

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 29 August 2017 commencing at 7pm.

Agenda

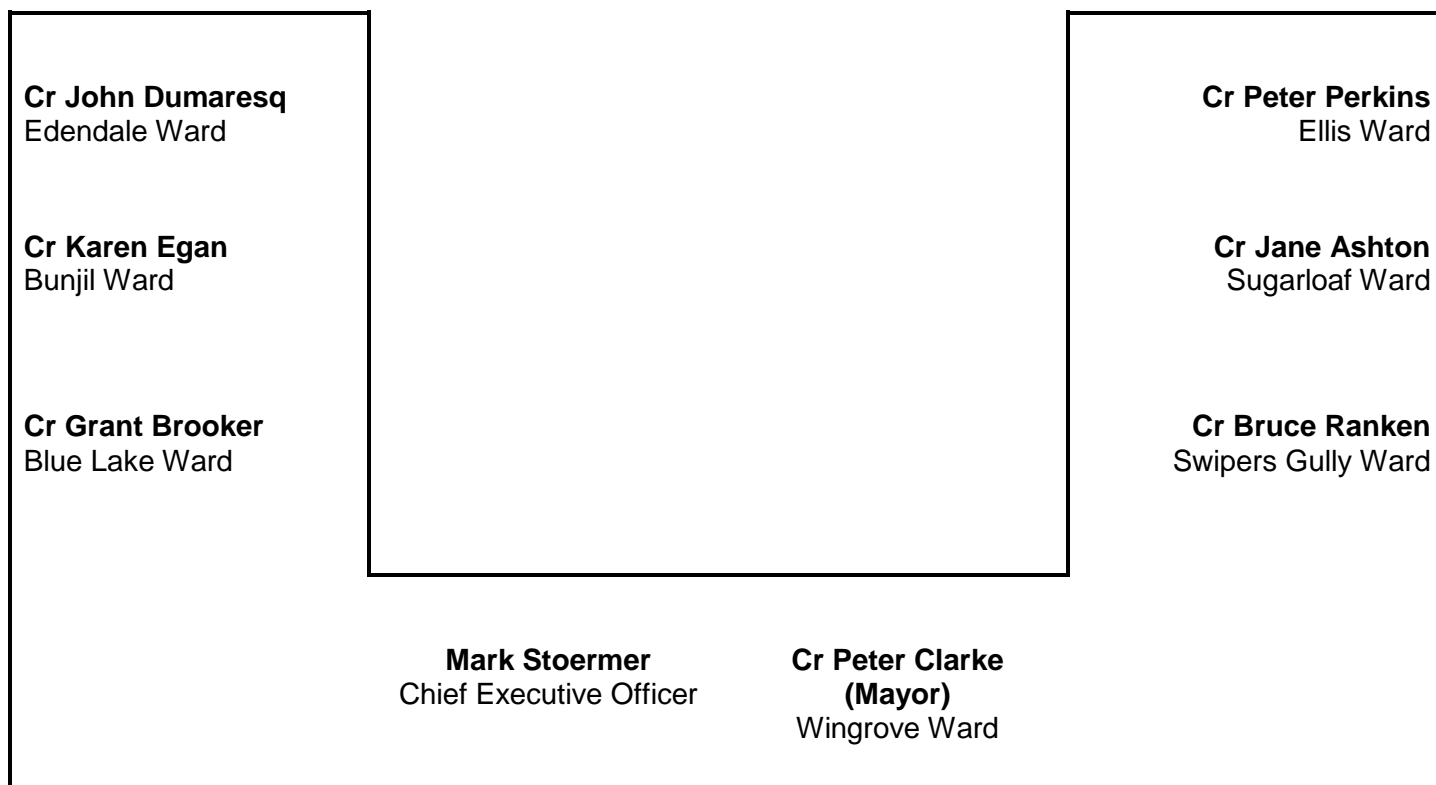
Mark Stoermer
Chief Executive Officer

Thursday 24 August 2017

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Domin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

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

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 29 August 2017 commencing at 7pm.

1. Welcome by the Mayor

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

2. Reconciliation statement

The reconciliation statement to be read by the Mayor

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

3. Prayer

A prayer will be read by Rev Martin Boutros of the Diamond Valley Baptist Church.

4. Apologies

Motion

That the apologies be accepted.

5. Presentations

Eltham Redbacks Football Club

Ivan Dalla Costa, President of the Eltham Redbacks Football Club will make a presentation to Council on the occasion of the Club's 50th anniversary.

Sporting grants

Piper Bradford (Bunjil Ward) receives \$150 as a contribution for being selected to play at the U14 Australian junior Basketball Championships.

Emma Rao (Bunjil Ward) receives \$200 as a contribution for being selected represent Australia at the Pacific School games in swimming.

Caitlin Seini (Bunjil Ward) receives \$150 for being selected to represent Victoria in the Junior Mounted Games in Toowoomba.

Lauren Jatczak (Edendale Ward) receives \$150 as a contribution for being selected to play at the U14 Australian Junior Basketball Championships.

Amy Temos (Edendale Ward) receives \$150 as a contribution for being selected to play at the U14 Australian Junior Basketball Championships.

Riley Lewis (Ellis Ward) receives \$150 as a contribution for being selected to play at the U14 Australian junior Basketball Championships.

Dyani Ananiev (Sugarloaf Ward) receives \$150 as a contribution for being selected to play at the U14 Australian Junior Basketball Championships.

Casey Imeneo (Sugarloaf Ward) receives \$200 as a contribution for being selected to represent Australia at the 2017 Laser Radial Women's Under 21 World Championships in Belgium.

5. Presentations (cont)

Thomas Neale (Sugarloaf Ward) receives \$150 as a contribution for being selected to play at the U14 Australian Junior Basketball Championships.

Maddie Pouflis (Wingrove Ward) receives \$150 as a contribution for being selected to play at the U14 Australian junior Basketball Championships.

Henry Way (Wingrove Ward) receives \$150 as a contribution for being selected to play at the U14 Australian junior Basketball Championships.

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 1 August 2017.

Motion

That the minutes of the Council Meeting held on Tuesday 1 August 2017 be confirmed.

7. Disclosure of conflicts of interest

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

8. Petitions

PT.002/17

A petition containing 23 signatures from residents requesting that Council seal Westering Road, Christmas Hills due to the large amount of dust that is raised by vehicles using the road regardless of whether they are driving above or below the speed limit.

Motion

That Council:

- 1. Receives the petition.**
- 2. Refers it to the Director Sustainability and Place for investigation and response.**
- 3. Advises the petition organiser accordingly.**

9. Questions from the gallery

10. Reports of Advisory Committees

AC.006/17 Advisory Committee Report

Distribution: Public

Manager: Allison Watt, Manager Governance

Author: Tracey Classon, Governance Officer

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the minutes of meetings are presented to Council. This month, the following minutes are attached for information:

- Arts Advisory Committee held 26 June 2017
- Panton Hill Bushland Reserves Advisory Committee held 3 August 2017

Motion

That Council notes the:

- 1. Arts Advisory Committee minutes of 26 June 2017.**
- 2. Panton Hill Bushland Reserves Advisory Committee minutes of 3 August 2017.**

Attachments

1. Arts Advisory Committee minutes 26 June 2017
2. Panton Hill Bushland Reserves Advisory Committee minutes 3 August 2017

11. Reports of special committees

Nil

12. Officers' reports

OCM.095/17 North East Link

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

**Author: Jonathan Risby, Coordinator Transport and Development
Lisa Pittle, Manager Environment**

Summary

North East Link Authority (NELA) has announced four preferred corridors for further investigation. Council has undertaken a program of community engagement to ensure that Nillumbik residents are informed about the corridor options, to listen to the community's issues associated with corridor options and to advocate to NELA on behalf of the Nillumbik community.

Council has previously identified a preferred alignment for North East Link and this report confirms a corridor preference based on data from the North East Link Authority and response received from Council's community engagement programs.

In addition to North East Link, Council will advocate for a range of complementary transport and infrastructure projects as well as short term actions to ease congestion on local arterial roads and improve public transport for the benefit of the Nillumbik community.

Recommendation

That Council:

1. **Notes the announcement of the four potential North East Link corridors and the engagement Council has undertaken to date with the Nillumbik community.**
2. **Confirms support for the construction of North East Link with a preference for Corridor A or B.**
3. **Instructs officers to continue to engage with the Nillumbik community to ensure that they are informed about the progress of the North East Link project.**
4. **Instructs officers to continue to advocate to the State Government, the North East Link Authority and VicRoads for:**
 - a) **Council's preferred North East Link corridor and alignment**
 - b) **Complementary transport and infrastructure projects to benefit the Nillumbik community**
 - c) **Improvements to the existing road and public transport network to ease congestion.**
5. **Considers any variation to the adopted 2017-2018 budget for community engagement and advocacy relating to North East Link at the Mid-Year Budget Review.**

12. Officers' reports

OCM.095/17 North East Link

Attachments

1. North East Link community update 2 - Preferred corridors
2. Nillumbik Council's North East Link complementary transport projects

Background

1. The purpose of this report is to inform Council about the community engagement activities undertaken since the presentation of the four potential North East Link corridors; to confirm Council's position on the four corridor options presented on Monday 7 August 2017 by the North East Link Authority; and to consider a program of complementary transport projects to benefit the Nillumbik community.
2. North East Link is a proposed new freeway to complete the missing link in Melbourne's road network between the M80 Ring Road at Greensborough and the Eastern Freeway or EastLink.
3. The State Government has committed funding of \$100 million to plan the North East Link. There is also potential funding of \$15 million from the Commonwealth Government which has not been taken up by the State Government.
4. The State Government has established the North East Link Authority (NELA) to conduct the business case development, planning and ultimate delivery of the project. The Authority is required to provide the business case to government at the end of the 2017 calendar year. The business case will include the recommended alignment.
5. The Nillumbik Integrated Transport Statement, adopted by Council on 29 July 2014, has the following position about Council's preferred route. The extension of the Metropolitan Ring Road southward from the intersection of the Metropolitan Ring Road and Greensborough Bypass to connect to the Eastern Freeway in Bulleen should be constructed to fill a missing link in the freeway network.
6. Council also confirmed the key infrastructure priorities outlined in *Northern Horizons – 50 Year Infrastructure Strategy for Melbourne's North* (updated 2016) at its meeting of 22 March 2016. One of the short term priorities contained in the strategy is the connection of the M80 Ring Road between Greensborough and the Eastern Freeway.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Advocate for improved public transport, traffic management and reduced road congestion.

Budget implications

8. Council is partnering with neighbouring councils to review technical data relating to NEL provided by the Authority and potentially an advocacy project around agreed complementary projects.

12. Officers' reports

OCM.095/17 North East Link

9. Council may need to consider developing and funding an advocacy campaign around route options or more importantly around gaining support for road network and public transport improvements associated with the selected route.
10. The adopted 2017-2018 budget did not forecast an allocation for community engagement and advocacy in relation to North East Link as it was assumed to be met within existing budget. If required, any variation to the adopted budget will be presented to Council at the Mid-Year Budget Review.

