

Ordinary Meeting of Council

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

Agenda

Mark Stoermer
Acting Chief Executive Officer

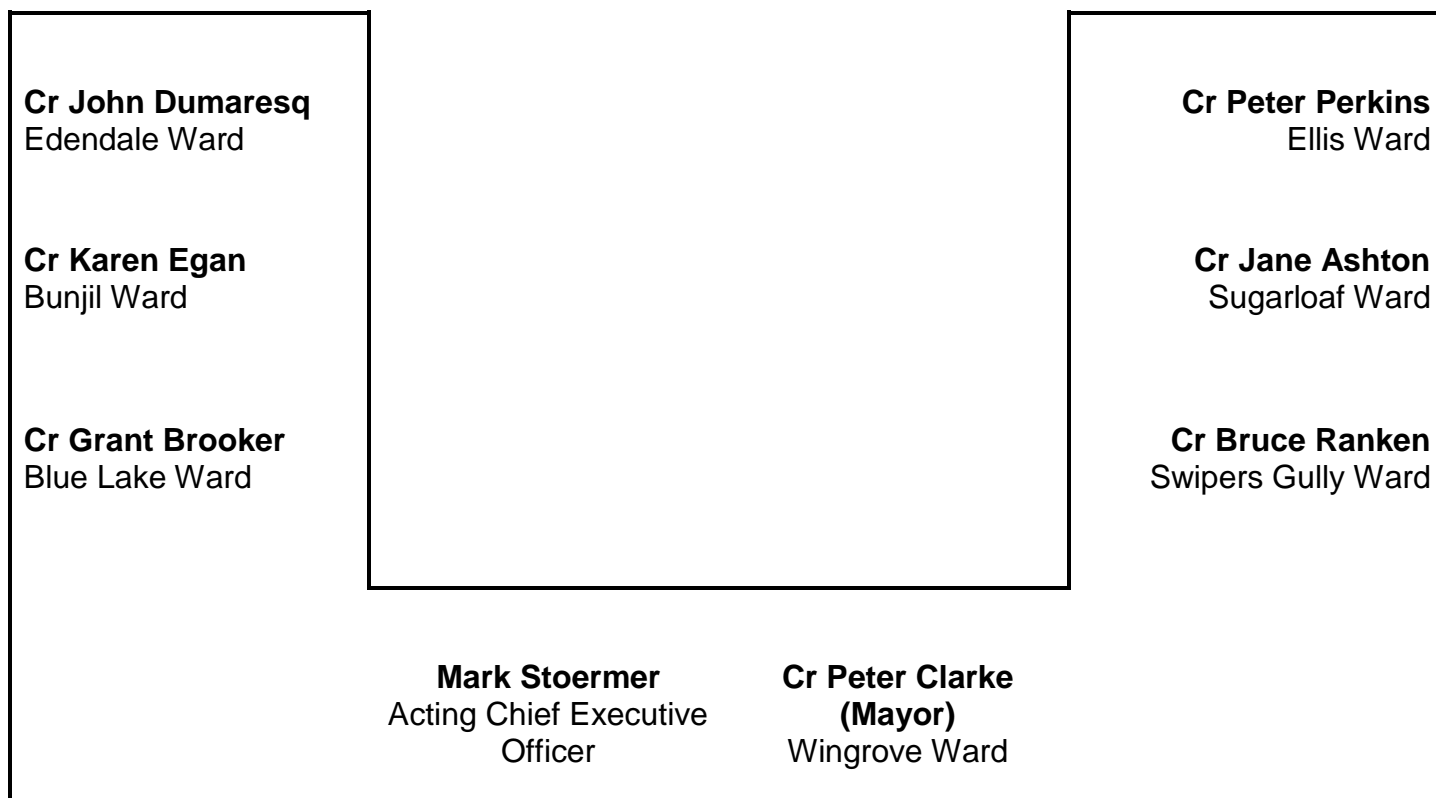
Wednesday 22 February 2017

Distribution:

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

Domin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that an audio recording of this meeting will be made for the purpose of verifying the accuracy of the minutes.

Nillumbik Shire Council

Contents

Welcome by the Mayor	1
1. Reconciliation statement	1
2. Prayer	1
3. Good governance pledge	1
4. Apologies	1
5. Presentations	1
6. Confirmation of minutes	2
7. Disclosure of conflicts of interest	2
8. Petitions	2
9. Questions from the gallery	2
10. Reports of Advisory Committees	3
AC.001/17 Advisory Committee Report	3
11. Reports of Special Committees	4
12. Officers' reports	5
OCM.013/17 Advocacy for the continuance of Federal Government funding for 15 hours of Kindergarten	5
OCM.014/17 Early Years Community Infrastructure Report	9
OCM.015/17 Diamond Valley Sports and Fitness Centre Masterplan- Appointment of community representatives to the Strategic Advisory Group	15
OCM.016/17 Submission on the Native Vegetation Clearing Regulations	18
OCM.017/17 Motorised Toy Vehicles	20
OCM.018/17 Election report - Nillumbik Shire Council general elections 2016	25
OCM.019/17 General Valuation 2018	30
OCM.020/17 Audit Committee - Minutes February 2017	32
OCM.021/17 Provision of Delivered Meals Update	34
OCM.022/17 Quotation - trade services, small solar system supply and maintenance	36
OCM.023/17 Risk and Insurance Report December 2016	37
OCM.024/17 Assemblies of Councillors	41
13. Notices of Motion	46
14. Delegates' reports	46
15. Supplementary and urgent business	46
16. Confidential reports	46

Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 28 February 2017 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 Major Mark Kop of the Salvation Army, Greensborough.

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 presentations

Zachariah Meaden (Edendale Ward) receives \$200 as a contribution for his selection to represent Australia at the Open Indoor Hockey Championships.

Kate Humphrey (Sugarloaf Ward) receives \$200 as a contribution for being selected to represent Australia at the Horse of the Year Show in New Zealand.

Returned and Services League of Australia

Cr Peter Perkins will be presented with a Certificate of Appreciation by representatives of the Returned and Services League of Australia (Bill McKenna, Chairman of Victorian Branch Regional; Duncan Duke, President – Eltham/Montmorency; John Chenhall, President – Diamond Creek/Doreen; and Noel Morse, President – Hurstbridge)

6. Confirmation of minutes

Confirmation of minutes of the following meetings:

- Planning Committee held Tuesday 6 September 2016
- Policy and Services Committee held on Tuesday 6 December 2016
- Ordinary Council Meeting held on Tuesday 31 January 2017
- Special Council Meeting held on Tuesday 14 February 2017
- Special Council Meeting held on Tuesday 21 February 2017

As Council has resolved to abolish the Planning Committee and the Policy and Services Committee, the minutes of their respective final meetings are presented for confirmation by Council.

Motion

That the following minutes be confirmed:

- **Planning Committee held Tuesday 6 September 2016**
- **Policy and Services Committee held Tuesday 6 December 2016**
- **Ordinary Council Meeting held Tuesday 31 January 2017**
- **Special Council Meeting held Tuesday 14 February 2017**
- **Special Council Meeting held Tuesday 21 February 2017.**

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.001/17 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:

- Municipal Public Health and Wellbeing Project Reference Group held 7 February 2017.

Motion

That Council notes the following Advisory Committee minutes:

1. **Municipal Public Health and Wellbeing Project Reference Group held 7 February 2017**

Attachments

1. Municipal Public Health and Wellbeing Project Reference Group minutes 7 February 2017

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.013/17 Advocacy for the continuance of Federal Government funding for 15 hours of Kindergarten

Manager: Pauline Gordon, General Manager Community and Leisure

Author: Narelle Hart, Program Development Officer Family Support and Participation

Corrienne Nichols, Acting Manager Community Services and Social Development

Summary

The Municipal Association of Victoria (MAV) is urging council's to write to the Federal Government to continue funding kindergartens post December 2017, so Victorian children retain five hours of kindergarten a week.

There is strong evidence linking kindergarten attendance to improved student results in numeracy, reading and spelling. However, the Federal Government has not committed to funding five hours of kindergarten a week after the current National Partnership Agreement ends in December.

As part of that agreement the State Government provides funding for another 10 hours, to meet the national target of providing access to 15 hours of kindergarten a week for four year-olds. Parents and councils also provide funding to help to make up the shortfalls.

In November 2008 the Council of Australian Governments (COAG), as part of its early childhood reforms, endorsed the national agenda of universal access to 15 hours of kindergarten a week for four year-old from 2013. Prior to this, kindergarten funding was provided by State Government to the level of 10 hours per week.

Currently the State Government funds 10 hours (\$204 million per annum), the Commonwealth funds five hours (\$113 million per annum) and a combination of community fund raising and local government contributions provide for the remaining funds required to operate a viable program.

The national agreement has come up for review in 2014 and 2015 and through strong advocacy by State and Local Government for ongoing funding; the Federal Government extended its commitment until December 2017.

In February 2015, the Productivity Commission released its report into Childcare and Early Childhood Learning which supports continued Commonwealth investment in preschool programs. The report recommends that Federal funding for early childhood education and care should be combined and directed toward three priority areas, including the kindergarten universal access program.

