

Extraordinary Council Meeting

held at the Council Chamber, 32 Civic Drive, Greensborough
on Monday 25 November 2024 commencing at 7pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 29 November 2024

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Extraordinary Meeting of Nillumbik Shire Council held Monday 25 November 2024. The meeting commenced at 6.59pm.

Councillors present:

Cr Grant Brooker	Blue Lake Ward
Cr Naomi Joiner	Bunjil Ward
Cr Kelly Joy	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Kim Cope	Sugarloaf Ward
Cr Kate McKay	Swipers Gully Ward
Cr John Dumaresq	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
Frank Vassilacos	Director Planning, Environment and Strategy
Jeremy Livingston	Director Culture and Performance
Emma Christensen	Governance Coordinator
Tracey Varley	Manager Communications and Engagement
Melanie Burns	Electoral Project Officer
Juliana Dimovski	Senior Governance Officer

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

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

1. Welcome

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

2. Welcome to Country

In the absence of a Wurundjeri Elder an Acknowledgement of Country was read by the Chief Executive Officer, Carl Cowie.

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People. We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from colonial invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

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

3. Apologies

Nil.

4. Declarations of conflicts of interest

Nil.

5. Appointment of a Second Temporary Chairperson

Council's Governance Rule – Election of the Mayor and Deputy Mayor states that the Chief Executive Officer, as first temporary Chairperson must invite nominations for a second temporary Chairperson.

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

Cr Naomi Joiner nominated Cr Grant Brooker for the role of second temporary Chairperson.

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

Officer Recommendation

That Cr _____ be nominated as second temporary Chairperson.

Motion

MOVED: Cr Naomi Joiner

SECONDED: Cr Kate McKay

That Cr **Grant Brooker** be nominated as second temporary Chairperson.

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

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kate McKay

That Cr Grant Brooker be nominated as second temporary Chairperson.

CARRIED UNANIMOUSLY

The first temporary chairperson, Chief Executive Officer Carl Cowie declared Cr Grant Brooker elected for the role of second temporary Chairperson.

The second temporary Chairperson Cr Grant Brooker assumed the Chair.

6. Mayoral Term

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

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

Officer Recommendation

That Council resolves to elect the Mayor for a term of _____ year/s.

Motion

MOVED: Cr Naomi Joiner

SECONDED: Cr Kelly Joy

That Council resolves to elect the Mayor for a term of **one** year.

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

Council Resolution

MOVED: Cr Naomi Joiner

SECONDED: Cr Kelly Joy

That Council resolves to elect the Mayor for a term of one year.

CARRIED UNANIMOUSLY

The second temporary Chairperson Cr Grant Brooker vacated the Chair and the Chief Executive Officer, Carl Cowie assumed the Chair for the Election of the Mayor.

7. Election of Mayor

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

The Mayor must be elected by an absolute majority vote.

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

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

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

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

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

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

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

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

The Chief Executive Officer called for nominations for the Office of Mayor, nominations must be seconded.

Nomination

Cr Kate McKay nominated Cr John Dumaresq for the Office of Mayor.

Cr Grant Brooker seconded the nomination of Cr John Dumaresq.

Cr John Dumaresq accepted the nomination for the Office of Mayor.

A vote was undertaken by show of hands and was carried unanimously.

The Chief Executive Officer Carl Cowie declared Cr John Dumaresq duly elected as the Mayor of Nillumbik Shire Council for the 2024/2025 Council year.

The elected Mayor, Cr John Dumaresq assumed the Chair.

8. Election of Deputy Mayor

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

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

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

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

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

On 7 March 2022, in accordance with section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022.

The Determination applies to all Mayors, Deputy Mayors and Councillors in all Victorian Councils.

In accordance with the determination the Deputy Mayor is entitled to an additional allowance.

The Mayor called for nominations for the office of Deputy Mayor, nominations must be seconded.

Cr Peter Perkins nominated Cr Naomi Joiner for the Office of Deputy Mayor.

Cr Kelly Joy seconded the nomination of Cr Naomi Joiner.

Cr Naomi Joiner accepted the nomination for the Office of Deputy Mayor.

A vote was undertaken by show of hands and was carried unanimously.

The Mayor, Cr John Dumaresq declared Cr Naomi Joiner duly elected as the Deputy Mayor of Nillumbik Shire Council for the 2024/2024 Council year.

9. Appointment of Chairpersons to Delegated Committee

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

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

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

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

- **Planning**

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

(excluding adoption or abandonment of amendments, which must be determined by Council)

- **Consultation**

- Section 223 process
- Community Engagement

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

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

The Mayor called for a motion for the Chairperson of Planning Matters before the Planning and Consultation Committee.

Officer Recommendation

That Cr _____ to act as Chairperson for Planning Matters before the Planning and Consultation Committee for the 2024/2025 Council year.

Motion

MOVED: Cr Kim Cope
SECONDED: Cr Naomi Joiner

That Cr **Peter Perkins** to act as Chairperson for Planning Matters before the Planning and Consultation Committee for the 2024/2025 Council year.