Consultation/communication

11. Prior to presentation of the four corridor options, NELA conducted an engagement program through a survey and meetings which resulted in more than 7,000 responses. Pop-up information sessions were held in Eltham, Greensborough, Diamond Creek and Research between 23 July and 30 July 2017 which gave Nillumbik residents the opportunity to share information with NELA and ask questions.
12. NELA provided briefings to Council staff and Councillors on the four corridor options under investigation on Monday 7 August and Tuesday 8 August.
13. Council's community information session at the Eltham Community and Reception Centre on 14 August attracted more than 350 people. It was streamed live on Facebook and was viewed more than 6,000 times with 400 comments throughout the night. Since then a further 1,500 views and more than 50 comments have been received.
14. NELA has provided a number of drop-in sessions for the community across the area of the four corridor options from 12 August to 24 August. A drop in session was held at the Eltham Community and Reception Centre on Tuesday 15 August 2017 between 5pm and 8pm with nine other sessions in various other non-Nillumbik locations. Information gathered through this period will be used by the Authority to develop the preferred corridor.
15. Council held additional community meetings at Diamond Creek on 23 August; Hurstbridge on 25 August and St Andrews on 26 August.
16. Issues raised by community members at the meeting and via Council's Facebook site are being collated and will be forwarded to NELA.

Issues/options

17. The purpose of North East Link is to improve orbital connectivity, enable more efficient freight movement and reduce congestion in the north east.
18. On Monday 7 August, NELA publicly announced four potential North East Link corridor options and the information that has been used to identify those corridors – see Attachment 1. Each of the corridors has been assessed against the project objectives.
19. According to information provided by NELA, Corridor A performs the best in relation to the objectives, Corridor C provides the next best option, followed by Corridor B with Corridor D performing poorly overall.

12. Officers' reports

OCM.095/17 North East Link

20. Feedback from Council's community engagement has demonstrated overwhelming community support for Corridor A.
21. Issues that Councillors should particularly note include:
 - a) the short timeframe to develop the business case and the limitations that this places on consultation
 - b) the community's need to have their say on the corridors
 - c) the impact or improvements to the surrounding road networks that the route options provide
 - d) the opportunity for improved public transport services and additional community benefits such as shared paths
 - e) the environmental impacts of the proposed route options.
22. Council also needs to plan advocacy around the existing congestion issues and some solutions while we wait for the link to actually be built which is at least seven - eight years away.
23. A preliminary list of complementary transport projects of benefit to the Nillumbik community has been developed (Attachment 2). This project list will continue to be developed with input from the community through Council's North East Link engagement process and working in partnership with adjoining Councils.
24. Council should consider advocating that the State Government redirects funding into these complementary projects rather than funding further investigation into less viable routes that directly impact on the Green Wedge and that are not supported by the Nillumbik community.

Conclusion

25. North East Link will provide improved transport connections for the Nillumbik community. Based on the information provided by NELA and feedback from the Nillumbik community, the preferred corridor for North East Link is Corridor A with Corridor B also providing some benefit to the Nillumbik community.
26. Given these preferred alignments, State Government investment should be directed to complementary projects and for short term improvement to the existing road and public transport network in the northeast to ease congestion.
27. Council will continue to engage with the Nillumbik community and advocate on more immediate action to reduce congestion in the northeast and for complementary NEL transport and infrastructure projects.

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

Distribution: Public

Manager: Rachel Cooper, Director Business and Strategy

Author: Paul Fyffe, Senior Strategic Planner

Nadine Wooldridge, Coordinator Community Leisure

Jon Miller, Manager Assets and Property

Naomi Paton, Manager Integrated Strategy

Summary

This report considers the recommendations of an independent Planning Panel regarding the exhibited Amendment C108 to the Nillumbik Planning Scheme (Extension of the Diamond Creek Trail to Hurstbridge) and on doing so, recommends that Council adopts the exhibited Amendment with modifications.

The proposed Amendment will facilitate Council's intention to provide a shared trail along a creek alignment between Diamond Creek and Hurstbridge by applying the Public Acquisition Overlay- Schedule 4 (PAO4) to land which Council needs to acquire for the trail and by inserting an incorporated document into the Nillumbik Planning Scheme which will allow future use and construction of the trail, subject to conditions. The exhibited application of the PAO4 (with an indicative trail alignment) is shown in aerial maps provided in Attachment 1.

An independent Planning Panel has considered the Amendment and in its report (Attachment 2), the Panel provides a positive appraisal of the Amendment and recommends it be adopted as exhibited, subject to three conditions. The most notable of these conditions is that Council considers re-aligning the trail closer to the Diamond Creek where this will reduce the amount of arable land acquired.

Since receiving the Panel Report, Council has been investigating actions to implement the Panel's recommendations. As part of this work, the Mayor, Cr Peter Clarke and Deputy Mayor, Cr Karen Egan have met with all the affected landowners. The outcomes of Council's investigations support reductions to the exhibited application of the PAO4, which will significantly reduce its application to arable land, and certain revisions to the incorporated document.

With the above changes, the Amendment is considered to fully satisfy the Panel's recommendations. It is therefore recommended that Council adopts the Amendment with these modifications and submit it to the Minister for Planning for approval. It is also recommended that Council undertakes actions to further inform landowners regarding the next steps of the Diamond Creek Trail extension project, particularly in relation to the acquisition and compensation process and the detailed design phase.

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

Recommendation

That Council:

1. Notes:

- a) **The report and recommendations of the independent Planning Panel for Nillumbik Amendment C108 (Attachment 2)**
- b) **The recommendation of the Future Nillumbik Committee on 15 August 2017 regarding Nillumbik Amendment C108, which was made on the Committee having heard submissions from parties to the Amendment, including a number of owners of land affected by the proposed application of the PAO4.**

2. Adopts the exhibited Amendment C108 to the Nillumbik Planning Scheme, subject to the following modifications:

- a) **The application of the PAO4 is reduced as follows:**
 - i. **At 185 Main Hurstbridge Road, Diamond Creek as shown in Attachment 4**
 - ii. **At 201 Main Hurstbridge Road, Diamond Creek as shown in Attachment 4**
 - iii. **At 86 Wilson Road, Wattle Glen as shown in Attachment 5**
 - iv. **At 65-135 Wilson Road, Wattle Glen as shown in Attachment 6**
 - v. **At 26 Herberts Lane, Diamond Creek as shown in Attachment 7**
- b) **The incorporated document is modified, as shown in Attachment 8, to:**
 - i. **Include conditions recommended by the CFA and Melbourne Water**
 - ii. **Clearly state that the document allows for staged development (subject to conditions)**
 - iii. **Reduce application of the document, particularly to reflect the reduced application of the PAO4.**
 - iv. **To re-fresh the date of the document to 'August 2017'.**

3. Submits the adopted Amendment C108 to the Nillumbik Planning Scheme to the Minister for Planning with a request that the Minister approve the Amendment.

4. Offers individual information sessions, with a legal expert present, regarding the land compensation and acquisition process to each of the landowners affected by the proposed application of the PAO4.

5. Requests that a report be presented to the Future Nillumbik Committee, which details the next steps of the Diamond Creek Trail extension project, particularly the content and timing of each stage and further points of consultation with affected landowners.

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

6. Advises the following of Council's resolution:

- a) All submitters to the Amendment and Planning Panel**
- b) All owners of land affected by the Amendment**

Attachments

1. Nillumbik C108: Aerials showing the exhibited application of the PAO4 and the Amendment Area
2. Nillumbik C108 Panel Report
3. Nillumbik C108 - Exhibited Application (Table) of the PAO4
4. Proposed reduction in application of the PAO4 at 185 and 201 Main-Hurstbridge Road, Diamond Creek
5. Proposed reduction in the application of the PAO4 at 86 Wilson Road, Wattle Glen
6. Proposed reduction in application of the PAO4 at 65-135 Wilson Road, Wattle Glen
7. Proposed reduction in application of the PAO4 at 26 Herberts Lane, Diamond Creek
8. Proposed revised Incorporated Document for Nillumbik Amendment C108- revisions to text highlighted

Background

1. Amendment C108 to the Nillumbik Planning Scheme (the Amendment) is a vital step to achieving Council's long-term strategic commitment to provide a shared trail for horses, cyclists and pedestrians along a creek alignment between Diamond Creek and Hurstbridge; a regional priority in Council's Trails Strategy and the Northern Regional Trails Strategy.
2. The Amendment will facilitate the shared trail by:
 - Applying the Public Acquisition Overlay- Schedule 4 (PAO4) to land (part of 12 properties) which Council needs to acquire for the trail; and
 - Inserting an incorporated document into the Nillumbik Planning Scheme which will allow future use and construction of the trail, subject to conditions.
3. The exhibited application of the PAO4 (with an indicative trail alignment) is shown on aerials provided as Attachment 1.
4. The exhibited alignment and application of the PAO4 are based on the following considerations:
 - A creek alignment is strongly supported by the community and will provide the most enjoyable and attractive experience.

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

- It is not possible to provide a creek alignment without acquiring some land. The proposed creek alignment maximises use of public land and minimises the number of private properties to be affected by acquisition.
 - The typical trail layout has been designed to satisfy a range of criteria, including the need to provide a sufficient setback to the Diamond Creek, minimise loss of creek-side vegetation, provide for shared uses and to allow sufficient room for fencing and the potential for screen planting between the trail and private property.
 - The proposed application of the PAO4 is predominantly to the periphery of properties.
 - The PAO4 is predominantly applied to flood prone land adjacent to the Diamond Creek, which has minimal development potential.
 - It is not proposed to apply the PAO4 to any dwelling, or in close proximity to any dwelling.
 - At three of the 12 properties, part or all of the proposed application of the PAO4 is to land which is already nominated by the approved Diamond Creek Area B Development Plan to be become public open space.
 - The proposed application of the PAO4 extends from the trail to the creek, so that land owners are not left with the difficult situation of having islands of private land to manage on the creek-side of the trail.
5. The exhibited application of the PAO4 to each property (as an amount in metres squared) is provided in Attachment 3.

Policy context

6. This report directly supports the achievement of Council Plan 2017-2021 strategies:
- Ensure the provision of community infrastructure responds to community needs (1.4)
 - Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities (2.1)
 - Encourage investment and development within the Shire to increase economic development and local employment, and broaden the rate base (4.1)
 - Develop and market the tourism industry in Nillumbik (4.2)
 - Identify new economic development opportunities and improve amenity for our villages in conjunction with key stakeholders including residents (4.5).
 - Plan for the community's future needs for services and infrastructure (5.6).
7. It also supports the following priority actions:
- Continue to implement the Recreation Trails Strategy (2.1.6.)

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

- Undertake planning and consultation and secure funding to deliver particular major projects, one of which is the Diamond Creek to Hurstbridge Recreational Trail (2.1.10)
- Support and promote the Artisan Hills businesses and destinations (4.2.2.)

