

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 24 May 2016.

Minutes

Stuart Burdack
Chief Executive Officer

Wednesday 25 May 2016

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Domin je ka

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 24 May 2016. The meeting commenced at 7pm.

Councillors present:

Cr Bronnie Hattam	Swipers Gully Ward (Mayor)
Cr Meralyn Klein	Blue Lake Ward
Cr Anika Van Hulsen	Bunjil Ward
Cr Michael Young	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Ken King	Sugarloaf Ward
Cr Helen Coleman	Wingrove Ward

Officers in attendance:

Stuart Burdack	Chief Executive Officer
Pauline Gordon	General Manager Community and Leisure
Andrew Port	General Manager Corporate Services
Ransce Salan	General Manager Environment and Planning
Conal Creedon	General Manager Infrastructure Services
Allison Watt	Manager Governance and Communications
Naomi Paton	Manager Leisure and Social Infrastructure
Chad Griffiths	Manager Strategic and Economic Planning
Pat Vaughan	Executive Officer Sustainability and Environment
Joanne Hammond	Coordinator Communications
Nadine Wooldridge	Coordinator Community Leisure Services
Wayne Trull	Coordinator Governance
Hannah Burns	Infrastructure Maintenance Project Officer – Communications
Michelle DePasquale	Leisure Facilities Officer
Joanne Massoud	Leisure Services Development Officer

Welcome

1. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Bronnie Hattam.

2. Prayer

A prayer was read by Associate Pastor Shey Hall of the Diamond Valley Baptist Church.

3. Good governance pledge

The good governance pledge was read by Cr Helen Coleman.

4. Apologies

Nil

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 26 April 2016.

Motion

**Cr Helen Coleman
Cr Michael Young**

That the minutes of the Council Meeting held on Tuesday 26 April 2016 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Cr Peter Perkins declared a direct interest in agenda items OCM.086/16 and OCM.090/16 Tender report 1516-69 Reynolds Road-Orme Street Road Sealing Works. He lives in one of the affected roads.

8. Petitions

PT.002/16

Council received a petition with 76 signatures from Eltham traders expressing their concern with regards to the Eltham Special Rate being implemented for a further five years.

Motion

**Cr Helen Coleman
Cr Michael Young**

That Council:

- 1. Receives the request.**
- 2. Refers it to the General Manager Environment and Planning as a submission to be considered by the Policy and Services Committee in June.**
- 3. Advises the organiser accordingly.**

CARRIED

9. Questions from the gallery

Dianne Brooker asked Council:

Civic Drive Precinct Masterplan, is it possible for the proposed basketball court to co-exist with the outdoor performance building or does it need to be one or the other?

Mayor, Bronnie Hattam responded that the masterplan recommends that a basketball and multi-sport court be developed at Civic Drive in place of the outdoor performance building. This recommendation has been widely supported by the local community during preparation of the plan.

Development of the outdoor multi-purpose sports court needs to meet court-size regulations for both netball and basketball. It is not possible to retain the building and meet the required court dimensions. However, as detailed in the masterplan, the outdoor performance space is to be retained and supported by the required infrastructure and services such as power and infrastructure for a temporary backdrop.

The wider community and users of the outdoor performance space, including schools who host the annual Christmas Carols events, will be consulted at the detailed design stage to ensure new infrastructure supports both outdoor performance and sport.

Dianne Brooker asked Council:

When the masterplan is adopted, what would the next steps be with regard to detailed design and consultation?

Mayor, Bronnie Hattam responded that there is an allocation in the 2016-2017 draft budget to undertake the detailed design for the community facilities at Civic Drive ahead of a further indicative allocation in 2017-2018 for construction.

During the detailed design process there will be opportunities for community members and stakeholders to have further involvement in the project through design workshops. It is anticipated that the detailed design process will commence in late 2016.

David Mulholland asked Council:

Recently Nillumbik Shire tried to fix a rat run through Marino Way by adding a no turning lane, but unexpectedly police have started booking locals who live in the road. Will Council address this issue by allowing this road to have local access exemption?

Mayor, Bronnie Hattam responded that the traffic control measure that has been implemented at Aqueduct Road and Marino Way is a left turn ban between 7 and 9am. This was installed following complaints from residents and the consideration of traffic counts that showed higher than expected traffic volumes. A majority of residents in the area support the ban. Traffic counts taken after the implementation of the ban show that volumes have dropped between 25-50 per cent. As some vehicles continued to ignore the left turn ban, officers requested Victoria Police to enforce the situation. The ban applies to all vehicles and cannot be enforced with a 'local access exemption'. Adding such an exemption to the turn ban would make it pointless as a traffic treatment.

9. Questions from the gallery continued

David Mulholland asked Council:

A local constituent Maree Taylor advised me that Council has been ignoring her safety issues in the service road opposite Railway Parade on Main Road Eltham. She's advised me that there has been many incidents with vehicles and pedestrians. Will Council take action on Ms Taylor's issue?

Mayor, Bronnie Hattam responded that she has had a number of conversations with Ms Taylor on this subject including site visits with Council officers from Regulatory Services, Planning and Infrastructure Development to consider ways to improve the situation.

Council has previously installed bollards to protect trees and there have been recent works with additional line marking to designate the path and car parking locations. This line marking allows officers to enforce any problems with parking on the path. There is no on-road parking available on this busy stretch of Main Road and, as happens in many parts of Nillumbik, some residents do park on the road reserve.

Council is aware that Ms Taylor has had some concerns with vehicles associated with approved development works on neighbouring properties and officers have responded to any issues reported and are satisfied that any safety issues are being addressed. Ms Taylor has been kept up to date with these actions.

Andrea Bebbington asked Council

If my current house, which is visual from the One Tree Hill Road burns down, will I be permitted to rebuild on the same site?

Mayor, Bronnie Hattam responded that the rules around rebuilding should your house be destroyed are governed by State Government legislation, and are the same in all areas of Victoria.

Clause 63 'Existing uses' is the relevant part of all planning schemes in Victoria. In general, if more than 50 per cent of your structure is destroyed and the use of the land can't continue, then a planning permit will be required to rebuild the structure.

Any permit issued must be consistent with the planning scheme and modern construction standards. For instance, if an old dwelling is destroyed by bushfire, any new dwelling would need to be constructed in accordance with current bushfire construction standards. Because a permit is required, no guarantee can be given about your ability to be rebuild. But in general it would make sense to rebuild a new dwelling in the area of existing disturbance/footprint of the old dwelling.

Andrea Bebbington asked Council

Will I need to fence my so called 'waterways' if I have two horses?

Mayor, Bronnie Hattam responded that fencing waterways and environmentally sensitive areas is good practice and voluntary, Council cannot force you to fence off waterways and environmentally sensitive areas on your property.

