

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 31 October 2017 commencing at 7pm.

Agenda

Mark Stoermer
Chief Executive Officer

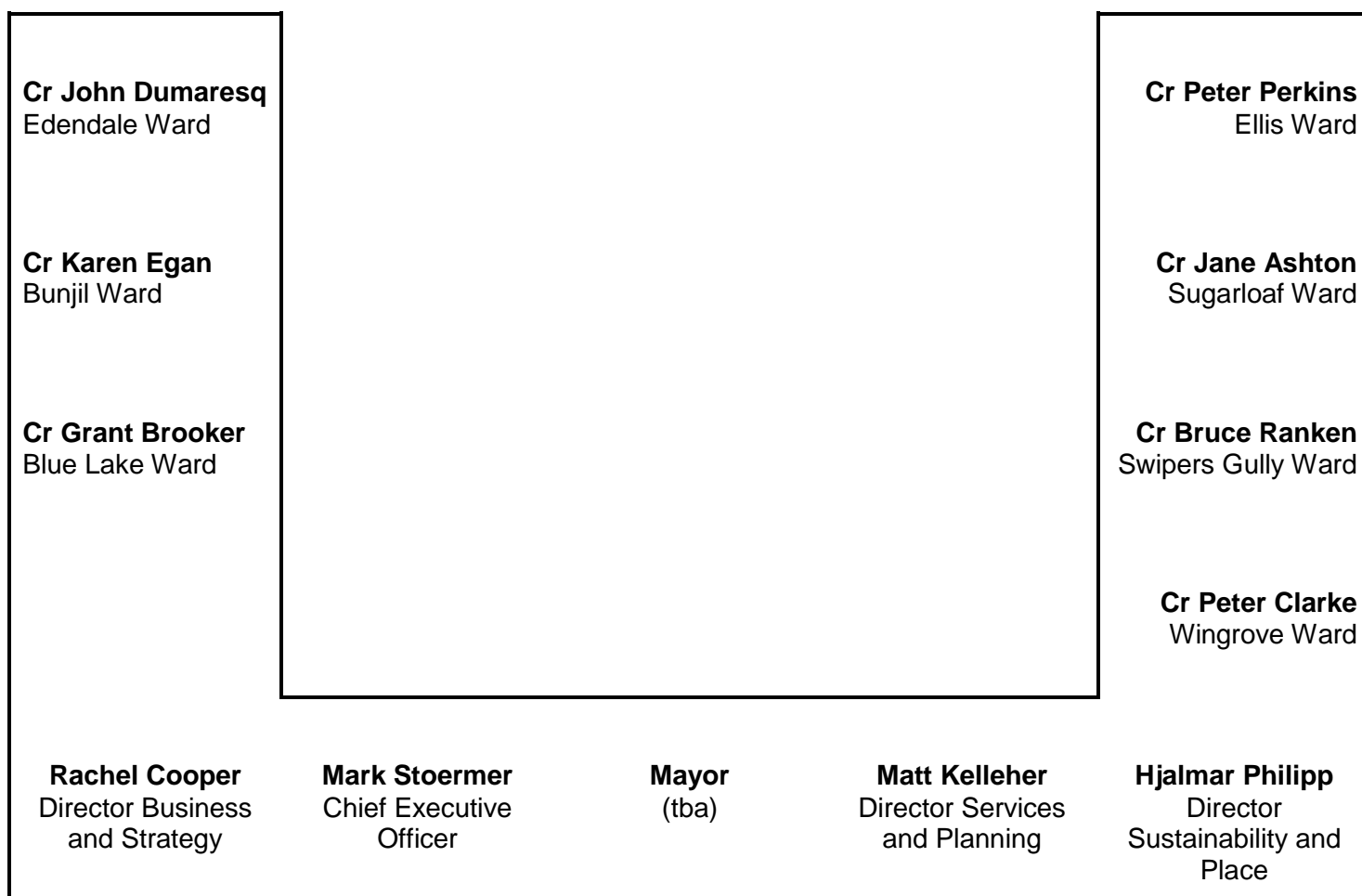
Wednesday 25 October 2017

Distribution:

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

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

Contents

1. Welcome by the Mayor	1
2. Reconciliation statement	1
3. Prayer	1
4. Apologies	1
5. Presentations	1
6. Confirmation of minute	1
7. Disclosure of conflicts of interest	1
8. Petitions	2
9. Questions from the gallery	2
10. Reports of Advisory Committees	3
AC.008/17 Advisory Committee Report	3
11. Reports of Special Committees	4
12. Officers' reports	5
OCM.119/17 Domestic Animal Management Plan 2017-2021	5
OCM.120/17 Child Safe Standards Legislation	9
OCM.121/17 September Quarter Financial Report	12
OCM.122/17 Camelot Close Special Charge Scheme, Research - Intention to declare	15
OCM.123/17 Rodger Road Special Charge Scheme, Panton Hill – Intention to declare	19
OCM.124/17 Worns Lane Special Charge Scheme, Yarrambat - Intention to declare	23
OCM.125/17 Design and construction of the Gipson Street Bridge, Gipson Street, Diamond Creek - tender report	26
OCM.126/17 Assemblies of Councillors	27
13. Notices of Motion	32
14. Delegates' reports	32
15. Supplementary and urgent business	32
16. Confidential reports	32

Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 31 October 2017 commencing at 7pm.

1. Welcome by the Mayor

Members of the public are advised the meeting will be recorded. The audio recording of the meeting will be made publicly available on Council's website.

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 Major Mark Kop of the Salvation Army, Greensborough.

4. Apologies

Motion

That the apologies be accepted.

