

Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 13 June 2017 commencing at 7pm.

Agenda

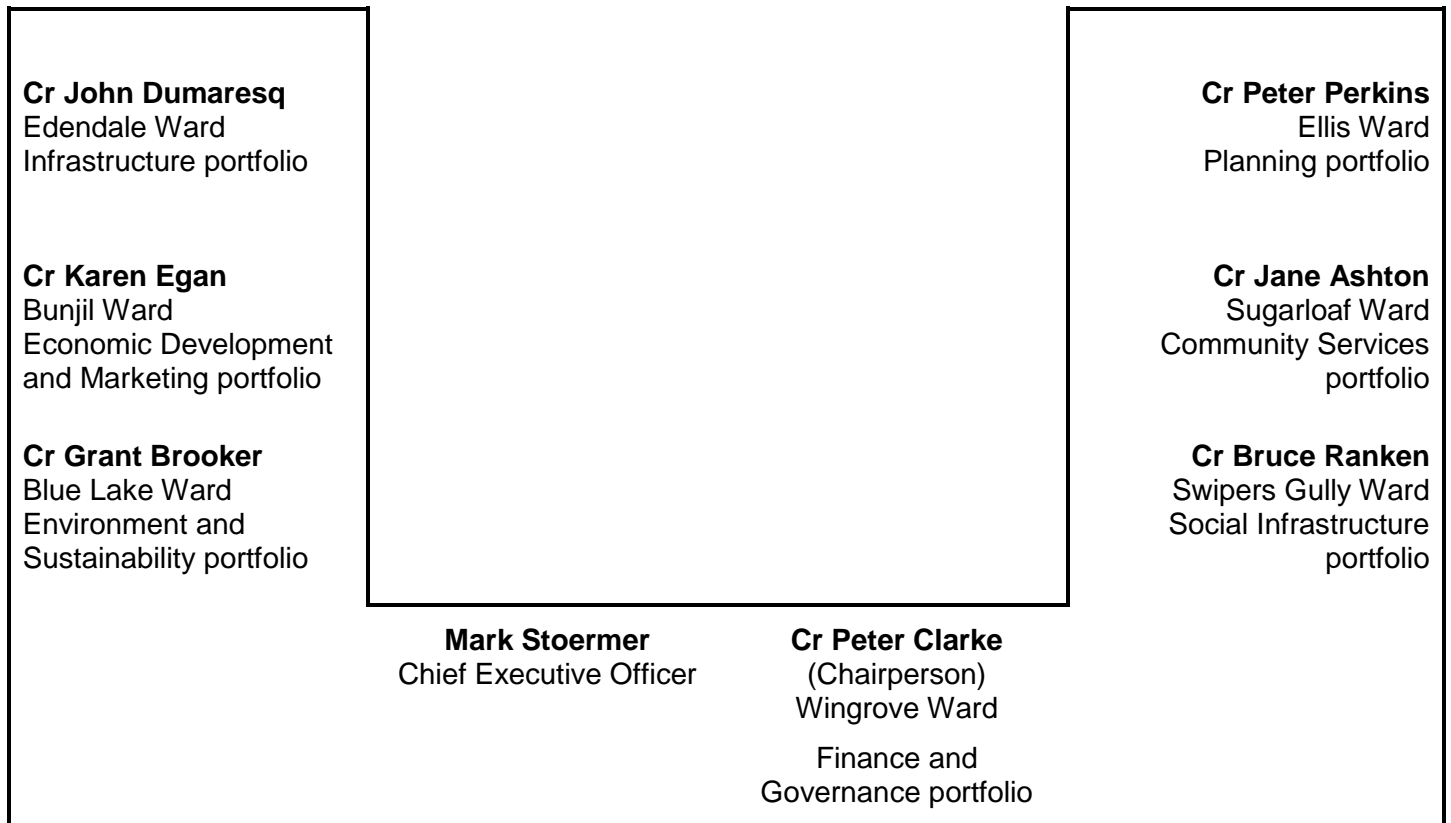
Mark Stoermer
Chief Executive Officer

Thursday 8 June 2017

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Domin je ka

Future Nillumbik Committee seating plan



Visitors in the gallery at Committee meetings are:

- Welcome to copies of the various reports which will be considered by this Committee at the meeting. These are on the table in the foyer.
- Welcome to tea, coffee and water. These are on the table in the foyer near the Council Chamber entry.
- Requested to observe deliberations quietly in order for Committee meetings to run smoothly.
- Advised that an audio recording of this meeting will be made for the purpose of verifying the accuracy of the minutes. The recording will not be disclosed unless Council is compelled to do so by law or court order.

Hearing of submissions from members of the public

The arrangements for members of the public to address a Special Committee meeting are defined in Council's Meeting Procedure Local Law. Council has recently established the Future Nillumbik Committee as a Special Committee. The Terms of Reference for this committee propose some changes to the arrangements for hearing of submissions. However these changes are not yet in effect, as they require a change to Council's Meeting Procedure Local Law. Until such a change is made, the existing arrangements will continue to apply, and any member of the public who has registered prior to 3pm on the day of the meeting is entitled to address the committee regarding a matter on the agenda.

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Future Nillumbik Committee Meeting to be held Tuesday 13 June 2017 commencing at 7pm.

1. Welcome and apologies

Welcome by the Chair

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

Apologies

Motion

That the apologies be accepted.

2. Disclosure of conflicts of interest

Committee members should note that any disclosure of conflict of interest must be disclosed immediately before the item in which they have an interest.

3. Confirmation of minutes

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 16 May 2017.

Motion

That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 16 May 2017 be confirmed.

4. Officers' reports

FN.024/17 Review of the Meeting Procedure Local Law - consideration of submissions

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

Summary

Council at its meeting on 28 March 2017 adopted a draft Meeting Procedure Local Law for the purpose of community consultation, with a further report to be provided to Council following the conclusion of the consultation period.

Three submissions were received during the consultation period. This report presents the submissions received and provides submitters with an opportunity to be heard in respect to their submission.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Receives and notes the three submissions received in respect of the draft Meeting Procedure Local Law in accordance with section 223(1)(b) of the *Local Government Act 1989*.**
- 2. Presents a report of its proceedings, including a summary of hearings, to the Ordinary Council meeting on 27 June 2017 in accordance with section 223(1)(c) of the Act, with the following recommendation:**
 - a) That Council notes that three submissions were received on the draft Meeting Procedure Local Law and the submissions were considered and submitters provided with the opportunity to be heard by the Future Nillumbik Committee on 13 June 2017.**
 - b) That Council considers the matters contained in the submissions and the Committee's report during finalisation of the Draft Meeting Procedure Local Law.**
- 3. Notes a further, separate report will be presented to the Ordinary Council Meeting on 27 June 2017 to consider adoption of the draft Meeting Procedure Local Law.**

Attachments

Nil

Background

1. Council made a number of changes to its Meeting Procedure Local Law, which regulates proceedings at Council and Committee meetings, and released a draft for public comment and feedback.

4. Officers' reports

FN.024/17 Review of the Meeting Procedure Local Law - consideration of submissions

2. As part of the review, the draft was reviewed by lawyers and amended to reflect current legislative requirements and best practice.
3. The changes include:
 - Bringing forward the deadline for the submission of public questions to a Council Meeting to 5pm the day prior to the meeting.
 - That Council may, by resolution, accept electronic petitions received via online websites if it is satisfied that the petition is authentic and from a legitimate website.
 - The removal of the requirement of Councillors to rise when speaking at a Council Meeting.
 - The removal of the reading of the Good Governance Pledge.
 - That a rescission motion must be submitted by a minimum of two Councillors
 - That speakers making a submission to a Special Committee can speak for themselves for up to three minutes and for one other person or organisation/company for a further period of three minutes. No person may speak on behalf of more than one other person or organisation/company unless Council or the Committee specifically resolves to allow them to do so.

