

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 26 September 2017 commencing at 7pm.

Agenda

Mark Stoermer
Chief Executive Officer

Thursday 21 September 2017

Distribution: Public

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Domin je ka

Ordinary Meeting of Council seating plan

Cr John Dumaesq
Edendale Ward

Cr Karen Egan
Bunjil Ward

Cr Grant Brooker
Blue Lake Ward

Cr Peter Perkins
Ellis Ward

Cr Jane Ashton
Sugarloaf Ward

Cr Bruce Ranken
Swipers Gully Ward

Rachel Cooper
Director Business
and Strategy

Mark Stoermer
Chief Executive
Officer

Cr Peter Clarke
(Mayor)
Wingrove Ward

Matt Kelleher
Director Services
and Planning

Hjalmar Philipp
Director
Sustainability and
Place

Visitors in the gallery at Council meetings are:

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

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 26 September 2017 commencing at 7pm.

1. Welcome by the Mayor

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

2. Reconciliation statement

The reconciliation statement to be read by the Mayor

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

3. Prayer

A prayer will be read by Pastor Tim Stringer of the Calvary Lutheran Church, Greensborough.

4. Apologies

Motion

That the apologies be accepted.

5. Presentations

Sporting grant

Ben Stephens (Ellis Ward) receives \$150 as a contribution for his selection to represent Victoria at the Gravity Enduro National Championships in Adelaide.

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 29 August 2017.

Motion

That the minutes of the Council Meeting held on Tuesday 29 August 2017 be confirmed.

7. Disclosure of conflicts of interest

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

8. Petitions

Nil.

9. Questions from the gallery

10. Reports of Advisory Committees

AC.007/17 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 meeting held 7 August 2017
- Open Space Precinct Plan Graysharps Road, Hurstbridge, project reference group held 23 August 2017.

Motion

That Council notes the:

1. **Arts Advisory Committee meeting minutes of 7 August 2017.**
2. **Open Space Precinct Plan Graysharps Road, Hurstbridge, project reference group minutes of 23 August 2017.**

Attachments

1. Arts Advisory Committee minutes 7 August 2017
2. Open Space Precinct Plan Graysharps Road, Hurstbridge, project reference group minutes 23 August 2017

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.114/17 Bushfire Mitigation Works Program

Distribution: Public

Manager: Allison Watt, Manager Governance

Author: Justin Murray, Executive Officer Emergency Management

Summary

Council makes an annual allocation of funding towards works on Council owned and managed land to prepare for the Fire Danger Period. The annual Bushfire Mitigation Works Program (Vegetation Management) has been developed in consultation with the Municipal Fire Management Planning Committee and includes planned work on roadsides and in Council reserves. The majority of works are planned to be completed by the end of December 2017.

Recommendation

That Council endorses the 2017-2018 Bushfire Mitigation Works Program (Vegetation management) included as Attachment 1 to this report.

Attachments

1. Bushfire Mitigation Works Program(Vegetation Management) 2017-2018

Background

1. Section 43 of the Country Fire Authority Act 1958 requires municipal councils to take all reasonable steps to prevent fire starting and spreading from land under their control. To meet this requirement, Council works with the Municipal Fire Management Planning Committee to develop an annual works program. The 2017-2018 works program is informed by the 2016-2019 Municipal Fire Management Plan that was endorsed by Council at the Ordinary Meeting of Council held in July 2016.

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Meet Council's responsibilities for emergency management.

Budget implications

3. Implementation of the Bushfire Mitigation Works program is funded through the operational budgets of Emergency Management, Open Space and the Environmental Works unit.

Consultation/communication

4. The Bushfire Mitigation Works Program for 2017-2018 has been developed utilising assessments conducted by officers and based on feedback and the strategic intent provided through the Municipal Fire Management Planning Committee.
5. The endorsed program will be published on Council's website.