At the time of writing this report, the Federal Government has not committed to fund operational costs of the additional five hours beyond December 2017 and families and committees are becoming increasingly anxious about funding for 2018.

12. Officers' reports

OCM.013/17 Advocacy for the continuance of Federal Government funding for 15 hours of Kindergarten

Recommendation

That Council writes to the Prime Minister and the Minister for Education and Training and local Members of Federal Parliament to highlight the importance of continued universal access, and to advocate for the continued Federal Government commitment to funding for 15 hours of kindergarten for four-year olds.

Attachments

Nil

Background

1. In 2008 the Council of Australian Governments (COAG), as part of its early childhood reforms, endorsed the national agenda of universal access to four year old kindergarten. The reforms involved the Federal government committing to fund an additional five hours access for this age group, in combination with State to ensure a total of 15 hours of kindergarten service per week was available for children in the year prior to school entry.
2. There have been four separate National Partnership Agreements with the current Agreement due to expire in December 2017. In addition to the funding from the Commonwealth and State Government, the community and local government provide a further 35 per cent through parent fees and fundraising to meet the government shortfall.
3. Nationally, local governments have invested in partnership with the State and Federal Governments, in establishing additional early year's infrastructure to accommodate the increased access and teaching spaces that this reform necessitated.
4. The agreement came under review in 2014 and 2015 and whilst the Federal Government was non-committal on both occasions as to whether they would continue to contribute to the 15 hours of kindergarten, strong advocacy campaigns were implemented by State and Local Governments and the Federal Government recommitted to the funding on both occasions. The most recent commitment due for expiry in December 2017.
5. In May 2014 and April 2015, Council resolved to actively contribute to the advocacy campaign and this was actioned throughout the latter part of 2015. As a continued matter of urgency, and in the best interests of Nillumbik children and families, it is recommended that Council continue to advocate to Federal Government that it continues to deliver on this important service.
6. Council has received a request from the MAV to write to the Federal Government to further advocate on this matter. Therefore, it is recommended that Council determine to undertake further advocacy to the Federal Government. The MAV is also urging families and communities to sign a petition calling on the Federal Turnbull Government to continue funding kindergartens, so Victorian children don't lose five hours of kindergarten a week.

12. Officers' reports

OCM.013/17 Advocacy for the continuance of Federal Government funding for 15 hours of Kindergarten

7. Since the endorsement of universal access to 15 hours of kindergarten, Council and Preschools have worked together to plan and build capacity for preschools to commence universal access in 2013. The introduction of universal access has cost and operational implications for:
 - Staffing levels
 - Staff contracts
 - Facility capacity
 - Consequent impacts on access to three year old kindergarten program.
8. Major capital works have been completed on four of Council's early years facilities from 2013 to 2015 to extend the buildings to ensure universal access could be implemented. The total cost of these projects was \$1,622,000 with State Government and Council co-contributing to these projects. Additionally, Council has invested in improved support to preschool committees of management and capacity building since 2010.
9. From July 2013, almost all of the 74,000 Victorian pre-schoolers had access to a 15 hour program. Families have enthusiastically taken up on the extra hours and it has had particular benefits for working families, rural families and disadvantaged children and their families.

Policy context

10. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide our community with opportunities for education, life-long learning and creative pursuits.

Budget implications

11. From the perspective of local service users, without the continuation of the Federal funding, parents will face fee increases.
12. Council and the State Government could anticipate that such fee increases may lead to reduced enrolments and impacts upon the viability of some centres and programs. The MAV estimates that families could face up to \$2,000 per year in child care costs.

Consultation/communication

13. The State Government has written to councils and service providers advising of the funding uncertainty. Officers are receiving calls from preschool committees of management (COM) who are seeking guidance as to how this could potentially impact the central enrolments process and in particular the offer process due to commence in July 2017. It is essential that the Federal Government confirms its funding position prior to end June 2017.

Issues/options

14. Without continued government investment for the additional five hours of preschool there is a risk of poorer learning outcomes for Victorian children, if access to the additional five hours is removed by the Federal Government. Parents will be required to pick up fee increases to offset government funding cuts.

12. Officers' reports

OCM.013/17 Advocacy for the continuance of Federal Government funding for 15 hours of Kindergarten

15. An extra 1,200 teachers and educators were trained and employed to deliver additional preschool hours. The reduction of the federal commitment to fund Universal Access may lead to job losses across the sector.

Conclusion

16. There has been significant investment by all levels of government since 2010 to implement universal access by 2013 on the basis that there is irrefutable evidence linking adequate access to preschool to improved student results in literacy, numeracy, and spelling.
17. The removal of the Federal Government proportion of funding would have major implications on preschool budgets, fees and charges to families, and on staffing.
18. Such a significant national education reform will only deliver the intended results if funding commitments are sustained, and hence it must have continued funding assured.
19. Consequently, it is recommended that Council write to Members of the Federal Government and to local MPs to advocate for the continued Federal Government funding for 15 hours of kindergarten.

12. Officers' reports

OCM.014/17 Early Years Community Infrastructure Report

Manager: Pauline Gordon, General Manager Community and Leisure
Author: Narelle Hart, Program Development Officer Family Support and Participation
Corrienne Nichols, Acting Manager Community Services and Social Development

Summary

In 2015 Council completed a review of the early years infrastructure to determine its role and level of support in early years:

Key themes of the review included:

- Issues associated with ageing facilities
- Underutilised programs and facilities due to supply and demand factors, and
- Alignment with Victorian Government Policy, Strategic Directions and Early Years Programs

Building on the information from this review, in 2016 Council commissioned the development of an Early Years Community Infrastructure and Services Plan. The key objective of this Plan was to provide current snapshot of facilities, their condition and utilisation levels to inform the planning and management for Council's early years' infrastructure over the next 20 years.

In order to progress this work to its next phase it is timely to engage with the broader community to understand what they would like Council to consider in its planning for early years' infrastructure and what they would see as the future early years' service needs of families.

There may also be community views about the use of some early years' infrastructure, where the demographics have changed and there may be other potential uses.

This report outlines Council's management responsibility of 27 early years' facilities across the Shire, outlines issues associated with the current provision of early years' infrastructure across the Shire and seeks Council's endorsement to distribute a discussion paper to seek community input into the next phase of planning.

Once the community provides its input, the information will be collated to inform Council's decision making about how to prioritise future infrastructure needs.

Recommendation

That Council:

1. Endorses the public distribution of a Discussion Paper (Attachment 1).
2. Endorses its Early Years Infrastructure Communications and Engagement Plan (Attachment 2).

12. Officers' reports

OCM.014/17 Early Years Community Infrastructure Report

- 3. Supports the progression of further work on the Early Years Infrastructure Plan including but not limited to:**
 - a) a full cost analysis of each facility, indicating:**
 - the cost to Council based on a facility's approved utilisation versus the actual utilisation determined by the preschool
 - a breakdown of each facility's utilisation of Nillumbik Shire residents versus non-residents
 - b) a demographic profile of each facility**
 - c) an analysis of Preschool Committees of Management/Cluster Management Models and their future infrastructure needs including, length of preschool leases and the option of Council assuming the management role of Preschools to alleviate the pressure placed on volunteer committees of management**
 - d) an understanding of each preschool's cultural history.**
- 4. Requests that officers undertake a review of Council's role in and support for the Eltham and Panton Hill Playhouses and the Hohnes Road Playhouse to ascertain what options are available to continue delivery of the service.**
- 5. Receives a further report on recommendation four at its May Ordinary Council meeting.**

Attachments

1. Discussion Paper
2. Engagement and Communication action plan

Background

1. Council has management responsibility of 27 facilities across the Shire that operate early year's programs including three and four year old kindergarten programs, maternal and child health, long day child care, occasional child care and playgroups.
2. Council is also responsible for the direct delivery of maternal and child health, occasional child care (up to 15 hours per week) support for playgroups and the centralised preschool enrolment system.
3. Of the 27 facilities, 24 are owned by Council and two are owned by Victorian Department of Education and Training (DET):
 - Kangaroo Ground Preschool
 - Ness Reserve Preschool, Eltham North
4. A further facility; Hohnes Road Playhouse in Eltham is owned by Department of Environment, Land, Water and Planning (DELWP). Council supports the Playhouse Committee of Management through an annual operating grant of approximately \$35,000.