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

Council Resolution

MOVED: Cr Kim Cope
SECONDED: Cr Naomi Joiner

That Cr Peter Perkins to act as Chairperson for Planning Matters before the Planning and Consultation Committee for the 2024/2025 Council year.

CARRIED UNANIMOUSLY

The Mayor called for a motion for the Chairperson of the Consultation Matters before the Planning and Consultation Committee.

Officer Recommendation

That Cr _____ to act as Chairperson for Consultation Matters before the Planning and Consultation Committee for the 2024/2025 Council year.

Motion

MOVED: Cr Kate McKay
SECONDED: Cr Naomi Joiner

That Cr **Grant Brooker** to act as Chairperson for Consultation Matters before the Planning and Consultation Committee for the 2024/2025 Council year.

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

Council Resolution

MOVED: Cr Kate McKay
SECONDED: Cr Naomi Joiner

That Cr Grant Brooker to act as Chairperson for Consultation Matters before the Planning and Consultation Committee for the 2024/2025 Council year.

CARRIED UNANIMOUSLY

10. Delegated Committee and Council meeting schedule for 2024/2025

It is recommended the arrangements for the 2024/ 2025 meeting cycle be as follows:

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

Following consultation with Councillors, the 2024/2025 meeting schedule listed in the table below is recommended.

Council Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Kelly Joy

That Council:

1. Adopts and advertises the Delegated Committee and Council Meeting schedule for the 2024/2025 Council year as listed below:

Delegated Committee	Council Meeting
	10 December 2024
11 February 2025	25 February 2025
11 March 2025	25 March 2025
8 April 2025	29 April 2025
13 May 2025	27 May 2025
10 June 2025	24 June 2025
8 July 2025	29 July 2025
12 August 2025	26 August 2025
9 September 2025	30 September 2025
14 October 2025	28 October 2025
11 November 2025	25 November 2025
	9 December 2025

2. Endorses that the 2026 Citizenship Ceremony is to be held on Wednesday 28 January 2026.

CARRIED UNANIMOUSLY

11. Address by the Mayor and Deputy Mayor

The Mayor, Cr John Dumaresq addressed the meeting as follows:

I'd just like to say a couple of words, as being the incoming mayor.

Ladies and gentlemen, my esteemed councillors, members of the community and community group leaders and Trace and Rose I'm honoured to stand before you as the newly elected mayor of Nillumbik, and thanks to the councillors for their trust and support in selecting me for that role.

Together, we'll strive to make Nillumbik one of the most liveable shires in the world, and we'll continue to focus on sustainability, connectivity, and community well-being. I look forward to working with this dedicated group of councillors, our many community groups, and our innovative businesses to enhance our green wedge and to foster a thriving local economy.

We don't operate in a vacuum, so I look forward to continuing the work of previous councils, and working with our CEO Carl Cowie and the dedicated team of officers that are around him. In recent years, they've made significant, improvements in capital works and infrastructure. Examples close by include the Diamond Valley Fitness Centre refurbishment, and the, great work on the Diamond Creek Trail, which was particularly useful during COVID-19.

Also, with COVID-19, the uplift in our digital transformation of council made it possible for council to keep operating through COVID-19. Nillumbik has been recognized as one of the great places to work one of the 50 best places to work in Australia and New Zealand, highlighting the culture and commitment of staff.

We look to continue the projects that advocate for renewable energy, sustainability initiatives, such as the solar farm, local climate action, and continuing our focus on excellent customer service to provide value and effective governance and leadership for the ratepayers.

We need to get to work on our housing strategy, our neighbourhood character study, and we need to be responding to the state government's proposed planning reforms. We have work to do on our biodiversity, work to do on our weed control, work to do on the maintenance of our roads and council facilities, and enabling seniors to age in place.

We have also had great support from our federal and state MPs, and we will continue to nurture these relationships. I look forward to preparing our council plan, and I'm asking all the community to join us as a council as we get to work.

Thank you very much.

I would like to ask Councillor Joiner, as Deputy Mayor, to say a few words.

The Deputy Mayor, Cr Naomi Joiner addressed the meeting as follows:

Thank you, Mayor Dumaresq I feel very fortunate and excited to be working alongside you this year. I look forward to what we can achieve for the Nillumbik community.

I'd like to express my gratitude to the other councillors for their support in electing me as Deputy Mayor for the upcoming year. It is a wonderful opportunity to represent the people of Nillumbik and make real our hopes and our wants for better years to come.

Over the next 10 months, we will focus on developing the new council plan. I hope that the ideas we, as the new councillors, have envisaged will be reflected in this important document, ultimately making Nillumbik a better place.

I am optimistic that we are able to better connect, better support, better educate, and live a better life here in Nillumbik through our collaborative efforts.

Thank you to Carl and the entire team at council for making us feel so welcome and supported over the past few weeks. I look forward to working with all of you.

12. Close of Meeting

The meeting closed at 7.19pm.

Confirmed: _____

Cr John Dumaresq, Mayor