5. Presentations

Sporting grants

Mathew Stephens (Ellis Ward) receives \$150 as a contribution for his selection to represent Victoria in the Under 19 Gravity Enduro Mountain Bike National Championships in Adelaide.

Ben Stephens (Ellis Ward) receives \$150 as a contribution for his selection to represent Victoria at the Under 17 Gravity Enduro Mountain Bike National Championships in Adelaide.

6. Confirmation of minute

Confirmation of minutes of the Council Meeting held on Tuesday 26 September 2017 and the Special Meeting held on Monday 30 October 2017.

Motion

That the minutes of the Council Meeting held on Tuesday 26 September 2017 and the Special Meeting held on Monday 30 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

PT.003/17

Council received a petition requesting Council reinstate the funding it provides to Hohnes Road Playhouse. The petition was received in two parts:

- A hard copy, paper-based version with 431 valid signatures
- An electronic copy of 577 signatories who signed a change.org online petition.

In accordance with the Meeting Procedure Local Law 2017, a valid petition must bear the wording of the whole of the petition or request on each page, and include the name, address and signature of petitioners. Not all hard copy pages submitted in this instance met the Local Law requirements. Only the signatories who provided their name, address (email) and signature were counted as valid.

The Meeting Procedure Local Law also allows that Council may, by resolution, accept electronic petitions if it is satisfied that the petition is authentic and has been received from a legitimate website.

Motion

That Council:

- 1. Accepts the electronic petition, being satisfied it is authentic and is from a legitimate website.**
- 2. Receives both parts of the petition.**
- 3. Refers the petition to the Director Services and Planning and Director Business and Strategy for consideration and response.**
- 4. Advises the petition organiser accordingly.**

9. Questions from the gallery

10. Reports of Advisory Committees

AC.008/17 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:

- Recreation Trails Advisory Committee meeting held 24 August 2017.
- Arts Advisory Committee meeting held 18 September 2017.
- Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group meeting held 20 September 2017.

Motion

That Council notes the:

1. **Recreation Trails Advisory Committee minutes 24 August 2017.**
2. **Arts Advisory Committee minutes 18 September 2017.**
3. **Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group minutes 20 September 2017.**

Attachments

1. Recreation Trails Advisory Committee minutes 24 August 2017.
2. Arts Advisory Committee minutes 18 September 2017
3. Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group minutes 20 September 2017

11. Reports of Special Committees

Nil

12. Officers' reports**OCM.119/17 Domestic Animal Management Plan 2017-2021**

Distribution: Public**Manager: Matt Kelleher, Director Services and Planning****Author: Phil Lovelace, Manager Community Safety****Summary**

In accordance with the *Domestic Animals Act 1994* Council must develop a new Domestic Animal Management Plan (DAMP) every four years. Council must submit a new DAMP to the Secretary of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) by November this year.

A draft Plan was adopted by Council at its August Ordinary Meeting and subsequently placed on public exhibition for a four week period during September. Additional consultation was conducted including a direct mail out to all residents who completed the original survey as well as text messages to all registered pet owners and residents. The draft Plan was promoted via the Council website and an advertisement in the Diamond Valley Leader newspaper. Copies were also available at all Council outstations.

At the Future Nillumbik Committee Meeting on 17 October 2017, the Committee (acting under delegation from Council) received and noted the submissions from the community on the draft DAMP and endorsed the recommended changes to the draft documents. Fifty nine written submissions were received to the draft DAMP, of these there were 202 comments or suggestions. Officers are recommending that the DAMP be amended to reflect the input of 17 of these comments. The remaining comments were supportive, already addressed or considered outside of the scope of the draft DAMP.

Officers have now made the final adjustments to the draft DAMP (Attachment 1) based on the feedback received during the community consultation period and following consideration of the presentations made at the Future Nillumbik Committee Meeting.

This report seeks Council endorsement for the adoption of the DAMP.

As required under the *Domestic Animals Act 1994*, a copy of the adopted Plan will then be provided to the Secretary of the DEDJTR.

Recommendation**That Council:**

- 1. Acknowledges the content of the presentations made by the submission writers and notes officer's responses as outlined at the Future Nillumbik Committee Meeting held on 17 October 2017.**
- 2. Adopts the revised Domestic Animal Management Plan 2017-2021.**
- 3. Writes to all submitters thanking them for their input into the Plan.**
- 4. Forwards a copy of the Plan to the Secretary of the Department of Economic Development, Jobs, Transport and Resources.**

12. Officers' reports

OCM.119/17 Domestic Animal Management Plan 2017-2021

Attachments

1. Domestic Animal Management Plan 2017-2021
2. *Domestic Animals Act 1994* section 68A

Background

1. In accordance with the *Domestic Animals Act 1994* (the Act), all Victorian councils must develop and adopt a Domestic Animal Management Plan (DAMP) every four years.
2. The specific requirements for a DAMP are contained within section 68A of the Act (Attachment 2) however the general purpose of the DAMP is to improve Council's animal management service for community benefit, address dog and cat overpopulation rates and reduce the risk of dangerous dogs.
3. The development of the draft DAMP included:
 - Benchmarking internal statistics against industry standards
 - Input from a community survey which was available to all residents (pet owners as well as non-owners) with Council receiving 842 completed surveys
 - Input from an internal staff working group.
4. The development of the draft DAMP included:
 - Input from an internal stakeholder working group of key departments across Council
 - Benchmarking performance against industry standards
 - Consultation with key industry groups including Getting to Zero (G2Z); the RSPCA, the Cat Protection Society (CPS), Australian Veterinary Association (AVA)
 - Consultation and community engagement including:
 - An online community survey and 'Have Your Say' submission link on Council's website, including the Living & Learning, Hurstbridge Hub and Edendale Farm pages, for all residents to complete (pet and non-pet owners)
 - 19,777 SMS messages were sent to residents encouraging participation
 - Flyers distributed throughout Council outstations, libraries and veterinarian practices
 - Correspondence posted and emailed directly to key Community Groups
 - A series of advertisements placed on social media platforms Facebook and Twitter and in the *Diamond Valley Leader* and *Whittlesea Crier*.
5. As a result of the above community consultation process, Council received 842 responses to the survey and 18 written submissions.

