

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 13 September 2016.

Minutes

Stuart Burdack
Chief Executive Officer

Wednesday 14 September 2016

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Domin je ka

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 13 September 2016. The meeting commenced at 7pm.

Councillors present:

Cr Bronnie Hattam	Swipers Gully Ward (Mayor)
Cr Meralyn Klein	Blue Lake Ward
Cr Anika Van Hulsen	Bunjil Ward
Cr Michael Young	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Ken King	Sugarloaf Ward
Cr Helen Coleman	Wingrove Ward

Officers in attendance:

Stuart Burdack	Chief Executive Officer
Pauline Gordon	General Manager Community and Leisure
Andrew Port	General Manager Corporate Services
Ransce Salan	General Manager Environment and Planning
Conal Creedon	General Manager Infrastructure Services
Jon Miller	Manager Assets and Property
Jeremy Livingston	Manager Planning Services
Naomi Paton	Manager Leisure and Social Infrastructure
Corrienne Nichols	Acting Manager Community Services and Social Development
Joanne Hammond	Coordinator Communications
Corinne Mays	Coordinator Edendale Farm
Wayne Trull	Coordinator Governance
Nichole Johnson	Coordinator Strategy Projects - Community and Leisure
Naomi Ellis	Corporate Planner

Welcome

1. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Bronnie Hattam.

2. Prayer

A prayer was read by Associate Pastor Paul Huglin of the Diamond Valley Baptist Church.

3. Good governance pledge

The good governance pledge was read by Cr Michael Young.

4. Apologies

Nil

5. Presentations

Sporting grant

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

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

Cultural achievement grant

Emily Nayler (Swipers Gully Ward) received \$200 for her selection to the Young Australian Broadway Chorus's 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

Cr Ken King
Cr Michael Young

That the minutes of the Council Meeting held on Tuesday 23 August 2016 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Brian Murray, on behalf of Nillumbik Ratepayers Association, asked Council:

There are 13 advisory committees listed on page 3 of tonight's papers, Will Council please advise us the names of all current 'members of the public' listed as members of each committee, how long they have been members and any other committees that are not listed on tonight's agenda?

Mayor, Cr Bronnie Hattam, responded that Council has 16 Advisory Committees. These are listed on the Council website. These Advisory Committees operate under individual Terms of Reference and are reviewed on an annual basis by Council.

Community members to advisory committees are appointed by Council following a public expression of interest process and are 'skills based'.

Whilst each advisory committee has individual terms of reference, community members are generally appointed every 2-3 years.

I am unable at short notice to provide the names of all community members on the advisory committees but advise that this information is readily available by reviewing Council meeting minutes as the members of Council advisory committees are publicly named in the Council report at the time of the appointment by Council to these committees.

9. Questions from the gallery continued

Brian Murray, on behalf of Nillumbik Ratepayers Association, asked Council:

When a new council is elected, or any council, what is the process if that Council wants to withdraw or rescind an amendment that has not been gazetted?

Mayor, Cr Bronnie Hattam, responded that the answer assumes that you are referring to a planning scheme amendment. Following a decision by Council, as the planning authority, to adopt or abandon an amendment and advise to the Minister of this decision, Council's official function has concluded. Council does not have the power to rescind this decision or recall it from the Minister. The reasoning and advice leading to this has been the subject of recent officer reports to Council. This position is supported by recent VCAT decisions.

Thelma Huitt asked Council:

At last week's Council meeting, the gallery witnessed a whole lot of enthusiastic chest beating that they were going along with their majority support for the C108 'the Trail'. My question to Councillors is, why wasn't the same level of enthusiasm and support afforded to those who were against the C81 and C101 and their abandonment?

Mayor, Cr Bronnie Hattam, responded that Councillors are obliged to make their decisions in the best interest of existing and future residents. Individual Councillors need to make their personal decisions based on this criteria.

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

Motion

Cr Meralyn Klein

Cr Ken King

That Council notes the following Advisory Committee minutes:

1. **Environment Advisory Committee minutes 3 February and 6 April 2016**
2. **Eltham Major Activity Centre Development Forum minutes 15 February 2016**
3. **Panton Hill Bushland Reserves User Group Committee minutes 24 February and 4 August 2016**

10. Reports of Advisory Committees

AC.009/16 Advisory Committee Report

4. Nillumbik Economic Development Advisory Committee minutes 3 March and 9 June 2016
5. Eltham North Reserve Reference Group minutes 7 March 2016
6. Eltham Major Activity Centre Development Forum minutes 4 April and 30 May 2016
7. Memorials Advisory Committee minutes 20 May 2016
8. Living & Learning Nillumbik Advisory Committee minutes 25 May, 27 July and 24 August 2016
9. Green Wedge Management Plan Implementation Advisory Committee minutes 8 June 2016
10. Liveable Nillumbik Community Reference Group minutes held 14 July 2016
11. Arts Advisory Committee minutes 1 August 2016
12. Recreation Trails Advisory Committee minutes 25 August 2016
13. Edendale Advisory Committee minutes 28 August 2016.

