

Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 26 July 2016.

Minutes

Stuart Burdack
Chief Executive Officer

Wednesday 27 July 2016

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Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 26 July 2016. The meeting commenced at 7pm.

Councillors present:

Cr Bronnie Hattam	Swipers Gully Ward (Mayor)
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
Conal Creedon	General Manager Infrastructure Services
Jeremy Livingston	Acting General Manager Environment and Planning
Jonathan Miller	Manager Assets and Property
Adrian Cully	Manager Community Participation
Allison Watt	Manager Governance and Communications
Mathew Deayton	Manager Infrastructure Development
Naomi Paton	Manager Leisure and Social Infrastructure
Corrienne Nichols	Acting Manager Community Services and Social Development
Joanne Hammond	Coordinator Communications
Rachel Deans	Coordinator Community Development and Inclusion

Welcome by the Mayor

1. Reconciliation statement

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

2. Prayer

A prayer was read by Father Vlad Sipovac of St Sava Serbian Orthodox Church.

3. Good governance pledge

The good governance pledge was read by Cr Anika Van Hulsen.

4. Apologies

An apology was received from Cr Meralyn Klein.

Motion

**Cr Michael Young
Cr Ken King**

That Cr Meralyn Klein's apology be accepted.

CARRIED

5. Presentations

Emma Rao (Bunjil Ward) received \$150 as a contribution for her selection in the 2016 School Sport Victoria Swimming Team competing in Darwin.

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 21 June 2016.

Motion

Cr Ken King

Cr Anika Van Hulsen

That the minutes of the Council Meeting held on Tuesday 21 June 2016 be confirmed.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

PT.003/16

Council received a petition on 29 June 2016 containing 50 signatures from residents requesting that Council does not grant a Motorised Toy Vehicle Permit for the use of two-stroke motorbikes at 15 Yarra Braes Road, Eltham.

Motion

Cr Helen Coleman

Cr Michael Young

That Council:

- 1. Receives the petition.**
- 2. Notes that a Local Law permit for this matter was issued on 27 June 2016, granting permission for this activity to occur until 27 June 2017.**
- 3. Advises the petition organiser accordingly.**

CARRIED

PT.004/16

Council has received a petition containing 120 signatures from residents who have signed the following request:

We the undersigned residents object to Council officer's recommendation to increase the width of the single lane bridge at Diamond Street, Eltham and urge Council to maintain the timber framed single lane bridge including the pedestrian footpath because it:

- Acts as a safety traffic calming device for the local precinct
- Encourages parents to drop off their daughters just outside of the local precinct to safely walk the last 150 metres to school as has been the tradition for CLC attendees
- It reduces traffic and congestion entering local residential precinct and the bottle neck that the CLC entrance is experiencing
- It maintains the aesthetic, historic and architectural neighbourhood character of the area.

Motion

Cr Michael Young
Cr Helen Coleman

That Council:

1. **Receives the petition.**
2. **Notes that, at its meeting of 21 June 2016, Council resolved to rehabilitate the bridge as a single lane bridge and that this will be further discussed under Notices of Motion later in this meeting.**
3. **Advises the petition organiser of Council's decision.**

CARRIED

9. Questions from the gallery

Narelle Campbell asked Council:

'Can Council please advise as to the cost, including acquisition and installation of the very large and obtuse mosaic statue located on the north side of Warrandyte bridge, on the corner of Warrandyte-Kangaroo Ground Road. and Warrandyte-Research Road?'

Mayor, Cr Bronnie Hattam responded that Council allocates \$15,000 per annum into trust for its public art collection. After eight years of saving, the Queen of the Shire is the first public artwork that Council has commissioned since 2006. The Queen of the Shire was commissioned for \$120,000. Engineering and installation cost approximately \$27,600. As an investment and Council asset, the Queen of the Shire was recently valued at \$190,000.

Narelle Campbell asked Council:

'Can Council please advise as to what possible benefit this statue provides to the residents and ratepayers, as a whole, that this Council represents?'

Mayor, Cr Bronnie Hattam responded that in 2005, Council committed to the Gateway Urban Design Project in North Warrandyte. Project scope included removal of signage, weed removal, planting and exploration of installation of public art work on the corner of Research-Warrandyte and Kangaroo Ground-Warrandyte Roads. The intent of the project was to beautify the gateway and for the public art work to announce entry into Nillumbik Shire.

After having sought expressions of interest in accordance with Council's Procurement Policy, Council commissioned nationally acclaimed local artist Deborah Halpern. Deborah Halpern's connection to the area and the significant contribution that she and her family (founding members of Potters Cottage) have made to the artistic heritage and culture of the Shire is one that should be celebrated. Queen of the Shire reflects the creative spirit that flows endlessly in the Shire.

Colleen Hackett asked Council:

'One of Council's Positive Aging Strategy important principles is to establish housing and accommodation for older adults in Nillumbik. Friends of Nillumbik asks what specific planning objectives has Council implemented to achieve this aim?'

9. Questions from the gallery continued

Mayor, Cr Bronnie Hattam responded that the Nillumbik Planning Scheme encourages the provision of a range of dwelling types to suit a variety of different households. As part of the Positive Ageing Strategy, Council's objective is to advocate for housing and accommodation options so our older adult population can live where they choose for as long as possible.

Council's goal is to investigate the possibility for intergenerational housing/ageing in place for Diamond Creek, Hurstbridge and Eltham. This goal has a time line of 2013-2018.

Input has been provided into the Hurstbridge Lot 1 Project and a member of the Positive Ageing Reference group is on the Community Reference group for Liveable Nillumbik to ensure the views of our older people are heard and taken into consideration.