Budget implications

8. Preliminary planning has identified that provision of the trail will cost approximately \$11 million.
9. Council allocated \$500,000 in the 2015-2016 budget towards the construction of the Diamond Creek Trail project with further allocations in the Major Projects Plan.
10. There were further Council allocations of \$2 million in 2016-2017 and \$1.25 million anticipated in 2018-2019.
11. The balance of funding (approx. \$7.25 million) for the project will need to be funded from future Council allocations or grants. Council is pursuing funding through the Growing Suburbs Fund in 2017-2018, subject to Council resolving to apply the PAO4.

Consultation/communication

12. The Amendment was exhibited during July and August 2016 and 38 submissions were received. Of these, 12 opposed the amendment. The remainder of the submissions were either in support, expressed no objection or sought a modification.
13. Submissions to the Amendment were received from the owners of 10 of the 12 properties affected by the Amendment. Of these, the owners of eight of the properties stated their opposition to the Amendment and the owners of two of the properties stated their support.
14. On 6 September 2016, Council's Policy and Services Committee resolved to request that an independent Planning Panel consider the Amendment and submissions. The Panel Hearing was conducted from 28 November to 1 December 2016. The Panel provided its report (Attachment 2) on 23 January 2017.
15. On receiving the Panel report, the Mayor Cr Peter Clarke and Deputy Mayor Cr Karen Egan undertook on-site meetings with the owners of private land affected by the proposed application of the PAO4. The objectives of these meetings were for the Mayor and Deputy Mayor to understand the opinion of landowners regarding the Amendment and to consider actions to address or reduce any issues landowners may have with the Amendment. The outcomes of these meetings are discussed below in Issues/Options.

Issues/options

16. This section will:
 - Summarise the Panel's report, particularly its recommendations
 - Summarise the outcomes of work undertaken in response to the Panel's recommendations and in response to meetings between the Mayor and Deputy Mayor and owners of land affected by the Amendment.

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

- Propose actions to complete the Amendment and to advise and engage with owners of affected land regarding the next steps of the Trail project.

The Panel Report

17. The Panel has recommended that the Amendment be adopted as exhibited, subject to the following three conditions:

- Consider revising the alignment of the PAO4 in locations where realignment of the trail extension closer to the Diamond Creek would result in reducing the amount of arable land being acquired for the shared trail.
- Revise the incorporated document to include the Melbourne Water and Country Fire Authority conditions.
- Resolve mapping anomalies where the boundary of the PAO4 is the Diamond Creek, preferably prior to approval and gazettal, but on the advice of the Department of Environment, Land, Water and Planning (DELWP), resolution may occur at a later stage.

18. All three conditions were broadly supported as appropriate by officers during the Panel Hearing. The three conditions are explained later in this report.

19. Significantly, as reflected in its recommendation, the Panel finds the Amendment is intrinsically sound and appropriate. For example, the Panel makes the following key points:

- The proposed alignment is based on extensive background research and consultation with the community, including investigation of alternative alignments for the trail.
- The Amendment is well founded and strategically justified.
- The use of an incorporated document to provide planning approval, subject to conditions, for future use and development of the trail is appropriate.
- No evidence or submission was provided to the Panel indicating that the trail extension is not viable.
- Council's proposal to ensure that access to 673 Heidelberg-Kinglake Road is maintained via a carriageway easement across the proposed trail is supported.
- The application of the PAO to all 12 properties, subject to Council considering some modification (discussed below), is supported.

20. The three changes recommended by the Panel to the Amendment are explained as follows:

Include conditions in the incorporated document from Melbourne Water and the CFA

21. Both Melbourne Water and the CFA provided submissions to the Amendment. Neither submission opposed the Amendment, but requested that conditions be included in the Incorporated Document to guide future use and development of the Trail.

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

- 22. The Melbourne Water submission requested conditions relating to procedural matters, safety management, flood management and design standards. The CFA submission requires Council to provide a Fire Management Plan for the trail extension which considers such matters as signage, access for emergency vehicles and water supply for emergency purposes.
- 23. Council met with the CFA on 26 October 2016 to clarify its requirements and at that meeting, the CFA stated that it supports the Amendment and further, broad agreement was reached between Council and the CFA regarding the content of the future Fire Management Plan.

Resolving mapping anomalies where the boundary of the PAO4 is the creek

- 24. The mapping anomalies referred to are that, typically, the beds and banks of a creek are Crown land, but planning scheme maps often show the bed and banks which abut private land as private property. For this reason, the Amendment's exhibited application of the PAO4 often technically extends onto Crown land (bed and banks of the Diamond Creek). The situation is complicated by the fact the alignment of a waterway in planning scheme maps does not always reflect recent movements in the waterway.
- 25. Based on discussions with a public land consultancy, land surveyors and the State Government, Council regards addressing the anomalies as a procedural matter which will simply require more detailed survey work after gazettal of the Amendment, but prior to acquisition, which will accurately delineate the boundary of Crown land (bed and banks) and private land along the Diamond Creek.
- 26. The Panel received a submission on behalf of one land owner which argued that, because of the above anomalies regarding Crown land, Amendment C108 is fundamentally flawed and unlawful. However, the Panel has rejected this view, stating:

'The Panel is of the view that the mapping anomalies are of a procedural nature that can be remedied prior to adoption of the Amendment or during acquisition and subdivision of the acquired land'.
- 27. The Panel recommends that Council liaise with the State Government to agree on a process to address the matter. Council has done this successfully and the outcome is discussed below at point 47 below.

Consider a reduction of the PAO4 to avoid arable land

- 28. The land most affected by the proposed application of the PAO4 is a large property at 86 Wilson Road, Wattle Glen. The exhibited alignment of the Trail is along an existing track which runs parallel to the Diamond Creek (see Sheet 2 of Attachment 1). The exhibited Amendment proposes to apply the PAO4 to approximately 101,000 square metres (approximately 20 per cent) of the property. The extent of the PAO4 is increased because the track does not follow bows in the creek, which places some arable land into the proposed PAO4 area.

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

29. In its report, the Panel states that Council should consider modifying the alignment of the trail to reduce, where appropriate, the acquisition of arable land. The Panel particularly refers to 86 Wilson Road as a property where this modification should be considered. At the Panel, Council supported such a recommendation.
30. On considering the Panel report and the outcome of meetings between the Mayor and Deputy Mayor and landowners, officers investigated opportunities to reduce the exhibited application of the PAO4 by:
- Aligning the Trail closer to the creek
 - Minimising the width of any buffer area between the proposed Trail and the future (proposed) boundary of private land.
31. Further, officers considered a recent proposal from the owners of 673 Heidelberg-Kinglake Road that Council acquire all, rather than part, of a lot within their property.

Outcomes of investigations of potential improvements

32. The outcomes of the investigations are as follows.

Outcome 1: Reductions to the exhibited PAO4

33. Officers have identified that the following reductions to the exhibited application of the PAO are viable without compromising the Trail:
- Approximately 1,500 square metres at 185 Main Hurstbridge Road (see Attachment 4)
 - Approximately 360 square metres at 201 Main Hurstbridge Road (see Attachment 4)
 - Approximately 16,500 square metres at 86 Wilson Road (see Attachment 5). This is a reduction of approximately 18 per cent of the PAO4's application up to the bed and banks (Crown land) of the Diamond Creek. The reduction provides significantly less application of the PAO4 to arable land.
 - Approximately 15,700 square metres at 65-135 Wilson Road (see Attachment 6), which is a reduction of approximately 60 per cent to the exhibited application of the PAO4 and again, provides significantly less application of the PAO to arable land.
 - Approximately 330 square metres at 26 Herberts Lane (see Attachment 7). While a small amount, this reduction provides scope (subject to a planning permit) for an additional residential lot at the property.
34. The two Wilson Road properties (86 and 65-135) are most impacted by the exhibited application of the PAO4 in terms of the area of land to be acquired and the proposed reduction to the PAO4 at these properties is considered significant.

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

35. Larger reductions or reductions at other private properties were investigated, but not considered viable or necessary for one or more of the following reasons:
- The reductions would push the Trail into a location where:
 - It would have unacceptable environmental impacts.
 - Construction costs would be significantly higher.
 - The Trail would be so close to the creek that the Trail's long-term viability could be particularly jeopardised by movement of the creek.
 - The relevant landowner did not support the reduction. For example, due to likely environmental impacts.
 - The landowner wished to have a proposed landscaped buffer within the Trail corridor (in the Trail corridor, between the Trail and their private property).
 - The proposed application of the PAO4 is consistent with land which an approved Development Plan nominates to be public open space as part of future development of the land.
 - The width of the Trail corridor was required to allow flexibility to deal with constraints that could be potentially discovered at the later detailed design stage.
36. Regarding the last point, it is emphasised that, at the later detailed stage, it is likely that further reductions in the necessary land acquisition may be identified and therefore, Council's final acquisition of land may be reduced.

Outcome 2: Modifications to the incorporated document

Including Melbourne Water and CFA Conditions

37. The recommendation by the Panel to include the conditions suggested by Melbourne Water and the CFA is considered a positive and appropriate modification to the document.
38. Attachment 8 provides a revised incorporated document with the conditions included.

Reduction in application of the incorporated document

39. The suggested reductions in the exhibited application of the PAO4 (discussed above) must be mirrored by a reduction in the application of the incorporated document, as the document should only apply to existing and proposed public land associated with development and use of the Trail. Further, a reduction in the application of the incorporated document has been identified at proposed public open space at 142 Broad Gully Road, Diamond Creek.
40. A map provided at the rear of the incorporated document has been revised to reflect the reduced application of the incorporated document. The revised map can be seen in Attachment 8.

12. Officers' reports

OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

Staging of development

41. Further review of the incorporated document has also identified a minor modification is required to more clearly state that it is the intent of the document to provide permission for staged development. The minor modification is the inclusion of the following sentence:

‘The development of the land may be undertaken in stages and the following conditions will apply to the relevant stage’.

42. Council has received clear legal opinion that the change is appropriate for the following reasons:

- Council's submission to the Panel and the Panel's own report make it clear that the Panel was well aware and contemplated that a development such as the Trail would necessarily occur in stages.
- The modification is not a ‘transformation’ to the Amendment and is therefore permitted and appropriate.

43. This change has also been included in the revised incorporated document provided as Attachment 8.

Outcome 3: Ownership of the access bridge at 673 Heidelberg-Kinglake Road

44. The exhibited Amendment proposes to acquire part of an eastern lot within the property 673 Heidelberg-Kinglake Road (see Sheet 4 of Attachment 1). Numbers 673 and 675 Heidelberg-Kinglake Road have vehicular access via a private bridge over the Diamond Creek and through the eastern lot and onto Heidelberg-Kinglake Road. That access runs through the proposed Trail corridor. As stated to the Panel, Council proposes to ensure that proper access is maintained for both properties, including by use of carriageway easements and safety infrastructure (e.g. signage). In its report, the Panel has supported Council's proposal for maintaining the landowner's access.