12. Officers' reports

OCM.014/17 Early Years Community Infrastructure Report

5. In 2015 Council completed a review of the early years infrastructure to determine:
 - Facility conditions
 - Facility management costs
 - Level of facility compliance with current legislation
 - Ability of facility to be fit for current purpose
 - Utilisation of facilities now and into the future.
6. Key themes of the review included:
 - Issues associated with ageing facilities
 - Underutilised programs and facilities due to supply and demand factors
 - Alignment with Victorian Government Policy, Strategic Directions and Early Years Programs
7. Building on the information from this review, in 2016 Council commissioned the development of an Early Years Community Infrastructure and Services Plan and engaged Andrew Smale from Wye Consulting to undertake the work.
8. The key objective was to provide current snapshot of facilities, their condition and utilisation levels to inform the planning and management for Council's early years' infrastructure over the next 20 years. Based on this and other demographic information such as a declining trend in birth notifications, the report provided preliminary recommendations on the potential life expectancy of each facility.
9. In discussion with the Planning, Social Infrastructure and Community Service Portfolio Councillors it was identified that it would be beneficial to engage with the broader community to understand what they would like Council to consider in its planning for early years infrastructure and what they would see as the future early years' service needs of families.
10. In addition further work in the following areas is identified including:
 - a) Support the progression of further work on the Early Years Infrastructure Plan including but not limited to:
 - b) a full cost analysis of each facility, indicating:
 - the cost to Council based on a facility's approved utilisation versus the actual utilisation determined by the preschool
 - a breakdown of each facility's utilisation of Nillumbik Shire residents versus non-residents
 - c) a demographic profile of each facility
 - d) an analysis of Preschool Committees of Management/Cluster Management Models and their future infrastructure needs, including the length of Preschool leases and the option of council assuming the management role of Preschool to alleviate the pressure placed on volunteer committees of management.
 - e) an understanding of each preschool's cultural history.

12. Officers' reports

OCM.014/17 Early Years Community Infrastructure Report

Policy context

11. This report directly supports the achievement of Council Plan 2013-2017 strategy:
- We will plan and deliver accessible community services that enhance health and wellbeing across all life stages.

Budget implications

12. Council currently allocates approximately \$500,000 per year to manage, maintain, renew and undertake new works on the 27 early years' facilities.
13. Based on current infrastructure, it is envisaged that replacement/upgrade costs of approx. \$430,000 per annum over the next 10 years and maintenance costs of \$500,000 per annum will be required.
14. The current estimated combined replacement cost of these facilities is \$16.2 million
15. In 2015-2016, the cost to Council of operating its two Playhouses was:
- Eltham Playhouse \$44,721
 - Panton Hill Playhouse \$66,497
16. The Hohnes Road Playhouse receives an annual grant of approximately \$35,000 per year.

Consultation/communication

17. Consultation with internal Council departments was undertaken in the development of the Early Years Infrastructure Project Charter and throughout the Early Years Infrastructure Plan Phase 1.
18. In March 2016, Preschool Committees of Management were advised of the undertaking of an Early Years Infrastructure review and plan.
19. Targeted consultation with preschools, child care services and maternal and child health was undertaken as part of the Early Years Infrastructure Plan Project Phase 2.
20. Future communication with the community is proposed as per the Early Years Infrastructure Communication and Engagement Plan (attached).

Issues/options

21. Council's early years' infrastructure is ageing. More than fifty percent of the early years facilities are 40 or more years old resulting in:
- Increasing cost to Council to maintain and renew facilities
 - Noncompliance with current legislation
 - Many are no longer considered fit for current purpose, and a number of Preschool Committees are concerned with ongoing funding and ageing infrastructure
22. Significant financial investment is required by Council to address the above issues.
23. There is an excess supply of services available in relation to demand which has been the result of:
- A 25 per cent decrease in the 0-5 year old population from 1991 to 2011

12. Officers' reports

OCM.014/17 Early Years Community Infrastructure Report

- Growth in service providers; particularly in the private and not-for-profit market across Shire since long day care services have been eligible to receive funding if they provided a kindergarten/preschool program.
24. The traditional service model of 15 hours of preschool and occasional care does not meet the current needs of a number of families who require longer hours of care and education to meet work and educational requirements.
 25. Underutilisation has an impact on the overall financial viability of any service with an increased cost to Council where it directly manages the service or on volunteer Committees of Management.
 26. There are some initial findings that Council may wish to explore more fully in the shorter term about the utilisation of its two Playhouses and the operational support provided to the Hohnes Road Playhouse. All three services are significantly underutilised, which warrants a further review.
 27. Council's Occasional Child Care Services utilisation for the 2016 year was:
 - 79 per cent at Panton Hill Playhouse
 - 60 per cent at Eltham Playhouse.
 28. The Hohnes Road Playgroup receives an annual grant of approximately \$35,000 per year. Council is in the process of reviewing its investment given preliminary discussions indicate a low utilisation of the service.
 29. There may be an opportunity to consolidate the two Eltham services: the Eltham Playhouse and Hohnes Road Playgroup in order to maximise utilisation and to free one facility for alternative community use.
 30. The licensed capacity of Council's 16 four year old kindergartens is 1,180 places, yet the enrolments in 2016 were only 607 children.
 31. In 2017 the demand and utilisation of standalone preschools continues to be significantly less than the supply with Nillumbik's population of 0-4 years forecast to remain relatively static over the next twenty years. Population projections suggest that the 0-4 year old population will have a marginal increase of approximately 1.5 per cent to 2036.
 32. There are other factors to consider. For example, some preschool committees prefer to operate at a lower capacity by choice; other preschools are simply unable to attract the enrolments. This can potentially place significant stress on an incoming Committee of Management who then struggles to remain financially viable.
 33. The Victorian Government Policy, Strategic Directions and Early Years Programs has a preferred emphasis on centralised and integrated buildings with funding priority for larger, integrated facilities, such as maternal and child health, preschool, long day care and access to other allied health services to support working families.
 34. Council needs to consider the policy direction in line with future funding opportunities for capital replacement/upgrade works.
 35. Fifty per cent of the early years facilities are over 40 years old and nearing the end of their useful life. It is estimated that the combined replacement cost of these facilities is \$16.2 million.

12. Officers' reports

OCM.014/17 Early Years Community Infrastructure Report

Conclusion

36. Extensive community and service provider engagement needs to occur to identify service needs and to understand what the community would like Council to consider in its planning for early years infrastructure and what they would see as the future early years' service needs of families.
37. Given the investment in three facilities, Council may wish to consider in the immediate future whether it wishes to progress a review of its role in and support for the Eltham and Panton Hill Playhouse and the Hohnes Road Playgroup to ascertain what options are available to continue delivery of the service.

12. Officers' reports

OCM.015/17 Diamond Valley Sports and Fitness Centre Masterplan- Appointment of community representatives to the Strategic Advisory Group

Manager: Pauline Gordon, General Manager Community and Leisure

Author: Naomi Paton, Manager Leisure and Social Infrastructure

Michelle DePasquale, Leisure Facilities Senior Contract Supervisor

Summary

Council is preparing a Masterplan for the Diamond Valley Sports and Fitness Centre (DVSFC). The Masterplan was a recommendation in Council's Recreation Strategy 2011-2019. Its preparation is jointly funded by Council and State Government.

DVSFC consists of six indoor sports courts and multi-purpose hall, squash courts, gym and group exercise spaces, crèche, café, office areas and change rooms. The facility attracted over 445,000 visits in 2015-2016 making it one of Council's most patronised venues.

The venue is 40 years old, and whilst the facility has undergone a number of minor upgrades in the past 15 years, it requires substantial renovation to meet community needs and expectations, deliver enhanced access and inclusion outcomes, address compliance and respond to forecast community demands.

The preparation of the Masterplan will be overseen by a Strategic Advisory Group. The Strategic Advisory Group will be chaired by the Social Infrastructure Portfolio Councillor Cr Bruce Ranken. The Committee will also include Blue Lake Ward Councillor Cr Grant Brooker, six community representatives and Council's General Manager Community and Leisure.

Nominations for membership to the Strategic Advisory Group have been assessed by Cr Bruce Ranken, Cr Grant Brooker and General Manager Community and Leisure. Details of the six candidates recommended for appointment to the SAG are provided.

Recommendation

That Council

- 1. Appoints six community members to the Diamond Valley Sports and Fitness Centre Masterplan Strategic Advisory Group as detailed in this report.**
- 2. Appoints Social Infrastructure Portfolio Councillor, Cr Bruce Ranken as Chair of the Strategic Advisory Group.**

Attachments

1. DVSFC Strategic Advisory Group Terms of Reference

Background

1. The Diamond Valley Sports and Fitness Centre Masterplan will identify the future use, development of funding of sport and recreation and community well-being uses of DVSFC to meet the current and future needs of the community. The preparation of the Masterplan is a medium-term priority in Council's Recreation Strategy 2011-2019.

12. Officers' reports

OCM.015/17 Diamond Valley Sports and Fitness Centre Masterplan- Appointment of community representatives to the Strategic Advisory Group

2. At the November 2016 Ordinary Council Meeting, Council endorsed the Terms of Reference (ToR) (attachment 1) for the DVSFC Masterplan Strategic Advisory Group (SAG). Council appointed Cr Grant Brooker to the Chair of the SAG and Cr Bruce Ranken.
3. At this same Council meeting, Council appointed Cr Bruce Ranken to the Social Infrastructure Portfolio. It has since been identified by Councillors that chairing the SAG forms part of Cr Ranken’s Social Infrastructure portfolio responsibilities. It is therefore recommended that Council now resolve to appoint Cr Ranken as Chair.