Colleen Hackett asked Council:

'Friends of Nillumbik believes that claims are being made publicly that under C101 people will have to get rid of their dams. Is this true or is it just more malicious misinformation?'

Mayor, Cr Bronnie Hattam responded that Amendment C101 does not make people fill in their dams.

The Nillumbik Green Wedge is a productive landscape and farming is a valued part of our local economy. Council supports productive farming activities such as vineyards and they clearly need access to their dams.

Gillian Essex asked Council:

'The Welcome to Eltham group notes and supports the Welcome Refugee Zone item in tonight's agenda. Our support of the motion has been detailed along with a brief description of our group's formation and aims in a letter to the Mayor emailed to all Councillors today.

On behalf of Welcome to Eltham, I would like to know, what further actions might Council consider in assisting refugees to settle in Nillumbik and ensuring that their experiences of living in the Shire are positive?'

Mayor, Cr Bronnie Hattam responded that Council officers will continue to work with key government and community organisations and their leaders across Nillumbik to identify opportunities to support integration into the shire. This includes areas such as health, maternal and child health, education, libraries and justice.

In addition, Council is embarking on the development of its cultural plan and part of the process will include engaging with the broader community about how it wants to acknowledge and celebrate diversity.

Fee Sievers asked Council:

'Why can one Councillor postpone implementation of a majority decision of Council through the lodging of a rescission motion when this effectively withholds cash flow and the activities to complete the business program which has the majority support of Eltham traders.

When Councillors move rescinding motions that only serve to delay orderly processes, do they have to give a reason and do they need to indicate to officers they have gained sufficient extra support from their colleagues?'

9. Questions from the gallery continued

Mayor, Cr Bronnie Hattam responded that the requirements for lodging rescission motions are prescribed in Council's Meeting Procedure Local Law. This specifies that (subject to certain conditions) no further action should be taken to implement the original resolution until after the rescission motion has been considered by Council.

The Local Law does not require a reason to be given for a rescission motion.

Any individual Councillor can lodge a rescission motion which is then listed on the agenda for consideration at the next Council meeting.

When the rescission motion is considered at a Council meeting, it requires a seconder in order for it to be debated and then voted upon.

Alan Bamford asked Council:

'My question relates to Council's application for funding under the Growing Suburbs Fund 2016-2017, specifically funding to be applied to the proposed housing development at Lot 1 Graysharps Road.

Can you please itemise the works intended that you refer to as "required community infrastructure works as a result of the precinct work to be conducted for the publically owned land around Graysharps Road" and indicate their precise location.

Can you also please define what you mean when you refer to the precinct work?'

Mayor, Cr Bronnie Hattam responded that Council is not seeking specific funding from The Growing Suburbs Fund in 2016-2017 for Liveable Nillumbik - Hurstbridge Lot 1. The Department of Environment, Land, Water and Planning has encouraged Council to register this project as a potential candidate for 2017-2018 funding. This is called a pipeline project.

John Campbell asked Council:

'Was the application for number 15 Yarra Braes Road, for the Motorised Toy Vehicle Permit application process followed correctly? This information was provided from the Freedom of Information Act.'

Mayor, Cr Bronnie Hattam responded that yes, Council correctly followed the operational process that supports Council's Amenity Local Law and guidelines in the granting of this Motorised Toy Vehicle Permit.

John Campbell asked Council:

'Has the Nillumbik employees been misleading on information provided which includes the mediation process, acoustic testing, environmental and fire risks when granting the Motorised Toy Vehicle Permit for the two-stroke motorbikes at 15 Yarra Braes Road?'

Mayor, Cr Bronnie Hattam responded that no, Council officers have not mislead any interested party and has followed correct due process in the issuing the motorised toy vehicle permit.

10. Reports of Advisory Committees

AC.007/16 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:

- Memorial Advisory Committee meeting held 4 March 2016
- Municipal Emergency Management Planning Committee meeting held 23 May 2016
- The Artisan Hills Marketing Committee meeting held 2 June 2016
- Arts Advisory Committee (Acquisition and Strategy) meeting held 4 June 2016
- Living & Learning Advisory Committee meeting held 22 June 2016
- Edendale Advisory Committee meeting held 23 June 2016

Motion

Cr Ken King

Cr Michael Young

That Council notes the following Advisory Committee minutes:

1. **Memorial Advisory Committee meeting 4 March 2016**
2. **Municipal Emergency Management Planning Committee 23 May 2016**
3. **The Artisan Hills Marketing Committee 2 June 2016**
4. **Arts Advisory Committee (Acquisition and Strategy) meeting 4 June 2016**
5. **Living & Learning Nillumbik Advisory Committee meeting 22 June 2016**
6. **Edendale Advisory Committee meeting 23 June 2016**

CARRIED

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.109/16 The Growing Suburbs Fund 2016-2017

File: 75/20/015

Distribution: Public

Manager: Pauline Gordon, General Manager Community and Leisure

Author: Adrian Cully, Manager Community Participation

Summary

The State Government announced the Growing Suburbs Fund in the 2016-2017 budget available to Interface Councils. This report discusses the funding objectives and guidelines and recommends suitable candidate projects for this grant program.