45. Recently, the owners have suggested to Council that the Amendment should propose to acquire all of the eastern lot. Council has conducted a preliminary investigation of the landowner's proposal and the response suggested by this investigation is that full consideration of the matter should be delayed until the time of statutory compensation and acquisition negotiations, which would be conducted after the Amendment (if the Amendment is approved). This suggestion is made for the following reasons:

- Council should only apply the PAO4 to that land which it requires for the Trail corridor and not to the whole of the eastern lot at 673 Heidelberg-Kinglake Road.
- The compensation and acquisition negotiations, which are conducted in accordance with a statutory process, will allow a full assessment of the proposal, including the associated compensation costs.

46. A key point to note is that deferment of the matter does not refuse the landowner's proposal, but instead places full consideration of the proposal at the most appropriate point in the acquisition process.

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OCM.096/17 Amendment C108 to the Nillumbik Planning Scheme (extension of the Diamond Creek Trail to Hurstbridge) - Consideration of the recommendations of an independent Planning Panel

Outcome 4: Resolving mapping anomalies regarding creek-side Crown land

47. Officers proposed to the State Government in February 2017 that Council will address the mapping anomalies regarding Crown land along the creek by conducting more detailed surveying of the creek boundaries just prior to acquisition of private land (i.e. after gazettal of the Amendment). The State Government has agreed to Council's proposed course of action. Therefore, no further action would need to be taken regarding this matter until after approval and gazettal of the Amendment.

Summary of proposed changes to the exhibited Amendment

48. To summarise the above, after considering the Panel Report and other matters, such as the outcomes of meetings between the Mayor and Deputy Mayor and landowners, the following are considered appropriate modifications to the Amendment:

- Reductions to the proposed application of the PAO4 at 26 Herberts Lane, 185 Main Hurstbridge Road, 201 Main Hurstbridge Road, 86 Wilson Road and 65-135 Wilson Road, as shown in Attachments 4-7.
- Modifications to the incorporated document which principally:
 - incorporate the recommended conditions of Melbourne Water and the CFA
 - reduce application of the incorporated document
 - clearly permits staged development.

45. The above changes are consistent with the Panel's report and recommendations, particularly by significantly reducing the proposed application of the PAO4 over arable land. On this matter, the proposed reductions are actually considered to be greater than those envisaged by the Panel, which primarily recommended Council consider a reduction at 86 Wilson Road.

Adoption and approval of the Amendment

49. On considering the Panel report, the next statutory step in the Amendment process is for Council to decide whether or not to adopt the Amendment. Regarding this decision, the Panel has recommended the Amendment be adopted subject to conditions. The modifications suggested above fulfil these conditions and in relation to the proposed reductions to application of the PAO4, likely surpass the Panel's expectations. It is therefore recommended that Council adopt the Amendment, subject to the modifications outlined above.

50. If Council does choose to adopt the Amendment, the Amendment should then be submitted to the Minister for Planning with a request that the Minister approve the Amendment.

51. The officer recommendation provides for adoption of the Amendment (subject to the proposed modifications) and for submission of the Amendment to the Minister for approval.

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Additional actions to assist affected landowners

52. If Council chooses to adopt the Amendment, the owners of affected land would greatly be assisted by some further information from Council regarding the next steps of the Trail project, particularly:

- The statutory process which is followed to determine a fair compensation and purchase price for acquisition of their land.

On this matter, the officer recommendation proposes that Council offers an information session to each landowner, with a legal expert present, to provide an overview to landowners and answer their questions.

- Details of the other remaining stages of the Diamond Creek to Hurstbridge Trail extension project, particularly the detailed design stage and how landowners will be consulted during this stage.

Regarding this, the officer recommendation proposes that Council request an officer report be presented on the matter to the Future Nillumbik Committee. Landowners would have the opportunity to consider the report and make a presentation to the Committee.

53. It is considered that undertaking these additional actions will be of great assistance to landowners, particularly by providing them with some assurance as to the next steps in the project and that there is a clear and statutory process to providing fair compensation and land purchase price.

Conclusion

54. The proposed Amendment is vital to facilitating Council's intention to extend the Diamond Creek Trail to Hurstbridge along a creek alignment.

55. The Amendment was considered by an independent Planning Panel in late 2016 and was well received, noting the Panel recommends adoption of the Amendment subject to some modifications.

56. Since receiving the Panel report, Council has been investigating changes requested by the Panel and by the outcomes of meetings between landowners and the Mayor and Deputy Mayor.

57. The outcome of this work has supported some changes to the Amendment, particularly to make significant reductions to the proposed application of the PAO4 at particular points in the proposed Trail corridor.

58. The proposed changes fulfil and perhaps, in relation to proposed reductions to the application of the PAO4, exceed the conditions of the Panel. Considering this, it is recommended that Council adopt the Amendment with these modifications. Further, it is recommended that Council take action to provide guidance to landowners regarding the next steps of the Diamond Creek to Hurstbridge Trail extension project, particularly the statutory process regarding acquisition and compensation.

12. Officers' reports

OCM.097/17 Draft Nillumbik Health and Wellbeing Plan 2017-2021

Distribution: Public

Manager: Rachel Cooper, Director Business and Strategy

Author: Diana Bell, Coordinator Social Development and Service Planning
 Naomi Paton, Manager Integrated Strategy

Summary

The draft Nillumbik Health and Wellbeing Plan 2017-2021 has been prepared in accordance with the *Public Health and Wellbeing Act 2008*. The community has been involved in the development of the plan and is now provided with the opportunity to give feedback before it is finalised for adoption by Council.

Recommendation

That Council endorses the Draft Nillumbik Health and Wellbeing Plan 2017-2021 for final community engagement.

Attachments

1. Nillumbik Health and Wellbeing Plan 2017-2021

Background

1. The *Public Health and Wellbeing Act 2008* (the Act), requires Council to prepare a four-year Municipal Public Health and Wellbeing Plan (MPHWP) within 12 months of the general election. The Plan has been informed through examination of the data, summarised in the Nillumbik Health and Wellbeing Profile 2017.

Policy context

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

Budget implications

3. The cost to Council in preparing the MPHWP is estimated to be \$25,000, funded in Council's operating budget. The cost of implementation will be met by Council within existing resource allocations and via community partners responsible for leading many of the actions.

Consultation/communication

4. The Plan was developed through extensive community engagement involving a range of methods including surveys, workshops, discussions with targeted population groups and meetings with health sector agencies and partners to determine the key health priorities for our community.

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OCM.097/17 Draft Nillumbik Health and Wellbeing Plan 2017-2021

5. The results of the community engagement program have been reported back to the community via the MPHWP Project Reference Group which includes community organisations and stakeholders, Council-led health prevention showcase workshop and information distributed to community partners and stakeholders.
6. The implementation of the Plan will be overseen by the MPHWP Project Reference Group.

Issues/options

7. The draft Plan has been prepared in consultation with the MPHWP Project Reference Group, and takes account of the health and wellbeing data, community feedback and submissions during the engagement period.
8. The examination of the data about health status and health determinants revealed a population increase in chronic disease including heart disease, cancer, depression, sexually transmitted infections and body weight. These results are consistent with global trends. Modifiable factors that contribute to this such as smoking and psychological distress show improvement, while levels of physical activity, healthy diets, risky drinking, family violence and gambling are not improving. Social factors that improve health and wellbeing such as housing diversity, sense of safety, volunteering, attending local events, acceptance of multiculturalism have mixed results, with strong group memberships and attendance at events, and declining rates of volunteering, sense of safety and acceptance of cultural diversity.
9. The key themes emerging from engagement with the community were concerns about mental health, sedentary lifestyles, healthy eating and sustainable food system, gender equity, alcohol, housing, social isolation, transport and ageing.
10. These themes together with the health status information have been grouped into seven priorities for health and wellbeing in Nillumbik:
 - Promote healthy and sustainable food: to encourage healthy eating and a sustainable food growing system.
 - Encourage active living: to get more people physically active, which contributes to the prevention of disease.
 - Enhance mental wellbeing: to increase community resilience to the impacts of climate change such as heatwaves and bushfires; to increase social connections to build social capital; and support access to resources including employment.
 - Advance gender equality and respectful relationships: working towards these two ideals is the best way to address the rising rates of violence against women and children, including family violence.
 - Prevent harm from alcohol, other drugs and gambling: to challenge risk-taking cultures that cause short term and long term harm.
 - Improve sexual and reproductive health: to use influence and support to prevent the incidence of sexually transmitted infections, especially among young people.

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OCM.097/17 Draft Nillumbik Health and Wellbeing Plan 2017-2021

- Support healthy ageing: to plan for the best possible quality of life for, and benefit from the ageing of the population in Nillumbik.
11. The terminology of violence against women (including family violence) is used to reflect the language of the Council of Australian Governments (COAG) *National Plan to Reduce Violence against Women and their Children*, and the Women's Health in North *'Building a Respectful Community'*. These strategies are based on the evidence that personal safety is highly gendered, with women's experience of violence having much worse health and wellbeing outcomes to those of men. It is recognised that violence against women is driven by gender inequality including drivers described by the Australian *Change the Story* framework as:
 - Condoning of violence of against women
 - Men's control of decision making and limits to women's independence
 - Stereotyped constructions of masculinity and femininity
 - Disrespect towards women and male peer relations that emphasise aggression.
 12. This plan is positioned into the wider primary prevention system at the local level and state level. It is aligned with the Victorian Public Health and Wellbeing Plan 2015-2019 and provides for strong stakeholder partnerships for effective, shared action on key issues of concern.
 13. An opportunity to view the draft Plan will be offered to the community and other stakeholders in order to review it and provide feedback.
 14. The Plan must be approved by Council and lodged with the Victorian Department of Health and Human Services by 22 October 2017.

Conclusion

15. The Nillumbik Health and Wellbeing Plan 2017–2021 provides strategic direction to Council and community partners to address the health and wellbeing issues in our community.
16. Once released by Council, the Plan will be available for a month-long community engagement period until 30 September 2017.
17. The final version of the Plan will be presented to Future Nillumbik Committee on 17 October 2017.
18. Following the adoption of the Plan, the first annual action plan will be developed which will be reviewed annually in accordance with the Act.

12. Officers' reports

OCM.098/17 Eltham High School proposed Joint Use Agreement for sporting and recreation precinct development

Distribution: Public

Manager: Rachel Cooper, Director Business and Strategy

**Author: Jeff Chambers, Acting Manager Leisure and Social Infrastructure
Naomi Paton, Manager Integrated Strategy**

Summary

Officers submitted an expression of interest application to the State Government's Shared Facilities Fund for \$3.37 million to improve Eltham High School's sporting and recreation facilities for community use. Improving sporting facilities on Department of Education and Training (DET) land delivers fit-for-purpose venues suitable for wider community use- a priority in Council's Recreation Strategy to respond to the Shire's high levels of participation in sport and recreation.

In assessing the application, the DET requested Council complete a Joint Use Agreement (JUA) proposal to formalise community use and ongoing maintenance and capital renewal responsibilities.

