

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 13 September 2016 commencing at 7pm.

Agenda

Stuart Burdack
Chief Executive Officer

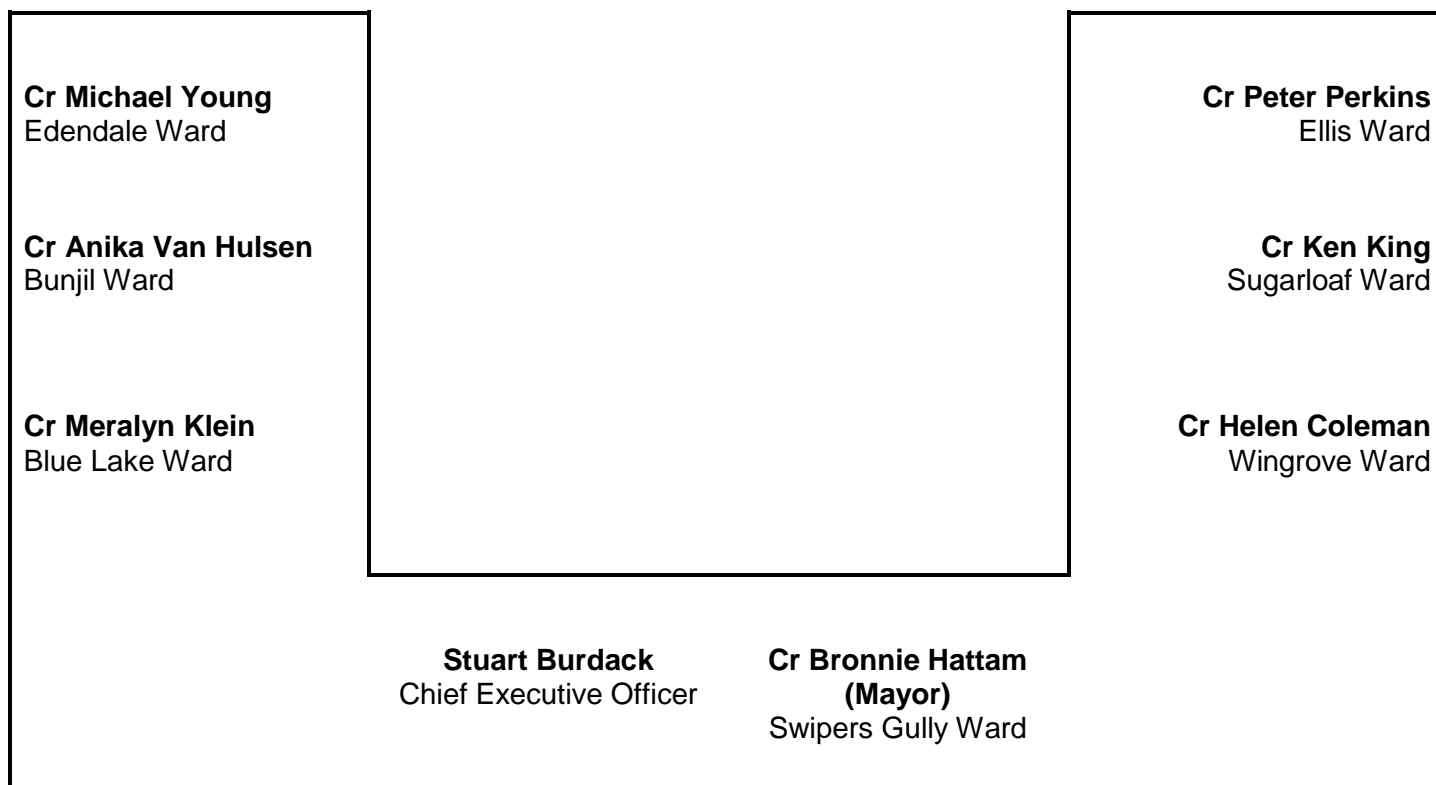
Wednesday 7 September 2016

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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 an audio recording of this meeting will be made for the purpose of verifying the accuracy of the minutes.

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 13 September 2016 commencing at 7pm.

Welcome by the Mayor

Members of the public are advised the meeting will be recorded for the purpose of verifying the accuracy of the minutes.

1. 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.

2. Prayer

A prayer will be read by, Associate Pastor Paul Huglin of the Diamond Valley Baptist Church.

3. Good governance pledge

As Councillors, we are mindful of our civic responsibilities and obligations. We pledge to take them seriously, and to carry them out with diligence and integrity.

We know the decisions we take will affect the people and environment of Nillumbik, now and in the future. We undertake, therefore, to make sound and principled decisions of lasting value, in a spirit of fairness and for the good of all.

We also pledge to serve the needs and wellbeing of the community and the environment, in an open and honest manner and to the best of our abilities.

4. Apologies

Motion

That the apologies be accepted.

5. Presentations

Sporting grants

Lachy Batchelor (Blue Lake Ward) receives \$150 contribution for his selection to represent Victoria at the Australian U/14 Boys Club championships in New South Wales.

Sasha Brooke (Edendale Ward) receives \$150 contribution for her selection to represent Victoria at the 2016 Australian Junior Volleyball Championships in Queensland.

Cultural achievement grant

Emily Naylor (Swipers Gully Ward) receives \$200 for her selection to the Young Australian Broadway Chorus international performance tour themed, 'This is Australia'. Emily will represent young Australian talent in America touring with the company with performances in Chicago, New York, Washington DC, Disneyland and Universal Studios in Los Angeles.

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 23 August 2016.

Motion

That the minutes of the Council Meeting held on Tuesday 23 August 2016 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.009/16 Advisory Committee Report

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Tracey Classon, Personal Assistant to General Manager Corporate Services

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 Advisory Committee held 3 February and 6 April 2016
- Eltham MAC Development Forum held 15 February 2016
- Panton Hill Bushland Reserves User Group Committee held 24 February and 4 August 2016
- Nillumbik Economic Development Advisory Committee held 3 March and 9 June 2016
- Eltham North Reserve Reference Group held 7 March 2016
- Eltham Activity Centre Forum held 4 April and 30 May 2016
- Memorials Advisory Committee held 20 May 2016
- Living & Learning Nillumbik Advisory Committee held 25 May, 27 July and 24 August 2016
- Green Wedge Management Plan Implementation Advisory Committee held 8 June 2016
- Liveable Nillumbik Community Reference Group meeting held 14 July 2016
- Arts Acquisition Advisory Committee 1 August 2016
- Recreation Trails Advisory Committee held 25 August 2016
- Edendale Advisory Committee held 28 August 2016

Motion

That Council notes the following Advisory Committee minutes:

- 1. Environment Advisory Committee held 3 February and 6 April 2016**
- 2. Eltham MAC Development Forum held 15 February 2016**
- 3. Panton Hill Bushland Reserves User Group Committee held 24 February and 4 August 2016**
- 4. Nillumbik Economic Development Advisory Committee held 3 March and 9 June 2016**

10. Reports of Advisory Committees

AC.009/16 Advisory Committee Report

5. **Eltham North Reserve Reference Group held 7 March 2016**
6. **Eltham Activity Centre Forum held 4 April and 30 May 2016**
7. **Memorials Advisory Committee held 20 May 2016**
8. **Living & Learning Nillumbik Advisory Committee held 25 May, 27 July and 24 August 2016**
9. **Green Wedge Management Plan Implementation Advisory Committee held 8 June 2016**
10. **Liveable Nillumbik Community Reference Group meeting held 14 July 2016**
11. **Arts Acquisition Advisory Committee held 1 August 2016**
12. **Recreation Trails Advisory Committee held 25 August 2016**
13. **Edendale Advisory Committee held 28 August 2016.**

Attachments

1. Environment Advisory Committee Minutes 3 February and 6 April 2016
2. Eltham MAC Development Forum Minutes 15 February 2016
3. Nillumbik Economic Development Advisory Committee Minutes 3 March and 9 June 2016
4. Eltham North Reserve Reference Group Minutes 7 March 2016
5. Eltham Activity Centre Forum Minutes 4 April and 30 May 2016
6. Memorials Advisory Committee Minutes 20 May 2016
7. Living & Learning Nillumbik Advisory Committee Minutes 25 May, 27 July and 24 August 2016
8. Green Wedge Management Plan Implementation Committee Minutes 8 June 2016
9. Liveable Nillumbik Community Reference Group meeting held 14 July 2016
10. Arts Acquisition Advisory Committee Minutes 1 Aug 2016
11. Panton Hill Reserves User Group Minutes 4 August and 23 February 2016
12. Recreational Trails Advisory Committee Minutes 4 August and 23 February 2016
13. Edendale Advisory Committee Minutes 28 August 2016

11. Reports of Special Committees

Policy and Services Committee

PS.032/16 Hillmartin Lane Area Special Charge Scheme, Diamond Creek

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Anita Devi, Project Engineer

Summary

Council at its July 2016 Ordinary meeting (Item OCM.123/16) resolved to commence the statutory process by issuing a notice of intention to declare a Special Charge Scheme for the Hillmartin Lane area, Diamond Creek following the completion of the consultation process.

Council’s notice of the intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 3 August 2015. A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has received two submissions from the property owners of 13-27 Hillmartin Lane and 97-107 Hillmartin Lane and two objections (and submissions) to the scheme from property owners of 29-47 Hillmartin Lane and 139-151 Ironbark Road. This represents four submissions and two objections from four of the 38 affected properties.

This report from the Policy and Services Committee recommends to Council that it formally declares the Hillmartin Lane Area Special Charge Scheme.

Speaker

Bernard Evans addressed the Policy and Services Committee on Tuesday 6 September with respect to the item.

<p>Committee Recommendation</p>
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That Council:

1. **Notes that four submissions and two objections were received for this scheme.**
2. **Having considered these submissions and objections at the Policy and Services Committee meeting of 6 September 2016, gives notice under section 163(4) of the *Local Government Act 1989* for the declaration of a Special Charge for the purpose of constructing Larch Crescent, Sutherland Road (between Larch Crescent and Diamond Creek Road), Hillmartin Lane, Fielding Road and Starling Road.**
3. **Incorporates the following outline of declaration:**
 - a) **The Special Charge in (2) above shall apply to the properties in Hillmartin Lane area, Diamond Creek as detailed in Attachment 1.**
 - b) **The apportionment of costs to each property is based on the formulae outlined in the report and shown in Attachment 3.**
 - c) **The total estimated cost to each property is outlined in Attachment 2 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*.**

11. Reports of Special Committees

Policy and Services Committee

PS.032/16 Hillmartin Area Special Charge Scheme, Diamond Creek

- d) The interest rate applicable to instalments paid by each due date is to be one per cent greater than the rate applying to Council in relation to funds borrowed for this project.
 - e) The Special Charge for the Hillmartin Lane area, Diamond Creek Special Charge Scheme shall remain in force for 10 years.
 - f) The total estimated project cost is \$773,303.31 with a benefit ratio of 'one' (100 per cent). The total amount of \$773,303.31 is to be levied under this Special Charge.
 - g) Within 12 months of the completion of works a final cost statement will be issued to all of the property owners in the Hillmartin Lane Area Special Charge Scheme and any adjustments to liabilities will be made at that time.
4. Advises submitters and objectors of Council's decision and the reason for the decision.

Attachments

- 1. Properties included in proposed scheme
- 2. Apportionment to affected properties
- 3. Guidelines for apportionment of costs for road construction

12. Officers' reports

OCM.141/16 Emergency Management Update

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Justin Murray, Executive Officer Emergency Management

Summary

Council makes an annual allocation of funding towards works on Council owned and managed land to prepare for the Fire Danger Period. The annual Bushfire Mitigation (Fire Prevention) works program has been developed in consultation with the Municipal Fire Management Planning Committee and includes planned work on roadsides and in Council reserves. The majority of works are planned to be completed by the end of December 2016.

All Neighbourhood Safer Places- Places of Last Resort are required to be assessed each year by the CFA and Council is required to record the outcome of these assessments. All sites have been reassessed as being compliant.

The Municipal Association of Victoria has written to Council to request confirmation of commitment to the principles of the Protocol for Inter-council Emergency Management Resource Sharing. This is a renewal of an existing agreement.

Recommendation

That Council:

- 1. Endorses the 2016-2017 Bushfire Mitigation (Fire Prevention) Program included as Attachment 1 to this report.**
- 2. Notes that as part of the annual review process, Neighbourhood Safer Places – Places of Last Resort sites at:**
 - a) Civic Drive, Greensborough, the outdoor performance area**
 - b) Diamond Hills Oval, Plenty River Drive, Greensborough**
 - c) Collendina Reserve, Greensborough**
 - d) Diamond creek Community Centre, Main Hurstbridge Road, Diamond Creek**
 - e) Yarrambat Park, Yarrambat, golf course building**
 - f) Circulatory Road, Eltham**
 - g) Hurstbridge Basketball Stadium, Graysharps Road, Hurstbridge**

have been reassessed by the CFA and have been found to still meet the criteria for designation as a Neighbourhood Safer Place – Place of Last Resort.
- 3. Writes to the Municipal Association of Victoria to confirm its commitment to the principles outlined in the Protocol for Inter-Council Emergency Resource Sharing.**

12. Officers' reports

OCM.141/16 Emergency Management Update

Attachments

1. Bushfire Mitigation Works Program

Background

1. Section 43 of the *CFA Act 1958* requires municipal councils to take all reasonable steps to prevent fire starting and spreading from land under their control. To meet this requirement, Council works with the Municipal Fire Management Planning Committee to develop an annual works program. The 2016-2017 works program is based on the 2016-2019 Municipal Fire Management Plan that was endorsed by Council at the Ordinary Meeting of Council held in July 2016.
2. Section 50 of the *CFA Act 1958* requires municipal councils to undertake an annual review of all Neighbourhood Safer Places to determine if they are still suitable to be designated as Neighbourhood Safer Places.
3. In 2006 the Municipal Association of Victoria (MAV) and the Municipal Emergency Management Enhancement Group (MEMEG) identified a need to determine an agreed position between councils regarding the provision of council resources to assist other councils with response and recovery tasks during emergencies. This led to the development of the Protocol for Inter-council Emergency Management Resource Sharing. This protocol is intended to clarify operational, insurance and reimbursement issues that may arise through municipal resource sharing arrangements and is not intended to inhibit, or diminish the effectiveness, of any existing inter-council resource sharing arrangement.

Policy context

4. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will strive to make our Shire safe by meeting our statutory responsibilities for emergency management including the risks of natural disasters such as fire and flood.

Budget implications

5. Implementing the Bushfire Mitigation (Fire Prevention) works program is funded through the operational budgets of Emergency Management, Open Space and the Environmental Works unit.

Consultation/communication

6. The development of the Bushfire Mitigation (Fire Prevention) Works Program for 2016-2017 has been developed utilising assessments conducted by officers and based on feedback and the strategic intent provided through the Municipal Fire Management Planning Committee.
7. The program is based on the Municipal Fire Management Plan. The updated plan was published on the 'Have Your Say' section of Council's website, with an opportunity for the community to make comments over a four week period. This was publicised through a media release published in the *Diamond Valley Leader* as well as through social media outlets.

12. Officers' reports

OCM.141/16 Emergency Management Update

Issues/options

8. The Municipal Fire Management Planning Committee reviews the Municipal Fire Management Plan on an ongoing basis. This plan informs Council as to where the most effective works can be carried out to mitigate bushfire risk.
9. Qualitative and quantitative data (if available) is used to determine which roads are primary roads. Factors considered for determining primary roads include:
 - Lack of alternative routes
 - Location of vulnerable groups e.g. aged care facilities
 - Number of roads feeding into the road
 - Number of residents likely to be isolated
 - Road being cited in Community Information Guides
 - Access to Neighbourhood Safer Places-Places of Last Resort
 - Roads listed in Local Response Plans (CFA)
10. Secondary roads that are less important and/or could provide alternative access and egress if a primary road fails will also be treated.
11. A range of treatments will be applied where practical to primary and secondary roads as follows:
 - Slashing
 - Box clearance
 - Proactive tree assessment
 - Woody weed removal
12. Other treatments undertaken on roadsides include:
 - Managing regrowth in the fire affected area
 - In collaboration with local CFA brigades, undertaking planned burns to compliment other vegetation management works.
13. The priority for works on Council reserves have also been developed using a risk based approach. This has considered possible ignition sources such as power lines, history of ignitions within the reserves, the ability for fire to spread from the reserve combined with the proximity of assets such as houses, schools etc. and size of the reserve to give a relative rating of risk and priorities for works.
14. The *CFA Act 1958* requires that each designated Neighbourhood Safer Place – Place of Last Resort is assessed each year before 31 August for compliance with the CFA criteria. Nillumbik has seven sites that have been designated as Neighbourhood Safer Places-of Places of Last Resort. All sites within Nillumbik have been reassessed have been deemed to continue to comply.