12. Officers' reports

OCM.119/17 Domestic Animal Management Plan 2017-2021

6. On 29 August 2017 Council endorsed the draft DAMP for further community consultation for a period of one month (between 1 September and 30 September).
7. The draft DAMP was then considered at the Future Nillumbik Committee Meeting held on 17 October 2017, the Committee (acting under delegation from Council) received and noted the submissions from the community on the draft DAMP and endorsed the recommended changes to the draft documents.

Policy context

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Promote responsible pet ownership. 3.4.1 Review and implement the Domestic Animal Management Plan (DAMP)

Budget implications

9. The cost to produce the draft Plan has been \$20,000 which includes consultancy and advertising costs.
10. Variations to annual operating budgets may be required in the future due to increase registration compliance and education/enforcement programs.

Consultation/communication

11. After formal adoption of the draft DAMP by Council in August, a similar approach was taken to further consult with the community which included;
 - 19,777 SMS messages sent to residents inviting them to review and comment on the Draft DAMP with a link to our website.
 - Promoting the draft DAMP on 'Have Your Say' submission link on Council's website, including the Living & Learning, Hurstbridge Hub and Edendale Farm pages;
 - Draft DAMPs being distributed to Council outstations and libraries; and
 - Direct email to 293 survey respondents who requested further information when the draft was developed.
12. As a result of this process, 59 submissions were received, of these there were 202 comments/suggestions. Officers recommend that 17 of these comments/suggestions be used to amend the draft DAMP. The remaining comments were considered to be already addressed within the draft DAMP, or are outside of the scope of the draft Plan.

Issues/options

13. The key themes from the feedback were:

Key themes	No.	% of total comments/suggestions
Dog off-leash areas	19	9.4
Cat confinement	9	4.4
Dog excrement	6	3.0
Nuisance barking	5	2.5

12. Officers' reports

OCM.119/17 Domestic Animal Management Plan 2017-2021

Key themes	No.	% of total comments/suggestions
Other animals (fox, rabbits, goats etc)	5	2.5
Animal welfare	5	2.5
Pet education	4	2.0
Permits for number of dogs	3	1.5
Euthanasia rates	3	1.5
Family violence	2	1.0

- 14. The main issue raised by submitters related to the provisions of dog off-leash areas/dog parks, which is addressed in Action 19 of the draft DAMP. Cat confinement was also noted as an issue which is addressed in Actions 8, 10, 16 and 17.
- 15. There were also a number of suggestions in relation to the Amenity Local Law requirement for a permit to keep more than two dog and/or two cats for larger rural properties. This will be further considered by Council as a separate item in 2018.

Conclusion

- 16. There is research and evidence reinforcing the positive benefits from owning pets. There is also much research available on the health benefits of owning and exercising a dog, particularly the social dynamics associated with dog owners interacting. The DAMP has identified a number of actions which will further support and enhance these benefits.
- 17. Following the adoption of this DAMP, the first annual action plan will be developed.
- 18. The DAMP will be reviewed annually in accordance with the Act.

12. Officers' reports

OCM.120/17 Child Safe Standards Legislation

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Narelle Hart, Acting Manager Community Programs

Summary

This report is to advise council of the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*, and Council's obligations as a category 1 organisation to the Child Safe Standards.

Recommendation

That Council endorse the Child Safe Policy.

Attachments

1. Child Safe Policy

Background

1. On 17 April 2012, the Victorian Government initiated the *Family and Community Development Committee's Inquiry into the Handling of Child Abuse by Religious and Other Organisations* (Betrayal of Trust Inquiry).
2. The Betrayal of Trust report was tabled in Parliament on 13 November 2013 and made 15 recommendations including compulsory minimum standards for creating child safe environments and changes to criminal law reform including three new offences that focused on immediate safety of children:
 - Grooming (commenced 9 April 2014)
 - Failure to disclose child sexual abuse (commenced 27 October 2014)
 - Failure to protect a child from sexual abuse (commenced 1 July 2015)
3. On 26 November 2015, the Victorian Parliament passed the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*, (the Act) to introduce Child Safe Standards.
4. The seven child safe standards are:
 1. Strategies to embed an organisational culture of child safety, including through effective leadership arrangements
 2. A child safe policy or statement of commitment to child safety
 3. A code of conduct that establishes clear expectations for appropriate behaviour with children
 4. Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
 5. Processes for responding to and reporting suspected child abuse

12. Officers' reports

OCM.120/17 Child Safe Standards Legislation

6. Identify and reduce or remove risks of child abuse
7. Promote the participation and empowerment of children
5. Under the amended Act, Category 1 organisations which are those currently funded or regulated by government, including Local Government, are required to work towards compliance of the Child Safe Standards from 1 January 2016.
6. To comply with the Child Safe Standards an organisation must include the following principles as part of each standard:
 - Promote the cultural safety of Aboriginal children
 - Promote the cultural safety of children from culturally and/or linguistically diverse backgrounds
 - Promote the safety of children with a disability

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. Whilst most of the strategies to implement the requirements of the Child Safe Standards can be met within current budget allocation and resources; it is anticipated that a budget allocation from Council will be required for initial implementation of strategies relating to Standard Four in relation to the development and undertaking of staff training and Standard Seven in relation to promoting the participation and empowerment of children.
9. It is anticipated the training requirements in the 2017-2018 will cost approximately \$10,000 to ensure all current staff undergo required training. Should additional funding be required to meet these requirements, this will be presented as part of the mid-year budget review.