Entering into a JUA will help to address the shortfall in seasonal sports facilities The annual operating cost share to Council will be approximately \$55,000 per annum as well as responsibility for ongoing capital renewal.

Should funding be secured, works are anticipated to commence in 2018 in readiness for community use in 2019.

Recommendation

That Council:

- 1. Endorses the Eltham High School Sporting Precinct Masterplan (Attachment 1).**
- 2. Refers funding to cover ongoing annual maintenance costs and capital renewal for consideration in future Council budgets associated with facilities delivered through the Masterplan's implementation.**
- 3. Authorises the Chief Executive Officer to enter into a Joint Use Agreement with Eltham High School and the Department of Education and Training for the development, maintenance and asset renewal of the School's sportsground, pavilion and multi-use sports courts, and associated community use.**

Attachments

1. Eltham High School Sporting Recreation Precinct Masterplan

12. Officers' reports**OCM.098/17 Eltham High School proposed Joint Use Agreement for sporting and recreation precinct development**

Background

1. In June 2017 officers briefed Councillors on the Eltham High School (EHS) Masterplan (Attachment 1) and Council's Shared Facilities Fund (SFF) application to State Government to improve EHS sporting facilities for community use. This report updates Councillors on the proposed funding model between Council, EHS and the community for the construction and life-cycle maintenance and renewal of these sporting facilities in preparing a Joint Use Agreement (JUA) proposal; a requirement for Government's final assessment of the SFF application.
2. Additional sportsgrounds are needed to respond to the Shire's high participation demands in seasonal sport. Council's Recreation Strategy 2011-2019 recommends the sharing of school facilities to help address this unmet need. Optimising use of existing facilities reduces the burden on Council to deliver additional sportsgrounds. EHS currently provides for community use of the sportsground and tennis courts (in poor condition), and Council mows the grass.
3. An EHS-led masterplanning study involving Council and the community identified and prioritised the future provision and development of sporting facilities for School and wider community benefit. The estimated total cost of the masterplan is \$7.81 million.
4. In November 2016, officers submitted an application for \$3.37 million to fully fund Stage 1 of the Masterplan. Additionally, the School secured \$1.507 million in the 2017-2018 State budget towards sporting facility upgrades.
5. Entering into a JUA will in part formalise the existing long-term arrangement at EHS. Similar arrangements exist for sportsgrounds at Kangaroo Ground and Diamond Creek East Primary Schools. A JUA is in place for Community Bank Stadium, Diamond Creek.

Policy context

6. This report directly supports the achievement of Council Plan 2017-2021 strategies:
 - Ensure that the provision of community infrastructure responds to community needs.
 - Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.
 - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

Budget implications

7. The following table details forecast revenue and expenditure in year 1 (based on 2017-2018 costs), with expenditure shared by Council, EHS and/or the community. In officers' experience, Council's typically fund 70 to 80 per cent of annual operating costs under a JUA.

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OCM.098/17 Eltham High School proposed Joint Use Agreement for sporting and recreation precinct development

	Facility Component					
	Council		EHS		Community	
	\$	%	\$	%	\$	%
Revenue						
Sportsground	\$1,965	100	-		-	
Pavilion	-		-		-	
Multi Sports Courts	\$12,480		-		-	
<i>Total Revenue</i>	\$14,445	100				
Expenditure						
Sportsground	\$51,238	82	\$10,000	13	\$1,200	100
Pavilion	\$6,000	48	\$2,500	20	\$4,000	32
Multi Sports Courts	\$9,240	100	-		-	
<i>Total Expenditure</i>	\$66,478	79	\$12,500	15	\$5,200	6

8. Five year revenue and expenditure projections for the facilities have been prepared. The estimated net cost to Council in year 1 is approximately \$55,000, subject to confirmation of the horticultural maintenance program.
9. EHS has agreed to contribute \$12,500 per annum towards sportsground maintenance and water for the sports pavilion. This contribution maximises the School's budget entitlement for sports facility maintenance. Council funds a higher level of service to deliver better quality facilities reflecting the standard of competition played and levels of usage. The costs of sportsground and pavilion lighting would be met directly by the tenant club/s in keeping with Council policy.
10. Should Council enter into a JUA, an annual allocation of approximately \$55,000 (plus CPI) will be referred for consideration in the annual budget process to cover Council's portion of operating costs including property damage insurance in future years. Council will also take on responsibility for asset renewal.
11. As these assets will form part of Council's portfolio, the renewal gap requirements will be managed through the capital works program.

12. Officers' reports

OCM.098/17 Eltham High School proposed Joint Use Agreement for sporting and recreation precinct development

Consultation/communication

12. EHS has led discussions with Council and sporting and community groups, identified as potential users of the EHS shared use facilities through the preparation of the Masterplan and Council's development of the SFF application.
13. Council officers met with representatives of the Victorian School Building Authority within DET and EHS in working through the JUA proposal.

Issues/options

14. There is a significant shortfall in the availability of seasonal sports facilities across the Shire. Many outdoor venues are operating at capacity, and for many clubs further growth is either prohibitive or severely limited. There is also an undersupply of flexible, multi-purpose sports courts to cater for the growing casual or social sport market.
15. Delivering Stage 1 of the Masterplan including sportsground lighting, floodlit multi sports courts and new pavilion will deliver community benefits including:
 - a) Eltham Netball Club relocating from outside the Shire for training, junior development and social programs.
 - b) Eltham and Research Junior Football Clubs and Eltham Cricket Club providing additional participation opportunities, particularly by girls.
 - c) The multi-purpose courts will support Eltham Tennis Club, year-round soccer participation on the Shire's first futsal pitches and social sport competitions and activities such as mid-week netball competitions, group fitness and personal training.
16. Entering into a JUA formalises the long-term community access to school facilities and ongoing shared responsibilities for capital renewal and maintenance of those facilities. It is recommended Council enter into the JUA for a 25 year term.
17. If Council chose not to enter into a JUA the level of investment required to acquire and redevelop land to accommodate a new facility of this scale elsewhere would be at an estimated cost to ratepayers of \$6 - \$8 million dollars.
18. Funding announcements are expected in coming months. If the SFF application is successful, officers will work with EHS to enter into the JUA between the Minister for Education, EHS School Council and Nillumbik Shire Council.
19. DET will then assume responsibility for project delivery with works to commence in 2018. Upgraded facilities are likely to be available by mid-2019. Officers will be a member of the Project Control Group.

Conclusion

20. The report is seeking endorsement for the Joint Use Agreement proposal. Officers will then submit the signed Joint Use Agreement proposal to the Department of Education and Training.
21. If the application for the State Government's Shared Facility Fund for Stage 1 of the Masterplan is successful, officers will work with DET and EHS to assist in the planning and delivery of the project.

12. Officers' reports

OCM.099/17 Draft Domestic Animal Management Plan 2017-2021

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Phil Lovelace, Manager Community Safety

Summary

In accordance with the *Domestic Animals Act 1994* Council is required to develop a Domestic Animal Management Plan (DAMP) which must be completed by November 2017.

The draft DAMP has been informed by community feedback, including a resident survey (842 responses). The DAMP provides service planning and a delivery framework for Council's animal management service. It is proposed to undertake a further round of community consultation to gather feedback on the draft DAMP.

Recommendation

That Council:

1. **Endorses the attached draft Domestic Animal Management Plan 2017-2021 for the purpose of community consultation.**
2. **Releases the draft Domestic Animal Management Plan 2017-2021 for a final round of community consultation.**

Attachments

1. Draft Domestic Animal Management Plan 2017-2021 for public consultation

Background

1. In accordance with the *Domestic Animals Act 1994*, all Victorian councils must develop and adopt a Domestic Animal Management Plan (DAMP) every four years. Council's current DAMP expires on 3 November this year.
2. The DAMP must:
 - a) Set out a method for evaluating whether the animal management services provided by the Council in its municipal district are adequate to give effect to the requirements of the Act and the regulations
 - b) Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of the Act
 - c) Outline programs, services and strategies which Council intends to pursue
 - d) Provide for the review of existing orders made under the Act and local laws with a view to determining whether further orders or local laws dealing with the management of dogs and cats are desirable
 - e) Provide for the review of any other matters related to the management of dogs and cats that is necessary

12. Officers' reports

OCM.099/17 Draft Domestic Animal Management Plan 2017-2021

- f) Provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

- 3. In February 2017, LMH Consulting was commissioned to undertake the project and develop the attached draft DAMP.

Policy context

- 4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Promote responsible pet ownership.

Budget implications

- 5. The development of the DAMP has been funded through the New Initiative Program.
- 6. Budget variations may occur in the operating budget due to an increase in registration compliance and delivery of education and compliance programs.

Consultation/communication

- 7. The development of the draft DAMP has included:
 - a) Input from an internal stakeholder working group of key departments across Council
 - b) Benchmarking performance against industry standards
 - c) Consultation with key industry groups including Getting to Zero (G2Z); the RSPCA, the Cat Protection Society (CPS), Australian Veterinary Association (AVA)
 - d) Consultation and community engagement specifically for the DAMP including:
 - An online community survey and 'Have Your Say' submission link on Council's website, including the Living & Learning, Hurstbridge Hub and Edendale Farm pages, for all residents to complete (pet and non-pet owners)
 - 19,777 SMS messages were sent to residents encouraging participation
 - Flyers distributed throughout Council outstations, libraries and veterinarian practices
 - Correspondence posted and emailed directly to key Community Groups
 - A series of advertisements placed on social media platforms Facebook and Twitter and in the *Diamond Valley Leader* and *Whittlesea Crier*.
 - e) As a result of the above community consultation process, Council received 842 responses to the survey and 18 written submissions.