Policy context

4. The review of the Meeting Procedure Local Law directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will meet our legal responsibilities and manage our risks.
5. The review of the Local Law also supports the achievement of strategy 5.10 in the draft Council Plan 2017-2021:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

6. The costs associated with reviewing the Meeting Procedure Local Law and inviting public submissions on the draft have been met within existing operational budgets.

Consultation/communication

7. The draft Meeting Procedure Local Law was made available for community consultation for 28 days as required by section 223 of the *Local Government Act 1989*. Statutory notices were placed in the *Diamond Valley Leader* on 5 April 2017 and the *Victoria Government Gazette* on 6 April 2017. Notice was also placed on Council's website and Facebook page. Submissions closed at 4pm on Friday 5 May 2017.

4. Officers' reports

FN.024/17 Review of the Meeting Procedure Local Law - consideration of submissions

Submissions

8. Three submissions were received on the draft Meeting Procedure Local Law during the consultation period. Full versions of each submission have been circulated separately to Councillors for information and transparency. The issues raised in the submissions can be summarised as:
- Henry Haszler
Adding accessibility to Council meetings - suggests that recordings of Council meetings should be made publicly available on Council's website.
 - David Mulholland
Expressed concerns that section 6.9 Questions from the gallery is too restrictive and Council should make it easy for ratepayers to ask questions on relevant agenda items as well as ask questions on issues which are not on the agenda.
 - Narelle Campbell
Submitted a comprehensive, tracked-change version of the draft Local Law with an emphasis on style/grammar wording changes, as well as 46 notated comments/questions.
9. The suggestions contained in the submissions will be considered as part of the final draft of the Meeting Procedure Local Law which will be presented to Council at the June Ordinary meeting. Many of the suggested changes to wording will have to be taken as commentary only, especially where they seek to change wording taken directly from the *Local Government Act 1989* that places a legislative requirement on Council.

Conclusion

10. The revised Meeting Procedure Local Law was publicly exhibited for 28 days as required by the Act. Three submissions were received during the consultation period.
11. This report presents the submissions to the Committee for consideration only. A further report to consider adoption of the revised Meeting Procedure Local Law will be presented to the Ordinary Council Meeting on 27 June 2017.

4. Officers' reports**FN.025/17 Draft Budget 2017-2018 - consideration of submissions**

Distribution: Public**Manager: Melika Sukunda, Acting Manager Finance****Author: Robert Malignaggi, Management Accountant****Portfolio: Finance and Governance****Summary**

This report considers submissions received from the public regarding the draft Budget 2017-2018.

Council adopted the draft Budget 2017-2018 at the Ordinary Council meeting on 2 May 2017 for the purpose of community consultation. The draft Budget was exhibited for 28 days in line with statutory requirements. Twenty-five submissions were received and are summarised in the attachment to this report. Copies of each individual submission have been circulated to Councillors separately.

It is proposed that the Committee considers the submissions on the draft Budget 2017-2018 and that the matter then be considered by Council on 27 June 2017.

Recommendation**That the Committee (acting under delegation from Council):**

- 1. Receives and notes the submissions received in respect of the draft Budget 2017-2018, in accordance with the sections 129 and 223 of the *Local Government Act 1989*.**
- 2. Presents a report to the Ordinary Council Meeting on 27 June 2017 in accordance with section 223(1)(c) of *Local Government Act 1989* with the following recommendation:**
 - a) That Council notes that 25 submissions were received on the draft Budget 2017-2018, and the submissions were considered and submitters were provided with the opportunity to be heard by the Future Nillumbik Committee on 13 June 2017.**
 - b) That Council considers the matters contained in the submissions and the Committee's report during finalisation of the Budget.**

Attachments

1. Draft Budget 2017-2018 submissions

Background

1. The *Local Government Act 1989* provides that a council must:
 - Prepare a budget for each financial year – section 127(1)
 - Ensure that the budget contains financial statements, description of services and major initiatives and a statement as to how these will contribute to achieving the strategic objectives specified in the Council Plan, indicators of

4. Officers' reports

FN.025/17 Draft Budget 2017-2018 - consideration of submissions

service performance that are required to be reported against in the performance statement and any other details required by the regulations - section 127(2)

- Give public notice of a proposed budget and make it available for public inspection for at least 28 days - section 129
 - Adopt the budget and submit a copy to the Minister - section 130.
2. Council adopted the draft Budget 2017-2018 at the Ordinary Council meeting on 2 May 2017 for the purpose of community consultation.

Policy context

3. The draft Budget has been developed in the context of the Council Plan which sets the overall strategic direction for Nillumbik. It is also developed in the context of the Strategic Resource Plan which demonstrates how the outcomes of the Council Plan can be resourced in a way which ensures Nillumbik's ongoing sustainability.
4. In developing the draft Budget, Council has also considered the key priorities emerging from the masterplans for major recreation facilities and reserves, the structure plans for activity centres, and various other policies and strategies for specific Council services.

Budget implications

5. The costs of advertising and public consultation are included in the routine operating budget allocations.

Consultation/communication

6. The draft Budget was the subject of an extensive communication and consultation program which included statutory advertising, a mail out to all residents, four information sessions across the Shire, and an online feedback form on Council's website. Residents were also invited to contact the Mayor and Councillors directly with their feedback and many chose this option.

Submissions

7. In response to the public exhibition of the draft Budget, 25 submissions were received from the community.
8. These submissions are summarised in Attachment 1.
9. Submitters have been invited to attend this meeting of the Future Nillumbik Committee to speak to their submissions.
10. Once the Committee has considered the submissions, the Committee must present a report to the next Council meeting. Council is required to consider the Committee's report on submissions prior to finalising the Budget.

Conclusion

11. Council has adopted a draft Budget for 2017-2018 and exhibited this for public consultation in accordance with the *Local Government Act 1989*.
12. Following the Committee's consideration of submissions, the matter will be further considered at the Ordinary Council Meeting on 27 June 2017.

4. Officers' reports**FN.026/17 Special Rate Renewal for Diamond Creek – consideration of submissions**

Distribution: Public
Manager: Jeremy Livingston, Acting Director Services and Planning
Author: Darko Popovski, Coordinator Tourism and Business
Portfolio: Economic Development and Marketing

Summary

The renewal of the Special Rate Scheme for Diamond Creek will continue to improve the trading climate of the Diamond Creek shopping precinct through the implementation of a series of business improvements and promotional activities including advertising campaigns, a business directory, trader's newsletters, various events and online marketing, including social media.

Following the receipt of a written request from the Diamond Creek Traders Association (DCTA) to renew the special rate scheme, Council at its Ordinary Meeting on 2 May 2017 resolved to give notice of its intention to declare a special rate for that purpose.

In response to the public notice, Council received 85 submissions (of a total of 136 properties liable to pay the special rate); with 13 in support of the special rate scheme and 72 opposing its renewal. The summary of submissions is attached to this report as Attachment 1.

This report recommends that the Committee receives and notes the contents of the submissions and hears from submitters at the Future Nillumbik Committee Meeting on 13 June 2017.

