

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 28 November 2017 commencing at 7pm.

Agenda

Mark Stoermer
Chief Executive Officer

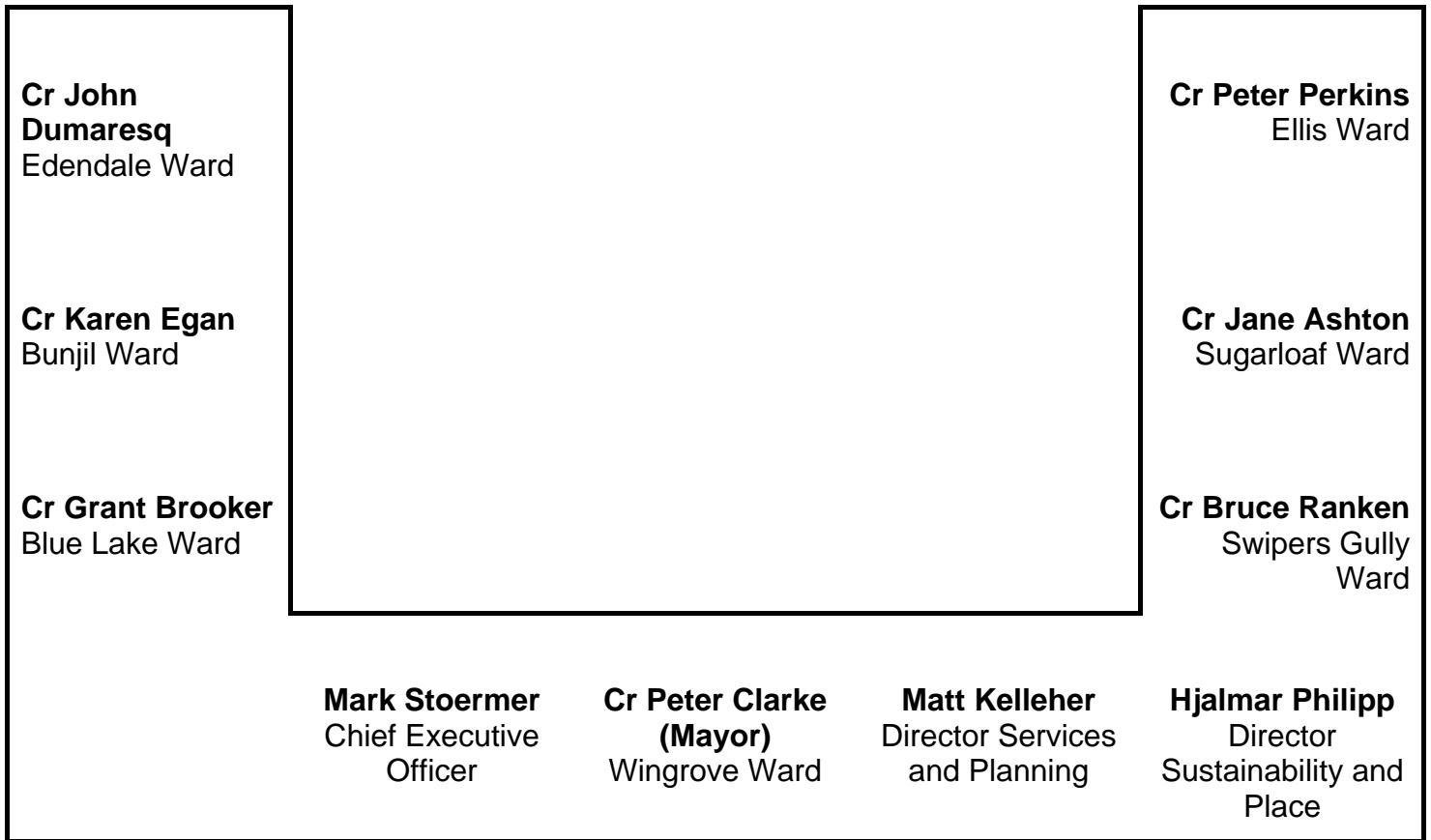
Thursday 23 November 2017

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Domin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 28 November 2017 commencing at 7pm.

1. Welcome by the Mayor

Members of the public are advised the meeting will be recorded.

2. Reconciliation statement

The reconciliation statement to be read by the Mayor

Nillumbik Shire Council acknowledges the Wurundjeri as the traditional custodians of the land now known as the Shire of Nillumbik and values the significance of the Wurundjeri people's history as essential to the unique character of the Shire.

3. Prayer

A prayer will be read by Associate Pastor Sam Scott of the Eltham Baptist Church.

4. Apologies

Motion

That the apologies be accepted.

5. Presentations

The Northern Football League will present Council with an award for being shortlisted to the AFL Victoria Infrastructure awards, for the LED lighting conversion at the Susan Street Reserve oval in Eltham.

6. Confirmation of minute

Confirmation of minutes of the Council Meeting held on Tuesday 31 October 2017.

Motion

That the minutes of the Council Meeting held on Tuesday 31 October 2017 be confirmed.

7. Disclosure of conflicts of interest

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

8. Petitions

Nil

9. Questions from the gallery

10. Reports of Advisory Committees

AC.009/17 Advisory Committee Report

Distribution: Public

Manager: Allison Watt, Manager Governance

Author: Tracey Classon, Governance Officer

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 minutes of meetings are presented to Council. This month, the following minutes are attached for information:

- Environment and Sustainability Advisory Committee held 20 September 2017.
- Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group held 11 October 2017.
- Arts Advisory Committee held 23 October 2017.
- Economic Development Advisory Committee meeting held 16 November 2017

Motion

That Council notes the:

1. **Environment and Sustainability Advisory Committee minutes of 20 September 2017.**
2. **Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group minutes of 11 October 2017.**
3. **Arts Advisory Committee minutes of 23 October 2017.**
4. **Economic Development Advisory Committee minutes of 16 November 2017.**

Attachments

1. Environment and Sustainability Advisory Committee minutes 20 September 2017
2. Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group minutes 11 October 2017
3. Arts Advisory Committee minutes 23 October 2017.
4. Economic Development Advisory Committee minutes 16 November 2017

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.128/17 Review of the Eltham and Diamond Creek Activity Centre Urban Design Provisions

Distribution: Public

Manager: Naomi Paton, Manager Integrated Strategy

Author: Paul Fyffe, Senior Strategic Planner

Summary

This report proposes a process to implement Council's intention to review the urban design provisions for the Eltham and Diamond Creek Activity Centres.

In May 2017 the Victorian Civil and Administrative Tribunal approved an application for a large medium density development in the Eltham Town Centre. This was despite Council having refused the application and there having been significant community opposition to the application on the grounds that the proposal is an over-development. In its decision, VCAT stated that the application is consistent with existing activity centre provisions.

On considering VCAT's response, Council resolved in June 2017 to conduct a review of the urban design provisions which are currently applied to the Shire's two activity centres at Eltham and Diamond Creek. In this resolution, Council stated that the review should be assisted by a Project Reference Group (PRG) comprising an urban design expert and key stakeholders.

To implement Council's resolution of June 2017, this report presents a Terms of Reference, Attachment 1, for the review's PRG. It is recommended that Council commences the review by endorsing the attached Terms of Reference, commencing a selection process for the PRG and requesting an engagement program for a first round of broad public engagement in February 2018.

Recommendation

That Council commences its Review of Urban Design Provisions of the Eltham and Diamond Creek Activity Centres by undertaking the following actions:

- 1. Endorses the Terms of Reference for the Review's Project Reference Group, Attachment 1.**
- 2. Seeks nominations for community members to the Project Reference Group.**
- 3. Requests a report in January 2018 which considers the nominations received to the Project Reference Group and which provides an engagement program for the first round of broad engagement to be conducted in February 2018.**

Attachments

1. Proposed Terms of Reference for the Project Reference Group for the Diamond Creek and Eltham Activity Centres Urban Design Provisions Review
2. Application of the ACZ1 to the Eltham Activity Centre
3. Application of the ACZ2 to the Diamond Creek Activity Centre

12. Officers' reports

OCM.128/17 Review of the Eltham and Diamond Creek Activity Centre Urban Design Provisions

Background

Existing urban design provisions for Eltham and Diamond Creek Activity Centres

1. Since September 2014, urban design provisions have been applied to the Eltham and Diamond Creek Activity Centres with the aim of stimulating growth in each centre, whilst still providing development which is consistent with the preferred character.
2. The urban design provisions are currently applied by the Activity Centre Zone (ACZ) as follows:
 - The 'Activity Centre Zone: Schedule 1 - Eltham Activity Centre' is applied to the Eltham Town Centre (the core of the larger activity centre).
 - The 'Activity Centre Zone: Schedule 2 - Diamond Creek Activity Centre' is applied to commercial areas of Diamond Creek, but not the whole activity centre.
3. Maps showing application of the ACZ to Eltham and Diamond Creek are provided as Attachments 2 and 3.
4. The ACZ schedules for Eltham and Diamond Creek apply a largely identical suite of urban design provisions to each centre. Notably, both schedules set:
 - Building heights and setbacks, including:
 - Maximum height limits which range from five storeys (17.5 metres) to three storeys (10.5 metres), depending on the location in each centre.
 - A mix of discretionary and mandatory height limits, with a mandatory height limit of three storeys being applied to more sensitive areas.
 - A requirement in certain areas of each centre that the top storey is located in a roof space, so as to reduce the visual impact of the storey.
 - Additional setbacks for upper storeys
 - Objectives which support preferred Nillumbik design themes, particularly that development is sympathetic to the local topography, minimises visual bulk, uses muted and earthy exterior surfaces and colours and is landscaped with indigenous vegetation.
5. For each of the Eltham and Diamond Creek ACZ schedules, there is a respective set of supporting urban design guidelines, which make particular use of visuals to assist users to understand the intent and content of the ACZ schedules.