Issues/options

- 8. Previous DAMPs have focused on compliance issues that promoted and encouraged responsible pet ownership of dogs and cats. Whilst these activities will continue, this DAMP will also consider programs that address:
 - The impact upon pets in domestic violence situations
 - Pet programs that benefit our aging population and people with disabilities

12. Officers' reports

OCM.099/17 Draft Domestic Animal Management Plan 2017-2021

- Tourism opportunities relating to pets
 - The development of policy/rationale for providing off leash areas that address both gaps in current provision and future provision, including matters relating to dogs on sports fields.
9. Key messages from the response to the survey were:
- Eighty per cent of survey respondents said animal management staff are helpful and courteous and 75 per cent said Council recognises the benefit of pets
 - Sixty-one per cent said our website could have more information about caring for pets
 - Eighty-seven per cent said it would be good to have more support services for elderly and pet owners with disabilities
 - Anecdotally residents expect more than a compliance/punitive relationship with Council when it comes to pets
 - Pets are being reunited with their owners via an increasing number of avenues, including via social media and veterinary clinics with an opportunity to promote these outcomes
 - There is a need to increase community awareness of the scope and value of the service, and understand how animal registrations enable Council to address issues even if they are not specific to individual residents.
10. The following actions are planned for implementation in the draft DAMP's first year:
- Rangers to undertake Common Risk Assessment Framework (CARF) training
 - Undertake a review of website and hard copy information provided to customers for the animal management service and update to improve customer awareness of and access to the service
 - Cross-reference Council database of registered animals with microchip registries to identify unregistered animals, animals with no permanent identification, and restricted breed dogs
 - Ensure all impounded cats and dogs are registered and microchipped on release
 - Enhance the promotion/distribution of information that assists residents make appropriate pet selection, particularly in relation to dogs
 - Improve community awareness of procedures for reporting a dog attack or rush
 - Develop a policy/rationale for providing off leash areas for dog owners and their dogs and a provision strategy that considers:
 - Gaps in current provision
 - A rationale that underpins future provision including matters relating to dogs on sports fields
 - An evaluation of possible sites for consideration as off leash areas

12. Officers' reports

OCM.099/17 Draft Domestic Animal Management Plan 2017-2021

- Use of sportsgrounds by dog obedience groups
- Work with Council's Community Programs Department to put in place relevant procedures for:
 - Ensuring an integrated approach when dealing with families at risk of family violence
 - Investigating and promoting respite options for pets in situations of domestic violence
- Consideration be given to exploring and quantifying the potential benefits associated with pet tourism/visitation

Conclusion

11. A number of issues have been identified through the community consultation process. These issues have been canvassed and addressed in the draft DAMP.
12. There is a wealth of research and evidence reinforcing the positive benefits from owning pets. There is also much research available on the health benefits of owning and exercising a dog, particularly the social dynamics associated with dog owners interacting. The draft DAMP has identified a number of recommendations which will further improve these benefits.
13. Following the adoption of this draft DAMP, the first annual action plan will be developed.
14. The DAMP will be reviewed annually in accordance with the Act.
15. Once released by Council, the draft DAMP will be available for a four week consultation period until 28 September 2017.
16. The final version of the DAMP will be presented to Future Nillumbik Committee on 17 October 2017, which will provide submitters to the draft DAMP with an opportunity to present to the Committee.

12. Officers' reports**OCM.100/17 Nillumbik Planning Scheme Review Program**

Distribution: Public**Manager: Rachel Cooper, Director Business and Strategy****Author: Jeremy Livingston, Manager Business Performance****Summary**

The Council Plan 2017-2021 seeks an improved and holistic approach to strategic planning, supported by important actions such as reviewing the Nillumbik Planning Scheme to make it easier and clearer for all stakeholders, and reviewing the impacts of the Green Wedge Management Plan on the Shire's community.

With the assistance of Geoff Lawler (on secondment from the City of Melbourne), Council staff have developed a program of projects which will aid in achieving these Council Plan objectives. This report seeks endorsement of these projects, and will require some budget reallocation given that the majority of costs associated with these projects are not identified in the 2017-2018 adopted budget.

Recommendation**That Council:**

- 1. Endorses the program of projects which will support reviewing the Nillumbik Planning Scheme and the Green Wedge Management Plan in order to fulfil Council's commitments under Strategy 3.1 of the Council Plan 2017-2021.**
- 2. Acknowledges these projects were not part of the adopted budget, and these variations will be reported to Council as part of the mid-year budget review.**
- 3. Agrees to an amended timeframe for the preparation of a 2050 Shire Plan (as outlined at priority action 1.1.1 of the Council Plan 2017-2021) from 'the end of 2018' to 'within this term of Council'.**

Attachments

Nil

Background

1. Strategy 3.1 of the Council Plan 2017-2021 seeks to prepare and develop an improved and holistic approach to strategic planning. Under this strategy, two key actions are to:
 - Review the planning scheme in concert with State Government reforms, in consultation with residents, with the aim to make it easier and clearer for all stakeholders; and
 - Review the impacts of the Green Wedge Management Plan on the Nillumbik community, while ensuring the natural environment of the Green Wedge is preserved and nurtured for current and future generations.

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OCM.100/17 Nillumbik Planning Scheme Review Program

2. On secondment from the City of Melbourne in the role of Senior Strategic Advisor, Geoff Lawler has joined the Council administration with the purpose of rebuilding community trust in the planning scheme and its administration; as well as assisting in the delivery of the above Council Plan actions. With his assistance, Council officers have developed a program of projects to achieve this.

Policy context

3. As outlined in paragraph 1, this report directly supports the achievement of Council Plan 2017-2021 strategy:
- Prepare and develop an improved and holistic approach to strategic planning.

Budget implications

4. The projects outlined in this report have not been recognised in the adopted Council budget for 2017-2018. It has been identified that the estimated budget required for each project is as follows:

Project	Estimated budget required – 2017-2018
1. Consolidate planning strategy and demonstrate new strategic directions	\$40,000
2. Green Wedge Management Plan review	\$190,000
3. Undersized properties in rural areas	\$115,000

5. Any variations to the adopted budget will be reported to Council as part of the mid-year budget review.

Consultation/communication

6. A key aim of this program is to seek a partnership approach (ideally with shared resources) with State Government departments and agencies. Although no commitments have yet been forthcoming, Council officers have commenced high level discussions with staff from the Department of Environment, Land Water and Planning (DELWP) and the Country Fire Authority (CFA) outlining the issues and responses underpinning this program.
7. Each of the projects will involve community engagement, with different approaches likely to be adopted depending on the nature of the project.

Issues/options

8. The proposed planning review program involves the following three key projects. Should this program obtain Council endorsement, further project-specific reports will be presented to Council once they progress.

12. Officers' reports**OCM.100/17 Nillumbik Planning Scheme Review Program**

Project 1: Consolidate high level planning strategy with the community and demonstrate new strategic directions to enable living in the landscape

9. This project entails drafting a simplified Municipal Strategic Statement (MSS) and enable community participation and input prior to formal consideration by Council. This project links with the Council Plan 2017-2021 and foreshadows the ongoing planning review program. The MSS forms part of the planning scheme and guides strategic planning directions and planning application decision-making.

Project 2: Re-engage the rural communities on the best way to manage the non-urban areas

10. As highlighted in the Council Plan, this project seeks to undertake a full review of the Green Wedge Management Plan with community engagement and participation. It is recommended to form a citizens' jury to determine the plan and the desired direction.
11. Following the learnings from the C101 planning scheme amendment proposal last year, and the known differences in views within the Nillumbik community around the appropriate management of the Green Wedge (particularly pertaining to private land), a citizen jury is warranted as a means to delivering this project. Citizen juries are often used to broker conflict or to provide a transparent and non-aligned viewpoint. Citizen jurors are asked to become jurors and make a judgement on issues presented to them. Typically, the issue that the jury are asked to consider will be one that has an effect across the community and where a representative and democratic decision-making process is required.
12. This review of the Green Wedge Management Plan could then translate into amended planning scheme provisions and policies.

Project 3: Provide greater certainty for the future of under-sized blocks in rural areas

13. The project seeks State Government resourcing assistance to commission a technical review of the undeveloped under-sized blocks remaining in the rural areas as an input to the review of the Green Wedge Management Plan. Fire risk, erosion risk, landscape values, environmental values, land capability, servicing requirements, adjacency to other developed land and adjacency to land in common ownership will need to be considered to identify which properties:
- could be developed
 - could be consolidated with other titles
 - should not be developed and might be acquired, reserved or covenanted for conservation purposes.
14. Action 1.1.1 of the Council Plan 2017-2021 requires the preparation of a 2050 Shire Plan by the end of 2018. Given that Project 2 will likely involve a citizens' jury to deliver this significant piece of work, it is recommended that Council not progress the 2050 Shire Plan until the outcomes of Project 2 are well-defined. As such, to enable work on the 2050 Shire Plan to be undertaken later in this term of Council, it would be appropriate for Council to formally agree to an amended timeframe for the preparation of a 2050 Shire Plan from 'the end of 2018 to 'within this term of Council'.

12. Officers' reports

OCM.100/17 Nillumbik Planning Scheme Review Program

Conclusion

15. The Council Plan 2017-2021 highlights important actions such as reviewing the impacts of the Green Wedge Management Plan on the Shire's community and reviewing the Nillumbik Planning Scheme to make it easier and clearer for all stakeholders. A program of projects has been developed to achieve these actions. This report seeks Council's endorsement of these three important projects and changes to Council Plan timelines so that the projects can commence, and Council budget is reallocated accordingly.

12. Officers' reports

OCM.101/17 Edinburgh Street Special Charge Scheme, Diamond Creek

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Mathew Deayton, Manager Infrastructure

Summary

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

On 19 June 2017, questionnaires were sent to all property owners in Edinburgh Street to establish the level of support to construct the road.

The level of support established for a special charge scheme for Edinburgh Street is 27.3 percent. This represents support from six of the 22 property owners.

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

Recommendation

That Council:

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

Attachments

1. Edinburgh Street special charge scheme area

Policy context

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

Budget implications

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

12. Officers' reports

OCM.101/17 Edinburgh Street Special Charge Scheme, Diamond Creek

Consultation/communication

3. Consultation to date has been carried out in accordance with Council's Special Rates and Charges Policy and Procedure. This involved questionnaires being sent to all property owners in Edinburgh Street, Diamond Creek on 19 June 2017 (refer to Attachment 1).

Issues/options

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

Table 1 – Results for Edinburgh Street special charge scheme questionnaires

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

* Two votes received included conditions which were contrary to Council's Policy. These votes were therefore treated as a 'no' vote.

7. The level of support established for a special charge scheme for Edinburgh Street, Diamond Creek is below the 60 per cent requirement for the scheme to proceed.
8. Three property owners did not respond to the questionnaires. If all these property owners were to vote in favour of the road construction, the level of support would still be below the 60 per cent requirement for the scheme to proceed.
9. Property owners were given the opportunity to include comments in their questionnaire response. Generally, the comments received from the property owners were reflective of the way they voted. Some of the issues raised in the comments were:
 - Sealing the road would increase traffic and speed.
 - Financial hardship.
 - Traffic safety at the intersection with Ryans Road and request to close off the intersection.
 - Some properties have already contributed to road sealing through a previous subdivision (Council officers investigated this and have found no evidence to support this claim).
 - Concerns for pedestrian safety if the road is sealed.

12. Officers' reports

OCM.101/17 Edinburgh Street Special Charge Scheme, Diamond Creek

Conclusion

10. The results of the questionnaire demonstrate insufficient support from a majority of property owners in Edinburgh Street, Diamond Creek for the construction of the road via a special charge scheme.
11. Based on this support, it is recommended that the consultation process be abandoned, further investigation placed on a three year moratorium and all affected property owners be formally advised.

12. Officers' reports

OCM.102/17 Audit Committee minutes August 2017 and 2016-2017 Audit Committee Chairperson's report

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Melika Sukunda, Financial Accountant

Summary

In accordance with section 139 of the *Local Government Act 1989* 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 14 August 2017. The minutes for the meeting are presented in Attachment 1.

As outlined in the good practice guide for Local Government Audit Committees, the Chairperson of the Audit Committee should present a report to Council on the activities of the Committee over the preceding financial year. Linda MacRae, Chair of the Audit Committee will present her report to the Ordinary Council Meeting on the Audit Committee's 2016-2017 activities at this meeting. A copy of the report is provided in Attachment 2.