12. Officers' reports

OCM.141/16 Emergency Management Update

15. In 2006 the Municipal Association of Victoria (MAV) and the Municipal Emergency Management Enhancement Group (MEMEG) identified a need to determine an agreed position between councils regarding the provision of council resources to assist other councils with response and recovery tasks during emergencies. This led to the development of the Protocol for Inter-council Emergency Management Resource Sharing. This protocol is intended to clarify operational, insurance and reimbursement issues that may arise through municipal resource sharing arrangements and is not intended to inhibit, or diminish the effectiveness, of any existing inter-council resource sharing arrangement.
16. Nillumbik Shire Council is a signatory to the protocol. This has been of benefit as the principles of the protocol have been used when Nillumbik has requested assistance from other councils or when other councils have requested assistance from Nillumbik. The most recent example being the deployment of staff to assist Colac-Otway Shire during the Wye River fires.
17. Membership of the protocol is confirmed on a three yearly basis. MAV has written to Council requesting conformation of commitment to the protocol.

Conclusion

18. The development of the 2015-2016 Bushfire Mitigation (Fire Prevention) Works Program has taken a strategic and risk based approach to aligning the works planned with clear fire management objectives. This has included continued input at the local level from the CFA and the Municipal Fire Management Planning Committee. It is recommended that Council endorses the program.
19. A review of the Neighbourhood Safer Places – Places of Last Resort has also been conducted with all sites remaining compliant.
20. It is recommended that council write to MAV to confirm commitment to the principles of the Protocol for Inter-council Emergency Management Resource Sharing.

12. Officers' reports**OCM.142/16 Victoria Grants Commission - Financial Assistance Grants**

File: 20/35/022**Distribution:** Public**Manager:** Andrew Port, General Manager Corporate Services**Author:** Vince Lombardi, Manager Finance**Summary**

This report provides an update on the level of Council's Financial Assistance Grant for 2016-2017. The report also advises Council of a response received from the Victoria Grants Commission in regard to a submission made by Council in early 2016 regarding the funding formula for Financial Assistance Grants.

Council has recently received confirmation of the Financial Assistance Grant (FAG) which will be allocated to Nillumbik for 2016-2017. The FAG will be \$3.09 million which is a reduction of \$114,016 compared to the previous year.

This follows a reduction of \$125,663 in the previous financial year. The cumulative impact of reductions over the past two years is that Nillumbik will receive \$239,679 less in 2016-2017 than it received in 2014-2015.

These ongoing reductions follow the decision by the Commonwealth Government in 2014 to freeze the indexation of FAG's for three years. This represents a significant cost shift from the Commonwealth Government onto the local government sector, at a time when rate capping is already placing pressure on Council budgets.

This report also considers recent advice from the Victoria Grants Commission (VGC) in response to a submission which Council made to the VGC in early 2016.

The VGC is responsible for distribution of Financial Assistance Grants to Victorian councils, using funding allocated by the Commonwealth Government. The Financial Assistance Grants comprise a General Purpose Grant and a Local Roads Grant. Allocations to councils are determined using a complex formula based on the respective levels of need for services, and a range of socio-economic factors.

Each year, councils across Victoria have the opportunity to make a submission to the VGC about the grants distribution formula and methodology. In Nillumbik's submission in early 2016, the key recommendations made by Council were to:

- Modify the calculation of the waste management expenditure function to take account of population numbers in each municipality.
- Review the calculation of the environment expenditure function to take account of natural environmental values of each municipality.

The VGC recently responded to Council's submission, and advised that it will be undertaking further analysis and research in respect of both of the matters raised in Council's submission.

12. Officers' reports

OCM.142/16 Victoria Grants Commission - Financial Assistance Grants

Recommendation

That Council;

- 1. Notes that the level of funding provided to Nillumbik through the Commonwealth Government's Financial Assistance Grants has declined by \$239,679 over the past two years.**
- 2. Acknowledges the response from Victoria Grants Commission in regard to Council's recommended changes to the funding formula for Financial Assistance Grants.**

Attachments

1. Submission to the Victoria Grants Commission 2016
2. Response from VGC

Background

1. The Victoria Grants Commission (VGC) is responsible for distribution of Financial Assistance Grants to Victorian councils, using funding allocated by the Commonwealth Government. The Financial Assistance Grants comprise a General Purpose Grant and a Local Roads Grant.
2. Councils receive confirmation each year in August regarding the Financial Assistance Grant amount for that financial year.
3. Councils across Victoria have the opportunity to make a submission to the VGC each year regarding the funding formula. Nillumbik made a submission in early 2016, and the VGC has now provided a response.
4. The VGC provides a response to the submission later in the year (between July – August)

Policy context

5. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will advocate about issues affecting the Nillumbik Shire, supported by informed and clearly articulated policy positions.

Budget implications

6. The Financial Assistance Grants are an important part of Council's annual revenue. Nillumbik has been allocated a total grant from the VGC of \$3.09 million in 2016-2017. This equates to 5 percent of rates and charges.
7. In mid-2014 the Commonwealth Government announced that the total national funding pool for financial assistance grants to local government would be frozen for three years, rather than being indexed annually to inflation. This will mean that as a share of Council revenue, these grants will decline over this period.

12. Officers' reports

OCM.142/16 Victoria Grants Commission - Financial Assistance Grants

8. Apart from the total value of the funding pool, there are other variable factors in the grants allocation formula (such as changes to population). The net effect of these factors across Australia and Victoria determines the actual impact for Nillumbik each financial year.
9. Following the Commonwealth Government's freeze on Financial Assistance Grants, Nillumbik experienced a reduction of \$125,663 in 2015-2016 in the level of its grant, compared to the previous year (2014-2015).
10. In preparing its 2016-2017 Budget, Council acknowledged that, with the ongoing freeze by the Commonwealth, Nillumbik could expect to suffer a similar further cut to its grant in 2016-2017. Therefore Council set the 2016-2017 Budget with an estimate that the Financial Assistance Grant would be \$3.088 million. The confirmed grant has now been announced as \$3.09 million which is consistent with the budget estimate.

Consultation/communication

11. The VGC provides the opportunity for consultation with councils each year, including a process for lodging submissions by February each year.

Financial Assistance Grant trends

12. In 2014 the Federal Government froze the indexation of the national funding pool allocated for Financial Assistance Grants for three years (2014-2015 to 2016-2017).
13. This freeze of the funding pool has had an adverse effect on the funding allocation for Nillumbik. There are also a number of other variables in the funding formula (such as population growth) which influence the final level of grant each year.
14. The combined impact of the freeze on indexation, plus the other factors, is that Nillumbik has experienced a significant decline in grant funding since 2014.
15. In each of the past two years there has been a decline in the total funding received by Nillumbik. The cumulative impact over the past two years is a reduction of \$239,679 as shown in the table below.

	2014-2015	2015-2016	2016-2017	Cumulative impact
Financial Assistance Grant \$	3,333,849	3,208,186	3,094,170	
\$ movement		- 125,663	- 114,016	- 239,679
% movement				- 7.7%

16. This impact is a significant additional cost shift from the Commonwealth Government onto Council. While the latest Commonwealth budget indicates that indexation will be resumed in future years, this will only be confirmed once the 2017-2018 Commonwealth budget is released.

12. Officers' reports

OCM.142/16 Victoria Grants Commission - Financial Assistance Grants

Response to Council's submission on grant formula

17. While the Commonwealth Government determines the total funding pool available for Financial Assistance Grants, the Victoria Grants Commission (VGC) has responsibility for determining each Council's allocation. This is done using a complex formula which is based on a set of national principles.
18. The VGC provides an opportunity each year for councils to make submissions regarding the detail of the formula. Nillumbik made a submission in early 2016, and the VGC has now provided a response.
19. Copies of Council's submission and the VGC response are attached.
20. Council's submission detailed the specific characteristics of Nillumbik that impact upon Council's finances, and included some information comparing Nillumbik to other Victorian councils. Council made two recommendations to the VGC which were:
 - Modify the calculation of the Waste Management expenditure function, to take account of municipal population numbers.
 - Review the Environment expenditure function, to take account of the natural environmental values of each municipality.
21. Detail of the rationale for these recommendations is included in the submission.
22. The response provided by the VGC has acknowledged the points raised by Council in its submission.
23. The VGC has advised that it will seek additional data from all other councils in Victoria to help better understand the cost drivers behind the waste management function. This will be done as part of its annual data collection in late 2016.
24. The VGC has also advised that it is exploring the availability of suitable data sets to enable it to better assess the relative expenditure needs of councils for the environmental function.
25. Once the outcomes from this further data collection and analysis by the VGC are known, a further report will be provided to Council.

Conclusion

26. It is recommended that Council notes the continued decline in funding for Nillumbik via the Financial Assistance Grants.
27. It is further recommended that Council acknowledges the response from the VGC and the action it is taking in relation to Nillumbik's submission in early 2016. Further updates will be provided to Council in due course.

12. Officers' reports**OCM.143/16 Potential sale of surplus Council land - 22 Luck Street, Eltham**

Distribution: Public**Manager: Conal Creedon, General Manager Infrastructure Services****Author: Jon Miller, Manager Assets and Property****Summary**

The *Local Government Act 1989* (the Act) generally requires Council to publicly advertise its intention to sell land and to invite public submissions on the intended sale. Council is required to consider the contents of any public submissions prior to making any final decision to sell land.

At its Ordinary Meeting of 23 August 2016, Council requested a report to enable Council to commence the public consultation process for the possible sale of Council owned land located at 22 Luck Street, Eltham.

This report provides Council with details of the parcel of land located at 22 Luck Street, Eltham (as depicted in Attachment 1), and recommends that Council commence the formal processes required under the Act to publicly advertise its intention to sell the land and invite public submissions on the proposed sale.

Recommendation**That Council:**

- 1. Commences the necessary public consultation process required under section 189 of the *Local Government Act 1989* and publicly advertise its intention to sell the land located at 22 Luck Street, Eltham, being the land described as Lot 20 on Plan of Subdivision 7637, Vol 07225/Folio 935.**
- 2. Invites public submissions on the proposed sale of the land for a minimum period of four weeks.**
- 3. In accordance with section 223 on the Act, considers any submissions on the proposed sale at a future meeting of Council's Policy and Services Committee, prior to making any final decision on whether to proceed with the subsequent sale of the land.**

Attachments

1. 22 Luck Street, Eltham

Background

1. In July 2002, Council formally adopted a statement of Property Portfolio Management Principles (PPMP) which has been re-affirmed by subsequent Councils.
2. The strategic objective of the PPMP is to enable Council to continue to achieve a better alignment of its property portfolio with identified community needs, and to direct the proceeds of the sale of surplus Council land towards uses of a capital nature, including other property purchases, capital works and/or debt reduction.

12. Officers' reports

OCM.143/16 Potential Sale of Surplus Council Land - 22 Luck Street, Eltham

3. Since July 2002, Council has progressively completed a range of property transactions in line with the PPMP, involving land purchases and sales.
4. The review of Council's property portfolio is an ongoing process whereby individual parcels of land are identified as being potentially surplus to Council's strategic needs.
5. At the Ordinary Meeting of Council held on 24 November 2015, Council considered a report on the condition of the buildings on the land at 22 Luck Street and, due to their poor condition, resolved to demolish them.
6. At its meeting of 23 August 2016, Council requested a report to commence the process required to give notice of its intention to sell this land as surplus to requirements.

Policy context

7. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will undertake long-term financial planning to ensure our budget decisions are responsible and sustainable.

Budget implications

8. The necessary statutory processes for Council to give notice of its intention to sell the land and, if Council then chooses, the sale of the land can be funded from Council's operating budget.
9. The proceeds of any sale would be paid into the Major Projects Reserve to be allocated as Council determines.

Consultation/communication

10. The sale of Council land is subject to the requirements of section 189 of the *Local Government Act 1989*, which requires Council to give a minimum four weeks public notice of its intention to sell land and invite public submissions on the matter. Council is further required, in accordance with section 223 of the Act, to consider the contents of public submissions, prior to making any decision to proceed with the proposed sale.

Issues/options

11. Council has previously resolved to sell various parcels of land which have been identified as surplus to its requirements, and is currently preparing to sell the 26 lots associated with the subdivision and residential development at 14-32 Civic Drive, Greensborough.
12. Properties considered to be potentially surplus to Council requirements are subject to a rigorous internal referral process that includes assessment by officers against relevant Council strategies, including the Open Space Strategy, Biodiversity Strategy, Recreation Strategy and the Recreational Trails Strategy, prior to Council giving consideration to commencing any formal sale process.
13. Twenty-two Luck Street was purchased by Council in the mid 1990's for provision of the planned Eltham Circulatory Road, when it was thought the road would run through to Luck Street. Implementation of the Circulatory Road project resulted in its northern termination being at Pryor Street, resulting in the land at 22 Luck Street being surplus to this project and therefore Council requirements.

12. Officers' reports

OCM.143/16 Potential Sale of Surplus Council Land - 22 Luck Street, Eltham

14. Twenty-two Luck Street has been internally assessed as having no strategic or operational use, and if sold would generate substantial funds.

Details of 22 Luck Street, Eltham

15. Land Area:793m²
16. Zoning: Schedule 1 to the Activity Centre Zone
17. Overlays: Significant Landscape and Neighbourhood Character
18. Possible future uses: Development may be commercial, retail, residential or a mixture of those categories
19. Title Details: Lot 20 on Plan of Subdivision 7637, Vol 07225/Folio 935.

Conclusion

20. As a part of the ongoing review of Council's property portfolio, land located at 22 Luck Street, Eltham has been assessed as having no strategic use, and is therefore considered surplus to Council's requirements
21. In order to consider its future sale, Council should undertake a public consultation process in accordance with section 189 of the *Local Government Act 1989*, and advertise its intention to sell the land and invite public submissions.
22. In accordance with section 223 of the Act, the contents of any public submissions received should be considered by Council at a future meeting of its Policy and Services Committee, prior to any final decision being made by Council to sell the land.

12. Officers' reports

OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

Distribution: Public

Manager: Ransce Salan, General Manager Environment and Planning

Author: Nichole Johnson, Coordinator Strategy Projects - Community and Leisure

Summary

This report outlines the process undertaken in the evaluation of submissions received for the purchase and development of 44 Graysharps Road, (Lot 1) Hurstbridge. A separate confidential report presents to Council a shortlist of proponents for endorsement to move through to Stage 2 – Request for Proposal phase.

Council originally purchased Lot 2 at 44 Graysharps Road in order to provide public open space and community facilities. Lot 2 represents more than 80 per cent of the site area, and is proposed to be retained in Council ownership.

Council subsequently purchased Lot 1 in order to provide an opportunity for more diverse housing in Hurstbridge. Council then conducted public consultation regarding the proposed sale of Lot 1, and resolved to proceed with a sale after considering public submissions. Lot 1 was then rezoned to Township zone to facilitate the development of diverse housing on the site.

In February 2016 Council adopted the Expression of Interest and Request for Proposal (RFP) and evaluation panel process, the Evaluation Criteria and Weightings, and authorised the commencement of the Expression of Interest process for Lot 1.

Teska Carson commenced marketing for the purchase and development of Lot 1, 44 Graysharps Road, Hurstbridge in April 2016 seeking registrations of interest from developers with a social conscience who will respect and respond to the needs of the community in a sensitive way to the character and built form of Hurstbridge. The Invitation for Expression of Interest closed on 12 May 2016.

The work of the Liveable Nillumbik Community Reference Group has been of immense value in reaching this stage of the project. This report summarises the issues identified through various community engagement processes, including the Reference Group.

It is proposed that these issues will be communicated to the short-listed proponents to assist them in developing their detailed proposals for Stage 2, which will then be assessed in accordance with the Evaluation Criteria and Weightings that have previously been approved by Council.