Policy context

4. 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

5. Preparation of the Masterplan will cost \$35,000, funded by Council (\$15,875) and State Government through a Community Sports Infrastructure Fund grant of \$19,125.

Consultation/communication

6. Council called for community nominations to the SAG by advertising in the *Diamond Valley Leader* on 14 December 2016, and on the Council website from 14 December 2016 to 30 January 2017. Social media updates were posted on 28 December 2016 and 1, 3 and 30 January 2017.

Issues/options

7. The SAG ToR allows Council to appoint up to eight community members representing diverse community interests and skills across the areas of health, business and the wider community.
8. Nineteen nominations were received by the closing date of 30 January 2017.
9. Nominations were assessed by Council officers, Cr Brooker and Cr Ranken. Six candidates are being recommended for Council’s consideration having been identified as best fulfilling the requirements of the ToR.
10. Details of the recommended members are:

Name	Sector represented and brief background
Kylie Hogan	Community Passionate to see a redeveloped facility that services the needs of the whole community. A background in executive coaching and has previously worked in the health and fitness industry. Identifies the challenges of the group as working together to achieve an outcome that best represents the community’s needs.
Kirri Romero	Business A business owner living and working in the Shire. Would like to

12. Officers' reports

OCM.015/17 Diamond Valley Sports and Fitness Centre Masterplan- Appointment of community representatives to the Strategic Advisory Group

Name	Sector represented and brief background
	see facilities that support professional business development activities. Identifying new opportunities and forward thinking, taking into consideration the significant changes to the way people live and work will be a challenge for this group.
Grant Wallace	Community Has a passion for basketball and has 30 years' experience in community sport, facility management and community development. Would like to see the best outcomes for basketball.
Janice Crosswhite	Community Received an OAM for Community Service in 2002 and has been a lifetime participant, advocate and champion for sport and recreation, particularly for women and girls. A local resident who identifies funding, suitable design and project management as the key challenges of the project.
Liz Wyndham	Health As a social worker in the mental health field has an interest in health promotion and community development. Facilitating young people's positive community connection through sport.
Dario Bolzonello	Business Has an interest in the development of facilities and the opportunities this brings. Has local government experience. Finding the right balance between the needs of the community and the sporting groups at the facility will be a challenge for the group as will the impact of rate capping.

11. Several nominations were received from community members who are affiliated with current Centre user groups. Each has the potential to make an important contribution to the project, and were assessed to be better placed to inform the Masterplan's development through the Project Reference Group and/or other proposed community engagement activities.

Conclusion

12. The SAG will play a key role in the development of the DVSSFC Masterplan, ensuring that the future needs and aspirations of the community are reflected in the Masterplan.
13. The proposed SAG members bring a diverse mix of skills, expertise and perspective across business, education, health, youth, sport, community, project management and local issues to the project.

12. Officers' reports

OCM.016/17 Submission on the Native Vegetation Clearing Regulations

Manager: Ransce Salan, General Manager Environment and Planning

Author: Pat Vaughan, Sustainability and Environment Executive Officer

Summary

The State Government has released a Review of the Native Vegetation Clearing Regulations for public comment. Submissions are due by 8 March 2017.

A draft submission is being drafted by Council officers for Council approval. However at the time of preparation of this report to Council, the draft submission was not finalised.

The draft submission will be circulated prior to the Council meeting, in order to enable Council to consider and determine its response prior to the deadline of 8 March 2017.

Recommendation

That Council considers and approve the submission (Attachment 1) on the Native Vegetation Clearing Regulations and that it be forwarded to the Department of Environment, Land Water and Planning by the 8 March 2017.

Attachments

1. Submission by Nillumbik Shire Council to the Review of the Native Vegetation Clearing Regulations (to be circulated separately)

Background

1. The State Government has released a review of the Native Vegetation Clearing Regulations for comment. After approaches from the MAV and many Councils (including Nillumbik) the closing date for submissions has been extended to 8 March 2017.
2. The review is complex and technical, and has required considerable analysis by officers. There are a number of issues of concern which may have a significant impact for some property owners within Nillumbik.

Policy context

3. These regulations affect the achievement of Council Plan 2013-2017 strategies:
 - We will work to protect the Shire's biodiversity and ensure that ecosystems are healthy, resilient, productive and connected across the landscape
 - We will plan so that any development is sympathetic to the Shire's unique heritage and protects neighbourhood character and our tree canopy

Consultation/communication

4. It is the responsibility of the State Government to undertake consultation on this legislation which is under its control.
5. While Council has been provided with a copy of the review, the State Government has not directly contacted those land owners who are potentially affected.

12. Officers' reports

OCM.016/17 Submission on the Native Vegetation Clearing Regulations

Conclusion

6. A draft submission to the review is currently in preparation and will be circulated for consideration by Council prior to this meeting.

12. Officers' reports

OCM.017/17 Motorised Toy Vehicles

Manager: Ransce Salan, General Manager Environment and Planning

Author: Phil Lovelace, Manager Regulatory Services

Summary

At the Ordinary Meeting of Council on Tuesday 21 June 2016, Council moved the following motion:

- A report be prepared for Council’s consideration on alternative options for controlling the use of motorised toy vehicles on private property through Council’s Amenity Local Law (which defines ‘motorised toy vehicle’ as any mini bike, trail bike, motor bike, motor scooter, go-cart and any other vehicle propelled or operated by a motor and which is normally used for recreational purposes but excludes a motorised wheelchair or scooter designed to transport a person of limited mobility).

The report addresses alternative standards that may be applicable for controlling noise emissions. The arguments for and against changing Council’s existing delegations to designate Council as the determining authority under Council’s Amenity Local Law and associated Guidelines in order to meet the objectives of the Local Law, in particular, to provide for the fair and reasonable use and enjoyment of private land in a uniform and fair manner.

Recommendation

That Council continues to regulate the use of Motorised Toy Vehicles within the municipality through its Amenity Local Law and Guidelines without any variation to its current process.

Attachments

Nil

Background

1. The use of Motorised Toy Vehicles (MTV) on private property within the Municipality is currently regulated through Council’s Amenity Local Law and Guidelines which were adopted by Council at its Ordinary Council Meeting on 26 November 2013.
2. The ability to create a Local Law is defined within the *Local Government Act 1989* (the Act) and requires Council to undertake an extensive community consultation process as outlined in Part 5 of the Act.
3. The Amenity Local Law is one of three Local Laws which Council currently have adopted. The objectives of the Amenity Local Law is as follows:
 - Safe and fair use and enjoyment of public places
 - Safe and fair use of roads
 - Regulation of street activities
 - Keeping and control of animals

12. Officers' reports

OCM.017/17 Motorised Toy Vehicles

- Fair and reasonable use and enjoyment of private land
 - Uniform and fair administration of this Local Law
 - g) Peace, order and good government of the municipality
4. Clause 41 of the Local Law requires a property owner to obtain a permit to use a Motorised Toy Vehicle on any property within the municipality. A copy of this Clause as follows;
- Motorised Toy Vehicles
 - a) Without a permit a person must not use or allow the use of a motorised toy vehicle on any land.
 - b) Without a permit a person must not use or allow the use of a motorised toy vehicle on any Council land other than a road.
5. A Motorised Toy Vehicle is defined in the Local Law as follows:
- means any mini bike, trail bike, motor bike, motor scooter, go-cart and any other vehicle propelled or operated by a motor and which is normally used for recreational purposes but excludes a motorised wheelchair or scooter designed to transport a person of limited mobility.
6. Clause 56 of the Local Law delegates the power to issue, refuse or revoke a permit to the Chief Executive Officer and other specified Council Officers. A copy of this Clause as follows:
- The powers of the Council under this Local Law to:
 - a) Impound under sub-clause 54a
 - b) Issue, refuse or revoke a permit
 - c) Issue, sign, revoke, exempt, require or cancel any notice, order or agreement
 - d) Enforce any matter
 - Are delegated to the Chief Executive Officer of the Council and to all authorised officers who are also members of Council staff. Each Clause of the Local Law is delegated to organisational positions.

Amenity Local Law Guidelines

7. The Guidelines were adopted at the same time the Amenity Local Law was adopted by Council. These Guidelines are able to be amended at any time by resolution of Council, without the lengthy statutory processes required for the making of a local law.
8. There are also provisions within the Guidelines to exempt persons or activities. Provided that the objectives of the Local Law are protected, additional exemptions can be added from time to time by the Council.
9. The Guidelines nominate which Council Officers have responsibilities in the functional areas of Policy Management, Administration and Enforcement. The Administration function includes the assessment of permit applications.

12. Officers' reports

OCM.017/17 Motorised Toy Vehicles

10. The Guidelines delegate the Administration function of Clause 41 to the Manager Regulatory Services (MRS) position.
11. The Guidelines also set the criteria which the delegate would consider when processing an application. In relation to Clause 41, the criteria is as follows:
- The amenity of the proposed location and the surrounding area, including
 - a) the type, size, noise and nature of the vehicles involved and
 - b) the days, times and duration of the proposed use.
 - Any potential damage may be caused to the land
 - a) the nature and intensity of the use and any precautions to be taken to protect the land.
 - Any other matter or thing relevant to the application
 - a) any comments received in respect of the application
 - b) any further information required from the applicant
 - c) any other matters that may apply to the particular application
 - d) the applicant's record in using motorised toy vehicles and
 - e) an appropriate permit fee* and any refundable deposit required in respect of Council land.
- *Permit fees are established through Council's annual budget process.
12. There are currently three MTV permits issued within the municipality. All Local Law permits are issued for a twelve month period requiring the applicants to reapply each year if they wish to continue to use a Motorised Toy Vehicle on their property.