Recommendation

That Council:

1. **Notes the minutes of the Audit Committee meeting on 14 August 2017.**
2. **Notes report from the Chair of the Audit Committee, Linda MacRae on the 2016-2017 activities of the Audit Committee.**

Attachments

1. Audit Committee Minutes 14 August
2. Audit Committee Chair's Report

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 a role to assist the coordination of relevant activities of management, internal audit and the external auditor to facilitate good governance, effectiveness and efficiency.

Policy context

3. This report directly supports the achievement of Council Plan 2017-2020 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

12. Officers' reports

OCM.102/17 Audit Committee minutes August 2017 and 2016-2017 Audit Committee Chairperson's report

Budget implications

4. The costs associated with this matter are included in Council's 2017-2018 Budget.

Consultation/communication

5. The Audit Committee meeting on 14 August 2017 was attended by the Committee members, the internal auditor from Crowe Horwath, the external auditor from HLB Mann Judd as well as the Chief Executive Officer and Manager Finance. Cr Peter Clarke and Cr Bruce Ranken are the Councillor representatives.

Audit Committee minutes

6. The minutes of the Audit Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
7. The Audit Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.
8. The 14 August 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 14 August 2017 were:
- Council's Risk and Insurance report, including the updated Risk Management Strategy, was received and noted.
 - The internal audit report on the follow-up of selected high risk matters previously identified.
 - The 2016-2017 Annual Financial Report accompanied by the closing report by the external auditor.
10. The next Audit Committee meeting is scheduled to take place on 20 November 2017.

Audit Committee Chairperson's report

11. The Chair of the Audit Committee, Linda MacRae, has provided her report on the 2016-2017 activities of the Committee.
12. The report includes details regarding:
- Internal Audits undertaken
 - External Audit
 - Management Reports Considered;
 - The 2017-2018 outlook.
13. A copy of the report is provided in Attachment 2.

12. Officers' reports

OCM.102/17 Audit Committee minutes August 2017 and 2016-2017 Audit Committee Chairperson's report

Conclusion

14. The Audit Committee minutes 14 August 2017 are presented to Council to ensure timely feedback, accurate information and for noting by Council.
15. The Audit Committee Chairperson's report on the 2016-2017 activities of the Audit Committee is presented for noting.

12. Officers' reports**OCM.103/17 Financial statements and performance statement for 2016-2017**

Distribution: Public**Manager: Vince Lombardi, Manager Finance****Author: Melika Sukunda, Financial Accountant
Naomi Ellis, Corporate Planner****Summary**

Council is required to produce audited Annual Financial Statements and a Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

The draft 2016-2017 Financial Statements and Performance Statement have been reviewed by Council's external auditors on behalf of the Victorian Auditor General.

For the 2016-2017 financial year Council has achieved an operating surplus of \$15.922 million on an accrual basis.

This report recommends that Council give 'in principle' approval to the 2016-2017 accounts and appoint the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2016-2017 Financial Statements and Performance Statement.

Council has produced a Performance Statement in accordance with the Local Government Performance Reporting Framework. This provides results on a range of prescribed indicators of service performance, financial performance and sustainable capacity. In addition to the audited Performance Statement, the results for a range of other indicators and a Governance and Management Checklist are reported in the Report of Operations as part of the Annual Report. This information will also be published on the Know Your Council website.

The draft statements have been presented to Council's Audit Committee which has recommended that Council give in principle approval for the statements pursuant to Section 132 of the Act, prior to formal presentation to the Auditor General.

Recommendation**That Council:**

- 1. Approves 'in principle' the 2016-2017 Annual Financial Statements and Performance Statement (Attachment 1).**
- 2. Authorises the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2016-2017 Annual Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made.**
- 3. Authorises the Mayor and Chief Executive Officer to sign the Governance and Management Checklist in its final form pending any changes resulting from a final review by Local Government Victoria.**

12. Officers' reports

OCM.103/17 Financial statements and performance statement for 2016-2017

Attachments

1. Annual Financial and Performance Statements
2. Governance and Management Checklist

Background

1. Council is required to produce audited Annual Financial Statements and a Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.
2. Section 132 of the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014 require Council to:
 - a) Adopt a resolution giving its approval, 'in principle', to the Financial Statements and Performance Statement before they are submitted to the Auditor General.
 - b) Authorise two Councillors and the Chief Executive Officer to certify the statements in their final form, after any changes recommended, or agreed to, by the auditor have been made.

Policy context

3. This report directly supports the achievement of the Council Plan 2017-2020 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

Budget implications

4. This is a statutory procedural matter, the associated costs for which are contained within the operating budget.

Consultation/communication

5. The development of the draft Financial Statements and Performance Statement has been undertaken in consultation with Council's external auditors on behalf of the Victorian Auditor General, and the Audit Committee.

Approval process

6. Audit work has been completed by Council's external auditors and officers have prepared a draft set of the 2016-2017 Financial Statements and Performance Statement for submission to the Auditor General. A copy of these statements, forming the 'in principle' statements, is provided in Attachment 1.
7. The Statements were presented to the Audit Committee on 14 August 2017. The recommendations of the Audit Committee were:
 - a) Record its approval 'in principle' to the Annual Financial Statements and Performance Statement (the statements) for the year ended 30 June 2017
 - b) That subject to the review of the final version of the Financial Statements and the Performance Statement, that Council:
 - i) Authorise the Chief Executive Officer to send the statements to the Auditor General

12. Officers' reports

OCM.103/17 Financial statements and performance statement for 2016-2017

- ii) Authorise the Chief Executive Officer, the Mayor, and Deputy Mayor to certify the final version of the statements
 - iii) Authorise the Manager Finance to implement any non-material changes to the statements as recommended by the Auditor General, and provide a summary of such changes to the Audit Committee at its next meeting. Any material changes will be discussed with the Chair of the Audit Committee prior to being presented to Council.
8. The following process is required to ensure that Council's Financial Statements and Performance Statement are submitted to the Auditor General in a timely manner, enabling the Auditor General to officially express his opinion prior to the statutory deadline of 30 September 2017:
- a) Council must meet formally to review the draft Financial Statements and Performance Statement, and resolve that Council approves the statements 'in principle' and authorises two Councillors and the Chief Executive Officer to sign the final statements on behalf of, and with the full authority of, the Council. The 'in principle' statements and the Council resolution are given to the external auditor.
 - b) The external auditor checks the 'in principle' statements. These statements, the Council resolution, and the external auditors recommended Audit Report will then be forwarded to the Auditor General for review.
 - c) The Auditor General reviews the statements and requests any changes where appropriate.
 - d) The Principal Accounting Officer, (Manager Finance) then considers the Auditor General's requested changes and incorporates them into the 'in principle statements', where appropriate.
 - e) The Principal Accounting Officer will identify any matters of significance, including proposed qualification issues, not previously considered by the Council and formally draw Council's attention to them prior to the formal sign off of the statements by the two designated Councillors and the Chief Executive Officer.
 - f) If Council and the Auditor General are satisfied with the statements, the statements are to be signed by the delegated Councillors and the Chief Executive Officer and forwarded to the Auditor General.
 - g) The Auditor General's Audit Reports will be issued to the Council once the formally signed statements have been received and checked by the Auditor General.
 - h) The organisation's 2016-2017 Annual Report, including the audited Financial Statements and Performance Statement, must be forwarded to the Minister by 30 September 2017.

Financial Statements – Operating Result

9. The Financial Statements include the Comprehensive Income Statement which is prepared on an accrual basis. On an accrual basis, the result for the year shows an Operating Surplus of \$15.922 million.

12. Officers' reports

OCM.103/17 Financial statements and performance statement for 2016-2017

10. As noted in the Council report on the interim result in July, that result was calculated on a cash-position basis.
11. The difference between the two results reflects that the audited financial result includes non-cash items, such as Depreciation, Non-Monetary Contributions, and Net Gain/Loss on asset disposal which are relevant for accounting purposes but do not affect Council's cash position.

Performance Statement

12. Council has produced a Performance Statement in accordance with the Local Government Performance Reporting Framework.
13. The Performance Statement reports the audited results for 2016-2017 for the prescribed indicators of service performance, financial performance and sustainable capacity.
14. The financial performance and sustainable capacity indicators include several of the indicators used by the Victorian Auditor-General to assess the financial sustainability of local government.
15. The overall assessment of Council's financial sustainability will be confirmed by the Auditor-General in the annual report on Victorian local government in late 2017, which will also confirm the indicators to be applied for 2016-2017.
16. In addition to the audited Performance Statement, the results for a range of other indicators are reported in the Report of Operations as part of the Annual Report.

Governance and Management Checklist

17. Council has produced a Governance and Management Checklist (Attachment 2) for inclusion in the 2016-2017 Report of Operations (Annual Report) and publication on the Know Your Council website. The results are reported in the prescribed form of Council's assessment against the 24 items on the Governance and Management Checklist.
18. The Checklist is designed to measure whether a council has strong governance and management frameworks in place covering community engagement, planning, monitoring, reporting and decision-making.
19. The Governance and Management Checklist meets Council's legislative requirements under section 131(3)(a)(ii) of the *Local Government Act 1989* and regulation 12 of the *Local Government (Planning and Reporting) Regulations 2014*. It was considered by the Audit Committee at its most recent meeting and an initial review completed by Local Government Victoria (LGV). LGV will review the Checklist once more before final certification by the Mayor and Chief Executive Officer.

Conclusion

20. It is recommended that Council give 'in principle' approval to the 2016-2017 Annual Financial Statements and Performance Statement and authorise two Councillors and the Chief Executive Officer to sign the statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

12. Officers' reports

OCM.104/17 Fraud Policy

Distribution: Public

Manager: Allison Watt, Manager Governance

Author: Craig Commene, Risk Advisor

Summary

The purpose of this report is to present to Council the reviewed Fraud Policy for adoption.

The Fraud Policy provides Council's statement of commitment and a framework for managing the risk of fraud and corruption at Nillumbik Shire Council.

The first policy was adopted in June 2015 and changes to the policy reflect the new organisational structure and recent changes to Protected Disclosure legislation to ensure consistency with the mandatory obligation to report suspected matters.

This is an internal policy and consultation was undertaken with Council's Executive Management Team and Audit Committee.

Recommendation

That Council:

1. **Adopts the Fraud Policy 2017.**
2. **Notes that this Policy comes into force immediately upon its approval and remains in force until varied or revoked.**

Attachments

1. Fraud Policy 2017

Background

1. The framework to manage fraud at Nillumbik Shire Council contains three elements:
 - Fraud Policy
 - Fraud Control Plan
 - Annual Action Plan.
2. Council's framework was established in 2015 and adopted for the purposes of compliance to the recommendations contained in the Victorian Auditor-General's Report 'Fraud Prevention Strategies in Local Government'; and Local Government Victoria's 'Performance Reporting Framework'.
3. The Fraud Policy is now due for review.
4. The Fraud Control Plan is an internal document that details the administrative processes to meet the obligations under the Fraud Policy and *Local Government Act 1989* to develop and maintain adequate internal controls, including code of conducts and audit committee.

