

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 29 May 2018 commencing at 7.30pm.

Agenda

Mark Stoermer
Chief Executive Officer

Thursday 24 May 2018

Distribution: Public

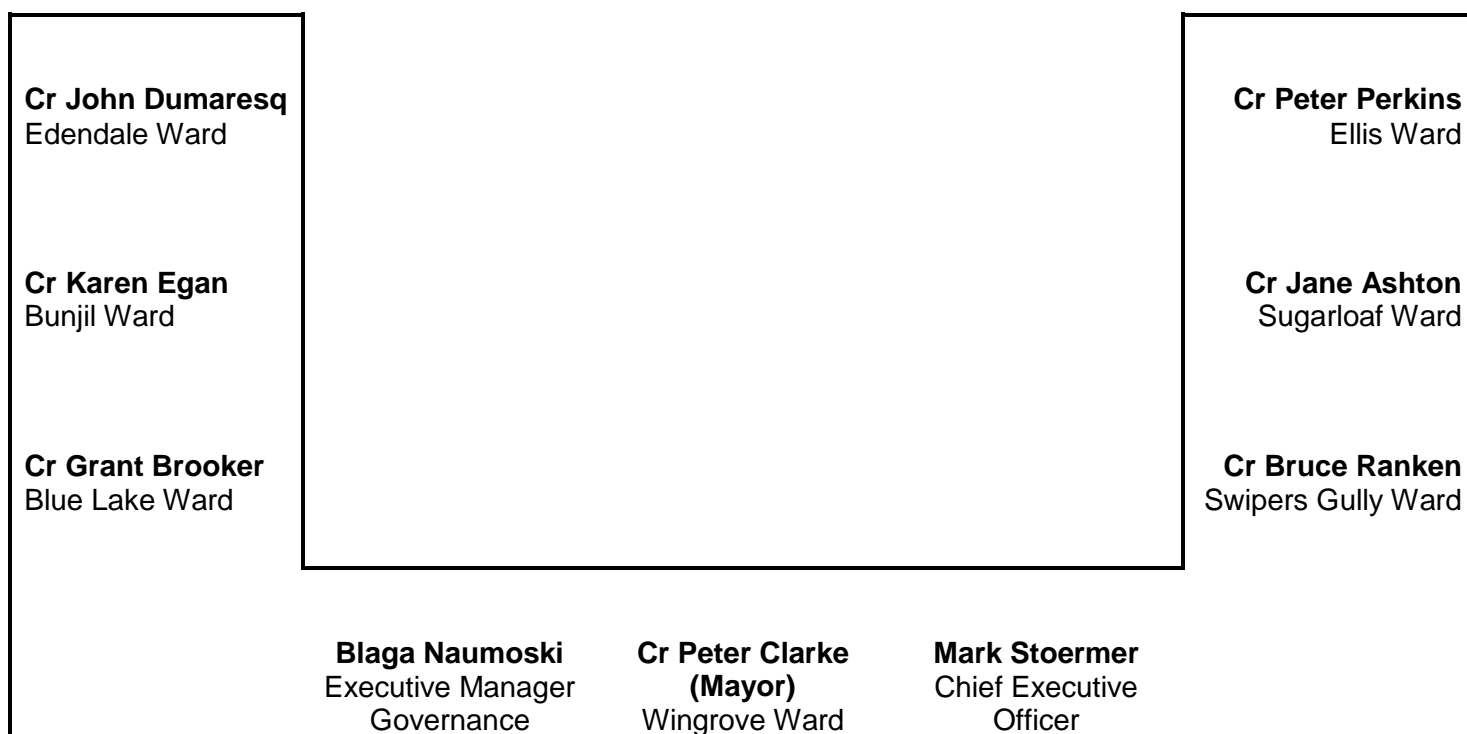
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Domin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

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

Nillumbik Shire Council

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- OCM.087/18 Tender Report - 1718-126 Supply and Delivery of Bulk Fuels to Operations Centre
- OCM.088/18 Tender Report - Contract 1718-116 Eltham North Reserve Pavilion Redevelopment - Building Works
- OCM.089/18 Tender Report - Contract 1718-103 Redevelopment of the Diamond Valley Sports and Fitness Centre - Project Management Services
- OCM.090/18 Tender Report - Contract 1718-122 - Eltham Central Oval - Design and Construction of Sportsfield Lighting
- OCM.091/18 Tender Report - 1718-91 Community Bank Stadium Solar, Storage and EV Charge station

Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 29 May 2018 commencing at 7.30pm

1. Welcome by the Mayor

Members of the public are advised the meeting will be recorded.

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.

4. Apologies

Motion

That the apologies be accepted.

5. Presentations

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 1 May 2018.

Motion

That the minutes of the Council Meeting held on Tuesday 1 May 2018 be confirmed.

7. Disclosure of conflicts of interest

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

8. Petitions

PT.002/18

A petition containing **25** signatures from residents requests the closure of Allendale Road (East) and Donaldson Road, to through traffic.

Motion

That Council:

1. Receives the petition regarding the closure of Allendale Road (East) and Donaldson Road, to through traffic.
2. Refers this matter to the Director Sustainability and Place for consideration in the next report to Council on this matter.
3. Advises the petition organiser accordingly.

9. Questions from the gallery

10. Reports of Advisory Committees

AC.004/18 Advisory Committee Report

File:

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Emma Christensen, Governance Officer

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

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

- Arts Advisory Committee held on 27 November 2017.
- Arts Advisory Committee held on 26 February 2018.
- Environment and Sustainability Advisory Committee held on 18 April 2018.

Attachments

1. Arts Advisory Committee 27 November 2017 Minutes
2. Arts Advisory Committee 26 February 2018 Minutes
3. Environment and Sustainability Advisory Committee 18 April 2018 Minutes

Motion

That Council notes the:

1. Arts Advisory Committee meeting minutes held on 27 November 2017.
2. Arts Advisory Committee meeting minutes held on 26 February 2018.
3. Environment and Sustainability Advisory Committee meeting minutes held on 18 April 2018.

12. Officers' reports

OCM.073/18 2017-2018 Audit Committee Chairperson's report

File: 20/15/006

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Melika Sukunda, Financial Accountant

Summary

As outlined in the good practice guide for Local Government Audit Committees, the Chairperson of the Audit Committee should present a report to Council on the activities of the Committee over the preceding financial year. Linda MacRae, Chair of the Audit Committee will present her report to the Ordinary Council Meeting on the Audit Committee's 2017-2018 activities at this meeting. A copy of the report is provided in Attachment 1.

Recommendation

That Council notes report from the Chair of the Audit Committee, Linda MacRae on the 2017-2018 activities of the Audit Committee.

Attachments

1. Audit Committee Chair's Report

Background

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

Policy context

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

Budget implications

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

Audit Committee Chairperson's report

5. The Chair of the Audit Committee, Linda MacRae, has provided her report on the 2017-2018 activities of the Committee.
6. The report includes details regarding:
 - Internal Audits undertaken;
 - External Audit; and
 - Management Reports Considered.

12. Officers' reports

OCM.073/18 2017-2018 Audit Committee Chairperson's report

7. A copy of the report is provided in Attachment 1.

Conclusion

8. The Audit Committee Chairperson's report on the 2017-2018 activities of the Audit Committee is presented for noting.

12. Officers' reports

OCM.074/18 Buildings and works to construct eleven dwellings Buildings and works to construct eleven dwellings 15 Edmonds Street, Diamond Creek

File: E008/00/015P
Distribution: Public
Manager: Renae Ahern, Acting Manager Planning and Health Services
Author: Simon Ilsley, Senior Statutory Planner

Summary

Consideration of this item was deferred from the Future Nillumbik Committee on Tuesday 15 May 2018.

Application summary

Address of the land	15 Edmonds Street, Diamond Creek
Site area	3,127 square metres
Proposal	Buildings and works to construct eleven dwellings
Application number	302/2017/03P
Date lodged	5 July 2017
Applicant	Deton7
Zoning	General Residential Zone (GRZ)
Overlay(s)	Nil
Reason for being reported	Called in by Ward Councillor.
Number of objections	13
Key issues	<ul style="list-style-type: none"> • Strategic Location • Neighbourhood Character and landscaping • Medium Density Housing Policy • Compliance with Clause 55 (ResCode) • Clause 52.06 – Car Parking

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Location map



12. Officers' reports

OCM.074/18 Buildings and works to construct eleven dwellings Buildings and works to construct eleven dwellings 15 Edmonds Street, Diamond Creek

Attachments

1. Subject Site and Surrounds
2. Aerial photo
3. Advertised Plans

Recommendation

That Council issue a Notice of Decision to Grant a Permit to the land located at 15 Edmonds Street, Diamond Creek, for buildings and works to construct ten dwellings subject to the following conditions:

1. **Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 19 September 2017 and prepared by *DETON7* but modified to show:**
 - a) **Deletion of dwelling 6 and the associated garage.**
 - b) **Dwelling 5 setback a minimum of 7.5 metres from Edmonds Street.**
 - c) **Dwelling 7 reduced to two bedrooms and the car space in front of this dwelling deleted and replaced with landscaping.**
 - d) **Horizontal elements on the front façade of dwelling 7.**
 - e) **Darker finishes on the east elevation of dwellings 3 and 4 to assist in blending the development into the treed background.**
 - f) **Any fencing forward of the building line must not exceed a height of 1.2 metres.**
 - g) **Windows in dwellings 9 and 10 treated to comply with Standard B22 of ResCode.**
 - h) **A 6.1 metre wide by 7 metre long accessway from the boundary.**
 - i) **Increase the width of the accessway immediately adjoining the garage for dwelling 1 to 6.4 metres and provide 0.5 metres of landscaping on the western edge of the visitor car space.**
 - j) **Existing trees that will be retained, their species and height.**
 - k) **Footpaths or paving connecting the dwellings to the road, and details of any associated works.**
 - l) **Services or infrastructure that must not be located in the tree protection zone of any tree.**
 - m) **A landscape plan in accordance with condition 3 of this permit.**