The ESOs are only considered if a person applies for a planning permit. If the level of development or proposed impact on the land is sufficiently large, Council would encourage people to fence their waterways.

9. Questions from the gallery continued

However, it is good practice (not compulsory) to fence off your waterways to rehabilitate and protect the watercourse, improve water quality, prevent erosion and to improve waterway health overall. These principles have informed the Landcare program for decades. Council programs provide support for rehabilitation programs and responsible land management.

Council works with many Friends of groups to protect and rehabilitate the Shire's streams and catchments around the Shire.

Terry and Sandra Ollerenshaw asked Council

Under the *Emergency Management Act 2013* all councils are required to prepare and maintain an Emergency Management Plan. Can you please advise at the meeting to all attendees where a copy of this can be obtained and also how C81 and C101 impact upon this EM plan?

Mayor, Bronnie Hattam responded that the Municipal Emergency Management Plan can be found on Council's website <http://www.nillumbik.vic.gov.au/Living-in/Fire-and-other-emergencies/Councils-role>. Amendments C81 and C101 do not impact on the Municipal Emergency Management Plan.

Terry and Sandra Ollerenshaw asked Council

Considering the extremely large sums of money already expended by the Council on C81 and C101 and the total lack of awareness by the general Nillumbik public. Would it not be prudent to canvas every Nillumbik ratepayer and record the responses received on the Nillumbik Council website? This will give as true a picture as possible of public/community opinion regarding C101 overlays. This will also negate those opinions being voiced at council meetings from non-residents in the Nillumbik area?

Mayor, Bronnie Hattam responded that while Council appreciates that many submitters to these processes have indicated that they were, until recently not aware of these amendments, the statutory processes for notification and engagement has been significantly exceeded.

Bob Mayes asked Council

Is grazing permitted even if people do not have a primary producer permit/licence, and are only on lifestyle properties in Nillumbik?

Mayor, Bronnie Hattam responded that you can still graze animals on your land under the proposed Amendment C101, there are no changes.

David Cook asked Council

If the proposed amendment C101 is approved how will SP AusNet gain vehicular entry to our paddocks to perform routine maintenance? Currently they enjoy unrestricted access, however if the new waterway easements are fenced this will be impossible?

Mayor, Bronnie Hattam responded that this question has been already been covered in the response to the first question tonight. However, if Mr Cook decided to voluntarily or as part of a planning application to rehabilitate any waterways on his property, then consideration should be given to the need for traversing the waterways and maintaining access for his, SP AusNet's or any other persons' needs.

9. Questions from the gallery continued

Wendy Moore asked Council

Can you tell me what the combined effects of the C101 (ES01) and the C81 on my property management plan and property usage in the short and long term?

Mayor, Bronnie Hattam responded this is a specific question relating to your property and I encourage you to make contact with Council's Strategic Planners to discuss this.

Wendy Moore asked Council

What are the expectations of Council regarding the ongoing keeping of horses on a property that has an ES01 and C81 bushy slopes?

Mayor, Bronnie Hattam responded you can still graze animals on your land under the proposed Amendment C101, there are no changes.

Peter Burford asked Council

Council ecologists and planners spent 14 years producing C101, yet observations of fire retarding pin-oak, oak and poplar trees that attract yellow-tailed black cockatoo, king-parrot and bees are outlawed by Council as weed. Does Nillumbik think Tasmania, non- indigenous? Or, are landholders' perceptions useless, why?

Mayor, Bronnie Hattam responded Council does not, and cannot, outlaw or prohibit the planting of any forms of vegetation. It does identify weed species, and encourages landowners to not voluntarily plant these species and remove them where possible. However, there are no restrictions under planning, or under Amendment C101, to what a person can plant on their property.

Peter Burford asked Council

Under the 1998 Australian Companion Animal act, no shire has jurisdiction to dictate the livestock a ratepayer can keep on a private landholding. The 2010 Victorian Livestock Management Act cannot enforce a farm fence variety nor stipulate the differences between water course, troughs or dams. Why Nillumbik?

Mayor, Bronnie Hattam responded you can still graze animals on your land under the proposed Amendment C101, there are no changes.

Peter Burford asked Council

The Mayor said on television, 20 May, that overlays need timely revision but where was the weed and fuel roadside maintenance for the last 28 years since Whittlesea's departure?

Mayor, Bronnie Hattam responded that Council manages weeds on its land across 480 hectares of reserves, wetlands and open space and 800 kilometres of roadsides. Council prioritises weed control according to the weed's threat to agriculture and the natural environment.

Council also assists residents with the control of weeds by providing advice on weed identification, control options and planning a control program. The Land Management Incentive Program can also provide grants for weed control on private land in rural and environmentally significant areas of Nillumbik. Grants can range from \$250 for small scale projects and up to \$15,000 for Community Action Group Support Grants.

9. Questions from the gallery continued

Narelle Campbell asked Council

Can Council confirm it has fulfilled its legislative responsibility to undertake a financial and economic assessment and evaluation report(s) of proposed amendments C81 and C101 in accordance with Ministerial Direction 11 - Planning Practice Note 46?

Mayor, Bronnie Hattam responded that as required by Practice Note 46 'Strategic Assessment Guidelines' Council has addressed these matters in the Explanatory Reports for Amendment C101 and Amendment C81. In relation to Amendment C81, the independent Panel considered Council's evaluation of the social, economic and environmental impacts and concluded that the Amendment was strategically justified and a reasonable approach.

Narelle Campbell asked Council

When does Council plan to release the financial and economic assessment and evaluation report(s) of proposed amendments C81 and C101 to land owners impacted on by them so that the detail can be verified independently by land owner advisors?

Mayor, Bronnie Hattam responded that in relation to Amendment C101, the Explanatory Report states that the Amendment addresses any environmental, social and economic effects in the following manner: the amendment will have positive environmental and social effects by protecting areas of environmental significance for the benefit of current and future generations. The natural environment and its biodiversity is one of the Shire's significant assets.

The provisions forming part of this amendment ensure that any future development of land affected by the amendment will have regard to identified environmental values.

Narelle Campbell asked Council

Will Council agree to defer any progression of proposed Amendments C81 and C101 so that the financial, economic and social assessment and evaluation report(s) can be explained to and understood by affected land owners?

Mayor, Bronnie Hattam responded that given Amendment C101 proposes to amend the existing ESO that applies to in excess of 5,000 properties and has done so for 16 years, the environmental benefits are obvious and the social and economic impacts will be minimal.

The independent Planning Panel for Amendment C101 will further consider Council's evaluation of the amendment, should it proceed to this stage.

Christina Thornton asked Council

The Mayor Bronnie Hattam is on record stating that 'nothing will change' as a result of C101, can the Council clarify if the process will not change or the outcome will not change therefore what was the reasoning behind the overlays and what were they supposed to achieve?

