

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 1 August 2017 commencing at 7pm.

Agenda

Mark Stoermer
Chief Executive Officer

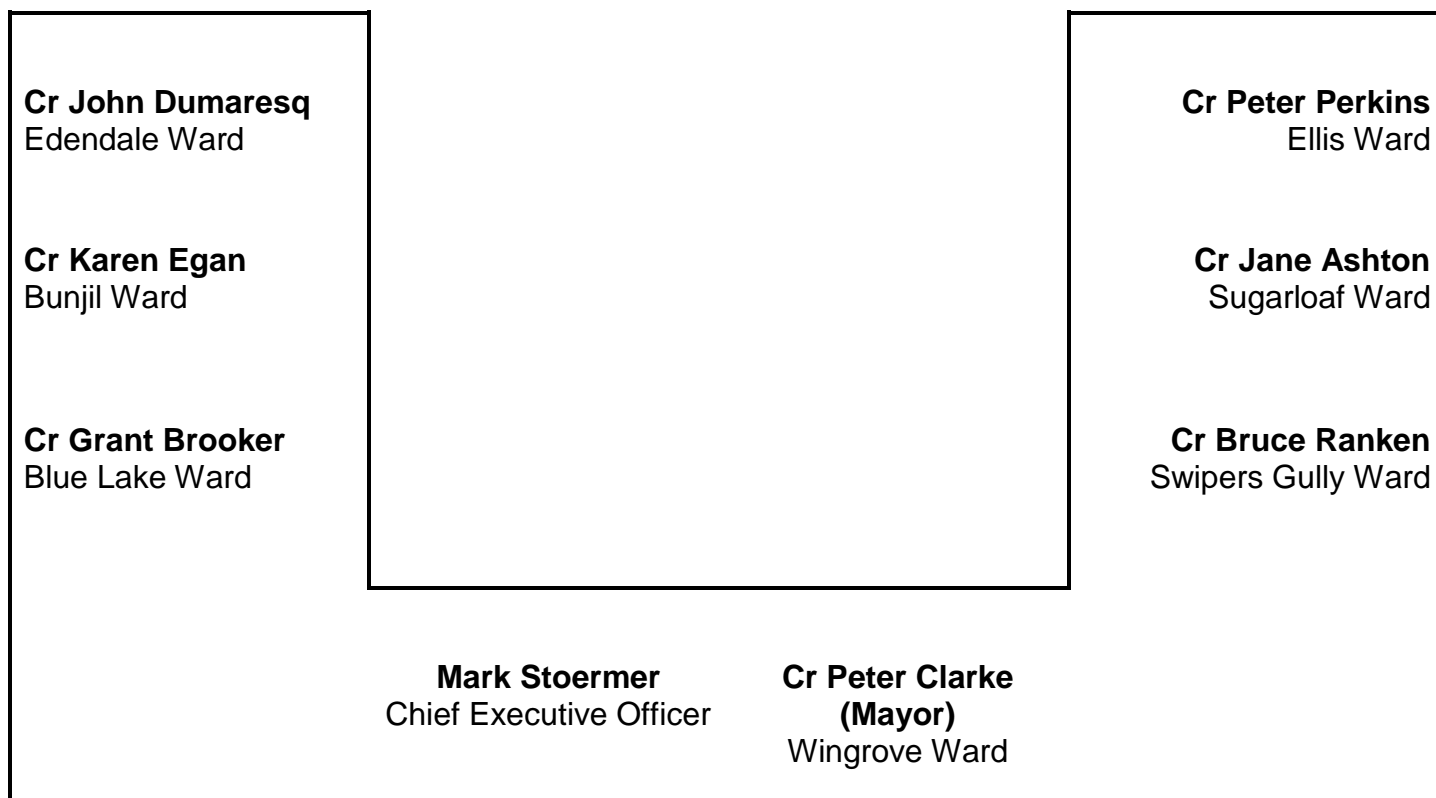
Thursday 27 July 2017

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Domin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

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

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held
Tuesday 1 August 2017 commencing at 7pm.**

1. Welcome by the Mayor

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

2. Reconciliation statement

The reconciliation statement to be read by the Mayor

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

3. Prayer

A prayer will be read by Father Steven Rigo of St. Thomas the Apostle Greensborough to lead the prayer.

4. Apologies

Motion

That the apologies be accepted.

5. Presentations

Country Fire Authority

Certificates of Recognition will be presented to outgoing CFA captains and other key personnel from fire brigades across Nillumbik.

Cultural Achievement Grant

Tyrian Ejay (Bunjil Ward) receives \$200 as a contribution for her selection from Vocal Art Studios to travel to London in June 2017 for intensive training that will include vocal and song writing training, performances and workshops with industry professionals as well as recording sessions.

Sporting presentations

Christian Ewings (Blue Lake Ward) receives \$150 as a contribution for his selection to represent Victoria at the Indoor Cricket National Championships in Queensland

Casey Imeneo (Sugarloaf Ward) receives \$200 as a contribution for being selected to represent Australia at the 2017 Laser Radial Women's Under 21 World Championships in Belgium.

Hannah Bird (Sugarloaf Ward) receives \$150 as a contribution for being selected to represent Victoria at the Equestrian Interschools National Championships in Queensland.

Brooklyn Hutton (Swipers Gully Ward) receives \$200 as a contribution for her selection to represent Australia at the Japan Women's baseball Youth Leaders Exchange in Japan.

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 27 June 2017.

Motion

That the minutes of the Council Meeting held on Tuesday 27 June 2017 be confirmed.

7. Disclosure of conflicts of interest

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

8. Petitions

Nil

9. Questions from the gallery

10. Reports of Advisory Committees

AC.005/17 Advisory Committee Report

Distribution: Public

Manager: Allison Watt, Manager Governance

Author: Tracey Classon, Governance Officer

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

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

- Municipal Public Health and Wellbeing Plan Project Reference Group minutes of 16 May 2017
- Living & Learning Nillumbik Advisory Committee meeting held 28 June 2017

Motion

That Council notes the

1. **Municipal Public Health and Wellbeing Plan Project Reference Group minutes of 16 May 2017.**
2. **Living & Learning Nillumbik Advisory Committee minutes of 28 June 2017.**

Attachments

1. Municipal Public Health and Wellbeing Plan Project Reference Group minutes 16 May 2017
2. Living & Learning Nillumbik Advisory Committee minutes 28 June 2017

11. Reports of Special Committees

Nil

12. Officers' report

OCM.080/17 Growing Suburbs Fund 2017-2019

Distribution: Public

Manager: Naomi Paton, Manager Integrated Strategy

**Author: Jeff Chambers, Acting Manager Leisure and Social Infrastructure
Nichole Johnson, Coordinator Strategy Projects - Community and Leisure**

Summary

The State Government announced the Growing Suburbs Fund 2017-2019 available to interface Councils. The report discusses the funding objectives and recommends suitable candidate projects for this grant program.

The program seeks to provide funds to enhance the capacity of councils to deliver high priority community infrastructure projects that contribute to healthier and liveable communities and local economies across metropolitan Melbourne's interface.