Recommendation

That Council:

- 1. Notes that a separate confidential report is presented to this Council meeting summarising the evaluation process undertaken for Stage 1 – Expression of Interest for the purchase and development of 44 Graysharps Road, Hurstbridge, and that the confidential report includes a proposed shortlist of proponents for Stage 2 – Request for Proposal.**

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OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

- 2. Acknowledges the efforts of the Liveable Nillumbik Community Reference Group for their contributions so far in this process.**

Attachments

1. Evaluation criteria and weightings

Background

1. Hurstbridge High School closed in 1999, and the community were consulted around what to do with the site in 2000.
2. Since 2001 the site has been identified by Council as a potential site to progress Council's housing diversity and ageing in place objectives identified in the Hurstbridge Township Strategy 2000 and again through the Hurstbridge Concept Plan 2010.
3. In 2003 planning around this site was stalled due to the local primary school being damaged by fire. Using the site temporarily meant that negotiations on price needed to start again and this time involved other parcels of land owned by Council.
4. Council originally purchased Lot 2, which represents 80 per cent of the site, for the purposes of public open space and community facilities. The Hurstbridge Hub was subsequently developed on Lot 2.
5. Since May 2013 Council received several briefings and presentations from Council Officers and consultants regarding the potential to develop Lot 1 land for diverse housing.
6. In August 2013 the former Department of Education and Early Childhood Development ((DEECD) now referred to as the Department Education and Training (DET)) Surplus Rezoning Project provided an opportunity for Council to facilitate intergenerational housing and ageing in place outcomes for Hurstbridge. The site was earmarked for market disposal to be sold by DEECD in February 2014.
7. In December 2013 Council resolved to purchase the land at market value from DEECD as an interim measure to facilitate the future development of the site by suitable agencies for diverse and accessible housing for all ages and abilities. The land valuation for this purchase was based on the proposed future use of the site for housing purposes.
8. In July 2014, Council resolved to:
 - Adopt the vision, principles and development objectives for Lot 1
 - Seek authorisation from the Minister for Planning to commence a planning scheme amendment to rezone the land to Township Zone (C85 Amendment), and also to apply the Design and Development Plan Overlay (DPO7) to the site
 - Advertise for community representatives to form a community reference group
 - Publically advertise its intention to sell the land and invite public submissions on the intended sale (OCM.081/14).

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OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

9. Council resolved to publically advertise its intention to sell the land in accordance with section 189 of the *Local Government Act 1989* for a period of two months (November 2014-January 2015). Council also approved the draft evaluation criteria, Neighbourhood and Site Description, and Urban Design Guidelines, to inform the public exhibition process and the preparation of Council's procurement and probity documentation and process (OCM.117/14)
10. In May 2015 Council adopted the Terms of Reference and membership of the Liveable Nillumbik Community Reference Group and appointed the Chairperson for this group (PS.020/15)
11. In September 2015 Council adopted Planning Scheme Amendment C85 relating to the rezoning of the land to Township1 Zone (T1Z) and referred the amendment to the Minister for Planning for approval. In January 2016 the Minister for Planning approved the Amendment C85 (PS.042/15)
12. In February 2016 Council adopted the Expression of Interest (EOI) and Request for Proposal (RFP) and evaluation panel process, the Evaluation Criteria and Weightings and authorised the commencement of the Expression of Interest (EOI) process (OCM.012/16).
13. Council has obtained legal and probity advice which has guided the design of the EOI and RFP process.

Policy context

14. This report directly supports the achievement of Council Plan 2013-2017 strategies:
 - We will plan and deliver accessible community services that enhance health and wellbeing across all life stages.
 - We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy.
 - We will promote appropriate development in the right locations to increase the diversity of housing options for Nillumbik residents.

Budget implications

15. On 24 June 2014 Council signed Contracts of Sale and a 10 per cent deposit was paid (funded from Council's Major Projects reserve) to purchase the land at Lot 1, 44 Graysharps Road, Hurstbridge for \$2.3 million.
16. Settlement on the purchase was concluded 30 June 2015. Settlement was funded from the Landfill Rehabilitation reserve, and in December 2014 Council resolved that the purchase price, plus interest, be repaid to the reserve at the time of sale. Funds from the Landfill Rehabilitation reserve have been accumulated by Council over many years in order to pay for the rehabilitation of two former landfill sites in Plenty and Kangaroo Ground. As these funds were not required for that purpose until after 2016-2017, these funds were temporarily used to fund the Lot 1 purchase, pending the proposed sale. However the reserve does need to be replenished with these funds in order for Council to meet EPA requirements for landfill rehabilitation. These funds were originally raised via the waste management charge, and must ultimately be used for waste management purposes.

12. Officers' reports

OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

17. With an expected settlement date in mid-2017 an amount of around \$200,000 (4 per cent interest over two years) will need to be repaid to the reserve, along with purchase price of \$2.3 million. This will require a total of \$2.5 million to be paid to the reserve.
18. All costs associated with the amendment, tendering and detailed precinct planning advice have been funded from the new initiative allocated for the project. Expenditure to date has totalled \$137,282.
19. The Evaluation Criteria and Weightings Attachment 1 (adopted by Council on 23 February 2016) outline the commercial terms as:
 - To achieve a minimum return to Council of initial purchase price and holding costs (\$2.5 million)

Consultation/communication

20. In December 2015 a workshop was conducted with member of the Liveable Nillumbik Community Reference Group to seek feedback on the Draft Evaluation Criteria and Weightings.
21. In February 2016 a meeting with external subject matter experts was held to review the Draft Evaluation Criteria and Weightings.
22. In April 2016 Teska Carson commenced marketing for the purchase and development of 44 Graysharps Road, Hurstbridge 3099.
23. On Thursday 12 May 2016 the Invitation for Expression of Interest closed on at 2pm. All proposals were lodged in the tender box at Maddocks Lawyers, Level 6, 140 William Street, Melbourne 3000.
24. Liveable Nillumbik Community bulletins with project updates and questions and answers have been distributed throughout the Shire.
25. Liveable Nillumbik (Lot 1 Hurstbridge) Community Reference Group meetings have been held to keep the group up to date and for them to inform the process.
26. In conjunction with Lot 1 Council is preparing a draft Precinct Masterplan for Hurstbridge. This involves identifying opportunities and constraints within the precinct. To date three stakeholder workshops (walking tours) have been conducted with key stakeholders and user groups within Hurstbridge. Additional workshops will be held with the Hurstbridge Traders Association and other interested community members. Information will be provided to the developer to inform design opportunities.
27. On 15 August 2016 a Councillor workshop was held to outline the process undertaken. Concept plans of the proponents who were interviewed were displayed with all identifiers removed. The external subject matter experts were available with Council Officers to respond to questions from Councillors. Councillor questions and queries were recorded.
28. On 23 August 2016 Council received an on-line petition regarding the property at Lot 1, Graysharps Road, Hurstbridge (former school site). The on-line petition requests Council to cease the sale of this property for housing, and retain it for community use.

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29. There are different views in the community about the way in which this project has evolved over time. This has led to some resistance to the decision that has taken place, despite there being very clear expectations for Lot 1 to be developed for a diverse housing outcome.
30. The Liveable Community Reference Group has been a valuable conduit between Council and the community. The group have identified that there are two strongly opposing views of the value of this project and its progression.
31. Through close exploration of the criteria, the Liveable Nillumbik Community Reference Group has been instrumental in identifying issues and further questions that prospective developers will need to consider in detailed design. These include:
- a) Sustainability
 - sound environmental principles such as
 - solar design
 - recycling of water, including grey water
 - generous water tanks
 - high quality and efficient insulation
 - window glazing
 - no contaminate water to run into the creek
 - landscaping to encourage habitat for wildlife
 - building methods and materials including fire retardant
 - composting and recycling
 - b) Functionality and Integration
 - Impact of noise from basketball and football clubs
 - Accessibility of houses including ability for modifications as people age in place, such as chair/stair lifts
 - Integration with surrounding environment, such as softening landscape elements
 - c) Character, design and built form
 - Consideration of an open Hurstbridge feel
 - An inclusive community housing development not a housing development
 - Integration with the other side of the train tracks
 - Traffic management - how it will flow in and out of the development
 - Parking
 - Natural look from both the town and creek side
 - The use of roads and garages to create buffers

12. Officers' reports

OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

- Use of natural materials and diversity in design
- An advanced landscape to blend into surrounds, promotes sustainability and enhances and protects habitat for wildlife

32. Aside from the positive feedback received, issues raised through community engagement at the Wattle Festival, by the Hurstbridge Community Voice, and by the broader community include but are not limited to:

- Retaining Lot 1 for additional open space for community use
- Environmental significance
- Development density
- Flood plain surrounding site
- Impact on footballers and the late night liquor licence, impact of lighting and sirens on residents
- No room to expand basketball and netball
- Accessibility and fire, including the neighbourhood safer place
- Only one entry exit point
- Traffic impact on an already busy precinct
- Private market is currently meeting need with the acceleration of housing options
- Concern about financial cost and risk to Council,
- Concern that Council has done its financial due diligence.
- Need for residential aged care
- Traffic management concerns

33. Additional comments were also noted from the Councillor workshop held on the 15 August 2016. These were categorised according to social, environment and design factors, a summary of these comments include:

a) Social

- The potential provision of a proportion of housing as social housing
- The provision of a diversity of housing
- Consideration for privacy and separation of dwellings i.e. detached dwellings
- Balance between linear design with more dwellings consistent with neighbourhood character

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OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

- b) Environmental
 - Noise from basketball and football
 - Better solar energy applications
 - Sustainable design cost and ability to meet SDAPP principles (Sustainable Design Assessment in the Planning Process)
- c) Design
 - Car parking and garaging
 - Community facilities and spaces
 - Better connectivity between dwellings and broader community facilities
 - Role of trees and vehicle access as a buffer to Ben Frilay oval
 - Subdivision pattern

34. In summary, there are a range of issues and concerns which have been communicated to Council during the evolution of this project, including those issues identified by the Community Reference Group. It is considered that these issues can be addressed through the application of the Evaluation Criteria that have already been approved by Council for this project. It is proposed that a list of the issues will be provided to those proponents who are invited to proceed to Stage 2 – Request for Proposal, so that they can consider these issues in the detailed design of their proposals. Some issues relate to wider precinct planning, which Council can consider as it progresses the preparation of the precinct plan over coming months.

Evaluation of Expressions of Interest

- 35. Nine expressions of interest submissions were received
- 36. Proponents were assessed against the following pre-defined weighted criteria endorsed by Council on 23 February 2016 Attachment 1:

Evaluation Criteria	Weightings
Mandatory	
1. Experience and operational capability	Yes/No
2. Commercial Terms	10% for the proportion of the purchase price that exceeds \$2.5 million
Desirable (competitive)	
3. Housing Diversity	20%
4. Functionality and Integration	20%

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OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

Evaluation Criteria	Weightings
5. Character, design and built form	25%
6. Sustainability	25%

37. Scoring of items 3, 4, 5, and 6 was based on a 1-10 scale with 10 being the maximum available score.

Non-financial assessment scoring table	Score range (no decimal scores to be used)
Very high standard with no reservations at all about acceptability, meets and exceeds all requirements	10
Higher standard but falls just short of 10, higher acceptable requirements	8 - 9
High standard with high requirements	6 - 7
Good standard, good and acceptable requirements	5
Generally of good standard with some reservations, meets some minimum requirements	3 - 4
Basic compliance only	1 - 2
Fails to meet the minimum requirements (Submission Rejected)	0

38. The evaluation panel consisted of three external experts and three Council Officers plus secretarial support. The external experts provided expertise in property valuations, architecture/urban design, and social housing.

39. Internal referrals were conducted to provide advice to the evaluation panel in terms of statutory planning, environmental sustainability, transport and leisure.

40. A report for each internal referral was provided to each of the evaluation panel members to assist their evaluation of each submission. The officers who prepared internal referrals were also available to attend evaluation panel meetings so that the panel could ask questions of them. The internal referrals reviewed the following:

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OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

Statutory Planning	Environment/ sustainability	Traffic/ Infrastructure	Leisure and Social Infrastructure
<ul style="list-style-type: none"> • Site design • Building configuration • Landscape and public realm integration 	<ul style="list-style-type: none"> • Innovative and sustainable development appropriate to local environmental conditions and climate • Star energy ratings • Materials 	<ul style="list-style-type: none"> • Nillumbik Planning Scheme • Council's subdivision standards • General traffic principles 	<ul style="list-style-type: none"> • Connectivity to the site and Hurstbridge township • Response to passive surveillance (Crime Prevention Through Environmental Design - CPTD) • Shared spaces and playgrounds • Integration of the open space to the development and how it relates to the existing open space • The development becomes part of one space and flows

41. An evaluation matrix, based on the weighted evaluation criteria, was developed and issued to all members of the evaluation panel. Each member of the evaluation panel individually reviewed each proposal within the framework of the weighted matrix. The final scoring for each proponent was determined by an average rating of all Evaluation team members' scores.

42. The matrix involved a three stage evaluation:

- Stage 1 – The mandatory criteria were assessed first. The panel determined whether each of the submissions was a pass or fail for experience and operational capability and Commercial Terms (Criteria 1 and 2)
- Stage 2 – If the submission passed the Stage 1 assessment the evaluation panel then reviewed how each of the submissions rated against the rest of the evaluation criteria (Criteria 3-6) and agreed on an average rating (average rating of all evaluation team members scores)

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OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

- Stage 3 – Based on the information gathered at the interview stage the panel re-evaluated the proponents shortlisted for interview. Both stage 1 and stage 2 were re-evaluated
43. On 1 June 2016 the evaluation panel convened to review each of the nine submissions against experience and operational capability and commercial terms (Criteria 1 and 2) to assess whether they were a pass or fail. Those which passed those criteria were then rated against the rest of the evaluation criteria and an average rating was agreed on by the panel.
 44. The evaluation panel collectively agreed on comments for all submissions and questions/clarifications for each submission that proceeded to interview stage for further analysis.
 45. Interviews were conducted on 20 and 29 June 2016.
 46. On 15 July 2016 and 25 August 2016 the evaluation panel met to re-evaluate the proponents shortlisted for interview and agreed on a recommendation.
 47. A full financial due diligence process has been undertaken by consultants Dun and Bradstreet on the shortlisted proponents.

Evaluation Panel recommendation

48. The Evaluation Panel recommends in its confidential report that the shortlisted proponents be approved to move through to Stage 2 - Request for Proposal (RFP) process as they have most relevant recent experience, capacity to deliver, have completed sound feasibility analysis, and possess sound references and lowest risk for undertaking the purchase and development of 44 Graysharps Road.
49. Subject to Council approval of the short-list, the next phase of the project is the commencement of Stage 2 – Request for Proposal process. Shortlisted proposals will be further assessed against the evaluation criteria and weightings endorsed by Council in early 2016. The Request for Proposal will require a detailed design, a marketing plan and in-depth responses to specific issues based on information provided through the Councillor Workshop; Community Reference Group; the evaluation panel (including external subject matter experts); the project team and the community. The responses to these issues will be assessed according to the Evaluation Criteria and Weightings which have already been approved by Council.
50. Stage 2 RFP phase of the project is anticipated to occur between October 2016 and February 2017. Concurrent to this phase, Council will be undertaking precinct planning. The community will have further opportunities to contribute and participate during this period when both the development plan and precinct plan are exhibited publically for community comment in early 2017.
51. Stage 2 will also require a Contract of Sale signed by the prospective purchaser that will form part of the contracted documentation. The Terms and Conditions of the Contract will also include:
 - Council will sign the Contract of Sale with the final successful purchaser following the completion of the Stage 2 RFP process (N.B. Council is not bound to accept any proposal at that stage).

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OCM.144/16 Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process

- Settlement of the purchase price will be within 28 days of the issue of a planning permit for the development of the site
- A Section 173 agreement will require the development to be commenced and completed within certain timeframes from the issue of a planning permit.