Mayor, Bronnie Hattam responded that Amendment C101 is a review and update to Nillumbik's Environmental Significance Overlays (ESOs), which have been in place for 16 years.

The ESOs are designed to enable appropriate development while conserving and protecting Nillumbik's unique biodiversity; which includes over 1,381 species of indigenous plants and animals.

9. Questions from the gallery continued

Previously the Nillumbik Planning Scheme has one ESO. Amendment C101 proposes this be changed into four different ESOs so land can be categorised to more accurately reflect its environmental significance.

Max Parsons asked Council

Council have prepared a Proposed Nillumbik ESO 4 Waterways: Strategic Justification document which sits on the Council website. Have Council prepared a similar document for both ESO 1 — Core Habitat and ESO 2 - Buffer Habitat? If so, why is it not on the Council website and available. If not, why not?

Mayor, Bronnie Hattam responded that yes, all the information is on the website.

Max Parsons asked Council

Council have been made aware of an appeal to VCAT in relation to the legality of the decision to require the April 13 abandonment to be subsequently ratified by a full Council meeting. Will Council now suspend any discussion, motions, or decisions with respect to C101 until a decision has been delivered by VCAT following the relevant hearing?

Mayor, Bronnie Hattam responded that the lodgement of a Section 39 Application at VCAT does not prevent Council from dealing with the Amendment pursuant to the *Planning and Environment Act 1987*. Council solicitors will respond to this matter following the setting of a hearing date by the Tribunal.

10. Reports of Advisory Committees

AC.005/16 Advisory Committee Report

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Tracey Classon, Personal Assistant to General Manager Corporate Services

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:

- Municipal Emergency Management Planning Committee minutes 21 March 2016
- Inclusion Advisory Committee meeting minutes 4 April 2016
- The Artisan Hills Marketing Committee meeting held 7 April 2016

Motion

Cr Michael Young

Cr Peter Perkins

That Council notes the following Advisory Committee minutes:

- 1. Municipal Emergency Management Planning Committee minutes 21 March 2016**
- 2. Inclusion Advisory Committee meeting held 4 April 2016**
- 3. The Artisan Hills Marketing Committee meeting held 7 April 2016.**

CARRIED

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.075/16 Nillumbik Planning Scheme Amendment C81 - Significant Landscape Overlay

File: 40/11/086
Distribution: Public
Manager: Ransce Salan, General Manager Environment and Planning
Author: Chad Griffiths, Manager Strategic and Economic Planning

Summary

Amendment C81 seeks to more effectively and efficiently protect the landscape character of the Shire's rural landscapes within the Nillumbik Green Wedge.

This report considers the recommendations of the independent planning panel that considered Amendment C81 to the Nillumbik Planning Scheme and recommends that Council adopts the amendment and submits it to the Minister for Planning for approval.

The amendment proposes to implement the findings of the Shire of Nillumbik Landscape Character Assessment, 2009 and the Green Wedge Management Plan 2010-2025. It sets out detailed guidance for responsive design, siting and style of development. Specifically it introduces seven schedules to the Significant Landscape Overlay and makes consequential administrative changes. The amendment seeks to apply a similar level of protection to the rural areas to that which applies in the urban areas through the Neighbourhood Character Study and associated overlays.

Amendment C81 was placed on public exhibition from 10 April to 29 May 2015. A total of 172 submissions were received. Approximately half of the submissions were supportive or make suggestions about matters of detail. The other half of the submissions opposed the amendment. A quarter of the submissions were not supportive towards the planning system or Council.

An independent planning Panel considered Amendment C81 in February 2016 and has since released its report at Attachment 1, and is supportive of the Amendment:

'The Panel agrees with Council that the Amendment is soundly based on well researched strategic planning and that Council has completed an extensive and very thorough planning process leading to the preparation of Amendment C81. The Panel commends the Council for a generally sequential and logical planning framework that has led to the preparation of the Amendment.'

'The Panel agrees that it is good planning for Council to pursue Significant Landscape Overlays as an effective way of introducing targeted planning controls for these areas.'

In its report, the independent Panel recommended that the Amendment be adopted as exhibited, subject to changes, which are reflected in the drafting of the Panel's preferred version of each Schedule as presented in Appendix D to the Panel report.

The Policy and Services Committee heard 44 verbal presentations from submitters to Amendment C81 regarding the Panel's recommendations at its meeting on 10 May 2016.

It is recommended that Council adopt the amendment as recommended by the independent Panel, modified as discussed in this report, and forward it to the Minister for Planning for approval.

12. Officers' reports

OCM.075/16 Nillumbik Planning Scheme Amendment C81 - Significant Landscape Overlay

Recommendation

That Council:

1. Receives and notes the report of the independent Panel for Nillumbik Amendment C81.
2. Notes that 44 verbal presentations on the Panel report for Amendment C81 were heard by the Policy and Services Committee on 10 May 2016.
3. Having considered the Panel's report and all submissions, adopts Amendment C81 to the Nillumbik Planning Scheme subject to the changes recommended by the Panel, but altered in the following manner, as shown in Attachment 2:
 - a) Retain Significant Landscape Overlay Schedule 14 in accordance with the secondary recommendation of the Panel.
 - b) Amend Design and Development Overlay 2, Development Plan Overlay 4 and the referenced Plenty Valley Environmental Living Area Guidelines so that there is no duplication with the provisions in SLO14.
 - c) Reword the bushfire provision in the Future Character statements to read 'Landscaping and vegetation will be managed to minimise the visual impact on the identified elements of the landscape, while providing defensible space to minimise the risk to life and property.'
 - d) Retain the low-reflectivity materials statement in the permit exemption to read 'The external finishes of all buildings, including roofing materials, must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light.'
4. Submits Amendment C81 to the Nillumbik Planning Scheme to the Minister for Planning for approval.

Motion

Cr Michael Young
Cr Helen Coleman

That Council:

1. **Receives and notes the report of the independent Panel for Nillumbik Amendment C81.**
2. **Notes that 44 verbal presentations on the Panel report for Amendment C81 were heard by the Policy and Services Committee on 10 May 2016.**
3. **Having considered the Panel's report and all submissions, adopts Amendment C81 to the Nillumbik Planning Scheme generally as recommended by the Panel in Appendix D of the Panel Report but altered in the following manner:**
 - a) **Accepts the Panel's recommendation not to apply Significant Landscape Overlay Schedule 14 at this time.**

12. Officers' reports

OCM.075/16 Nillumbik Planning Scheme Amendment C81 - Significant Landscape Overlay

- b) Rewords the bushfire provision in the Future Character statements to read 'Landscaping and vegetation will be managed to minimise the visual impact on the identified elements of the landscape, while providing defensible space to minimise the risk to life and property.'
 - c) Retains the low-reflectivity materials statement in the permit exemption to read 'The external finishes of all buildings, including roofing materials, must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light.'
 - d) In Section 2 of the 'Landscape character objective to be achieved in Schedule 11, insert an additional objective to read 'To maintain the character of native vegetation interspersed with open grazing land and treed pastures that support rural activity.'
4. Submits Amendment C81 to the Nillumbik Planning Scheme to the Minister for Planning for approval.