Following discussions with Councillors, officers will be preparing the ten applications in the following priority order:

1. Diamond Creek Trail extension
2. Diamond Valley Sports and Fitness Centre redevelopment
3. Marngrook Oval pavilion, Diamond Creek
4. Hurstbridge Stadium expansion and multi-use change rooms
5. Eltham Central precinct community/sports hub
6. Diamond Creek Netball pavilion
7. Diamond Creek Regional playground
8. Hurstbridge Rail pedestrian crossing, Diamond Creek
9. Upgrade to Lower Eltham Park
10. Hurstbridge Open Space

Feedback has been obtained from State Government representatives from the Department of Environment, Land, Water and Planning (DELWP) regarding the proposed projects.

All projects have strategic links to the Council Plan and are identified in Council's long term financial plan. Securing State funding will enable Council to bring forward much needed community infrastructure.

Recommendation

That Council:

1. **Endorses funding applications in the following priority order to the Growing Suburbs Fund for:**
 - a) **Diamond Creek Trail extension**
 - b) **Diamond Valley Sports and Fitness Centre redevelopment**

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OCM.080/17 Growing Suburbs Fund 2017-2019

- c) **Marngrook Oval pavilion, Diamond Creek**
 - d) **Hurstbridge Stadium expansion and multi-use change rooms**
 - e) **Eltham Central precinct community/sports hub**
 - f) **Diamond Creek Netball pavilion**
 - g) **Diamond Creek Regional playground**
 - h) **Hurstbridge Rail pedestrian crossing, Diamond Creek**
 - i) **Upgrade to Lower Eltham Park**
 - j) **Hurstbridge Open Space**
2. **Commits to providing required funding should the applications be successful.**
 3. **Acknowledges there will costs associated with the additional resources to collate supporting documentation and complete the grant application process that are not included in the 2017-2018 budget. If required, accommodations will be made at the mid-year budget review.**
 4. **Advocates for the Growing Suburbs Fund to continue as a recurrent State Government program beyond 2017-2019.**

Attachments

1. Growing Suburbs Fund 2017-2019 Project summary

Background

1. The Victorian Government announced the Growing Suburbs Fund (GSF) 2017-2019 round. The interface councils of Nillumbik along with Cardinia, Casey, Hume, Melton, Mitchell, Mornington Peninsula, Whittlesea, Wyndham and Yarra Ranges Councils are eligible.
2. The Victorian Government recognises that Melbourne's interface councils are diverse and are home to some of the city's most vulnerable communities. They play a critical role in supporting Victoria's population growth and economy, contain productive rural land and are responsible for 90 per cent of population growth.
3. The GSF objective is to fund new, expanded or upgraded infrastructure that improves the community and economic development, liveability and resilience of these communities. Grants will be targeted at high priority community infrastructure projects that contribute to:
 - a) Healthier, more resilient and liveable communities
 - b) Improved local economies
 - c) Improved capacity for councils to respond to changing community needs and demands.
4. Council has been successful in obtaining nearly \$8.5 million in GSF funding since the program commenced in 2015-2016 towards the following priority projects:
 - Greensborough Civic Drive Precinct Open space redevelopment - \$950,000

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OCM.080/17 Growing Suburbs Fund 2017-2019

- Research Park Pavilion redevelopment - \$650,000
 - Edendale Community Farm redevelopment - \$500,000
 - Eltham Leisure Centre aquatic redevelopment - \$3.8 million
 - Eltham Community Reception Centre redevelopment - \$2.55 million.
5. Fifty million dollars has been confirmed in the 2017-2018 Victorian Budget for expenditure across 2017-2018 and 2018-2019 financial years.
6. The guidelines for the GSF 2017-2019 have now been released. There is no limit on the number of submissions per council however applications for projects less than \$750,000 are limited to three.
7. Applications close 10 August 2017, with grants announced in November 2017. Projects are to commence construction no later than September 2018 and be completed within three years of commencement.

Policy context

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

Budget implications

9. Council is expected to contribute funds towards projects which secure GSF funding. Whilst matched funding for each project is not necessary, State Government is seeking to leverage one dollar investment for every one dollar of GSF spent.
10. Council has identified priority community infrastructure projects for delivery in the strategic resource plan, including those for which Council would consider seeking State contributions through the GSF to reduce the financial burden on ratepayers.
11. Subject to the projects being put forward, it is likely there will need to be adjustments made to the strategic resource plan in the event applications are successful. In some cases additional external funding will need to be secured such as the Better Indoor Stadiums Fund for Diamond Valley Sports and Fitness Centre redevelopment.
12. Up to \$70,000 will be required to enable officers to engage the appropriate resources to collate supporting documentation and complete the grant application process. The appropriate adjustments will be made to the 2017-2018 budget at the mid-year budget review.

Consultation/communication

13. Community feedback on the Council Plan 2017-2021 and annual budget has informed Council's capital works program and Major Projects Plan which includes community infrastructure priorities, some of which are eligible for GSF.
14. The community has been involved through various engagement methods in planning the scope of those projects recommended for application.
15. Officers met with representatives from the Department of Environment, Land, Water and Planning to discuss the suitability of a number of projects. Officers have also discussed relevant projects with Sport and Recreation Victoria.

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OCM.080/17 Growing Suburbs Fund 2017-2019

16. Relevant Councillors and officers have discussed the proposed projects with State Members of Parliament Vicki Ward (Eltham) and Danielle Green (Yan Yean).

Issues/options

17. The following projects have been identified in priority order:

- a) Diamond Creek Trail Extension Diamond Creek to Wattle Glen

Scope: Creekside trail extension, delivering significant regional recreation, tourism and economic outcomes.

Estimated cost: \$5 million (including land acquisition subject Council resolution and Ministerial approval).

- b) Diamond Valley Sports and Fitness Centre redevelopment

Scope: Redevelopment and expansion of the facility is being informed by a Masterplan, due in early 2018. Additional four stadium courts required to meet regional sports demand.

Estimated cost: \$16.5 million

- c) Marngrook Pavilion, Diamond Creek

Scope: Construction of a single storey sports pavilion comprising four change rooms, accessible change and public toilets, kiosk and first aid room.

Estimated cost: \$1.7 million

- d) Hurstbridge Stadium expansion and multi-use change rooms

Scope: Expansion to two indoor multi-purpose courts and change rooms.

Estimated cost: \$5 million

- e) Eltham Central precinct community/sports hub

Scope: Redevelopment of the pavilion including extension to the existing social club rooms to create a multi-use hub providing access for use by community groups, improve accessibility and upgrade of existing amenities.

Estimated cost: \$3.5 million

- f) Diamond Creek netball pavilion

Scope: Redevelopment of existing pavilion including upgrade of change rooms, kiosk, amenities, and expansion of club room.

Estimated cost: \$ 2.5 million

- g) Regional Playground Diamond Creek

Scope: Regional, destination, nature-based playground in Diamond Creek, contributing to Shire's attraction strategy, economic development and tourism outcomes bringing people into Diamond Creek.

Estimated cost: \$3.2 million including car parking, access and landscaping works.

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OCM.080/17 Growing Suburbs Fund 2017-2019

h) Hurstbridge Rail pedestrian crossing, Diamond Creek

Scope: This project will ease traffic congestion and support the township's growth/subdivisions. It will create a mode shift to active transport supporting people travelling to work, schools and accessing public transport.