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- n) **Engineering plans in accordance with condition 7 of this permit.**
- 2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 3. Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must show:**
 - a) **A survey of all existing vegetation and natural features;**
 - b) **The area or areas set aside for landscaping;**
 - c) **Existing trees that will be retained, their species and height.**
 - d) **A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of exotic plants and plants selected from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;**
 - e) **The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;**
 - f) **Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;**
 - g) **Appropriate irrigation systems;**
 - h) **Provision of 16 canopy trees selected from the Council document 'Live Local Plant Local'. Canopy trees must not be located within 5 metres of a building.**
 - i) **In the event that there is insufficient area to plant 16 canopy trees, an alternative scheme consisting of 10 canopy trees and 10 tall shrubs compromising of all indigenous species can be shown.**
 - j) **Extensive landscaping along the Edmonds Street frontage.**
- 4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.**
- 5. Prior to the development commencing, the following must be provided to the satisfaction of the Responsible Authority:**
 - a) **The developer must demonstrate how vehicles can safely turn on the developed site to allow entry and exit in a forward motion to all approved garages / carports and complies with AN/NZS 2890. These amended plans must be presented at a scale of 1 in 100 with the vehicle turning circles shown.**

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The design must be submitted to the Responsible Authority for approval. The approved design levels must be shown on the construction plans for the site and the driveway constructed according to the levels.

- b) The developer will need to demonstrate (provide longitudinal grades) that access/egress via vehicle crossing can be achieved in accordance with AS/NZS 2890.1 Section 2.6 & Appendix C incorporating C1.

The developer must apply the template in Figure C1 (domestic driveway) and show in plan form and longitudinal grades that gradients of the vehicle crossing will not cause scraping of the vehicle on the driveway.

- c) The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority.
- d) The on-site detention device shall be designed by a qualified engineer and plans submitted to the Responsible Authority (Nillumbik Shire) for approval.

The engineer that is designing the on-site detention unit must contact Nillumbik Shire development engineer for tc and tso figures in writing. For calculation adopt for pre development 1 in 5 years average occurrence interval, post development use 1 in 10 years average occurrence interval.

- 6. Prior to the occupation of the development, the following must be carried out to the satisfaction of the Responsible Authority:

- a) Vehicular access and egress to the development site from the roadway must be by way of a vehicle crossing constructed / upgraded to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works permit.

The width of the driveway at the property boundary must match the width of the vehicle crossing.

- b) The vehicular driveway must be properly formed and constructed meeting the ramp grades specified in the Nillumbik Planning Scheme (Clause 52.06-9, Design standard 3: Gradients), and to such levels to ensure that it can be utilised at all times for both dwellings. The driveway must be drained, constructed in concrete, asphalt or similar surface and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.
- c) Construction of the on-site detention device must be carried out under Council supervision, in accordance with the approved plans and Council's specifications.

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- d) Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway at property boundary in Edmonds Street where it meets the road reserve and connected to the internal drainage system.
7. The development, including any new paved areas, must be drained so as to prevent the uncontrolled discharge of stormwater from the subject site across any road or footpath or onto any adjoining land.
8. Stormwater from the roof of the new dwellings hereby approved must be directed to an individual holding tank with a minimum storage capacity of 2000 litres. The overflow from the tank must be directed to the on-site detention unit. The overflow from the on-site detention unit must be connected to Council nominated point of stormwater discharge.
- Water in the holding tank may be used for one or more of the following purposes: toilet flushing; property irrigation; vehicle washing and any other purpose approved by the Responsible Authority.
- Any connection to Council's underground drainage system within road reserves or drainage easements must be carried out under Council supervision and a Infrastructure Works permit.
9. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property. In this regard, pollution or litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority.
10. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within 2 years of the date of this permit.
 - b) The development is not completed within 4 years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

Subject site and surrounds

1. The key features of the subject land and surrounds are as follows:
- The subject site is located on the corner of Fuller Street and Edmonds Street, Diamond Creek. The site abuts Fuller Street to its north-west boundary and Edmonds Street to the north-east.

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- The site is irregular in shape with a total site area of 3,127 square metres. Despite having an Edmonds Street address, the site has a longer boundary to Fuller Street. The Fuller Street frontage has a length of 57.3 metres, while the Edmonds Street frontage has a length of 31.39 metres. A 4.31 metre long splay separates the two road boundaries.
 - Existing development on the site consists of a single-storey weatherboard dwelling, located on the rear half of the site, with a stand-alone garage in the south corner. Other buildings and features include a single carport, a small shed and a swimming pool.
 - The site has a significant fall of approximately 13 metres from the western corner to partway along the eastern boundary. There is a steep bank immediately to the west of the existing dwelling that runs the length of the site. The site is sparsely vegetated with existing trees, shrubs and ground-storey vegetation.
 - Both adjacent road reserves are substantially treed, particularly the Fuller Street (north-western) boundary.
 - The site is presently served by two crossovers, located at either end of the Edmonds Street frontage.
 - No easements are located on the property.
 - The surrounding area has an established residential character consisting of both single and double-storey dwellings of brick or weatherboard construction.
 - As well as having a double road frontage, the site adjoins four properties, as follows:
 - To the south-west, the site adjoins 20 Fuller Street, which contains a double-storey brick dwelling, and 6 Happy Valley Rise, which also contains a double-storey brick dwelling.
 - To the south-east, the site adjoins 11 Edmonds Street, which contains a single-storey weatherboard dwelling, and 7 Happy Valley Rise, which also contains a single-storey brick dwelling.
2. The subject site is located within close proximity to the following services and amenities:
- 400 metres to the Chute Street retail and services precinct;
 - 400 metres to the Diamond Creek Primary School;
 - 600 metres to Nillumbik Park Diamond Creek Reserve; and
 - 1 kilometre to the Diamond Creek Activity Centre.

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Details of proposal

3. The proposed development can be described as follows:

- Construction of 11 multi-level dwellings containing three bedrooms and two car parking spaces, predominantly in the form of double garages.
- Dwellings 1 to 6 will comprise three storeys, including what the applicant describes as a “semi basement”. The “semi basement” in dwellings 1 to 6 contains one bedroom and a bathroom, and for dwellings 3 and 4 a rumpus room is also included. On the ground floor are the kitchen and living areas, and on the first floor are two bedrooms, a bathroom and laundry.
- Dwellings 7 to 11 are two-storeys of varying layouts that comprise of either two or three bedrooms on the first floor and kitchen and living areas on the ground floor. Dwelling 8 is the exception to this, with the kitchen and living area on the first floor.
- Dwelling 6 has a front setback to Edmonds Street of 4 metres and the garage associated with this dwelling is setback 2.66 metres. Dwelling 7 has a front setback of 8.86 metres to Edmonds Street.
- Dwellings 2 through to 6 are setback 4 metres from the Fuller Street frontage and dwelling 1 has a front setback of 9 metres.
- A maximum building height of 9.1 metres is proposed.
- All dwellings will be accessed via a single vehicle access from Edmonds Street. The existing crossover will be used for the proposed development, while the other existing crossover, located near the intersection of Edmonds Street and Fuller Street, will become redundant and will be removed and the road reserve reinstated.
- Three visitor parking spaces are provided, two between the garages for Dwellings 4 and 5 and a further visitor car space immediately adjoining the double garage associated with Dwelling 3.
- Private open space areas range from 49 square metres to 140 square metres at an average area of 86 square metres across the entire development.

Planning history

4. There is no relevant planning history with respect to the subject site.

Planning controls

Zoning

5. The subject site is zoned General Residential (Schedule 1). Under this zone, a permit is required to construct two or more dwellings on a lot. A dwelling is a Section 1 ‘no permit required’ use in this zone.

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6. Clause 32.08-4 requires residential development to provide a minimum garden area requirement dependent on the size of the allotment. This application satisfies the minimum 35 per cent required by this clause, by allocating 38 per cent of the site to garden area.

Overlays

7. The site is not affected by any overlays.

Particular provisions

8. Clause 52.06 (Car Parking) applies to the application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces; that car parking does not adversely affect the amenity of the locality; and that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use. Clause 52.06 requires two car spaces for each 3 bedroom dwelling and one visitor car space for every five dwellings.
9. Development of two or more dwellings on a lot must meet the requirements of Clause 55 (commonly known as 'ResCode').
10. Clause 65 (Decision Guidelines) outlines general decision guidelines that must be considered when assessing an application. These guidelines include the purpose of the zone or other provision, the orderly planning of the area, and the effect on the amenity of the area.

Relevant planning policies

11. State Planning Policies which are relevant to this application include:
- Clause 15.01-1 – Urban Design.
 - Clause 15.01-5 – Cultural Identity and Neighbourhood Character.
 - Clause 16.01-1 – Integrated Housing.
 - Clause 16.01-2 – Location of Residential Development.
 - Clause 16.01-4 – Housing Diversity.
12. The Local Planning Policies which are relevant to this application include:
- Clause 21.05-1 – Settlement and Housing.
 - Clause 22.01 – Medium Density Housing Policy.
 - Clause 22.12 – Neighbourhood Character Policy.
13. The planning controls and policies identified above encourage residential development in the General Residential Zone at a range of densities, which includes medium density housing. This intent is also reflected specifically in the purpose of that zone. However, in both State and local policy, the strength of encouragement for medium-density housing is greater the closer the site is located to an activity centre or other commercial and community facilities, and reduces the further the site is located from necessary urban infrastructure.