CARRIED

Cr Meralyn Klein called for a division:
For: Crs Coleman, Van Hulsen, Young and Hattam.
Against: Crs King, Klein and Perkins.

12. Officers' reports**OCM.076/16 Civic Drive Precinct Development: Community Facilities Upgrade Masterplan for adoption**

File: 80/18/009
Distribution: Public
Manager: Adrian Cully, Acting General Manager Community and Leisure
Author: Nadine Wooldridge, Coordinator Community Leisure
Naomi Paton, Manager Leisure and Social Infrastructure
Joanne Massoud, Leisure Services Development Officer

Summary

The Civic Drive Precinct – Concept Development Plan 2011 identifies the need to develop a Masterplan for the design and construction of community facilities across the open space precinct to help guide investment in recreation facilities which better accommodates use by the local community.

The development of the Masterplan has been completed through engagement with the local community to ensure the proposed plan responds to their current and future needs.

The Civic Drive Precinct Development –Community Facilities Upgrade Masterplan Executive Summary (Attachment 1) provides an overview of the enhancements and developments which will facilitate improved use and enjoyment by the local community and current user groups at Civic Drive. It also provides a summary of the themes and considerations identified during the consultation process.

The Masterplan recommends an investment of \$794,000 in the short term to provide significant improvements to the community facilities. The implementation of the Masterplan has been identified in Council's Major Projects Plan in 2017-2018.

The Masterplan identifies a longer term vision and recommendations for the site. Some recommendations will be further considered through the Masterplan for the Diamond Valley Sport and Fitness Centre proposed for 2016-2017.

Council released the draft Masterplan for broad community consultation between 28 October 2015 and 24 November 2015 and received twenty eight submissions.

After considering submitters, the Policy and Services Committee resolved to include the retention of the outdoor performance centre until such time as a replacement facility can be built. The Committee also resolved to initiate the process to rezone the area covered by the Masterplan to Public Park and Recreation Zone and appropriately name the precinct through a process with the community. These resolutions have been reflected in this report and the recommendation to Council.

Subject to Council's adoption of the Masterplan, Officers will commence the detailed design process with the community and stakeholders during 2016-2017 to refine the Masterplan and prepare for the implementation phase. Opportunities will also be explored to secure external funding to support the implementation of the Masterplan identified for 2017-2018.

12. Officers' reports

OCM.076/16 Civic Drive Precinct Development: Community Facilities Upgrade Masterplan for adoption

Recommendation

That Council:

1. Adopts the Civic Drive Community Facilities Upgrade Masterplan (2016)
2. Acknowledges the key stakeholders and community members for their ongoing involvement in the development of the Masterplan.
3. Requests officers commence the detailed design process in consultation with the community and stakeholders in 2016-2017, subject to the adoption of the 2016-2017 budget. The detailed planning to include appropriately naming the precinct and retaining the outdoor performance centre until an alternative facility can be provided.
4. Refers the required Planning Scheme Amendment to rezone land at Civic Drive to the budget process for 2017-2018 and receives a further report to seek authorisation to commence the amendment.

Motion

**Cr Meralyn Klein
Cr Peter Perkins**

That Council:

1. **Adopts the Civic Drive Community Facilities Upgrade Masterplan (2016).**
2. **Acknowledges the key stakeholders and community members for their ongoing involvement in the development of the Masterplan.**
3. **Requests officers commence the detailed design process in consultation with the community and stakeholders in 2016-2017, subject to the adoption of the 2016-2017 Budget. The detailed planning to include appropriate naming of the precinct after community consultation and retention of the existing Outdoor Performing Arts Centre with a view to using the building for multipurpose use, making the existing toilets public and a future upgrade of the building.**
4. **Refers the required Planning Scheme Amendment to rezone the land at Civic Drive to Public Park and Recreation Zone to the budget process for 2017-2018 and receives a further report to seek authorisation to commence the amendment.**

Amendment

**Cr Michael Young
Cr Helen Coleman**

That 'if further community consultation so wishes' be added to the end of Clause 3 of the Motion.

CARRIED

12. Officers' reports

OCM.076/16 Civic Drive Precinct Development: Community Facilities Upgrade Masterplan for adoption

Substantive Motion

That Council:

- 1. Adopts the Civic Drive Community Facilities Upgrade Masterplan (2016).**
- 2. Acknowledges the key stakeholders and community members for their ongoing involvement in the development of the Masterplan.**
- 3. Requests officers commence the detailed design process in consultation with the community and stakeholders in 2016-2017, subject to the adoption of the 2016-2017 Budget. The detailed planning to include appropriate naming of the precinct after community consultation and retention of the existing Outdoor Performing Arts Centre with a view to using the building for multipurpose use, making the existing toilets public and a future upgrade of the building if further community consultation so wishes.**
- 4. Refers the required planning scheme amendment to rezone the land at Civic Drive to Public Park and Recreation Zone to the budget process for 2017-2018 and receives a further report to seek authorisation to commence the amendment.**

CARRIED

Cr Peter Perkins called for a division:

For: Crs King, Coleman, Klein, Perkins, Young and Hattam.

Against: Cr Van Hulsen.

12. Officers' reports

OCM.077/16 Plenty Tennis Club Loan Guarantee Request

Manager: Adrian Cully, Acting General Manager Community and Leisure

Author: Joanne Massoud, Leisure Services Development Officer

Naomi Paton, Manager Leisure and Social Infrastructure

Vince Lombardi, Manager Finance

Summary

This report considers a request from the Plenty Tennis Club for Council to act as a loan guarantor for up to \$38,000 for the club to fund the replacement of the synthetic surface on courts 3 and 4 at a total project value of \$43,000.

Plenty Tennis Club was formed in 1932 and is affiliated with Tennis Victoria. The club has a current membership of over 400 which has progressively increased since 2011 where membership was 350.

The club operates from Council-owned facilities at Plenty War Memorial Park located on Yan Yean Road, Plenty under a lease currently in over hold. The facility consists of eight tennis courts, four synthetic, two en-tout-cas and two synthetic clay as well as clubrooms and outdoor playground and shelter area.

The Bendigo Bank has agreed to provide a loan of \$38,000 to the club to renew courts 3 and 4, subject to a Council guarantee of the loan. The club will contribute an additional \$5,000 to the project. Renewing the courts is consistent with the adopted Plenty War Memorial Park Masterplan.