Consultation/communication

10. An internal working group of cross-departmental Council officers have been working together to understand Council's responsibilities under the legislation and to develop a framework to ensure Council will be compliant with the legislation.
11. Further consultation with the broader organisation will commence as part of the implementation of standards.

Issues/options

12. All Councillors, employees, contractors and volunteers have a duty of care to protect children from abuse and report any alleged abuse.
13. Further to this, it has now been recognised that protecting and reporting on child abuse is a community-wide responsibility.
14. Council will promote its commitment to the Child Safe Standards across the community and will ensure all third parties who access Council resources and assets are aware of the child safe and understand their respective responsibilities to them.

12. Officers' reports

OCM.120/17 Child Safe Standards Legislation

15. Following the changes to the law reform, there are new mandatory responsibilities relating to reporting and responding to suspected child abuse cases that will impact on Nillumbik's councillors, employees, contractors and volunteers as individuals, and on Council as an organisation.
16. Further to this it is recommended that organisations nominate a Child Safe Officer to be the point of contact for staff and children where there is a suspected abuse or child safety concern.
17. The Shire of Nillumbik currently has a population of 14,862 children and provides a range of services to children under the age of 18 years. Council employs a high number of employees, contractors and volunteers who undertake child related work.
18. It is anticipated that the policy will be implemented and the commencement of strategies being embedded into practice by the end of 2017.

Conclusion

19. Council is mandated to comply with the Child Safe Standards under the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*.
20. Council must now commence implementation by adopting a Child Safe Policy stating Council's commitment and strategy aimed to drive cultural change with the organisation so that protecting children from abuse is embedded in the everyday thinking and practice of Council and its staff.

12. Officers' reports

OCM.121/17 September Quarter Financial Report

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Robert Malignaggi, Management Accountant

Summary

This report outlines Council's financial performance and financial position for the period ending 30 September 2017.

The Income Statement shows an overall favourable year to date (YTD) variance of \$360,984 representing 0.9 per cent of YTD Budget. This reflects the combined result of higher-than-budgeted operating income of \$815,423 and higher-than-budgeted operating expenses of (\$454,439).

Council's overall financial position at the end of this quarter is sound, and continues to be actively monitored.

Recommendation

That Council receives and notes the Financial Report for the period ended 30 September 2017.

Attachments

1. September Quarterly Finance Report

Background

1. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
2. Operating expenditure excludes non-operating transactions such as capital works investment, which are separately detailed in the report.
3. The report compares actual performance to budgeted targets at this stage of the financial year.

Policy context

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

Budget implications

5. This is a standard reporting item to Council, the associated costs for which are included in the current budget.

Consultation/communication

6. The Budget was subject to public exhibition prior to its final adoption by Council.

12. Officers' reports

OCM.121/17 September Quarter Financial Report

Issues/options

7. The detailed Financial Report for the period ended 30 September 2017 is provided at Attachment 1. This report is an analysis of Council's financial performance and financial position as at 30 September 2017. The report also includes an analysis of budget variances.

Income statement

8. Council closed the period ending 30 September 2017 with a favourable YTD variance of \$360,984 based on actual operating revenue, costs and commitments. This represents 0.9 per cent of the YTD Budget.
9. The overall variance is made up of the following:
- Income – \$815,423 (1.24 per cent) favourable variance. This includes new/additional grant funding \$326,705, developer contributions \$187,900, user charges \$89,466 and statutory fees and fines \$69,069, with the balance comprising of a number of minor variances across the organisation (refer to page 6 in Attachment 1). It should be noted that the extra income from grants and developer contributions is tied to specific purposes.
 - Expenditure – (\$454,439) (1.99 per cent) unfavourable, mainly attributed to higher than anticipated YTD materials and related costs (\$265,943) and external contract costs (\$208,961). Additional details on variances are located on pages 7 and 8 in Attachment 1.

Balance sheet

10. The balance sheet reflects Council's financial position at 30 September 2017 and is prepared in compliance with the Australian Accounting Standards.
11. Council's balance sheet (page 4 in Attachment 1) continues to show a strong net position. This is represented by \$861.6 million of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$45.1 million, which results in net assets of \$816.5 million.

Statement of cash flows

12. The statement of cash flows captures Council's actual cash transactions for the period.
13. Council is showing a cash position of \$38.4 million after all cash transactions for the period to date.
14. The \$38.4 million includes \$28.5 million held in investments as detailed on page 13 of Attachment 1.

Capital works

15. The YTD expenditure relating to capital works is reported on pages 9 and 10 in Attachment 1.
16. This shows an unfavourable variance of (\$1.7 million) relative to YTD budget. Details of the variance are listed on pages 9 and 10 of Attachment 1.

12. Officers' reports

OCM.121/17 September Quarter Financial Report

17. Specific commentary regarding project expenditure to date for the Eltham Leisure Centre redevelopment (across multiple financial years) is provided on page 11 of Attachment 1.

