

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 29 August 2017.

Minutes

Mark Stoermer
Chief Executive Officer

Wednesday 30 August 2017

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Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 29 August 2017. The meeting commenced at 7.01pm.

Councillors present:

Cr Peter Clarke	Wingrove Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr John Dumaresq	Edendale Ward
Cr Bruce Ranken	Swipers Gully Ward

Officers in attendance:

Mark Stoermer	Chief Executive Officer
Rachel Cooper	Director Business and Strategy
Matt Kelleher	Director Services and Planning
Hjalmar Philipp	Director Sustainability and Place
Phil Lovelace	Manager Community Safety
Allison Watt	Manager Governance
Naomi Paton	Manager Integrated Strategy
Nadine Wooldridge	Coordinator Community Leisure
Naomi Ellis	Corporate Planner
Melika Sukunda	Financial Accountant
Geoff Lawler	Senior Strategic Advisor
Paul Fyffe	Senior Strategic Planner
Mitch Grayson	Strategic Advisor to Mayor and Councillors

1. Welcome

2. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Peter Clarke.

3. Prayer

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

4. Apologies

Apologies were received from Cr Jane Ashton and Cr Peter Perkins.

Motion

**Cr Karen Egan
Cr John Dumaresq**

That the apologies from Cr Jane Ashton and Cr Peter Perkins be accepted.

CARRIED

5. Presentations

Eltham Redbacks Football Club

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

5. Presentations (cont)

Sporting grants

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

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

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

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

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

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

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

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

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

Henry Way (Wingrove Ward) received \$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

Cr Karen Egan

Cr Bruce Ranken

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

CARRIED

7. Disclosure of conflicts of interest

Nil

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

Cr Karen Egan
Cr John Dumaresq

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.**

CARRIED

9. Questions from the gallery

Helen Legg asked the Council:

What is now the timeline regarding the beginning of the extension of the Diamond Creek trail to Hurstbridge and when will it be completed?

Mayor, Cr Peter Clarke responded that this is still to be determined and will be guided by when funds become available. Council staff are actively seeking funding grants to assist with the cost of this project. Once funding has been secured the timeframe for the project will be between 2–3 years. During this time further planning work needs to be undertaken, including a cultural heritage study and detailed design as well as the final construction.

Helen Legg asked the Council:

Will the Council consider purchasing all bridges for the trail in ‘one lot’ assuming that it would be a cheaper alternative than one at a time over the duration of the build?

Mayor, Cr Peter Clarke responded that following on from the above, the detailed planning and construction of the project may be staged, depending on when funding grants are secured. Once the funding and timing has been confirmed, then we will assess the best way to progress with project, including purchases of bridges.

Bill Lord asked the Council:

At every formal occasion, Council acknowledges the Wurundjeri people as the original custodians of the land. Every year, at the flag-raising ceremony conducted outside the building at the start of Nillumbik’s Australia Day event, aboriginal elders make a public address; and at the Panton Hill Reserves System Reconciliation ceremonies, they conduct great community education events. In recognition of the above as well as the recently released ‘Uluru Statement of the Heart’, will our Council, consult with the Nillumbik Reconciliation Committee, the Wurundjeri Elders and other Aboriginal people’s organisations, to consider following the gutsy precedent set by Yarra and Darebin City Councils, to separate the dates for Invasion Day and the current Australia Day celebrations, so that we can all stand proud of our country’s heritage, without denigrating a significant portion of our community?

Mayor, Cr Peter Clarke responded that Council will continue to host inclusive and commemorative Australia Day events recognising what it means to be Australian, while being respectful of the Aboriginal story as part of our history. We welcome all who wish to become Australian citizens to join us on this day.

9. Questions from the gallery (cont)

Council is committed to developing a reconciliation plan between Council and the Wurundjeri community as traditional owners, and strengthening our practices to ensure the ongoing support of Aboriginal and Torres Strait Islander people.

Our residents have made it clear that they want us to focus on delivering better outcomes around traffic management, rates, housing and development, road maintenance and bushfire preparation. We will continue to deliver on our plan to address this while strengthening our reconciliation activities throughout our Shire and recognising Australia's history.

Betty Russell, on behalf of the Nillumbik Greens asked the Council:

The Nillumbik Greens note that Council Officers have devised a program of projects to fulfil Council's commitments under Strategy 3.1 of the Council Plan 2017-2021 by reviewing the Nillumbik Planning Scheme and the Green Wedge Management Plan. We also note that the program appears to be based on 3.2 of the Draft Council Plan, which is the version quoted in the agenda of this meeting (p.34 under 'Background'), rather than the amended, approved version; the draft version is also reflected in the title of Project 1. Are these projects based on the original Draft Council Plan offered for consultation, or the amended, formally adopted version of the Council Plan 2017–2021? Which version has been quoted in the consultation process which has already begun with DELWP and the CFA?