The club proposes to repay the loan over five years at the variable rate and have provided financial projections and business plans over the life of the loan to support this. In addition, financial statements for the past three years were submitted and have been reviewed by Council's Finance Team.

Motion

Cr Meralyn Klein

Cr Ken King

That Council:

1. **Acts as loan guarantor for the Plenty Tennis Club for up to \$38,000 for a period of five years to assist the club with renewing courts 3 and 4, on the proviso that the club provides over the life of the loan:**
 - a) **Quarterly loan statements from the Bank to demonstrate that the loan repayment has been made as scheduled.**
 - b) **Annual cash flow reports and projections to ensure the Council is informed of any possible adverse financial projections.**
 - c) **Current Business Plan forecasting memberships, programs and services.**
2. **Affixes the common seal of Nillumbik Shire Council to the necessary loan guarantee documentation.**
3. **Enters into a new lease agreement.**

CARRIED

12. Officers' reports

OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

Distribution: Public

Manager: Adrian Cully, Acting General Manager Community and Leisure

Author: Naomi Paton, Manager Leisure and Social Infrastructure
Joanne Massoud, Leisure Services Development Officer

Summary

This report updates Council on the planning of proposed cricket practice facilities at Plenty War Memorial Park. Improving cricket practice nets was identified by Plenty Cricket Club (PCC) and discussed in detail through consultation with all Park tenants during the desktop review of the status of the Plenty Park Masterplan (2007), reported to the February 2016 Ordinary Meeting of Council.

Planning improved cricket practice facilities resulted from PCC's desire for a stand-alone facility located away from the sportsground. The planning of new training facilities is being considered within the strategic direction of the Masterplan.

The Masterplan was developed in response to growing demands on the Park by sport and sports' desire for contemporary facilities to better meet current and prospective members' needs.

The Masterplan seeks to balance sporting, passive recreation and natural environmental values. Implementation of the Masterplan is well-progressed, although there has been comparatively little investment towards improved informal recreation infrastructure since 2007, limited to \$25,000.

Participation in organised sport since 2007 has largely remained stable with the exception of the introduction and growth of women's football. The local Plenty-Yarrambat population is only forecast to grow by little more than 200 residents by 2036, a slow rate of less than 0.5 per cent per year. Most growth will occur in persons aged 50 and over, and so further demands on the Park's passive and informal active recreation opportunities are expected.

The Park will reduce in size with State Government's Yan Yean Road realignment, increasing pressure on the remaining undeveloped areas to continue to accommodate a diverse range of functions and contribute to broader recreation and environmental values.

Three locations for off-field cricket practice facilities have been identified:- the Park's north-west corner over the existing passive recreation precinct (option 1); adjacent the CFA training area in undeveloped open space (option 2); and east of the sportsground over existing car-parking and encroaching on the Plenty Tennis Club's leased area (option 3). Other options were tested but discounted by both PCC and officers.

Officers recommend option 2 being the most consistent with the Masterplan and having the least impact on the Park's diverse uses and functions. This location is not supported by Plenty Cricket Club who wishes to pursue the location of option 1. Option 1 has been identified as the Park's most significant area for the further development of informal and family recreation opportunities to serve the non-sporting needs of the local community and Park's wider catchment.

12. Officers' reports

OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

Recommendation

That Council:

1. Continues to develop Plenty War Memorial Park's sporting and active recreation facilities consistent with the Masterplan's overall strategic direction which balances sporting, passive recreation and natural environmental values.
2. Acknowledges Plenty Cricket Club's request for a new cricket practice training facility at Plenty War Memorial Park.
3. Continues to plan with Plenty Cricket Club to develop new cricket training facilities, and notes that officer investigations identifies that the site which is consistent with the purpose and intent of the Plenty Park Masterplan is adjacent to the CFA training area.
4. Refers the project for consideration in future Council budgets and seeks to secure external funding to assist with development of new cricket training facilities at Plenty War Memorial Park.

Motion

Cr Meralyn Klein

Cr Ken King

That Council:

1. **Continues to develop Plenty War Memorial Park's sporting and recreation facilities consistent with the developing Masterplan's strategic direction with the inclusion in the Masterplan of an enclosed new multi-purpose net facility.**
2. **Includes in the Masterplan recognition that the upgrade of the ground surface places the ground in the 'A' grade category.**
3. **Acknowledges Plenty Cricket Club's request for an enclosed new multi-purpose cricket net facility at the Club's preferred location.**
4. **Seeks a report on the cost and timing to complete a review of the Plenty Park Masterplan by undertaking community and stakeholder consultation on the introduction of new cricket Australia/Victoria approved nets positioned at the preferred location of the Club.**
5. **As part of the above review, investigates and considers current usage of the existing playground, giving consideration for the playground to be relocated if necessary.**
6. **As part of the Masterplan review provides options and recommendations for the relocation of the existing playground to allow new multi-purpose nets to be constructed.**
7. **Refers the project for consideration in future Council budgets and seeks to secure external funding to assist with the development of new multi-purpose training nets at Plenty War Memorial Park.**

CARRIED

12. Officers' reports

OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

Cr Meralyn Klein called for a division:

For: Crs King, Coleman, Klein, Perkins, Young and Hattam.

Against: Cr Van Hulsen.

12. Officers' reports

OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

File: 20/35/044
Distribution: Public
Manager: Adrian Cully, Acting General Manager Community and Leisure
Author: Michelle DePasquale, Leisure Facilities Officer
 Naomi Paton, Manager Leisure and Social Infrastructure

Summary

This report provides background information and makes officer recommendations regarding the State Government 2017-2018 Community Sports Infrastructure Fund (CSIF) administered by Sport and Recreation Victoria (SRV).

The projects proposed for submission are consistent with Council's strategies, and seek to improve sporting and recreation participation outcomes within the Shire with each demonstrating a clear community benefit.

The report seeks Council endorsement for the submission of two Minor Facilities funding proposals, one Cricket Facilities funding proposal, two Female Friendly Facilities funding proposals and one Planning proposal. The proposals are the first stage of a two stage funding process, due to SRV by 8 June 2016.

Should the project proposals be successful then full applications are required by 31 August 2016.

The total funding requested from State Government under the CSIF is \$475,000 and would require up to \$955,000 matching Council funding within the 2017-2018 budget of which \$945,000 is already indicatively committed in the five year capital works program. Sporting clubs, Cricket Victoria and existing State Government election commitments will provide an additional \$397,500 contribution.