Motion

**Cr Michael Young
Cr Anika Van Hulsen**

That Council:

1. **Endorses funding applications and pipeline project applications to the Growing Suburbs Fund for:**
 - a) **Edendale Community Environment Farm redevelopment**
 - b) **Greensborough Civic Drive Precinct Open Space redevelopment**
 - c) **Wattle Glen Pavilion development**
 - d) **Kangaroo Ground War Memorial Tower of Remembrance**
 - e) **Eltham North Reserve Pavilion upgrade**
 - f) **Research Park Pavilion upgrade (Pipeline project)**
 - g) **Liveable Nillumbik – Hurstbridge Lot 1 (Pipeline project)**
 - h) **Diamond Creek to Hurstbridge Recreational Trail (Pipeline project)**
2. **Continues to advocate for the Growing Suburbs Fund to become a recurrent State Government program.**

CARRIED

12. Officers' reports**OCM.110/16 Diamond Creek Community Centre Masterplan**

File: 80/14/013**Distribution: Public****Manager: Pauline Gordon, General Manager Community and Leisure****Author: Rachel Deans, Coordinator Community Development and Inclusion
Adrian Cully, Manager Community Participation****Summary**

Council has committed to preparing a concept level masterplan for Diamond Creek Community Centre to thoroughly explore the redevelopment potential, particularly opportunities to better accommodate integrated community spaces.

There is opportunity to undertake broader strategic planning around community infrastructure and services in Diamond Creek. Diamond Creek is divided by the railway line, main Hurstbridge road and the creek, which provides challenges for access to services and development within the suburb. Council infrastructure provision must be optimised and delivered strategically to address gaps in service provision to ensure the community's needs are met.

Broader strategic planning for Diamond Creek will further inform the Diamond Creek Community Centre Masterplan. Planning projects have commenced and include development of the Early Years Community Infrastructure Project for Nillumbik, sub-regional planning for indoor sports to guide future stadium provision across the Shire and the current Diamond Valley Sport and Fitness Centre masterplan.

Council Officers will seek opportunities to re-engage with the Community to seek further input from stakeholder groups and other potential users to determine the preferred use of a redeveloped model for the Diamond Creek Community Centre.

Motion

Cr Peter Perkins**Cr Michael Young****That Council:**

- 1. Undertakes broader strategic planning around community infrastructure and services for Diamond Creek to further inform development of the concept level masterplan for Diamond Creek Community Centre.**
- 2. Re-engages with the community and seeks further input from stakeholders and other potential users about the preferred use of a redeveloped model for the Diamond Creek Community Centre.**

CARRIED

12. Officers' reports**OCM.111/16 Nillumbik Economic Development Strategy Implementation Update**

File: 15/70/012**Distribution:** Public**Manager:** Chad Griffiths, Manager Strategic and Economic Planning**Author:** Darko Popovski, Coordinator Tourism and Business**Summary**

Council's Economic Development Strategy 2011-2016 (Strategy) was adopted in December 2010 to guide Council's work on economic development. It identified objectives compatible with the Council Plan and other strategies, and formed the basis for the delivery of an implementation program comprised of specific actions grouped by five key themes.

The Strategy actions outlined in this report directly support the achievement of the following goal within Council Plan 2013-2017 'to develop a prosperous local economy through partnerships with local businesses, governments and the community consistent with our Green Wedge values'.

Economic development is just one facet of Council's overall program to deliver its vision for Nillumbik as defined within Council Plan and other documents. But a strategic, well-coordinated approach to local economic development involves a wide range of Council services and projects, across a number of Council's departments and units.

Ongoing engagement with the local business community is provided by the Nillumbik Economic Development Advisory Committee (NEDAC). The committee has been instrumental in identifying actions and priorities for the implementation of the Strategy over the past five years.

One of the major projects undertaken by the Economic Development and Tourism team over the past two years is The Artisan Hills brand and strategy development.

Yearly action plans and reports have previously been endorsed by both Council and the Nillumbik Economic Development Advisory Committee. Over the five-year implementation period, 50 actions out of 54 have been delivered or are ongoing. All 12 actions highlighted as Priority Actions in the Economic Development Strategy 2011-2016, have been completed, see Attachment 1.

This report provides an overview of Council's diverse role in economic development across multiple areas; provides an update on actions undertaken to implement the Action Plan and; suggested actions to review the implementation and develop a new Economic Activity Plan for the next cycle 2017-2021.

Motion

Cr Ken King
Cr Michael Young

That Council:

- 1. Notes the five-year implementation plan outcomes and achievements as discussed in this report.**

12. Officers' reports

OCM.111/16 Nillumbik Economic Development Strategy Implementation Update

2. Endorses the process for the review of the previous strategy and the commencement of the development of the new Economic Activity Plan for 2017-2021 cycle.

CARRIED

12. Officers' reports

OCM.112/16 Amendment C101 - survey of affected landowners

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Allison Watt, Manager Governance and Communications

Summary

At the Ordinary Council Meeting on Tuesday 24 May Council resolved to initiate an online survey of landowners directly impacted by the C101 and C81 amendments to the Nillumbik Planning Scheme.

After consultation with market research companies, Council officers have obtained quotations along with advice regarding the content and format of the survey. It is now proposed that a number of additional survey questions are included which are designed to:

- Gather information from affected landowners that would assist Council in understanding the views of these landowners about their engagement with Council in relation to this amendment, with a view to improving Council's future engagement practices, particularly in relation to complex and controversial issues.
- Understand the views of the affected landowners in relation to the broader issue of environmentally conscientious and responsible landownership. These questions are designed to help Council clearly understand the community's views and to assist in future policy development, and to assist Council in better engaging with the community on these issues.

It is also proposed that the survey be undertaken as a hard-copy survey directly mailed to all affected landowners to provide an equal opportunity to participate in the survey.

The additional survey questions, advice, methodology and costs are detailed in this report for Council consideration.