Given the important role that special rate schemes play in supporting local business through marketing and promotion, it is recommended that the Committee defers consideration of the future of the special rate for Diamond Creek to enable Council to engage with the DCTA and submitters.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Receives and notes the contents of submissions received in response to Council's formal notification of its intention to declare a Special Rate for marketing and promotion of Diamond Creek.**
- 2. Defers consideration of the Special Rate scheme for a period of at least one month to enable discussions with submitters about the structure of the Special Rate, and/or the promotional and marketing activities to be undertaken with the funds collected.**

4. Officers' reports

FN.026/17 Special Rate Renewal for Diamond Creek - consideration of submissions

Attachments

1. Summary of Submissions
2. Public Notice of Intention to Declare
3. Council letter of notification Special Rate levy

Background

1. The Diamond Creek Special Rate Scheme (the scheme) commenced on 1 July 2012 and is due to expire on 30 June 2017. The scheme has been successful in funding a range of promotional and business development activities, including advertising campaigns, business directory, public art, newsletters, online media, investment attraction program and a range of promotional campaigns and events, including support for local community events.
2. The Diamond Creek Traders Association (DCTA) has formally requested Council to renew the special rate to be used to fund promotional, advertising, marketing, business development and other incidental expenses associated with maintaining and developing commerce and trade within the Diamond Creek shopping precinct. The DCTA has determined the amount to be raised, the properties to which the scheme should be levied, and the principles that should be applied in raising the required funds. Council collects the Special Rate on behalf of the DCTA, and is responsible for its administration.
3. The proposal involves a proportional rate levied on properties included in the special rate scheme area and it will raise an amount of \$140,000 in the first year with 1.5 per cent annual increase thereafter, raising in total an amount of \$721,318 over a period of five years, commencing on 1 July 2017 and ending on 30 June 2022. The special rate is calculated by reference to the Capital Improved Value of each property, in a similar manner to the calculation of the general rate.
4. It will enable the implementation of an ongoing program of marketing, events, business development, business communication, networking and coordination activities. In particular, it will fund the ongoing engagement of a precinct Marketing Coordinator.
5. The Diamond Creek Special Rate scheme will apply to businesses trading from properties located in the retail and business precinct including all properties covered by the 2012-2017 Special Rate scheme. The proposed boundary covers all rateable land used or zoned for commercial, industrial, retail and professional purposes located within the Diamond Creek shopping precinct.
6. It is expected that properties within the special rate scheme area will continue to be added to or subtracted from the scheme, as further redevelopments or other changes occur over the next five years.
7. New properties within the special rate scheme area will be added if they change to retail, commercial or professional purposes. Properties will be deleted if they change to residential purposes. Amendments to the schedule will occur from the date a supplementary valuation changing its Land Classification Code is returned.

4. Officers' reports

FN.026/17 Special Rate Renewal for Diamond Creek - consideration of submissions

8. A coordinated and collective approach is aimed at maintaining and improving the Diamond Creek shopping precinct's performance over time. This includes increasing patronage and expenditure, business attraction and investment. The DCTA also provides an effective communication, engagement and advocacy role for individual businesses in the precinct and for the town as a whole.
9. With regard to the special benefit, it is considered that each rateable property and each business included in the defined area that is liable or required to pay the special rate, will receive a special benefit because the viability of the centre as a commercial, retail and professional area will be enhanced through increased economic activity. It is considered that the value of properties included in the scheme, their desirability as a letting proposition, and their general image will be enhanced.

Policy context

10. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will encourage business investment that enhances and benefits our activity centres and townships.

Budget implications

11. The funds collected through the special rate scheme are levied by Council and then used to reimburse the DCTA for its expenditure on advertising, promotion, management and business development expenses for the Diamond Creek shopping precinct.
12. Council does not retain any of the special rate funds. Council covers the administration and management costs associated with the program from its existing operating budget.

Consultation/communication

13. The DCTA has advised that it supports the renewal of the special rate, as evidenced by the Association's formal request reported to Council at its Ordinary Meeting held on 2 May 2017.
14. The proposal has been discussed with the Association's Committee of Management which has determined that the existing scheme should continue over the next five years, maintaining the current level of commitment with 1.5 per cent annual increases. The rate and scope of the Special Rate is based on the business planning and consultation process undertaken by the DCTA.
15. Traders who contribute to the scheme are provided with ongoing opportunities to participate in decision-making on how the special rate funds are spent on marketing and promotional activities, through the sub-committees of the DCTA and through surveys regarding their priorities and preferences for marketing activities.
16. Initial consultation undertaken by the DCTA with local businesses has included an article about the special rate scheme proposal published in the DCTA's newsletter and distributed to all traders, as well as an email sent to each business included in the Special Rate scheme seeking formal endorsement.

4. Officers' reports**FN.026/17 Special Rate Renewal for Diamond Creek - consideration of submissions**

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17. In determining whether to support a renewal of the special rate, the DCTA conducted initial consultation with Diamond Creek shopping precinct businesses which included newsletters, flyer, a letter and email to each business included in the special rate scheme seeking formal endorsement. The correspondence explained the details of the proposal as well as an outline of the DCTA's recent achievements. The DCTA Committee advised that the initial feedback from this consultation was positive.
 18. In accordance with the requirements of the *Local Government Act 1989* (the Act), formal notification of the proposed special rate scheme was undertaken, with a public notice published in the *Diamond Valley Leader* on 3 May 2017. Written notification was sent to the owners and occupiers of all properties upon which the Special Rate would be levied (Attachment 3).
 19. Copies of the proposed declaration of the special rate and a detailed plan of the scheme area were available for inspection during normal office hours at the Council offices in Greensborough for a period of at least 28 days after the date of the public notice, being until Wednesday 31 May 2017. The Council report with all attachments is also available on Council website.

Issues/options

20. In response to the public notice, Council received 85 written submissions, with 13 submissions supporting the renewal of the special rate and 72 opposing its renewal. These have been circulated separately to Councillors. The summary of submissions (Attachment 1) outlines the contents of these submissions.
21. Most of the objectors state that their businesses (and the precinct as a whole) have not received special benefit from the scheme. Several objectors raise concern with the scheme area and properties that it encompasses; the calculation method for the rates for each property; and the proposed distribution of income.
22. In response to these concerns:
 - These businesses are involved in supplying goods and services on a commercial basis directly to the local community and will benefit from promotion of the Diamond Creek shopping precinct. Marketing and promotion of the precinct will encourage greater customer loyalty, reduce escape expenditure to other centres and create a multiplier effect that will enhance the long-term viability of the shopping precinct as a whole. With regard to the special benefit, it is considered that all the properties used for commercial, retail or professional purposes in the proposed scheme and liable to pay the rate, will receive special benefit through increased economic activity as outlined in the public notice (Attachment 2).
 - Council has followed the legislative process as outlined in this report. The public notice specified the total cost of the scheme and determined the total amount of the Special Rate to be levied. The estimated 'special benefit' that will accrue to all businesses liable to pay the Special Rate is in a ratio of 1:1 (or 100 per cent).

4. Officers' reports**FN.026/17 Special Rate Renewal for Diamond Creek - consideration of submissions**

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- The Diamond Creek special rate proposes to raise an amount of \$721,318 over a period of five years. It is distributed amongst 136 properties in a proportionate way using the property's Capital Improved Value (CIV) as calculation method. Changes in the actual dollar amounts payable by each property relate to changes (increases/ decreases) in each property's CIV. At a basic conceptual level, properties/ enterprises that enjoy a higher rate of return/ turnover will typically have a higher CIV.
 - As with previous years, the vast majority of the special rate (40 per cent of the total amount) continues to be paid by those high value/ high turnover businesses (representing eight per cent of the total number of properties). The majority of smaller property owners/ retailers (79 per cent of the total number of properties) will pay between \$160 and \$990 per annum.
 - The funds collected through the special rate scheme are levied by Council and then fully distributed to the DCTA for its expenditure in line with its business plan. Council does not retain any of the special rate funds.

Consideration of submissions

23. The Act provides the legislative framework governing the imposition of a special rate, the way notification must be given, who can make submissions, and how those submissions should be considered.
24. Only one person/party can object from each rateable property liable to pay the special rate; i.e. there can be no 'double voting' by the owner and the tenant. In total, there are 136 properties liable to pay the special rate, and thus the maximum number of possible objections is 136, made by either the owner or the tenant (but not both).
25. Council received 72 written submissions objecting to the renewal of the special rate. Ten of these objectors are confirmed property owners/ landlords, while the remaining 62 submissions have not provided any documentation to demonstrate they are liable to pay the special rate. This represents a significant caveat on these figures, which proves critical in terms of the statutory ability to declare a special rate.
26. If at this stage it is assumed that each of the 62 submissions are liable to pay the special rate, then the total sum of objections to the special rate is 72 out of 136, or 52.9 per cent of the total, a majority of rateable properties.
27. This is significant due to section 163B, sub-section (6), which states that:
 - A Council cannot make a declaration if the Council receives objections from persons who will be required to pay the special rate or special charge in respect of a majority of the rateable properties in respect of which the special rate or special charge would be imposed.
28. Accordingly, Council is unable to proceed with the special rate renewal at this stage.