Other information

18. New Initiatives are reported on page 12 of Attachment 1. Expenditure on New Initiatives currently shows an unfavourable variance of (\$128,055) which is primarily due to timing issues. It is expected that full year expenditure on New Initiatives will be within budget.
19. Investment activities are consistent with Council's Adopted Investment Policy and in accordance with section 143 of the *Victorian Local Government Act 1989*. A summary of investments and loans is provided on page 13 of Attachment 1.
20. A summary of significant grant funding received (grants over \$50,000) for the period 1 July to 30 September 2017 is provided on page 15 of the attached report.

Conclusion

21. Council's overall financial position at the end of September 2017 is considered sound and continues to be closely monitored to ensure budgeted outcomes are achieved.

12. Officers' reports

OCM.122/17 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 Special Charge Scheme, Research (Item OCM.121/16). This has now been completed.

This report commences the statutory process to levy the special charge. Council must first give notice of its intention to declare a special charge and then hear any submissions and/or objections to the scheme. Following this, Council may resolve to declare, vary or abandon the scheme.

Recommendation

That:

- 1. Council gives 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 subject to the following conditions:

 - a) The Special Charge Scheme shall apply to the properties in the Camelot Close, Research and to the section of road as shown in Attachment 1.**
 - b) The apportionment cost to each property is based on the method shown in the report and Attachment 2.**
 - c) The total estimated cost to each property is shown in Attachment 3 and may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.**
 - d) The interest rate applicable to instalments paid by each due date is to be one per cent higher than the rate applying to Council in relation to funds borrowed for this project.****
- 2. The Special Charge Scheme for Camelot Close shall remain in force for 10 years.**
- 3. Within 12 months of the completion of works, a final cost statement will be issued to all properties in Camelot Close and any adjustment to liabilities will be made at the time.**

12. Officers' reports

OCM.122/17 Camelot Close Special Charge Scheme, Research - Intention to declare

4. The estimated total project cost is \$115,565 with a benefit ratio of 0.7853 (78.53 per cent). The total amount to be levied under this special charge is \$90,748. Council will be contributing \$18,377 for a Council property at Allotment 9 (plan of subdivision 056150) and \$6,440 for culvert upgrade and associated drainage works at the Research-Warrandyte intersection. This amount will be referred to the 2017-2018 Capital Works Program.

Attachments

1. Properties included in proposed scheme
2. Guidelines for Apportionment of Costs for Road Construction
3. Apportionment to affected properties

Background

1. On 20 January 2016, Council received a petition signed by property owners in Camelot Close, Research requesting that Council investigate road sealing.
2. 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 Special Charge Scheme, Research (Item OCM.121/16).

Policy context

3. 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

4. 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.
5. Council will have a liability of \$18,377 for the Council property Allotment 9 (plan of subdivision 056150) that is included as part of the scheme. This cost will be sought from the 2017-2018 Capital Works Program, if a scheme is to proceed.
6. Council will have a liability of \$6,440 for the culvert upgrade and associated drainage works at the Research-Warrandyte intersection that is included as part of the scheme as shown in Attachment 1. This cost will be sought from the 2017-2018 Capital Works Program, if a scheme is to proceed.

Consultation/communication

7. Consultation has been carried out in line with Council's Special Rates and Charges Policy and Procedure:
 - Questionnaires were sent to property owners included in the scheme on 20 May 2016. Three out of five properties (60 per cent) were in support.

12. Officers' reports

OCM.122/17 Camelot Close Special Charge Scheme, Research - Intention to declare

- An information session was held for the property owners involved in the scheme on 15 September 2016 to discuss the proposed design as well as the remainder of the Special Charge Scheme and consultation procedure.
- Task group meetings were held on 1 March and 15 June 2017 to develop the design.
- A final information session for all property owners participating in the scheme was held on 18 September 2017 and was attended by property owners and representatives of four properties.

Issues/options

8. The proposal for Camelot Close is a rural construction standard with open table drains and a sprayed seal surface. This standard is considered appropriate as property sizes are greater than 0.4ha and are considered able to absorb storm water on site.
9. As part of the consultation process the proposed liabilities to the scheme were reviewed and two changes from the initial apportionment have been made:
 - 6-7 Camelot Close has a reduced benefit unit from 1.5 benefit units to 1 benefit unit and has had 17 metres of the frontage removed.
 - Allotment 9 (plan of subdivision 056150) has been included in the scheme and apportioned 1 benefit unit and frontage of 112 metres to the scheme as per Attachment 3.
10. The final estimated property liabilities have decreased due to the inclusion of Allotment 9 and reduction in benefit unit for 6-7 Camelot Close. Modifications to the initial proposal include removing the asphalt section on the curve, replacing sections of open table drains with asphalt table drains and the addition of the two turning areas.
11. The special benefit of the road construction is considered to be improved access and amenity to property owners and the residents in the scheme. There is also a Council property Allotment 9 (plan of subdivision 056150) within the scheme for which Council is required to contribute \$18,377. Council is also contributing a further \$6,440 for the culvert upgrade and associated drainage works at the Research-Warrandyte intersection. Therefore, the benefit ratio is 0.7853 (78.53 per cent).

Appeal rights

12. Property owners have two further avenues for input during the statutory process.
13. The first is when Council serves notice of its intention to declare a Special Charge Scheme for Camelot Close. At this time:
 - Any person may make a submission in accordance with section 223 of the *Local Government Act 1989* in relation to Council's proposal to declare a scheme.
 - Any person required to pay the special charge may object to the proposed declaration. If objections are received from more than 50 per cent of affected properties, Council will not be able to proceed with the scheme.