Reason to review the urban design provisions

6. In May 2017, the Victorian Civil and Administrative Tribunal (VCAT) approved a planning permit application for a significant 105 dwelling apartment development in the Eltham Town Centre (at 26, 28 and 30 Pryor Street and 27 and 29 Arthur Street)

12. Officers' reports

OCM.128/17 Review of the Eltham and Diamond Creek Activity Centre Urban Design Provisions

7. The site for this apartment proposal is a large piece of activity centre land to which the ACZ1 sets a maximum height limit which varies between three and four storeys across the site. The proposed apartment development covers much of the site and achieves the maximum height limits.
8. In its decision, VCAT:
 - Expressed its view that the proposal is consistent with the current urban design provisions for the Eltham Activity Centre.
 - Identified some technical issues with the current urban design provisions, specifically, the validity of the requirement for a top storey and the status of the supporting urban design guidelines.
9. VCAT's decision to support the application was in spite of the proposal having received significant opposition from the community and further was contrary to Council's decision to refuse the application. The community and Council had primarily opposed the application on the grounds that it is an over-development and is not in keeping with the preferred character for the centre.
10. On considering VCAT's decision, Council resolved at the June 2017 Future Nillumbik Committee Meeting to:
 - a) Conduct a review of the urban design provisions which apply to the Eltham and Diamond Creek Activity Centres.
 - b) Endorse the establishment of a reference group that includes an independent urban design consultant and key stakeholders to provide input into the review.
 - c) Invite the Office of the Victorian Government Architect (OVGA) to provide input into the review.
11. This report proposes a process to implement Council's request for a review of the urban design provisions of the Eltham and Diamond Creek Activity Centres (the review) and to complete the review by September 2018. The process is outlined in Issues/Options below.

Policy context

12. This report directly supports Priority Action 4.3.1 in the Council Plan 2017-2021, which is to:
 - Review and update the Eltham and Diamond Creek activity centre structure plans.

Budget implications

13. To undertake a review of the built form provisions and guidelines for these activity centres will cost in the vicinity of \$40,000 in total. Approximately \$28,000 of this cost is within the 2017-2018 operating budget concerning a review of the Eltham and Diamond Creek activity centres respectively. The remainder will be met by savings and consideration of an allocation, if required, in the mid-year budget review.
14. Any planning scheme amendment to implement the outcomes of the urban design and built form review will be funded in Council's operating budget.

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OCM.128/17 Review of the Eltham and Diamond Creek Activity Centre Urban Design Provisions

Consultation/communication

15. Three forms of public consultation are proposed to inform the review, including:
- Establishment of a Project Reference Group (PRG) to inform and assist the review. It is proposed that four of seven members of the PRG will be community members and the PRG will meet at least five times during the course of the review.
 - A round of broad public engagement in February 2018 which will seek the community's views regarding the existing urban design provisions and its preferred provisions.

A more detailed proposal for this first round of community engagement will be presented to the January 2018 Ordinary Council Meeting together with a recommendation that Council endorse commencement of the engagement.
 - A second round of broad public consultation in July 2018 on a draft technical report which will document the review's key findings and recommendations.
16. In addition, if the review proposes any significant modifications to the Nillumbik Planning Scheme, implementation of these modifications will require a planning scheme amendment and Council will be required to conduct broad public engagement on the proposed changes as part of the amendment process.

Issues/options

17. This report proposes the following key points regarding the content and structure of the review:
- The review will apply to land currently within the ACZ1 and ACZ2, as shown by Attachments 2 and 3. This is the land to which the existing activity centre urban design provisions apply.
 - The PRG will comprise:
 - The Councillors whose wards primarily contain the Eltham and Diamond Creek Activity Centres i.e. the Councillors for Ellis and Wingrove wards.
 - Four community members, preferably with two each from Diamond Creek and Eltham.
 - An urban design specialist engaged by Council.
 - The PRG will meet approximately five times during the course of the review.
 - Nominees for the community positions to the PRG will be asked to respond to and will be considered against the following criteria:
 - The nominee preferably resides or owns land in the Shire of Nillumbik and preferably in Diamond Creek or Eltham.
 - The nominee has a qualification, expertise or interest relevant to the review and/or represents a group to which the review is relevant.

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OCM.128/17 Review of the Eltham and Diamond Creek Activity Centre Urban Design Provisions

- The nominee is motivated and willing to assist the review by working in a collaborative and respectful manner within the PRG and subject to that group's Terms of Reference.

18. A proposed Terms of Reference for the PRG is provided as Attachment 1.

19. In addition, it is proposed that the review will be conducted from November 2017 to September 2018 and will comprise the following key steps:

November-December 2017: Commencement

- The November Ordinary Meeting of Council adopts the Terms of Reference for the PRG and further, resolves to seek nominations for the four community representatives to the PRG. It is proposed that community nominees to the PRG will be sought by:
 - Placing a notice in the *Diamond Valley Leader* and on Council's website and social media.
 - Writing to notify all owners of land to which either the ACZ1 (Eltham) or ACZ2 (Diamond Creek) applies.
- An urban design consultant is engaged to assist the review. The consultant will have a key role in preparing a report of the review's findings and recommendations.

January-February 2018: Appointment of the PRG and initial engagement

- The January Ordinary Meeting of Council will:
 - Consider a) nominations received to the PRG and b) a consultation program for the first four week round of broad public engagement to be conducted in February 2018; and
 - On considering these two matters, appoints the PRG and endorses commencement of the proposed public engagement.
- Council conducts the four week public engagement in February 2018.

March-May 2018: Drafting of recommendations

- The findings and recommendations of the review are scoped with the assistance and input from the PRG and on considering the results of the broad community engagement conducted in February 2018.
- The findings and recommendations of the review will be documented in a draft technical report.
- The draft report will be reviewed by the Office of the Victorian Government Architect and the PRG.

June-September 2018: Final public engagement and completion

- The draft report will be presented to the June 2018 Ordinary Council Meeting with a recommendation that it be endorsed for public engagement.

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OCM.128/17 Review of the Eltham and Diamond Creek Activity Centre Urban Design Provisions

- Council will conduct four weeks of public engagement on the draft report in July 2018.
 - A report to the September 2018 Future Nillumbik Committee Meeting will consider the submissions received on the draft report and submitters will have the opportunity to present to the Committee.
20. The review will be completed when Council adopts the review's report, potentially with changes on having considered submissions on the draft report.

Overview of the Review's structure

21. The structure of the review as outlined above is considered to have the following strengths:
- It provides significant community input into the review, including:
 - Community representation on the PRG, which will meet at a number of key points during the review.
 - Two rounds of broad public engagement, with each round being timed to strategically assist the review.
 - Specialised technical input by an urban design specialist for the length of the review.
 - Input from the OVGA.
 - It provides for Council decision-making at four key points during the review.
 - It provides for a speedy, yet thorough, completion of the review.

Conclusion

22. With the purpose of avoiding adverse development in the Eltham and Diamond Creek Activity Centres, Council has requested a review of the urban design provisions which are currently applied to each of these centres. This report is considered to propose a rigorous structure for that review, which particularly provides for a strong level of community and expert input to assist the review.
23. It is recommended that Council commence the review by endorsing the proposed Terms of Reference, seeking nominations for the review's PRG and requesting a further report which considers nominations received and provides for a first round of public consultation in February 2018.

12. Officers' reports

OCM.129/17 Proposed Response to State Government Reforming the Victoria Planning Provisions Discussion Paper

Distribution: Public
Manager: Mark Stoermer, Chief Executive Officer
Author: Julie Paget, Strategic Planner
 Simon Ilsley, Senior Statutory Planner
 Naomi Paton, Manager Integrated Strategy

Summary

The State Government through its Smart Planning program is simplifying and improving the operation of the planning system, with the aim to make it the most efficient and responsive in the country. Cumulative amendments to the Victoria Planning Provisions (VPP) and local planning schemes over the past 20 years have led to increasingly long and complex planning schemes.

The *Reforming the Victoria Planning Provisions* discussion paper focuses on the structure and operation of the VPP and is divided into five proposals. The proposals seek to both simplify and improve the operation of the VPP, and to lay foundations for further future transformative initiatives. The purpose of the discussion paper is to seek comment on these proposals.

The discussion paper provides a broad overview of the proposed changes with a limited level of detail, however the proposals are considered to be generally sound, looking to reduce duplication, streamline processes and simplify the planning scheme overall. The delivery of change on this scale will take a number of years for full implementation.

Submissions were due on 24 November. This has since been extended to 1 December 2017.

Specific issues raised in the submission relate to possible changes and/or removal of clauses relating to Activity Centre Zones, Licenced Premises and local policies on neighbourhood character. The interaction between multiple zones and overlays applying overlapping and occasionally contrary requirements has also been identified.

This report provides a proposed submission (Attachment 1) from Council to the *Reforming the Victoria Planning Provisions* discussion paper.

Recommendation

That Council endorses Attachment 1 as its submission to the State Government's *Reforming the Victoria Planning Provisions - Discussion Paper*.