Recommendation

That Council:

1. Agrees to proceed with a survey of landowners affected by Amendment C101 asking the questions detailed in Attachment 1.
2. Agrees to conduct the survey in hard copy directly mailed to all affected landowners.
3. Reports the results of the survey to a future Council Meeting.
4. Approves the unbudgeted cost of \$15,000 and refers this to the Mid-Year Financial Review.

LAPSED NOT MOVED

12. Officers' reports

OCM.113/16 Refugee Welcome Zone

File: 50/10/023

Distribution: Public

Manager: Pauline Gordon, General Manager Community and Leisure

Author: Gabrielle Castellan, Coordinator Social Development and Service Planning

Corrienne Nichols, Acting Manager Community Services and Social Development

Summary

A Refugee Welcome Zone is a Local Government Area which has made a commitment to welcoming and supporting refugees into the community and publically declares the contribution refugees have made to Australian society.

In Victoria 43 Local Government Areas are declared Refugee Welcome Zones, an increase of 33 percent since 2014.

In the Northern Region of metropolitan Melbourne, all councils have signed the public declaration except for the Shire of Nillumbik.

It is timely for the Shire of Nillumbik to demonstrate its commitment to create an inclusive, cultural and religiously diverse community by signing a public declaration to acknowledge and welcome refugees (Attachment 1).

Motion

Cr Michael Young

Cr Helen Coleman

That Council:

- 1. Acknowledges the opportunity to commit to welcoming and supporting refugees in the Shire of Nillumbik.**
- 2. Approves the Refugee Welcome Zone Declaration for signature by the Mayor at the Nillumbik Citizenship Ceremony on Thursday 28 July 2016.**

CARRIED

Cr Michael Young called for a division:

For: Crs King, Coleman, Van Hulsen, Perkins, Young and Hattam.

Against: Nil.

12. Officers' reports

OCM.114/16 Municipal Fire Management Plan Update

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Justin Murray, Executive Officer Emergency Management

Summary

In accordance with the recommended three year planning cycle, the Municipal Fire Management Planning Committee has reviewed and updated the Municipal Fire Management Plan.

The Plan has been endorsed by the Municipal Emergency Management Planning Committee with a recommendation that the plan be adopted by Nillumbik Shire Council as a Plan that meets the requirements of section 55(a) of the *Country Fire Authority Act 1958*.

Motion

Cr Peter Perkins

Cr Ken King

That Council adopts the updated Nillumbik Municipal Fire Management Plan as a plan that meets the requirements of Section 55(a) of the *Country Fire Authority Act 1958*.

CARRIED

12. Officers' reports**OCM.115/16 Submission in response to the 'Protecting the Yarra River (Birrarung)' discussion paper**

Distribution: Public**Manager: Chad Griffiths, Manager Strategic and Economic Planning****Author: Jackie Donkin, Senior Strategic Planner****Summary**

The Yarra River corridor is significant and highly valued by the residents of Melbourne and Nillumbik. The Yarra River is under pressure from a metropolitan "...growth phase comparable in scale and consequence to those triggered by the gold rush in the mid-19th century and the long post-World War II population boom" (p39 of the discussion paper).

The challenge facing Melbournians is to manage the demands placed on the Yarra River as a consequence of this growth and change.

In December 2015, the Victorian Government announced that it planned to protect the Yarra River by strengthening planning controls and management.

The government appointed a Yarra River Protection Ministerial Advisory Committee (Yarra MAC) to assess the effectiveness of current governance arrangements along the Yarra River and make recommendations for change, including legislation to effect the change. Its advice covers the entire length of the river from its source in the headwaters above the Upper Yarra Reservoir to Port Phillip Bay, a distance of 242 kilometres. It does not cover the waters of the Port of Melbourne.

In July 2016, the Yarra MAC published a discussion paper '*Protecting the Yarra River (Birrarung)*' "...to promote community discussion about opportunities to improve the oversight and management of the Yarra River'. The discussion paper puts forward some ideas and questions about how the Yarra River can be managed in the future and invites submissions from the community by 5 August 2016. The discussion paper suggests a new model of governance is required which takes a broader and holistic view of the Yarra corridor and suggests six areas of work which need addressing in order to achieve this outcome.

It is recommended that Council endorse the submission to the Yarra MAC at Attachment 1 to this report which generally supports the initiative for a new model of governance for the Yarra River.

Recommendation

That Council:

1. Commends the Victorian Government for initiating this review of the management of the Yarra River and,
2. Endorses the submission at Attachment 1 to this report and submits it to the Yarra River Protection Ministerial Advisory Committee by 5 August 2016.

12. Officers' reports

OCM.115/16 Submission in response to the 'Protecting the Yarra River (Birrarrung)' discussion paper

Motion

Cr Anika Van Hulsen

Cr Ken King

That Council:

1. Commends the Victorian Government for initiating this review of the management of the Yarra River.
2. Endorses the submission at Attachment 1 to this report, but modified to include a suggestion that the Yarra River MAC investigate the development and incorporation of a Green Infrastructure Masterplan which reinforces the need for water and food security, and promotes the notion of environmentally friendly living.
3. Submits the revised submission to the Yarra River Protection Ministerial Advisory Committee by 5 August 2016.

CARRIED

12. Officers' reports

OCM.116/16 Investigation of land located at 20 Wattletree Road, Eltham for the purpose of locating a building for the Eltham Men's Shed group

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Jon Miller, Manager Assets and Property

Summary

The purpose of this report is to provide Councillors with an understanding of the feasibility of constructing a facility for the Eltham Men's Shed group at Dansey's Paddock, located at 20 Wattletree Road, Eltham. This is in response to the Notice of Motion 004/16 (the NoM), which was moved at the Ordinary Meeting of Council held on 26 April 2016, and which is shown as Attachment 1.