Current process to process MTV permits

13. Permit applications are processed by the Regulatory Services Unit (RSU) as follows;
- Step 1. Property owner submits completed permit application and fee to Council.
 - Step 2. RSU enquires with Town Planning to establish if a Planning permit is required for the subject property.
 - Step 3. Notification letters are sent to properties which may be affected by the use of the vehicle. This is determined by the MRS. The letter advises residents that an application has been received by Council and if they have any objection to the application they may lodge a submission within 14 days.
 - Step 4. MRS assess all submissions and history of the use of vehicles.
 - Step 5. Officers conduct a site inspection.
 - Step 6. Officers mediate with applicant to establish if any of the issues contained in the submissions could be resolved. This may be a change in day/times etc.

12. Officers' reports

OCM.017/17 Motorised Toy Vehicles

- Step 7. A draft permit with conditions that are considered reasonable is distributed to all submitters and the applicant for further consideration. This provides a further 14 day period for submissions on the draft permit.
- Step 8. All submissions to the draft permit are assessed by the assessing Officer who then makes a recommendation to the MRS for final determination.
- Step 9. Applicant and submitters are advised of the outcome.

Comparison with neighbouring councils Local Law permits delegation

14. A survey of four neighbouring councils was conducted to establish how the use of MTVs were regulated within their municipality. The results are contained in the following table;

Council	Is a Local Law permit required?	Decision on application
Manningham	Yes	Officer
Mitchell	Yes	Officer
Murrindindi	No	N/A
Whittlesea	No	N/A

15. Councils who do not have a MTV provisions within their Local Law, regulate the use through the nuisance provisions of the *Public Health and Wellbeing Act 2008*.

Policy context

16. This report directly supports the achievement of Council Plan 2013-2017 strategies:
- We will provide strong and innovative leadership on issues of strategic importance to enable us to achieve our goals for the Nillumbik community.

Budget implications

17. All fees for Local Law permits are adopted by Council as part of the annual budget process. The fee for a Motorised Toy Vehicle Permit for 2016-2017 is \$92, therefore the total annual income for this type of permit is \$276.

Consultation/communication

18. An extensive community consultation process was undertaken as part of the development of Council's Local Laws and Guidelines in 2013.

Issues/options

19. There are a number of options available to Council to regulate the use of MTVs on private property, including a total ban of the use in the whole or parts of the municipality or removing the requirement of a permit and impose time/day restrictions. Council may also amend the Guidelines to consider all applications at an Ordinary Council meeting. Further details on these options are as follows;

12. Officers' reports

OCM.017/17 Motorised Toy Vehicles

Option 1: Continue to require a permit for the use

20. This option may be administered in a number of ways which include:

- Continue to require a property owner to make an application and obtain a permit to use a Motorised Toy Vehicle and either:
 - have the permit assessed by Council Officers in accordance with the process as outlined in point 13 of this Report (status quo); or
 - have the permit application considered and approved by Council. This would require Council to consider the application content, criteria for assessment and all submissions.

Option 2: Remove the requirement to obtain a permit

21. This option may also be administered in a number of ways including:

- Allow the unlimited use of MTV unless Council receive a complaint regarding the use and investigate the use under the provisions of the *Public Health and Wellbeing Act 2008*; or
- Regulate the times and days when MTV may be used; or
- Restrict the use of MTV in certain geographical areas of the municipality or align the permitted use with Town Planning zones; or
- A combination of the above.

22. Any of the above options requiring an application would require assessment criteria to ensure a consistent approach. As indicated in point 11 of this Report, the current criteria is contained within the Local Law Guidelines. These may be amended to clarify the community's expectations which may include nominating a specific noise level of the MTV. This may be achieved by simply nominating the vehicle's standard noise emission specifications produced by the manufacture or an agreed noise assessment evaluation process which would be extremely expensive and convoluted as the situational variations would vary significantly.

Conclusion

23. Council Officers considers that the current permit system, as outlined in the Local Law and its Guidelines and process outlined in point 13 of this Report, are an appropriate mechanism to regulate the use of Motorised Toy Vehicles within the municipality.

12. Officers' reports

OCM.018/17 Election report - Nillumbik Shire Council general elections 2016

Manager: Andrew Port, General Manager Corporate Services

Author: Allison Watt, Manager Governance and Communications

Summary

In April 2016, Council entered into an Electoral Service Agreement with the Victorian Electoral Commission (VEC) for the provision of electoral services to Council for the four-year period beginning 1 July 2016, including the conduct of the 2016 general election.

The general election was conducted by postal ballot and in accordance with the *Local Government Act 1989* (the Act) and the *Local Government (Electoral) Regulations 2016* (the Regulations).

Some key results were as follows:

- Nillumbik's voter turnout was 80.96 per cent which was higher than the 2012 election (76.69 per cent) and higher than the state average in 2016 (75.67 per cent)
- Nillumbik's informal vote of 3.67 per cent was slightly higher than 2012 (3.12 per cent) but is still lower than the state average (6.06 per cent).

Clause 14 of Schedule 3 of the Act requires the Returning Officer to prepare a report to the Chief Executive on the conduct of the election within three months of election day. The report must include a certified record of the number of ballot papers and declarations printed, issued, used, spoiled and returned.

Clause 14 also provides that the Chief Executive Officer must ensure that the report is submitted to Council at the earliest practicable meeting of Council held after the report is received by the Chief Executive Officer. The Returning Officer's report was received on 23 January 2017 and is attached for Council's consideration. (Attachment 1).

Recommendation

That Council:

1. In accordance with Schedule 3 of the *Local Government Act 1989*, receives and notes the election report for the Nillumbik Shire Council general elections 2016.
2. Notes that Nillumbik's voter turnout and informal vote results were both better than the Victorian average.

Attachments

1. VEC Election Report 2016

Background

1. The Act requires all councils to hold elections every four years on the fourth Saturday in October. In accordance with the Act, all Victorian councils held elections on Saturday 22 October 2016.

12. Officers' reports

OCM.018/17 Election report - Nillumbik Shire Council general elections 2016

2. Schedule 2 of the Act was amended by the State Government to provide that the VEC will be responsible for conducting all future council elections. This replaces the previous legislative arrangements that Council, either through the CEO, or any electoral commission in Australia engaged by Council, could conduct elections. For example, in 2012, the majority of Victorian councils engaged the Municipal Association of Victoria to coordinate the calling of tenders for the provision of election services. The VEC was, at that time, the only tenderer. The Australian Electoral Commission (AEC) has not tendered to conduct local government elections in Victoria since 2001.
3. Following this legislative change, the VEC, subsequent to discussions with Council officers, provided Council with an Electoral Services Agreement for the provision of electoral services to Council for the four year period commencing on 1 July 2016.
4. Council authorised the CEO to execute the agreement with the VEC in April 2016.
5. The general election in Nillumbik was conducted by postal ballot and in accordance with the Act and the Regulations. Doug Hocking was appointed by the VEC to be the Returning Officer for the election.

Policy context

6. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will meet our legal responsibilities and manage our risks.

Budget implications

7. The estimated total cost for the conduct of the elections, including the cost of conducting compulsory voting enforcement post-election, is \$249,475 (ex GST) which is provided for in the 2016-2017 budget.

Consultation/communication

8. The VEC published a series of statutory notices at prescribed times during the election period. These notices are required by the Act and provided critical information relevant to each point in the election timeline.
9. Statutory advertising was complemented by a statewide advertising campaign through major metropolitan and regional newspapers, metropolitan and regional radio, ethnic print, radio and social media. This campaign aimed to maximise the key areas of enrolment and voting.
10. The VEC also ran interactive advertisements on Facebook, targeting geographic areas and demographic segments that typically have low participation rates.
11. Other communication included media releases and briefings, interpreting services and a telephone enquiry service. Council set up an election webpage, with links to important VEC information.
12. The VEC held a candidate information session in the Council Chamber at the Civic Centre, Greensborough on Monday 12 September which was attended by about 30 people.