Attachments

1. Proposed response to State Government Reforming the Victoria Planning Provisions discussion paper

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OCM.129/17 Proposed Response to State Government Reforming the Victoria Planning Provisions Discussion Paper

Background

1. The VPP are the planning policies and controls upon which all land use planning decisions are made.
2. On 16 October, State Government's Department of Environment, Land, Water and Planning ('the Department') released and called for submissions on the discussion paper titled '*Reforming the Victoria Planning Provisions*'. Submissions close on 1 December.
3. This paper is part of the State Government Smart Planning program, a two-year program to reform Victoria's planning system, launched in July 2016. It is the first funded review and reform of the planning system in more than 20 years.
4. Cumulative amendments to the VPP and local planning schemes over the past 20 years have led to increasingly long and complex planning schemes and this has resulted in complexity, duplication, delays and uncertainty.

Policy context

5. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Prepare and develop an improved and holistic approach to strategic planning.

Budget implications

6. It is difficult to quantify the budget/financial implications at this stage. However, the outcomes of the discussion paper and subsequent changes to legislation are likely to require significant officer time to implement.
7. Officers have noted concerns that the funding allocation for the third and final stage of this project, being the implementation of the new provisions, has not yet been secured. Given the scope and scale of the proposed changes, implementation, at the local level, will not occur without additional State Government funding/assistance.

Consultation/communication

8. State Government has conducted a variety of consultation/communication activities throughout the Smart Planning program. The program is now focussing on the structure and functionality of the current VPP. In July 2017 an online survey regarding the VPP was launched to engage both with the planning profession (in particular peak bodies and referral authorities) and the wider general public. The survey received almost 700 submissions. The content of the submissions and desk top reviews of previous reviews and enquiries were collated to draft the discussion paper.
9. The discussion paper was released for consultation on the 16 October 2017. Councils were approached and asked to respond, however the State Government Planning portal is accessible to all and it is possible to provide an electronic response through the portal.
10. Information advising residents of the release of the discussion paper (and the link to the planning portal) was posted on Council's Facebook page on 2 November 2017.

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OCM.129/17 Proposed Response to State Government Reforming the Victoria Planning Provisions Discussion Paper

Issues/options

11. The *Reforming the Victoria Planning Provisions* discussion paper focuses on the structure and operation of the VPP. The paper is divided into five proposals:
 - Proposal 1: A simpler VPP structure with VicSmart assessment built in
 - Proposal 2: An integrated planning policy framework
 - Proposal 3: Assessment pathways for simple proposals
 - Proposal 4: Smarter planning scheme drafting
 - Proposal 5: Improve specific provisions
12. Officers reviewed the discussion paper and a proposed submission has been prepared (Attachment 1). The proposed changes to the statutory planning elements of the scheme appear relatively straight forward and seek to simplify processes wherever possible. Recognition of the overlapping and occasionally contrary nature of the existing zones and overlays have been identified. A number of the specific provisions require further clarification and these have been addressed in the draft submission.
13. The concept of integrating the various levels of the existing planning policy framework into a single document is logical. However it should be noted that the actual process is likely to be quite complex. The Department acknowledges that the translation and the redrafting of the Local Planning Policy framework would require a work program in partnership with local government.
14. Section 3 refers to state level issues that are particularly relevant to Nillumbik Shire Council. Many of these will be explored as part of the Green Wedge Management Plan Review.
15. The original submission return date of 24 November was identified by multiple councils as being an insufficient timeframe to allow a full and useful review. In response, the Department extended it until 1 December 2017.

Conclusion

16. Improvements in efficiency and useability of the planning scheme will be of benefit to both Council and residents alike, however the size and scope of this task should not be underestimated. It is likely that transitional arrangements will be operational for a prolonged duration.
17. Potential changes to the VPP could have far reaching consequences for Council particularly if there are any major shifts in green wedge policy and zonings. The submission has attempted to address and highlight some of these issues.

12. Officers' reports

OCM.130/17 Health and Wellbeing Plan 2017-2021

Distribution: Public

Manager: Naomi Paton, Manager Integrated Strategy

Author: Diana Bell, Social Planning and Policy Officer

Summary

This report presents Council with the Health and Wellbeing Plan 2017-2021 for adoption, following consideration of submissions made to the draft Plan and noted at the Future Nillumbik Committee Meeting on 14 November.

Preparation of the Health and Wellbeing Plan has involved extensive participation by the community and stakeholders. The Plan identifies the priorities across the Shire to contribute to the improved health and wellbeing of our community over the next four years, implemented in partnership with a range of stakeholders and agencies.

The priority areas complement the Council Plan 2017-2021, and vision to make Nillumbik Australia's most liveable Shire.

Recommendation

That Council:

1. **Acknowledges the submissions from stakeholders and community members and notes officers' responses as outlined at the Future Nillumbik Committee Meeting held on 14 November 2017.**
2. **Adopts the Health and Wellbeing Plan 2017-2021.**
3. **Forwards a copy of the Plan to the Secretary of the Department of Health and Human Services.**
4. **Authorises the Chief Executive Officer to make any further minor changes that may be necessary.**
5. **Makes copies of the Health and Wellbeing Plan 2017-2021 available for inspection by members of the public.**

Attachments

1. Health and Wellbeing Plan 2017-2021 Final

Background

1. In accordance the *Public Health and Wellbeing Act 2008*, section 26 (the Act), a Municipal Public Health and Wellbeing Plan must be prepared within the period of 12 months after the election of the Council.
2. Preparation of the *Nillumbik Health and Wellbeing Plan 2017-2021* (the Plan) has been undertaken in conjunction with the community and stakeholders, and supported by the Council-appointed Municipal Public Health and Wellbeing Plan Project Reference Group, chaired by Community Services Portfolio Councillor Jane Ashton.

12. Officers' reports

OCM.130/17 Health and Wellbeing Plan 2017-2021

3. The Plan was developed with the assistance of over 800 community members and stakeholders, and endorsed by Council for final community engagement during the period 1-30 September 2017.

Policy context

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community.

Budget implications

5. The cost to Council in preparing the Health and Wellbeing Plan is estimated to be \$25,000, funded in Council's 2017-2018 operating budget.
6. The cost of implementing the Plan is estimated to be \$60,000 per year to be funded by a combination of existing budgets and public health grants.

Consultation/communication

7. The Plan was developed through extensive community engagement with over 800 participants involved.
8. The draft Plan was exhibited for final comments during 1-30 September 2017. Six submissions were received.
9. The submissions were reviewed against the goals and objectives of the Plan and requirements of the Act. Amendments have been made to the Plan, as considered by Council at the Future Nillumbik Committee on 14 November 2017.

Issues/options

10. Planning for the health and wellbeing of the community is an important function of Council and contributes to the liveability of the Shire.
11. The Shire of Nillumbik has some of the healthiest statistics in Victoria, especially when considering the social determinants of health. However the trend data shows an increase in chronic disease and some of the avoidable risk factors that can help prevent chronic illness.
12. Among the emerging issues from the data are increasingly sedentary lifestyles, increases in family violence, risky alcohol consumption and decreasing acceptance of diversity. Continuing concerns are with the low rate of meeting dietary guidelines and the rate of preventable mental health problems. The concerns that emerged from engaging with our community were access to healthy food, transport, appropriate housing, community connectedness and the need to plan for an ageing population.
13. The examination of the data combined with the outcomes of the community and stakeholder engagement resulted in a number of actions grouped under seven priorities:
 - Promote healthy and sustainable food: by encouraging healthy eating and a sustainable food system.
 - Encourage active living: by getting more people physically active, which contributes to the prevention of disease.

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OCM.130/17 Health and Wellbeing Plan 2017-2021

- Enhance mental wellbeing: by increasing community resilience to the impacts of climate change such as heatwaves and bushfires; increasing social connections to build social capital; and supporting access to economic resources including employment.
 - Advance gender equality and respectful relationships: working towards these two ideals is the best way to address the rising rates of violence against women and their children, including family violence.
 - Prevent harm from alcohol, other drugs and gambling: by challenging current cultures that risk short term and long term health.
 - Improve sexual and reproductive health: by supporting the prevention of sexually transmitted infections, especially among young people.
 - Support healthy ageing: by planning for the best possible quality of life for, and benefitting from, the ageing of the population in Nillumbik.
14. Implementation of the Plan is mainly through partnerships and health promotion programs, policies and other tools. Wherever possible, implementation will be part of a coordinated effort with partners to maximise collective impact. The Year 1 Action Plan will provide further detail which will include advocating and applying for funding to support the actions of the Plan.
15. The Health and Wellbeing Plan expresses Council's role in creating environments for people to maximise their health and wellbeing. It complements the Council Plan and contributes to the vision of Australia's most liveable Shire.

Conclusion

16. The Health and Wellbeing Plan satisfies the requirements of the Act, and will be reviewed annually.
17. Following the adoption of this Plan, the first annual Action Plan will be developed.

12. Officers' reports

OCM.131/17 Council Plan Quarterly Performance Report

Distribution: Public

Manager: Allison Watt, Manager Governance

Author: Naomi Ellis, Corporate Planner

Summary

This report presents the Council Plan Quarterly Performance Report to Council for consideration. The Quarterly Performance Report provides an update on the progress achieved during the first quarter of the financial year (July-September) on the priority actions contained in the Council Plan 2017-2021.