Conclusion

52. The Liveable Nillumbik project is a major opportunity for Council to facilitate a diverse housing development on a unique site, which can provide a range of housing options that are not currently available within Hurstbridge.
53. There has been extensive community consultation regarding the project to date, including statutory consultation processes regarding the proposed sale of the site, and the rezoning of the site to Township zone to facilitate housing.
54. The development of diverse housing on Lot 1 will complement other initiatives by Council in the precinct to purchase Lot 2 (which represent 80 per cent of the former school site) for open space and community uses, and to develop the Hurstbridge Hub.
55. The Expression of Interest process has been conducted in accordance with the Evaluation Criteria and Weightings that were previously approved by Council. This process has identified some worthy proposals which have sufficient merit to proceed to Stage 2 – Request for Proposal, as detailed in a separate confidential report to Council.

12. Officers' reports

OCM.145/16 Annual Report 2015-2016

File: 25/10/002

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Allison Watt, Manager Governance and Communications
Naomi Ellis, Corporate Planner

Summary

Each year Council must prepare an Annual Report which must be submitted to the Minister for Local Government by 30 September. Nillumbik Shire Council's Annual Report 2015-2016 was provided to the Minister on Monday 29 August 2016. Copies have been circulated to Councillors and the report was made publicly available to the community via Council's website.

Under section 34 of the *Local Government Act 1989*, Council must hold a meeting to consider the Annual Report within one month of providing the Annual Report to the Minister.

The Annual Report is Council's highest level reporting document to the State Government and the community. While Council has a statutory obligation to produce an Annual Report, it is also an opportunity to demonstrate Council's disclosure and transparency to the community regarding Council activities over the past financial year. This is the third Annual Report against the Council Plan 2013-2017.

The Annual Report is presented in four parts: Report of Operations; Financial Statements; Performance Statement and Auditor-General's Report.

The Annual Report also includes data and comments on a number of financial, sustainability and service indicators which fulfils Council's statutory obligations in the second year of reporting under the State Government Performance Reporting Framework.

The Report of Operations outlines Council's performance over the past financial year against the Council Plan strategic objectives: Our Community; Our Natural Environment; Our Built Environment; Our Economy; and Our Council.

The Financial Statements and Performance Statement were presented to Council on 23 August 2016.

Recommendation

That Council:

- 1. Adopts the Annual Report 2015-2016.**
- 2. Makes the document publicly available as an account of the year's activities and performance.**

Attachments

Nil

12. Officers' reports

OCM.145/16 Annual Report 2015-2016

Background

1. The Annual Report 2015-2016 has been prepared by Council officers and has been provided to the Minister for Local Government within the statutory timeframe set out in the *Local Government Act 1989*.

Policy context

2. The Annual Report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will meet our legal responsibilities and manage our risks.

Budget implications

3. The cost of producing the Annual Report is accommodated within existing operational budgets. Final costs are not available, however, it is expected that the costs for graphic design and some printed copies will be about \$5,000.

Consultation/communication

4. Pursuant to section 134 of the *Local Government Act 1989*, notice of the meeting to consider the Annual Report was advertised in *The Age* on Monday 29 August 2016 and in the *Diamond Valley Leader* on Wednesday 31 August 2016.
5. The Financial Statements in the Annual Report have previously been considered by the Audit Committee and Council.

Issues/options

6. Council's Annual Report 2015-2016 was provided to the Minister for Local Government on Monday 29 August 2016, meeting the deadline set out in the Act.
7. The Annual Report is presented for Council's consideration. It includes:
 - Report of Operations
 - Financial Statements
 - Performance Statement
 - Auditor General's Report on the Financial Statements and the Performance Statement.
8. The Auditor-General has approved the Financial Statements and Performance Statement without any qualifications. The audited reports were presented to Council's Audit Committee on Monday 15 August 2016.
9. The Financial Statements and Performance Statement were presented to Council on 23 August 2016.
10. For the 2015-2016 financial year Council achieved an operating surplus of \$4.6 million on an accrual basis. Details were provided in the report to Council on 23 August 2016.
11. The Annual Report 2015-2016 continues with the approach taken in recent years that while it is a statutory requirement, it is also a valuable tool for communicating the Council's activities over the past year to the local community.

12. Officers' reports

OCM.145/16 Annual Report 2015-2016

12. The Report of Operations is structured according to the Council Plan 2013-2017 strategic objectives: Our Community; Our Natural Environment; Our Built Environment; Our Economy; and Our Council – with expanded sections on Council and corporate governance.
13. The Report of Operations measures Council's performance over the past financial year in the following ways:
 - Progress towards achieving the strategic objectives in the Council Plan 2013-2017
 - Results achieved in relation to the strategic indicators in the Council Plan 2013-2017
 - Progress in relation to the major initiatives identified in the budget
 - Services funded in the budget and the persons or sections of the community who are provided those services
 - Results against the prescribed service, financial and sustainability indicators and measures in the new Local Government Performance Reporting Framework
14. Council's 2015-2016 Annual Report has been prepared with reference to the Global Reporting Initiative (GRI) G4 Sustainability Reporting Guidelines. GRI is a network-based organisation that produces a comprehensive sustainability reporting framework that is widely used by organisations around the world to report on their economic, environmental and social practices and performance.
15. The GRI appears as a list of indicators or index, each with a page reference to demonstrate where in the Annual Report the relevant information can be located. This is the third year that Nillumbik has reported against the principles and performance measures of the GRI.
16. The Annual Report details some significant achievements in 2015-2016. These achievements include:
 - The receipt of \$6.3 million from the State Government's Interface Fund for two major projects – the Eltham Leisure Centre and Eltham Community and Reception Centre.
 - The completion and official opening of a revitalised Eltham Town Square.
 - A valuable community engagement process to inform Council's position on rate capping.
 - The retention of our 'green light' (low risk) status for overall financial sustainability from the Auditor-General.
 - Installation of solar panels on a number of council buildings to reduce energy consumption.
 - The completion and adoption of a number of policies and strategies including:
 - The Complaint Handling Policy
 - Climate Change Action Plan 2016-2020

12. Officers' reports

OCM.145/16 Annual Report 2015-2016

- The Brand Nillumbik Destination Management Plan and Marketing Strategy
 - Gambling Harm Minimisation Policy
 - The Integrating Child, Youth and Families Services Strategy
 - The Northern Regional Trails Strategy
- A total of 11,572 people took part in environmental education programs at Edendale Farm Community Environment Centre throughout the year and 83,000 visits.
 - More than 69 per cent of kerbside garbage, recycling and green organics was diverted from landfill.
 - Installation of solar systems on 11 buildings including Research Preschool and Panton Hill Preschool.
 - Delivered 9,167 meals and 24,500 hours of care to the aged, frail and disabled.
 - Extensions to the Eltham Childcare Cooperative and Woodridge Preschool were completed.
 - Construction tenders were called for the Liveable Nillumbik diverse housing project in Hurstbridge.
 - The construction of a new animal precinct at Edendale Farm Community Environment Centre began.
 - Community feedback was invited regarding the creek alignment for the Diamond Creek to Hurstbridge Trail, and Council then initiated a Planning Scheme Amendment
 - Detailed design on the \$19 million redevelopment of the aquatics at Eltham Leisure Centre was completed
 - Work began early in 2016 to construct a subdivision to provide for 26 new homes on the vacant land between the Civic Centre and Bullanoo Court and the vacant land between the Diamond Valley Library and the Greensborough Bypass.
 - The Artisan Hills, Naturally Creative brand for Nillumbik was launched.
17. A copy of the Annual Report 2015-2016 has been circulated separately to Councillors and is publicly available on Council's website.

Conclusion

18. The Annual Report 2015-2016 outlines the activities undertaken for the financial year. It reports to the Nillumbik community and other stakeholders on a wide range of activities that were undertaken to meet the directions in the Council Plan 2013-2017 and the expectations of the Nillumbik community.

12. Officers' reports**OCM.146/16 Act for the Future - Directions for a new Local Government Act**

Distribution: Public**Manager: Andrew Port, General Manager Corporate Services****Author: Allison Watt, Manager Governance and Communications****Summary**

In June this year, the State Government released the Local Government Act Review Directions Paper *Act for the Future – Directions for a new Local Government Act*.

The Directions Paper outlines more than 150 reforms to make councils more effective, autonomous and democratic. A key element of the reforms is to provide greater autonomy to councils in order to allow them to engage in autonomous and innovative business practices.

Prescriptive decision-making processes will be largely removed, leaving councils to be guided by principles of transparency, accountability and sound financial management.

Consultation with the sector and the community is currently taking place with submissions sought by 16 September 2016.

This report seeks Council's endorsement of Nillumbik's submission which details Council's position on some of the proposed directions for the new Act.

Recommendation

That Council endorses the submission (Attachment 1) to the State Government's *Act for the Future – Directions for a new Local Government Act* to be provided by the deadline of 16 September 2016.

Attachments

1. Act for the Future - Directions for a new Local Government Act submission

Background

1. In 2015, the Minister for Local Government, the Hon Natalie Hutchins MP, announced a comprehensive review of the *Local Government Act 1989* (the Act).
2. The Act defines the purposes, functions and duties of local government and provides the legislative framework for the establishment and administration of councils.
3. Since its inception in 1989, the Act has been the subject of more than 90 amending Acts – an average of over three and a half amending Acts each year.
4. The intention of this review is not to further renovate the existing Act but rather to create an entirely new legislative structure. This will accommodate the needs of modern governance and reflect a mature relationship between councils and the state.
5. In late 2015 a comprehensive 126-page discussion paper was released as the first stage of an extensive consultation process with councils and the community about the legislative framework that governs local government in Victoria.

12. Officers' reports

OCM.146/16 Act for the Future - Directions for a new Local Government Act

6. Council endorsed Nillumbik's submission to the discussion paper in December 2015.
7. In June this year, the Government released the Local Government Act Review Directions Paper - *Act for the Future – Directions for a new Local Government Act*. It outlines more than 150 reforms to make councils more effective, autonomous and democratic. A key element of the reforms is to provide greater autonomy to councils in order to allow them to engage in autonomous and innovative business practices, including to create corporate entities to undertake any activity consistent with the role of a council.
8. Prescriptive decision-making processes will be largely removed, leaving councils to be guided by principles of transparency, accountability and sound financial management.
9. Consultation with the sector and the community is currently taking place with submissions sought by 16 September 2016.

Policy context

10. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will advocate about issues affecting the Nillumbik Shire, supported by informed and clearly articulated policy positions.

Budget implications

11. There are no budget implications associated with this report.

Consultation/communication

12. The State Government is seeking comment from the Local Government sector and the broader community about the 157 proposed directions in the Directions Paper and has asked for submissions by 16 September.

Issues/options

13. The Directions Paper comprises 10 chapters:
 - a) Introduction
 - b) Contemporary councils capable of meeting future challenges - explores the role of councils, mayors and council administration
 - c) Democratic and representative councils - looks at council representative structures and how councils are elected
 - d) Councils, communities and participative democracy - proposes ways to embed participatory democracy in councils
 - e) Strong probity in Council performance - examines probity and conduct of councils
 - f) Ministerial oversight of councils - strengthens ministerial oversight of councils
 - g) Integrated planning - creates an integrated planning framework for councils
 - h) Sustainable finance for innovative and collaborative councils - supports councils to be innovative, collaborative and financially sound

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- i) Fair rates and sustainable and efficient councils - provides for fairer and simpler rating
 - j) A rational legislative hierarchy - creates the architecture for rational legislative arrangements
14. Most of the proposed directions in the Directions Paper are generally supported.
15. Attachment 1 details the proposed submission by Council. Major themes are discussed below.

Principles-based v prescriptive approaches

16. The Directions Paper proposes a general shift from prescriptive legislation to a principles-based approach. While this is supported in most instances, there are certain matters which should still be prescribed in the interests of good governance.
17. The structure of the new Act should comprise two main components: (Directions 17, 18 and 19)
- a) Principles (non-prescriptive) for all Councils to apply around good governance and council process. These principles should cover:
 - Role and purpose of Councils
 - Good governance
 - Community engagement and complaint handling
 - Transparency of operation and decision making
 - Employee relations matters
 - Complaint handling
 - Council meeting procedures
 - Councillor and Employee Conduct Code
 - Councillor/CEO and administration relationships
 - Performance reporting
 - Budget preparation and planning
 - Strategic and community planning
 - Council leadership (the Mayor as leader of the Council)
 - Resource sharing and regional collaboration
 - b) The second category should include critical decisions and matters of councils that relate and/or reflect on the probity and reputation of the sector in terms of public standards of accountability and performance. These issues should not be left to the Minister of the day to make regulations to that dictate how councils should operate, but rather clearly legislate the practices and processes, accountability and responsibilities to ensure public confidence is maintained. This should include issues such as:
 - Procurement

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- Council decision making ie: through a constituted meeting of the Council
- Asset sales (land)
- Councillor conduct and fiduciary responsibilities
- Voting franchise
- Election conduct and eligibility
- Rating powers and processes
- Ministerial oversight and powers

Contemporary councils capable of meeting future challenges

18. Local government is a democratically elected government – not a service delivery arm of State Government. This means that purpose, roles and responsibilities of a council and its operations should be principle based. (Directions 1, 18)
19. The specific reference to ‘deliberative’ engagement processes throughout the Directions Paper is not supported. Deliberative engagement must be fit for purpose and is just one of a number of tools that councils can use to engage with their communities. Deliberative processes also require particular skills and this could place financial demands on councils. This is consistent with the view put by the MAV and VLGA. (Direction 1)
20. The requirement for a two-year Mayoral appointment is not supported. The Act currently allows councils the discretion to appoint the Mayor for one or two year terms. Mandatory two-year terms may discourage some councillors from taking the role of Mayor, particularly if a two-year commitment places excessive demands upon them in terms of other professional or personal responsibilities. (Direction 4)
21. The Mayor is the leader of the councillor team and therefore needs to have this role more clearly spelled out. A position description for the role of Mayor should be included in regulations and some responsibilities to assist and authorise the leadership role of the Mayor ie: nominate committee members, present the annual report, monitor behaviour of councillors against the adopted code of conduct and coordinate the resolution of conflicts and councillor disputes. (Direction 5)
22. Expanding the role of Mayor to include the responsibility of being informed by the CEO before any significant organisational change is undertaken which affects the Council Plan should not be legislated. Keeping the Mayor informed would happen as a matter of course. (Direction 5)
23. Providing the Mayor executive powers to develop the Council Plan, requiring the CEO to report to Council etc. should not be included in legislation. Any councillor can move a Notice of Motion to request a report if required and it is vital that the Council Plan and other policy documents are owned by the Council – not seen to be the owned by the Mayor. This would potentially be detrimental to collaboration and good governance by all councillors. (Direction 5)
24. The proposal to make the Mayoral Advisory Panel a statutory advisory board is not supported. This panel is a political appointment of the respective Minister and does not necessarily represent sector views. (Direction 7)

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25. The CEO should consult with all councillors about the agenda for meetings – not only the Mayor. There is no need to legislate this and to do so is contrary to principle-based legislation. (Direction 13)
26. While it is acknowledged that a CEO should consult with councillors and the organisation before implementing organisational change, this should not be legislated through the Local Government Act. To do so is inconsistent with a 'principles based' approach. (Direction 13)
27. The principle should be that the CEO provides advice, support and assistance to the Council and the councillors. This requires good information exchange on strategic operational matters between the CEO and Councillors and particularly between the CEO and Mayor as leader of the Council. (Direction 13)
28. The CEO should always provide support to the Mayor, however the CEO equally has responsibility to support and provide advice to all councillors. Singling out the Mayor in the legislation has the potential to be misinterpreted ie: a Mayor thinking that the CEO must help them deliver their personal political agenda (as opposed to the Councils). (Direction 13)
29. A CEO remuneration policy monitored by the Audit Committee is supported as is external expert advice to the Council in CEO employment matters. Any other prescriptive requirements regarding CEO employment should be deleted from the Local Government Act. (Directions 14, 15 and 16)
30. CEO conduct and behaviour should be governed by relevant employee relations legislation. (Direction 15)
31. The proposal that matters regarding employing Council staff be removed from the Act is generally supported but there will be significant industrial implications in relation to the employment of senior officers on maximum term contract. (Direction 25)
32. There is not agreement with the proposed requirement for the CEO to establish a workforce plan available to the Mayor and staff. This should be part of good practice processes and the consultation requirements regarding the introduction of change are currently embedded in employee relations legislation. (Direction 26)

Democratic and representative councils

33. Two options are proposed for representative structures: (Direction 36)
 - i) One of two structures (unsubdivided or entirely uniform multi member wards)
 - ii) One of three structures (unsubdivided, entirely uniform multi member wards, or entirely single member wards)
34. Option two is supported as it provides greater flexibility. This involves the VEC conducting reviews to arrive at new council structures for the first election after the Act is enacted.
35. Two options are also proposed for voting entitlement: (Direction 41)
 - i) Make the entitlement to vote in a council election to be on the register of electors for the Victorian Legislative Assembly for an address in their municipality. Grandfather the existing voting entitlement for existing property-franchise voters.