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14. The encouragement afforded by the zone and planning policies is counter-balanced by objectives that require development to be site responsive (i.e. to minimise landscape and vegetation impacts), and complementary to desired neighbourhood character.
15. Assessment of the degree of policy support for medium density housing is dependent upon a balancing of these sometimes contradictory policy objectives. In this regard, a flat site with little vegetation located near an activity centre can be seen to have strong policy support for development in the form of medium-density housing. A steep, heavily vegetated site, remotely located from services will have a significantly reduced level of policy support for medium-density housing development. As each site is generally different, the degree of policy support for medium-density housing will often vary depending upon the site's location, its individual characteristics, and its response to neighbourhood character.

Public consultation

Advertising

16. The application has been advertised by way of the posting of notices to the owners and occupiers of neighbouring properties and the erection of a notice on-site.

Objections

17. As a result of advertising, a total of thirteen written objections have been received. These objections can be summarised as follows:
 - Inconsistency with neighbourhood character;
 - Loss of visual amenity / aesthetic values;
 - Excessive bulk and height;
 - Traffic safety and congestion, fire evacuation issues from dead-end street;
 - Lack of landscaping area / 'green' spaces;
 - Lack of tree removal / landscaping detail in application;
 - Infrastructure overloading;
 - Noise, dust and disruption during construction phase;
 - Ongoing noise from higher-density development;
 - Insufficient front setbacks;
 - Lack of on-street visitor parking space;
 - Loss of privacy;
 - Drainage / cross-boundary stormwater flow;
 - Overshadowing / loss of daylight access;
 - Construction impacts on foundations of neighbouring dwellings; and
 - Contribution to Melbourne-wide 'property bubble'.

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Planning application conference

18. A planning application conference was not held for this application. The concerns raised in the objections were clearly expressed and the recommendation in this report addresses many of the issues raised by objectors, such as increasing landscaping areas and front setbacks, and reducing the number of dwellings will reduce the car parking demand and traffic numbers. It was considered that the outstanding concerns raised could not be adequately resolved through a planning application conference.

Referrals

Internal

19. The application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Council Unit	Comments
Infrastructure	<ul style="list-style-type: none"> • Access to dwelling 1 is not satisfactory. • Location of visitor car parking bay is not satisfactory. • Change proposed access width from 6 metres to 6.1 metre for first 7 metres to provide passing area. • Plans are not clear to see if there are any service assets within the area of new vehicle crossing. <p>The abovementioned issues can be addressed through conditions. Standard engineering conditions were requested.</p>
Building surveyor	Building permit required; potential report and consent required for fence within 9 metres of road intersection.

External

20. There are no external referral authorities relevant to this application.

Planning assessment

Introduction

21. The following have been identified as the key planning issues in relation to the assessment of this planning application:

- Strategic location (in the context of policy);
- Neighbourhood character and landscaping;
- Response to the Medium Density Housing Policy;

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- Compliance with Clause 55 (ResCode); and
- Car Parking.

22. Assessment of these issues, together with a response to objections received, will be discussed in the remainder of this report.

Strategic location

23. Clause 21.05-1 (Settlement and Housing) of the Municipal Strategic Statement (MSS) contains an objective to encourage medium-density housing with good access to commercial and community services, public transport, open space and other infrastructure, and to discourage medium-density housing where access to these facilities is inadequate. The objective is given more direct effect in the Medium-Density Housing Policy at Clause 22.01, which specifically encourages medium-density housing development close to the activity centres and/or other urban services.

24. When considering the strategic merits of the subject site, there is some degree of planning policy support for greater utilisation of the site for additional housing. With an area of 3,127 square metres the site is relatively large. However, the site has sections of 'relatively steep slope and is surrounded by much less intensively developed residential lots. Lots in the surrounding area typically range in size from 600 to 1000 square metres and contain predominantly one dwelling on a lot primarily because of topography. This area of Diamond Creek hasn't experienced significant redevelopment of the built form and what exists is older housing stock that is generally well integrated into the landscape and the topography.

25. 25. The site is located within a primarily residential area that is approximately 400 metres from the western end of the local commercial area on Chute Street. The Diamond Creek Activity Centre and the Diamond Creek railway station are located a further 600 metres to the east.

26. Whilst the site is located beyond 400 metres of the Diamond Creek Activity Centre and the Diamond Creek railway station, the site is still considered to be suitable for some form of medium density residential development. This is a view that is supported by State Policy which seeks to increase residential density in established urban areas with good access to facilities such as public transport, activity centres and public open space. The subject site is located within a General Residential Zone, as are the majority of the urban areas of Diamond Creek. The 'hierarchy' of residential zones tempers development with the consideration of a site's context, including the existing and preferred neighbourhood character.

27. The key considerations of this proposal are whether the development offers appropriate outcomes when considered against the purpose of the zone, the objectives and strategies for new residential development and specifically the objectives and policies relating to medium-density housing. Crucial to and implicitly intertwined with all of these considerations, is an assessment of the extent to which the proposal is consistent with the relevant neighbourhood character policies and objectives.

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Neighbourhood Character and landscaping

28. Although the General Residential Zone encourages a diversity of housing types and moderate housing growth, it equally requires development to “respect the neighbourhood character of the area” and to “implement neighbourhood character policy and adopted neighbourhood character guidelines”. Local planning policy seeks to ensure that the identified elements that contribute to neighbourhood character are retained and enhanced. This is achieved by managing change and ensuring new development works towards achieving the stated streetscape and character outcomes.
29. The overarching objectives of the Neighbourhood Character Policy, at Clause 22.12-2 of the Planning Scheme, are as follows:
- To ensure that development is responsive to the preferred future character of the area.
 - Retain and enhance the identified elements that contribute to the character of the area.
 - To implement the recommendations of the Shire of Nillumbik Neighbourhood Character Study 2000 and the Nillumbik Residential Design Guidelines 2000.
 - To recognise the potential for change as a result of new social and economic conditions, changing housing preferences and State and local housing policies.
30. In addition, residential precincts based on the delineation of areas of similar character elements are defined in the Shire of Nillumbik Neighbourhood Character Study. The desired future character for all the residential zones in the municipality is to be achieved by achieving the following common design objectives:
- To maintain the existing vegetation including canopy trees;
 - To minimise site erosion, the detrimental effects of excavation and the landscape impact of development;
 - To ensure buildings do not dominate the streetscape;
 - To ensure that car parking areas, garages and carports do not dominate sites when viewed from the street; and
 - To maintain and enhance the continuous flow of the garden settings and the openness of the front boundary treatment.
31. At precinct level, the site is defined as being within a ‘Garden Court’ precinct. The key characteristics of the Garden Court precinct are identified as follows:
- Occasional high canopy native trees combine with substantial exotic trees occurring at a density of one to every 200m².
 - Front fences are generally not present and, although becoming more frequent in some areas, do not predominate. Side fences forward of the dwelling are either not present or are low.

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- Front gardens are generally low level, often with planted lawns and many also have substantial shrubs.
 - Front setbacks are generally 7-8 metres. Orientation of dwellings to the street is often not parallel and varies. Side setbacks are generally 1 - 3 metres.
 - Dwellings are usually single-storey.
 - Low-pitched tile roofs with wide eaves are dominant. Dwellings often incorporate a projecting front room or 'triple fronted' articulation.
 - Driveways are usually provided to the side of the dwelling. Car parking is provided in garages adjacent to or behind the dwelling.
32. The Desired Future Character is to be achieved by these additional design objectives:
- To maintain the existing mix of native and exotic vegetation including canopy trees and understorey.
 - To maintain and enhance the continuous flow of the garden settings and the openness of the front boundary treatment.
33. Subject to the deletion of one dwelling and other changes, the proposal can satisfy the overarching objectives of the Neighbourhood Character Policy, the common design objectives for residential precincts and also the specific key characteristics of the Garden Court precinct.
34. At 36.5 per cent site coverage and 41.6 per cent impermeability, the proposed development has sufficient area to provide a meaningful landscaping outcome that aligns with the desires of the Neighbourhood Character Policy. The setbacks to side and rear boundaries also provide sufficient area to achieve this landscaping outcome. This outcome includes the provision of canopy trees to achieve the density required by the Garden Court Precinct. In addition to this, the applicant has agreed to provide additional open space through the deletion of the car space forward of Dwelling 7 and the consolidation of Dwellings 5 and 6 into one residence. The consolidation of dwellings 5 and 6 will also result in the loss of one double garage.
35. The above mentioned changes will provide greater area within the front setbacks to plant canopy trees, which will positively contribute to the existing character of this area. This landscaping outcome will complement the existing landscaping within the road reserve. In Fuller Street, the width of the nature strip is approximately six metres and contains approximately 15 mature canopy trees. On Edmonds Street the nature strip is wider at approximately 8 to 10 metres and once again there are mature canopy trees in this nature strip.
36. The built form character of this area is influenced strongly by the topography of the land. Dwellings on the north-western side of Fuller Street opposite the subject site typically present as two-storey buildings elevated above the road level, whereas on the opposite side of Fuller Street, dwellings present as single storey to the road, yet are two-storey at the rear as the land drops away.