Mayor, Cr Peter Clarke responded that as the Council has now adopted its Council Plan, this is the document that officers are aligning work to, not the draft Council Plan. Any conversations with key stakeholders, such as the CFA and DELWP reference the adopted Council Plan.

Betty Russell, on behalf of the Nillumbik Greens asked the Council:

How will the proposed 'citizens' jury' be constituted, so as to be 'representative' and 'democratic'?

Mayor, Cr Peter Clarke responded that the purpose of this Council report is to seek Council endorsement to commence to the next stage of the project, which is scoping the detailed project plan. Hence, the final details of the engagement process are yet to be finalised. However, Council is committed to an engagement process which seeks to involve a broad range of stakeholders and community members who are reflective of the demographics of our Shire.

Rex Niven, on behalf of Friends of Nillumbik asked the Council:

Numerous properties in the RCZs are being used for inappropriate long-term storage. There are large amounts of building materials, piles of rubbish, storage containers and old vehicles all visible from neighbouring properties and/or roads, adversely affecting local amenity. Is Council aware of this? (We can provide evidence.) Could Councillors comment on why Council Enforcement Officers have failed to act on complaints, given that this could be interpreted as a breach of Section 3 - Prohibited uses (35.06-1: Table of Uses; 05/09/2013VC103).

Given the lack of enforcement on these issues are there plans to employ additional Enforcement Officers to enforce the existing RCZ, as well as existing and new MTV rules?

9. Questions from the gallery (cont)

Mayor, Cr Peter Clarke responded that Council is currently investigating and pursuing compliance with the planning scheme and/or local laws on a number of properties throughout the Shire where similar concerns have been raised. Wherever possible, Council will seek to work with land owners to achieve compliance with the planning scheme and/or local laws, whether that be the importation of illegal fill, the dumping of rubbish or the use of the land for an illegal store.

It would be of great assistance if Mr Niven could provide specific details and evidence of the properties in question to support Council to investigate any alleged breaches of the planning scheme or local laws. It is noted that Mr Niven has asserted there has been a failure to act on complaints. Mr Niven is encouraged to speak with Council's Director Services and Planning if there are specific complaints he is aware of that have not been acted upon.

Rex Niven, on behalf of Friends of Nillumbik asked the Council:

Friends of Nillumbik draw attention to recent ABC Four Corners Program that highlighted significant concerns regarding waste disposal. In light of these concerns will Council please disclose where Nillumbik residents' hard waste and green waste goes, and especially the materials in our recycling bins? Which recycling company/companies handle our waste?

Mayor, Cr Peter Clarke responded that Council's kerbside recycling is taken to SKM Recycling at Coolaroo where it is sorted into various product types including, paper/cardboard, glass, metal and plastics. This facility is state of the art and their business operates by purchasing a commodity and selling the sorted material to companies that re-manufacture the material into new products. Recyclables collected by Nillumbik Council provide an income to Council.

SKM Recycling is an industry leader and continues to evolve as the recycling industry expands. Last year Nillumbik Shire Council was one of the first Victorian councils to introduce plastic bag and flexible plastic recycling in the kerbside recycling bin. This was achieved by advancements made to their sorting facility.

Council's kerbside green waste is taken to Veolia, at Bulla which operates an in-vessel composting facility where food scraps and garden waste are composted to form two grades of compost. The compost is used on broad acre farms throughout Victoria.

Nillumbik's kerbside landfill waste is transported to Hanson Landfill in Wollert. This landfill is a best practice renewable energy landfill. Hanson captures methane gas and converts it to electricity and exports to the grid.

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

**Cr Karen Egan
Cr Grant Brooker**

That Council notes the:

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

CARRIED

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

Motion

Cr John Dumaresq

Cr Bruce Ranken

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. Based on the information currently available, Council has a strong preference for Corridor A.
3. Seeks further investigation of Corridor B in particular the impacts it would have on the Nillumbik Shire.
4. Requests that the government not proceed further with investigations on Corridors C and D.
5. 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.
6. Confirms that officers, Mayor and Councillors 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.
7. 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.

CARRIED

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

Motion

**Cr Karen Egan
Cr John Dumaresq**

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-refresh 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.**

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

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.
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

CARRIED

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.