12. Officers' reports

OCM.018/17 Election report - Nillumbik Shire Council general elections 2016

Key changes

13. The electoral provisions in the Act were amended in 2015 to clarify responsibilities for preparing and conducting local government elections, strengthen provisions in relation to the eligibility of candidates and consider the power of the Returning Officer.
14. In July 2016 the new Regulations came into effect. Changes to the 2016 election included:
 - An extended period for postal votes to be received and accepted by the Returning Officer during the week after election day
 - The introduction of a candidate questionnaire with a prescribed set of questions that candidates were invited to answer
 - The removal, by the Legislative Council, of the opportunity for candidates to lodge an indication of preference in their ballot packs to voters

Election Report Summary

15. The VEC Election Report 2016 (Attachment 1) provides a comprehensive review of the conduct of the 2016 election and highlights the following:
 - There were 48,215 voters enrolled across the seven wards as at entitlement date, Friday 26 August 2016
 - A total of 69 nominations were received across the seven wards
 - The number of ballot papers returned, both formal and informal, was 80.96 per cent. The informal vote was 3.67 per cent.
 - The VEC mailed out 48,214 ballot packs and, in total, 39,136 ballot papers were admitted to the counting process
 - 209 ballot packs were returned to the Returning Officer as 'return to sender' mail
16. Ballot papers were counted manually using the preferential method of counting and provisional results were published to the VEC website as they became available.
17. Following the provisional results, a partial recount was performed for the Edendale Ward and Swipers Gully Ward elections at the request of candidates in those wards. The results of the elections did not change as a result of the partial recount.
18. At the completion of counting, the following candidates were declared elected for a four-year term:
 - Blue Lake Ward – Grant Brooker
 - Bunjil Ward – Karen Egan
 - Edendale Ward – John Dumaresq
 - Ellis Ward – Peter Perkins
 - Sugarloaf Ward – Jane Ashton
 - Swipers Gully Ward – Bruce Ranken

12. Officers' reports

OCM.018/17 Election report - Nillumbik Shire Council general elections 2016

- Wingrove Ward – Peter Clarke

19. Eligible candidates – those who were elected or received at least four per cent of the first preference vote – were refunded their \$250 nomination fees in December 2016.

Voter analysis

20. The analysis of voter participation at the past two Council elections, as set out in the following table, shows that voter participation in Nillumbik increased from 76.69 per cent in 2012 to 80.96 per cent in 2016. This is compared to an average turnout of 75.67 per cent for all postal elections across the State (excluding Melbourne City Council).

21. The informal vote at Nillumbik was 3.67 per cent in 2016, a slight increase on the 2012 figure of 3.12 in 2012, but significantly lower than the 6.06 per cent for postal elections across the State.

Ward	2012 % turnout	2016 % turnout	2012 % informal	2016 % informal
Blue Lake	77.53	79.50	3.10	3.76
Bunjil	77.39	82.15	2.89	2.79
Edendale	76.41	81.12	3.52	5.27
Ellis	77.82	80.30	3.26	2.77
Sugarloaf	73.49	80.27	2.94	5.07
Swipers Gully	76.59	82.18	3.83	3.18
Wingrove	77.85	81.47	2.25	2.59
Nillumbik	76.69	80.96	3.12	3.67

Compulsory voting enforcement

22. In accordance with the Act, the VEC has commenced its compulsory voting enforcement. Any person who was required to vote at the 2016 general election and failed to vote will be issued with an apparent failure-to-vote notice.

23. The VEC lodged 4,944 apparent failure-to-vote notices on Friday 3 February to persons who were required to vote at the 2016 general elections but appear not to have voted. The deadline for responding to the notice is Friday 3 March 2017.

24. The apparent failure-to-vote notice is a reminder and does not carry a penalty. Persons issued with an apparent failure-to-vote notice should respond to the notice providing the reasons why they failed to vote at the elections. If a person fails to respond, or does not provide a satisfactory response, they may be issued with an infringement notice by the VEC. The infringement notice carries a penalty of \$78.

12. Officers' reports

OCM.018/17 Election report - Nillumbik Shire Council general elections 2016

Conclusion

25. As required by Schedule 3 of the *Local Government Act 1989*, the Victorian Electoral Commission has provided Council with a comprehensive report in relation to the conduct of the 2016 general election. The election report was received by the CEO on 23 January 2017 and is now presented to Council.

12. Officers' reports

OCM.019/17 General Valuation 2018

Manager: Andrew Port, General Manager Corporate Services

Author: Vince Lombardi, Manager Finance

Summary

The purpose of this report is to formally resolve to undertake a General Valuation of all properties within the Shire as at 1 January 2018, in accordance with the *Valuation of Land Act 1960*.

Recommendation

That Council:

1. Undertakes a general valuation of all properties within the Shire effective for the 2018-2019 rating year.
2. Advises neighbouring councils and the Valuer-General accordingly.

Attachments

Nil

Background

1. Council is required to return a General Valuation for all properties in the Shire as at 1 January 2018, which requires the valuation to be completed by 30 April 2018 for use in the 2018-2019 financial year.

Policy context

2. 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

3. Provision is included within the 2016-2017 Budget for costs relating to the ongoing provision of valuations services. The major proportion of costs relating to the general valuation will be incurred in 2017-2018 and will be considered as part of the 2017-2018 budget process.

Consultation/communication

4. None required.

Issues/options

5. The Valuer-General Victoria released Specifications and Guidelines in relation to the 2018 General Valuation. This outlines the different stages that must be addressed in order to complete the General Valuation. These stages include:
 - Stage 1 – Preparation
Involves general preparation, planning and statistical analysis of the previous valuation against recent sales.

12. Officers' reports

OCM.019/17 General Valuation 2018

- Stage 2 – Preliminary Valuations – Residential and Rural Properties
This is the major stage for residential and rural valuations of all specialised properties.
 - Stage 3A – Preliminary Valuations – Specialist Properties
This stage comprises the preliminary valuation of all specialist properties.
 - Stage 3B – Commercial and Industrial Properties
This stage comprises the valuations of commercial and industrial properties.
 - Stage 4 – Review and Final Valuations – Residential and Rural Properties
This stage comprises a review of Stage 2 preliminary values bases on an analysis of subsequent sales evidence.
 - Stage 5 – Valuation Return
This stage comprises the return of the valuation to council, completion of the valuer's final report and provision of the returned valuation and data to the Valuer- General Victoria.
6. Matheson Stephen Valuations were awarded the Valuation tender in February 2016 and are well placed to fulfil the obligations of the contract, based on their past performance.
7. The *Valuation of Land Act 1960* section 6(1) states that a valuation authority proposing to make a general valuation must give not less than one month's notice of the decision to cause the valuation to be made to:
- Every other rating authority interested in the valuation of land in the relevant municipal district
 - In the case of a council general valuation or a collection agency general valuation, the Valuer-General.

Conclusion

8. On the basis of the above it is recommended that Council authorise a general valuation of all properties within the Shire effective for the 2018-2019 rating year, and advise neighbouring councils and the Valuer-General accordingly.

12. Officers' reports

OCM.020/17 Audit Committee - Minutes February 2017

Manager: Andrew Port, General Manager Corporate Services

Author: Vince Lombardi, Manager Finance

Melika Sukunda, Financial Accountant

Summary

In accordance with the *Local Government Act 1989* section 139 and good governance principles, councils must have an Audit Committee.

As resolved at the Ordinary Meeting of Council on 16 August 2005 the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.

The Audit Committee met on 13 February 2017. The minutes for the meeting are attached.

Recommendation

That Council notes the minutes of the Audit Committee meeting for 13 February 2017.

Attachments

1. 13 February 2017 Audit Committee Minutes

Background

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

Policy context

3. This report directly supports the achievement of Council Plan 2013-2017 strategies:
 - We will ensure our services are efficient and deliver good value for money for our residents and we will invest in training and technology to enhance productivity.
 - We will meet our legal responsibilities and manage our risks.

Budget implications

4. The costs associated with this matter are contained within Council's 2016-2017 Budget.

12. Officers' reports

OCM.020/17 Audit Committee - Minutes February 2017

Consultation/communication

5. The Audit Committee meeting on 13 February 2017 was attended by the Committee members, Acting Chief Executive Officer, General Manager Corporate Services, Manager Finance. Cr Peter Clarke and Cr Bruce Ranken were the Councillor representatives in attendance.

Issues/options

6. The minutes of the Audit Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
7. The Audit Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.
8. The 13 February 2017 Audit Committee minutes have not yet been adopted by the Committee, but will be presented at its next meeting.
9. Among the items considered by the Audit Committee at the meeting held on 13 February 2017 were:
- Internal Audit Parking Enforcement/ Administration
 - The Internal Audit progress report
 - The Risk and Insurance report
 - The December quarter financial report
 - Responses to the recommendations made in Victorian Auditor-General's Office snap shot report for 2015-2016
 - The Proactive tree management in high use areas resolution and report.

Next meeting

10. The next Audit Committee meeting is scheduled to take place on Monday 8 May 2017.

Conclusion

11. The Audit Committee minutes from 13 February 2017 are presented to Council to ensure timely feedback, accurate information and for noting by Council.

12. Officers' reports

OCM.021/17 Provision of Delivered Meals Update

Manager: Pauline Gordon, General Manager Community and Leisure
Author: Corrienne Nichols, Acting Manager Community Services and Social Development

Summary

A confidential report details the background for the Provision of Delivered Meals contract, contract 1415-49 and the issues relating to the recent Salmonellosis outbreak associated with Moreland City Council (MCC).