12. Officers' reports

OCM.104/17 Fraud Policy

5. The Fraud Control Plan includes an Annual Action Plan that forms a work program for compliance and progressive development of a positive organisational culture. This action plan is informed by the internal audit program, compliance to various Auditor General's reports, fraud risk assessments and management requests. It is adopted annually during the business planning processes and in recent years has focused on recommendations contained in the Auditor General's report 'Fraud Prevention Strategies in Local Government 2012'.
6. The Fraud Policy and Fraud Control Plan are consistent with:
 - Council's Risk Policy and Framework
 - AS 31000:2010 Risk Management
 - AS 8001:2008 Fraud and corruption control
 - Recommended methodology in the Victorian Auditor-General's Report "Fraud Prevention Strategies in Local Government
 - Conflict of interest guidelines
 - Protected disclosure procedures
 - Codes of conduct.
7. The Fraud Policy and Fraud Control Plan have been previously benchmarked to ensure consistency and compliance.
8. The Fraud Policy and Fraud Control Plan were also subject to an internal audit in 2016 and no recommendations were made affecting either document.

Policy context

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

Budget implications

10. The costs for managing and reporting are covered by the operating budget for Risk and Insurance.
11. Losses incurred are insured through the Municipal Association of Victoria's commercial crime (fidelity) insurance policy.

Consultation/communication

12. The Fraud Policy was considered by the Executive Management Team on 7 July 2017 and Audit Committee on 14 August 2017.

Issues/options

13. This is not a major review of the Fraud Policy and Fraud Control Plan and reflects administrative changes only.
14. Changes to the Fraud Policy and Fraud Control Plan are:
 - Minor amendments to reflect the new organisation structure and positions.

12. Officers' reports

OCM.104/17 Fraud Policy

- Minor amendments to reflect changes in the *Protected Disclosure Act 2012* – ensure consistency with the mandatory obligation to report suspected matters.
15. The messaging in the Fraud Policy is that Council views fraud or corruption as unacceptable and will take appropriate measures to safe guard the public resources for which Council is responsible for, ensure that there are adequate detection, investigation and reporting controls in place and will take action against any perpetrator(s).
16. The Fraud Control Plan and Annual Action Plan seeks to focus on:
- Promoting a strong sense of ethical behaviour
 - Organisational culture
 - Building awareness
 - Limiting opportunity and maximising prevention by implementing and maintaining strong internal controls
 - Creating a positive work environment.

Conclusion

17. The Fraud Policy provides Council's statement of commitment and a framework for managing the risk of fraud and corruption at Nillumbik Shire Council.
18. Following adoption of this Policy, the Fraud Control Plan will be implemented for 2017-2018.
19. The next review of the Fraud Policy is due in 2019.

12. Officers' reports

OCM.105/17 Risk and Insurance Report June 2017

Distribution: Public

Manager: Allison Watt, Manager Governance

Author: Craig Commene, Risk Advisor

Summary

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

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

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

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

Recommendation

That Council:

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

Attachments

Nil

Background

- 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.105/17 Risk and Insurance Report June 2017

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

Policy context

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

Budget implications

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

Consultation/communication

9. The Risk and Insurance Report was considered by the Audit Committee on 14 August 2017.

12. Officers' reports

OCM.105/17 Risk and Insurance Report June 2017

Issues/options

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

11. Highlights from the report are:

- 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.
- 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)	Jul-Sep 2016	Oct-Dec 2016	Jan-Mar 2017	Apr-June 2017	Total year to June 2017	Total prior year to June 2016	Year to year trend
Property	7	11	10	6	34	33	▲
Motor vehicle	18	32	25	43	118	133	▼
Professional Indemnity	0	0	0	1	1	4	▼
Public Liability	26	40	39	36	141	110	▲
Total all incidents	51	83	74	86	294	280	▲

- A high proportion of reported incidents are generated within the normal course of operations of the Directorate, Sustainability and Place, 84 per cent. These incidents relate to major classes of asset or maintenance type incidents for trees, footpaths, roads, drainage, major plant and Council buildings.
- Tree related risks are mitigated through the:
 - Tree Management Policy
 - Reactive tree maintenance program
 - Proactive electric powerline clearance program
 - Proactive inspections of high risk trees
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.

12. Officers' reports

OCM.105/17 Risk and Insurance Report June 2017

- Road, footpath, drainage and roadside related are mitigated through the:
 - Road Management Plan
 - Road Asset Management Plans
 - Proactive and reactive maintenance programs.
- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds. Risks are typically mitigated through maintenance programs and insurance.
 - Three break-ins were noted during the quarter with minor damage, which was repaired.
 - Water damage caused by a blocked internal pipe caused minor damage at the Civic Centre and was subsequently repaired.
- Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are typically mitigated through maintenance, education and insurance.
- Public liability relates to incidents reported to Council including where the third party is seeking compensation. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
 - Several storm claims related to the December 2016 quarter were received during the June 2017 quarter.
 - Nine trip and fall incidents were reported at various locations through the Shire.
- Annual trend data for year ending June 2017 highlights a small increase in incidents over the same period for 2016. 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 June 2017, have been provided to meet the requirements of the Local Government Performance Reporting Framework and consolidation of management reporting.
14. Ongoing reporting to Council will be presented quarterly following each meeting of the Audit Committee.

12. Officers' reports

**OCM.106/17 Tender report - Contract 1718-005 Research Park Pavilion
Redevelopment - Architectural Services**

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Jake Hart, Project Management Officer

Summary

This report recommends the awarding of the contract for the architectural services for the Research Park Pavilion Redevelopment project.

The service will involve the review and development of the Council endorsed concept plans for delivering fit-for-purpose player, umpire and spectator facilities on the ground floor and a second floor community facility available for sports clubs and wider community use.

The concept plans will be developed, in consultation with all stakeholders, to full detailed design plans, specification and tender documentation for the appointment of a builder to undertake construction of the new facilities.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Research Park Pavilion Redevelopment Architectural Services.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract/s

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.107/17 Assemblies of Councillors

Distribution: Public
Manager: Allison Watt, Manager Governance
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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 1 August 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:

	Date of assembly	1 August 2017	
	Matters considered	Pre-meet for the Ordinary Council Meeting	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Grant Brooker	Cr Bruce Ranken Cr Jane Ashton Cr Peter Perkins
	Staff present	Mark Stoermer Allison Watt Rachel Cooper Suzy Ellingsen Mitch Grayson Vince Lombardi Lance Clark	Justin Murray Phil Lovelace Jeremy Livingston Lisa Pittle Naomi Paton Jon Miller Jeff Chambers
	Conflict of interest	None declared	

	Date of assembly	1 August 2017	
	Matters considered	Officer briefing of Councillors <ul style="list-style-type: none"> Community Sports Infrastructure Fund applications 	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Grant Brooker	Cr Bruce Ranken Cr Jane Ashton Cr Peter Perkins

12. Officers' reports

OCM.107/17 Assemblies of Councillors

Staff present	Mark Stoermer Allison Watt Rachel Cooper Suzy Ellingsen	Mitch Grayson Lisa Pittle Naomi Paton Jeff Chambers
Conflict of interest	None declared	

Date of assembly	7 August 2017	
Matters considered	Arts Advisory Committee	
Councillors present	Cr Jane Ashton	
Staff present	Michelle Zemancheff	Grace Longato
Conflict of interest	None declared	

Date of assembly	8 August 2017	
Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • North East Link • Early Years Infrastructure • Open Space Hurstbridge • Growing Suburbs Fund • Health and Wellbeing Plan • Domestic Animal Management Plan • Civic Drive Concept Plan 	
Councillors present	Cr Bruce Ranken Cr Grant Brooker Cr Jane Ashton	Cr Peter Perkins Cr Peter Clarke Cr John Dumaresq
Staff present	Mark Stoermer Naomi Paton Rachel Cooper Lisa Pittle Suzy Ellingsen Vince Lombardi Narelle Hart Mitch Grayson Adrian Cully Jeremy Livingston Paige Macdonald	Emily Physick Julie-Ann Zajac Allison Watt Nichole Johnson Nadine Wooldridge Jeff Chambers Paul Fyffe Diana Bell Phil Lovelace Natalie Hall
Conflict of interest	None declared	

Date of assembly	15 August 2017	
Matters considered	Pre-meet Future Nillumbik Committee	
Councillors present	Cr Karen Egan	Cr Bruce Ranken

12. Officers' reports

OCM.107/17 Assemblies of Councillors

		Cr Grant Brooker Cr John Dumaresq	Cr Jane Ashton
	Staff present	Mark Stoermer Allison Watt Rachel Cooper Naomi Paton Jeremy Livingston Paul Fyffe	Nadine Wooldridge Paige Macdonald Hjalmar Philipp Nichole Johnson Suzy Ellingsen
	Conflict of interest	None declared	

	Date of assembly	22 August 2017	
	Matters considered	<p>Officer briefings of Councillors</p> <ul style="list-style-type: none"> • Diamond Creek Trail extension – land acquisition and compensation processes • Civic Drive consultation • Lease from Parks Victoria - 130 and 195 Laughing Waters Road, Eltham South, Laughing Waters Artists Residency Program • Eltham High School proposed Joint Use Agreement for sporting and recreation precinct development • Nominations for Environment and Sustainability Advisory Committee • Nominations for the Economic Development Advisory Committee • Accounting approaches • Hohnes Road Playhouse 	
	Councillors present	Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken Cr Jane Ashton	Cr Karen Egan Cr Peter Clarke Cr John Dumaresq
	Staff present	Mark Stoermer Allison Watt Hjalmar Philipps Naomi Paton Rachel Cooper Jon Miller Lisa Pittle Mitch Grayson Emily Physick	Suzy Ellingsen Grace Longato Nadine Wooldridge Jeff Chambers Matt Kelleher Michelle Zemancheff Vince Lombardi Darko Popovski
	Conflict of interest	None declared	

12. Officers' reports

OCM.107/17 Assemblies of Councillors

Attachments

Nil

Background

1. Amendments to the *Local Government Act 1989* (the Act) in October 2010 require records of assemblies of Councillors to be reported to an Ordinary Meeting of Council and recorded in the minutes of that meeting.

Policy context

2. This report directly supports the achievement of Council Plan 2013-2017 strategy 'we will meet our legal responsibilities and manage our risks'.

Budget implications

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

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
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 1 August 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.108/17	Tender report - Contract 1718-005 Research Park Pavilion Redevelopment - Architectural Services	(d) contractual matters
OCM.109/17	Environment and Sustainability Advisory Committee nominations	(a) personnel matters
OCM.110/17	Economic Development Advisory Committee nominations	(a) personnel matters
OCM.111/17	Civic Drive subdivision development - contingency	(d) contractual matters
OCM.112/17	Proposed Plenty Fire Station Relocation	(d) contractual matters
OCM.113/17	Risk and Insurance Report June 2017	(h) any other matter which the Council or special committee considers would prejudice the Council or any person