CARRIED

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.

Motion

Cr Peter Perkins
Cr Michael Young

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*.
 - 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.

CARRIED

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, Hurstbridgehave 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

Motion

Cr Peter Perkins

Cr Meralyn Klein

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, Hurstbridgehave 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. Retains the outdoor performing arts centre building, Civic Drive, Greensborough as part of the amenity and shelter as support for neighbourhood safer places in this place last resort.
4. Writes to the Municipal Association of Victoria to confirm its commitment to the principles outlined in the Protocol for Inter-Council Emergency Resource Sharing.

LOST

Cr Meralyn Klein called for a division:

For: Crs Klein and Perkins

Against: Crs King, Coleman, Van Hulsen, Young and Hattam

Motion

Cr Michael Young

Cr Ken King

That Council:

1. Endorses the 2016-2017 Bushfire Mitigation (Fire Prevention) Program included as Attachment 1 to this report.

12. Officers' reports

OCM.141/16 Emergency Management Update

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.

CARRIED

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 2016-17 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

Motion

Cr Anika Van Hulsen

Cr Helen Coleman

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.

CARRIED

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.

Motion

**Cr Michael Young
Cr Helen Coleman**

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 of 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.**

Procedural Motion

In accordance with Clause 8.3.1 of the Meeting Procedure Local Law, Cr Ken King moved a procedural motion that the motion now be put. Procedural motions must be dealt with immediately and are not required to be seconded before being put to the vote.

Motion

Cr Ken King

That the motion now be put.

CARRIED

12. Officers' reports

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

Motion

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.

CARRIED

Cr Peter Perkins called for a division:

For: Crs King, Coleman, Van Hulsen, Klein, Perkins, Young and Hattam.

Against: Nil.

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.

12. Officers' reports

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

Motion

Cr Anika Van Hulsen

Cr Michael Young

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

CARRIED

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.

Motion

Cr Michael Young

Cr Ken King

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.**

CARRIED

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.

Motion

Cr Helen Coleman

Cr Ken King

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.

CARRIED

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.

Motion

Cr Michael Young

Cr Helen Coleman

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.

CARRIED

12. Officers' reports

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.

Motion

Cr Michael Young

Cr Peter Perkins

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.**

CARRIED

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.

Motion

Cr Peter Perkins

Cr Ken King

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.**

CARRIED

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.

Motion

Cr Helen Coleman**Cr Michael Young****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 Street subject to Council officers having continued input to the design and final construction approval.**

CARRIED

Cr Helen Coleman called for a division:

For: Crs King, Coleman, Van Hulsen, Klein, Perkins, Young and Hattam.

Against: Nil.

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.

Motion

Cr Ken King

Cr Meralyn Klein

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.**

CARRIED

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 Misic, 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.

Motion

Cr Anika Van Hulsen
Cr Michael Young

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.**

CARRIED

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.

Motion

Cr Peter Perkins

Cr Meralyn Klein

That Council:

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

CARRIED

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.

Motion

Cr Meralyn Klein
Cr Peter Perkins

That Council:

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

CARRIED

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.

Motion

Cr Peter Perkins
Cr Ken King

That Council:

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

CARRIED

Cr Michael Young left the Chamber at 9.18pm and did not vote on item OCM.156/16 Assemblies of Councillors.

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.

Motion

Cr Meralyn Klein
Cr Ken King

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

12. Officers' reports

OCM.157/16 Assemblies of Councillors

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

12. Officers' reports

OCM.157/16 Assemblies of Councillors

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	

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	

12. Officers' reports

OCM.157/16 Assemblies of Councillors

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	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 Renaeh Ahern Mathew Deayton Chad Griffiths Jonathan Miller
	Conflict of interest	None declared	

CARRIED

13. Notices of Motion

Nil

Cr Michael Young returned to the Chamber at 9.20pm.

14. Delegates' reports

Deputy Mayor, Cr Helen Coleman, on behalf of Council, presented the Mayor, Bronnie Hattam with a photographic memento of her term as Mayor and thanked her for her service.

Each Councillor reflected on their term of office over the past four years.

15. Supplementary and urgent business

Nil

16. Confidential reports

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

Motion

Cr Meralyn Klein

Cr Ken King

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

CARRIED

The meeting closed to the public at 9.57pm.

Ordinary Meeting of Council minutes

13 September 2016

The meeting closed at 10.06pm.

Confirmed: _____
Mayor