4. Officers' reports**FN.026/17 Special Rate Renewal for Diamond Creek - consideration of submissions**

Future of the Special Rate for Diamond Creek

29. Despite the benefits of the special rate for local traders, the number of objecting submissions received indicates a significant concern (to differing degrees) with amount to be raised, its calculation and the marketing and promotions program.
30. Given the benefits of special rate in enabling and supporting economic growth within Diamond Creek, it is recommended that Council pursue a number of actions to determine whether a compromise to the Special Rate scheme can be negotiated between submitters and the DCTA. This would require the following:
- Council defers consideration of whether to declare the special rate for a period of at least one month.
 - Council writes to each objector to determine whether they are liable to pay the special rate, as required under the Act. The objectors would need to support their objections with evidence, such as a lease agreement.
 - Council facilitates discussions between the DCTA and submitters. Discussions could explore opportunities for compromise in the manner in which the Special Rate scheme is structured, and/ or the range of activities undertaken by the DCTA.
 - The DCTA Committee of Management may elect to review their Business Plan, including the budget required to deliver the plan in response to these discussions, and may lead to an alternative structure for the Special Rate.
 - Depending on the extent of changes resulting from negotiations, Council would need to determine whether it would be required to commence a new Special Rate process, including another round of notification.
31. A consequence of the above is that the funding for the DCTA will be limited between the expiry of the current special rate scheme on 30 June 2017, and the commencement of a new rate. To resolve this, Council should discuss financial modelling with the DCTA and explore opportunities to minimise expenditure over the intervening period. Council could consider providing some assistance, but this would require a new allocation of resources, as it is not within the exhibited 2017-2018 Council budget.
32. An alternative to the above would be for Council to abandon or decline to support the declaration of the special rate. Presumably the DCTA would continue to exist, but as a peak body for Diamond Creek traders on a volunteer basis, without the range of business support and marketing activities. But this course of action would be contrary to the wishes of the DCTA and significantly impact on the marketing and promotional activities in support of the local businesses in Diamond Creek.

Conclusion

33. The Diamond Creek Traders Association relies on appropriate funds to engage in cooperative marketing and promotion for Diamond Creek and to raise the profile of the precinct and encourage residents to shop locally. The special rate scheme enables the DCTA to contribute positively and in partnership with Council to the future promotion and development of Diamond Creek.

4. Officers' reports

FN.026/17 Special Rate Renewal for Diamond Creek - consideration of submissions

34. This report recommends that the Future Nillumbik Committee receive and note the contents of all submissions and objections received in response to the formal process as outlined in this report; but rather than referring the matter to an Ordinary Meeting of Council for a final decision, it is recommended that Council defer consideration for a period of at least one month to enable Council to engage with the DCTA and submitters. Discussions should explore opportunities for compromise in the manner in which the special rate scheme is structured, and/or the range of activities undertaken by the Diamond Creek Traders Association.

4. Officers' reports

FN.027/17 Proposed Amended Road Management Plan

Distribution: Public

Manager: Lisa Pittle, Acting Director Sustainability and Place

Author: Joseph Emmanuel, Coordinator Road and Drain Maintenance

Portfolio: Infrastructure

Summary

The purpose of this report is to consider submissions received on the proposed Road Management Plan (RMP) as part of the public consultation process.

The main purpose of the RMP is to establish a management system for Council to inspect, maintain and repair its public roads and footpaths.

In accordance with section 301(3) of the Road Management (General) Regulations 2005, Council is required to have prepared and approve a review of its RMP within the period of six months after each general election or by the next 30 June, whichever is the later.

This is a 'two-step' process with Council required to firstly advertise its intention to review the existing RMP and, following consideration of submissions, subsequently advertise its draft RMP for further public comment.

This report forms part of step two of the consultation process where Council considers the submissions received in response to its proposed amended RMP.

Council received thirteen submissions in response to advertising its proposed amended RMP.

The submissions are presented in this report with advice to Council regarding the effect of submissions on the draft RMP. Submitters also have the opportunity to be heard with respect to their submission.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Notes the submissions received following the advertising of Council's intention to review its Road Management Plan.**
- 2. Amends the Road Management Plan as indicated in the response to the submissions shown in Attachment 1.**
- 3. Receives a further report to consider the amended Road Management Plan at its June 2017 Ordinary Council Meeting.**
- 4. Thanks all submitters and advises them of the further steps to conclude the review of the Road Management Plan.**

Attachments

- 1. Road Management Plan submissions and officer responses**

4. Officers' reports**FN.027/17 Proposed Amended Road Management Plan**

Background

1. The main purpose of the Road Management Plan (RMP) is to document a level of service of how often Council inspects its roads and footpaths for defects, what Council defines as a defect and within what timeframe will Council rectify that defect.
2. There are approximately 760 kilometres of road and 310 kilometres of footpath which are maintained in accordance with the RMP.
3. The RMP takes a risk and resource based approach to how it defines the level of service. Factors other than risk and cost which contribute to defining the levels of service include; industry and engineering standards; legislation; benchmarking with other councils and the community's input as part of the consultation process.
4. The RMP is central to a policy defence for Public Liability claims relating to its road and footpath network.
5. In accordance with section 301(3) of the Road Management (General) Regulations 2005, Council is required to have prepared and approve a review of its RMP within the period of six months after each general election or by the next 30 June, whichever is the later.

Policy context

6. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide a safe and accessible network of local roads, footpaths and trails.
7. The Road Management Plan is one of the controls in place to assist in managing Council's Strategic Risk relating to maintaining infrastructure in a safe condition.
8. The review of the RMP satisfies the requirements of section 301(3) of the Road Management (General) Regulations 2005.

Budget implications

9. There are no budgetary implications associated with conducting the review of Council's RMP, which is included in operational expenditure. The maintenance and management of the road network and related assets which are the subject of the RMP has an annual budget of approximately \$4.6 million.

Consultation/communication

10. To commence the formal review process and in accordance with section 54(5) of the *Road Management Act 2004* a notice was placed in *The Age and Diamond Valley Leader* on 16 November 2016 advising of Council's intention to conduct a review of the RMP. The closing date for submissions was 5 January 2017.
11. Council also held an information session on 23 November 2016, where two residents and Councillor Brooker were in attendance.
12. Council received a report at its Future Nillumbik Committee meeting on 14 February 2017 and considered seven submissions received during the consultation period.
13. A further report was considered at Council's Ordinary Committee meeting on 4 April 2017, where Council adopted the draft RMP for the purpose of community consultation.

4. Officers' reports**FN.027/17 Proposed Amended Road Management Plan**

14. The *Road Management Act 2004* requires that Council give notice of its intention to amend the Road Management Plan. A public notice was published in the *Diamond Valley Leader* on 26 April 2017 and 24 May 2017 and *Victoria Government Gazette* on 17 April 2017 and 24 May 2017. The closing period for submissions was 29 May 2017. Thirteen submissions were received.
15. Councillors were briefed on the submissions on 6 June 2017.

Issues/options

16. Many of the submissions were detailed in nature, making reference to various items covering the followings topics; narrative of the RMP; the reasoning behind the proposed changes to levels of service and the impact the proposed changes will have on road safety.
17. Other submissions were specific to particular concerns of residents. These requests were forwarded to the relevant departments for consideration and response and where necessary service requests raised to undertake works.
18. A detailed summary of the submissions and officer's response is contained within Attachment 1.