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37. On the southern side of Edmonds Street the dwellings are predominately single storey, with the exception of a double storey dwelling at 5 Edmonds Street, which has a front setback of 4 metres. Dwellings on the opposite side of Edmonds Street once again present as single storey to the road, although many of these dwellings are multi-level due to the natural topography of the land. Carports and garages forward of dwellings are also not uncommon due to the topography of the area.
38. The character of this area comprises of an eclectic mix of development that provides scope to consider a wide range of building designs. The proposed dwellings are kit homes that rely heavily on a varied palette of materials to reduce the visual bulk of the relatively unarticulated forms. The absence of pitched roofs also accentuates this built form and whilst dwellings in the surrounding area have predominantly pitched roofs, there are exceptions to this at 11 Edmonds Street and 25 Fuller Street. The two-storey dwelling at 5 Edmonds Street also has a low pitched roof.
39. The development has used the topography of the land to reduce the three storey dwellings to two-storey built form when viewed from Fuller Street. As the south elevation demonstrates, the built form follows the topography of the land. The built form is complemented with significant setbacks between buildings, as can be seen on the west elevation. Meaningful opportunities for a strong landscaping outcome can also be achieved as a result of the generous setbacks to boundaries. Without these setbacks and the ability to achieve a meaningful landscaping outcome, the proposed built form alone could be considered inappropriate when compared to the various built form elements that make up the eclectic character of this area. However, when the strong setbacks and landscaping outcomes are included as part of the entire development, the entire development then sits comfortably within this residential setting.
40. Both road reserves are heavily treed and this should provide a strong visual filtration of the development within the streetscape. Despite this, consideration needs to be given to the appropriateness of the front setbacks. A stated key characteristic for this area is that front setbacks are generally between 7 to 8 metres, although in this area front setbacks are typically greater and often exceed 10 metres. The immediately adjoining dwelling to the south-east is an exception, with a front setback of 6.2 metres.
41. The application proposes the following setbacks:
- Dwelling 1: 9 metres to Fuller Street.
 - Dwellings 2 to 6: 4 metres to Fuller Street.
 - Dwelling 6: 4 metres to Edmonds Street.
 - Garage associated with Dwelling 6: 2.66 metres to Edmonds Street.
 - Dwelling 7: 8.86 metres to Edmonds Street.

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42. The 4 metre setback for Dwelling 6 and the 2.66 metre setback both to Edmonds Street are inappropriate in the context of the predominant front setbacks found in both streets. These setbacks provide minimal opportunities for meaningful landscaping that would contribute positively to the streetscape and add stock to existing heavily treed road reserves. Post public notification, the applicant has agreed to consolidate Dwellings 5 and 6 into one dwelling with a setback of 7.5 metres to Edmonds Street. A result of this change is that the garage for Dwelling 6 will also be removed. These changes will provide significantly greater areas for landscaping and in particular canopy tree planting that will make a positive contribution to the character of this area. The role of these areas will be reinforced through a condition restricting the height of fencing forward of the building line to 1.2 metres and the submission of a landscape plan that demonstrates a strong landscape outcome in these setbacks.
43. In respect of the materials and finishes, the application proposes primarily rendered finishes for all of the dwellings. As mentioned earlier in this report, the character of the surrounding area is eclectic and this extends to the building materials and finishes of nearby dwellings. The proposal varies the colours of the rendering throughout the development and this is considered an appropriate response to the surrounding character, rather than introducing brickwork into the scheme.
44. Concerns were identified with the appearance of dwelling 7 as it presents to Edmonds Street. These concerns centred around the strong vertical elements and the dominance of glazing on the front façade. The applicant has agreed to introduce horizontal elements onto the front façade in a similar manner to the facades of dwellings 3 and 4 and these changes would be a better response to the built form character of the area.
45. The basis for the Neighbourhood Character Policy, at Clause 22.12-1 of the Scheme states that “the extent of the predominately native and indigenous vegetation cover is a particular characteristic of Nillumbik that makes it distinctive from other areas of Melbourne”. While the subject site does not itself contain a significant amount of vegetation, it sits squarely within a well vegetated area, on steeply sloping land, with a high degree of visibility from Main Street and the higher land to the south-east. Consequently, the proposal must demonstrate a capacity to incorporate a strong landscape outcome and from this perspective the application has successfully done this.
46. In addition to this, the changes discussed above involving the consolidation of Dwellings 6 and 7 into one dwelling will increase the area available for landscaping. It would also be beneficial for the landscape plans to show existing trees, the species and setback of these trees to the proposed development. A condition will be included on the permit requiring the landscape plan to show at least 16 canopy trees or in the event that there is insufficient area for 16 canopy trees, 10 canopy trees and 10 tall shrubs must be shown. The basis for seeking 16 canopy trees stems from the ‘Garden Court’ precinct, which identifies canopy trees occurring at a density of one to every 200 square metres as a key characteristic of this precinct.

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Response to the Medium-Density Housing Policy

47. The Medium-Density Housing Policy, at Clause 22.01 of the Planning Scheme, requires new development to have regard to the building form and style of surrounding dwellings, and encourages contemporary and innovative design that does not detract from the preferred character of the area. There are a number of other elements that contribute towards 'character', including the position of the dwellings on-site; setbacks to the street; landscaping and the relationship between the development to neighbouring properties with respect to spacing and transition in heights.
48. Collectively, these policies place an emphasis on development that sits comfortably within the landscape, is compatible with existing development, and retains existing trees whilst enhancing the 'Garden Court' character.
49. This proposal introduces a building style and elements that are either new or not prevalent in this area. The strong landscaping outcome that can be achieved by deleting Dwelling 6 and increasing the open space areas through other changes should result in this development sitting comfortably within this neighbourhood. Long distance views of the development should be filtered by the heavily treed road reserve on Fuller Street that will form the background to this development when viewed from longer distance vantage points. The use of darker colours will assist in blending in the development to this setting and the east elevation of Dwellings 3 and 4 will need a darker finish. In the event a planning permit is issued, this can be addressed via a permit condition.

Compliance with Clause 55 (ResCode)

50. The development must meet the requirements of Clause 55 (commonly known as 'ResCode'). This clause sets out a range of objectives and standards that tests a design's responsiveness to its site and surrounds, and provides objective tests regarding potential amenity impacts. Whilst meeting the specified objectives is mandatory, satisfying the standards can be varied provided that the proposal satisfies the objective. The proposed development meets many of the standards and objectives of Clause 55.
51. The proposal is mostly consistent with the objectives contained in ResCode, but fails in relation to the following:

Clause 55.02-3 – Dwelling Diversity

52. This clause states that developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. The proposal involves the construction of eleven dwellings, all with three bedrooms. Dwelling 7 will become a two-bedroom dwelling as a result of changes discussed above will go some way to addressing this requirement.

Clause 55.03-1 – Street Setback

53. The changes discussed above to Dwellings 6 and 7 will bring the proposal into compliance with this standard and objective. Clause 55.03-1 requires a setback to Edmonds Street of 6.2 metres and a setback of 3 metres to Fuller Street.

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Clause 55.04-6 - Overlooking objective

54. There is potential for overlooking from the first floor bedroom windows in Dwellings 9 and 10, which can be addressed through a condition in the event that a planning permit is issued.

Clause 52.06 – Car Parking

55. The proposal exceeds the statutory requirements for the numerical provision of car parking spaces, in that three visitor car spaces are provided rather than the two visitor car spaces required by this clause. However, there are still unresolved issues relating to driveway width, the second car space in the front setback, and vehicles reversing from the garage for Dwelling 1. These are issues that can be addressed through conditions on any permit, should one be issued.

Response to objections received

56. In response to objector concerns not already raised in this report, the following comments are provided:

Excessive bulk and height

57. The proposal does not exceed the maximum height provided for in Standard B7 of Clause 55.03-2; nor does it exceed the maximum level of site coverage provided for in Standard B8 of Clause 55.03-3. The maximum height proposed is 9.1 metres and site coverage is 36.5 per cent, which is below the maximum 60 per cent allowed by Standard B8.

Traffic safety and congestion, fire evacuation issues from dead-end street

58. Council's Infrastructure Development unit has reviewed the application and raised no concerns in respect of pedestrian and driver safety or the capacity of the local road network to deal with the anticipated increase in traffic movements.
59. It should also be noted that whilst the local area is characterised by the prevalence of native and exotic vegetation, the site is not located within an area affected by the Bushfire Management Overlay or identified as being bushfire prone as classified in the building regulations. The road network adjacent to the subject site provides two exit routes in the event of an emergency.

Infrastructure overloading

60. A concern expressed in a number of objections was the impact of the development on infrastructure, particularly sewerage and drainage infrastructure. The owner will be required to address infrastructure servicing demands as required by the relevant service authorities.

Noise, dust, vibration and disruption during construction phase

61. Noise and truck movements during the construction phase of development are a temporary and unavoidable consequence of development and are not justification to withhold development of the site.

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62. Construction techniques and effects – noise, dust, stability of existing foundations and damage to nearby dwellings - are not a consideration under the Planning & Environment Act or Nillumbik Planning Scheme.

Loss of privacy

63. In the event that a planning permit was issued for the proposal, conditions would be imposed to ensure that full compliance with the relevant standards of Clause 55 was achieved. This would ensure that no unreasonable overlooking of adjacent properties would occur.

Ongoing noise from higher-density development

64. The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling(s) is considered normal and reasonable in an urban setting.