In determining the feasibility of such a project, officers have worked closely with members of the Eltham Men's Shed group.

The report includes discussion on the location, site conditions, access and egress, planning permit requirements, siting and design, construction staging as well as benefits and partnerships that may be gained by such a project.

The report considers the feasibility of constructing a 360m² building and car parking as required by the NoM, but also considers the cost and feasibility of a larger building and additional access/egress in response to a concept plan submitted by the Eltham Men's Shed group.

Whilst the report concludes that the site at Dansey's Paddock does provide a location to construct a facility, it also advises that site constraints add to the substantial estimated cost, which is not currently funded in Council's Major Projects Plan.

The report also concludes that there may be future opportunities to re-purpose existing but underutilised facilities, or to utilise more appropriate land within the Eltham area, and that officers should continue to work with members of the Eltham Men's Shed to identify such opportunities.

Motion

Cr Michael Young

Cr Helen Coleman

That Council:

- 1. Notes the contents of this report.**
- 2. Notes that officers will continue to liaise with representatives from Eltham Men's Shed to explore other sites and options, including the exploration of more affordable men's shed models.**

CARRIED

12. Officers' reports

OCM.117/16 Council Plan Quarterly Performance Report June 2016

File: 25/10/002

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Naomi Ellis, Corporate Planner

Summary

This report presents the Council Plan Quarterly Performance Report to Council for consideration, documenting progress of key actions for 2015-2016 that demonstrate how Council is delivering the objectives of the Council Plan 2013-2017 for the Nillumbik community.

The attached Council Plan Quarterly Performance Report provides the fourth and final update on the progress of the Annual Plan actions for the 2015-2016 financial year. Previous reports were considered by Council in October 2015 and January and April 2016.

Of the 51 actions identified in the Annual Plan, at the close of the quarter (30 June 2016) 42 actions were on target with a green light status (action completed or 90 per cent of target achieved), six actions have an amber light (between 40-90 per cent of action target achieved), two actions have a red light (less than 40 per cent of action target achieved), and one action has been deferred.

Motion

Cr Anika Van Hulsen

Cr Michael Young

That Council:

- 1. Receives the Council Plan Quarterly Performance Report for the period ending 30 June 2016.**
- 2. Notes the first quarterly report for 2016-2017 will be presented to Council in November instead of October due to the Council elections.**

CARRIED

12. Officers' reports

OCM.118/16 June Interim Financial Report

File: 20/10/004

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Vince Lombardi, Manager Finance

Robert Malignaggi, Management Accountant

Summary

This report outlines Council's interim financial performance for the period ending 30 June 2016.

The June interim financial report is the fourth report presented to Council on the year-to-date performance against the approved 2015-2016 Budget, which includes changes resulting from the Mid-Year Financial Review process.

Quarterly reports are presented to Council for the September, December and March quarters. However due to the timing and preparation of the Annual Report, an interim quarterly report is prepared for the June quarter. This is to comply with the provisions of the *Local Government Act 1989* which requires that a financial report be presented to Council every three months.

The interim financial report shows an overall surplus (on a rate determination basis) of \$3.097 million. This is an improvement of \$3.044 million compared to the Mid-Year Financial Review in December 2015, when a surplus of \$52,962 was forecast. This favourable variance of \$3.044 million has been achieved through a combination of increased income received, and savings in expenditure, and is comprised of the following:

- Net Operating favourable variance of \$2.890 million comprising of;
 - \$825,000 of additional income
 - \$2.065 million in expenditure savings
- Savings in New Initiatives – \$106,000
- Savings in Rates Funded Capex – \$48,000

This surplus enables Council to make additional allocations to its financial reserves, which will strengthen Council's financial position and reduce risk exposure.

Motion

Cr Ken King
Cr Michael Young

That Council:

1. **Receives and notes the Interim Financial Report for the period ended 30 June 2016.**
2. **Endorses the proposed allocation of the surplus into Council's financial reserves as detailed in the Interim Financial Report.**

CARRIED

12. Officers' reports

OCM.119/16 Audit Committee vacancy

File: 20/15/006

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Vince Lombardi, Manager Finance

Summary

Council currently has one vacancy for an independent member on its Audit Committee, following the recent retirement of long standing committee member Roger Male.

The *Local Government Act 1989* requires each Council to have an Audit Committee to oversee the Council's management of risk, internal controls and financial reporting.

The Committee meets four times each year and the minutes are presented at a subsequent Council meeting.

The Audit Committee comprises three positions for independent members, and two positions for Councillors (currently Cr King and Cr Klein). The position of Chairperson is held by one of the independent members, Linda MacRae, and the remaining independent member is John Watson.

Applications for the vacant position have been invited through advertisements on the LinkedIn website. Council received 17 applications.

The recommended applicant for the vacant position is Gregory Hollyman, who holds extensive experience as an internal auditor and across different sectors.

Motion

Cr Ken King

Cr Michael Young

That Council:

1. **Appoints Gregory Hollyman as an independent member of the Audit Committee for a three year term concluding 30 June 2019 and advise Mr Hollyman accordingly.**
2. **Notifies the other applicants to thank them for their application and advise them of Council's decision.**

CARRIED

12. Officers' reports**OCM.120/16 Eltham Leisure Centre Aquatic redevelopment - additional allocation of funds**

File: 80/46/007**Distribution: Public****Manager: Pauline Gordon, General Manager Community and Leisure****Author: Naomi Paton, Manager Leisure and Social Infrastructure****Frances Duncan, Coordinator Leisure Facilities****Summary**

The Eltham Leisure Centre (ELC) aquatic redevelopment is a strategic priority and Council's most significant infrastructure project, replacing existing aquatic and associated facilities some of which are more than thirty-five years old. The aquatic facilities closed to the public in June 2016.