Narrative of the RMP

19. The following revisions are proposed and are to be incorporated into the draft RMP:
 - a) The Road Management Plan is reviewed to improve its content, style and expression.
 - b) Removal of duplications and sections not relevant to the RMP.
 - c) Definitions for Hazard, Highway, Road, Roadside and Road Reserve.
 - d) Clarification that Arterial Roads are a VicRoads responsibility.

Changes to levels of service

20. There were submissions questioning the approach taken in reviewing levels of service.
21. The levels of service proposed in the RMP are considered reasonable as follows:
 - a) Alignment of on ground performance and resource allocation with the advertised levels of service. This will produce no net change in the observed levels of service. The exception to this is the proposal to change the inspection frequency of sealed collector roads from 6 monthly intervals to 12 monthly intervals. The basis for changing the inspection frequency is the reduction in the rate of defects observed for this road category.
 - b) The number of public liability claims has remained low and the value of the claims very low for the last four financial years. This is a reflection that the on ground performance is effective.
 - c) The advertised levels of service fall within the benchmarked range of comparable municipalities. In some cases the proposed levels of service are closer to the higher end of the benchmarked standard.
22. For these reasons no further changes to the levels of service are proposed.

4. Officers' reports

FN.027/17 Proposed Amended Road Management Plan

Impact on road safety

23. There were three submissions which detailed concerns with respect to cyclist as road users and the impact the changes will have on their road safety.
24. The RMP considers all users of roads and footpath and applies a reasonable standard for maintenance. The risk assessment applied relates to any road user whether a motorist or cyclist.
25. The example of a cyclist hitting a pothole was used to express the increased perceived risk in comparison to motor vehicles.
26. An enquiry into bicycle/pothole specific incidents on Nillumbik's road network has revealed that there have been no claims in the last 4 years.
27. Given that the risk assessment relates to all road users and Council has had no bicycle specific incidents relating to potholes the proposed levels of service are considered reasonable.

Conclusion

28. It is recommended that the RMP is amended as per the officer's recommendations within this report
29. It is recommended that Council notes the submissions and officer response as shown within Attachment 1 and thanks all submitters and advises them of the next stages of the RMP review.
30. Council will receive a report on 27 June 2017 at the Ordinary Council Meeting which will present the proposed amended Road Management Plan 2017 version for adoption.

4. Officers' reports

FN.028/17 Nillumbik Lifetime Play Strategy

Distribution: Public
Manager: Naomi Paton, Acting Director Business and Strategy
Author: Nichole Johnson, Coordinator Strategy Projects - Community and Leisure
Nadine Wooldridge, Coordinator Community Leisure
Portfolio: Community Services

Summary

The Nillumbik Lifetime Play Strategy will inform Council's provision of play spaces across the Shire as well as facilitate informal opportunities to incorporate play into daily life.

Implementing the Strategy will improve the quality and diversity of play experiences benefiting all residents, further supporting our Living in the Landscape as we pursue the vision of being Australia's Most Liveable Shire.

The Strategy will provide a benchmark tool in which to assess existing play spaces against our aspirations, and identify future play opportunities and their distribution across the Shire. This assessment will inform the preparation of a prioritised 10-year implementation plan.

Preparation of the Lifetime Play Strategy has been informed by extensive community engagement. The draft Nillumbik Lifetime Play Strategy underwent final community consultation over the period 17 May 2017 to 12 June 2017.

This report details the feedback on the draft Nillumbik Lifetime Play Strategy received up until Tuesday 6 June 2017. Submissions received after this time have been summarised and circulated separately to Councillors in advance of the meeting. All submitters have been invited to present their feedback.

A report recommending the Nillumbik Lifetime Play Strategy be adopted is scheduled for 27 June 2017.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Acknowledges the submissions and presentations to Council on the draft Nillumbik Lifetime Play Strategy.**
- 2. Considers proposed changes to the draft Strategy in response to community feedback.**
- 3. Receives a further report at the 27 June 2017 Ordinary Meeting of Council to consider adopting the final Strategy.**

Attachments

- 1. Draft Lifetime Play Strategy Feedback June 2017**

4. Officers' reports

FN.028/17 Nillumbik Lifetime Play Strategy

Background

1. Council manages 68 playgrounds on Council-owned or managed land. The majority contain manufactured play equipment with provision predominantly catering for children aged up to eight years. Council also manages skate parks, half-size sports courts, one hit up wall, an outdoor exercise area with gym equipment, a BMX track, and many parks and reserves (including active, passive and nature reserves and dog off leash parks) that provide a range of informal active and recreational nature based play.
2. The current funding model is largely resulting in the replacement of like-for-like standard play infrastructure. This model meets Council's renewal and compliance obligations, but has limited opportunity to deliver quality and diverse play experiences across all ages.
3. The need for a Play Strategy was identified in the Nillumbik Recreation Strategy 2011-2019. Establishing the framework will help to facilitate objectives including community health and wellbeing, social inclusion, community connectedness, activated spaces, quality public realm, a thriving tourism sector and strengthened economic activity.
4. Integrating play experiences across the Nillumbik landscape will help to activate our places, contribute to wellbeing, engage people, connect communities and support participation across all ages; objectives in the draft Council Plan 2017-2021.
5. On 16 May 2017 Council resolved to release the draft Nillumbik Lifetime Play Strategy for final community consultation.

Policy context

6. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy.
7. This report includes priority actions proposed in the draft Council Plan 2017-2021.
 - Develop and implement an integrated strategy for managing open space and parkland.
 - Implement the Lifetime Play Strategy in natural and man-made spaces across the Shire.

Budget implications

8. The overall project budget is \$30,000, and Council secured a State Government contribution of \$15,000 through the Community Sports Infrastructure Fund. Council's \$15,000 contribution is funded in the 2016-2017 Council budget.

Consultation/communication

9. The draft Nillumbik Lifetime Play Strategy has been informed by significant community input and feedback which commenced more than 12 months ago.
10. The draft Strategy was released for consultation for a four week period closing 12 June 2017.

4. Officers' reports

FN.028/17 Nillumbik Lifetime Play Strategy

11. Council actively promoted consultation on the draft Nillumbik Lifetime Play Strategy via:
- Social media and Council's website - Have Your Say page
 - Networks across early years, positive ageing, youth, schools, economic development, tourism, community development and arts and culture.
 - Community groups and organisations including Council's advisory committees, Rotary and Lions clubs, men's sheds, Nillumbik U3A, friends of groups and playgroups.
 - Council consulted with those residents who helped shape the draft Strategy, as well as adjacent local government areas, State Government via the Department of Environment, Land, Water and Planning and Department of Health and Human Services, and peak body Play Australia.

Issues/options

12. Six written submissions were received (Attachment 1) up to 6 June 2017 and can be summarised as:
- Four submissions were supportive of the draft Lifetime Play Strategy.
 - Two submitters did not indicate support or opposition but provided comments for consideration.
13. Two submissions related to design which will be considered in future playground upgrades.
14. One comment received related to a specific request for a gravelled area to provide for petanque/boules/bocce. Council will review this request in developing the Lifetime Play Strategy Implementation Plan later this year.
15. Two comments related to the Nillumbik Trails Strategy and the Open Space and Precinct Plan, Graysharps Road, Hurstbridge project.
16. One submitter provided multiple suggestions and comments. Changes will be made to the Strategy as below.
- Acknowledge mental health benefit of play. Change to text on page 16 to: 'As an ageing society that is becoming more sedentary, opportunities that improve both our mental and physical health and gets us active is so critical'.
 - Add text on page 27, Next Steps: 'Identify where playful opportunities may be delivered in the future through other delivery of strategic documents e.g. The Nillumbik Trail Strategy'.
17. A summary of further submissions received after 6 June 2017 will be provided to Councillors and be published on Council's website, prior to the Future Nillumbik Committee meeting on the 13 June 2017. The summary of submissions will also be made available to the public at the Future Nillumbik Committee meeting.