Estimated cost: High level cost estimates are \$1.5 million.

i) Upgrade to Lower Eltham Park

Scope: Works include wayfinding signage, picnic facilities, viewing platform at the Diamond Creek and Yarra River confluence, paths and car parking.

Estimated cost: \$500,000

j) Hurstbridge Open Space

Scope: Upgrade to Lot 1 (Graysharps Road) that provides seats, paths, nature based play, a performance/multi-use space and passive recreation opportunities.

Estimated cost: \$1.1 million

18. A summary of these projects detailing costs, possible funding partnership and project scope/status is detailed in Attachment 1.

Conclusion

19. The report is seeking Council endorsement for the Nillumbik funding applications to the Growing Suburbs Fund 2017-2019. Officers are undertaking preparatory work and obtaining additional information in order to ensure that these projects can demonstrate that they meet the funding criteria.
20. Officers and Councillors will continue to advocate strongly for this funding program to continue as a recurrent program beyond the 2017-2019 funding cycle. The group of interface councils provides an excellent platform for this advocacy and is supplemented through regular ongoing meetings between Councillors, Members of Parliament and senior government officers.

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OCM.081/17 State Government 2017-2018 Better Indoor Stadiums Fund

Distribution: Public

Manager: Naomi Paton, Manager Integrated Strategy

Author: Howard Scott, Contractor Leisure and Social Infrastructure

Jeff Chambers, Acting Manager Leisure and Social Infrastructure

Summary

This report recommends an application to the State Government 2017-2018 Better Indoor Stadiums Fund (BISF) for the redevelopment and upgrade of the Diamond Valley Sports and Fitness Centre (DVSFC).

The DVSFC redevelopment is a Council priority identified in the Recreation Strategy 2011-2019. The need to redevelop the ageing venue into a regional level facility has also been identified as a short term priority across the sub-region of Nillumbik, Banyule and Darebin in the Sub-Regional Indoor Sports Court Needs Analysis draft report.

The DVSFC redevelopment, estimated at \$16.5 million, will require a partnership funding model to deliver. In addition to the \$9.5 million commitment by Council in the strategic resource plan over, a maximum BISF grant of \$3 million will be sought. A further State Government grant through the Growing Suburbs Fund 2017-2019 (GSF) is also recommended in a separate officer report in this agenda.

To meet funding guidelines of project readiness, significant additional planning over the coming months is required.

Recommendation

That Council:

1. **Endorses an application to the Better Indoor Stadiums Fund for a maximum grant of \$3,000,000 towards the redevelopment of the Diamond Valley Sports and Fitness Centre.**
2. **Notes \$500,000 is included in the 2017-2018 budget for planning/design and a further \$9,500,000 in the strategic resource plan for the redevelopment of the Diamond Valley Sports and Fitness Centre.**
3. **Refers the funding shortfall for the redevelopment of Diamond Valley Sports and Fitness Centre for consideration in preparation of the 2018-2019 and 2019-2020 strategic resource plan subject to the outcomes of State government grant applications.**

Attachments

Nil

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OCM.081/17 State Government 2017-2018 Better Indoor Stadiums Fund

Background

1. The State Government is seeking applications to the 2017-2018 round of the Better Indoor Stadiums Fund (BISF) administered by Sport and Recreation Victoria (SRV) through the Department of Health and Human Services. Applications close 16 August 2017.
2. At the 2 May 2017 Ordinary Meeting of Council, Council was informed of the BISF program and officers provided the following information:
 - a) 'Officers have identified that Diamond Valley Sports and Fitness Centre would qualify for BISF. A master plan for the Centre is currently under development, in readiness for a funding application to the 2018-2019 funding round.'
3. At the time, it was generally accepted by Council that officers would progress the preparation of the Diamond Valley Sports and Fitness Centre (DVSFC) Masterplan due in early 2018 in readiness for a BISF application to the subsequent 2018-2019 round.
4. A partnership funding model between Council and State Government will be necessary to deliver this high priority infrastructure project.
5. At this meeting Council will also consider an officer recommendation to submit an application to the Growing Suburbs Fund (GSF) 2017-2019 round, due 10 August.
6. With no commitment to the GSF beyond the 2017-2019 round, maximising State investment through confirmed grant programs, albeit in advance of finalising the Masterplan, gives Council the best possible chance of delivering the redevelopment without placing an additional financial burden on ratepayers.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.

Budget implications

8. High-level cost estimates for the redevelopment and expansion of the DVSFC to 10-courts is in the order of \$16.5 million.
9. The BISF program is set at a funding ratio of \$1 grant for every \$2 local (Council, sports club or other contribution such as GSF).
10. Council has identified \$9.5 million in the strategic resource plan across the financial years of 2018-2019 (\$2.5 million), 2019-2020 (\$3.5 million) and 2020-2021 (\$3.5 million) for the redevelopment of the DVSFC.
11. Subject to the amount sought through GSF, Council would need to seek the maximum \$3 million from the BISF program.
12. The Mayor and CEO met key Federal Ministers in March 2017 to advocate for Commonwealth funding for this project. Following recent changes to the eligibility criteria for the Commonwealth Government's Building Stronger Regions Fund, DVSFC is not eligible for funding through this program.

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OCM.081/17 State Government 2017-2018 Better Indoor Stadiums Fund

Consultation/communication

13. Council commenced a Masterplan for the DVSFC development in late 2016. Preparation of the Masterplan is supported by:
 - a) The Council-appointed Strategic Advisory Group (SAG) chaired by Social Infrastructure Portfolio Chair, Cr Bruce Ranken and consisting of six community members with expertise in business, health, youth, project management and community issues. The SAG provides a strategic outlook on the use and future direction of the facility.
 - b) The Project Reference Group (PRG) chaired by Blue Lake Ward Councillor, Cr Grant Brooker, and consisting of DVSFC tenants and community groups agencies. The PRG provides specialist knowledge and advice.
14. Current preparation of the Sub-Regional Indoor Sports Needs Analysis includes extensive consultation of users including tenants at the DVSFC.
15. Further detailed consultation with facility tenants, stakeholders and the wider community members will be undertaken over coming weeks to confirm the DVSFC redevelopment scope.
16. Officers have briefed SRV of the potential funding application, and will continue to update Member for Eltham Vicki Ward MP of the Masterplan's progress as well as funding applications pending Council decisions.

Issues/options

17. The BISF supports new multi-sport indoor courts at new or existing stadiums focusing on the demand for indoor court sports such as basketball, volleyball, netball and badminton. Applications close 16 August 2017.
18. Funding announcements are expected from November 2017 onwards. Projects must begin construction by mid-2018, and the project be completed by mid-2020.
19. Projects considered competitive against the funding criteria will:
 - a) Increase or maintain participation
 - b) Encourage participation by females, juniors, people living in growth areas and communities experiencing disadvantage
 - c) Improve health and wellbeing of the community
 - d) Encourage development of multi-use, shared and co-located facilities
 - e) Collaborate with schools, community groups, state sporting associations or relevant peak bodies, and
 - f) Deliver environmental sustainable design and universal design outcomes.
20. The redevelopment and upgrade of the DVSFC is a Council priority identified in the Council Plan 2017-2021 and Recreation Strategy 2011-2019. The need to redevelop the ageing venue into a regional level facility has also been identified as a short term priority across the sub-region of Nillumbik, Banyule and Darebin in the draft Sub-Regional Indoor Sports Court Needs Analysis Study, endorsed by Council for community consultation at the 13 June 2017 Future Nillumbik Committee of Council.