12. Officers' reports

OCM.122/17 Camelot Close Special Charge Scheme, Research - Intention to declare

14. The second opportunity is when Council formally declares a Special Charge Scheme for Camelot Close, at which time property owners will have the right to appeal to the Victorian Civil and Administrative Tribunal (VCAT).

Apportionment method

15. 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 2.

Conclusion

16. The consultation process for the Camelot Close Special Charge Scheme has been completed in line with Council's Special Rates and Charges Policy and Procedure.
17. The next stage in the scheme is for Council to commence the statutory process by resolving to issue a notice of intention to declare the scheme, publicly advertising the intention to declare the scheme and notifying all affected property owners.

12. Officers' reports

OCM.123/17 Rodger Road Special Charge Scheme, Panton Hill – Intention to declare

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Matthew Theuma, Engineer

Summary

On 24 March 2016, Council received a petition signed by property owners in Rodger Road, Panton Hill requesting that Council investigate road sealing between Bishops Road and Lawrence Road.

After conducting a survey and determining over 60 per cent of property owners support road sealing, Council resolved on 13 September 2016 to proceed with the consultation process for the Rodger Road Special Charge Scheme, Panton Hill (Item OCM.152/16). This has now been completed.

This report commences the statutory process to levy the special charge. Council must first give notice of its intention to declare a special charge, then hear any submissions and/or objections to the scheme. Following this, Council may resolve to declare, vary or abandon the scheme.

Recommendation

That:

1. **Council Gives 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 Rodger Road (between Bishops Road and Lawrence Road) subject to the following conditions:**
 - a) **The Special Charge Scheme shall apply to the properties in Rodger Road, Panton Hill, as shown in Attachment 1.**
 - b) **The apportionment cost to each property is based on the method shown in the report and Attachment 2.**
 - c) **The total estimated cost to each property is shown in Attachment 3 and may be paid as a lump sum or by quarterly instalments over a ten year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.**
 - d) **The interest rate applicable to instalments paid by each due date is to be one per cent higher than the rate applying to Council in relation to funds borrowed for this project.**
2. **The Special Charge Scheme for Rodger Road, Panton Hill shall remain in force for 10 years.**
3. **Within 12 months of the completion of works, a final cost statement will be issued to all properties in Rodger Road, Panton Hill and any adjustment to liabilities will be made at the time.**

12. Officers' reports

OCM.123/17 Rodger Road Special Charge Scheme, Panton Hill – Intention to declare

4. The estimated total project cost is \$436,453 with a benefit ratio of 0.8884' (88.84 per cent). The total amount to be levied under this special charge is \$387,762 Council will be contributing \$48,691 for a Council property 105 Rodger Road known as Bunjil Reserve. This amount will be referred to the 2017-2018 Capital Works Program.

Attachments

1. Properties included in proposed scheme
2. Guidelines for Apportionment of Costs for Road Construction
3. Apportionment to affected properties

Background

1. On 24 March 2016, Council received a petition signed by property owners in Rodger Road, Panton Hill requesting that Council investigate road sealing between Bishops Road and Lawrence Road.
2. After conducting a survey and determining over 60 per cent of property owners support road sealing, Council resolved on 13 September 2016 to proceed with the consultation process for the Rodger Road Special Charge Scheme, Panton Hill (Item OCM.152/16).

Policy context

3. 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

4. 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.
5. Council will have a liability of \$48,691 for the Council property 105 Rodger Road, known as Bunjil Reserve, that is included as part of the scheme. This cost will be sought from the 2017-2018 Capital Works Program, if a scheme is to proceed.

Consultation/communication

6. Consultation has been carried out in line with Council's Special Rates and Charges Policy and Procedure:
 - Questionnaires were sent to all affected property owners in Rodger Road and Gathercole Lane, Panton Hill, on 27 May 2016. Feedback received from property owners indicated that there was little support to include Gathercole Lane in the scheme.

12. Officers' reports

OCM.123/17 Rodger Road Special Charge Scheme, Panton Hill – Intention to declare

- Revised questionnaires were then sent to all property owners in Rodger Road on 11 August 2016. 11 of 18 properties (61 per cent) were in support for construction works on Rodger Road only.
- An information session was held for the property owners involved in the scheme on 1 December 2016 to discuss the proposed design and the remainder of the Special Charge Scheme and consultation procedure.
- Task group meetings were held on 22 March and 28 June 2017 to develop the proposed design.
- A final information session for all property owners in the scheme was held on 27 September 2017 and was attended by property owners representing five properties.

Issues/options

7. The proposal for Rodger Road is a rural construction standard with open table drains and a sprayed seal surface. This standard is considered appropriate as property sizes are greater than 0.4ha and are considered able to absorb storm water on site.
8. The final estimated cost of the project has increased 17.2 per cent due to modifications to the project. These modifications include changes to road width, additional earthworks, sealing of steeper sections of road with asphalt and replacing sections of the existing open table drains with asphalt table drains.
9. Approximately 85 metres of the road to be sealed forms part of Nillumbik's regional trail network. As sealed roads are considered unsuitable for horse trail riders, it is recommended that an alternative off-road alignment for this section of the trail be investigated.
10. The special benefit of the road construction is considered to be improved access and amenity to property owners and the residents in the scheme. There is a Council property (105 Rodger Road) within the scheme for which Council is required to contribute \$48,691. Therefore, the benefit ratio is 0.8884 (88.84 per cent).