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- ii) Maintain the existing franchise but cease automatic enrolment of property owners and require these voters to apply to enrol for future council elections if they choose to do so.
36. Option 2 is supported. This enables absentee property owners to enrol, which is appropriate given that they pay rates to Council.
37. The second of two options in relation to police and security checks of election candidates is supported. That is, that each candidate is required to submit a completed ASIC and police check when nominating. (Direction 43)

Councils, communities and participative democracy

38. The requirement for council to prepare a community consultation and engagement policy and a complaint handling policy is supported. (Directions 46, 55)

Integrated planning

39. The development of a 10-year Community Plan and four-year Council Plan is supported. (Direction 80)
40. The Council Plan should be the policy document of the elected Council for the term of the Council. It is important that the Council Plan be adopted with the first budget adopted by Council. To extend this until December of the second year of the Council term means that it is almost two years into the term before this critical policy document is adopted. The extended time will not produce a better quality Council Plan. Councils should review their community plan by the end of the second year of their term.
41. The requirement for Councils to adopt a rolling asset management plan and long term financial plan is supported. (Directions 86, 89)

Sustainable finances for innovative and collaborative councils

42. Removal of Best Value principles is supported. (Direction 104)

Conclusion

43. Council officers have prepared Nillumbik's submission to Act for the Future – Directions for a new Local Government Act and will ensure it meets the 16 September deadline.

12. Officers' reports**OCM.147/16 Submission on Better Apartments Draft Design Standards**

Distribution: Public**Manager: Ransce Salan, General Manager Environment and Planning****Author: Jeremy Livingston, Manager Planning and Health Services****Summary**

The State Government has made a commitment to improve the design and quality of apartment building developments as part of their 'Better Apartments' project. Last month, the Minister for Planning released the Better Apartments Draft Design Standards which aim to raise the quality of apartment design by introducing minimum standards for a range of matters relating to the internal amenity and design of apartments.

These standards cover fourteen individual themes, and feedback is now being sought from local government, the community, industry and planning experts before these standards are finalised. Submissions to the Draft Design Standards are due by 19 September 2016. Council's submission has been prepared and in summary generally supports the design standards. However further improvements have been identified which are outlined in this report.

It is recommended Council endorse the submission on the Better Apartments Draft Design Standards to enable it to be submitted to the Department of Environment, Land, Water and Planning (DELWP) later this week.

Recommendation

That Council endorses the submission to the Better Apartments Draft Design Standards (Attachment 2) and submits it to the Department of Environment, Land, Water and Planning.

Attachments

1. Better Apartments Draft Design Standards document
2. Council's Submission to Better Apartments Draft Design Standards

Background

1. In May 2015, the Minister for Planning released Better Apartments – A Discussion Paper for community input and stated that the 'right mechanisms must be put in place to promote high quality apartment living opportunities'. The discussion paper started a State-wide community conversation about the key issues that affect internal apartment amenity. There were more than 1,700 responses received to an online survey and 145 written submissions were received.
2. In its submission, Council supported the State Government's initiative to investigate apartment building design and amenity, including the principles in informing future development standards.

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3. A Public Engagement report was released in December 2015 that summarised feedback from the community, local government, development industry and other stakeholders.
4. In February 2016, the Minister for Planning established a Reference Group of peak local government, consumer and development industry bodies to provide a sounding board for the Department of Environment, Land, Water and Planning (DELWP) and the Office of the Victorian Government Architect (OVGA) to test implementation measures and mechanisms for delivering better apartments.
5. In March 2016, the Municipal Association of Victoria (MAV) assisted DELWP and OVGA in establishing a local government working group to help test potential implementation measures. Nillumbik was not invited to be involved presumably based on its anticipated low volumes of apartment development proposals relative to other Melbourne metropolitan municipalities.
6. In August 2016, the Minister for Planning released the Better Apartments Draft Design Standards (Attachment 1). Community and stakeholder feedback is invited on these draft standards before 19 September 2016

Policy context

7. This report directly supports the achievement of Council Plan 2013-2017 strategies:
 - We will promote appropriate development in the right locations to increase the diversity of housing options for Nillumbik residents.
 - We will promote appropriate development in the right locations to increase the diversity of housing options for Nillumbik residents.

Budget implications

8. There are no adverse budgetary impacts with respect to the advocacy recommended in this report, as officer time for this is included within the operating budget of the Planning and Health Services unit.

Consultation/communication

9. The Better Apartments Draft Design Standards is a State Government initiative, therefore the primary responsibility to inform, consult and educate on the project resides with the State Government. Information on the Draft Design Standards, including how to make a submission, is available on the DELWP website.

Draft Design Standards

10. The developed Draft Design Standards cover fourteen themes, with each seeking to address specific apartment design and amenity issues raised in the earlier consultation processes undertaken by the State Government:
 - Building setback
 - Light wells
 - Room depth
 - Windows
 - Storage

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- Noise impacts
 - Energy efficiency
 - Solar access to communal open space
 - Natural ventilation
 - Private open space
 - Communal open space
 - Landscaping
 - Accessibility
 - Dwelling entry and circulation
 - Waste
 - Water management.
11. It is noted that while many of these Draft Design Standards are new, some have been developed from existing ResCode standards to specifically address apartment design issues. The design guidelines will be embedded into planning schemes across Victoria and will set out objectives, standards and decision guidelines in the same format as the existing ResCode provisions. The decision guidelines will set out the matters that the responsible authority must consider before deciding if an application meets the objective.
12. The new Better Apartments provisions in the planning scheme will separate apartment development of five or more storeys and apartment development below five storeys. Due to the successful introduction of planning provisions in the Nillumbik Planning Scheme which have included height controls (namely Amendments C51 and C53 relating to the Eltham and Diamond Creek activity centres), Nillumbik will only be able to accommodate apartments of five storeys or below.
13. Once the standards have been finalised, a minimum of three months' notice will be provided before they come into operation within planning schemes. Transitional provisions will be included to ensure that existing permit applications lodged before the new design standards come into operation continue to be assessed under the existing provisions in the planning scheme applying at that time.

Other initiatives supporting Better Apartments

14. The released document also provides some information regarding the supporting mechanisms to implement the design standards for this Better Apartments project. This includes:
- Training will be provided to local government planners and building design professionals on how to prepare and assess apartment applications to develop their capacity to implement the new provisions. The State Government will fund and deliver this training.

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- Maintaining design quality in apartment developments after the planning stage. This is proposed to be achieved through the introduction of a checkpoint at the building permit stage where a registered architect or a registered building designer (who has completed the advanced training course) can verify that all relevant apartment design matters have been met.
 - DELWP will develop a range of tools to inform consumers which apartments satisfy the design standards. Consumers will be able to make informed decisions about apartments they are considering purchasing or renting.
15. These supporting initiatives are strongly supported and will add real benefits to future residents of apartment development across Victoria.

Key issues with the Draft Design Standards

16. Nillumbik can only meet our long-term housing needs if new dwellings are well-designed and accommodate many different household types. Apartment buildings are becoming a more popular and viable housing option, however not all apartment buildings meet contemporary housing standards or needs such as natural light, ventilation and storage. Introducing minimum standards will go a long way in ensuring that apartments are well-designed, meets the future housing needs of the population, and provides good levels of amenity for their residents.
17. Overall, the Better Apartments Draft Design Standards will improve amenity and design of apartment building development. These draft standards provide a deliberate emphasis on daylight, adaptability/accessibility and environmental sustainability. The draft standards are relevant to Nillumbik and are generally supported. However, an assessment of the draft standards has also identified further opportunities for refinement and improvement. These are outlined in the prepared Council submission comprising Attachment 2 of this report.
18. In summary, the following elements of the draft standards should be strongly supported:
- Light wells – this standard seeks to ensure that the size and design of light wells allow adequate daylight access to an apartment. Living areas of a dwelling should not rely on a light well as the primary source of daylight. This standard addresses an existing deficiency in apartment controls and is strongly supported.
 - Room depth – this standard seeks to ensure that each apartment is able to receive an adequate amount of daylight, including south-facing single aspect apartments. This standard introduces the concept of room depth to ceiling height ratios. This standard will go some way in reducing the 'cave effect' often experienced with single aspect south-facing apartments. It will also likely strike a balance between providing adequate internal amenity and providing an affordable housing option for residents.
 - Windows – this standard seeks to ensure that all habitable rooms (living room, dining room, kitchen area and study) have direct access to daylight by requiring a window to be directly visible from any point in the room. Importantly, habitable rooms that rely on borrowed light arrangements or daylight from a 'snorkel' bedroom (access to light from an adjacent room) will not meet this standard.

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- Energy efficiency – this standard seeks to ensure that new apartments are energy efficient, and specifies a maximum cooling load that is applied as part of a 'NatHERS' assessment (to help ensure more consistent energy performance for apartments, particularly over the warmer period of the year).
- Natural ventilation – this standard requires that at least 60 per cent of dwellings should be naturally cross ventilated. All habitable room windows should be provided with openable windows and doors.
- Private open space – this standard sets the required amount and minimum dimension of private open space depending on the size of the apartment, increasing with the number of bedroom proposed (resulting in 8, 10 and 12 square metre balconies). The standard also introduces a minimum dimension requirement of 2 metres.
- Communal open space – this standard introduces a requirement that communal open space is to be provided for developments of 20 or more apartments, and the minimum communal open space area is 2.5 square metres per dwelling, or 100 square metres, whichever is lesser.
- Landscaping – this standard makes provision for minimum deep soil areas based on the percentage of the size of the subject land, or where this cannot be provided, tree pits sized appropriately for mature canopy trees or climbers should be provided.
- Accessibility – this standard stipulates that all dwellings (except for 25 per cent of two-bedroom apartments) should provide minimum door widths, adaptable bedrooms and bathrooms and wider corridors to support people with limited mobility and our ageing population.
- Dwelling entry and circulation – this standard requires that common areas and corridors include at least one source of natural daylight and natural ventilation.
- Waste – this standard seeks to ensure that waste management facilities are well designed, and enable residents to manage their own waste easily. This standard is not currently addressed in ResCode, and promotes on-site composting and green waste reuse.
- Water management – this standard seeks to ensure that opportunities to collect and reuse rainwater and greywater are identified and implemented in apartment building development. Similarly, this standard is not currently addressed in ResCode, and was not specifically identified in the original discussion paper on Better Apartments.

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19. Despite support for the above initiatives outlined in the draft standards, the following has been identified for suggested refinement and/or improvement to the drafted standards:
- Room depth – this standard does not specifically address poor functionality and layout outcomes that often compound poor internal amenity for apartments, particularly for south-facing apartments. Setting a minimum floor area based on the number of bedrooms provided, as is already practised in other jurisdictions such as New South Wales, would address this issue. This is elaborated on in paragraphs 21 and 22 below.
 - Windows – this standard requires all habitable rooms to have direct access to natural daylight, and further consideration should be given to applying this to non-habitable rooms (bathroom, laundry, walk-in-robos, pantry) unless environmentally sustainable design initiatives (ESD) are incorporated into the design of these 'non-habitable' spaces - as a viable alternative - in order to reduce energy consumption.
 - Noise impacts – the standard addresses noise sources to not be located near bedrooms of immediately dwellings, and this should be expanded to include all habitable rooms. Noise from air-conditioning and other plant equipment adjacent to dwellings can disrupt living spaces to the extent that occupants close doors and windows to exclude the noise, and then require the use of mechanical cooling, increasing energy use. It is also recommended that all apartments be required to incorporate double or acoustic glazing (with acoustic seals) to reduce external noise sources (such as traffic, trains or activity centre related activity).
 - Energy efficiency – the maximum cooling loads in this standard are considered by Council's Sustainability Officer as being too high, and are typical of dwellings that achieve lower than five star energy ratings. The cooling loads specified should therefore be reconsidered. It is also disappointing that other (not cost prohibitive) energy efficiency elements were not considered in the drafting of this standard, including external shading devices to improve resident comfort and lower energy consumption, individual metering of each apartment for utilities, and common areas (including basement carparks) having daylight and movement sensors to control artificial lighting and maximum wattage or lumens specified at levels lower than habitable areas to reduce energy consumption of the development.
 - Natural ventilation – it is suggested that an additional requirement be introduced to the standard for not just habitable rooms to be naturally ventilated, but also bathrooms located on external walls of a building to improve natural ventilation and potentially reduce energy consumption.
 - Private open space – refining the standard to include the requirement that air-conditioning units situated on balconies be concealed from public view is recommended, which can address both a visual and noise attenuation outcome.

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- Landscaping – the requirement for zero per cent deep soil planting for development sites less than 750 square metres is immensely disappointing and should be reconsidered. This may be acceptable in the inner metropolitan areas of Melbourne, but not in suburban locations. No matter the size of developable land, there should be provision for good canopy tree planting, supported by suitable areas of deep soil planting. The recommended tree planting ratios are also too sparse for suburban locations, and in particular does not reflect the neighbourhood and landscape outcomes sought in Nillumbik. Based on the advice of Council’s consulting arborist, there is capacity to improve the recommended tree density ratios, and it is recommended that this be strongly reconsidered.
 - Accessibility – a shortfall of this draft standard is that it does not address the communal corridors and/or common areas within the development that are utilised to access the adaptable/accessible apartments. The standard does not provide guidance around the provision of lifts, nor does it set standards for ensuring that communal corridors and common areas also comply with dimensions and accessibility standards and that apply to the actual apartments.
 - Dwelling entry and circulation – it is considered that on-site loading facilities are beneficial for large residential developments, to facilitate households as they move in and out, and their provision should generally be encouraged.
 - Waste – some of the considerations in the standard could be strengthened by making them mandatory, such as provision for on-site organic waste composting and green waste reuse.
 - Water management – this standard is relatively generic and does not specify the quantity of rainwater appropriate for collection per dwelling. There would be nothing to prevent a permit applicant from attaching a single 2,000 litre tank for a building containing 60 apartments. Accordingly, there needs to be a minimum amount of water collected per bedroom.
20. In a broader context, the future objectives and design guidelines for each standard has not been included in the draft standards, so it is difficult to understand the context or aim of the proposed standards and guidelines for decision making. However, the proposed initiative for the requirement of a registered architect or building designer having to verify that all relevant apartment design matters continue to be met through the building permit process is strongly supported.
21. A disappointing feature of the draft design standards is that minimum floor areas for apartments, dependent on the number of bedrooms provided, has not been included in the drafted design standards. Notwithstanding the merits of the drafted design standards that have been presented, there is no particular standard that specifically addresses the functionality and layout of living spaces of apartments. Poorly designed apartments can result in living spaces that are neither functional nor well designed, resulting in poor internal amenity. This can sometimes result in poorly configured out rooms where there is no capacity to accommodate a couch and a sitting chair. The introduction of minimum apartment sizes as a standard would go a long way in addressing poorly designed and poorly configured apartments.

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22. In New South Wales, one-bedroom apartments must be at least 50 square metres, two-bedroom apartments at least 70 square metres and three-bedroom apartments at least 90 square metres. It had been speculated that the Better Apartments project would follow this concept of introducing minimum apartment sizes. Whilst it is understood that size is not the only determiner of good design and amenity for apartments, it should be a requirement that design excellence and innovation must be demonstrated before deviating from any minimum metric standard.

Conclusion

23. Council recognises that all new apartment building development should be liveable, sustainable, and meets the needs of all occupants. Nillumbik residents expect a high standard of amenity when it comes to all forms of residential development, and that includes apartment buildings. Any design standards introduced will provide greater certainty to the community, councils and the development industry by creating better outcomes for apartments with respect to safe and healthy living environments, and apartments being a desirable and effective housing choice.
24. Overall, Council considers the draft design standards of the Better Apartments project will go a long way in improving design and internal amenity of apartment building developments. In particular, the initiatives and standards concerning daylight, energy efficiency, accessibility/adaptability, natural ventilation and waste are to be commended. However, a number of improvements and recommended refinements have been identified which should be further considered by DELWP and the Minister for Planning before finalising the design standards.
25. Accordingly, Council's endorsement of the attached submission is recommended.