The redevelopment, due for completion in November 2017, will deliver an 8-lane 25 metre pool, integrated program pool and leisure pool, a dedicated warm water pool, accessible spa, sauna and steam room, new change facilities including dedicated group change rooms and landscaped outdoor area incorporating water play features.

Redeveloping ELC is Council's highest infrastructure priority, accounting for \$5.8 million of Council's \$10 million renewal needs.

Eltham Leisure Centre is the Shire's only major leisure facility which delivers a financial return to Council, currently \$0.42 per visit. Following redevelopment, the return to Council is modelled to deliver a \$1.03 return per visit to Council with an average of 1 million visits per annum anticipated over ten years post redevelopment. This return contributes to the organisation's overall stable financial position and outlook detailed in the Strategic Resource Plan.

The current project budget totals \$16.45 million consisting of Council funding of \$9.65 million through rates and reserves and \$6.8 million State Government contributions- the largest State investment in a metropolitan municipal-level facility. Successful grant applications reduced Council's contribution from the previously committed \$13 million.

Construction tenders were received in May 2016. Upon receipt of the tenders, it became clear that a value management exercise would need to be undertaken due to the substantial cost overrun when comparing with the construction budget estimation. The value management exercise sought to drive down the cost without compromising significantly on design intent, and long-term facility operations and maintenance.

Officers have completed extensive tender negotiations and a value management exercise with the two lowest tenderers. All items in the scope which optimises facility amenity and user experience, such as noise amelioration, and maximises the potential future operational performance have been retained in the scope. Based on final tendered sums, there is requirement for additional funding of \$2.9 million, with the below items contributing to escalated costs:

- The cost of steel will increase by up to 10 per cent from 1 July 2016.

12. Officers' reports

OCM.120/16 Eltham Leisure Centre Aquatic redevelopment - additional allocation of funds

- A weakening Australian dollar means the cost of required goods only manufactured overseas is more expensive.
- The EBA for construction workers from 1 July 2016 allows for a 5 per cent increase and removes time and a half and replacing it with double time.
- State Government's requirement for a ramp entry into the 25 metre pool rather than lift access which resulted in additional design and construction costs.
- The cost of the pool structure was estimated on 2012 prices which have now been reviewed by the Quantity Surveyor and is an additional \$1 million above original cost estimates.

This report proposes a funding package for the extra \$2.9 million for the ELC aquatic redevelopment, which can be met by Council without impacting on Council operations, forward commitments or overall financial sustainability. Identifying funding sources through reconciling the 2015-2016 year-end financial estimates is fortuitous timing for this project.

A separate confidential report in this agenda considers the ELC aquatic redevelopment construction tender. Construction is due to commence by August 2016.

Motion

**Cr Helen Coleman
Cr Michael Young**

That Council:

1. **Endorses an additional \$2.9 million allocation for the Eltham Leisure Centre Aquatic Redevelopment to be funded as detailed in this report.**
2. **Notes that a separate confidential report in this agenda considers the tenders received for the project.**

CARRIED

12. Officers' reports

OCM.121/16 Camelot Close Special Charge Scheme, Research

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Aashish Pandey, Engineer

Summary

On 20 January 2016, Council received a petition signed by property owners in Camelot Close, Research requesting that Council investigate road sealing.

Questionnaires were then sent to all property owners in Camelot Close on 18 May 2016 to establish the level of support to construct the road.

The level of support established for a Special Charge Scheme for Camelot Close is 60 per cent. This represents support from three of the five property owners.

Given that the level of support is 60 per cent, it is recommended that Council proceed with consultation for the construction of Camelot Close, Research.

Motion

Cr Ken King

Cr Helen Coleman

That Council:

- 1. Proceeds with the development of a Special Charge Scheme for the sealing of Camelot Close, Research.**
- 2. Invites affected property owners to an information session to outline the next steps in the process of construction under Council's Special Rates and Charges Policy and Procedure.**

CARRIED

12. Officers' reports

OCM.122/16 Worns Lane Special Charge Scheme, Yarrambat - questionnaire results

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Vladimir Mistic, Engineer

Summary

On 19 February 2016, Council received a petition signed by property owners requesting that Council investigate road sealing for a section of Worns Lane between Latrobe Road and Licola Street, Yarrambat.

Questionnaires were then sent to all affected property owners in Worns Lane on 18 April 2016 to establish the level of support to construct the road.

The level of support established for a Special Charge Scheme for a section of Worns Lane between Latrobe Road and Licola Street, Yarrambat is above 60 per cent. This represents support from seven of the eleven property owners.

Given that the level of support is above 60 per cent it is recommended that Council proceed with consultation for the construction of Worns Lane, Yarrambat.

