of Green Wedge policy settings.

Notwithstanding, the submission (**Attachment 1**) to the Victorian Parliament's Legislative Assembly, Environment and Planning Committee in regard to Victorian food supply highlights some key matters that require consideration, specifically with regard to food supply issues.

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

1. Adopts the submission to the Victorian Parliamentary Inquiry into securing the Victorian food supply (**Attachment 1**).
2. Instructs officers to formally lodge the adopted submission to the Legislative Assembly Environment and Planning Committee by the 1 May 2024.

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.035/24 Parliamentary Inquiry into securing the Victorian food supply**

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**12. Officers' reports****CM.036/24 Naming proposal for Civic Drive Precinct (Park)**

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

Council has received a proposal to name Civic Drive Precinct (reserve area) 'Kirrip Park'. 'Kirrip' is the Woi-wurrung word for friend.

The park area at present does not have a registered name with the Registrar of Geographic Names – Vicnames.

The name 'Kirrip Park' has received Wurundjeri Woi-wurrung Cultural Heritage Aboriginal formal approval to use this name and Geographic Names Victoria have provided informal in principle support for the use of the name.

At present Council officers have been referring to this park as Civic Drive Reserve, however Council resolved when the Civic Drive Community Facilities Upgrade Masterplan was adopted in 2016 to include with the detailed planning and appropriate naming of the precinct.

Some previous names have been proposed since that date, but have not proceeded for various reasons.

This report is seeking endorsement to commence a public consultation process on the proposed name 'Kirrip Park' for the Civic Drive Precinct (Park) and proposed naming of four areas within this Park, as required under section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy.

<b>Council Resolution</b>
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**MOVED: Cr Richard Stockman****SECONDED: Cr Natalie Duffy****That Council:**

1. Endorses the commencement of the public consultation process as outlined in **Attachment 1** and shown on the plan in **Attachment 2** on the following naming proposals as required under Section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy:
  - a) The entire Civic Drive Precinct (Park) to be named 'Kirrip Park';
  - b) The Building within the Civic Drive Precinct (Park) area to be named 'Kirrip Pavilion';
  - c) The Outdoor Performance Area within the Civic Drive Precinct (Park) area to be named 'Kirrip Outdoor Performance Space';
  - d) The Playground within the Civic Drive Precinct (Park) area to be named 'Kirrip Playspace'; and

12. Officers' reports

CM.036/24 Naming proposal for Civic Drive Precinct (Park)

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- e) The Exercise / Flat Open Space Area within the Civic Drive Precinct (Park) to be named 'Kirrip Recreation Space'.
- 2. Requests all residents and businesses abutting Civic Drive Precinct be formally advised of Council's intention to apply official names to the Civic Drive Precinct (Park) and other assets within the Park as outlined in Point 1.
- 3. Invites public submissions on the naming proposal between 3 May to 2 June 2024.
- 4. Considers public submissions at the Planning and Consultation Committee meeting to be held on 16 July 2024.
- 5. Notes that any person who requests to make a verbal submission in relation to the naming proposal be heard at the 16 July 2024 Planning and Consultation Committee meeting.

**CARRIED UNANIMOUSLY**

*Agenda item CM.038/24 was inadvertently heard prior to CM.037/24.*

12. Officers' reports

CM.038/24 March Quarter Financial Report

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**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 March 2024.

The Income Statement shows an overall favourable year to date (YTD) variance of \$2.05 million representing 6.30 per cent of YTD Budget. This reflects the combined result of higher than budgeted operating income of \$3.21 million and higher than budgeted operating expenses of \$1.16 million.

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

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

**Council Resolution**

**MOVED:** Cr Geoff Paine

**SECONDED:** Cr Frances Eyre

**That** Council receives and notes the Financial Report for the period ended 31 March 2024 (**Attachment 1**).

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.038/24      March Quarter Financial Report**

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## 12. Officers' reports

**CM.037/24 Naming Rights Agreement - Community Bank Stadium**

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**Distribution: Public****Manager: Vince Lombardi, Chief Operating Officer****Author: Rebecca Burton, Manager Recreation and Leisure****Summary**

Council's naming rights arrangement for Community Bank Stadium with Valley Community Financial Services Limited (VCFSL) (as known as Bendigo Bank) has been in place from 15 December 2011 and expired on 14 December 2021.

VCFSL is a community based financial institution with a focus on supporting local community groups through its own business activities.

VCFSL has expressed an interest in continuing the partnership with Council which includes retaining the naming rights to the stadium. Under a new agreement VCFSL, where possible, will contribute to projects benefiting the local community.