Of the 104 priority actions, one is complete, 85 are underway and a further 18 actions are not scheduled to commence until later in the financial year.

Recommendation

That Council receives the Council Plan Quarterly Performance Report for the period ending 30 September 2017.

Attachments

1. Council Plan 2017-2021 Quarterly Performance Report September 2017

Background

1. The Council Plan 2017-2021 was developed following the general council election in October 2016 and adopted by Council on 27 June 2017.
2. The quarterly performance report provides Council with an update on the progress of the Council Plan priority actions for the first quarter (July-September) of the 2017-2018 financial year.

Policy context

1. The Quarterly Performance Report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

2. This report is part of Council's monitoring of the Council Plan and Budget. The resources for this monitoring and the preparation of this report are accommodated within existing operational budgets.

Consultation/communication

3. The Council Plan 2017-2021 was developed following a comprehensive program of workshops and briefings with Councillors following the general election in October 2016.

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OCM.131/17 Council Plan Quarterly Performance Report

Priority action progress

4. The Council Plan 2017-2021 contains 104 priority actions to deliver on the five high-level strategic objectives of:
 - Engaged, connected communities – a place where communities and ideas thrive, underpinned by trust, confidence and continuous learning
 - Active and creative people – active lifestyles and artistic expression are fostered through participation and innovation
 - Safe and healthy communities – healthy and safe communities enjoy living in our iconic Green Wedge environment
 - A prosperous economy – a strong local economy that supports business growth, jobs and community wealth
 - Responsible leadership – collaborative and consultative leadership that builds trust and makes the best use of available resources to the benefit of all in the pursuit of excellence
5. Of the 104 actions, 18 have not started and are due to commence in the second, third or fourth quarters of the financial year.
6. Achievements in the first quarter included:
 - A zero per cent rate increase for the 2017-2018 financial year
 - Appointment of the Hurstbridge Recreation and Open Space Project Reference Group and the circulation of the discussion paper for public feedback
 - Funding applications lodged with the Growing Suburbs Fund and the Community Sporting Infrastructure Fund for a range of new or upgraded community facilities
 - The Travelling Teapot community engagement program that engaged 300 people in the development of the Arts and Culture Plan
 - The appointment of a new Arts Advisory Committee and Environment and Sustainability Advisory Committee
 - The launch and implementation of the Living in the Landscape Public Art Incubator
 - Planning for the review of the Green Wedge Management Plan
 - New footpaths in Ironbark Road, Yarrambat; Heidelberg-Kinglake Road, Wattle Glen and Research Park
 - The Emergency Management Forum held in Hurstbridge with guest presenters Craig Lapsley and Jane Bunn
 - Community engagement on the draft Health and Wellbeing Plan and the draft Domestic Animal Management Plan
 - Support for the Diamond Creek and Eltham Men's Sheds

12. Officers' reports

OCM.131/17 Council Plan Quarterly Performance Report

- 723 green waste vouchers were redeemed within the first eight weeks of new program
- Council's comprehensive approach to tackling graffiti received widespread media coverage
- Council worked closely with the Nillumbik Tourism Association (NTA) to develop and distribute The Artisan Hills visitor map
- Streetscape works in Panton Hill were completed
- Council engaged with residents through a community meeting streamed live on Facebook on the four options for the North East Link. Council will continue to advocate for Option A as its preferred route.

Conclusion

7. The Council Plan Quarterly Performance Report is the first report on the Council Plan 2017-2021 and the priority actions for 2017-2018.

12. Officers' reports

OCM.132/17 Yarrambat War Memorial Park turf training facility

Distribution: Public

Manager: Mark Stoermer, Chief Executive Officer

**Author: Joanne Massoud, Recreation and Open Space Planner
Adrian Cully, Manager Connected Communities**

Summary

This report provides information of the proposed works at Yarrambat War Memorial Park (YWMP) and makes officer recommendation for Council to support a funding application to the National Community Facilities Funding Scheme (NCFFS) and to financially contribute to the works together with Plenty Valley Cricket Club (PVCC). The application is due to CV by 17 December 2017.

The proposed turf practice facility is consistent with Council strategies and seeks to improve sporting and recreation participation outcomes within the Shire.

The total project cost is estimated at \$220,000. The funding requested from CV is \$50,000 which will be supported by PVCC's contribution of \$40,000 and Council contribution of \$130,000 split over two financial years. Council funding for this project is conditional on the grant application being successful.

Recommendation

That Council:

1. **Endorses an application to the National Community Facilities Funding Scheme for the development of a turf practice facility at Yarrambat War Memorial Park.**
2. **Refers \$70,000 in funding for consideration in the 2017-2018 mid-year budget review to complete stage 1 of the project.**
3. **Refers \$60,000 in funding for consideration in the 2018-2019 budget.**

Attachments

Nil

Background

1. Yarrambat War Memorial Park (YWMP) is home to Plenty Valley Cricket Club (PVCC), the Shire's only turf cricket club.
2. PVCC currently has four senior men's teams and 1 junior boys team competing in the Victorian Sub District Cricket Association (VSDCA) and 2 senior women's teams competing in Victorian Premier Cricket Competition.
3. As YWMP does not have turf practice nets the capacity of the facility is restricted to competitions only therefore requiring PVCC to utilise AK Lions Reserve in Banyule for all training.

12. Officers' reports

OCM.132/17 Yarrambat War Memorial Park turf training facility

4. Funding applications to Sport and Recreation Victoria (SRV) for the development of a turf practise facility at YWMP was unsuccessful for two consecutive years, 2017-2018 and 2018-2019. The applications were not successful as the criteria specifying broader community use was not met.
5. Cricket Australia (CA) with the support of Cricket Victoria (CV) administers the National Community Facilities Funding Scheme (NCFFS). The fund aims to support cricket facility development in areas of participation and population growth as well as improving the quality of experience in cricket across all levels.
6. This funding scheme is only open to clubs, associations or Councils that are invited to submit an application. NCFFS applications are due by 17 December 2017.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

Budget implications

8. Total project cost of approximately \$220,000.
 - a) Stage 1 - total project cost \$160,000
 - i) Council contribution of \$70,000
 - ii) Club contribution of \$40,000
 - iii) CV grant of \$50,000
 - b) Stage 2 – total project cost \$60,000
9. Adjustment to the mid-year budget review (MYBR) to support Council's contribution of \$70,000 in 2017-2018 to complete stage 1.
10. Officers will request \$60,000 in the 2018-2019 draft budget to complete stage 2.
11. Council's contribution towards the project will be conditional on the grant's success.
12. CA will fund a maximum of \$50,000 towards an individual project.

Consultation/communication

13. Council is working collaboratively with PVCC and CV to ensure the practice facility development meets the requirements of the club and adheres to CV's guidelines.
14. Yarrambat Junior Football Club (YJFC), co-tenants of Yarrambat War Memorial Park, has been consulted on the proposed project and they are supportive of developing the reserve and supporting infrastructure.

Issues/options

15. There is currently a gap in the available facilities for turf cricket in the northern growth corridor which is inhibiting the possible growth of cricket particularly in female cricket.
16. The turf practice facility will support the development of cricket at all levels and could service pathway/talent development across the cricket region.

12. Officers' reports

OCM.132/17 Yarrambat War Memorial Park turf training facility

17. CV have identified the expected growth through the northern metro corridor and given the Club is the only women's premier club in a 20km radius, it is in a favourable position to accommodate this increase.
18. Relocating from AK Lions Reserve will provide PVCC with an additional facility that can be used to accommodate additional teams in turf cricket competition.
19. Multiple locations and designs were explored for the practise nets between Council, the club and CV. The preferred option is adjacent to the sportsground where the existing synthetic cricket nets are currently located.
20. The preferred location will require the demolition of existing synthetic cricket nets and construction of an open turf practice facility for Club use and 2 synthetic cricket wickets for the community's use.
21. The project will be completed in two stages:
 - Stage 1 – removal of the existing synthetic cricket nets and construction of turf practice nets. It is anticipated this stage will be completed by April 2018.
 - Stage 2 – construction of 2 synthetic cricket wickets. It is anticipated this stage will be completed by September 2018.
22. Future maintenance of the facility will need to be agreed between the club and Council prior to the construction commencement.

Conclusion

23. The development of a turf practice facility is consistent with Council's strategies for the provision of improved sporting facilities within the Shire. The project will provide increased opportunities for participation.
24. PVCC are strong advocates for the continued growth of female cricket in the norther growth corridor. This funding opportunity has been made possible due to the club's commitment and support of the project.
25. Outcome of application will be known by February 2018.

12. Officers' reports**OCM.133/17 Diamond Valley Railway lease agreement at Eltham Lower Park**

Distribution: Public**Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Natalie Campion, Property Officer****Summary**

The Diamond Valley Railway Inc. (Association) leases a portion of Eltham Lower Park from Council to conduct their miniature railway operations. The current 21 year lease agreement expires on 30 November 2017. The Association has requested Council enter into a new lease agreement for a term of 21 years, to ensure ongoing management and operation of the miniature railway.

Eltham Lower Park is Crown Land. Council is the nominated Committee of Management for the land, and therefore has responsibility for its management.

Lease agreements over Crown Land are administered under *Section 17D (4) (c) of the Crown Land (Reserves) Act 1978*. Even though Council is the nominated Committee of Management for the land, the lease agreement will need to be endorsed and also executed by the Minister (or delegate) of Energy, Environment and Climate Change.

