

## Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 2 May 2017 commencing at 7pm.

### Agenda

**Mark Stoermer**  
**Chief Executive Officer**

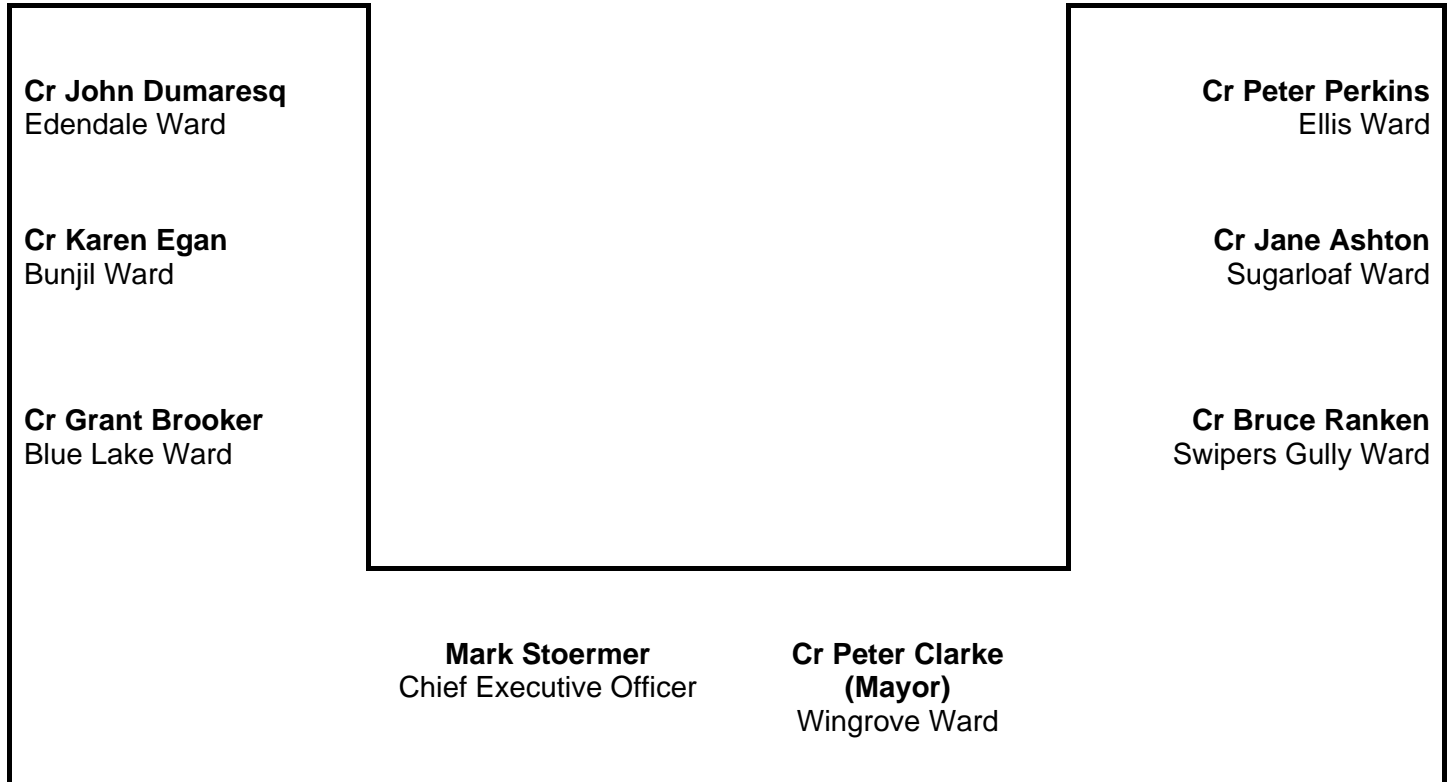
Thursday 27 April 2017

Distribution: Public

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*Domin je ka*

## Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that an audio recording of this meeting will be made for the purpose of verifying the accuracy of the minutes. The recording will not be disclosed unless Council is compelled to do so by law or court order.

Nillumbik Shire Council

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**Contents**

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<b>Welcome by the Mayor</b>	<b>1</b>
<b>1. Reconciliation statement</b>	<b>1</b>
<b>2. Prayer</b>	<b>1</b>
<b>3. Good governance pledge</b>	<b>1</b>
<b>4. Apologies</b>	<b>1</b>
<b>5. Presentations</b>	<b>1</b>
<b>6. Confirmation of minutes</b>	<b>1</b>
<b>7. Disclosure of conflicts of interest</b>	<b>2</b>
<b>8. Petitions</b>	<b>2</b>
<b>9. Questions from the gallery</b>	<b>2</b>
<b>10. Reports of Advisory Committees</b>	<b>3</b>
AC.003/17 Advisory Committee Report	3
<b>11. Reports of Special Committees</b>	<b>4</b>
<b>12. Officers' reports</b>	<b>5</b>
OCM.042/17 Council Plan 2017-2021	5
OCM.043/17 Draft Budget 2017-2018	8
OCM.044/17 Sport and Recreation Victoria Grant Funding	13
OCM.045/17 Local Government Victoria's Council and Emergencies Directions Paper	19
OCM.046/17 Australian Local Government Association - 2017 National General Assembly	23
OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan	26
OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare	36
OCM.049/17 Pioneer Road Special Charge Scheme Reconciliation	45
OCM.050/17 Mayoral and Councillor Allowances	48
OCM.051/17 March Quarter Financial Report	51
OCM.052/17 Council Plan Quarterly Performance Report March 2017	54
OCM.053/17 Assemblies of Councillors	57
<b>13. Notices of Motion</b>	<b>61</b>
<b>14. Delegates' reports</b>	<b>61</b>
<b>15. Supplementary and urgent business</b>	<b>61</b>