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OCM.148/16 Eltham North Reserve Pavilion Upgrade Design Concepts

Distribution: Public

Manager: Pauline Gordon, General Manager Community and Leisure

Author: Steven Blight, Coordinator Construction

Naomi Paton, Manager Leisure and Social Infrastructure

Summary

This report considers the development of a preferred concept design for the Eltham North Reserve pavilion upgrade. Following the provision of funding from the Victorian Government, Council and Eltham North tenants, works have been ongoing to develop an acceptable concept plan to upgrade the existing pavilion and facilities at Eltham North Reserve.

Through the work of the Eltham North Reserve Reference Group, a concept plan has been developed and costed for Council consideration.

The funding options available to Council are also detailed within this report.

Upon Council approval of the concept plan for Option 2A as the preferred option, community consultation will then commence and the results used to finalise the Eltham North Reserve Pavilion Upgrade Feasibility Study and report back to Council at the December Ordinary Council meeting.

Recommendation

That Council:

- 1. Adopts concept design Option 2A, as detailed in plans F008, F009 and F010, for a shared facility with separate cricket and soccer social rooms as Council's and tenant clubs preferred option.**
- 2. Approves the commencement of community consultation, based on Option 2A.**
- 3. Refers the funding shortfall of \$490,000 for consideration as part of the 2017-2018 Council budget process.**
- 4. Receives a further report summarising the results of the community consultation at its December Ordinary Meeting.**

Attachments

1. Plans F001A F003 F004
2. Plans F011 F012 F013
3. Plans F008 F09 F010
4. Eltham Redbacks FC Endorsement Letter
5. Eltham North Wanderers CC Endorsement Letter
6. Eltham North Scouts Endorsement Letter

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Background

1. Nillumbik Shire Council will receive a \$2 million contribution from the Victorian State Government towards the redevelopment of community facilities at Eltham North Reserve.
2. The sports and community recreation precinct is home to Eltham Redbacks Football Club (ERFC), North Eltham Wanderers Cricket Club (NEWCC) and 1st Eltham North Scouts Group (ENS). The community hall provides a range of uses to community groups, commercial providers and the wider community.
3. ERFC is the fourth largest soccer club in Victoria peaking at 850 members in 2015, more than doubling in size in 10 years. The Club delivers training and competition opportunities year-round; fielding teams in Football Federation Victoria winter competitions from April to September, modified and social competitions and summer training programs from October to December, ahead of winter pre-season training from January. The Club is seeking to secure a license to field a Women's National Premier League team in the competition's next intake. Twenty per cent of members are female. The Club is allocated the Reserve's two sports grounds and synthetic pitch in the winter season and has limited access to the synthetic pitch in the summer season. The Club will also use the new synthetic pitch at St Helena Secondary College due for completion in late 2016.
4. NEWCC is the largest cricket club in Nillumbik with 320 members in 17 teams across all age groups in juniors, seniors and veterans competitions and modified junior sports programs. The Club is seeking to field a team in the Diamond Valley Cricket Association's girls-only competition in the upcoming inaugural 2016-2017 season. The Club access the Reserve's three sports ground in the summer season as well as the facility at Wattle Glen War Memorial Reserve
5. ENS is one of the largest scout groups in Victoria providing for 100 boys and girls of all ages, and 35 leaders. Their undersized facilities means their membership is capped, their programming potential is restricted and access by members with a disability is limited. They're unable to offer a range of programs concurrently which increases the burden on leaders who have to deliver activities off-site. The group relies on storage at private residences for large equipment, further burdening volunteers.
6. The community hall is currently booked 10 hours per week by commercial operators for dance and ballet classes and a council-delivered Living and Learning program; with additional periodical use by service groups, community fundraising events and family functions and celebrations.
7. Use of the hall is restricted from 4pm weekdays and on weekends in the winter season due to sports' priority precinct access, resulting reserve-wide congestion. This management arrangement has been in place for several years.
8. Nillumbik University of the Third Age (U3A) has approached Council requesting access to 80-seat venues on weekdays to accommodate their growing membership base currently at 450 and expanding program offer.

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9. The facilities are at capacity. Tenants and users groups are unable to respond to the growing and expanding community and recreation needs due to the Reserve's:
 - Ageing, inadequate and non-compliant facilities.
 - Lack of female change rooms and umpire facilities.
 - Lack of available social rooms to accommodate multiple sports' use year-round.
 - Small and outdated kitchens and social rooms.
 - No meeting or administration spaces and inadequate on-site storage.
10. A Feasibility Study to upgrade the existing pavilion and community hall facilities for cricket, soccer, scouts and community halls users is being prepared in conjunction with the Eltham North Reserve Project Reference Group (ENRPRG) chaired by Cr Michael Young and consisting of representatives from NEWCC, ERFC, ENS, Sport and Recreation Victoria (SRV) and council officers.
11. Stage one of the Study presented at the November 2015 Ordinary Meeting of Council, evaluated available options to upgrade the existing pavilion facilities. Three options were identified for consideration:
 - Option 1 – Two separate facilities involving the construction of a new pavilion for cricket located west of the top oval, demolition of existing building and development of a new pavilion on the existing site for soccer and upgrade to the scout and community halls. The preliminary cost estimate was \$3.98 million for the sports clubs' preferred option.
 - Option 2 – A single, two-storey integrated facility with separate social rooms and associated kitchen and bar facilities overlooking cricket's and soccer's primary grounds, and upgrade to the scout and community halls. The preliminary cost estimate was \$3.28 million. Both clubs accepted this option.
 - Option 3 – A single, industry standard facility shared by seasonal tenants, and upgrade to the scout and community halls. The preliminary cost estimate was \$2.8 million.
12. At the November 2015 OCM meeting, Council resolved to refer a further \$800,000 for consideration in the 2016-2017 Council budget, which has since been adopted. This is in addition to Council's \$150,000 for project management also confirmed in the 2016-2017 budget. A further allocation for up to 80 additional car parking spaces was referred for consideration as a medium term project in Council's Major Project Plan. Council also resolved to continue planning by:
 - Confirming the financial contributions that the major tenants are to provide.
 - Consulting with tenants to finalise concept plans and amended costings of the sports clubs' preferred two pavilion option.
 - Continues to seek out any further grant opportunities that would further assist in this project.
13. Stage two of the Feasibility Study has progressed with the development of architect-developed concept plans and costings by a quantity surveyor for club-preferred options 1 and 2 only, as detailed in this briefing.

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Policy context

14. This report directly supports the achievement of Council Plan 2013-2017 strategy:
- We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy.

Budget implications

15. Costings have been prepared by a quantity surveyor, which takes into account a review of the rates applied in light of recent higher tender prices being received for similar projects across the industry.
16. A total of \$3,272,725 is available for construction consisting of:
- Council's allocation of \$800,000 in the 2016-2017 budget. An additional \$150,000 is available for construction project management.
 - Eltham Redbacks Football Club and North Eltham Wanderers Cricket Club have confirmed contributions of \$227,272 each towards options 1 and 2 only. Club contributions will be a combination of cash and borrowings, and both clubs will approach Council seeking separate loan guarantees.
 - Scouts Victoria will contribute \$18,181.
 - State Government has allocated \$2 million, available following SRV approval of the final Feasibility Study and concept plan.
17. A further \$500,000 for additional car parking is currently sitting in Council's year 6-10 indicative long-term capital works program.
18. Option 1 of two separate facilities has been costed at \$4.328 million, representing a budget shortfall of \$1.055 million. At the July 2016 Ordinary Council Meeting Council resolved to submit a funding application to the State Government's Growing Suburbs Fund (GSF) for this amount.
19. Option 2 of a single, two level shared pavilion with separate social areas for soccer and cricket has been costed at \$3.854 million; a budget shortfall of \$581,000.
20. An alternate option 2 (referred to as Option 2A) of separate social rooms but shared player, umpire and spectator amenities was developed, but from two stand-alone buildings with cricket facilities located adjacent to the oval. This has been costed at \$3.762 million; a budget shortfall of \$490,023.

Consultation/communication

21. The Reference Group has met regularly since the project's inception in late 2014.
22. Whilst both sports clubs' involvement in the project commenced with the expectation that two facilities would be delivered with the available funds, all members are accepting that additional funding will be required.
23. The Reference Group has developed and over time refined, through a value-engineering process, the component schedules for the three options presented in this report.

12. Officers' reports

OCM.148/16 Eltham North Reserve Pavilion Upgrade Design Concepts

24. The process has involved a site visit to a contemporary sports pavilion facility, shared by cricket, soccer and football, with multi-purpose and flexible social rooms allowing for concurrent use by sport, and by the wider community outside sports' use.
25. Floorplans and costings from other facilities have been reviewed to help shape the options presented.
26. The Reference Group has sought input from the Nillumbik University of the Third Age (U3A) with regard to their interest in the project. U3A, whilst not a member of the Reference Group, they have addressed the Group in relation to their aspiration to utilise sports pavilion social rooms outside sports' use. The U3A's participation has helped inform component schedules.
27. Football Federation Victoria, Cricket Victoria and Scouts Victoria have been consulted. Each organisation has provided advice or guidance on the recommended facility provision and typical tenancy arrangements that supports a sustainable sports club or scout group. Input has focused on delivering fit-for-purpose facilities that meets the needs of the groups' primary purpose (community sport and scouting activities), with social or other community uses a secondary priority.
28. Consultation with the wider community, including adjacent residents, will be undertaken upon Council approval of the preferred concept design.

Issues/options

29. Council officers, with significant input from the ENRPRG and project consultants including a quantity surveyor, have exhausted all options for delivering fit-for-purpose facilities to meet the needs of current tenants and provide for broader community participation outcomes within the available budget.
30. Concept plans for the clubs-desired Option 1 of two separate facilities Attachment 1 – Plans F001A, F003 and F004 have been prepared. The revised cost estimate based on the detailed concept plans is \$4.328 million.
 - Council lodged a funding application to State Government's GSF program to meet the funding shortfall. The application outcome will be known by November 2016.
31. Project stakeholders agreed to investigate Option 2 of a shared facility with separate social rooms. Through a number of iterations and design considerations, in particular ensuring clear site lines were available from the drop off area to the scout hall entrance and to orient cricket's social rooms over the top oval, two versions of Option 2 have been developed.
 - Option 2 (Attachment 2 – Plans F011, F012 and F013) is a single facility with shared amenities and separate social areas, with the cricket social area located on the first floor above the change rooms, approximately 22 meters from the top oval at the closest point. The cost estimate is \$3.854 million.

12. Officers' reports

OCM.148/16 Eltham North Reserve Pavilion Upgrade Design Concepts

- Option 2A (Attachment 3 – Plans F008, F009 and F010) is a split shared facility with the cricket social rooms and shared change rooms located adjacent to the oval. The cricket club will have access to shared amenities including umpires rooms, accessible toilet, first aid room and accessible change rooms located on the northern end of the soccer facility. The soccer club will have access to the cricket change rooms in the winter season. The cost estimate is \$3.762 million.
32. Cost estimates for both options still exceed the available budget.
33. The proposed changes to the scout and community halls are the same for all three options. The scouts would utilise the community hall as their primary programming space and modify the scout hall for storage and other purposes. The amenities would also be upgraded to current standards to be shared by the soccer and community hall users, with additional toilets for scouts provided. The upgrade will also enhance accessibility throughout, increase storage, and deliver contemporary kitchen facilities for hall users. Restricted access to the hall by the community, as detailed in paragraph 7, will remain.
34. At the August 2016 ENRPRG meeting, all tenants agreed that Option 2A satisfied most of the requirements of all parties and was the most feasible option based on:
- The smallest funding gap to deliver fit-for-purpose facilities that meets the needs of the Shire's largest soccer, cricket and scout groups.
 - Satisfying sports clubs' requirements year-round.
 - Soccer's summer season use can be accommodated on the Reserve's and neighbouring St Helena Secondary College's synthetic pitches and access to two change rooms at Eltham North Reserve.
 - Providing contemporary, accessible and inclusive facilities for all users including females, and community groups such as U3A.
 - Addressing tenant's requirements and meets peak sporting body facility guidelines.
 - Centrally co-locating the facilities within one precinct enabling the sharing of player, umpire and spectator amenities and sharing of the community hall kitchen and toilet amenities. This reduces the need to duplicate components and associated annual maintenance and renewal costs, and environmental impacts.
 - Facilitating enhanced traffic management outcomes for car parking and traffic including pedestrian movement. Increased security through precinct activation seven days a week and facility design which maximizes passive surveillance.
 - Optimising Reserve amenity by centralizing sports' off-field activities and community uses at a location furthest from residential property.
35. Option 2A, with separate social facilities for both cricket and soccer and shared change rooms and other amenities has been accepted by Reserve tenants, and approved in principle by SRV, Cricket Victoria and Football Federation Victoria. Tenants have agreed not to pursue Option 1 further.

12. Officers' reports

OCM.148/16 Eltham North Reserve Pavilion Upgrade Design Concepts

36. Based on the agreed position of all stakeholders, the officers' proposed funding strategy to deliver Option 2A, at a construction cost of \$3.762 million, is:

Source	Amount (\$)
Victorian State Government (confirmed)	2,000,000
Nillumbik Shire Council 2016-2017 budget (confirmed)	800,000
Eltham Redbacks Football Club (confirmed) (\$250,000 GST inclusive)	227,272
Eltham North Wanderers Cricket Club (confirmed) (\$250,000 GST Inclusive)	227,272
Scouts Victoria (confirmed) (\$20,000 GST Inclusive)	18,181
Nillumbik Shire Council 2017-2018 budget (not confirmed)	490,000

37. This proposed funding model includes a shortfall of \$490,000. Officers recommend this shortfall be referred for Council's consideration in the preparation of the 2017-2018 Council budget. Funding this shortfall in 2017-2018 will only apply if the GSF application is unsuccessful.
38. In the event Council is successful in securing \$1.055 million through GSF, it is proposed this additional amount will fund the \$490,000 shortfall and deliver the expanded car-parking earlier than currently programmed to respond to existing demands, subject to negotiations and the approval of the funding body.
39. There is a strong desire from all project members to progress the project's development expeditiously and to proceed to community consultation on the preferred Option 2A. Letters of support of Option 2a have been provided by the three Eltham North tenants, Attachments 4, 5 and 6.
40. Community feedback will help to finalise the Feasibility Study for Council consideration and adoption by December 2016. Subject to Council decisions, detailed design could commence in early 2017.

Conclusion

41. The preferred concept plan Option 2A, with the shared facilities and separated social rooms, spread over two buildings within the existing community hall – sports pavilion precinct, has the support of all tenants, SRV, Cricket Victoria and the Football Federation of Victoria (FFV).
42. The Growing Suburbs Fund application outcome won't be known until November 2016, so to keep the project moving forward Council needs to approve the preferred concept design, Option 2A and refer the shortfall to the 2017/18 budget process.
43. Upon approval of concept 2A, community consultation can commence, the feasibility study report can be finalised and reported to Council in December 2016.

12. Officers' reports

OCM.149/16 Come Together Music Festival

Distribution: Public

Manager: Pauline Gordon, General Manager Community and Leisure

Author: Corinne Mays, Coordinator Edendale Farm

Adrian Cully, Manager Community Participation

Rachel Deans, Coordinator Community Development and Inclusion

Summary

Commencing in 2015, the Come Together Music and Arts Festival (CTMAF) is a community music festival organised by Hang Together, a newly incorporated community-based group led by local Nillumbik residents.

The festival aims to raise awareness about suicide prevention and mental health through a culturally diverse music and arts event. The CTMAF is targeted to families, with children's activities available throughout the day including performing arts, face painting, story-telling, dancing and art.

The festival was held at Edendale Community Environment Farm in March 2015 and 2016. On both occasions, Edendale was hired as the event venue and Edendale provided staff to assist with event coordination and site management.

At both the 2015 and 2016 CTMAF attendance was lower than anticipated.

Hang Together have commenced planning for the next CTMAF. A tentative date of Saturday 25 March 2017 has been set.