Motion

Cr Bruce Ranken

Cr Karen Egan

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

CARRIED

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.

Motion

**Cr Bruce Ranken
Cr Karen Egan**

That Council:

1. Endorses the Eltham High School Sporting Precinct Masterplan (Attachment 1).

12. Officers' reports

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

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.
4. Acknowledges that the indoor sports courts at Eltham High School are operating at capacity, and requests officers continue to work with Eltham Wildcats Basketball Club to identify potential future locations for additional courts in Eltham and surrounding suburbs to meet the Club's current and forecast participation needs.

CARRIED

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.

Motion

Cr Grant Brooker

Cr Bruce Ranken

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.**

CARRIED

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.

Motion

Cr John Dumaresq

Cr Karen Egan

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'.**

CARRIED

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 6 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.

Motion

Cr Peter Clarke

Cr Karen Egan

That this item be deferred and considered at the Future Nillumbik Committee on 12 September 2017.

CARRIED

12. Officers' reports

The following Officers' reports were moved as a block motion and their recommendations as printed in the agenda were adopted without change:

- OCM.102/17 Audit Committee meeting August 2017 and 2016-2017 Audit Committee Chairperson's report
- OCM.103/17 Financial statements and performance statement for 2016-2017
- OCM.104/17 Fraud Policy
- OCM.105/17 Risk and Insurance Report June 2017
- OCM.106/17 Tender report - Contract 1718-005 Research Park Pavilion Redevelopment - Architectural Services
- OCM.107/17 Assemblies of Councillors

Motion

Cr Bruce Ranken

Cr Karen Egan

That the recommendations as printed in the agenda be adopted without change for the following Officers' reports:

- **OCM.102/17 Audit Committee meeting August 2017 and 2016-2017 Audit Committee Chairperson's report**
- **OCM.103/17 Financial statements and performance statement for 2016 -2017**
- **OCM.104/17 Fraud Policy**
- **OCM.105/17 Risk and Insurance Report June 2017**
- **OCM.106/17 Tender report - Contract 1718-005 Research Park Pavilion Redevelopment - Architectural Services**
- **OCM.107/17 Assemblies of Councillors**

CARRIED

12. Officers' reports

OCM.102/17 Audit Committee meeting 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 was scheduled to present her report to the Ordinary Council Meeting on the Audit Committee's 2016-2017 activities at this meeting, however she was unable to attend. A copy of the report is provided in Attachment 2.

Motion

Cr Bruce Ranken

Cr Karen Egan

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.**

CARRIED

Note: This item was carried as part of a block motion.

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.

Motion

Cr Bruce Ranken

Cr Karen Egan

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.

CARRIED

Note: This item was carried as part of a block motion.

12. Officers' reports

OCM.104/17 Fraud Policy

Distribution: Public

Manager: Allison Watt, Manager Governance

Author: Craig Commane, 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.

Motion

Cr Bruce Ranken

Cr Karen Egan

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.**

CARRIED

Note: This item was carried as part of a block motion.

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.

Motion

Cr Bruce Ranken

Cr Karen Egan

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*.**

CARRIED

Note: This item was carried as part of a block motion.

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

Motion

Cr Bruce Ranken

Cr Karen Egan

That Council:

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

CARRIED

Note: This item was carried as part of a block motion.

12. Officers' reports

OCM.107/17 Assemblies of Councillors

Distribution: Public
Manager: Allison Watt, Manager Governance
Author: Naomi Ellis, Corporate Planner

Summary

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary meeting of Council a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 1 August 2017.

Motion

Cr Bruce Ranken
Cr Karen Egan

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	

12. Officers' reports

OCM.107/17 Assemblies of Councillors

Date of assembly	15 August 2017	
Matters considered	Pre-meet Future Nillumbik Committee	
Councillors present	Cr Karen Egan Cr Grant Brooker Cr John Dumaresq	Cr Bruce Ranken 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	Officer briefings of Councillors <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	Suzy Ellingsen Grace Longato Nadine Wooldridge Jeff Chambers Matt Kelleher Michelle Zemancheff Vince Lombardi

12. Officers' reports

OCM.107/17 Assemblies of Councillors

		Mitch Grayson Emily Physick	Darko Popovski
	Conflict of interest	None declared	

CARRIED

Note: This item was carried as part of a block motion.

13. Notices of motion

Nil

14. Delegates' reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

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

Motion

Cr Karen Egan

Cr Grant Brooker

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

CARRIED

The meeting closed to the public at 8.21pm.