Motion

Cr Peter Perkins
Cr Anika Van Hulsen

That Council:

1. **Endorses the following project proposals for application to the Community Sports Infrastructure Fund:**
 - a) **Minor Facilities Category**
 - i) **Civic Drive Precinct Outdoor Fitness Park**
 - ii) **Marngrook Sportsground Lighting Upgrade**
 - b) **Cricket Facilities Category**
 - i) **Yarrambat War Memorial Park Turf Cricket Nets**
 - c) **Female Friendly Facilities Category**
 - i) **Wattle Glen War Memorial Reserve Pavilion New Change-rooms**

12. Officers' reports

OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

ii) Research Park Change-room Upgrade

d) Planning Category

i) Hurstbridge Liveable Nillumbik Recreation and Open Space Masterplan

2. Notes \$795,000 already identified in 2017-2018 indicative capex program.
3. Notes \$150,000 already identified in 2016-2017 draft budget.
4. Refers a further \$10,000 in matching funding for consideration in the 2017-2018 budget for successful applications.

CARRIED

12. Officers' reports

OCM.080/16 Warrandyte Bridge widening

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Conal Creedon, General Manager Infrastructure Services

Summary

On 1 March 2016 the State Government announced its intention to add an additional traffic lane to the Warrandyte Bridge on the River Yarra by removing the existing footpaths and constructing a separate pedestrian river crossing, possibly attached to the existing bridge structure.

This announcement by the State Government followed consistent concerns by the Warrandyte community and Nillumbik and Manningham Councils over an extended period of time regarding the daily traffic congestion on the river crossing, as well as concerns regarding the capacity and functioning of the bridge in an emergency.

The State Government announcement regarding the creation of an additional lane has raised some concerns within the Warrandyte community regarding the level of consultation conducted before the announcement, as well as concern regarding the practical operation of changed traffic conditions.

Council officers also have questions regarding some of the operational detail and continue to seek this detail from VicRoads. VicRoads officers have indicated their intention to conduct further community consultation on the project in early June, at which time the community can give greater voice to its concerns and more detail can be provided on the delivery of the proposed upgrades.

Motion

Cr Ken King

Cr Meralyn Klein

That Council:

1. **Continues to support actions to reduce congestion on Kangaroo Ground-Warrandyte Road and Research-Warrandyte Roads, and that improve the functioning of the Yarra River crossing at Warrandyte.**
2. **Continues to liaise with the Warrandyte Community Association, the City of Manningham and VicRoads to agree the best possible measures to achieve these improvements.**
3. **Requests VicRoads to consult with the two local councils and the Warrandyte Community Association to determine the most effective traffic treatment to address congestion.**

CARRIED

12. Officers' reports**OCM.081/16 Acquisition of Council land - 20 Kent Hughes Road, Eltham**

Distribution: Public**Manager: Conal Creedon, General Manager Infrastructure Services****Author: Jon Miller, Manager Assets and Property****Summary**

Nillumbik Shire Council owns a parcel of land located at 20 Kent Hughes Road, Eltham (the land), known as Reserve 1 on Plan of subdivision 097367, Certificate of Title Vol 04858 Folio 497.

The land is located adjacent to, and has frontage onto the Yarra River. It was created in 1923, as a part of a larger subdivision and has an approximate area of 1,700 m². It is reserved on title for drainage, sewerage and recreational purposes.

The land and parts of several other privately owned parcels with frontage onto the Yarra River in the area are covered by a Public Acquisition Overlay (PAO3). The intention of PAO3 is to allow the State Government to purchase from existing owners, for the purposes of adding to the existing Yarra Valley Parkland network and allowing the formalisation of an existing pedestrian trail located on the northern banks of the river.

The State Government, through the Department of Environment, Land, Water and Planning (DELWP) has recently written to ascertain Council's interest in commencing the process of selling the land, which would be conducted in accordance with processes set out in the *Land Acquisition and Compensation Act (1986)*.

This report provides a detailed description of the land located at 20 Kent Hughes Road, Eltham, a brief outline of the proposed acquisition process and seeks Council's authorisation for the Chief Executive Officer or delegated officer to complete negotiations for the sale of the land and the transfer of ownership.

Motion

Cr Helen Coleman**Cr Peter Perkins****That Council:**

- 1. Authorises the Chief Executive Officer or his delegate to negotiate an agreed sale and compensation value with the Department of Environment Land Water and Planning (on behalf of the Minister responsible for administering Part 2 of the *Crown Land (Reserves) Act 1970*, for the acquisition by the State Government of the Council owned land at 20 Kent Hughes Road, Eltham, being identified as Reserve 1 on Plan of Subdivision 09367, Certificate of Title Volume 04858, Folio 497.**
- 2. Authorises the Chief Executive Officer or his delegate to sign Contracts of Sale and other documents relating to the sale of the land.**
- 3. Authorises the transfer of land documents be signed and sealed.**

CARRIED

12. Officers' reports**OCM.082/16 Eltham Activity Centre Forum - Appointment of a Business Representative**

File: 40/20/007**Distribution:** Public**Manager:** Chad Griffiths, Manager Strategic and Economic Planning**Author:** Paul Fyfe, Senior Strategic Planner**Summary**

This report considers the outcome of the public call for a business representative to the Eltham Activity Centre Forum and recommends an applicant for the position.

The Eltham Activity Centre Forum (the Forum) is Council's community and business advisory group regarding significant planning projects for the Eltham Activity Centre. The membership of the Forum includes the three Eltham Councillors, four community representatives and four business representatives.

There currently exists a two-year vacancy for a business representative on the Forum. Accordingly, at the March 2016 Ordinary Council Meeting, Council resolved to conduct a public call for a business representative through a two-week advertising period, and to consider any applications received at a later meeting of Council.

The public call for a business representative has been conducted and Fee Sievers, the President of the Eltham Chamber of Commerce and Industry, has nominated for the position. Fee Sievers is considered a highly suitable applicant, as appointing the President of the Eltham Chamber of Commerce and Industry will ensure the views of the Eltham business community are heard within the Forum.

It is therefore recommended that Council appoint Fee Sievers as a business representative on the Eltham Activity Centre Forum until May 2018.

Motion

Cr Michael Young**Cr Ken King****That Council appoints Fee Sievers as a business representative on the Eltham Activity Centre Forum until May 2018.****CARRIED**

12. Officers' reports

OCM.083/16 Council Plan 2013-2017 annual review and Annual Plan 2016-2017

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Naomi Ellis, Corporate Planner

Summary

This report presents the annual review of the Council Plan 2013-2017 to Council for consideration. The annual review is a legislated requirement of the *Local Government Act 1989*.

Also presented for consideration is the Annual Plan 2016-2017, a list of 60 key actions that Council will undertake during the 2016-2017 financial year to demonstrate in a practicable and tangible way how the Council Plan strategic objectives are being delivered to the community.

It is recommended that the Council Plan remain unchanged for the fourth and final year of its four-year lifespan and the Annual Plan 2016-2017 be adopted with updates received in November 2016 and January, April and July 2017.