Hang Together are seeking financial assistance and support from Council to deliver the CTMAF for 2017. Assistance sought includes the waiver of hire fees for Edendale for 2016 and 2017, staff support to run the festival, payment of electrical and traffic management services, waiver of waste management fees and an annual grant of \$5,000 through the Nillumbik Community Fund Annual Grants program. The total financial cost of support requested from Council is \$15,603.

Recommendation

That Council:

1. **Notes the pricing strategy within the adopted Edendale Commercial Review.**
2. **Continues to provide officer support to Hang Together, leading up to the March 2017 Festival, in event planning and establishment of a sustainable business model.**
3. **Supports Hang Together to access external funding opportunities.**

Attachments

Nil

12. Officers' reports

OCM.149/16 Come Together Music Festival

Background

1. In March 2015 and 2016, the Come Together Music and Arts Festival (CTMAF) was held at Edendale Community and Environment Farm.
2. The festival is organised by Hang Together, a community-based group which aims to raise awareness of mental health and suicide prevention for Beyond Blue.
3. The CTMAF is a one day event which runs from 10am to 9pm with bands and DJs playing throughout the day, in addition to children's activities as well as food and drink, including alcohol, sold at the event.
4. On both occasions, Edendale has been hired by the event organisers as the venue for the festival, with the site closed to the public for the day.
5. Both the 2015 and 2016 CTMAFs were ticketed events. In 2015, adults were charged an entry fee of \$49 and children under 14 were admitted free. In 2016, adults were charged an entry fee of \$35, concession \$30 and children were charged \$5 per person, or \$75 per family.
6. At both the 2015 and 2016 CTMAF attendance was lower than anticipated. The estimated number of attendees to CTMAF in 2016 was 700 including both adults and children. This was less than the 1,400 attendees in 2015 and was under the expected 1,500 in 2016.
7. The overall feedback from the festival attendees and Edendale staff present on the day was positive. Comments included:
 - Good site layout and community atmosphere
 - Children's activities and entertainers were varied and engaging.
 - Noise was well managed by mailing out neighbours to let them know of the event and notifying police. Only one complaint was received in 2016.
 - Positive event for the local community given their attachment to the site.
 - Additional disabled parking worked well.
8. An evaluation of the 2016 festival identified a number of issues and areas for improvement for future events:
 - Need for more volunteers for bump-in and bump-out.
 - Identification of appropriate parking areas and the need for traffic management.
 - Ensuring that security is present on site until the end of the event.
 - Ensuring that the event finishes on time.
 - Reducing the number of stages from three to two.
9. Following the festival, the Hang Together Committee was issued with an invoice from Council for site hire, waste management and education activity of \$1,831. This invoice remains outstanding.

12. Officers' reports

OCM.149/16 Come Together Music Festival

Policy context

10. This report directly supports the achievement of Council Plan 2013-2017 strategies:
- We will focus the organisation on the importance of customer service and provide timely and meaningful responses to community requests.
 - We will provide our community with opportunities for education, life-long learning and creative pursuits.

Budget implications

11. At the Ordinary Council Meeting on 23 February 2016, Council endorsed the recommendations of the Edendale Commercial Review. The recommendations included optimising financial returns for events held at Edendale by ensuring that they run on a cost-recovery basis.
12. In 2016, Council adopted the schedule of fees and charges for 2016-2017 which included hire fees for Edendale for festival and events, as well as additional staff costs for supporting events.
13. In May 2016, Hang Together were provided with a preliminary quotation for the hire of Edendale and staff support for the 2017 festival. These indicative costs were based on the increased fees and charges for 2016-2017.
14. Hang Together have since requested that these costs be waived and are seeking Council's financial and operational support for the event. These costs include the hire of an electrician and traffic management.
15. The projected direct and operational costs for Council for the 2017 festival will be:

Exclusive hire of site from 8am to 11pm (community rate)	\$2,100
Room hire for set up and clean up time	\$230
Additional staff for event	\$900
Waste charge	\$131
Education activity	\$200
Electrician	\$500
Traffic Management	\$2,000
Officer support with event planning	\$1,413
Officer site preparation (two days)	\$532
Edendale staff clean-up (one day)	\$266
Loss of other income i.e. plant sales	\$500
Community Fund Annual Grant	\$5,000
Waiver of 2016 hire invoice	\$1,831
Total cost to Council	\$15,603

12. Officers' reports

OCM.149/16 Come Together Music Festival

Consultation/communication

16. Council officers have met with Hang Together organisation on many occasions over the last three years to discuss event planning and management.

Issues/options

17. Council supports community groups to deliver sustainable festivals through the provision of capacity building and advice such as;
- assistance with planning
 - liaison in completing event requirements and permit applications
 - consultation with committees.
18. Following the 2016 festival, Hang Together commenced planning for the 2017 CTMAF. A tentative date of Saturday 25 March 2017 has been set.
19. At the initial planning meeting for the 2017 festival in May 2016, an indication of hire costs was provided to Hang Together Committee members. These costs include the community hire rate for the exclusive use of Edendale from 8am to 11pm on the day of the festival; additional Edendale staff to support the event; waste management costs, the coordination of an education activity; traffic management and a refundable deposit.
20. The Hang Together Committee have expressed concern over the hire fees and charges and are seeking:
- The provision of Edendale as the event venue, free of charge. This includes Edendale staff support prior to the event, during the event and post-event, waste management and payment for electrical services.
 - The provision of traffic management for Gaston's Road for the duration of the event as a Council contribution.
 - Access to the Edendale site on the preceding Friday (24 March) and Sunday (26 March) following the festival to support bump-in and bump-out.
 - Advice regarding future funding sources or sponsorship from Council.
 - The existing 2016 venue hire debt of \$1,831 to be waived.
21. Hang Together applied for funding through the Nillumbik Community Fund Annual Grant in 2014, 2015 and 2016, and on each occasion were unsuccessful. In 2015, Hang Together received \$2,000 through the Nillumbik Community Fund Quick Response Grant process for a pilot of the festival. Quick response grants are provided for 'one-off' community projects.
22. In August 2016, Hang Together met with Council officers to discuss planning for the 2017 festival. It was agreed that the date of 25 March 2017 would be held until advice about potential waivers could be received from Council at which stage the Committee could then make a determination to proceed with the event at Edendale.
23. In late August 2016, Hang Together launched an online petition requesting financial and operational support from Council for the 2017 festival.

12. Officers' reports

OCM.149/16 Come Together Music Festival

24. An opportunity exists to work with Hang Together to improve their event management processes and financial sustainability, however this will take time and current urgency relates to the March 2017 event timeframe.
25. Council officers are implementing the recommendations of the adopted Edendale Commercial Review which include a requirement for events to be cost neutral.
26. As part of the engagement process in developing future policy, the broader community will be asked to determine its preference for which festivals and events Council supports within its finite resources. This work is scheduled to be undertaken in 2017.

Conclusion

27. It is recommended that Council continue to work with Hang Together leading up to the March 2017 Festival, whilst continuing to implement the recommendations adopted in the Edendale Commercial Review.
28. Council will also extend the offer of continuing to work with organisers in the planning of any future events at Edendale or other potential venues within Nillumbik.

12. Officers' reports**OCM.150/16 Bolton Street Upgrade**

Distribution: Public**Manager: Conal Creedon, General Manager Infrastructure Services****Author: Conal Creedon, General Manager Infrastructure Services****Summary**

Bolton Street, Eltham is a local road classified as a link road in Council's street hierarchy. The boundary between the Shire of Nillumbik and the City of Banyule runs along the centre of Bolton Street.

For many years both Councils have advocated to VicRoads to have the road declared as an arterial road on the basis of the function it performs in the wider road network. Bolton Street currently carries approximately 19,000 vehicles per day.

At the 2014 State election both major parties made a commitment to upgrading Bolton Street with the current Labor government committing to providing \$10.5 million to upgrade the road. The 2016-2017 state budget makes provision for the first part of this funding with additional funding to come in 2017-2018 and 2018-2019.

VicRoads has conducted two community information sessions in November 2015 and June 2016 to prepare for this project. Two options for the upgrade of the road were presented at the community meeting in June 2016. VicRoads has also conducted a declaration review of Bolton Street and this report provides Council with information on that review, as well as responding to a request from VicRoads for feedback on the preferred option to upgrade Bolton Street.

Recommendation**That Council:**

- 1. Gives in principle support to VicRoads' draft 'Option 1' design for the upgrade of Bolton Street subject to the consideration of the detailed design.**
- 2. Writes to the Minister for Roads seeking a review of the recent decision not to declare Bolton Street as an arterial road.**
- 3. Seeks the support of Banyule City Council in making a joint representation to the Minister.**
- 4. Supports the appointment of VicRoads as Coordinating Road Authority for the duration of construction of Bolton St subject to Council officers having continued input to the design and final construction approval.**

Attachments

1. Bolton Street upgrade plans - Options 1 and 2
2. Bolton St Upgrade - Community feedback report, June 2016
3. Bolton St Declaration Review, July 2016

12. Officers' reports

OCM.150/16 Bolton Street Upgrade

Background

1. Bolton Street, Eltham is a local access road which forms the boundary between the Shire of Nillumbik and the City of Banyule. It is classified as a link road in Council's road hierarchy and carries approximately 19,000 vehicles per day.
2. Under the boundary agreement with the City of Banyule, the Shire of Nillumbik is responsible for routine maintenance of the road. The original road construction was suitable to lower volumes of traffic and the road standard currently has open table drains and unsealed shoulders. Footpaths have been constructed on both sides of the road within the last eight years.
3. Both the Shire of Nillumbik and the City of Banyule have advocated to VicRoads and state government representatives over many years to have the road declared as an arterial road given the function it performs in the local road network.
4. Bolton Street runs parallel with Main Road, Eltham between Bridge Street and Main Road, Lower Plenty. It also runs parallel with Para Road further to the west. From Council's point of view, it carries a significant amount of vehicle traffic feeding onto the Main Road/Fitzsimons Lane river crossing.
5. At the 2014 state election the major parties made commitments to upgrade Bolton Street with the successful Labor government committing \$10.5 million towards the road's improvement. Funding for this has now commenced with an allocation in the 2016-2017 state budget.

Policy context

6. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will advocate to the State Government for improvements to public transport and main roads in the Shire to improve access and amenity for local residents

Budget implications

7. The state government has committed \$10.5 million towards the upgrade of Bolton Street. VicRoads, as the state government's road construction authority, has been charged with the delivery of this project.

Consultation/communication

8. VicRoads conducted two community meetings in November 2015 and June 2016. At the November 2015 meeting, VicRoads sought to understand from the community the current issues with Bolton Street in order to fully inform the business case being prepared for submission to the state budget process.
9. In June 2016 VicRoads conducted a second community meeting at which two options for the upgrade of Bolton Street were presented. VicRoads has captured the feedback from both meetings in community feedback reports and is now seeking Council endorsement of Option 1.
10. As part of this process, VicRoads has also conducted a declaration review to reconsider the request to have Bolton Street declared as an arterial road.

12. Officers' reports**OCM.150/16 Bolton Street Upgrade**

Issues/options

11. The state government has provided funding for the upgrade of Bolton Street, Eltham between Sherbourne Road/Bridge Street and Main Road, Lower Plenty.
12. VicRoads has carriage of this project. Two options (Attachment 1) for the upgrade of Bolton Street have been developed following a community meeting in November 2015. Both options included the installation of a continuous median right turn lane along the length of Bolton Street, a 50km/h speed limit, permanent truck ban, indented parking where appropriate, improved street lighting, low profile speed humps, kerb, channel and improved drainage, three metre wide shared path on the western side of Bolton Street and a 1.5 metre path on the eastern side of Bolton Street.
13. In addition to the above, Option 1 includes pedestrian operated signals near Grand Boulevard, a right turn ban for vehicles exiting Grand Boulevard onto Bolton St, improved access to Sherbourne Road by extending two lanes further south on Bolton Street at Sherbourne Road/Bridge Street intersection and adding an additional signalised left hand turn slip lane from Bolton Street onto Main Road.
14. The key features of Option 2 were replacing the roundabout with a signalised T-intersection at Shebourne Road and Bridge Street, removing the dedicated left turn slip lane at the Main Road/Bolton Street intersection and reducing traffic access onto Bolton Street by removing one right turn lane from Main Road.
15. The summary of the community feedback from the meeting in June 2016 shows a preference for Option 1 Attachment 2. This feedback is qualified with questions on specific aspects of the design such as the shared path and some of the traffic treatments which VicRoads will consider in finalising the design. It is also the view of officers that Option 1 is preferable in that it maintains the majority of arrangements which manage current traffic flow on the road, as well as providing the required upgrade. Officers contend that the speed limit should be retained at 60kmh.
16. This design is largely conceptual at this stage and Council officers will seek to be consulted closely on the development of the detailed design. VicRoads has indicated that it would tender for construction in 2017 and complete the road upgrade by mid-2018.
17. In order for VicRoads to legally conduct the upgrade works on a local road there is a mechanism under the Road Management Act 2004 to transfer Coordinating Road Authority functions by direction of the Minister. VicRoads has sought support from Nillumbik Shire Council and Banyule City Council for this appointment. It is recommended that this be supported subject to Council officers having continued input to the design and final construction approval.

Declaration Review

18. In response to requests from the Shire of Nillumbik, City of Banyule and as part of the Bolton Street upgrade project, VicRoads has conducted a declaration review of Bolton Street to consider how it meets the guidelines for declaration as an arterial road. VicRoads has recently confirmed the outcome of this review and provided a copy of the report conducted on its behalf by TraffixGroup (Attachment 3).

12. Officers' reports

OCM.150/16 Bolton Street Upgrade

19. This report recommends that the road is not declared as an arterial road as it does not have the characteristics of an arterial road as defined in VicRoads' guidelines.
20. An 'origin destination' survey was conducted as part of this review. Council officers were concerned that the locations selected for conducting the traffic counts in this origin destination survey would not provide a comprehensive picture of the sources of vehicle traffic and questioned some of the results and their interpretation as provided in the VicRoads report. In particular, officers do not agree with the estimated traffic volumes used on the existing arterial road network that vary from Council's records and the proportion of 'local' trips recorded between survey stations.
21. The conclusion that has been drawn in the report is not contested on the strict application of the guidelines, however Council officers still contend that Bolton Street operates at and provides a function greater than that of a local road. Where a disagreement of this nature exists, there is provision in the Road Management Act 2004 for the Minister for Roads to make a determination. It is recommended that Council refer the matter to the Minister for Roads and seek the support of the City of Banyule in making a joint submission.
22. Council officers will continue to advocate for the declaration of the road, however in the meantime the most important consideration is to ensure that the upgrade of Bolton Street continues and is delivered in a timely fashion by the state government through VicRoads. To that end, officers recommend that Council give in principle support to Option 1 for the upgrade of Bolton Street, subject to the consideration of the detailed design.

Conclusion

23. VicRoads has developed two options for the upgrade of Bolton Street to meet the state government commitment from the 2014 state election. These have been presented to the community and the majority of community support is for Option 1. It is the view of Council officers that Option 1 is the most appropriate for the upgrade of Bolton Street and it is recommended that Council give in principle support to this option subject to the consideration of the detailed design.
24. The function of Bolton St in the wider road network is not recognised in the recent VicRoads declaration review and it is further recommended that Council make a submission and application to the Minister for Roads to review this decision.
25. Council support is also recommended for VicRoads to be appointed Coordinating Road Authority subject to Council officers having continued input to the design and final construction approval.

12. Officers' reports

OCM.151/16 Aton Street Special Charge Scheme, North Warrandyte - questionnaire results

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Anita Devi, Project Engineer

Summary

On 15 March 2016, Council received a petition signed by property owners in Aton Street, North Warrandyte requesting that Council investigate road sealing.

On 26 July 2016, questionnaires were sent to all property owners in Aton Street to establish the level of support to construct the road.

The level of support established for a Special Charge Scheme for Aton Street, North Warrandyte is 17.6 per cent. This represents support from six of the 34 property owners.

Given that the level of support is below 60 per cent it is recommended that Council abandon the scheme and place further investigations for road construction in Aton Street, North Warrandyte on a three year moratorium.