4. Officers' reports

FN.028/17 Nillumbik Lifetime Play Strategy

Conclusion

18. The Lifetime Play Strategy provides a framework for the long term re-imagining of play in Nillumbik.
19. This report summarises the responses to submissions received on the draft Nillumbik Lifetime Play Strategy.
20. The submissions received demonstrate support for the draft Nillumbik Lifetime Play Strategy.
21. It is recommended that Council accepts the following proposed changes to the draft Nillumbik Lifetime Play Strategy as detailed in Attachment 1.
22. A further report will be presented at the 27 June 2017 Ordinary Meeting of Council for Council to consider adopting the Nillumbik Lifetime Play Strategy.

4. Officers' reports**FN.029/17 Review of built form provisions of the Eltham and Diamond Creek Activity Centres**

Distribution: Public
Manager: Jeremy Livingston, Acting Director Services and Planning
Author: Renae Ahern, Acting Manager Planning and Health Services
Alison Fowler, Senior Strategic Planner
Portfolio: Planning

Summary

Council is in receipt of the VCAT decision for 26, 28 and 30 Pryor Street and 27 and 29 Arthur Street, Eltham (construct buildings and carry out works for 100 dwellings; remove trees and reduction of car parking). In Nillumbik terms, this is a substantial development project within the Shire. The approved development will be a prominent one within the Eltham Activity Centre. The application for this apartment development was refused by Council and has been approved by VCAT.

A total of 176 written objections were received to the original planning application concerning this development project. Since the handing down of this VCAT decision, both officers and some Councillors have received a notable adverse reaction to this planning outcome, including from the Eltham Community Action Group (ECAG) and a local architect. Accordingly, it would be prudent for Council to undertake a review of the built form provisions and guidelines in the Nillumbik Planning Scheme concerning the Eltham Activity Centre. In committing to this review, it would also be appropriate to undertake a similar review to the Diamond Creek Activity Centre.

Recommendation

That the Committee (acting under delegation from Council):

- a) **Requests officers to commence an immediate review of the Eltham Town Centre Design Guidelines and Diamond Creek Town Centre Design Guidelines.**
- b) **Endorses the establishment of a reference group that includes an independent urban design consultant and key stakeholders to provide input into the review.**
- c) **Invites the Office of the Victorian Government Architect (OVGA) to provide input into the review.**

Attachments

Nil

Background

1. Council is in receipt of the VCAT decision for 26, 28 and 30 Pryor Street and 27 and 29 Arthur Street, Eltham (construct buildings and carry out works for 100 dwellings; remove trees and reduction of car parking). In Nillumbik terms, this is a substantial development project within the Shire. The application for this apartment development was refused by Council and has been approved by VCAT.

4. Officers' reports**FN.029/17 Review of built form provisions of the Eltham and Diamond Creek Activity Centres**

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2. A total of 176 written objections were received to the original planning application concerning this development project. Since the handing down of this VCAT decision, both officers and some Councillors have received a notable adverse reaction to this planning outcome, including from the Eltham Community Action Group (ECAG) and a local architect.

Policy context

1. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will promote appropriate development in the right locations to increase the diversity of housing options for Nillumbik residents.
2. Priority action 4.3.1 of the draft Council Plan 2017-2018 identifies: 'review and update the Eltham and Diamond Creek activity centre structure plans'. Given the significance of this particular VCAT decision, it would be prudent for Council to immediately commence work on reviewing the built form provisions in the Eltham Activity Centre. It would also be sensible to undertake the same work for the Diamond Creek Activity Centre.

Budget implications

3. To undertake an immediate review of the built form provisions and guidelines for these activity centres, it will cost in the vicinity of \$12,000 per activity centre (\$24,000 in total). This work is within the 2017-2018 new initiative budget items concerning a review of the Eltham and Diamond Creek activity centres respectively.
4. Any planning scheme amendment to implement the outcomes of the urban design and built form review will be funded in Council's operating budget.

Issues/options

3. The above-mentioned application sought approval to develop two, four storey apartment buildings to accommodate 105 apartments across five property titles within the Eltham Activity Centre. The site is zoned Activity Zone (Schedule 1) and is affected by the Significant Landscape Overlay (Schedule 1). Council's then Planning Committee issued a refusal on grounds in relation to the impact on neighbourhood character, compliance with the guidance provided by ResCode, the lack of landscaping opportunities, the provision of internal and external amenity and the proposal to reduce the provision of car parking.
4. The Tribunal commenced its decision by stating "we consider the extent to which some submitters relied on the detailed content of the Eltham Activity Centre Design Guidelines and the Eltham Major Activity Centre Structure Plan to be an incorrect approach to the assessment of this proposal. Both of these are reference documents to the Nillumbik Planning Scheme. As such, they have a role of providing the background information that informs people of the evolution of the controls that resulted in the Eltham Town Centre Policy at Clause 22.07 of the Nillumbik Planning Scheme and Schedule 1 to the Activity Centre Zone, as well as other guidance...we give little weight to the detailed guidance contained in both the Eltham Activity Centre Design Guidelines and the Eltham Major Activity Centre Structure Plan, where these have not been repeated in the Nillumbik Planning Scheme".

4. Officers' reports**FN.029/17 Review of built form provisions of the Eltham and Diamond Creek Activity Centres**

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5. The Tribunal added 'while we are interested in the 'spirit' of Eltham, and the type of development outcomes sought by this community group, ultimately we need to be guided by the character and built form outcomes sought and described by the Nillumbik Planning Scheme".
6. With respect to built form outcomes, the Tribunal found that the Activity Centre Zone provides an appropriate level of guidance as to a desirable level of scale and mass to be achieved on the review site: 'in many respects, the Activity Centre Zone is a detailed account of the parameters of an expected built form on the review site. It intends for:
- Buildings across the review site to increase in height from three to four storeys as one draws closer to the core of the activity centre
 - Upper floors to be recessive in nature, such as included in roof space
 - Much reduced setbacks from the streets, with a setback of 5.5 metres adopted, to be measured from the roadside kerb, so as to include within the setback the width of the footpath and any nature strip within the road reserve
 - Buildings within Precinct 2B to take on a two storey podium form, with the third storey set a further three metres from the frontage'.

We broadly find the proposed buildings to be a positive architectural response to these guidelines, and present an appropriate built form to this intended robust precinct within the higher order activity centre'.

5. The Tribunal further noted: 'all of the residential properties which abut the review site are also located within the Activity Centre Zone and within the boundaries of the higher order activity centre. As such, they will be subject to future development which complies with the relevant policy objectives, and the height limit under the zone of 10.5 metres. In this future development context, the scale presented by the proposed development to the surrounding properties becomes even more reasonable. Further, having regard to the setbacks provided within the review site to the proposed built forms, we are satisfied that the proposed development provides for the equitable development opportunities of the surrounding properties'.
6. In response to a design intent within the zone controls to contain the top floors of each building within a legible roof form, the proposed development adopted a mansard like roof structure (a style not evident within Eltham) to the elevations that face Pryor Street and Circulatory Road. However, the Arthur Street elevation and some other elevations internal to the development did not fully meet this design intent. A question of law arose during the course of the hearing in relation to the Activity Centre Zone, and whether an intended mandatory requirement that the top floor in Precinct 2A be contained in a roof space, had the effect of a mandatory requirement. The question of law was referred to a legal member and it was determined that it is not a mandatory requirement. Accordingly, the Tribunal ruled that the proposed variation in roofline treatment was acceptable, and '...the upper level as a whole reflects the intended roofing elements'.

4. Officers' reports

FN.029/17 Review of built form provisions of the Eltham and Diamond Creek Activity Centres

7. In undertaking a review of the built form provisions and guidelines, it is suggested that a reference group be established to provide input into the review. The reference group could include an independent design consultant, members of the Eltham Community action Group and other key stakeholders. Council could also invite the Office of the Victorian Government Architect (OVGA) to provide input into the review.
8. This would enable both community and professional architectural and urban design input into the review.
9. Once the review is completed, a planning scheme amendment could be undertaken to give effect to any changes identified by the review.