Motion

Cr Helen Coleman

Cr Meralyn Klein

That Council:

1. **Having reviewed the Council Plan 2013-2017, reaffirms the existing Strategic Objectives, Strategies and Strategic Indicators.**
2. **Makes the Council Plan 2013-2017 with the updated Strategic Resource Plan (pending its adoption as part of the Budget 2016-2017 process), publicly available on Council's website and prints a small number of copies for interested citizens and other stakeholders.**
3. **Adopts the Annual Plan 2016-2017 and receives quarterly updates on its progress.**

CARRIED

12. Officers' reports

OCM.084/16 Audit Committee - Minutes May 2016

File: 20/15/006

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Vince Lombardi, Manager Finance

Summary

In accordance with the *Local Government Act 1989* section 139 and good governance principles, councils must have an Audit Committee.

As resolved at the Ordinary Meeting of Council on 16 August 2005 the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.

The Audit Committee met on 16 May 2016. The minutes for the meeting are attached.

Motion

Cr Ken King

Cr Meralyn Klein

That Council notes the minutes of the Audit Committee meeting for 16 May 2016.

CARRIED

12. Officers' reports

OCM.085/16 Tender report 1516-60 Hard waste collection service

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Hannah Burns, Infrastructure Maintenance Project Officer - Communications

Summary

This report considers the awarding of a contract for the provision of a hard waste collection service for a one year period, including options for two extensions of one year each. This contract will commence 1 August 2016 and expire, if all options are accepted by Council, at the end of July 2019. Council currently provides a hard waste collection service for residents, which has been a booked service since August 2012.

The tender evaluation panel has assessed all submissions and a separate confidential report outlines the evaluation in recommending the awarding of the contract for the provision of a hard waste collection service.

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

Motion

Cr Helen Coleman

Cr Ken King

That Council:

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

CARRIED

12. Officers' reports

OCM.086/16 Tender report 1516-69 Reynolds Road-Orme Street Road Sealing Works

File: 1516-69
Distribution: Public
Manager: Conal Creedon, General Manager Infrastructure Services
Author: Steven Blight, Coordinator Construction

Summary

This report considers the awarding of the contract for the construction of Reynolds Road and Orme Street, Diamond Creek. The works will involve the asphalt sealing of Reynolds Road, between Perversi Avenue and Phipps Crescent, Diamond Creek and the spray sealing of Orme Street, between Reynolds Road and Allendale Road, Diamond Creek.

These works will include the upgrade of the road pavement, pavement sealing, upgrade of existing culverts, construction of culvert endwalls, some kerb and channel, asphalt table drains and other associated works.

The Tender Evaluation panel has assessed all submissions and a separate confidential report outlines their evaluation in recommending the awarding of the contract for the construction of Reynolds Road and Orme Street, Diamond Creek.

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.

Conflict of interest

In accordance with his declared conflict of interest, Cr Peter Perkins left the Chamber at 9.40pm and did not participate in the vote and discussion on this item.

Motion

Cr Meralyn Klein
Cr Ken King

That Council:

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

CARRIED

Cr Perkins returned to the Chamber at 9.42pm following the vote on this item.

12. Officers' reports

OCM.087/16 Environment and Planning Monthly Activity Report

File: 45/25/007

Distribution: Public

Manager: Ransce Salan, General Manager Environment and Planning

Author: Chad Griffiths, Manager Strategic and Economic Planning
Jeremy Livingston, Manager Planning and Health Services
Phil Lovelace, Manager Regulatory Services
Pat Vaughan, Sustainability and Environment Executive Officer

Summary

This report provides a status update on planning, regulatory and policy activities in Council's Environment and Planning Department for the month of April 2016.

Motion

Cr Michael Young

Cr Helen Coleman

That Council receives the Environment and Planning Department Activity Report for April 2016 and notes the following items:

- 1. Seventy-four per cent of planning applications were determined within 60 statutory days.**
- 2. One VCAT decision was handed down during April, relating to 1347 Main Road, Eltham.**
- 3. Amendment C103 'Lotus Court, Diamond Creek' was approved under delegation on 27 April 2016. Notice of the approval of the amendment appeared in the *Government Gazette* on 12 May 2016.**

CARRIED

12. Officers' reports

OCM.088/16 Assemblies of Councillors

File: 10/30/002

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Naomi Ellis, Corporate Planner

Summary

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

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 26 April 2016.

Motion

Cr Peter Perkins

Cr Meralyn Klein

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

1	Date of assembly	7 April 2016	
	Matters considered	The Artisan Hills Marketing Committee	
	Councillors present	Cr Michael Young	
	Staff present	Christine Gibbins	Darko Popovski
	Conflict of interest	None declared	

2	Date of assembly	26 April 2016	
	Matters considered	Pre-meeting for Ordinary Council Meeting	
	Councillors present	Cr Bronnie Hattam Cr Ken King Cr Helen Coleman Cr Anika Van Hulsen	Cr Peter Perkins Cr Michael Young Cr Meralyn Klein
	Staff present	Stuart Burdack Andrew Port Tara Frichitthavong Naomi Paton Vince Lombardi Robert Malignaggi Ransce Salan Mathew Deayton	Michelle Zemancheff Nadine Wooldridge Chad Griffiths Pat Vaughan Jon Miller Lisa Pittle Alison Fowler
	Conflict of interest	None declared	

12. Officers' reports

OCM.088/16 Assemblies of Councillors

3	Date of assembly	3 May 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Planning applications briefing • Review of Councillor Code of Conduct • Eltham Activity Centre Forum • Amendment C81 • Arts Advisory Committee membership 	
	Councillors present	Cr Bronnie Hattam Cr Anika Van Hulsen Cr Ken King	Cr Michael Young Cr Peter Perkins Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Ransce Salan Adrian Cully Jonathan McNally Jeremy Livingston	Renae Ahern Conal Creedon Allison Watt Wayne Trull Chad Griffiths
	Conflict of interest	None declared	

4	Date of assembly	10 May 2016	
	Matters considered	Pre-meeting discussion for Policy and Services Committee and Planning Committee	
	Councillors present	Cr Anika Van Hulsen Cr Bronnie Hattam Cr Meralyn Klein	Cr Ken King Cr Michael Young Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Conal Creedon Ransce Salan Chad Griffiths	Karen Bayly Naomi Paton Adrian Cully Nadine Wooldridge
	Conflict of interest	None declared	

5	Date of assembly	12 May 2016	
	Matters considered	Agricultural Advisory Committee	
	Councillors present	Cr Ken King	Cr Anika Van Hulsen
	Staff present	Tim O'Donnell	Pat Vaughan
	Conflict of interest	None declared	

12. Officers' reports

OCM.088/16 Assemblies of Councillors

6	Date of assembly	16 May 2016	
	Matters considered	Audit Committee	
	Councillors present	Cr Ken King	Cr Meralyn Klein
	Staff present	Stuart Burdack Andrew Port Conal Creedon	Vince Lombardi Craig Commene Melika Sukunda
	Conflict of interest	None declared	