Council also has obligations under section 190 of the *Local Government Act 1989* (the Act) to advertise the proposed lease agreement and consider any public submissions before resolving to enter into the new lease agreement with the Association.

This report seeks Council's endorsement to implement the public consultation required under the Act, so it can consider entering into a new 21 year lease agreement with the Association on the terms outlined in the recommendation below.

Recommendation

That Council:

- 1. Gives public notice pursuant to section 190 of the *Local Government Act 1989*, of its intention to lease part of the Eltham Lower Park at 576 Main Road, Eltham to the Diamond Valley Railway Inc. for the construction, operation, support and maintenance of a miniature railway and the siting of any amenities connected therewith on the following general terms and conditions:
 - a) Term of Lease: 21 years**
 - b) Commencement date: 1 December 2017**
 - c) Rental Amount: \$200 per annum with fixed three per cent increase annually on the anniversary of the commencement date.**
 - d) Tenant's outgoings: all outgoings including structure and maintenance of all assets on the leased land, building and public liability insurance, utility supply and usage charges.****
- 2. Invites public submissions on the proposed lease in accordance with section 223 of the Act.**
- 3. Considers submissions at the Future Nillumbik Committee meeting on 13 February 2018.**

12. Officers' reports

OCM.133/17 Diamond Valley Railway Lease Agreement at Eltham Lower Park

Attachments

1. Plan of land

Background

1. The Diamond Valley Railway Inc. (the Association) was established in Eltham Lower Park in the 1960s. Since that time the Association has built and developed a thriving miniature railway that has become an important tourism destination for the Shire.
2. The current lease for the land the Association occupies expires on 30 November 2017.
3. In May 2017 the Association entered into discussions with Council in relation to entering into a new lease agreement. They have requested a 21 year term for the new lease.
4. The *Eltham Land Act 1975* appointed Council as the Committee of Management for the Eltham Lower Park Reserve. That Act provides Council with the authority to grant leases for a term not exceeding 21 years, for the purpose of operating a miniature railway and associated amenities.
5. Since entering into negotiations with the Association, both parties have worked together to prepare a new lease agreement.
6. In those negotiations, the Association requested minor additional parcels of land be incorporated into the new lease. Details of the additional parcels are set out in paragraphs 17-18 of this report.
7. Council has submitted the proposed lease agreement to DELWP for approval prior to completing Council's obligations under the section 190 of the *Local Government Act 1989* to advertise and hear public submissions on the proposed lease agreement.
8. A delegate of the Minister of Energy, Environment and Climate Change has advised Council that the proposed lease agreement has been approved.

Policy context

9. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

10. If, after considering public submissions on the proposed lease, Council resolves to enter into a new lease with the Association, a rental income of \$200 per annum with a fixed three per cent increase annually for 21 years will be received.
11. The Association is required to maintain all assets within the leased area, including building insurance, building condition audits, essential safety measures, building maintenance and all structural components of buildings, as well as general maintenance within the leased area such as grass cutting, weed management and waste removal.
12. The Association will endeavour to contribute at least five per cent of passenger ticket gross value to local community organisations.

12. Officers' reports

OCM.133/17 Diamond Valley Railway Lease Agreement at Eltham Lower Park

Consultation/communication

13. Internal consultation has occurred with officers from Asset Management, Planning and Health Services, Infrastructure Development, Infrastructure Maintenance department, Environmental Works and Leisure Services. There were no objections raised to the proposed new lease.
14. Section 190 of the *Local Government Act 1989* restricts Council from entering into a lease of 10 years or more without firstly advertising its intention to do so and inviting public submissions. Section 223 of the Act requires Council to consider all submissions that are received, prior to making a decision to enter into a new lease.
15. Council has written to other tenants of Eltham Lower Park advising them of the proposed new lease agreement for the Diamond Valley Railway Association and the process that needs to be undertaken by Council prior to a new agreement being completed. Council intends to advise these tenants of the public consultation phase and provide them with the opportunity to submit a formal written submission following a decision by Council at this meeting.
16. This report seeks Council endorsement to publicly advertise its intention to lease the land, in accordance with section 190 of the Act and further, to consider submissions received in response to that advertising.

Issues/options

17. The Association has requested two small parcels of land be added to the new lease. These are depicted as Lease Area B and Lease Area C on the plan of land in Attachment 1.
18. Lease Area B is an area of land which has been previously managed by Council but is surrounded by the Association's current leased area. Lease Area C proposes to slightly extend the existing fence behind the Associations workshop so it is parallel instead of triangular with a distance of 8.4 metres out from the workshop.
19. The Association requested the addition of these parcels so that it can help maintain the open area adjacent to the creek (Lease Area B), and to provide sufficient area for any proposed future extensions to the railway workshop (Lease Area C).
20. Officers have assessed the additional parcels and are agreeable to add these to the new lease, on the condition that public access is maintained to the parcel adjacent to the creek (Lease Area B), and there is no encroachment onto access paths in the vicinity of the railway workshop.
21. The new lease agreement with Diamond Valley Railway Inc. has similar conditions to the previous lease, but has been updated to reflect current legislation and regulations. It also includes a small addition to the proposed leased area.
22. The existing lease will expire on 30 November 2017, prior to the planned public consultation for a new lease. The existing lease and conditions will be in over hold until a new lease is executed.

Conclusion

23. The necessary pre-work to the proposed public consultation has been completed.

12. Officers' reports

OCM.134/17 Camelot Close Special Charge Scheme, Research - Intention to declare

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Matthew Theuma, Engineer

Summary

On 20 January 2016, Council received a petition signed by property owners in Camelot Close, Research requesting that Council investigate road sealing.

After conducting a survey and determining that more than 60 per cent of property owners support road sealing, Council resolved on 26 July 2016 to proceed with the consultation process for the Camelot Close, Research, Special Charge Scheme. (Item OCM.121/16). This has now been completed.

At the Ordinary Meeting of Council on 31 October 2017, officers presented a report recommending Council give notice of its intention to declare a Special Charge Scheme for Camelot Close, Research.

Council resolved to defer the matter until the November Ordinary Meeting of Council to provide additional time to respond to residents' queries on the scheme.

Since then, work has commenced on a review of Council's Special Charge Scheme Policy. The review may be relevant to Camelot Close and on this basis it is recommended Council further defers its intention to declare a Special Charge Scheme, to determine whether the policy review is relevant to the decision on Camelot Close.

Recommendation

That Council further defers its decision on giving 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 Camelot Close, Research until April 2018.

Attachments

Nil

12. Officers' reports

OCM.135/17 Fordhams Road Special Charge Scheme, Eltham

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Matthew Theuma, Engineer

Summary

On 24 March 2017, Council received a petition signed by property owners in Fordhams Road, Eltham requesting that Council investigate road sealing.

Council officers held an information session on 30 August 2017 for all interested property owners to discuss the proposed scheme and process.

On 18 September 2017, questionnaires were sent to all property owners in Fordhams Road to establish the level of support to construct the road. Two voting options were presented, including the recommended urban standard of construction (as per Council's Special Rates and Charges Policy and Procedure) and rural standard of construction.

The results indicated one of 19 (5.3 per cent) property owners supported the urban standard of construction and 11 of 18 (61.1 per cent) supported the rural standard of construction.

While the adopted construction standard under Council's Special Charge Scheme Policy, would typically be 'urban', the construction standard ultimately needs to be mindful of neighbourhood character, while providing a suitable solution to the issues of safety, drainage, bank erosion and dust that an unsealed road generates. The interests of the majority of local residents must also be considered.

On this basis the rural standard of construction is proposed. Council's Special Charge Scheme Policy is currently under review to consider whether any amendments could enhance overall outcomes.

Based on this support, it is recommended that the consultation process proceeds and Council invites affected property owners for nominations to join the task group and provide comments for consideration within the design process.

Recommendation

That Council:

- 1. Proceeds with the development of a Special Charge Scheme for the sealing of Fordhams Road, Eltham with a rural standard of construction.**
- 2. Invites affected property owners for nominations to join the task group and provide comments for consideration within the design process.**

Attachments

1. Fordhams Road special charge scheme area (urban standard of construction)
2. Fordhams Road special charge scheme area (rural standard of construction)

12. Officers' reports

OCM.135/17 Fordhams Road Special Charge Scheme, Eltham

3. Apportionment to affected properties (urban standard of construction)
4. Apportionment to affected properties (rural standard of construction)
5. Guidelines for apportionment of costs for road construction

Background

1. On 24 March 2017, Council received a petition signed by property owners in Fordhams Road, Eltham requesting that Council investigate road sealing.

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that the provision of community infrastructure responds to community needs.

Budget implications

3. Council has incorporated costs for administering the scheme in the current services budget. The survey and design costs incurred will be recovered if the scheme proceeds and the charge is levied.
4. Council will have a liability of \$13,404 for the Council property at 620 Main Road that is included as part of the scheme. This cost will be sought from the 2018-2019 Capital Works Program, if a scheme is to proceed.

Consultation/communication

5. Consultation to date has involved:
 - An information session held for all interested property owners on 30 August 2017 to discuss the proposed scheme and process.
 - Questionnaires being sent to all property owners in Fordham Road, Eltham on 18 September 2017 with two voting options available for comment (refer to Attachment 1 and Attachment 2 for scheme areas).
6. Progress on the development of the Special Charge Scheme is typically reported to Council at three points in the process:
 - Advise Council of the level of support for construction and recommend proceeding or abandoning (this report).
 - At completion of the design, when Council is required to commence the statutory part of the process by notifying residents and publicly advertising its intention to declare the special charge.
 - Via a Future Nillumbik Committee report to consider any objections or submissions on Council's intention to declare the Special Charge. At this time Council can decide to formally declare the Special Charge, amend or abandon it.