12. Officers' reports

OCM.114/17 Bushfire Mitigation Works Program

Issues/options

6. The Municipal Fire Management Planning Committee reviews the Municipal Fire Management Plan on an ongoing basis. This plan informs Council as to where the most effective works can be carried out to mitigate bushfire risk.
7. In describing where mitigation works should take place the plan uses the terms 'Primary' and 'Secondary' roads. These are roads that if rendered un-trafficable would result in the greatest consequence for the community.
8. Qualitative and quantitative data (if available) is used to determine which roads are primary roads. Factors considered in determining primary roads include:
 - Lack of alternative routes
 - Location of vulnerable groups e.g. aged care facilities
 - Number of roads feeding into the road
 - Number of residents likely to be isolated
 - Roads being cited in Community Information Guides
 - Access to Neighbourhood Safer Places- Places of Last Resort
 - Roads listed in CFA Local Response Plans.
9. Secondary roads are less important roads that could provide alternative access and egress if a primary road fails.
10. A range of treatments will be applied where practical to primary and secondary roads as follows:
 - Slashing
 - Box clearance
 - Hazardous tree assessment
 - Woody weed removal
11. In addition to works on primary and secondary roads, the annual Bushfire Mitigation Works Program includes treatments of other roads and areas that have been nominated by CFA brigades as being of strategic importance.
12. The priority for works on Council reserves has also been developed using a risk-based approach. This has considered possible ignition sources such as power lines, history of ignitions within the reserves, the ability for fire to spread from the reserve combined with the proximity of assets such as houses, schools and size of the reserve to give a relative rating of risk and priorities for works.
13. Additional vegetation management is still being carried out as a consequence of the 2009 fires. This involves managing new growth and deadheading of trees in the fire affected area.
14. In collaboration with the CFA and subject to favourable weather conditions, prescribed burning will take place to compliment other vegetation management works.

12. Officers' reports

OCM.114/17 Bushfire Mitigation Works Program

15. While this works program is designed to mitigate bushfire risk, research shows that as the fire danger index increases, the effectiveness of vegetation management treatments decreases. In recognition of this Council continues to work in partnership with the CFA and other agencies to engage with the community to increase awareness of bushfire risk.

Conclusion

16. The development of the 2017-2018 Bushfire Mitigation Works Program has taken a strategic and risk based approach to aligning the works planned with clear fire management objectives. This has included continued input at the local level from the CFA and the Municipal Fire Management Planning Committee. It is recommended that Council endorses the program.

12. Officers' reports

OCM.115/17 Sale of surplus Council land at 22 Luck Street, Eltham

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Natalie Campion, Property Officer

Summary

At the Ordinary Meeting of Council held on 13 September 2016, Council resolved to undertake the public consultation process required under section 189 of the *Local Government Act 1989* (the Act) in relation to the proposed sale of Council owned land at 22 Luck Street, Eltham. In accordance with section 223 of the Act, it further resolved to consider any submissions received on the matter, prior to making a final decision on the sale.

At the Policy and Services Committee meeting on 6 December 2016, the Committee considered submissions and resolved to sell the land at 22 Luck Street Eltham, with a planning permit allowing for development of the land.

While Council has previously endorsed the sale of land, this report seeks Council's endorsement to authorise the Chief Executive Officer (or his delegate) to sign Contracts of Sale and other documents relating to the sale of the land and authorise the sealing of documents that allow for the transfer of ownership from Council to the new owners once the land is sold.

Recommendation

That Council:

1. **Authorises the Chief Executive Officer or his delegate to sign the Contract of Sale and other documents relating to the sale of land at 22 Luck Street, Eltham, being the land described as Lot 20 on Plan of Subdivision 007637, Volume 07225/Folio 935 on the condition that the sale price is an amount equal to or above the valuer's written market valuation of the land.**
2. **Authorises that the transfer of land documents relating to the sale of 22 Luck Street, Eltham to be signed and sealed.**

Attachments

Nil

Background

1. After receiving and considering public submissions on the proposed sale of Council owned land located at 22 Luck Street, Eltham at the 6 December 2016 Policy and Services Committee meeting, the Committee resolved to sell the land under the following conditions:
 - Notify submitters accordingly and thank them for their submissions
 - Council officers appointing architects and other required consultants to prepare a town planning permit application for a development of 22 Luck Street, Eltham in accordance with the Activity Centre zoning and that this work be funded from the Major Projects Reserve