Motion

Cr Peter Perkins

Cr Michael Young

That Council:

1. **Proceeds with the development of a Special Charge Scheme for sealing the section of Worns Lane between Latrobe Road and Licola Street, Yarrambat.**
2. **Invites affected property owners to an information session to outline the next steps in the process of construction under Council's Special Rates and Charges Policy and Procedure.**

CARRIED

12. Officers' reports**OCM.123/16 Hillmartin Lane Area Special Charge Scheme, Diamond Creek - intention to declare**

Distribution: Public**Manager: Conal Creedon, General Manager Infrastructure Services****Author: Anita Devi, Project Engineer****Summary**

On 10 April 2015, Council received a petition from property owners in Hillmartin Lane, Diamond Creek (north of Starling Road) and from property owners in the area comprising Larch Crescent, Sutherland Road (between Larch Crescent and Diamond Creek Road), Hillmartin Lane (south of Starling Road), Fielding Road and Starling Road requesting these roads to be sealed.

After conducting a survey and determining that 68.4 per cent of property owners support road sealing, Council resolved on 22 September 2015 to proceed with the consultation process for the Hillmartin Lane Area Special Charge Scheme, Diamond Creek (Item OCM.125/15).

Council officers have held information sessions and task group meetings, including two onsite meetings, in line with Council's policy for Special Charge Schemes. The final information session for all interested property owners involved in the scheme was held on 23 June 2016.

The next stage in the process is for Council to give notice of its intention to declare a Special Charge Scheme for the Hillmartin Lane area. This allows any affected person to make a submission or objection before Council decides on levying the Special Charge.

Motion

Cr Peter Perkins**Cr Michael Young****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 Hillmartin Lane, Sutherland Road (between Larch Crescent and Diamond Creek Road), Larch Crescent, Fielding Road and Starling Road, Diamond Creek subject to the following conditions:**
 - a) The Special Charge Scheme shall apply to the properties in the Hillmartin Lane area, Diamond Creek as shown in Attachment 1.**
 - b) The apportionment cost to each property is based on the method shown in the report and Attachment 3.**
 - c) The total estimated cost to each property is shown in Attachment 2 and may be paid as a lump sum or by quarterly instalments over a ten 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.**

12. Officers' reports

OCM.123/16 Hillmartin Lane Area Special Charge Scheme, Diamond Creek -
intention to declare

2. The Special Charge Scheme for the Hillmartin Lane area shall remain in force for 10 years.
3. Within 12 months of the completion of works a final cost statement will be issued to all properties in the Hillmartin Lane area, Diamond Creek and any adjustment to liabilities will be made at the time.
4. Estimates total project cost is \$773,303.31 with a benefit ratio of 'one' (100 per cent). The total amount to be levied under this Special Charge is \$773,303.31.

CARRIED

12. Officers' reports

OCM.124/16 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 June 2016.

Motion

Cr Michael Young

Cr Helen Coleman

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

- 1. Eighty-one per cent of planning applications were determined within 60 statutory days.**
- 2. Two VCAT decisions were handed down during June, relating to 157 Scenic Crescent, Eltham North and 81 Glen Park Road, Eltham North.**
- 3. A Directions Hearing to consider preliminary matters has been set for Amendment C101 'ESO Review'. The Directions Hearing will be conducted at 11am on Thursday 4 August 2016, at the Council office.**
- 4. A contract was executed to purchase carbon offsets for the period January to June 2016.**

CARRIED

12. Officers' reports

OCM.125/16 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 21 June 2016.

Motion

Cr Ken King
Cr Anika Van Hulsen

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	2 June 2016
	Matters considered	The Artisan Hills Marketing Committee
	Councillors present	Cr Ken King
	Staff present	Christine Gibbins Michelle Zemancheff Toni Davis
	Conflict of interest	None declared

2	Date of assembly	6 June 2016
	Matters considered	Arts Advisory Committee (Acquisition and Strategy)
	Councillors present	Cr Helen Coleman
	Staff present	Michelle Zemancheff Grace Longato
	Conflict of interest	None declared

3	Date of assembly	16 June 2016
	Matters considered	CEO Employment Matters Committee
	Councillors present	Cr Bronnie Hattam Cr Helen Coleman Cr Ken King Cr Michael Young
	Staff present	Des Bethke (consultant)
	Conflict of interest	None declared

12. Officers' reports

OCM.125/16 Assemblies of Councillors

4	Date of assembly	21 June 2016	
	Matters considered	Pre-meeting for Ordinary Council Meeting	
	Councillors present	Cr Michael Young	Cr Anika Van Hulsen
		Cr Meralyn Klein	
	Staff present	Stuart Burdack Andrew Port Pauline Gordon Ransce Salan Lisa Pittle Jon Miller Pat Vaughan	Naomi Paton Kalpesh Jajpura Darko Popovski Craig Commene Mathew Deayton Romney Bishop
Conflict of interest	None declared		

5	Date of assembly	22 June 2016	
	Matters considered	Living & Learning Nillumbik Advisory Committee	
	Councillors present	Cr Meralyn Klein	
	Staff present	Maggie Clarke	
	Conflict of interest	None declared	

6	Date of assembly	23 June 2016	
	Matters considered	Edendale Advisory Committee	
	Councillors present	Cr Michael Young	Cr Bronnie Hattam
	Staff present	Adrian Cully Pat Vaughan	Alex Davern
	Conflict of interest	None declared	

7	Date of assembly	23 June 2016	
	Matters considered	Recreation Trails Advisory Committee	
	Councillors present	Cr Anika Van Hulsen	Cr Ken King
	Staff present	Alison Hickey	
	Conflict of interest	None declared	