Conclusion

10. Following the receipt of the VCAT decision for 26, 28 and 30 Pryor Street and 27 and 29 Arthur Street, Eltham, and the subsequent adverse reaction from some member of the community, it is considered appropriate to undertake an immediate review of the built form provisions and guidelines in the Nillumbik Planning Scheme concerning the Eltham Activity Centre. In committing to such a review, it would also be appropriate to undertake a similar and parallel review to the Diamond Creek Activity Centre.

4. Officers' reports**FN.030/17 Draft Sub-Regional Indoor Sports Needs Analysis**

Distribution: Public
Manager: Naomi Paton, Acting Director Business and Strategy
Author: Howard Scott, Contractor Leisure and Social Infrastructure
Portfolio: Social Infrastructure

Summary

The Sub-Regional Indoor Sports Needs Analysis project seeks to identify the current and future provision of indoor sports courts across the Shire of Nillumbik and the Cities of Banyule and Darebin.

While 13-courts are provided in Nillumbik, there is an undersupply of venues across the sub-region and a number of sports report waiting lists. Many facilities don't comply with contemporary facility standards.

The draft report recommends a hierarchy of future provision and priority works.

Proposed recommendations relating to Nillumbik include an expansion of the Diamond Valley Sports and Fitness Centre from six to 10 courts, a one court extension to Hurstbridge Stadium and assessment of the demand for the single court stadium at Diamond Creek Community Centre.

Further community consultation is proposed to inform the final study.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Releases the draft Sub Regional Indoor Sports Needs Analysis for final community consultation.**
- 2. Requests officers to continue discussions with Diamond Valley Basketball Association and Eltham Wildcats Basketball Club on the future facility provision options to meet basketball's needs, including the proposal to locate the Basketball Victoria Centre of Excellence in the Shire.**
- 3. Continues to advocate to State and Federal Government for funding towards the Diamond Valley Sports and Fitness Centre redevelopment.**

Attachments

1. Sub Regional Indoor Sports Needs Analysis - Draft Report

Background

1. Preparing the Sub-Regional Indoor Sports Needs Analysis (Needs Analysis) is a joint initiative led by Banyule City Council in partnership with Nillumbik Shire Council, Darebin City Council, Netball Victoria (NV) and Basketball Victoria (BV).

4. Officers' reports

FN.030/17 Draft Sub-Regional Indoor Sports Needs Analysis

2. The Needs Analysis assesses the current provision of and future demands for indoor sports courts across the sub region covering the councils' combined geographical area, and investigates the following three issues:
 - a) The impact of the current low number of indoor sport facilities across the study area.
 - b) The high occupancy rate at facilities and their inability to cope with the demand and the expected participation growth.
 - c) Non-compliance of many existing facilities with regard to facility standards (i.e. size of courts and runoff).
3. This draft report presents proposed strategic directions for future development of indoor sports facilities within the sub-region as the basis for final community engagement.

Policy context

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

Budget implications

5. The cost of preparing the study is \$29,000 consisting of contributions from Banyule City Council (\$10,000), Nillumbik Shire Council (\$10,000), Darebin City Council (\$5,000), BV (\$2,500) and NV (\$1,500). Nillumbik's contribution was funded in Council's 2016-2017 operating budget.

Consultation/communication

6. Interviews were conducted with key user group representatives to understand their current participation levels and future requirements.
7. Discussions were also held with those state sporting associations using or benefitting from the facilities within the sub-region.
8. Schools were surveyed with 67 per cent providing feedback.
9. Consultation on the draft Sub-Regional Indoor Sports Needs Analysis study will include:
 - a) Consultation with all sporting groups providing for indoor sports
 - b) Workshop with all indoor and outdoor netball providers
 - c) Discussions with DVBA, EWBC and BV on the proposed North East Centre of Excellence for basketball.
10. Further discussions with EWBC on its need for additional courts in Eltham and surrounds will also take place.

Issues/options

11. Preparation of the draft Needs Analysis is the result of a collaborative partnership involving representatives from the three councils, BV and NV, with input from stadium tenants, schools and peak sporting bodies.

4. Officers' reports

FN.030/17 Draft Sub-Regional Indoor Sports Needs Analysis

12. There are nearly 21,000 people participating in indoor sports or gymnastics across the region representing 6 per cent of the 325,000 population. The three sports with the highest participation rates are:
 - a) Basketball with 11,530 participants or 55 per cent of total indoor sports participation. The sport is over-subscribed with some reporting waiting lists. Nillumbik is home to two of the state's ten largest associations, with the majority of members residents of the Shire.
 - b) Netball with 4,270 participants (20 per cent of total participation), with training and competition held across both indoor and outdoor venues. Netball participation is dictated by facility availability and the sport's fragmented delivery models.
 - c) Gymnastics with 4,225 participants (20 per cent of total participation) which is increasing rapidly, particularly by females.
13. Participation in other sports shows 500 people playing volleyball, 200 playing badminton and 140 playing table tennis.
14. The sub-region has a total of 37 indoor facilities providing 57 courts on Council and education land. Of the 31 courts on education land, 22 are available for community use as denoted by the () in the below table.

Location	Courts		
	Council	Education	Total
Nillumbik	13	5 (5)	18 (18)
Banyule	6	18 (15)	24 (21)
Darebin	7	8 (2)	15 (9)
<i>Courts</i>	26	31 (22)	57 (48)
<i>Venues</i>	12	25 (16)	37 (28)

15. With the exception of Community Bank Stadium, Diamond Creek and Eltham Leisure Centre, Eltham, no other Council-owned indoor facility meets the minimum required run-offs for either netball or basketball.
16. The ongoing access to school facilities is generally reliant on school principals supporting community use. In Nillumbik, Joint Use Agreements are in place for community use of Community Bank Stadium and Eltham High School.
17. Single court venues are generally suitable for training only or for lower participation sports. Larger clubs or associations accessing multiple facilities have higher operating costs associated with competition and venue management. These costs are ultimately borne by the end user.
18. The preferred minimum venue size for community use for training and competition consists of three courts to optimise participation and mitigate operational inefficiencies. Only six facilities across the sub-region have three or more courts. These are Nets Stadium, Macleod (four courts), Parade College, Bundoora (three), Darebin Community Sport Centre, Reservoir(four), Diamond Valley Sports and

4. Officers' reports**FN.030/17 Draft Sub-Regional Indoor Sports Needs Analysis**

Fitness Centre, Greensborough (six), Community Bank Stadium, Diamond Creek (three) and Eltham High School (three).

19. A facility hierarchy is proposed across the sub-region to assist councils make investment decisions in delivering facilities that respond to community needs. The hierarchy consists of:
 - a) Regional/Sub-Regional - three facilities are recommended:
 - i. Diamond Valley Sports and Fitness Centre - expand from six to 10 court venue. Officers will explore with BV the potential for this facility to accommodate BV's north east centre of excellence.
 - ii. La Trobe University Indoor Stadium – initially four/ultimately eight court facility
 - iii. Nets Banyule – expand from four to six-court stadium
 - b) Municipal – e.g. Community Bank Stadium, Eltham High School
 - c) Local – e.g. Hurstbridge Stadium, schools, Diamond Creek Community Centre, Eltham Leisure Centre, primary school sites.
20. The report includes recommended strategic actions. Proposed Nillumbik actions are:
 - a) Progress the Diamond Valley Sports and Fitness Centre Masterplan to:
 - i. Upgrade the existing courts to ensure they are compliant
 - ii. Develop four additional courts, including a show court with seating capacity of up to 1,500 spectators
 - iii. Upgrade change rooms and multi-purpose meeting rooms, and provide additional car parking
 - iv. Establish a funding strategy for the redevelopment of the facility
 - v. Establish an advocacy plan in collaboration with key users including NV and BV
 - b) Assess the demand for the single-court stadium at Diamond Creek Community Centre
 - c) Develop a concept plan for the one court extension of Hurstbridge Stadium.
 - d) Work with Netball Victoria and Diamond Creek Force Netball Association to consolidate netball's access to Community Bank Stadium

Conclusion

21. The Draft Sub-Regional Indoor Sports Needs Analysis review indicates that the main facilities that are used for competitive sport are either at capacity or have limited capacity during peak times to service current or future demands.
22. There is a high reliance on school facilities to support both the training and competition needs of indoor sporting clubs.
23. The final report will present a coordinated and prioritised approach to the future planning, advocacy, investment and delivery of facilities across the sub-region. The report will be a key strategic document to support councils' funding applications.