12. Officers' reports

OCM.115/17 Sale of surplus Council land at 22 Luck Street, Eltham

- A Section 173 Agreement requiring the purchaser to develop the site only in accordance with the planning permit issued prior to sale
 - Request that the planning permit approval and sale of land be completed with the intention of receiving payment by the end of the third quarter of 2017
 - A reference committee be appointed consisting of the Chair of Planning and Councillors representing Swipers Gully and Wingrove Wards for guidance to officers in preparation of the planning application and sale process
 - The Committee review the planning application recommendations from the reference committee prior to submitting the application for planning approval.
2. Since the 6 December 2016 Policy and Services Committee meeting, actions completed include:
- Property advisory firm engaged to provide advice on the appropriate development of the site
 - Architects engaged to draft development plans for the land and lodge a planning permit application
 - Councillors have been briefed on development design and project status
 - Officers have met with members of the reference committee on several occasions seeking advice relating to design and providing project status updates
 - Real estate agent engaged to act on Council's behalf in the marketing and sale of the land
 - Solicitors engaged to prepare the Contract of Sale, a Section 173 Agreement (as the Vendor to tie the approved design to title), a Vendor Statement and other relevant documentation.
3. Upon settlement of the sale of 22 Luck Street, Eltham ownership of the land will need to be transferred from Council to the purchasers. In order to complete this administrative process, a 'section 45' form from the *Transfer of Land Act 1958*, must be signed and sealed by Council and the purchaser.

Policy context

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Plan for the community's future needs for services and infrastructure.

Budget implications

5. At the Ordinary Meeting of Council held on 13 September 2016, it was resolved that funds raised from the sale of land would be paid into the Major Projects Reserve fund to be allocated as Council determines.
6. The Policy and Services Committee resolved on 6 December 2016 to pay for consultants required to prepare the town planning permit application for a development of 22 Luck Street, Eltham through the Major Projects Reserves fund.

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OCM.115/17 Sale of surplus Council land at 22 Luck Street, Eltham

Consultation/communication

7. Council completed public consultation as required under sections 189 and 223 of the Act. Public submissions were invited for a four week period, between 19 October 2016 and 16 November 2016.
8. Three submissions were received and were considered by the Policy and Services Committee on 6 December 2016.

Issues/Options

9. While Council resolved at the Policy and Service Committee meeting on 6 December 2016 to receive funds from the sale of land before the end of September 2017, the objective to obtain a planning permit for development of the land prior to selling has taken longer than originally expected.

Conclusion

10. The land will be placed on the market as soon as full planning approval has been received for the development of the land.
11. Council has previously endorsed the sale of the land and is now required to complete the administrative process that will allow for the signing of the Contracts of Sale and sealing of the transfer of ownership documentation.

12. Officers' reports

OCM.116/17 Community Christmas Decorations

Distribution: Public

Manager: Mark Stoermer, Chief Executive Officer

Author: Rachel Cooper, Director Business and Strategy

Summary

This report seeks Council’s endorsement to provide a temporary installation to celebrate Christmas across the Diamond Creek, Eltham and Hurstbridge townships. If well received during 2017, the program has the potential to cover other areas of the Shire.

Recommendation

That Council endorses \$150,000 for a Christmas decorations program, as a trial across Diamond Creek, Eltham and Hurstbridge townships in 2017.

Attachments

1. Images of Christmas decorations

Background

1. Christmas decorations in Civic Centre and Main Street precincts have long been a public expression of the celebration of the Christmas period. Many Councils throughout Australia support the installation of decorations as a way of increasing civic pride of place and in some instances, have grown to become a visitor attraction. For example, the Lights of Lobethal township Christmas display in the Adelaide Hills attracts over 250,000 visitors over a three week period in December.

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.
 - Identify new economic development opportunities and improve amenity for our villages in conjunction with key stakeholders including residents.

Budget implications

3. This project is currently unfunded. Initial discussions with suppliers have suggested that to cover the areas of Diamond Creek, Eltham and Hurstbridge, a budget in the vicinity of \$150,000 is required.

Consultation/communication

4. Discussions have already occurred with the Eltham Chamber of Commerce and the Diamond Valley Traders Association and they are supportive of Council adopting a Shire-wide approach to celebrating Christmas. Discussions will also occur with the Hurstbridge Trades Association in the immediate future.

12. Officers' reports

OCM.116/17 Community Christmas Decorations

Issues/options

5. Many of Nillumbik's trader associations currently manage their own activation activities to celebrate Christmas. At times, this can result in activities that seem disjointed to the community and can be onerous for volunteer committees to fund and organise.
6. To date, Council has received proposals from the Eltham Chamber of Commerce and the Diamond Creek Traders Association to assist in funding their Christmas activities and decorations, which would cover the activity centres of Eltham and Diamond Creek. An alternative to this model is for Council to fund the installation of decorations across the Shire. This could result in a more co-ordinated approach, and if successful in the first year, provides the potential for future growth. Additionally, if funded by Council, this could provide better value for money through leveraging Council's purchasing ability rather than relying on individual associations.
7. Christmas decorations of a scale to make an impact do require investment from Council. Initial discussions with potential suppliers indicates this is in the vicinity of \$150,000. This would cover the areas of Eltham, Diamond Creek and Hurstbridge. It is envisaged the decorations would be a combination traditional decorations and lighting, examples are provided in Attachment 1.
8. Initial discussions with the Eltham Chamber of Commerce and the Diamond Creek Traders Association have identified the opportunity for each township to be uniquely themed. For example, Eltham is considering Christmas trees, while Diamond Creek is considering utilising lighting installations.
9. If successful this year and well received by the community, it is envisaged that this could be expanded to Arthurs Creek, Christmas Hills and Panton Hill in future years with the program building over time. There is also the future opportunity for engagement with wider community groups, such as the Men's Shed who may be interested in constructing some of the decorations.