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OCM.081/17 State Government 2017-2018 Better Indoor Stadiums Fund

21. The proposed redevelopment includes expansion to a 10-court regional stadium including a show court with seating for 1,500 spectators, a 24/7 gym, café, upgraded change rooms, separate basketball reception/entry, disabled access lift, refurbished administration areas and offices, multipurpose/meeting spaces and additional car parking.
22. Concept planning will take into account the facility's interface with the Civic Drive precinct open space undergoing redevelopment, and the ongoing development of Melbourne Polytechnic and Banyule-Nillumbik Tech School- the latter opening in 2018. Further planning over coming months will firm up the concept plan in readiness for detailed design to commence in early 2018.

Conclusion

23. The project proposal outlined in this report is consistent with Council's strategies for the provision of improved sporting facilities within the Shire. The project provides a clear community benefit and increased opportunities for participation.
24. The DVSSFC redevelopment estimated at \$16.5 million will require a partnership funding model to deliver the project. In addition to the \$9.5 million commitment by Council in the strategic resource plan, a maximum BISF grant of \$3 million will be sought as well as funding through the GSF. Subject to the outcomes of both grants, Council may be required to make an additional contribution to deliver this project.

12. Officers' reports

OCM.082/17 Emergency Management Update

Distribution: Public

Manager: Allison Watt, Manager Governance

Author: Justin Murray, Executive Officer Emergency Management

Summary

It is a requirement of the *Emergency Management Act 1986*, that each municipal council prepares a Municipal Emergency Management Plan (MEMP).

The Victoria State Emergency Service audits each MEMP every three years.

The Nillumbik MEMP has been audited and assessed as 'more than adequately complying with the guidelines (best practice).'

All Neighbourhood Safer Places - Places of Last Resort are required to be assessed each year by the CFA and Council is required to record the outcome of these assessments. All sites have been reassessed as being compliant.

Recommendation

That Council:

1. **Notes that the Nillumbik Municipal Emergency Management Plan has been audited by an audit panel headed by the Victoria State Emergency Service.**
2. **Notes that the audit panel has assessed the plan as more than adequately complying with the guidelines (best practice).**
3. **Notes that as part of the annual review process, Neighbourhood Safer Places – Places of Last Resort sites at:**
 - a) **Civic Drive, Greensborough, the outdoor performance area**
 - b) **Diamond Hills Oval, Plenty River Drive, Greensborough**
 - c) **Collendina Reserve, Greensborough**
 - d) **Diamond creek Community Centre, Main Hurstbridge Road, Diamond Creek**
 - e) **Yarrambat Park, Yarrambat, golf course building**
 - f) **Circulatory Road, Eltham**
 - g) **Hurstbridge Basketball Stadium, Graysharps Road, Hurstbridge****have been reassessed by the CFA and have been found to still meet the criteria for designation as a Neighbourhood Safer Place – Place of Last Resort.**

Attachments

Nil

12. Officers' reports

OCM.082/17 Emergency Management Update

Background

1. Section 20 of the *Emergency Management Act 1986*, requires that each municipal council must prepare and maintain a Municipal Emergency Management Plan (MEMP).
2. The Emergency Management Manual Victoria (EMMV) provides Municipal Emergency Management Planning Committees with guidelines for preparing MEMPs.
3. The Victoria State Emergency Service audits MEMPs every three years to ensure that they comply with these guidelines.
4. Section 50 of the *CFA Act 1958* requires municipal councils to undertake an annual review of all Neighbourhood Safer Places to determine if they are still suitable to be designated as Neighbourhood Safer Places.

Policy context

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

Budget implications

6. Facilitating the development of the MEMP is a core role of the Emergency Management Team. Associated costs are factored into the Emergency Management operational budget.

Consultation/communication

7. Council maintains close association and communication with State Government departments and emergency management agencies in developing and reviewing its emergency management plans. This includes the preparation and endorsement of the Municipal Emergency Management Plan, Municipal Fire Management Plan and specific projects to engage the community in developing understanding and resilience to emergency events.
8. The draft MEMP containing this strategy was published on the 'Have Your Say' section of Council's website. This was advertised through Council's social media outlets. The responses to this consultation were reported to Council at the Ordinary Council Meeting on the 28 March 2017.

Issues/options

9. A Municipal Emergency Management Planning Committee (MEMPC) has been established pursuant of section 21 of the *Emergency Management Act 1986*.
10. The Committee is made up of representatives of agencies that play a key role in preparing for, preventing, responding to and recovering from emergencies. Member agencies are:
 - Victoria Police
 - Parks Victoria
 - Department of Human Services
 - Nillumbik Shire Council

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OCM.082/17 Emergency Management Update

- Country Fire Authority
 - Victoria State Emergency Services
 - Plenty Valley FM
 - Melbourne Water
 - Australian Red Cross
 - VicRoads
 - Ambulance Victoria.
11. Other agencies and subject matter experts also provide input to emergency planning as required. The Committee met quarterly.
 12. It is a function of the Committee to develop a Municipal Emergency Plan. This plan must be consistent with the guidelines published in the *Emergency Management Manual Victoria* (EMMV).
 13. The Victoria State Emergency Service (VICSES) audits all MEMPs on a three yearly basis to ensure that plans comply with the guidelines.
 14. On 21 April 2017 VICSES convened an audit panel to audit the Nillumbik Municipal Emergency Management Plan. The audit has been completed and an audit report forwarded to Council.
 15. The audit report indicates that the plan was assessed as 'Complies more than adequately with the guidelines (best practice)'.
 16. The *CFA Act 1958* requires that each designated Neighbourhood Safer Place – Place of Last Resort is assessed each year before 31 August for compliance with the CFA criteria. Nillumbik has seven sites that have been designated as Neighbourhood Safer Places-of Places of Last Resort. All sites within Nillumbik have been reassessed have been deemed to continue to comply.

Conclusion

17. The Nillumbik Municipal Emergency Plan has been audited and assessed and more than adequately complies with the guidelines.
18. A review of the Neighbourhood Safer Places – Places of Last Resort has also been conducted with all sites remaining compliant.

12. Officers' reports**OCM.083/17 Review of Motorised Toy Vehicles arrangements**

Distribution: Public**Manager: Jeremy Livingston, Acting Director Services and Planning****Author: Phil Lovelace, Manager Community Safety**

This report was referred from the Future Nillumbik Committee on 18 July 2017, where the Committee resolved to defer consideration to the 1 August 2017 Ordinary Council Meeting (FN.033/17).

Summary

At the Ordinary Meeting of Council on 28 February 2017, Council resolved to alter the Amenity Local Law Administrative Policy Guidelines concerning motorised toy vehicles (MTVs). The change exempted the need for a local law permit for any person using a MTV on private land between the hours of 7am and 8pm Monday to Friday; and 9am and 8pm weekends and public holidays. Since the implementation of this change, feedback has been received both in support of and in opposition to the altered exemption. Opposition to the change has specifically come from neighbours of three properties which have been the subject of noise and activity complaints from neighbours. Based on the feedback following the changes made in February, it is appropriate for Council to review the current arrangements.