On Friday 27 January 2017, Moreland Food Services, advised Council that 14 people receiving meals early – mid December 2016 become ill with one case being a Nillumbik meals recipient. Further information provided to council indicates that salmonellosis was the cause of the illness.

The Food Services contract for the delivery of meals to Home and Community Care Clients is a collaborative arrangement between Nillumbik Shire Council and the City of Whittlesea through Moreland Food Services. Over the 27 years Moreland City Council has been producing meals for HACC services there has never been a similar incident.

The Department of Health and Human Services (DHHS) is currently investigating the issue to identify the cause of the salmonellosis. To date, all samples collected from the production kitchen have returned a negative test result. No further cases of illness have been identified and Council's Meals on Wheels service continues to operate as usual.

At its ordinary meeting on 31 January 2017, Council requested that officers identify other food options for Nillumbik Shire Council's clients. There are a number of providers available in the market which is included in the confidential report.

DHHS has given the clearance for the Food Service to continue operations.

Council should be aware that if it elects to terminate the Contract before the expiration of the Contract term, Moreland City Council may challenge the termination on the basis that there has been no breach and sue Council for future payment under the Contract.

Recommendation

That Council:

1. **Notes the report**
2. **Makes public the decision regarding the future delivery of Council's Food Services.**

Attachments

Nil

12. Officers' reports

OCM.021/17 Provision of Delivered Meals Update

Background

1. The contract with Moreland City Council for the provision of delivered meals commenced 3 May 2011.
2. In June 2015 at its Policy and Services meeting, Council resolved to accept the tender submission from Moreland City Council Food Services and enter into a contract for the provision of Delivered Meals for an initial term of three years, taking the contract period through to July 2018 with a 1 x 2 year extension option.

Policy context

3. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will plan and deliver accessible community services that enhance health and wellbeing across all life stages.

Budget implications

4. Budget implications are included in the confidential report.

Consultation/communication

5. Since being notified of the incident, officers attended a contract meeting with Moreland City Council, Whittlesea City Council and representatives from the Department of Health and Human Services, Communicable Disease Prevention and Control Unit. DHHS advised the contamination "event" probably occurred either on or around the 13 or 14 December and that all samples collected from the production kitchen have returned a negative test result. All surveys undertaken are inconclusive.
6. Council have notified all meal recipients of the current situation via mail and offered ongoing support. No other client has advised they were ill during this period.

Issues/options

7. Over the 27 years Moreland City Council has been producing meals for HACC services there has never been a similar incident. Current production is approximately 600 meals per day.
 - To date, all samples collected from the production kitchen have returned a negative test result.
 - No further cases of illness have been identified and Council's Meals on Wheels service continues to operate as usual.
 - Nillumbik clients continue to receive meals through Moreland Food Services and are satisfied with the quality and choice available.

Conclusion

8. Officers will continue to work closely with any Food Service provider to ensure the health and well-being of our Clients continues to be of the utmost importance.
9. Officers will keep Council informed of any adverse findings arising from the incident.

12. Officers' reports

OCM.022/17 Quotation - trade services, small solar system supply and maintenance

Manager: Ransce Salan, General Manager Environment and Planning

Author: Romney Bishop, Sustainability Officer

Summary

Council regularly installs small solar systems (under 30 kilowatts) on Council-owned buildings to achieve the goals in the Climate Change Action Plan 2016-2020, including to reduce electricity consumption from the grid by 20 per cent by 2020, to reduce gas consumption at Council-owned buildings by 21 per cent by 2020 and to produce 30 per cent of Council's building energy requirements through on-site renewable energy sources by 2020.

To complete these works, Council officers engage contractors through a quotation process whereby contractors are required to provide the same information about their business practices and risk management repeatedly. The appointment of a panel of contractors will remove the requirement to repeatedly provide that information, other than through annual renewals of insurance.

In addition, annual preventative maintenance is carried out on existing solar systems to ensure they are operating at capacity and Council is receiving the full benefit of the systems. This contract expired in January 2017 and this process seeks to appoint a new contractor to carry out preventative maintenance for the next three years.

A separate report outlines the services sought, the quotation process and seeks Council's endorsement to appoint a panel of contractors that can be engaged as work needs arise on Council-owned buildings for a period of three years.

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.

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.023/17 Risk and Insurance Report December 2016

Manager: Andrew Port, General Manager Corporate Services

Author: Craig Commane, Risk Advisor
 Vince Lombardi, Manager Finance

Summary

This report provides a summary of Council’s Risk and Insurance Report for the quarter ending December 2016.

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

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

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

Recommendation

That Council:

1. **Notes this summary of the Risk and Insurance Report for the quarter ending December 2016.**
2. **Confirms that the confidential Risk and Insurance Report for the December quarter 2016 is to remain confidential in accordance with sections 77 and 89(2)(h) of the *Local Government Act 1989*.**

Attachments

Nil

Background

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

12. Officers' reports

OCM.023/17 Risk and Insurance Report December 2016

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

Policy context

7. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will meet our legal responsibilities and manage our risks.

Budget implications

8. The costs for managing and reporting are covered by the operating budget for the Corporate Services Department.

12. Officers' reports

OCM.023/17 Risk and Insurance Report December 2016

Consultation/communication

9. The Risk and Insurance Report was considered by the General Management Team on 25 January 2017 and the Audit Committee on 13 February 2017.

Issues/options

10. The Risk and Insurance report has been prepared in accordance with Council's risk management policy and framework and is consistent with industry standards, using the Australian Standard AS/NZS 31000:2009 Risk Management.

11. Highlights from the report are:

- Council Risk status reporting – 97 per cent of all risk control actions have been completed or are on target to be completed in accordance with their time lines and three per cent are not yet due to commence.
- The following table summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type (excluding OHS incidents)	Jan – Mar 2016	Apr– Jun 2016	Jul– Sep 2016	Oct– Dec 2016	Total year to Dec 2016	Total prior year to Dec 2015	Year to year trend
Property	7	10	7	11	35	33	▲
Motor vehicle	33	30	18	32	113	117	▼
Professional Indemnity	1	2	0	0	3	2	▲
Public Liability	29	29	26	40	124	98	▲
Total all incidents	70	71	51	83	275	250	▲

- A high proportion of reported incidents are generated within the normal course of operations of the Infrastructure Services Department, 71 per cent. These incidents relate to major classes of asset or maintenance type incidents for Council buildings, trees, footpath, road damage, and major plant.
- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds.
 - There were no major property related incidents during the quarter.

12. Officers' reports

OCM.023/17 Risk and Insurance Report December 2016

- Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties.
 - One major incident resulted in an insurance claim when a Council vehicle was rear ended whilst stationary at traffic lights. No injuries occurred and the police did not attend. The vehicle has been repaired and the insurance claim settled.
- Public liability relates to incidents reported to Council where the third party is seeking compensation. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
 - Storms during the December 2016 quarter contributed to increase claims for compensation. These claims relate to water damage from Council's stormwater drainage system, and property damage from trees on Council land caused by strong wind.
- Annual trend data for year ending December 2016 highlights a 10 per cent increase in reported incidents over the same period for 2015. This increase is attributed to increased numbers of public liability claims and it is not unusual for the number of incidents to vary from period to period.

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

Conclusion

13. This summary, along with the Confidential Risk and Insurance Report, have been provided to meet the requirements of the Local Government Performance Reporting Framework and consolidation of management reporting.
14. Ongoing reporting to Council will be presented quarterly following each meeting of the Audit Committee.

12. Officers' reports

OCM.024/17 Assemblies of Councillors

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 31 January 2017.

Recommendation

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

1	Date of assembly	31 January 2017	
	Matters considered	Pre-meeting for Ordinary Council Meeting	
	Councillors present	Cr Peter Clarke Cr John Dumaresq Cr Jane Ashton	Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken
	Staff present	Mark Stoermer Andrew Port Ransce Salan Pauline Gordon Suzy Ellingsen Corrienne Nichols	Diana Bell Vince Lombardi Robert Malignaggi Neil Hordern Joseph Emmanuel
	Conflict of interest	None declared	

2	Date of assembly	7 February 2017	
	Matters considered	Health and Wellbeing Project Reference Group	
	Councillors present	Cr Jane Ashton	
	Staff present	Diana Bell Pauline Gordon	Corrienne Nichols
	Conflict of interest	None declared	

3	Date of assembly	7 February 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Road Management Plan review • Plenty/Yarrambat locality boundary 	