<b>Council Resolution</b>
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**MOVED: Cr Peter Perkins****SECONDED: Cr Karen Egan****That Council:**

1. Authorises the Chief Operating Officer to finalise and execute the new agreement with Valley Community Financial Services Limited that will expire ten years from the commencement date.
2. Resolves that the Naming Rights Agreement – Community Bank Stadium (**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*.

**CARRIED UNANIMOUSLY**

**12. Officers' reports**

**CM.037/24 Naming Rights Agreement - Community Bank Stadium**

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## 12. Officers' reports

**CM.039/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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**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 26 March 2024.

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.

<b>Council Resolution</b>
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**MOVED:** Cr Frances Eyre

**SECONDED:** Cr Natalie Duffy

**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.039/24 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**

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## 12. Officers' reports

**CM.040/24 Tender Report - Contract 2324-021 Consulting Arborist Services - Parks and Open Space**

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**Distribution: Public**

**Manager: Vince Lombardi, Chief Operating Officer**

**Author: Lance Clark, Senior Procurement Specialist  
Heath Gillett, Manager Operations Centre**

### Summary

This report recommends the awarding of a panel contract 2324-021 for Consulting Arborist Services - Parks and Open Space.

There are four different service categories as part of this contract:

- Customer Request Inspections
- Firefighting Water Tanks
- Hazardous Trees on Priority Roads
- High Use Sites Lvl 1 and Lvl 2

The contract term is for an initial period of 3 years, with a 1 x 3 year option to extend the contract. The total duration of the contract, including the exercise of any options, shall not exceed 6 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 2324-021 for Consulting Arborist Services - Parks and Open Space.

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.

### **Recommendation**

**That Council:**

1. Accepts the tenders and tendered schedule of rates submitted by the **preferred tenderers** and enter into a panel contract arrangement for the **listed categories** by tenderers as disclosed in (**Attachment 1**):

Number: 2324-021

Title: Consulting Arborist Services - Parks and Open Space

Term: 1 May 2024 to 30 April 2027

Options: Term extension up to 30 April 2030

2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve contract term extension.
4. Authorises the Chief Operating Officer to approve changes to operational requirements throughout the term of the contract.

12. Officers' reports

**CM.040/24 Tender Report - Contract 2324-021 Consulting Arborist Services - Parks and Open Space**

5. Advises all tenderers accordingly.
6. Makes public the decision regarding this contract but the Tender Evaluation Report (**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.

<b>Council Resolution</b>
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**MOVED: Cr Peter Perkins**

**SECONDED: Cr Frances Eyre**

1. Accepts the tenders and tendered schedule of rates submitted by the **preferred tenderers** and enter into a panel contract arrangement for the **listed categories** by tenderers as disclosed in (**Attachment 1**):

Number: 2324-021

Title: Consulting Arborist Services - Parks and Open Space

Term: 1 May 2024 to 30 April 2027

Options: Term extension up to 30 April 2030

No.	Recommended Tenderers Names	Awarded Categories
A.	Ironbark Environmental Arboriculture Pty Ltd	Customer Request Inspections; and High Use Sites - Lvl 1 & Lvl 2
B.	C & R Ryder Consulting	Firefighting Water Tanks; and Hazardous Trees on Priority Roads

2. Authorises the Chief Operating Officer to finalise and execute the contract documentation.
3. Authorises the Chief Operating Officer to approve contract term extension.
4. Authorises the Chief Operating Officer to approve 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 Report (**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.041/24 Informal Meetings of Councillors Records - 30 April 2024

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**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 26 March 2024.

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

1. Planning and Consultation Committee Meeting Pre-Meet held 12 March 2024;
2. Councillor Briefing held 19 March 2024;
3. Recreation Trails Advisory Committee held 20 March 2024;
4. Council Meeting Pre-Meet held 26 March 2024;
5. Positive Ageing Advisory Committee held 5 April 2024;
6. Youth Advisory Council Meeting held 8 April 2024;
7. Councillor Briefing held 9 April 2024; and
8. Planning and Consultation Committee Pre-Meet meeting held 16 April 2024.

<b>Council Resolution</b>
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**MOVED:** Cr Frances Eyre

**SECONDED:** Cr Natalie Duffy

**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.041/24 Informal Meetings of Councillors Records - 30 April 2024**

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**13. Notices of Motion**

Nil.

**14. Delegates' Reports**

Nil.

**15. Supplementary and urgent business**

Nil.

**16. Confidential reports**

Nil.

**17. Close of Meeting**

The meeting closed at 8:30pm.

Confirmed: \_\_\_\_\_  
Cr Ben Ramcharan, Mayor