In undertaking this review, it is recommended that Council alters the permit trigger for a MTV permit be further amended. Specifically, it is recommended to set permit triggers for properties which do not contain a dwelling/residence, and introduce a property size threshold. This would enable Council to assess amenity impacts of MTVs on land where the users do not reside, as well as assess amenity impacts of MTV activity in higher density, residential/rural-residential locations. These changes can be readily made through a further amendment to Council's Amenity Local Law Administrative Policy Guidelines.

Recommendation**That Council:**

- 1. Amends the Amenity Local Law Administrative Policy Guidelines to include the following three additional permit triggers for use of a motorised toy vehicle on private land which:**
 - a) Is below one hectare in size; or**
 - b) Does not contain a dwelling/residence; or**
 - c) Is zoned Special Use Zone (Schedule 2 – Environmental Living – Bend of Islands) as identified by the Nillumbik Planning Scheme.**
- 2. Where this new permit trigger does not apply, maintains the existing arrangement in the Amenity Local Law Administrative Policy Guidelines to exempt any person using a motorised toy vehicle on private land if the vehicle is used between the hours of 7am and 8pm Monday to Friday; and 9am and 8pm weekends and public holidays.**

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OCM.083/17 Review of motorised toy vehicles arrangements

3. **Sets the local law permit fee for a motorised toy vehicle at \$95 for the 2017-2018 financial year, with any budget adjustments reported as part of the mid-year budget review.**
4. **In accordance with section 112 of the *Local Government Act 1989*, publishes a notice of this resolution in the *Government Gazette*.**

Attachments

Nil

Background

1. Historically, the use of Motorised Toy Vehicles (MTV) on private property within the municipality has been regulated through Council's Amenity Local Law and supporting administrative policy guidelines. These were last adopted by Council at its Ordinary Council Meeting in November 2013.
2. At the Ordinary Meeting of Council on 21 June 2016, Council resolved the following:
 - A report be prepared for Council's consideration on alternative options for controlling the use of motorised toy vehicles on private property through Council's Amenity Local Law (which defines 'motorised toy vehicle' as any mini bike, trail bike, motor bike, motor scooter, go-cart and any other vehicle propelled or operated by a motor and which is normally used for recreational purposes but excludes a motorised wheelchair or scooter designed to transport a person of limited mobility).
 - The report addresses alternative standards that may be applicable for controlling noise emissions. The arguments for and against changing Council's existing delegations to designate Council as the determining authority under Council's Amenity Local Law and associated Guidelines in order to meet the objectives of the Local Law, in particular, to provide for the fair and reasonable use and enjoyment of private land in a uniform and fair manner.
3. A report which addressed the above resolution was presented to Council at the Ordinary Meeting of Council on 28 February 2017 (Attachment 1). Based on this report, Council moved the following motion:
 - That Council Amends the Amenity Local Law Administrative Policy Guidelines to exempt any person using a motorised toy vehicle on private land if the vehicle is used between the hours of 7am and 8pm Monday to Friday; and 9am and 8pm weekends and public holidays.
 - In accordance with section 112 of the *Local Government Act 1989*, publish a notice of this resolution in the *Government Gazette*.
4. Since the implementation of the above amendment, both officers and Councillors have received feedback both in support of and in opposition to the altered exemptions.

12. Officers' reports

OCM.083/17 Review of motorised toy vehicles arrangements

5. Opposition to the removal of the former permit arrangements relate directly to three properties which have been the subject of complaints from neighbouring property owners. These properties have the following characteristics:
- A property in Plenty with a dwelling/residence on it, measuring 4,005 square metres in area
 - A property in Yarrambat with no dwelling/residence accommodated on the land, measuring 71, 049 square metres in area
 - A property in Eltham with a dwelling/residence on it, measuring 13,481 square metres in area.
6. Based on the feedback in opposition to the recent alterations to the Amenity Local Law Administrative Policy Guidelines with respect to MTVs, it is appropriate for Council to reassess the current arrangements.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community.

Budget implications

8. The cost of administering local law permits under Council's Local Law No. 5 and assessing nuisance complaints under *Public Health and Wellbeing Act 2008* are contained within Council's operating budget.

Consultation/communication

9. Since the implementation of changes to MTV arrangements in February of this year, both officers and Councillors have received feedback both in support of and in opposition to the altered exemptions. Opposition to the removal of the permit system relates directly to three properties. The stakeholders of MTV activity on these three properties have been advised that MTV arrangements will be reviewed by Council at this Future Nillumbik Committee Meeting.

Issues/options

10. Clause 41 of Council's Amenity Local Law No 5 requires a property owner to obtain a permit to use a Motorised Toy Vehicle (MTV) on any property within the municipality, as follows:
- Motorised Toy Vehicles
- a) Without a permit a person must not use or allow the use of a motorised toy vehicle on any land.
 - b) Without a permit a person must not use or allow the use of a motorised toy vehicle on any Council land other than a road.
11. Council's Amenity Local Law Administrative Policy Guidelines were adopted by Council at the same time as the Amenity Local Law (in November 2013). These guidelines are able to be amended at any time by resolution of Council, without the lengthy statutory processes required for the making of a local law.

12. Officers' reports

OCM.083/17 Review of motorised toy vehicles arrangements

12. There are also provisions within the guidelines to exempt persons or activities. Provided that the objectives of the Local Law are protected, additional exemptions can be added from time to time by the Council.

Short term/immediate options

13. There are a number of immediate options available to Council to reassess the arrangements to use MTVs on private property. These include:
- a) Revert to the previous arrangements where a permit is required for the use of any MTV on private property (a 'catch all' permit trigger approach); or
 - b) Maintain the current arrangement but include additional permit trigger(s); or
 - c) Continue with the current arrangement which allows the use of MTVs on any property without a permit during nominated times, and any issues potentially investigated under the 'nuisance' provisions under the *Public Health and Wellbeing Act 2008*.
14. Based on the merit of some of the complaints received by Council since February, there appears to be some genuine amenity concerns raised by neighbours with respect to amenity impacts from MTVs on smaller properties. Generally on these smaller properties, MTV activities are occurring closer to property boundaries and therefore closer to adjoining dwellings/residences. The smaller properties are generally located within either the residential or rural-residential locations within the Shire.
15. Having considered this, officers would recommend a lot size local law permit trigger of below 1 hectare (10,000 square metres). This would enable Council to undertake an amenity assessment, including consulting neighbours, through a local law permit process.
16. There is also the potential for MTVs to adversely affect the amenity of the area in circumstances where there is no dwelling/residence on the property in question. This can either be as a result of the activity occurring on the property without the knowledge of the landowner, or in circumstances where the landowner (who does not live within the neighbourhood) may not have existing relationships/social investment with their neighbours compared to landowners who live within the area. It would be appropriate to also include a local law permit trigger to undertake MTV activities on private land which do not accommodate a dwelling/residence. This would both enable an amenity assessment to be undertaken (as above), as well as enforce any such activity where it has not obtained the requisite permit (which would particularly assist in situations where the landowner is not aware of the MTV activity occurring on the land).
17. In summary, it is recommended that 'option b' above would be appropriate to address the concerns of those in opposition to the current arrangements, with the following permit triggers for use of MTVs:
- Private land below a minimum lot size
 - On private land not currently accommodated by a dwelling/residence.