Lack of on-street visitor parking space

65. The proposal exceeds the standard required in respect of on-site visitor parking, with three visitor car spaces proposed.

66. It is acknowledged that some visitor overflow parking may occur on neighbouring streets, but for the most part visitor parking will be accommodated via the allocated parking spaces on the site.

Drainage and cross-boundary stormwater flow

67. In the event that a planning permit is issued for the proposal, specific drainage conditions can be imposed. Council's Drainage Engineer has reviewed the application and raised no concerns in this respect.

Overshadowing and loss of daylight access

68. In these respects the proposal complies with the requirements of the Planning Scheme, as set out in Clause 55.04-5. The submitted shadow diagrams demonstrate that at least 75 per cent / 40 square metres with a minimum dimension of 3 metres of the secluded private open space located on adjacent land will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

69. Shadows cast by the development will be largely contained within the development site itself.

Contribution to Melbourne-wide 'property bubble'

70. Wider economic issues of land development are not an applicable or relevant consideration under the Planning and Environment Act or Nillumbik Planning Scheme.

AAV Cultural Significance (Aboriginal Heritage Regulations 2007 (Vic))

71. The site is not within an area of AAV Cultural Significance.

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Human Rights Consideration

72. The application has been assessed in accordance with the requirements of the Planning and Environment Act 1987 (including the Nillumbik Planning Scheme), reviewed by the State Government and which complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

Conclusion

73. The subject site is 3,127 square metres in size, which is large for this location. Subject to further changes, the proposal is a modest development in terms of site coverage and permeability, which provides for significant separation between buildings and ample opportunities to plant meaningful landscaping. Despite the built form being different from what is currently found in the area, it is a development that should over time blend into the environment, with the presence of a large number of canopy trees in the road reserves providing an interim relief from the development.
74. In light of the above planning assessment, the application warrants support as reflected in the officer recommendation.

12. Officers' reports**OCM.075/18 Open Space Precinct Plan, Graysharps Road Hurstbridge**

File:**Distribution: Public****Manager: Neil Hordern, Acting Environment Manager****Author: Paige Macdonald, Leisure Services Project Officer****Summary**

This report will inform Councillors of the progress of the Open Space Precinct Plan, Graysharps Road, and Hurstbridge project. Presented in the report is the Draft Precinct Plan to be displayed for community feedback. The report will confirm the next steps in the project and advise of the commencement of the rezoning of the land known as Lot 1 Graysharps Road, Hurstbridge.

Recommendation**That Council:**

- 1. Acknowledges and thanks the Project Reference Group for their continual contribution to the project.**
- 2. Endorses the Draft Open Space Precinct Plan, Graysharps Road Hurstbridge.**
- 3. Authorises officers to display the Draft Precinct Plan and implement a process which will allow community members to provide feedback.**

Attachments

1. Indicative Cost Plan
2. Draft Precinct Plan

Background

1. At its ordinary meeting on 22 November 2016, Council in considering Notice of Motion NOM.019/16 moved by Cr Karen Egan, resolved in part to:
 - *Abandon any plans to sell Lot 1 Graysharps Road, Hurstbridge to developers and that the process to rezone Lot 1 Graysharps Road, Hurstbridge to Public Park and Recreation Zone (PPRZ) immediately commence.*
 - *Prepare a Recreational and Open Space Plan for the Graysharps Road precinct.*
2. At its Future Nillumbik Committee meeting on 16 May 2017, (acting under delegation from Council), Council in considering Item FN.021/17 Open Space Precinct Plan, Graysharps Road, Hurstbridge resolved in part:
 - *Deferred a decision to rezone land known as Lot 1 Graysharps Road, Hurstbridge, until the Hurstbridge Open Space Precinct Plan was finalised.*

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3. In mid-2017, urban design and landscape architecture consultants Hansen Partnerships were engaged to work closely with the Project Reference Group, chaired by Bunjil Ward Councillor, Cr Egan, to assist with the community engagement and prepare a precinct plan reflecting Council and community aspirations of improving facilities in the precinct, whilst enhancing its natural environmental qualities.
4. An option had existed to include a 'natural billabong style swimming pool' as an option for the Draft Precinct Plan. A decision was made not to proceed any further with this idea as it was considered cost prohibitive and my unduly raise community expectations.

Policy context

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

Budget implications

6. Delivery of the Adopted Precinct Plan will have associated capital and ongoing operational budget impacts.
7. A high level cost plan has been developed to show indicative capital costs (only) for each of the options and precinct elements. These are included in **Attachment 1**.
8. All of the proposed precinct enhancements will require adjustments to operational levels of service and ongoing maintenance budgets.

Consultation/communication

9. Engagement commenced with the preparation of a Discussion Paper, building on earlier precinct planning undertaken to inform the now abandoned Lot 1 Residential Development Project. Feedback on the Discussion Paper was sought from the wider community, followed by broader community engagement to clarify values and aspirations for the expanded open space precinct. This involved capturing ideas on a visioning tree which was launched at the Wattle Festival and later placed at The Hurstbridge Community Hub. Over 300 ideas were submitted and consolidated to 31 based on similarities.
10. The Project Reference Group, made up of ten community members and appointed by Council, developed a criteria matrix, and assessed each idea against this criteria matrix. These ideas were later explored at a series of community workshops.
11. The workshops, facilitated by Hansen, gave community members the opportunity to contribute to the draft precinct plan.

Issues/options

12. The Draft Precinct Plan proposes a number of ways Council can achieve precinct aspirations. This includes enhanced pedestrian connection in and around the precinct and improved safety and presentation. The Draft Precinct Plan also recognises and celebrates the heritage and history of Hurstbridge, encourages 'sit and stay' opportunities and provides better connections into the town centre.

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OCM.075/18 Open Space Precinct Plan, Graysharps Road Hurstbridge

13. The Draft Precinct Plan (see attachment 2) presents a design that has broad community agreement and considers a number of options. The agreed aspects include:
- Retain the informal nature of the Lot 1 space and encourage the continuation of the wetland planting and revegetation around the oval discharge area. This will include the retention of vehicle barriers to the Lot 1 area and the introduction of low impact picnic areas and sit and stay opportunities.
 - New precinct entry point at the extended Diamond Creek Trail with enhanced pedestrian connection to and around the precinct.
 - Potential expansion of the Basketball Stadium to accommodate two full sized courts, multi-change rooms to service the East Oval and externally accessed public toilets. This will be subject to significant external funding.
 - A natural amphitheatre on the Lot 1 site, with views of the surrounding hills.
 - Reconfiguring of car parking at Ben Friley Oval, to create more spaces and a drop off zone. Car parking associated with use around the Community Hub, Indoor Stadium and East Oval will also require reconfiguration to improve efficiency.
 - A small water based natural play zone to mimic the natural creek environment, providing environment education and play opportunities in close proximity to the Hurstbridge Community Hub. This would be subject to significant external funding.
14. The Draft also presents a number of options for further community engagement:
- Option 1. Two additional outdoor courts to the east of the stadium. These courts will meet the needs of the netball club who are currently travelling outside of Nillumbik for suitable facilities. This would require significant external funding.
 - Option 2. A new Men's Shed on land leased from VicTrack. A landscaped edge is proposed adjoining the railway crossing and a new building could be situated within this. This could allow for larger projects and future integration of a bicycle workshop which could be built on the precinct at the end of the extended Diamond Creek Trail.
 - Option 3. Nature based play space in the northern area of the precinct to incorporate nature based play elements as an extension of the current playground. This would be in the form of a landscaped trail, with sensory and exploratory play elements, running parallel to the existing trail west of the Hurst graves. This space will have a strong focus on environmental education
15. The work completed to date on the Precinct Plan provides sufficient strategic merit to prepare a Planning Scheme Amendment (PSA) to rezone the land from TZ to PPRZ and remove Development Plan Overlay 7. The Amendment has been allocated the number C113. The Amendment preparation will be aligned with the final Precinct Plan so that authorisation from the Minister for Planning can be immediately sought after Council's adoption, in accordance with the 22 November 2016 and 16 May 2017 resolutions. This work will commence now, and is projected to be completed by December 2018.

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OCM.075/18 Open Space Precinct Plan, Graysharps Road Hurstbridge

16. Following this, there will be a four week period of public exhibition on the amendment proposal. It is anticipated that the rezoning process will be completed by the end of 2018.

Conclusion

17. The Open Space Precinct Plan, Graysharps Road, Hurstbridge is a project that was borne from the abandoned plan to sell Lot 1 Graysharps Road Hurstbridge.
18. The Draft Precinct Plan has been developed through an extensive community engagement process involving publications for feedback, a Council appointed Project Reference Group, and workshops, to give the community a variety of ways to contribute to the Precinct Plan.
19. The next step in this process is to display the Draft Precinct Plan to the community for feedback, to ensure the elements in the plan respond to the needs of the community.
20. Commence the Planning Scheme Amendment now in-line with Council's decision in November 2016.

12. Officers' reports

OCM.076/18 Fordhams Road Special Charge Scheme, Eltham - Intention to declare

File:

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Matthew Theuma, Engineer

Summary

On 24 March 2017, Council received a petition signed by property owners in Fordhams Road, Eltham requesting that Council investigate road sealing.

After conducting a survey (with two options for the standard of construction), it was determined that over 60 per cent of property owners support road sealing with a rural standard of construction. Council resolved on 28 November 2017 to proceed with the consultation process for the Fordhams Road Special Charge Scheme, Eltham (Item OCM.135/17). This has now been completed.