Recommendation

That Council:

- 1. Abandons further investigations into a Special Charge Scheme for Aton Street, North Warrandyte**
- 2. Places any further investigations into a Special Charge Scheme for Aton Street, on a three year moratorium.**
- 3. Notifies affected property owners accordingly.**

Attachments

- Aton Street Special Charge Scheme Area

Policy context

- This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide a safe and accessible network of local roads, footpaths and trails.

Budget implications

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

12. Officers' reports

OCM.151/16 Aton Street Special Charge Scheme, North Warrandyte - questionnaire results

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 abutting Aton Street, North Warrandyte on 26 July 2016, (refer to Attachment 1).

Issues/options

4. On 15 March 2016, Council received a petition signed by 22 property owners in Aton Street, North Warrandyte requesting that Council investigate road sealing.
5. On 26 July 2016, questionnaires were sent to all property owners in Aton Street, North Warrandyte 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 Aton Street Special Charge Scheme questionnaires

	Construction	No change	No response	Total
Votes	6	21	7	34
Percentage	17.6%	61.8%	20.6%	100%

7. The level of support established for a Special Charge Scheme for Aton Street, North Warrandyte is below the 60 per cent requirement for the scheme to proceed.
8. Seven property owners did not respond to the questionnaires. If all of 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. Property owners were given the opportunity to include comments in their questionnaire response. Generally, the comments received from property owners were reflective of the way they voted. Some of the comments were:
 - Property owners cannot afford the cost of the scheme
 - Prefer cost without kerb and channel
 - Underground drainage should not be included in the scheme
 - Kerb and channel is not appropriate for the rustic characteristic of the area
 - Are happy with existing neighbourhood character
 - Road sealing will reduce dust issues and improve access to the properties

Conclusion

10. The results of the questionnaire demonstrate insufficient support from a majority of property owners in Aton Street, North Warrandyte for the construction of the road via a Special Charge Scheme.
11. 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.152/16 Rodger Road Special Charge Scheme, Panton Hill (between Bishops Road and Lawrence Road)**

File: R/054
Distribution: Public
Manager: Conal Creedon, General Manager Infrastructure Services
Author: Vladimir Mistic, 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.

Gathercole Lane, off Rodger Road, is only used to access one property and as that property would receive a significant benefit from the sealing of Rodger Road, Council officers included it in the scheme. Questionnaires were sent to all property owners in Rodger Road and Gathercole Lane, Panton Hill on 27 May 2016 to establish the level of support for road construction.

Feedback received from the initial questionnaire indicated that a number of property owners did not support the inclusion of Gathercole Lane in the scheme. Therefore, Council officers prepared an alternate proposal that only includes the sealing of Rodger Road.

Revised questionnaires were sent to all property owners in Rodger Road, Panton Hill on 10 August 2016 to establish the level of support to construct the road. Eleven of 18 properties support a Special Charge to seal the road.

Given that the level of support is above 60 per cent it is recommended that Council proceeds with consultation for the construction of Rodger Road between Bishops Road and Lawrence Road, Panton Hill.

Recommendation**That Council:**

- 1. Proceeds with the development of a Special Charge Scheme for the sealing of Rodger Road, Panton Hill (between Bishops Road and Lawrence Road).**
- 2. Invites affected property owners to an information session to outline the next steps in the process of construction under Council's Special Rates and Charges Policy and Procedure.**

Attachments

1. Revised scheme area
2. Revised apportionment
3. Original scheme area

12. Officers' reports

OCM.152/16 Rodger Road Special Charge Scheme, Pantan Hill (between Bishops Road and Lawrence Road)

Background

1. On 24 March 2016, Council received a petition signed by property owners requesting that Council investigate road sealing, for a section of Rodger Road between Bishops Road and Lawrence Road, Pantan Hill.
2. Considering Gathercole Lane is only used to access one property and that property owner would receive a significant benefit from the sealing of Rodger Road, Council officers included it in the scheme. Questionnaires were sent to all property owners in Rodger Road and Gathercole Lane, Pantan Hill on 27 May 2016 to establish the level of support for road construction.
3. Feedback received from the initial questionnaire indicated that a number of property owners, including the one in Gathercole Lane, did not support the inclusion of Gathercole Lane in the scheme. Therefore, Council officers prepared an alternate proposal that only includes the sealing of Rodger Road.
4. Revised questionnaires were sent to all property owners in Rodger Road, Pantan Hill on 10 August 2016 to establish the level of support to construct the road.

Policy context

5. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide a safe and accessible network of local roads, footpaths and trails.

Budget implications

6. The cost of investigation undertaken to date is accommodated in the current services budget.
7. If a scheme proceeds, Council would incur a cost for survey, design and construction. These costs would be included in the scheme and recovered when construction commences and the charges are levied.

Consultation/communication

8. 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 affected property owners in Rodger Road and Gathercole Lane, Pantan Hill on 27 May 2016 refer to Attachment 3. Feedback received from property owners indicated little support to include Gathercole Lane in the scheme. Revised questionnaires were then sent to all property owners in Rodger Road on 10 August 2016 to establish the level of support to construct the road refer to Attachment 1.
9. Further consultation will occur through an information session for all residents, selection of task group representatives to work with council officers on the detailed design and final information session for all residents.
10. 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 abandonment this report.

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OCM.152/16 Rodger Road Special Charge Scheme, Panton Hill (between Bishops Road and Lawrence Road)

- 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 Policy and Services 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.

Issues/options

11. On 24 March 2016, Council received a petition signed by property owners requesting that Council investigate road sealing, for a section of Rodger Road between Bishops Road and Lawrence Road, Panton Hill.
12. Considering Gathercole Lane is only used to access one property and that property owner would receive a significant benefit from the sealing of Rodger Road, Council officers included it in the scheme. Questionnaires were then sent to all affected property owners in Rodger Road and Gathercole Lane, Panton Hill on 27 May 2016 to establish the level of support for road construction.
13. Results from the original questionnaires are shown in Table 1 below.

Table 1 – Results for Rodger Road and Gathercole Lane Special Charge Scheme questionnaires

	Construction	No Change	No Response	Total
Votes	11	8	0	19
Percentage	57.9%	42.1%	0%	100%

14. The level of support established for a special charge scheme for Rodger Road and Gathercole Lane, Panton Hill was below 60 per cent. Feedback received from the original questionnaire indicated that a number of property owners did not support the inclusion of Gathercole Lane in the scheme. Therefore, Council officers prepared an alternate proposal that only includes the sealing of Rodger Road.
15. Revised questionnaires were sent to all property owners in Rodger Road, Panton Hill on 10 August 2016 to establish the level of support to construct the road.
16. Results from the revised questionnaires are shown in Table 2 below.

Table 2 – Results for Rodger Road Special Charge Scheme questionnaires

	Construction	No Change	No Response	Total
Votes	11	6	1	18
Percentage	61.1%	33.3%	5.6%	100%

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17. The level of support established for a special charge scheme for Rodger Road, Pantan Hill was above 60 per cent. This represents support from 11 out of 18 property owners. If a scheme is to proceed, Council would incur a cost for survey, design and construction. These costs would be included in the scheme and recovered when the construction commences and the charge is levied.
18. The questionnaires also asked property owners to comment in respect to amenity, environment, street character, construction standard and any other factors considered relevant to the proposed scheme.
19. Generally, comments received from property owners were reflective of the way they voted, which included:
 - No dust and it would be good for environment
 - Better amenity
 - Traffic speeds are a problem
 - Sight lines around corners are a problem
 - Would prefer to maintain neighbourhood character
 - The scheme is too expensive and not value for money
 - Council should contribute more for community access to Bunjil Reserve
20. Indicative costs for property owners involved in the proposed Special Charge Scheme for Rodger Road, Pantan Hill are outlined in Attachment 2.
21. The special benefit of the road construction is considered to be improved access and amenity to property owners and the residents in the scheme. Council owns the property 105 Rodger Road known as Bunjil Reserve that is within the scheme. 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. However, Council is required to contribute to the scheme between \$41,565.34 and \$49,878.40 for the Bunjil Reserve property.
22. While Council would be required to make a financial contribution to the scheme, it is exempt from voting. Should the scheme proceed, Council would need to consider this liability as part of the Capital Works budget estimates process.

Conclusion

23. The results of the questionnaire demonstrate support from a majority of property owners in Rodger Road, Pantan Hill for the construction of the road via a special charge scheme.
24. Based on this support, it is recommended that the consultation process proceed, and all affected property owners be invited to an information session to outline the next steps in the process of construction under Council's Special Rates and Charges Policy and Procedure.

12. Officers' reports

OCM.153/16 Diamond Creek Accessible Amenities

File: 1516-91

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Jake Hart, Project Management Officer

Summary

The existing Diamond Creek Public Amenities facility, located at Rotary Park Diamond Creek (61 Chute Street, Diamond Creek), has been scheduled for renewal in the 2016-2017 financial year.

This report considers the awarding of a lump sum contract for the Diamond Creek Accessible Amenities. The contract involves the replacement of the existing amenities block with four unisex accessible cubicles.

The tender evaluation panel has assessed all submissions and a separate confidential report outlines their evaluation in recommending the awarding of the contract for the Diamond Creek Accessible Amenities.

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 the contract but the tender evaluation remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.154/16 Tender report 1617-11 Provision of pavement crack sealing services

File: 1617-11
Distribution: Public
Manager: Conal Creedon, General Manager Infrastructure Services
Author: Craig Commene, Risk Advisor
 Mathew Deayton, Manager Infrastructure Development

Summary

This report considers the awarding of the contract for Pavement Crack Sealing services and recognises the achievements by representatives from the Eastern Regional Procurement Network to collaborate and share in the tendering and delivery of a shared common service.

The cooperation of Banyule, Boroondara, Knox, Nillumbik, Manningham, Maroondah, Whitehorse and Yarra Ranges Councils to jointly tender together has delivered saving in tendering administration costs, simplified and agreed new Municipal and Incidental Crack Sealing specifications and reduced the cost of supplier engagement.

In accordance with Part five of section 186 of the *Local Government Act 1989*, eight participating councils appointed Yarra Ranges Council to act as the lead agency to tender for this tender with each participating Council then enter into individual contracts.

The proposed contract will save Council an estimated \$15,000, in aggregate over the six year contract term.

The proposed contract will be for an initial period of three years and the option to extend the contract for up to three years at Council’s discretion.

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 contracts.

A separate confidential report provides the tender evaluation results.

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.155/16 Tender report 1617-6 Collard Drive-Broad Gully Road intersection upgrade works

File: 1617-6
Distribution: Public
Manager: Conal Creedon, General Manager Infrastructure Services
Author: Steven Blight, Coordinator Construction

Summary

This report considers the awarding of the contract for the Collard Drive and Broad Gully Road intersection improvement works in Diamond Creek. This work is one of the infrastructure improvements to be carried out as part of the development plan (DPO2) for this part of Diamond Creek and is funded from developer contributions.

The works will involve the widening of the intersection in Broad Gully Road, new asphalt road pavement, construction of new kerb and channel, underground drainage improvements, a traffic splitter island, a footpath connection along Broad Gully Road and other associated works.

The Tender Evaluation panel has assessed all submissions and a separate confidential report outlines their evaluation in recommending the awarding of the contract for the Collard Drive and Broad Gully Road intersection improvement works in 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.156/16 Assemblies of Councillors

File: 10/30/002
Distribution: Public
Manager: Andrew Port, General Manager Corporate Services
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 23 August 2016.

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	24 February 2016
	Matters considered	Panton Hill Bushland Reserves System User Group
	Councillors present	Cr Anika Van Hulsen
	Staff present	Stacey Warmuth Brad Tadday
	Conflict of interest	None declared

2	Date of assembly	4 August 2016
	Matters considered	Panton Hill Bushland Reserves System User Group
	Councillors present	Cr Anika Van Hulsen
	Staff present	Stacey Warmuth Brad Tadday
	Conflict of interest	None declared

3	Date of assembly	8 August 2016
	Matters considered	Inclusion Advisory Committee
	Councillors present	Cr Bronnie Hattam
	Staff present	Amber Smith Rachel Deans
	Conflict of interest	None declared

4	Date of assembly	15 August 2016
	Matters considered	Audit Committee
	Councillors present	Cr Ken King

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OCM.156/16 Assemblies of Councillors

	Staff present	Stuart Burdack Andrew Port Vince Lombardi	Melika Sukunda Craig Commene
	Conflict of interest	None declared	

5	Date of assembly	17 August 2016	
	Matters considered	Liveable Nillumbik Project Community Reference Group	
	Councillors present	Cr Anika Van Hulsen	
	Staff present	Corrienne Nichols	Nichole Johnson
	Conflict of interest	None declared	

6	Date of assembly	23 August 2016	
	Matters considered	Pre-meeting for Ordinary Meeting of Council	
	Councillors present	Cr Bronnie Hattam Cr Helen Coleman Cr Michael Young	Cr Meralyn Klein Cr Anika Van Hulsen Cr Peter Perkins
	Staff present	Stuart Burdack Andrew Port Conal Creedon Ransce Salan Pauline Gordon Suzy Ellingsen Allison Watt	Wayne Trull Mathew Deayton Craig Commene Naomi Paton Nadine Wooldridge Pat Vaughan
	Conflict of interest	None declared	

7	Date of assembly	25 August 2016	
	Matters considered	Edendale Advisory Committee	
	Councillors present	Cr Michael Young	Cr Bronnie Hattam
	Staff present	Corinne Mays	
	Conflict of interest	None declared	

8	Date of assembly	25 August 2016	
	Matters considered	Recreation Trails Advisory Committee	
	Councillors present	Cr Anika Van Hulsen	
	Staff present	Alison Hickey	Nadine Wooldridge
	Conflict of interest	None declared	

12. Officers' reports

OCM.156/16 Assemblies of Councillors

9	Date of assembly	30 August 2016	
	Matters considered	Economic Development Strategy Review consultation	
	Councillors present	Cr Bronnie Hattam Cr Ken King	Cr Anika Van Hulsen Cr Michael Young
	Staff present	Darko Popovski Chad Griffiths	Ransce Salan
	Conflict of interest	None declared	

10	Date of assembly	30 August 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Planning applications for Planning Committee 6 September 2016 • Election Period Policy • Amendment C108 • Come Together Festival • Eltham North Reserve design concepts • Activity Centre Zone (Amendments C106 and C107) • Open Policy Forum 	
	Councillors present	Cr Bronnie Hattam Cr Anika Van Hulsen Cr Michael Young	Cr Ken King Cr Helen Coleman Cr Peter Perkins
	Staff present	Andrew Port Conal Creedon Pauline Gordon Ransce Salan Jonathan McNally Renaë Ahern Katrina Ross Jonathan Risby	Allison Watt Wayne Trull Chad Griffiths Paul Fyffe Adrian Cully Eddie Cheng Nadine Wooldridge Corinne Mays
	Conflict of interest	None declared	

11	Date of assembly	31 August 2016	
	Matters considered	Liveable Nillumbik Project Community Reference Group	
	Councillors present	Cr Anika Van Hulsen	
	Staff present	Nichole Johnson	Pauline Gordon
	Conflict of interest	None declared	

12. Officers' reports

OCM.156/16 Assemblies of Councillors

12	Date of assembly	2 September 2016	
	Matters considered	Memorials Advisory Committee	
	Councillors present	Cr Meralyn Klein	Cr Ken King
	Staff present	Adrian Cully	Michelle Zemancheff
	Conflict of interest	None declared	

13	Date of assembly	6 September 2016	
	Matters considered	Pre-meeting for Policy and Services Committee and Planning Committee	
	Councillors present	Cr Anika Van Hulsen Cr Bronnie Hattam Cr Michael Young	Cr Ken King Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Conal Creedon Ransce Salan Pauline Gordon	Jeremy Livingston Renae Ahern Mathew Deayton Chad Griffiths Jonathan Miller
	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.

12. Officers' reports

OCM.156/16 Assemblies of Councillors

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.
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 23 August 2016.

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

Presentation to Mayor

Councillors' reflections upon their four-year term of office.

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.157/16	Diamond Creek accessible amenities	d) contractual matters
OCM.158/16	Liveable Nillumbik (Lot 1 44 Graysharps Road) Expression of Interest process and recommendations	d) contractual matters e) proposed developments
OCM.159/16	Tender report 1617-11 Provision of pavement crack sealing services	d) contractual matters
OCM.160/16	Tender report - 1617-6 Collard Drive-Broad Gully Road intersection upgrade works	d) contractual matters