Appeal rights

11. Property owners have two further avenues for input during the statutory process.
12. The first is when Council serves notice of its intention to declare a Special Charge Scheme for Rodger Road. At this time:
 - Any person may make a submission in accordance with section 223 of the *Local Government Act 1989* in relation to Council's proposal to declare a scheme.
 - Any person required to pay the special charge may object to the proposed declaration. If objections are received from more than 50 per cent of affected properties, Council will not be able to proceed with the scheme.
13. The second opportunity is when Council formally declares a Special Charge Scheme for Rodger Road, at which time property owners will have the right to appeal to the Victorian Civil and Administrative Tribunal (VCAT).

12. Officers' reports

OCM.123/17 Rodger Road Special Charge Scheme, Pantan Hill – Intention to declare

Apportionment method

14. 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 2.

Conclusion

15. The consultation process for the Rodger Road Special Charge Scheme has been completed in line with Council's Special Rates and Charges Policy and Procedure.
16. The next stage in the scheme is for Council to commence the statutory process by resolving to issue a notice of intention to declare the scheme, publicly advertise the intention to declare the scheme and notify all affected property owners.

12. Officers' reports**OCM.124/17 Worns Lane Special Charge Scheme, Yarrambat - Intention to declare**

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

On 19 February 2016, Council received a petition signed by property owners requesting that Council investigate road sealing of a section of Worns Lane between Latrobe Road and Licola Street, Yarrambat.

After conducting a survey and determining over 60 per cent of property owners support road sealing, Council resolved on 26 July 2016 to proceed with the consultation process for the Worns Lane Special Charge Scheme, Yarrambat (Item OCM.122/16). This has now been completed.

This report commences the statutory process to levy the special charge. Council must first give notice of its intention to declare a special charge, then hear any submissions and/or objections to the scheme. Following this, Council may resolve to declare, vary or abandon the scheme.

Recommendation

That:

- 1. Council gives 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 Worns Lane (between Latrobe Road and Licola Street) subject to the following conditions:**
 - a) The Special Charge Scheme shall apply to the properties in Worns Lane, Yarrambat as shown in Attachment 1.**
 - b) The apportionment cost to each property is based on the method shown in the report and Attachment 2.**
 - c) The total estimated cost to each property is shown in Attachment 3 and may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.**
 - d) The interest rate applicable to instalments paid by each due date is to be one per cent higher than the rate applying to Council in relation to funds borrowed for this project.**
- 2. The Special Charge Scheme for Worns Lane, Yarrambat shall remain in force for 10 years.**
- 3. Within 12 months of the completion of works a final cost statement will be issued to all properties in Worns Lane, Yarrambat and any adjustment to liabilities will be made at the time.**
- 4. The estimated total project cost is \$227,746 with a benefit ratio of 'one' (100 per cent). The total amount to be levied under this special charge is \$227,746.**

12. Officers' reports

OCM.124/17 Worns Lane Special Charge Scheme, Yarrambat - Intention to declare

Attachments

1. Properties included in proposed scheme
2. Guidelines for Apportionment of Costs for Road Construction
3. Apportionment to affected properties

Background

1. On 19 February 2016, Council received a petition signed by property owners requesting that Council investigate road sealing of a section of Worns Lane between Latrobe Road and Licola Street, Yarrambat.
2. After conducting a survey and determining over 60 per cent of property owners support road sealing, Council resolved on 26 July 2016 to proceed with the consultation process for the Worns Lane Special Charge Scheme, Yarrambat (Item OCM.122/16).

Policy context

3. 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

4. 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.

Consultation/communication

5. Consultation has been carried out in line with Council's Special Rates and Charges Policy and Procedure:
 - Questionnaires were sent to property owners included in the scheme on 18 April 2016. Seven out of 11 properties (63.6 per cent) were in support.
 - An information session was held for the property owners involved in the scheme on 17 August 2016 to discuss the proposed design and the remainder of the Special Charge Scheme and consultation procedure.
 - Task group meetings were held on 16 February and 22 June 2017 to develop the proposed design.
 - A final information session for all property owners in the scheme was held on 11 October 2017 and was attended by property owners representing two properties.

Issues/options

6. The proposal for Worns Lane is a rural construction standard with open table drains and a sprayed seal surface. This standard is considered appropriate as property sizes are greater than 0.4ha and are considered able to absorb storm water on site.

12. Officers' reports

OCM.124/17 Worns Lane Special Charge Scheme, Yarrambat - Intention to declare

7. The final estimated cost of the project has increased by approximately 0.4 per cent due to modifications to the project. These modifications include changes to road widths, increased crossover lengths, increased drainage culvert sizes and replacing sections of the existing open table drains with asphalt table drains.
8. The special benefit of the road construction is considered to be improved access and amenity to property owners and the residents in the scheme. There is no Council land within the scheme and the standard of the road will not need to increase beyond the normal residential standard in the area. Considering this, it has been determined that there is no special benefit to the community and no special benefit to properties not included in the scheme. Therefore, the benefit ratio is 'one' (100 per cent).

Appeal rights

9. Property owners have two further avenues for input during the statutory process.
10. The first is when Council serves notice of its intention to declare a Special Charge Scheme for Worns Lane. At this time:
 - Any person may make a submission in accordance with section 223 of the *Local Government Act 1989* in relation to Council's proposal to declare a scheme.
 - Any person required to pay the special charge may object to the proposed declaration. If objections are received from more than 50 per cent of affected properties, Council will not be able to proceed with the scheme.
11. The second opportunity is when Council formally declares a Special Charge Scheme for Worns Lane, property owners will have the right to appeal to the Victorian Civil and Administrative Tribunal (VCAT).

Apportionment method

12. 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 2.

Conclusion

13. The consultation process for the Worns Lane Special Charge Scheme has been completed in line with Council's Special Rates and Charges Policy and Procedure.
14. The next stage in the scheme is for Council to commence the statutory process by resolving to issue a notice of intention to declare the scheme, publicly advertise the intention to declare the scheme and notify all affected property owners.