This report commences the statutory process to levy the special charge. Council must first give notice of its intention to declare a special charge, and then hear any submissions and/or objections to the scheme. Following this, Council may resolve to declare, vary or abandon the scheme.

Recommendation

That Council:

- 1. Gives notice of its intention to declare a Special Charge Scheme in accordance with Part 8 of the *Local Government Act 1989*, for the construction of Fordhams Road subject to the following conditions:**
 - a) The Special Charge Scheme shall apply to the properties in Fordhams Road, Eltham, as shown in Attachment 1.**
 - b) The apportionment cost to each property is based on the method shown in the report and Attachment 2.**
 - c) The total estimated cost to each property is shown in Attachment 3 and may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.**
 - d) The interest rate applicable to instalments paid by each due date is to be one per cent higher than the rate applying to Council in relation to funds borrowed for this project.**
 - e) The Special Charge Scheme for Fordhams Road, Eltham shall remain in force for 10 years.**
 - f) Within 12 months of the completion of works, a final cost statement will be issued to all properties in Fordhams Road, Eltham and any adjustment to liabilities will be made at the time.**

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- g) The estimated total project cost is \$325,682 with a benefit ratio of 0.9556' (95.56 per cent). The total amount to be levied under this special charge is \$311,213. Council will be contributing \$14,469 for a Council property at 620 Main Road. This amount will be referred to the 2018/2019 Capital Works Program.**

Attachments

1. Properties included in proposed scheme
2. Guidelines for Apportionment of Costs for Road Construction
3. Apportionment to affected properties

Background

1. On 24 March 2017, Council received a petition signed by property owners in Fordhams Road, Eltham requesting that Council investigate road sealing.
2. A survey was sent to property owners on 18 September 2017 with two options for road construction:
 - Urban standard of construction (full length of road and including 19 properties) with an asphalt pavement, kerb and channel and underground drainage.
 - Rural standard of construction (starting from existing sealed section of road and including 18 properties) with a sprayed seal pavement and open table drains.
3. The results determined over 60 per cent of property owners supported sealing the road with a rural standard of construction. Council resolved on 28 November 2017 to proceed with the consultation process for the Fordhams Road Special Charge Scheme, Eltham (Item OCM.135/17).

Policy context

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

Budget implications

5. Council has incorporated costs for administering the scheme in the current services budget. The survey and design costs incurred will be recovered if the scheme proceeds and the charge is levied.
6. Council will have a liability of \$14,469 for a Council property at 620 Main Road. This property has a frontage of 13.9 metres to Fordhams Road and is included in the scheme. This cost will be sought from the 2018-2019 Capital Works Program, if a scheme is to proceed.

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OCM.076/18 Fordhams Road Special Charge Scheme, Eltham - Intention to declare

Consultation/communication

7. Consultation to date has involved:

- An information session held for all interested property owners on 30 August 2017 to discuss the proposed scheme and process.
- Questionnaires being sent to all property owners in Fordham Road, Eltham on 18 September 2017 with two voting options available for comment. 1 of 19 properties (5.3 per cent) supported an urban standard of construction, while 11 of 18 properties (61.1 per cent) supported a rural standard of construction.
- Task group meetings were held on 21 February and 15 March 2018 to develop the proposed design.
- A final information session for all property owners in the scheme was held on 16 May 2018 and was attended by property owners representing 10 properties.

Issues/options

8. The proposal for Fordhams Road is a rural construction standard with open table drains and a sprayed seal surface. While the adopted construction standard under Council's Special Charge Scheme Policy would typically be 'urban', the construction standard ultimately needs to be mindful of neighbourhood character, while providing a suitable solution to the issues of safety, drainage, bank erosion and dust that an unsealed road generates. These principles have been incorporated into the completed design.
9. The final estimated cost of the project has increased 1.1 per cent due to modifications to the project. These modifications include an increase in construction costs, reduction in the number of crossover culverts and asphalt table drains, additional earthworks and removal of four trees.
10. The special benefit of the road construction is considered to be improved access and amenity to property owners and the residents in the scheme. There is a Council property (620 Main Road) with frontage to Fordhams Road for which Council is required to contribute \$14,469. Therefore, the benefit ratio is 0.9556' (95.56 per cent).
11. Council is currently in the process of reviewing its Special Charge Scheme Policy. It is anticipated that the review will not impact the scheme for Fordhams Road. Therefore, it is recommended Council proceed with giving notice of its intention to declare a Special Charge Scheme for Fordhams Road.

Appeal rights

12. Property owners have two further avenues for input during the statutory process.
13. The first is when Council serves notice of its intention to declare a Special Charge Scheme for Fordhams Road. At this time:
 - Any person may make a submission in accordance with section 223 of the *Local Government Act 1989* in relation to Council's proposal to declare a scheme.

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OCM.076/18 Fordhams Road Special Charge Scheme, Eltham - Intention to declare

- Any person required to pay the special charge may object to the proposed declaration. If objections are received from more than 50 per cent of affected properties, Council will not be able to proceed with the scheme.

14. The second opportunity is when Council formally declares a Special Charge Scheme for Fordhams Road, at which time property owners will have the right to appeal to the Victorian Civil and Administrative Tribunal (VCAT).

Apportionment method

15. The apportionment of costs for the scheme is based on 75 per cent for benefit and 25 per cent for frontage. A more detailed explanation of the apportionment can be found in Attachment 2.

Conclusion

16. The consultation process for the Fordhams Road Special Charge Scheme has been completed in line with Council's Special Rates and Charges Policy and Procedure.

17. The next stage in the scheme is for Council to commence the statutory process by resolving to issue a notice of intention to declare the scheme, publicly advertise the intention to declare the scheme and notify all affected property owners.

12. Officers' reports

OCM.077/18 Assembly of Councillors

File: 10.30.02

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Emma Christensen, Governance Officer

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 Council help.

This report lists assemblies of Councillors forms that have been submitted since that matter was last reported to Council 1 May 2018.

Recommendation

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

Date of assembly	Arts Advisory Committee - 27 November 2017		
Matters considered	<ul style="list-style-type: none"> • Minutes arising: acquisitions recommended 23 October 2017 • Arts and Cultural Plan 2018-2022 • Acquisition process for considerations between meetings • Civic Drive outdoor performing arts space • Health and Wellbeing Plan • Australia Day nominations 		
Cr/Staff present	For items/times	Cr/Staff present	For items/times
Cr Karen Egan Cr Jane Ashton	All All	Michelle Zemancheff Grace Longato	All All
Conflict of interest	None declared		

12. Officers' reports

OCM.077/18 Assembly of Councillors

Date of assembly	Arts Advisory Committee – 26 February 2018		
Matters considered	<ul style="list-style-type: none"> • Civic Drive outdoor performing arts venue site visit • Arts and Cultural Plan debrief • Acquisition considerations • Creative Victoria successful funding • Nillumbik Community Fund • Nillumbik Prize • Literary Nillumbik Shire Council Artists Open Studios 30th Anniversary exhibition 		
Cr/Staff present	For items/times	Cr/Staff present	For items/times
Cr Karen Egan	All	Michelle Zemancheff Grace Longato	All All
Conflict of interest	None declared		
Date of assembly	Arts Advisory Committee – 9 April 2018		
Matters considered	<ul style="list-style-type: none"> • Nillumbik Shire Art Collection – removal request • Nillumbik Shire Art Collection – potential acquisitions • Nillumbik Shire Art Collection Policy 2014-2017 review • The Nillumbik Prize review • Business Tourism and Marketing department • New artist residency program • Outdoor performing arts space at Civic Drive 		
Cr/Staff present	For items/times	Cr/Staff present	For items/times
Cr Karen Egan Cr Jane Ashton	All	Michelle Zemancheff Grace Longato	All All
Conflict of interest	None declared		

Date of assembly	Economic Development Advisory Committee - 21 February 2018		
Matters considered	<ul style="list-style-type: none"> • Strategic Facilitated Workshop 		
Cr/Staff present	For items/times	Cr/Staff present	For items/times
Cr Karen Egan Cr John Dumaresq Cr Peter Clarke	All All Last 15 Minutes	Adrian Cully Kylie Lethbridge Kate Shannon Darko Popovski	Left earlier All All All
Conflict of interest	None declared		

12. Officers' reports

OCM.077/18 Assembly of Councillors

Date of assembly	Pre Meet to Ordinary Council Meeting – 1 May 2018		
Matters considered	• Agenda items		
Cr/Staff present	For items/times	Cr/Staff present	For items/times
Cr Peter Clarke Cr John Dumaresq Cr Peter Clarke Cr Karen Egan Cr Peter Perkins Cr Jane Ashton Cr Bruce Rankin Jonathan Risby Lance Clark Jake Hart Dora Ilov Natalie Champion Ian Culbard Emma Christensen Naomi Paton	Arrived 5:45pm	Mark Stoermer Blaga Naumoski Adrian Cully Matt Kelleher Hjalmar Philip Vince Lombardi Suzy Ellingsen Jeremy Livingston Mitch Grayson Jon Miller Michelle Zemancheff Craig Commane Mat Deayton Jonathan Risby James Martin	Arrived 6 pm
Conflict of interest	None declared		