12. Officers' reports

OCM.135/17 Fordhams Road Special Charge Scheme, Eltham

Issues/options

7. At the information session it was agreed that property owners would be sent a questionnaire with two road construction options:
- Option 1 – urban standard of construction (asphalt pavement, sealed channels and drainage services to all properties). This is the adopted standard under Council’s Special Rates and Charges Policy and Procedure for property sizes smaller than 0.4 of a hectare.
 - Option 2 – rural standard of construction (spray seal only)

8. The results of the questionnaire are shown in Table 1 below.

Table 1 – Results for Fordhams Road special charge scheme questionnaires

		Yes	No	No response	Total
Urban standard of construction	Votes	1	18	0	19
	Percentage	5.3%	94.7%	0.0%	100%
Rural standard of construction	Votes	11	7	0	22
	Percentage	61.1%	38.9%	0.0%	100%

9. Property owners were given the opportunity to include comments in their questionnaire response. Generally, the comments received from the property owners were reflective of the way they voted. Some of the issues raised in the comments were:
- The proposed works are too expensive and provide no benefit.
 - Concerns with dust and drainage.
 - Support for rural standard of construction as it has the Eltham ‘feel’ and is in keeping with the local area.
 - Financial hardship with paying for the road construction and sewer connection.
 - Purchased the property for rural setting and sealing the road will be harmful to the area’s character.
 - Widening of the turning area at the end of Fordhams Road is required.
10. Indicative costs for property owners involved in the proposed special charge scheme for Fordhams Road are outlined in Attachment 3 (urban standard of construction) and Attachment 4 (rural standard of construction).
11. The apportionment of costs for the scheme is based on 75 per cent for benefit and 25 per cent for frontage. A more detailed explanation of the apportionment can be found in Attachment 5.
12. The rural construction standard will not improve drainage outcomes in the area.
13. Council’s Special Change Scheme Policy is currently under review to consider whether any amendments could enhance overall outcomes

12. Officers' reports

OCM.135/17 Fordhams Road Special Charge Scheme, Eltham

Conclusion

14. The results of the questionnaire of property owners in Fordhams Road demonstrate majority support for construction of the road via a special charge scheme to a rural construction standard.
15. While the adopted construction standard under Council's Special Charge Scheme Policy, would typically be 'urban', the construction standard ultimately needs to be mindful of neighbourhood character, while providing a suitable solution to the issues of safety, drainage, bank erosion and dust that an unsealed road generates. The interests of the majority of local residents must also be considered.
16. Based on this support, it is recommended that the consultation process proceeds and that Council invites affected property owners for nominations to join the task group and provide comments for consideration within the design process.

12. Officers' reports**OCM.136/17 Edinburgh Street Special Charge Scheme, Diamond Creek**

Distribution: Public**Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Matthew Theuma, Engineer****Summary**

On 11 January 2017 and 7 February 2017, Council received two separate petitions signed by property owners in Edinburgh Street, Diamond Creek requesting that Council investigate road sealing.

On 19 June 2017, questionnaires were sent to all property owners in Edinburgh Street to determine if the level of support could be established to construct the road. The results indicated six of 22 (27.3 per cent) property owners supported the scheme.

At the Council Ordinary Meeting (Item OCM.101/17) on 29 August 2017, Council deferred the officer's report to abandon the scheme to the Future Nillumbik Committee meeting on 12 September 2017 for consideration. At this meeting, Council deferred a decision regarding the scheme to allow further consultation to take place with affected property owners.

On 20 September 2017, revised questionnaires were sent to all property owners in Edinburgh Street (between Valley Court and Campbell Street), Diamond Creek to determine the level of support to construct only this section of the road. The results indicated two of six (33.33 per cent) of property owners supported the scheme.

Given that the level of support is below 60 per cent it is recommended that Council abandons the scheme and places further investigations for road construction in Edinburgh Street, Diamond Creek on a three-year moratorium.

Recommendation**That Council:**

- 1. Abandons further investigations into a special charge scheme for Edinburgh Street, Diamond Creek.**
- 2. Places any further investigations into a special charge scheme for Edinburgh Street, Diamond Creek on a three-year moratorium.**
- 3. Notifies affected property owners accordingly.**

Attachments

1. Edinburgh Street special charge scheme area
2. Revised Edinburgh Street special charge scheme area

12. Officers' reports

OCM.136/17 Edinburgh Street Special Charge Scheme, Diamond Creek

Policy context

1. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that the provision of community infrastructure responds to community needs.

Budget implications

2. The cost of the investigation undertaken to date is accommodated in the current services budget.

Consultation/communication

3. Consultation to date has been carried out in line with Council’s Special Rates and Charges Policy and Procedure. This involved:
 - Questionnaires being sent to all property owners in Edinburgh Street, Diamond Creek, on 19 June 2017 (refer to Attachment 1).
 - Revised questionnaires being sent to all property owners in Edinburgh Street (between Valley Court and Campbell Street), Diamond Creek, on 20 September 2017 (refer to Attachment 2).

Issues/options

4. On 11 January 2017 and 7 February 2017, Council received two separate petitions signed by property owners in Edinburgh Street, Diamond Creek requesting that Council investigate road sealing.
5. On 19 June 2017, questionnaires were sent to all property owners in Edinburgh Street to establish the level of support to construct the road.
6. The results of these questionnaires are shown in Table 1 below.

Table 1 – Results for Edinburgh Street special charge scheme questionnaires

	Yes	No	No response	Total
Votes	6	13*	3	22
Percentage	27.3%	59.1%	13.6%	100%

* Two votes received included conditions which were contrary to Councils policy. These votes were therefore treated as a ‘no’ vote.

7. The level of support established for a special charge scheme for Edinburgh Street, Diamond Creek is below the 60 per cent requirement for the scheme to proceed.
8. Three property owners did not respond to the questionnaires. If all these property owners were to vote in favour of the road construction, the level of support would still be below 60 per cent requirement for the scheme to proceed.
9. These results were reported at the Council Ordinary Meeting (Item OCM.101/17) on 29 August 2017. This report was deferred to the Future Nillumbik Committee on 12 September 2017 for consideration. At this meeting, a motion was passed by Council to again defer the report, in order to enable more community consultation to take place with affected property owners.

12. Officers' reports

OCM.136/17 Edinburgh Street Special Charge Scheme, Diamond Creek

10. Revised questionnaires were sent to all affected property owners in Edinburgh Street between Valley Court and Campbell Street on 20 September 2017.

11. The results of these questionnaires are shown in Table 2 below.

Table 2 – Results for Edinburgh Street (between Valley Court and Campbell Street) special charge scheme questionnaires

	Yes	No	No response	Total
Votes	2	4	0	6
Percentage	33.33%	66.67%	0.00%	100%

12. The level of support established for a special charge scheme for Edinburgh Street (between Valley Court and Campbell Street) is below the 60 per cent requirement for the scheme to proceed.

13. Property owners were given the opportunity to include comments in their questionnaire response. Generally, the comments received from the property owners were reflective of the way they voted. Some of the issues raised in the comments were:

- Sealing the road would increase traffic and speed
- Financial hardship
- Concerns about traffic safety at the intersection with Ryans Road and a request to close off the intersection
- Some properties have already contributed to road sealing through a previous subdivision (*Council officers investigated this and have found no evidence to support this claim*)
- Concerns for pedestrian safety if the road is sealed
- Dust issues

Conclusion

14. The results of the questionnaires demonstrate insufficient support from a majority of property owners in Edinburgh Street, Diamond Creek for the construction of the road via a special charge scheme.

15. Based on this support, it is recommended that the consultation process be abandoned, further investigation placed on a three-year moratorium and all affected property owners be formally advised.

12. Officers' reports

OCM.137/17 Audit Committee meeting November 2017

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Melika Sukunda, Financial Accountant

Summary

In accordance with the *Local Government Act 1989* section 139 and good governance principles, councils must have an Audit Committee. As resolved at the Ordinary Meeting of Council on 16 August 2005 the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.

The Audit Committee met on 20 November 2017. The minutes for the meeting are attached in Attachment 1.

Recommendation

That Council notes the minutes of the Audit Committee meeting 20 November 2017.

Attachments

1. Audit Committee Minutes

Background

1. As resolved at the Ordinary Meeting of Council on 16 August 2005 the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.
2. The Audit Committee meets a minimum of four times a year and has the role to assist the coordination of relevant activities of management, internal audit and the external auditor to facilitate good governance, effectiveness and efficiency.

Policy context

3. This report directly supports the achievement of Council Plan 2017-2021 strategies:
 - Maintain good governance and effective leadership.

Budget implications

4. The costs associated with this matter were contained within Council's 2017-2018 Budget.

Consultation/communication

5. The Audit Committee meeting on 20 November 2017 was attended by the Committee members, the internal Auditor from Crowe Horwath, as well as the Chief Executive Officer and Manager Finance. Mayor Cr Peter Clarke and Cr Bruce Ranken are the councillor representatives.