7	Date of assembly	17 May 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Inclusion Support Program • Review of Councillor Code of Conduct • Sport and Recreation Victoria grant applications 2017-2018 • Special Charge Hurstbridge Village • Special Charge Eltham Town • Integrated Housing and Neighbourhood Character Strategy 	
	Councillors present	Cr Bronnie Hattam Cr Anika Van Hulsen Cr Ken King	Cr Meralyn Klein Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Conal Creedon Ransce Salan Adrian Cully	Allison Watt Wayne Trull Anne Brooks Michelle De Pasquale
	Conflict of interest	None declared	

CARRIED

13. Notices of Motion

NOM.005/16

Motion

**Cr Meralyn Klein
Cr Peter Perkins**

That Council rescinds the following resolution adopted at the Ordinary Council Meeting held 26 April in respect to item OCM.059/16 'Report from the Policy and Services Committee – Amendment C101':

That Council:

- 1. Notes the submissions and presentations to the Policy and Services Committee on 13 April 2016.**
- 2. Requests that the Minister for Planning appoint a Planning Panel to hear submissions relating to Amendment C101.**
- 3. Prior to the Panel hearing, allow a period of three months during which any submitter to Amendment C101 can request an accompanied site visit from Council's ecologist and/or ABSECO expert ecologist to review the significance of the site.**
- 4. Provides a submission to the Panel and requests that it considers variations to the Amendment documentation to:**
 - a) Refine the mapping of the ESO boundaries in accordance with the recommendations within Attachment 2 and 3.**
 - b) Refine the mapping of the ESO boundaries to address mapping anomalies within Attachment 4.**
 - c) Make amendments to the ESO schedules in accordance with Attachments 5, 6, 7 and 8.**
 - d) Make amendments requires that are the result of the onsite consultation as per item 3.**
- 5. Receives a further report on the Amendment, following the consideration of the Panel and the issuing of its recommendation.**

LOST

Cr Peter Perkins called for a division:

For: Crs King, Klein and Perkins.

Against: Crs Coleman, Van Hulsen, Young and Hattam.

13. Notices of Motion

NOM.006/16

Motion

Cr Meralyn Klein

That Council rescinds the following resolution adopted at the Ordinary Council Meeting held 26 April in respect to item OCM.057/16 'Diamond Creek Trail extension project':

That Council:

1. Acknowledges the extensive work and consultation completed to date to confirm the preferred alignment for the Diamond Creek Trail extension.
2. Confirms that, having considered submissions from affected property owners and the public, it intends to take the necessary steps to develop the trail along the preferred alignment following the Diamond Creek as endorsed at the February 2016 Ordinary Council Meeting.
3. Requests authorisation from the Minister for Planning in accordance with section 9 of the *Planning and Environment Act 1987* to prepare Amendment C108 to the Nillumbik Planning Scheme, which proposes to:
 - a) Apply the Public Acquisition Overlay (Schedule 4) to reserve land for future acquisition in accordance with Attachment 1 (Diamond Creek to Hurstbridge Trail Concept Plan).
 - b) Insert an incorporated document, 'Diamond Creek Trail Extension (Diamond Creek to Hurstbridge)', which is provided as Attachment 2, into the Nillumbik Planning Scheme.
4. Places Amendment C108 on public exhibition on receipt of authorisation from the Minister of Planning.

LAPSED FOR LACK OF A SECONDER

13. Notices of Motion

NOM.007/16

Motion

Cr Peter Perkins
Cr Meralyn Klein

That:

1. Council initiates an online survey of landowners directly impacted by C101 and C81 with simple yes or no answers to the following questions:
 - a) Do you feel that there has been appropriate Council engagement in relation to proposed C101 and C81?
 - b) Are you satisfied with the accuracy of information you have been provided by Council on this matter?
 - c) Are you satisfied with the timing of communications that have been sent to you on this matter?
 - d) Are you satisfied that Council has responded adequately and appropriately to submitters?
 - e) Do you feel that you and your family's interests are being properly listened to and represented by Councillors?
 - f) Ordinarily, do you consider yourself to be an environmentally conscientious and responsible landowner who cares for the land and environment?
 - g) Do you believe that C101 and C81 will better encourage you as a landowner to improve and enhance environmental attributes of your property?
 - h) Do you believe that Council is performing its duty to procedural fairness and natural justice adequately and properly?
2. The survey requires landholders directly impacted by C101 to state verifiable property and personal details as shown on their latest rates notice and only one response will be allowed for each property.
3. For clarity, owners of land within the various urban growth boundaries (UGBs) of Nillumbik Shire Council, such as those not materially impacted by the imposition of C81 and C101, shall not be included in the survey.
4. The survey be conducted and the results validated by an independent and well regarded company specialising in the field.
5. The survey be active for a period of seven days and the results reported back to Council as soon as is practicable.

CARRIED

Cr Meralyn Klein called for a division:
For: Crs King, Coleman, Klein and Perkins.
Against: Crs Van Hulsen, Young and Hattam.

13. Notices of Motion

NOM.008/16

Cr Meralyn Klein had advised of her intention to move the following, however the Motion was withdrawn and was not put and considered.

Motion

That:

1. Council seeks a report on the costs and timing to complete a review of the Plenty Park Masterplan by undertaking community and stakeholder consultation on the introduction of new Cricket Victoria approved nets, positioned at the preferred location of the club.
2. The above review investigates and considers current usage of the existing playground, giving consideration for the playground to be relocated as necessary.
3. The Masterplan review provides options and a recommendation for the relocation of the existing playground to allow new cricket nets to be constructed at the Clubs preferred location.

14. Delegates' reports

Nil

15. Supplementary and urgent business

Nil

Motion to extend the meeting

In accordance with Clause 2.1 of the Meeting Procedure Local Law, a meeting must not continue after 10.30pm unless a majority of Councillors present vote in favor of its continuance.

At 10.22pm the following procedural motion was moved:

Motion

Cr Ken King

That Council:

- 1. Adjourns the meeting for approximately 10 minutes to allow the large number of people in the gallery to leave.**
- 2. Continues the meeting beyond 10.30pm.**

CARRIED

The meeting adjourned at 10.22pm.

Motion

Cr Ken King

Cr Helen Coleman

That the meeting now resume.

CARRIED

The meeting resumed at 10.31pm.

Cr Klein was not present at that time.

16. Confidential reports

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

Motion

Cr Ken King

Cr Michael Young

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.089/16	Tender report 1516-60 Hard Waste Collection Service	(d) contractual matters
OCM.090/16	Tender report 1516-69 Reynolds Road-Orme Street Road Sealing Works	(d) contractual matters

CARRIED

Cr Meralyn Klein returned to the Chamber at 10.32pm.