4. Officers' reports**FN.031/17 Draft Council Plan 2017-2021 - consideration of submissions**

Distribution: Public**Manager: Mark Stoermer, Chief Executive Officer****Author: Allison Watt, Manager Governance****Portfolio: Finance and Governance****Summary**

The Draft Council Plan 2017-2021 was released for the purposes of public consultation at the Ordinary Council Meeting on Tuesday 2 May.

Statutory public notices were published in *The Age* and the *Diamond Valley Leader* newspapers, advising that the Council Plan was available at the Civic Centre and on Council's website, and inviting written submissions.

In addition to the statutory notices, a brochure outlining the content of the Council Plan was posted to all residents. This included some information on the draft 2017-2018 Budget. The brochure also invited residents to make written submissions on the draft Council Plan or the draft Budget.

Two formal consultation sessions were held to provide the opportunity for the public to hear a presentation, ask questions and provide feedback on the draft Council Plan and Budget. These sessions were held at Edendale Community Environment Farm (Wednesday 17 May) and at Community Bank Stadium, Diamond Creek (Monday 22 May). Each session was attended by about 20-30 people.

More informal drop-in information sessions were held at the Town and Country Connect event in Hurstbridge (Saturday 20 May), and at the healthAbility expo in Eltham (Sunday 21 May). Both the draft Council Plan and Budget were also promoted through Council's website, social media and media releases.

At the close of the consultation period, 163 submissions were received on the draft Council Plan.

Recommendation**That the Committee (acting under delegation from Council):**

- 1. Receives and notes the many public submissions received on the Draft Council Plan 2017-2021 and the issues raised in them.**
- 2. Thanks the submitters for providing Council with feedback on this important document.**
- 3. Presents a report of its proceedings, including a summary of hearings, to the Ordinary Council meeting on 27 June 2017 in accordance with section 223(1)(c) of the Act, with the following recommendation:**
 - a) That Council notes that many submissions were received on the draft Council Plan 2017-2021 and the submissions were considered and submitters provided with the opportunity to be heard by the Future Nillumbik Committee on 13 June 2017.**

4. Officers' reports

FN.031/17 Draft Council Plan 2017-2021 - consideration of submissions

b) That Council considers the matters contained in the submissions and the Committee's report during finalisation of the Draft Council Plan 2017-2021.

4. Notes a further, separate report will be presented to the Ordinary Council Meeting on 27 June 2017 to adopt the Council Plan.

Attachments

1. Draft Council Plan 2017-2021 - summary of submissions

Background

1. The Draft Council Plan 2017-2021 was released for the purposes of public consultation at the Ordinary Council Meeting on Tuesday 2 May.
2. Statutory public notices were published in *The Age* and the *Diamond Valley Leader* newspapers, advising that the Council Plan was available at the Civic Centre and on Council's website, and inviting written submissions.
3. In addition to the statutory notices, a brochure outlining the content of the Council Plan was posted to all residents. This included some information on the draft 2017-2018 Budget. The brochure also invited residents to make written submissions on the draft Council Plan or the draft Budget.
4. Two formal consultation sessions were held to provide the opportunity for the public to hear a presentation, ask questions and provide feedback on the draft Council Plan and Budget. These sessions were held at Edendale Community Environment Farm (Wednesday 17 May) and at Community Bank Stadium, Diamond Creek (Monday 22 May). Each session was attended by about 20-30 people.
5. More informal drop-in information sessions were held at the Town and Country Connect event in Hurstbridge (Saturday 20 May), and at the healthAbility expo in Eltham (Sunday 21 May).
6. Both the draft Council Plan and Budget were also promoted through Council's website, social media and media releases.

Policy context

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

Budget implications

8. The cost of preparing and printing the Council Plan and Budget and conducting the statutory public consultation process is met from the operating budget.
9. The expected cost of the brochure mail-out to all residents was \$14,500.

4. Officers' reports**FN.031/17 Draft Council Plan 2017-2021 - consideration of submissions**

Consultation/communication

10. The draft Council Plan and draft Budget were the subject of an extensive communication and consultation program which included statutory advertising, a mail out to all residents, four information sessions across the shire, social media posts and an online feedback form on Council's website. Residents were also invited to contact the Mayor and Councillors directly with their feedback and many chose this option.

Issues/options

11. Submissions to the draft Council Plan closed at 5pm on Friday 2 June and a total of 163 submissions were received.
12. A summary of the submissions is provided in Attachment 1. Councillors have also been provided with a full copy of all submissions.
13. The vast majority of submissions were made via the online form on Council's website, with some also emailed directly to Councillors and the administration.
14. Many of the submissions raise the same or similar issues, based on templates which have been developed and circulated and which submitters could personalise.
15. Issues raised/comments made include:
 - The Council Plan appears to be a generic plan that could apply to any Local Government Area – it has not captured what is unique about Nillumbik
 - Objections to any further extension of the Diamond Valley Railway
 - Concern about reviewing impacts of Green Wedge Management Plan – the GWMP and the biodiversity plan ensure the health of the natural environment is nurtured. This is omitted in the plan.
 - No mention of the Green Wedge, natural environment, and Council's role as custodians of the Green Wedge
 - Concerns about boundary reviews – is it Shire boundaries, township boundaries, ward boundaries, urban growth boundaries?
 - The plan is a significant improvement over anything Council has produced before
 - Rates should be cut by 30 per cent to be on par with other municipalities
 - Applaud efforts to complete the Diamond Creek to Hurstbridge Trail
 - Retain the UGB and SUZ2 in the Bend of Islands
 - Council should promote adherence to the CFA recommendations re: fire and control unnecessary clearing of vegetation throughout the Green Wedge
 - The budget lacks any allocation for protection and enhancement of the natural environment
 - North East Link – Council should advocate for southern route under Banyule wetlands
 - Plan shows responsible governance for landowners/ratepayers

4. Officers' reports

FN.031/17 Draft Council Plan 2017-2021 - consideration of submissions

- Support for new direction of transparency and economic development and lower rates
 - A well balanced plan with positive outcomes while remaining financially responsible
 - Living in the Landscape bespeaks an intentional movement away from the Green Wedge Shire
 - Reflects important re-balancing of priorities as mandated by community support at last election
 - Focus of strategic objectives in favour of development, downgrades values of natural environment, encourages changes that will have a negative impact on liveability
 - No mention of performing arts of plans for a dedicated performing arts space in the Shire
 - Opposition to any proposed railway station at Eltham North
 - Should be more recognition of horse riding as a recreational pursuit in the Shire
16. About 30 submitters have indicated they wish to present to Councillors at the Future Nillumbik Committee on Tuesday 13 June.

Conclusion

17. Submissions on the draft Council Plan 2017-2021 closed at 5pm on Friday 2 June and a total of 163 submissions were received, raising a number of issues for Council's consideration.
18. A number of submitters will present to the Future Nillumbik Committee on Tuesday 13 June.

- 5. **Supplementary and urgent business**
- 6. **Confidential reports**

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

Motion

That the Committee 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
FN.032/17	Hohnes Road Playhouse commercial matter	(d) contractual matters