12. Officers' reports

OCM.137/17 Audit Committee meeting November 2017

Audit Committee minutes

6. The minutes of the Audit Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
7. The Audit Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.
8. The 20 November 2017 Audit Committee minutes have not yet been adopted by the Committee, but will be presented at its next meeting.
9. Among the items considered by the Audit Committee at the meeting held on 20 November 2017 were:
 - Council's Risk and Insurance report, including the updated Risk Management Strategy, was received and noted
 - The internal audit report on the Native Vegetation Offset Program
 - The draft Debt Collection Policy
10. The next Audit Committee meeting is scheduled to take place in February 2018.

Conclusion

11. The Audit Committee minutes 20 November 2017 are presented to Council to ensure timely feedback, accurate information and for noting by Council.

12. Officers' reports**OCM.138/17 Review of Instrument of Delegation to Members of Council Staff**

Distribution: Public**Manager: Allison Watt, Manager Governance****Author: Craig Commane, Risk Advisor****Summary**

Council is empowered under a number of pieces of legislation to undertake duties and functions in accordance with that legislation. To actually undertake these duties and functions, it is necessary for Council to delegate relevant powers to the Administration.

It is also necessary for Council to delegate some of its other functions to the Administration for reasons of efficiency and to prevent Council from having to make a lot of operational decisions at Council meetings. Therefore, the *Local Government Act 1989* (the Act) provides for each Council to establish a delegation of power. The Act also requires Council to review the delegations within one year of each general election.

The instrument of delegation was last reviewed in March 2017; however, to ensure compliance with the Act, the Instrument of Delegation to Members of Council Staff has been updated to reflect the changes in organisation structure and is presented to Council for consideration.

Recommendation

That Council:

- 1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the Instrument of Delegation to Members of Council Staff (Attachment 1), resolves that:**
 - a) There be delegated to members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument of Delegation to Members of Council Staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.**
 - b) The Instrument comes into force immediately after the common seal of Council is affixed to the required document.**
 - c) On coming into force of the Instrument, all previous delegations to members of Council staff under the Instrument of Delegation to Members of Council Staff are revoked.**
 - d) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may, from time to time, adopt.**
- 2. Affixes the common seal to the Instrument of Delegation to Members of Council Staff.**

12. Officers' reports

OCM.138/17 Review of Instrument of Delegation to Members of Council Staff

Attachments

1. Instrument of Delegation to Members of Council Staff

Background

1. The power to delegate is conferred on Council by section 98(1) of the *Local Government Act 1989* (the Act) which enables Council, by instrument of delegation, to delegate to a member of Council staff any power, duty or function of Council under the Act or any other Act, other than certain specified powers.
2. The delegations are necessary to enable the CEO and Council staff to carry out the day-to-day management of Council's operations.
3. Council subscribes to a service in which half-yearly recommended updates to Instruments of Delegations are provided to reflect legislative changes.
4. The amendments recommended as part of this review are largely administrative in nature to reflect changes in organisation structure.
5. The Instrument of Delegation to be updated is the Instrument of Delegation from Council to members of Council staff.
6. The Instrument of Delegation to Members of Council Staff was last updated in March 2017. This latest update reflects the new organisational structure.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

8. The regular updates of Council's Instruments of Delegation are an administrative function, the cost of which is included within Council's operational budget.

Consultation/communication

9. Council's Instruments of Delegation have been developed in conjunction with Council's solicitors, and satisfy current legislative requirements.

Review of Instrument of Delegation to Members of Council Staff

10. The Instrument of Delegation to Members of Council Staff comprises those delegations which only Council can delegate directly to staff, unlike, other matters which the CEO can sub-delegated to Council staff. They comprise powers, functions and duties that are delegated to positions such as environmental health officers, town planners and other officers authorised under certain legislation.
11. The Instrument of Delegation to Members of Council Staff covers delegations from Council to Directors, relevant Managers and staff under a range of legislation including the:
 - *Domestic Animals Act 1994*
 - *Environment Protection Act 1970*
 - *Food Act 1984*

12. Officers' reports

OCM.138/17 Review of Instrument of Delegation to Members of Council Staff

- *Heritage Act 1995*
- *Planning and Environment Act 1987*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Interim Regulations 2015*
- *Rail Safety (Local Operations) Act 2006*
- *Road Management Act 2004*
- *Road Management (General) Regulations 2005*
- *Road Management (Works and Infrastructure) Regulations 2015*
- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010.*

12. The proposed changes to the existing Instrument of Delegation to Members of Council Staff include:

- Amendments to staff positions to reflect the new organisational structure
- Amendment to The *Food Act 1984* to reflect the addition of Section 19(3) in relation to temporary or mobile food premises
- Additional delegation under The *Food Act 1984* of Sections 19(CB)(4)(b), 19E(1)(d), 19GB and 19NA(1) reflect the actual duties of the Environmental Health Technician
- Amendment to delegations under the *Planning and Environment Act 1987* to Sections 46GI(5), 96G(1), 96H(3), 96J, 96K, 96Z and 97C to remove delegations to positions in the Integrated Strategy Department related to the infrastructure levy and issuing permits;
- Amendment to The *Planning and Environment Act 1987* to reflect the addition of Section 224(8) – provision of information requested by Victoria Planning Authority
- Amendment to delegations under The *Road Management (General) Regulations 2016* to Regulation 25(1) include a delegation to the Manager Environment to remove objects, refuse, rubbish or other material deposited or left on a road.

13. The proposed changes are highlighted in Attachment 1.

Conclusion

14. It is recommended that the amended Instrument of Delegation to Members of Council Staff be adopted by Council.

12. Officers' reports

OCM.139/17 Wattle Glen Pavilion - Design and construction of new player change facilities

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Jake Hart, Project Management Officer

Summary

This report recommends the awarding of the contract for the design and construction of new player change rooms at the Wattle Glen Pavilion.

The works will involve the design and construction of the extension to the Wattle Glen Pavilion, including accessible, female friendly, fit-for-purpose player, umpire and spectator facilities.

The tender evaluation panel has assessed all submissions for these works. This report outlines their evaluation of new player change rooms at the Wattle Glen Pavilion and recommendation for contract award.

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. Notes the report.**
- 2. Makes public the decision regarding this contract but the tender evaluation remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.140/17 Provision of Catering Services - 1718-12

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Lance Clark, Senior Procurement Specialist

Summary

This report considers the awarding of the contract for the provision of Councils catering services via a panel arrangement.

The purpose of this request is to formalise catering arrangements for the next two years with three x one year options to extend available at Council's discretion.

The tender evaluation panel has assessed all submissions and this report outlines the evaluation and recommendations to award the panel contract.

Details of the tender evaluation are included in a confidential report. It is proposed that the tender evaluation report remain confidential, but that the resolution to award the contract is made public in the interests of transparency.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the anticipated value of this contract exceeds financial limits and a Council resolution is required to accept the recommendation to award and use this contract.

Recommendation

That Council:

- 1. Notes the report.**
- 2. Makes public the decision regarding the contract but the tender evaluation remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.141/17 Risk and Insurance Report September 2017

Distribution: Public
Manager: Allison Watt, Manager Governance
Author: Craig Commene, Risk Advisor

Summary

This report provides a summary of Council’s Risk and Insurance Report for the quarter ending September 2017.

The report is presented in accordance with the Local Government Performance Reporting Framework that commenced on 1 July 2014. This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and insurance reporting to Council will be tabled each quarter following consideration by the Audit Committee.

A separate report in this agenda provides detailed information for Council consideration. It is recommended that this detailed report remain confidential as it includes information which may prejudice the Council or another person.

Recommendation

That Council:

1. **Notes this summary of the Risk and Insurance Report for the quarter ending September 2017.**
2. **Confirms that the confidential Risk and Insurance Report for the September quarter 2017 is to remain confidential in accordance with sections 77 and 89(2)(h) of the *Local Government Act 1989*.**

Attachments

Nil

Background

1. Council’s commitment to risk management is outlined in the Risk Management Policy adopted by Council on 16 December 2014, with the following objectives:
 - Promote and support a consistent corporate approach to risk management.
 - Ensure that all risks that could affect the achievement of our Council’s goals, strategies and actions are identified, assessed and treated to a commercially and politically acceptable level of risk.
 - To manage risks to an acceptance level in the low/medium risk range as far as practicable.

12. Officers' reports

OCM.141/17 Risk and Insurance Report September 2017

- Integrate risk management into decision making processes and embed risk into the organisation culture to help make informed choices to ensure resources and operational capabilities are identified and deployed responsibly and effectively for the benefit of Council and our stakeholders.
 - To ensure that risk management is seen as the responsibility of all staff, i.e. 'Risk Management is everyone's business'.
 - Provide a basis for higher standards of accountability.
2. In addition to the risk management policy, Council's Risk Management Framework communicates and describes the risk management structure and procedures that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
 3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
 4. Prior to the introduction of the Local Government Performance Reporting Framework, risk reporting was referred to Councils' Audit Committee and the information included for consideration by Council through the adoption of the Audit Committee's minutes.
 5. Commencing 1 July 2014, the State Government introduced the Local Government Performance Reporting Framework. This framework requires the presentation of risk reporting processes to Council at least every six months on strategic risks to Council operations.
 6. The Risk and Insurance report is a result of consolidation of these management reports, which broadly reports on:
 - Risk Management
 - Insurance premiums
 - Claims and Incident Management
 - Safety Health and Wellbeing
 - Statistical reports relating to strategic risks and accident and injury data.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

8. The costs for managing and reporting are covered by Council's operating budget.

Consultation/communication

9. The Risk and Insurance Report was considered by the Audit Committee on 20 November 2017.

12. Officers' reports

OCM.141/17 Risk and Insurance Report September 2017

Issues/options

10. The Risk and Insurance report has been prepared in accordance with Council's Risk Management Policy and Framework and is consistent with the Australian Standard AS/NZS 31000:2009 Risk Management.