12. Officers' reports

OCM.024/17 Assemblies of Councillors

		<ul style="list-style-type: none"> • DVSFC Masterplan advisory group • Yarra Plenty Library budget • Climate Change Action Plan • Waste services • Edendale Community Environment Farm • Draft Capex Program • Native Vegetation Regulations 																				
	Councillors present	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Cr Peter Clarke</td> <td style="width: 50%; border: none;">Cr Grant Brooker</td> </tr> <tr> <td style="border: none;">Cr John Dumaresq</td> <td style="border: none;">Cr Karen Egan</td> </tr> <tr> <td style="border: none;">Cr Jane Ashton</td> <td style="border: none;">Cr Bruce Ranken</td> </tr> </table>	Cr Peter Clarke	Cr Grant Brooker	Cr John Dumaresq	Cr Karen Egan	Cr Jane Ashton	Cr Bruce Ranken														
Cr Peter Clarke	Cr Grant Brooker																					
Cr John Dumaresq	Cr Karen Egan																					
Cr Jane Ashton	Cr Bruce Ranken																					
	Staff present	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Mark Stoermer</td> <td style="width: 50%; border: none;">Hannah Burns</td> </tr> <tr> <td style="border: none;">Andrew Port</td> <td style="border: none;">John Smyth</td> </tr> <tr> <td style="border: none;">Conal Creedon</td> <td style="border: none;">Joanne Hammond</td> </tr> <tr> <td style="border: none;">Ransce Salan</td> <td style="border: none;">Pat Vaughan</td> </tr> <tr> <td style="border: none;">Pauline Gordon</td> <td style="border: none;">Romney Bishop</td> </tr> <tr> <td style="border: none;">Allison Watt</td> <td style="border: none;">Adrian Cully</td> </tr> <tr> <td style="border: none;">Lisa Pittle</td> <td style="border: none;">Corinne Mays</td> </tr> <tr> <td style="border: none;">Joseph Emmanuel</td> <td style="border: none;">Suzy Ellingsen</td> </tr> <tr> <td style="border: none;">Naomi Paton</td> <td style="border: none;">Corrienne Nichols</td> </tr> <tr> <td style="border: none;">Michelle DePasquale</td> <td></td> </tr> </table>	Mark Stoermer	Hannah Burns	Andrew Port	John Smyth	Conal Creedon	Joanne Hammond	Ransce Salan	Pat Vaughan	Pauline Gordon	Romney Bishop	Allison Watt	Adrian Cully	Lisa Pittle	Corinne Mays	Joseph Emmanuel	Suzy Ellingsen	Naomi Paton	Corrienne Nichols	Michelle DePasquale	
Mark Stoermer	Hannah Burns																					
Andrew Port	John Smyth																					
Conal Creedon	Joanne Hammond																					
Ransce Salan	Pat Vaughan																					
Pauline Gordon	Romney Bishop																					
Allison Watt	Adrian Cully																					
Lisa Pittle	Corinne Mays																					
Joseph Emmanuel	Suzy Ellingsen																					
Naomi Paton	Corrienne Nichols																					
Michelle DePasquale																						
	Conflict of interest	None declared																				

4	Date of assembly	8 February 2017						
	Matters considered	Councillor meeting, CEO recruitment						
	Councillors present	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Cr Peter Clarke</td> <td style="width: 50%; border: none;">Cr Grant Brooker</td> </tr> <tr> <td style="border: none;">Cr John Dumaresq</td> <td style="border: none;">Cr Karen Egan</td> </tr> <tr> <td style="border: none;">Cr Jane Ashton</td> <td style="border: none;">Cr Bruce Ranken</td> </tr> </table>	Cr Peter Clarke	Cr Grant Brooker	Cr John Dumaresq	Cr Karen Egan	Cr Jane Ashton	Cr Bruce Ranken
	Cr Peter Clarke	Cr Grant Brooker						
	Cr John Dumaresq	Cr Karen Egan						
Cr Jane Ashton	Cr Bruce Ranken							
Staff present	Suzy Ellingsen	Sally Pickett						
Conflict of interest	None declared							

5	Date of assembly	8 February 2017							
	Matters considered	Nillumbik Intentional Communities							
	Councillors present	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Cr Karen Egan</td> <td style="width: 50%; border: none;">Cr Grant Brooker</td> </tr> <tr> <td style="border: none;">Cr Jane Ashton</td> <td style="border: none;">Cr Peter Clarke</td> </tr> <tr> <td style="border: none;">Cr John Dumaresq</td> <td></td> </tr> </table>	Cr Karen Egan	Cr Grant Brooker	Cr Jane Ashton	Cr Peter Clarke	Cr John Dumaresq		
	Cr Karen Egan	Cr Grant Brooker							
Cr Jane Ashton	Cr Peter Clarke								
Cr John Dumaresq									
Staff present	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Mark Stoermer</td> <td style="width: 50%; border: none;">Chad Griffiths</td> </tr> <tr> <td style="border: none;">Andrew Port</td> <td style="border: none;">Corrienne Nichols</td> </tr> <tr> <td style="border: none;">Pauline Gordon</td> <td style="border: none;">Nichole Johnson</td> </tr> <tr> <td style="border: none;">Ransce Salan</td> <td></td> </tr> </table>	Mark Stoermer	Chad Griffiths	Andrew Port	Corrienne Nichols	Pauline Gordon	Nichole Johnson	Ransce Salan	
Mark Stoermer	Chad Griffiths								
Andrew Port	Corrienne Nichols								
Pauline Gordon	Nichole Johnson								
Ransce Salan									

12. Officers' reports

OCM.024/17 Assemblies of Councillors

	Conflict of interest	None declared
--	-----------------------------	----------------------

6	Date of assembly	9 February 2017	
	Matters considered	Recreation Trails Advisory Committee	
	Councillors present	Cr John Dumaresq	Cr Karen Egan
	Staff present	Naomi Paton Joanne Massoud	Nadine Wooldridge
	Conflict of interest	None declared	

7	Date of assembly	14 February 2017	
	Matters considered	Pre-meeting for Special Council Meeting and Future Nillumbik Committee	
	Councillors present	Cr Peter Clarke Cr John Dumaresq Cr Jane Ashton Cr Karen Egan	Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken
	Staff present	Mark Stoermer Andrew Port Pauline Gordon Ransce Salan Conal Creedon	Chad Griffiths Lisa Pittle Joseph Emmanuel Joanne Hammond
	Conflict of interest	None declared	

8	Date of assembly	20 February 2017	
	Matters considered	Sale of 22 Luck Street, Eltham	
	Councillors present	Cr Peter Clarke Cr Peter Perkins	Cr Bruce Ranken Cr Grant Brooker
	Staff present	Jon Miller	Conal Creedon
	Conflict of interest	None declared	

9	Date of assembly	21 February 2017	
	Matters considered	Officer briefings of Councillors: <ul style="list-style-type: none"> • Submission on Native Vegetation Regulations and Bushfire Management Overlay • Early Years Community Infrastructure • Integrated Home and Community Care • Amendment C108 Diamond Creek Trail 	

12. Officers' reports

OCM.024/17 Assemblies of Councillors

		<ul style="list-style-type: none"> • Seasonal sports pavilion priorities • Civic Drive residential development • Motorised Toy Vehicles • 2017-2018 Budget – new initiatives and fees and charges 														
	Councillors present	<table> <tr> <td>Cr Peter Clarke</td> <td>Cr Grant Brooker</td> </tr> <tr> <td>Cr Jane Ashton</td> <td>Cr Peter Perkins</td> </tr> <tr> <td>Cr Karen Egan</td> <td>Cr Bruce Ranken</td> </tr> </table>	Cr Peter Clarke	Cr Grant Brooker	Cr Jane Ashton	Cr Peter Perkins	Cr Karen Egan	Cr Bruce Ranken								
Cr Peter Clarke	Cr Grant Brooker															
Cr Jane Ashton	Cr Peter Perkins															
Cr Karen Egan	Cr Bruce Ranken															
	Staff present	<table> <tr> <td>Mark Stoermer</td> <td>Alison Fowler</td> </tr> <tr> <td>Andrew Port</td> <td>Pay Vaughan</td> </tr> <tr> <td>Pauline Gordon</td> <td>Marianne Sparks</td> </tr> <tr> <td>Conal Creedon</td> <td>Corrienne Nichols</td> </tr> <tr> <td>Joanne Hammond</td> <td>Narelle Hart</td> </tr> <tr> <td>Chad Griffiths</td> <td>Naomi Paton</td> </tr> <tr> <td>Paul Fyffe</td> <td>Jon Miller</td> </tr> </table>	Mark Stoermer	Alison Fowler	Andrew Port	Pay Vaughan	Pauline Gordon	Marianne Sparks	Conal Creedon	Corrienne Nichols	Joanne Hammond	Narelle Hart	Chad Griffiths	Naomi Paton	Paul Fyffe	Jon Miller
Mark Stoermer	Alison Fowler															
Andrew Port	Pay Vaughan															
Pauline Gordon	Marianne Sparks															
Conal Creedon	Corrienne Nichols															
Joanne Hammond	Narelle Hart															
Chad Griffiths	Naomi Paton															
Paul Fyffe	Jon 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.

Issues/options

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

12. Officers' reports

OCM.024/17 Assemblies of Councillors

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

Conclusion

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

13. Notices of Motion

Nil

14. Delegates' reports

15. Supplementary and urgent business

16. Confidential reports

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

Motion

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

Report No.	Title	Reason for confidentiality
OCM.025/17	Provision of Delivered Meals	(d) contractual matters
OCM.026/17	Quotation - trade services, small solar system supply and maintenance	(d) contractual matters
OCM.027/17	Risk and Insurance Report December 2016	(h) any other matter which the Council or special committee considers would prejudice the Council or any person