Assembly	Officer Briefings of Councillors		
Date	8 May 2018		
Location	Council Chambers		
Crs/staff Present	Items	Crs/staff Present	Items
Cr Peter Clarke	All	Mark Stoermer	All
Cr Grant Brooker	All	Blaga Naumoski	All
Cr Peter Clarke	All	Adrian Cully	All
Cr Karen Egan	All	Matt Kelleher	All
Cr Peter Perkins	All	Hjalmar Philip	All
Cr Jane Ashton	All	Vince Lombardi (left at 5.05pm)	1
Cr Bruce Rankin	All	Suzy Ellingsen (arrived at 4.43pm)	
Cr John Dumaresq (arrived at 4.46pm)	All	Jeremy Livingston (arrived 4.45pm)	
Mikael Ooi (left at 5.25pm)	1&2	Melanie Holt (arrived at 5.16pm - left at 6.12pm)	2-5
Jon Miller (arrived at 4.55pm)	All	Paige Macdonald (arrived at 5pm - left at 6.12pm)	2-5
Lisa Pittle	All	Melanie Morgan (arrived at 5pm - left at 6.12pm)	2-5

12. Officers' reports

OCM.077/18 Assembly of Councillors

Joseph Emmanuel	1&2	Neil Hordern (arrived at 4.43pm - left at 6pm)	3&4
Michelle Zemancheff (arrived at 4.58pm - left at 6.12pm)	1-4	Jon Miller (arrived at 4.55pm - left at 6pm)	1-3
Grace Longato (arrived at 4.58pm - left at 6.12pm)	1-4		
Others	Briony Stephens – Matheson Stephen Valuations (left 6.15pm)		
The assembly commenced	at: 4.30pm		
Matters Considered		Disclosures and Comments	
1.	2018 Property Revaluations (4.30pm – 5.05pm)	Nil	
2.	2018 Property Revaluations (4.30pm – 5.05pm)	Nil	
3.	Lease from Parks Victoria – 130 and 195 Laughing Waters Road Eltham South (5.25pm – 6pm)	Nil	
4.	Kangaroo Ground War Memorial Park & Tower of Remembrance (5.25pm – 6pm)	Nil	
5.	Open Space Precinct Plan (6pm – 6.12pm)	Nil	
6.	Planning Item 15 Edmonds Street Diamond Creek (6.15pm – 6.26pm)	Nil	
7.	CONFIDENTIAL – CEO Employment Matters (6.28pm – 6.33pm)	Nil	
Break		6.35pm-7.05pm	
Council Plan 2017-21 Annual Review a& Annual Plan 2018-19 (7.05pm – 7.20pm)		Nil	
Conflicts of interest	None declared		
The assembly concluded	at: 7.20pm		

12. Officers' reports

OCM.077/18 Assembly of Councillors

Assembly	Positive Ageing Reference Group		
Date	11 May 2018		
Location	Shire Offices		
Crs/staff Present	Items	Crs/staff Present	Items
Cr Jane Ashton	All	Matthew Campbell	All
Corrienne Nichols	1, 2, 4	Maggie Clarke	3
Rebecca Burton	1, 2, 4	Melanie Holt	3, 5, 6, 7, 8
Apologies	Izzy Abuleela		
The assembly commenced			
Matters Considered	Disclosures and Comments		
Update on Positive Ageing Position			
Preliminary results of Ageing Well in Nillumbik			
Services offered by Living & Learning Nillumbik			
Review previous minutes			
Conflicts of interest	None declared		
The assembly concluded			

12. Officers' reports

OCM.077/18 Assembly of Councillors

Assembly	Officer Briefings of Councillors and Pre meet to FNC		
Date	15 May 2018		
Location	Council Chambers		
Crs/staff Present	Items	Crs/staff Present	Items
Cr Peter Clarke	All	Mark Stoermer (left 6.43pm)	1-3
Cr Grant Brooker (arrived 5.04pm)	All	Blaga Naumoski (left 6.43pm)	1-3
Cr Peter Clarke	All	Adrian Cully (left 6.43pm)	1-3
Cr Karen Egan	All	Matt Kelleher (left 6.43pm)	1-3
Cr Jane Ashton	All	Hjalmar Philip (left 6.43pm)	1-3
Cr Bruce Rankin	All	Vince Lombardi (6.38pm)	1-2
Cr John Dumaresq	All	Suzy Ellingsen (arr 5.06pm)	All
Poul Tvermoes (left 6.07pm)	1	Naomi Paton (left 6.37)	1-2
Paul Fyffe (left 6.07pm)	1	Mitch Grayson (left 6.43pm)	1-3
Emily Physick (left 6.07pm)	1	Jonathan Risby (left 6.08)	1
Fae Ballingal (left 5.19pm)	Part 1	Eddie Cheng (left 6.03pm)	1
Anthony Calthorpe (left 6.07pm)	1	Jon Miller (left 6.37pm)	1-2
Kylie Lethbridge (arr 5.50. left6.13)	Pt 1 & Pt 2	Renae Ahern (arr 5.52pm)	3
		Simon Ilsley (arr 5.52pm)	3
Others			
The assembly commenced	at: 5.01pm		
Matters Considered	Disclosures and Comments		
1. Review of Diamond Creek and Eltham Activity Centre Structure Plans (5.02pm)	Nil		
2. 2018-2019 Budget Discussions (6.07pm)	Nil		
3. Pre meet to FNC (6.37pm)	Nil		
4. CONFIDENTIAL – CEO Employment Matters (6.57pm)	Nil		
Conflicts of interest	None declared		
The assembly concluded	At: 6.57pm		

12. Officers' reports

OCM.077/18 Assembly of Councillors

Assembly	Project Reference Group – Open Space Precinct Plan, Graysharps Road, Hurstbridge		
Date	16 May 2018		
Location	Hurstbridge Community Hub		
Crs/staff Present	Items	Crs/staff Present	Items
Cr Karen Egan	All	Paige Macdonald	All
Neil Hordern	All		
Apologies Adrian Cully			
Others			
The assembly commenced	at: 6.30pm		
Matters Considered	Disclosures and Comments		
1. Draft Precinct Plan to be presented at OCM 29 May	Nil		
2. Display of Precinct Plan following endorsement	Nil		
3. Planning Scheme Amendment to Lot 1 site	Nil		
4. Next Steps	Nil		
5. Other business			
6. Next Meeting			
Conflicts of interest	None declared		
The assembly concluded	at: 8.00pm		

Attachments

Nil

Background

1. The *Local Government Act 1989* (the Act) requires records of assemblies of Councillors 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 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

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

12. Officers' reports

OCM.077/18 Assembly of Councillors

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 1 May 2018.

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*.

12. Officers' reports

OCM.078/18 Risk and Insurance Report March Quarter 2018

File:

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Organisational Performance

Author: Craig Commene, Risk Advisor

Summary

This report provides a summary of Council's Risk and Insurance Report for the quarter ending March 2018.

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

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

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

Recommendation

That Council resolves that the report remain confidential and the resolution of Council be made public.

Attachments

Nil

Background

1. Council's commitment to risk management is outlined in the Risk Management Policy adopted by Council on 16 December 2014, with the following objectives:
 - Promote and support a consistent corporate approach to risk management.
 - Ensure that all risks that could affect the achievement of our Council's goals, strategies and actions are identified, assessed and treated to a commercially and politically acceptable level of risk.
 - To manage risks to an acceptance level in the low/medium risk range as far as practicable.
 - Integrate risk management into decision making processes and embed risk into the organisation culture to help make informed choices to ensure resources and operational capabilities are identified and deployed responsibly and effectively for the benefit of Council and our stakeholders.
 - To ensure that risk management is seen as the responsibility of all staff, i.e. 'Risk Management is everyone's business'.

12. Officers' reports

OCM.078/18 Risk and Insurance Report March Quarter 2018

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

Policy context

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

Budget implications

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

Consultation/communication

9. The Risk and Insurance Report was considered by the Audit Committee on 28 May 2018.

Issues/options

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

12. Officers' reports

OCM.078/18 Risk and Insurance Report March Quarter 2018

11. A review of Council’s strategic and operational risks commenced during the December 2017 quarter, and 20 draft strategic risks and 70 draft operational risks were identified for consideration.
12. These risks are currently being risk assessed and internally consulted before commencing the process for adoption.
13. A strategic risk is a risk external to Council that is serious enough that a change in strategic direction is required. An operational risk is a risk that is external or internal that may impact the current business strategy to provide services to the community.
14. Highlights from the report are:
 - Commenced Council Plan actions to review and make improvements to the Risk Management Policy and Risk Framework.
 - Council risk status reporting – 87 per cent of all risk control actions have been completed or are on target to be completed in accordance with their time lines.
 - The following table summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type (excluding OHS incidents)	Apr- June 2017	Jul - Sept 2017	Oct - Dec 2017	Jan - Mar 2018	Total year to March 2018	Total prior year to March 2017	Year to year trend
Property	6	6	14	4	30	38	▼
Motor vehicle	43	32	33	24	132	105	▲
Professional Indemnity	1	0	1	0	2	2	◀▶
Public Liability	36	24	39	35	134	134	◀▶
Total all incidents	86	62	87	63	298	279	▲

- A high proportion of reported incidents during the March 2018 quarter are generated within the normal course of operations of the Directorate, Sustainability and Place, 77 per cent. These incidents relate to major classes of asset or maintenance type incidents for trees, footpaths, roads, drainage, major plant and Council buildings.