Conclusion

10. Council taking a whole of Shire approach would elevate some of the financial and administrative burdens to the trader associations, while providing a co-ordinated approach to celebrating Christmas. If the trial program is well received during 2017, this has the potential to grow throughout the Shire and have strong involvement from community groups.

12. Officers' reports

OCM.117/17 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 29 August 2017.

Recommendation

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

1	Date of assembly	23 August 2017	
	Matters considered	Open Space Precinct Plan Graysharps Road, Hurstbridge	
	Councillors present	Cr Karen Egan	
	Staff present	Nichole Johnson	Paige McDonald
	Conflict of interest	None declared	

2	Date of assembly	29 August 2017	
	Matters considered	Pre-meet for the Ordinary Council Meeting	
	Councillors present	Cr Grant Brooker Cr Peter Clarke Cr Karen Egan	Cr Bruce Ranken Cr John Dumaresq
	Staff present	Mark Stoermer Allison Watt Hjalmar Philipp Craig Commene Paul Fyffe Phil Lovelace Melika Sukunda Diana Bell	Nadine Wooldridge Jeff Chambers Jonathan Risby Naomi Paton Matt Kelleher Jake Hart Mitch Grayson Lisa Pittle
	Conflict of interest	None declared	

12. Officers' reports

OCM.117/17 Assemblies of Councillors

3	Date of assembly	12 September 2017	
	Matters considered	Officer briefings of Councillors: <ul style="list-style-type: none"> • Short pile synthetic pitch conversion program • Melbourne Polytechnic Greensborough campus precinct masterplan 	
	Councillors present	Cr Peter Clarke Cr Grant Brooker Cr Karen Egan	Cr John Dumaresq Cr Bruce Ranken Cr Peter Perkins
	Staff present	Mark Stoermer Hjalmar Philipp Matt Kelleher Rachel Cooper Jeff Chambers	Allison Watt Naomi Paton Jonathan McNally Jo Massoud Michelle De Pasquale
	Conflict of interest	None declared	
4	Date of assembly	12 September 2017	
	Matters considered	Pre-meet for the Future Nillumbik Committee	
	Councillors present	Cr Peter Clarke Cr Grant Brooker Cr Karen Egan	Cr John Dumaresq Cr Bruce Ranken Cr Peter Perkins
	Staff present	Mark Stoermer Hjalmar Philipp Matt Kelleher Rachel Cooper	Allison Watt Jonathan McNally Michelle Zemancheff
	Conflict of interest	None declared	
5	Date of assembly	19 September 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Melbourne Water land rezoning and disposal in Christmas Hills • Aboriginal Cultural Heritage presentation • Nillumbik Digital Agora: funding application to Creative Victoria's grant program • Verbal update on Preventing Violence Against Women Campaign • Verbal update on Plenty Uniting Church and Yan Yean Road duplication • Verbal update on Civic Drive • Eltham Community and Reception Centre reopening events • Community Christmas decoration installations 	

12. Officers' reports

OCM.117/17 Assemblies of Councillors

	Councillors present	Cr Peter Clarke Cr Grant Brooker Cr Karen Egan	Cr John Dumaresq Cr Bruce Ranken Cr Peter Perkins
	Staff present	Mark Stoermer Rachel Cooper Hjalmar Philipp Matt Kelleher Allison Watt Naomi Paton Jonathan McNally	Renae Ahern James Martin Jonathan Risby Jeremy Livingston Michelle Zemancheff Lisa Hunt
	Conflict of interest	None declared	

Attachments

Nil

Background

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

Policy context

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

Budget implications

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

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.

12. Officers' reports

OCM.117/17 Assemblies of Councillors

6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 29 August 2017.

Conclusion

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

13. Notices of Motion

Nil

14. Delegates' reports

15. Supplementary and urgent business

16. Confidential reports

Nil