12. Officers' reports

OCM.083/17 Review of motorised toy vehicles arrangements

18. It is also required to re-set a local law permit fee for a motorised toy vehicles for the 2017-2018 financial year (as no adopted fee has been set for this financial year regarding these permits) and make the necessary budget adjustments at the mid-year budget review. As the corresponding permit fee for the 2016-2017 financial year was \$92, it would be appropriate to set this at \$95 for this financial year.

Longer term considerations

19. Should consideration and adoption of the recommendation not fully resolve some of these existing neighbour disputes, or new noise issues arise as a result of the use of MTVs, Council could further explore the use of a sound level meter. This device could enable Council officers to take and assess acoustic measurements.
20. However, this option only considers noise as a nuisance, and not necessarily other externalities around nuisance, such as dust and general enjoyment of semi-rural or rural amenity. In addition, unlike other more stable noise sources, MTV activities can be highly variable that could make noise measurements an unreasonable indicator to determine nuisance. These variables would include, location of the MTVs being ridden to adjoining properties, the type of riding (i.e. jumps, revs-per-minute range of MTV, etc).

Conclusion

21. It is appropriate for Council to reassess MTV arrangements in light of some recent feedback following changes made to the Amenity Local Law Administrative Policy Guidelines in February 2017. It is recommended that Council makes two changes to the permit trigger for a MTV permit. Specifically, it would be prudent to set a permit trigger with respect to property size in order to assess amenity impacts of MTVs in higher density, residential/rural-residential locations. It would also be appropriate to introduce a permit trigger for MTVs on properties which do not contain a dwelling/residence. These changes can be readily made through a further amendment to Council's Amenity Local Law Administrative Policy Guidelines.

12. Officers' reports**OCM.084/17 June Interim Financial report**

Distribution: Public**Manager: Vince Lombardi, Manager Finance****Author: Robert Malignaggi, Management Accountant****Summary**

This report outlines Council's interim financial performance for the period ending 30 June 2017.

The June interim financial report is the fourth report presented to Council on the year-to-date performance against the approved 2016-2017 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 \$2.548 million. This is an improvement of \$1.867 million compared to the Mid-Year Financial Review in December 2016, when a surplus of \$681,504 was forecast. This favourable variance has been achieved through a combination of increased income received, and savings in expenditure. This surplus enables Council to make additional allocations to its financial reserves, which will strengthen Council's financial position and reduce risk exposure.

Recommendation**That Council:**

- 1. Receives and notes the Interim Financial Report for the period ended 30 June 2017.**
- 2. Endorses the proposed allocation of the surplus into Council's financial reserves as detailed in the Interim Financial Report.**

Attachments

- Interim Financial Report

Background

- In June 2016, Council adopted the 2016-2017 Budget, which projected a total budget rate determination (cash basis) surplus of \$150,200.
- In December 2016, Council adopted the Mid-Year Financial Review, which forecast a revised net surplus of \$681,504 (Ordinary Council Meeting of 20 December 2016 report number OCM 182/16).

12. Officers' reports

OCM.084/17 June Interim Financial Report

3. The reporting process compares actual performance to budgeted targets. It should be noted that this is only an interim report as the annual external financial audit is yet to be completed. The audited financial statements will be presented in August.
4. The result shown in the Statement of Cash Position (Rate Determination) differs from the result presented in the Income Statement. This is because the Income Statement includes non-cash items (such as Depreciation), and excludes Balance Sheet items (such as Debt Redemption) which require cash allocations.

Policy context

5. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - Ensure responsible and efficient management of Council's financial resources..

Budget implications

6. This is a standard reporting item to Council, the associated costs for which are included in the current budget.

Consultation/communication

7. Nil

Issues/options

8. The Interim Financial Report for the period ended 30 June 2017 is provided in Attachment 1.
9. Council closed the period ending 30 June 2017 with a surplus of \$2.548 million. This represents a favourable variance of \$1.867 million above the forecast surplus of \$681,504 which was forecast in the Mid-Year Financial Review in December 2016.
10. The overall favourable operating variance was driven by the following key items:

Item	Variance \$	Commentary
Interest Income	523,623	Driven by higher than expected cash balances held in investments earning interest and penalty interest charged on outstanding rates and charges.
Other Revenue	219,739	Comprised of several favourable balances across the organisation for example diesel fuel rebate, work-cover refund.
User Fees	197,209	Main proportion of variance is an increase in gate fees at the recycling centre.
Employee Benefits	953,629	Largely driven by positions not filled for extended periods during the year.

11. The improved surplus result provides the opportunity for Council to make additional allocations into its financial reserves. It is proposed to allocate the favourable variance as follows:

12. Officers' reports

OCM.084/17 June Interim Financial Report

Item	Amount	Balance	Commentary
Interim Draft Surplus		2,548,034	
Tip Restoration Reserve	142,542		Surplus funds from the waste management set aside to be used to fund future landfill rehabilitation costs.
Carried forward – capital works	967,500		Per Council Resolution (OCM 038/17) to set aside potential contingency for Eltham Leisure Centre project.
Leisure Facility Improvements	102,579		Surplus from the leisure facilities set aside for improvements/ unexpected maintenance.
Major projects reserve	350,000		Additional funds required to purchase the CFA site reflective of recent revaluation.
Bond Reserve	637,000		This reserve holds funds set aside to repay the principal component of borrowings previously taken out by Council. This additional will generate future interest income, and provide capacity to repay some existing loans ahead of schedule, which will save interest costs in future years.
Community Empowerment and Support	345,000		Funds set aside for Councillor's to access via resolution to fund projects/community initiatives not budgeted for.
Total	2,544,621		
Final Surplus		3,413	

Conclusion

12. Council's interim financial position at the end of June 2017 reflects an improved result compared to the original Budget and the Mid-Year Financial Review.
13. This has been achieved through a combination of increased income received and reduced expenditure incurred.
14. This surplus enables Council to make additional allocations to financial reserves.

12. Officers' reports**OCM.085/17 Council Plan Quarterly Performance Report June 2017**

Distribution: Public**Manager: Allison Watt, Manager Governance****Author: Naomi Ellis, Corporate Planner****Summary**

This report presents the Council Plan Quarterly Performance Report to Council for consideration and documents the progress of key actions that demonstrate how Council delivered the objectives of the Council Plan 2013-2017 for the Nillumbik community in 2016-2017.

The attached Council Plan Quarterly Performance Report provides the fourth and final update on the progress of the Annual Plan actions for the 2016-2017 financial year. This is also the last report on the Council Plan 2013-2017 and does not reflect the recent organisational restructure. The first report on the Council Plan 2017-2021 will be presented to Council in October 2017.

Recommendation

That Council receives the Council Plan Quarterly Performance Report for the period ending 30 June 2017.