12. Officers' reports

OCM.078/18 Risk and Insurance Report March Quarter 2018

- Tree related risks are mitigated through the:
 - Tree Management Policy
 - Reactive tree maintenance program
 - Proactive electric powerline clearance program
 - Proactive inspections of high risk trees
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
- Road, footpath, drainage and roadside related are mitigated through the:
 - Road Management Plan
 - Road Asset Management Plans
 - Proactive and reactive maintenance programs.
- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds. Risks are typically mitigated through maintenance programs and insurance.
- Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are typically mitigated through maintenance, education and insurance.
 - Council sedan impacted in the rear whilst stationary, resulting in significant damage to four vehicles. Minor injuries. An insurance claim was lodged to Council's motor vehicle insurer.
- Professional indemnity relates to claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services.
- Public liability relates to incidents reported to Council including where the third party is seeking compensation for personal injury, property damage and economic loss. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
 - Seven tree damage incidents were reported during the March 2018 quarter primarily caused by windy conditions, all claims were referred to Council's under excess claims manager for assessment and determination.
 - Eight trip and fall incidents were reported at various locations through the Shire. Two incidents related to non-Council raised pits in footpaths. Under the Road Management Act 2004, Council does not have a duty to inspect non road infrastructure and were referred to the correct authority.
 - 11 claims related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. Note that the Road Management Act threshold is \$1380.

12. Officers' reports

OCM.078/18 Risk and Insurance Report March Quarter 2018

- Two flood / water damage incidents making claims for compensation were received related to the weather event on 19 December 2017. All incidents relate to issues where the volume of water exceeded the capacity or capability of Council's drainage system to cope and overflowed onto private property.
 - Seven miscellaneous incidents were noted.
 - The annual trend data for year ending March 2018 highlights was consistent with the same period ending March 2017. It is not unusual for the number of incidents to vary from period to period.
15. Incident costs including under excess claim costs and insurance excesses are managed within existing budgets.

Conclusion

16. This summary, along with the confidential Risk and Insurance Report March 2018, have been provided to meet the requirements of the Local Government Performance Reporting Framework and consolidation of management reporting.
17. Ongoing reporting to Council will be presented quarterly following each meeting of the Audit Committee

12. Officers' reports

OCM.079/18 Proposed New Plenty Fire Station - Heads of Agreement

File:

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Jon Miller, Manager Assets and Property

Summary

The Plenty Fire Station is currently located on Council owned land on the corner of Yan Yean Road and Memorial Drive, Plenty (being a part of Plenty Memorial Park).

The current fire station has reached the end of its functional life. The Country Fire Authority (CFA) and Plenty Fire Brigade (the Brigade) have completed extensive investigations over many years into appropriate land in the Plenty area to construct a new and more functional fire station.

The most suitable land identified by the CFA and the Brigade is owned by Council and forms a part of a larger parcel identified as Certificate of Title Volume 11373 Folio 616 (known as part of Plenty Memorial Park).

The CFA lodged the planning permit application for a new station at Plenty in mid-April. A request for further information has been issued and it is expected that the CFA will respond to this request for additional information in mid-June to enable the assessment of the application to proceed. To provide some certainty that they can build the new fire station if the planning permit application is successful, the CFA have formally requested an in-principle agreement whereby Council agrees to sell the required land.

As part of discussions with the CFA in the lead up to the application being lodged, an approach to community consultation that would be more extensive than the standard notice period has been confirmed. In anticipation of local community interest in the new station development, the CFA has agreed to host an information drop in session for interested residents at the start of the public notice period for the planning application. Once the request for further information has been satisfied and the application can progress, invites will be distributed by the CFA to local residents in the Plenty area surrounding the proposed station site. As part of the session, it's planned to maximise the opportunity by also having a Council presence to engage with the local community regarding the future use of the former (current) CFA Plenty Station building that is owned by Council. Planning Officers will also be in attendance to respond to questions about the application and the planning process.

A Heads of Agreement (HoA) outlining the intentions of Council and the CFA has been drafted.

The CFA has advised Council officers of its acceptance of the terms of the HoA and willingness to execute the agreement.

This report informs Councillors of the key terms contained in the HoA and seeks authorisation to proceed with signing and sealing of the agreement.

12. Officers' reports

OCM.079/18 Proposed New Plenty Fire Station - Heads of Agreement

Recommendation

That Council:

1. Notes the report.
2. With CFA agreement, makes public the decision regarding signing and sealing the Head of Agreement between the two parties, but the details of the agreement remain confidential.

Attachments

Nil

12. Officers' reports

OCM.080/18 Tender Report - 1718-126 Supply and Delivery of Bulk Fuels to Operations Centre

File:

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Lisa Pittle, Manager Environment

William Mulcahy, Workshop Fleet Coordinator

Lance Clark, Senior Procurement Specialist

Summary

This contract is to provide Council with access to a panel of bulk fuel suppliers and to provide efficiencies in administration process associated with procuring bulk fuel supplies.

Council elected to participate in a Local Government group tender by appointing Procurement Australia as its tendering agent in a process to establish a panel of providers for the supply and delivery of bulk fuels.

This contract is to replace the previous contract arrangements undertaken via Contract ID 1415-31 in November 2013 and which expired on 31 March 2018.

The awarding of this tender will support Council in purchasing bulk fuels for operational purposes. The contract period is for an initial period of three (3) years with further options of two additional twelve (12) month terms.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the anticipated value of this contract exceeds the financial limits and a Council resolution is required to accept the recommendation to use this contract.

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.081/18 Tender Report - Contract 1718-116 Eltham North Reserve Pavilion Redevelopment - Building Works

File: 1718-116

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Steven Blight, Coordinator Construction

Summary

This report recommends the awarding of the contract for the Eltham North Reserve Pavilion Redevelopment Building Works.

The works will involve the demolition of the existing sports pavilion and the construction of a new accessible and female friendly facility for the existing tenants. This includes the construction of a new soccer pavilion, cricket pavilion, change rooms and other shared facilities, storage space, internal alterations to the existing scout hall and community hall, traffic and accessibility improvements and other associated works.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Eltham North Reserve Pavilion Redevelopment Building Works.

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

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.082/18 Tender Report - Contract 1718-103 Redevelopment of the Diamond Valley Sports and Fitness Centre - Project Management Services

File: 1718-103

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Mathew Deayton, Manager Infrastructure
Lance Clark, Senior Procurement Specialist

Summary

This report recommends the awarding of the contract for the Project Management Services for the Redevelopment of the Diamond Valley Sports and fitness Centre, Greensborough.

The project involves:

- Construction of three new courts.
- Upgrade one existing court to meet current runoff standards.
- Include spectator seating for 1800 people.
- New entrance, foyer, café, reception and basketball administration/social space.
- Public amenities, referee room and storage.
- Refurbishment of office spaces and change rooms.

Concept plans have been developed in consultation with all stakeholders and these will be developed into full detailed design plans, specification and tender documentation to allow for the appointment of a builder to undertake construction of the new facility.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Redevelopment of the Diamond Valley Sports and Fitness Centre Project Management Services.

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.083/18 Tender Report - Contract 1718-122 - Eltham Central Oval - Design and Construction of Sportsfield Lighting

File: 1718-122

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Jake Hart, Project Management Officer

Summary

This report recommends the awarding of the contract for the Eltham Central Oval – Design and Construction of Sportsfield Lighting.

The works will involve the design and construction of a sports field LED lighting system for Eltham Central Oval. The lighting system will be designed to have the ability to be switched on at either 150 lux average (for match play) or 100 lux average (for training).

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Eltham Central Oval – Design and Construction of Sportsfield Lighting.

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

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.084/18 Tender Report - 1718-91 Community Bank Stadium Solar, Storage and EV Charge station

File:

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Ian Culbard, Sustainability Officer

Joseph Emmanuel, Coordinator Road and Drain Maintenance

Lance Clark, Senior Procurement Specialist

Summary

Through the adoption of Nillumbik's Climate Change Action Plan 2016-2020, Nillumbik Council has committed to reduce Council's operation reliance on fossil fuels. In addition to making substantial improvements to buildings to improve thermal efficiency, Council made a commitment to implement a range of renewable energy installations to reduce Council's reliance on grid power, the cost of electricity use and the cost of purchasing carbon offsets.

This report considers the awarding of the contract for the supply and installation of solar photovoltaic (PV) systems, battery storage and an Electrical Vehicle (EV) charging station at the Community Bank Stadium in Diamond Creek.

The work covered by this contract consists of supplying all labour, supervision, materials and equipment necessary in connection with the solar PV/ battery storage system and EV charging station being complete, commissioned and tested, ready for service.

The Tender Evaluation Panel (TEP) has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract

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

Recommendation

That Council:

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

Attachments

Nil

- 13. Notices of Motion
- 14. Delegates' Reports
- 15. Supplementary and urgent business
- 16. Confidential reports

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

Motion

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

Report No.	Title	Reason for confidentiality
OCM.085/18	Risk and Insurance Report March Quarter 2018	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
OCM.086/18	Proposed New Plenty Fire Station - Heads of Agreement	(d) contractual matters
OCM.087/18	Tender Report - 1718-126 Supply and Delivery of Bulk Fuels to Operations Centre	(d) contractual matters
OCM.088/18	Tender Report - Contract 1718-116 Eltham North Reserve Pavilion Redevelopment - Building Works	(d) contractual matters
OCM.089/18	Tender Report - Contract 1718-103 Redevelopment of the Diamond Valley Sports and Fitness Centre - Project Management Services	(d) contractual matters
OCM.090/18	Tender Report - Contract 1718-122 - Eltham Central Oval - Design and Construction of Sportsfield Lighting	(d) contractual matters
OCM.091/18	Tender Report - 1718-91 Community Bank Stadium Solar, Storage and EV Charge station	(d) contractual matters