12. Officers' reports

OCM.125/16 Assemblies of Councillors

8	Date of assembly	4 July 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Planning briefing • Update on Syrian–Iraqi refugees • Tender for construction of Eltham Leisure Centre • Nillumbik Community Fund annual grant recommendation • Diamond Creek Community Centre masterplan • Growing Suburbs Fund 	
	Councillors present	Cr Bronnie Hattam Cr Michael Young Cr Meralyn Klein	Cr Ken King Cr Helen Coleman Cr Anika Van Hulsen
	Staff present	Stuart Burdack Ransce Salan Pauline Gordon Vince Lombardi Jeremy Livingston Gabrielle Castellan Renaë Ahern Michelle Zemancheff	Lisa Pittle Joanne Hammond Naomi Paton Mathew Deayton Adrian Cully Rachel Deans Frances Duncan Katrina Ross
	Conflict of interest	None declared	
9	Date of assembly	6 July 2016	
	Matters considered	Councillor workshop on integrated housing strategy and neighbourhood character	
	Councillors present	Cr Bronnie Hattam Cr Meralyn Klein	Cr Anika Van Hulsen Cr Michael Young
	Staff present	Chad Griffiths	Jackie Donkin
	Conflict of interest	None declared	
10	Date of assembly	12 July 2016	
	Matters considered	Pre-meeting for Policy and Services Committee and Planning Committee	
	Councillors present	Cr Bronnie Hattam Cr Michael Young Cr Meralyn Klein	Cr Ken King Cr Helen Coleman Cr Anika Van Hulsen

12. Officers' reports

OCM.125/16 Assemblies of Councillors

	Staff present	Andrew Port Pauline Gordon Ransce Salan Lisa Pittle Michelle Zemancheff Rachel Deans	Naomi Paton Renae Ahern Joanne Massoud Corrienne Nichols Frances Eyre Adrian Cully
	Conflict of interest	None declared	

11	Date of assembly	14 July 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	Date of assembly	19 July 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Amendment C101 survey • 20 Wattletree Road, Eltham • Leveraging external funding for biodiversity • Yarra River protection • Refugee welcome zone 	
	Councillors present	Cr Bronnie Hattam Cr Anika Van Hulsen Cr Ken King	Cr Helen Coleman Cr Michael Young
	Staff present	Stuart Burdack Andrew Port Conal Creedon Jeremy Livingston Pauline Gordon Allison Watt Jon Miller	Natalie Campion Lisa Pittle Stacey Warmuth Pat Vaughan Corrienne Nichols Gabrielle Castellan
	Conflict of interest	None declared	

CARRIED

13. Notices of Motion

NOM.012/16

Cr Peter Perkins advised of his intention to move the following rescission motion:

Motion

That Council rescinds its resolution from the Ordinary Meeting of Council on 21 June 2016 regarding OCM.096/16 Rehabilitation of the Diamond Street Bridge, Diamond Street, Eltham as follows:

That Council endorses Option 1, to rehabilitate the existing bridge in Diamond Street, Eltham.

LAPSED NOT MOVED

Contingent on the above rescission motion being carried, I then move the following motion regarding the rehabilitation of the Diamond Street, Eltham bridge:

Motion

That Council endorses Option 2 from Council report OCM.096/16, to rehabilitate the existing bridge in Diamond Street, Eltham and widen it to two lanes.

LAPSED NOT MOVED

NOM.013/16

Cr Meralyn Klein advised of her intention to move the following rescission motion:

Motion

That Council rescinds its resolution from the Ordinary Meeting of Council on 21 June 2016 regarding OCM.093/16 Declaration of a Special Rate for Eltham Town as follows:

That Council:

1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of section 163A, 163B and 223 of the *Local Government Act 1989* (the Act), and otherwise according to law, hereby declares a Special Rate for Eltham Town under section 163 (1) of the Act for the purpose of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Eltham Chamber of Commerce and Industry Inc., which funds, subject always to the approval, direction and control of Council, are to be used for the purpose of funding a part-time centre marketing officer, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the Chamber, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Eltham Town centre.
2. Gives notice to all owners and occupiers of properties included in the scheme and all persons who have lodged a submission and/or an objection in writing of the decision of council to declare and levy the Special Rate commencing on 1 July 2016, and the reasons for the decision.

3. Resolves that for the purposes of paragraph 2, the reasons for the decision of Council to declare the Special Rate are that:
 - There was sufficient support for the special rate from the property owners and occupiers.
 - Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the scheme area.
 - All persons who are liable or required to pay the Special Rate and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land value and/or maintenance or enhancement in that use, occupation and enjoyment of the properties.
 - The basis of distribution of the special rate amongst those persons who are liable or required to pay the special rate is considered to be fair and reasonable.
4. Undertakes all statutory processes and procedures outlined within Attachment 1, including the authorisation of Council officers.
5. Notifies the Eltham Chamber of Commerce and industry of the above.

LAPSED NOT MOVED

NOM.014/16

Cr Michael Young advised of his intention to move the following:

Motion

**Cr Michael Young
Cr Anika Van Hulsen**

That Council officers investigate and report back to Council on ways to improve the use of rescission motions, so that when Councillors use rescission motions in the future:

1. **They obtain a stronger level of support from their Councillor colleagues as a requirement for lodging rescission motions.**
2. **Rescission motions are not used as a vexatious or a political tool to obstruct good governance and efficient processes.**

CARRIED

Cr Michael Young called for a division:

For: Crs Coleman, Van Hulsen, Young and Hattam

Against: Crs King and Perkins

14. Delegates' reports

Mayor, Cr Bronnie Hattam reported on her activities as a Council delegate.

15. Supplementary and urgent business

Nil

16. Confidential reports

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

Motion

Cr Ken King

Cr Helen Coleman

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.126/16	Tender report - Eltham Leisure Centre Aquatic redevelopment	(d) contractual matters

CARRIED

The meeting closed to the public at 9.37pm.