Attachments

1. Council Plan Quarterly Performance Report June 2017

Background

1. The Council Plan was developed following the general council election in October 2012 and adopted by Council on 25 June 2013. It has been reviewed annually as required by the *Local Government Act 1989*. The most recent reviews were considered by Council in May 2015 and May 2016.
2. Following the council elections in October 2016, a new Council Plan was adopted on 27 June 2017, meeting Council's legislative requirement under section 125(1) of the *Local Government Act 1989*.
3. In conjunction with the May 2016 Council Plan review and development of the Budget 2016-2017, Council developed and formally adopted in May 2016 an Annual Plan of actions, a list of 58 specific activities Council would be undertaking during 2016-2017 to achieve the strategic objectives in the Council Plan. These actions reflect Council priorities, major projects, capital works, major initiatives and service improvements.
4. The Annual Plan was also developed to ensure Council will meet its legislated performance reporting requirements under the Planning and Reporting Regulations (Local Government Performance Reporting Framework).

12. Officers' reports

OCM.085/17 Council Plan Quarterly Performance Report June 2017

5. The Framework became law in April 2014 and imposed an additional performance reporting requirement on Council from 1 July 2014. Under the regulations, Council has a legislative requirement to report annually on 49 service performance measures, 13 financial performance measures, six sustainable capacity measures and 24 governance and management measures.
6. Council also has a legislative requirement as part of the Framework's Governance and Management Checklist to provide six-monthly reports on Council Plan strategic indicators and Performance Statement indicators.
7. To ensure Council meets this legislative requirement, these indicators and measures are included in the Annual Plan and reported as part of the Quarterly Performance Report (Attachment 1). This is the final report on the Annual Plan 2016-2017 to be presented to Council.

Policy context

8. The Council Plan 2013-2017 was the key strategic plan for the previous Council. It has recently been replaced by the Council Plan 2017-2021, which sets out the new Council's strategic objectives for its four-year term.
9. The Quarterly Performance Report directly supports the achievement of Council Plan 2017-2021 strategy:
 - We will meet our legal responsibilities and manage our risks.
10. This report also fulfils Council's statutory requirement to report six-monthly on Council Plan strategic indicators and Performance Statement indicators.

Budget implications

11. This report is part of Council's monitoring of the Council Plan and Budget. The resources for this monitoring and the preparation of this report are accommodated within existing operational budgets.

Consultation/communication

12. The Council Plan 2013-2017 was developed following a comprehensive program of workshops and briefings with Councillors following the general election in October 2012.

Quarterly Performance Report

13. The Quarterly Performance Report contains 58 high level actions Council undertook during the 2016-2017 financial year to deliver the strategies of the Council Plan 2013-2017.
14. Some of the actions achieved during the 2016-2017 financial year include:
 - Council revised and updated the Municipal Emergency Management Plan. (1.1.1.4)
 - Two free green waste drop-off days were held to assist residents dispose of surplus green waste during the summer season. (1.1.2.1)
 - The community bus program provided 328 trips during the quarter and 1,391 for the year. (1.1.5.1)

12. Officers' reports

OCM.085/17 Council Plan Quarterly Performance Report June 2017

- Architects were appointed to undertake the detailed design of the new sports pavilion, scout hall and community hall facilities at Eltham North Reserve. (1.1.6.9)
 - The preferred design option for the pavilion at Research Park was adopted. (1.1.6.10)
 - The project plan for the Diamond Valley Sports and Fitness Centre Masterplan was approved by the funding body, Sport and Recreation Victoria, and the strategic advisory group was appointed by Council in February. (1.1.6.11)
 - Council's five main non-aquatic recreation facilities recorded 401,012 visits during the fourth quarter. (1.1.6.13)
 - A total of 9,477 people participated in Edendale's Education for Sustainability programs during the year. (1.1.7.3)
 - There were a total of 3,737 enrolments in courses and activities at Living & Learning Nillumbik during the year. (1.1.7.4)
 - Over 10 per cent of the Nillumbik population were active library users during the quarter and more than 140,000 items borrowed. (1.1.7.6)
 - Just over 66 per cent of garbage from kerbside bins was diverted from landfill. (2.1.6.2)
 - Council was successful in obtaining \$234,000 from the Victorian Government's New Energy Jobs Fund to install solar panels at Community Bank Stadium, Diamond Creek. (2.1.7.4)
 - Key capital works were completed including Diamond Street, Eltham bridge rehabilitation, Diamond Creek Town Centre streetscape works and the shared path connecting the new footbridge in Diamond Creek. (3.1.6.4)
 - The aquatic redevelopment of the Eltham Leisure Centre progressed throughout the year. (3.1.7.20)
 - The Visiting Friends and Relatives Campaign was launched in November, achieving a significant increase to The Artisan Hills website and social media accounts. (4.1.1.3)
 - Seventy-two per cent of planning decisions were determined by Council within the 60 statutory days. (4.1.7.1)
 - For the year, 61 per cent of planning decisions determined by VCAT upheld Council's decision. (4.1.7.2)
15. A complete review of Council's performance in the 2016-2017 financial year will be published in late September as the Annual Report. The Annual Report will provide a thorough account of Council's performance against the five strategic objectives set out in the Council Plan and Budget 2016-2017, comprehensive governance information and audited financial statements. The Annual Report also includes issues impacting the sustainability of Nillumbik and the organisation, and provides details of the elected Council, the organisation, and statutory reporting and legislative information.

12. Officers' reports

OCM.085/17 Council Plan Quarterly Performance Report June 2017

Conclusion

16. The Council Plan Quarterly Performance Report is the final report on the Council Plan 2013-2017 and the key strategic activities for 2016-2017.

12. Officers' reports

OCM.086/17 Provision of Photocopiers, Printers and associated services

Distribution: Public

Manager: Suzy Ellingsen, Manager People, Culture and Innovation

Author: Eddie Cheng, Systems Analyst

Summary

This report considers the awarding of the contract for the provision of photocopiers, printers and associated services for Council.

Currently, Council provides photocopying, printing and associated services to staff through a mix of 18 multi-functional devices (devices that can photocopy, print and scan) through a contract that has now expired and 19 other devices that were purchased and maintained through the purchasing of consumables as required.

The awarding of this contract will consolidate all Council photocopying and printing solutions under a single service provider for a period of four years at a fixed lease and guaranteed copy costs. A further option of a one-year extension is available at Council's discretion.

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. Text

Recommendation

That Council:

- 1. Notes the report.**
- 2. Makes public the decision regarding the contract but the service fee and schedules remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.087/17 Provision of bill payment services

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Lance Clark, Senior Procurement Specialist

Summary

This report recommends awarding a contract for the provision of bill payment services via agency tendered contract arrangement.

The purpose of this request is to formalise bill payment services for the next three years with two x one year options to extend.

Details of the service fee and schedules are included in a confidential report. It is proposed that the service fee and schedules remain confidential, but that the resolution to award the contract is made public in the interests of transparency.

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

Recommendation

That Council:

- 1. Notes the report.**
- 2. Makes public the decision regarding the contract but the service fee and schedules remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.088/17 Recycling Contract

Distribution: Public

Manager: Lisa Pittle, Acting Director Sustainability and Place

Author: Lisa Pittle, Acting Director Sustainability and Place

Summary

This report recommends awarding a contract for acceptance and processing of recyclables collected as part of Council's waste management services.

Council currently delivers approximately 7000 tonnes of recyclables annually to a materials recovery facility (MRF) capable of sorting comingled recyclables. These sorted materials can then be reprocessed and reused by industry. Council's existing contract with SKM Recycling Pty Ltd expires in August 2017.