11. Highlights from the report are:

- Commenced Council Plan actions to review and make improvements to the Risk Management Policy and Risk Framework.
- Council risk status reporting – 87 per cent of all risk control actions have been completed or are on target to be completed in accordance with their time lines.
- The following table summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type (excluding OHS incidents)	Oct–Dec 2016	Jan-Mar 2017	Apr-June 2017	Jul - Sept 2017	Total year to Sept 2017	Total prior year to Sept 2016	Year to year trend
Property	11	10	6	6	33	37	▼
Motor vehicle	32	25	43	32	132	116	▲
Professional Indemnity	0	0	1	0	1	3	▼
Public Liability	40	39	36	24	139	111	▲
Total all incidents	83	74	86	62	305	267	▲

- A high proportion of reported incidents are generated within the normal course of operations of the Directorate, Sustainability and Place, 85 per cent. These incidents relate to major classes of asset or maintenance type incidents for trees, footpaths, roads, drainage, major plant and Council buildings.
- Tree related risks are mitigated through the:
 - Tree Management Policy
 - Reactive tree maintenance program
 - Proactive electric powerline clearance program
 - Proactive inspections of high risk trees

12. Officers' reports

OCM.141/17 Risk and Insurance Report September 2017

- Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
- Road, footpath, drainage and roadside related are mitigated through the:
 - Road Management Plan
 - Road Asset Management Plans
 - Proactive and reactive maintenance programs.
- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds. Risks are typically mitigated through maintenance programs and insurance.
 - Three tables and 6 chairs stolen from court yard at Hurstbridge HUB.
 - Impact damage to access gate at Waste Transfer Station, subsequently repaired.
- Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are typically mitigated through maintenance, education and insurance.
 - Waste truck impacted an oncoming vehicle on a narrow section of Mt. Pleasant Road, subsequently settled with the vehicle owner.
 - Commenced a project to review motor fleet policies, systems and processes to address a number of related incidents.
- Public liability relates to incidents reported to Council including where the third party is seeking compensation. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
 - Six tree damage incidents claims were reported during the September 2017 quarter.
 - Six trip and fall incidents were reported at various locations through the Shire.
- The annual trend data for year ending September 2017 highlights a reduction increase in incidents over the same period for 2016. The decrease is attributed to fewer public liability claims and minor motor vehicle incidents. It is not unusual for the number of incidents to vary from period to period.

12. Incident costs including under excess claim costs and insurance excesses are managed within existing budgets.

Conclusion

13. This summary, along with the confidential Risk and Insurance Report September 2017, have been provided to meet the requirements of the Local Government Performance Reporting Framework and consolidation of management reporting.

14. Ongoing reporting to Council will be presented quarterly following each meeting of the Audit Committee.

12. Officers' reports

OCM.142/17 Assemblies of Councillors

Distribution: Public
Manager: Allison Watt, Manager Governance
Author: Naomi Ellis, Corporate Planner

Summary

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary meeting of Council a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 31 October 2017.

Recommendation

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following assemblies of Councillors:

1	Date of assembly	23 October 2017	
	Matters considered	Arts Advisory Committee	
	Councillors present	Cr Karen Egan	Cr Jane Ashton
	Staff present	Michelle Zemancheff	Grace Longato
	Conflict of interest	None declared	

2	Date of assembly	31 October 2017	
	Matters considered	Pre-meet for Ordinary Council Meeting	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Bruce Ranken Cr Peter Perkins	Cr Jane Ashton Cr John Dumaresq Cr Grant Brooker
	Staff present	Mark Stoermer Rachel Cooper Matt Kelleher Hjalmar Philipp Allison Watt Mitch Grayson	Suzy Ellingsen Vince Lombardi Phil Lovelace Natalie Hall Matt Deayton Patrick Wood
	Conflict of interest	None declared	

12. Officers' reports

OCM.142/17 Assemblies of Councillors

3	Date of assembly	8 November 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Discussion with local Liberal Party MPs – Cindy McLeish MP, The Hon. Ryan Smith MP, The Hon. Mary Wooldridge MP and The Hon. Wendy Lovell MP • Draft Health and Wellbeing Plan 2017-2021 – Submissions • Arts and Cultural Plan Discussion Paper • Proposed changes to Planning for Sustainable Animal Industries • Review of the Urban Design Provisions for the Eltham and Diamond Creek Activity Centres • Councillor/CEO discussion 	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Peter Perkins	Cr Jane Ashton Cr John Dumaresq Cr Grant Brooker
	Staff present	Mark Stoermer Rachel Cooper Matt Kelleher Hjalmar Philipp Allison Watt Mitch Grayson Naomi Paton Nichole Johnson Jonathan Risby Jon Miller Justin Murray	Suzy Ellingsen Paul Fyffe Vince Lombardi Paige Macdonald Diana Bell Michelle Zemancheff Adrian Cully Ellis Judson James Martin Jonathan McNally
	Conflict of interest	None declared	

4	Date of assembly	14 November 2017	
	Matters considered	Pre-meet for Future Nillumbik Committee	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Peter Perkins	Cr Jane Ashton Cr John Dumaresq Cr Grant Brooker
	Staff present	Mark Stoermer Matt Kelleher Hjalmar Philipp Allison Watt Mitch Grayson James Martin	Suzy Ellingsen Paul Fyffe Ellis Judson Naomi Paton Michelle Zemancheff Diana Bell

12. Officers' reports

OCM.142/17 Assemblies of Councillors

	Conflict of interest	None declared	
5	Date of assembly	14 November 2017	
	Matters considered	Officer briefing of Councillors: <ul style="list-style-type: none"> • Eltham Precincts 3 and 4 Redevelopment Project – Concept Plan for 895 and 903-7 Main Road, Eltham • Land sales program 	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Peter Perkins	Cr Jane Ashton Cr John Dumaresq Cr Grant Brooker
	Staff present	Mark Stoermer Matt Kelleher Hjalmar Philipp Allison Watt Mitch Grayson James Martin	Ellis Judson Jon Miller Natalie Campion Paul Fyffe Naomi Paton
	Conflict of interest	None declared	
6	Date of assembly	16 November 2017	
	Matters considered	Economic Development Advisory Committee	
	Councillors present	Cr Karen Egan	
	Staff present	Mark Stoermer Kate Shannon	Jane Lawson
	Conflict of interest	None declared	
7	Date of assembly	21 November 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Proposed Response to State Government ‘Reforming the Victoria Planning Provisions’ discussion paper • Yarrambat Park Golf Course Strategic Review • Bushfire Management Overlay Implementation Update • Yarrambat War Memorial Park turf cricket training facility funding application • Nillumbik Shire Art Collection Acquisition, Baldessin and Friends Folio, Baldessin Press and Studio • Public Mural Commissioning on Private Property • Integrated management for parks, streetscapes and roadsides 	

12. Officers' reports

OCM.142/17 Assemblies of Councillors

		<ul style="list-style-type: none"> • Council Plan 2017-2021 Quarterly Performance Report • CEO Mid-Year Performance Review process 																		
	Councillors present	<table> <tr> <td>Cr Peter Clarke</td> <td>Cr Jane Ashton</td> </tr> <tr> <td>Cr Karen Egan</td> <td>Cr John Dumaresq</td> </tr> <tr> <td>Cr Peter Perkins</td> <td>Cr Grant Brooker</td> </tr> <tr> <td>Cr Bruce Ranken</td> <td></td> </tr> </table>	Cr Peter Clarke	Cr Jane Ashton	Cr Karen Egan	Cr John Dumaresq	Cr Peter Perkins	Cr Grant Brooker	Cr Bruce Ranken											
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Naomi Paton	Vince Lombardi																			
Michelle Zemancheff	Jo Massoud																			
Clare Leporati	Frances Duncan																			
	Conflict of interest	None declared																		

Attachments

Nil

Background

1. The *Local Government Act 1989* (the Act) requires records of assemblies of Councillors be reported to an Ordinary Meeting of Council and recorded in the minutes of that meeting.

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy 'ensure that Council meets its legal responsibilities and manages its risks'.

Budget implications

3. This is a routine reporting item, the resources for which are contained in Council's current operating budget.

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.

12. Officers' reports

OCM.142/17 Assemblies of Councillors

- A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
 7. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 31 October 2017.

Conclusion

8. It is recommended that Council receives the records of recent assemblies of Councillors as contained in this report, fulfilling section 80A(2) of the *Local Government Act 1989*.

13. Notices of Motion

Nil

14. Delegates' reports

15. Supplementary and urgent business

16. Confidential reports

The Meeting may be closed to members of the public to consider confidential matters.

Motion

That Council closes the meeting to the public pursuant to section 89(2) of the *Local Government Act 1989* to consider the following items, which are confidential for the reasons indicated:

Report no.	Title	Reason for confidentiality
OCM.143/17	Wattle Glen Pavilion - Design and construction of new player change facilities	(d) contractual matters
OCM.144/17	Provision of Catering Services - 1718-12	(d) contractual matters
OCM.145/17	Risk and Insurance Report September 2017	(h) any other matter which the Council or special committee considers would prejudice the Council or any person