12. Officers' reports

OCM.125/17 Design and construction of the Gipson Street Bridge, Gipson Street, Diamond Creek - tender report

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

As part of Development Plan Overlay 1 (DPO1) and Development Plan Overlay 2 (DOP2), it was identified that the existing single lane, timber road bridge in Gipson Street, Diamond Creek would need to be upgraded to a concrete two lane, two-way road bridge to accommodate the increased vehicle traffic generated by the development of land to the north of Gipson Street.

Contributions from developers have been received as the land is developed to support funding of this project.

Under the conditions set out in the development plans Council is now required to undertake these works.

This report recommends the awarding of the contract for the replacement of the existing timber road bridge. These works will include the design and construction of the new bridge, complete removal of the existing bridge, footpath extensions, guard rail, approach works and other miscellaneous items.

The Tender Evaluation Panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the design and construction of the Gipson Street Road Bridge, Diamond Creek.

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/s.

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.126/17 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 26 September 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	26 September 2017	
	Matters considered	Pre-meeting for the Ordinary Council Meeting	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Grant Brooker Cr John Dumaresq	Cr Peter Perkins Cr Jane Ashton Cr Bruce Ranken
	Staff present	Mark Stoermer Rachel Cooper Hjalmar Philipp Matt Kelleher Allison Watt	Mitch Grayson James Martin Jon Miller Justin Murray Naomi Paton
	Conflict of interest	None declared	

2	Date of assembly	26 September 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Prevention of violence against women 2017 	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Grant Brooker Cr John Dumaresq	Cr Peter Perkins Cr Jane Ashton Cr Bruce Ranken

12. Officers' reports

OCM.126/17 Assemblies of Councillors

	Staff present	Mark Stoermer Allison Watt Narelle Hart Jodie Leahy Diana Bell Rachel Cooper Justin Murray	Hjalmar Philipp Mitch Grayson James Martin Naomi Paton Matt Kelleher Jeremy Livingston Jon Miller
	Conflict of interest	None declared	

3	Date of assembly	10 October 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Eltham South community sewerage program update • Child Safe Standards legislation • Draft Domestic Animal Management Plan 2017-2021 • Surplus Council land sales program • Know Your Council website 	
	Councillors present	Cr John Dumaresq Cr Grant Brooker Cr Peter Clarke	Cr Karen Egan Cr Peter Perkins Cr Jane Ashton
	Staff present	Mark Stoermer Allison Watt Mitch Grayson Matt Kelleher Hjalmar Philipp Jonathan McNally	Leah Farrell Narelle Hart Phil Lovelace Vince Lombardi Jon Miller
	Conflict of interest	None declared	

4	Date of assembly	11 October 2017	
	Matters considered	Open Space Precinct, Graysharps Road, Hurstbridge Project Reference Group	
	Councillors present	Cr Karen Egan	
	Staff present	Nichole Johnson	Paige Macdonald
	Conflict of interest	None declared	

12. Officers' reports

OCM.126/17 Assemblies of Councillors

5	Date of assembly	17 October 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Civic Drive community facilities update • Tender for management of Diamond Creek Community Centre 	
	Councillors present	Cr Bruce Ranken Cr Peter Perkins Cr Grant Brooker	Cr John Dumaresq Cr Jane Ashton Cr Karen Egan
	Staff present	Mark Stoermer Matt Kelleher Hjalmar Philipp Rachel Cooper Allison Watt Naomi Paton	Paige Macdonald Jeff Chambers Mitch Grayson Frances Duncan James Martin
	Conflict of interest	None declared	

6	Date of assembly	17 October 2017	
	Matters considered	Pre-meeting for the Future Nillumbik Committee	
	Councillors present	Cr Karen Egan Cr Jane Ashton Cr Bruce Ranken	Cr Peter Perkins Cr John Dumaresq Cr Grant Brooker
	Staff present	Mark Stoermer Rachel Cooper Matt Kelleher Hjalmar Philipp Phil Lovelace	Natalie Hall Mitch Grayson James Martin Allison Watt Justin Murray
	Conflict of interest	None declared	

7	Date of assembly	19 October 2017	
	Matters considered	Inclusion Advisory Committee and Disability Action Planning Subcommittee	
	Councillors present	Cr Jane Ashton	
	Staff present	Angela Lampard Angela Clare	Jane Lawson
	Conflict of interest	None declared	

12. Officers' reports

OCM.126/17 Assemblies of Councillors

8	Date of assembly	24 October 2017	
	Matters considered	Councillor workshop	
	Councillors present	Cr Karen Egan Cr John Dumaresq Cr Peter Perkins	Cr Jane Ashton Cr Peter Clarke Cr Bruce Ranken
	Staff present	Mark Stoermer Rachel Cooper Suzy Ellingsen Vince Lombardi	Allison Watt Mitch Grayson Hjalmer Philipp Matt Kelleher
	Conflict of interest	None declared	

Attachments

Nil

Background

1. Amendments to the *Local Government Act 1989* (the Act) in October 2010 require records of assemblies of Councillors to 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 2013-2017 strategy 'we will meet our legal responsibilities and manage our 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.
 - 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.

12. Officers' reports

OCM.126/17 Assemblies of Councillors

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. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 26 September 2017.

Conclusion

9. 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 item, which is confidential for the reason indicated:

Report No.	Title	Reason for confidentiality
OCM.127/17	Design and construction of the Gipson Street Bridge, Gipson Street, Diamond Creek - tender report	(d) contractual matters