Council has two options for a new contract: to either join with the Metropolitan Waste Management Group (MWRRG) Contract 2015/3 - Recyclables Processing Services for Councils in the Central and Western Suburbs of Melbourne with SKM Recycling or to tender separately. A Nillumbik request for tender process (Contract No 1617-23 Recyclables Acceptance and Sorting) has been carried out in order to determine the best option for Council.

The Tender Evaluation Panel (TEP) has assessed the submissions for Contract No 1617-23 in accordance with the evaluation criteria relating to capability, financial benefit to Council, capacity, financial viability, customer service, environmental management and local business content.

In addition, the TEP has assessed the outcome of the Contract No 1617-13 with the pricing offered in MWRRG Contract 2015/3 - Recyclables Processing Services for Councils in the Central and Western Suburbs of Melbourne with SKM Recycling.

The TEP has agreed on the results of the tender evaluation, the comparison with the MWRRG contract and the recommendation to award the contract.

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

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.089/17 Assemblies of Councillors

File: 10/30/002
Distribution: Public
Manager: Allison Watt, Manager Governance
Author: Naomi Ellis, Corporate Planner

Summary

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

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 27 June 2017.

Recommendation

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

1	Date of assembly	26 June 2017	
	Matters considered	Arts Advisory Committee	
	Councillors present	Cr Karen Egan	Cr Jane Ashton
	Staff present	Michelle Zemancheff	
	Conflict of interest	None declared	

2	Date of assembly	27 June 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Diamond Creek Trail Amendment C108 • Volunteers at Nillumbik 	
	Councillors present	Cr Grant Brooker Cr Karen Egan Cr John Dumaresq Cr Jane Ashton	Cr Bruce Ranken Cr Peter Perkins Cr Peter Clarke
	Staff present	Mark Stoermer Allison Watt Paul Fyffe Nadine Sinclair Steven Blight Suzy Ellingsen	Jeff Chambers Naomi Paton Jane Lawson Adrian Cully Rachel Deans
	Conflict of interest	None declared	

12. Officers' reports

OCM.089/17 Assemblies of Councillors

3	Date of assembly	27 June 2017	
	Matters considered	Pre-meet for Ordinary Council Meeting	
	Councillors present	Cr Grant Brooker Cr Karen Egan Cr John Dumaresq Cr Jane Ashton	Cr Bruce Ranken Cr Peter Perkins Cr Peter Clarke
	Staff present	Mark Stoermer Allison Watt Naomi Paton Suzy Ellingsen Lance Clark Vince Lombardi Robert Malignaggi Jonathan McNally	Jeremy Livingston Diana Bell Nichole Johnson Lisa Pittle Joseph Emmanuel Paul Fyffe Paige McDonald
	Conflict of interest	None declared	

4	Date of assembly	28 June 2017	
	Matters considered	Living & Learning Nillumbik Advisory Committee	
	Councillors present	Cr Jane Ashton	
	Staff present	Karen Kamminga	
	Conflict of interest	None declared	

5	Date of assembly	1 July 2017	
	Matters considered	Travelling Teapot Focus Group	
	Councillors present	Cr John Dumaresq	
	Staff present	Michelle Zemancheff	Sarah Hammond
	Conflict of interest	None declared	

6	Date of assembly	6 July 2017	
	Matters considered	Planning Application Conference	
	Councillors present	Cr Peter Clarke Cr John Dumaresq	Cr Karen Egan Cr Grant Brooker
	Staff present	Andrea de Boer	Tim Oldfield
	Conflict of interest	None declared	

12. Officers' reports

OCM.089/17 Assemblies of Councillors

7	Date of assembly	11 July 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Historical societies • Special charge scheme • Growing Suburbs Fund 2017-2019 • Yarra Protection Bill • Heritage Amendment C104 	
	Councillors present	Cr John Dumaresq Cr Grant Brooker Cr Peter Clarke	Cr Jane Ashton Cr Peter Perkins
	Staff present	Mark Stoermer Allison Watt Clare Leporati Lisa Pittle Naomi Paton Jeff Chambers Suzy Ellingsen	Jeremy Livingston Patrick Wood Mathew Deayton Fiona Stevens Samantha Westbrooke Jackie Donkin
	Conflict of interest	None declared	

8	Date of assembly	18 July 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Recreation Trails Advisory Committee • Better Indoor Stadium Funds and Growing Suburbs Fund 	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Grant Brooker	Cr Jane Ashton Cr Bruce Ranken Cr Peter Perkins
	Staff present	Mark Stoermer Allison Watt Naomi Paton Mitch Grayson	Lisa Pittle Nichole Johnston Jeff Chambers Jeremy Livingston
	Conflict of interest	None declared	

9	Date of assembly	18 July 2017	
	Matters considered	Pre-meet for Future Nillumbik Committee	
	Councillors present	Cr Peter Clarke	Cr Jane Ashton

12. Officers' reports

OCM.089/17 Assemblies of Councillors

		Cr Karen Egan Cr John Dumaresq Cr Grant Brooker	Cr Bruce Ranken Cr Peter Perkins
	Staff present	Mark Stoermer Allison Watt Naomi Paton Lisa Pittle	Mitch Grayson Jeremy Livingston Phil Lovelace
	Conflict of interest	None declared	

10	Date of assembly	25 July 2017	
	Matters considered	<p>Officer briefings of Councillors</p> <ul style="list-style-type: none"> • Eltham Community and Reception Centre reopening events • Update on Amendment C108 (Extension of the Diamond Creek Trail to Hurstbridge) • Nillumbik Intentional Communities and Downsizing Project • Councillors Expenses Reporting Period ended 30 June 2017 • June Interim Financial Report • Recyclables acceptance and sorting contract options 	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Grant Brooker	Cr Jane Ashton Cr Bruce Ranken Cr Peter Perkins
	Staff present	Mark Stoermer Allison Watt Naomi Paton Lisa Pittle Jeremy Livingston Rachel Cooper Mitch Grayson Vince Lombardi Suzy Ellingsen Adrian Cully Melissa Houselander Paul Fyffe	Nadine Wooldridge Nichole Johnson Jon Miller Hannah Burns Tobey Henry Neil Hordern Aleisha Hayes Paige Macdonald Graeme Stewart (consultant) Joseph Connellan (consultant) Russ Wood (consultant)

12. Officers' reports

OCM.089/17 Assemblies of Councillors

	Conflict of interest	None declared
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Attachments

Nil

Background

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

Policy context

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

Budget implications

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

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 27 June 2017.

12. Officers' reports

OCM.089/17 Assemblies of Councillors

Conclusion

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

13. Notices of Motion

Nil

14. Delegates' reports

15. Supplementary and urgent business

16. Confidential reports

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

Motion

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

Report no.	Title	Reason for confidentiality
OCM.090/17	Recreation Trails Advisory Committee Nominations	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
OCM.091/17	Purchase of former Eltham CFA Station	(d) contractual matters
OCM.092/17	Provision of Photocopiers, Printers and associated services	(d) contractual matters
OCM.093/17	Provision of Bill Payment Services - Australia Post 1617-107	(d) contractual matters
OCM.094/17	Recycling Contract	(d) contractual matters