## Nillumbik Shire Council

### Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 2 May 2017 commencing at 7pm.

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#### **Welcome by the Mayor**

Members of the public are advised the meeting will be recorded for the purpose of verifying the accuracy of the minutes.

#### **1. 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.

#### **2. Prayer**

A prayer will be read by Pastor Paul Huglin of the Diamond Valley Baptist Church.

#### **3. Good governance pledge**

As Councillors, we are mindful of our civic responsibilities and obligations. We pledge to take them seriously, and to carry them out with diligence and integrity.

We know the decisions we take will affect the people and environment of Nillumbik, now and in the future. We undertake, therefore, to make sound and principled decisions of lasting value, in a spirit of fairness and for the good of all.

We also pledge to serve the needs and wellbeing of the community and the environment, in an open and honest manner and to the best of our abilities.

#### **4. Apologies**

**Motion**

**That the apologies be accepted.**

#### **5. Presentations**

##### **Vale Julie Spillane**

Julie Spillane, a school crossing supervisor who served 15 years with Council, sadly passed away on 18 March 2017. Commencing in 2002, Julie supervised the school crossing in Sherbourne Road, Eltham and then later supervised the school crossing in Brentwick Drive, Greensborough. Julie was an extremely dedicated employee who thoroughly enjoyed the company of the children and families at Apollo Parkways Primary School over the past seven years.

#### **6. Confirmation of minutes**

Confirmation of minutes of the Council Meeting held on Tuesday 28 March 2017.

**Motion**

**That the minutes of the Council Meeting held on Tuesday 28 March 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**

**PT.001/17**

Council received a petition containing 16 signatures asking Council to consider sealing Fordhams, Eltham.

<b>Motion</b>
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**That Council:**

- 1. Receives and notes the petition regarding the sealing of Fordhams Road, Eltham.**
- 2. Refers this matter to the General Manager Infrastructure Services for investigation and response.**
- 3. Advises the petition organiser accordingly.**

**9. Questions from the gallery**

**10. Reports of Advisory Committees**

**AC.003/17 Advisory Committee Report**

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**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:

- Recreational Trails Advisory Committee meeting held 9 February 2017
- Municipal Emergency Management Plan meeting held 20 March 2017
- Municipal Public Health and Wellbeing Project Reference Group meeting held 21 March 2017
- Living & Learning Advisory Committee meeting held 22 March 2017

**Motion**

**That Council notes the following Advisory Committee minutes:**

- 1. Recreational Trails Advisory Committee minutes 9 February 2017**
- 2. Municipal Emergency Management Plan minutes 20 March 2017**
- 3. Municipal Public Health and Wellbeing Project Reference Group minutes 21 March 2017**
- 4. Living & Learning Advisory Committee minutes 22 March 2017.**

**Attachments**

1. Recreational Trails Advisory Committee minutes 9 February 2017
2. Municipal Emergency Management Plan minutes 20 March 2017
3. Municipal Public Health and Wellbeing Project Reference Group minutes 21 March 2017
4. Living & Learning Advisory Committee minutes 22 March 2017

**11. Reports of Special Committees**

Nil



12. Officers' reports

OCM.042/17 Council Plan 2017-2021

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**Distribution: Public**

**Manager: Andrew Port, General Manager Corporate Services**

**Author: Andrew Port, General Manager Corporate Services  
Allison Watt, Manager Governance and Communications**

**Summary**

This report presents the draft Council Plan 2017-2021 for approval by Council for the purposes of public consultation.

The Council Plan is the Council's primary strategic policy statement for its four year term.

The draft Council Plan (Attachment 1) identifies Council's objectives and strategies, along with indicators to monitor the achievement of these objectives, and the resources to implement the plan.

Entitled 'Living in the Landscape', the draft Council Plan identifies five Strategic Objectives for Nillumbik which are:

1. Engaged, connected communities
2. Active and creative people
3. Safe and healthy environments
4. A prosperous economy
5. Responsible leadership

The *Local Government Act 1989* requires each Council to prepare a Council Plan by 30 June 2017, after exhibiting the draft plan for 28 days and considering public submissions.

As detailed in this report, community consultation is proposed regarding the draft Council Plan, including a mail-out to all residents and several information and consultation sessions during May. Public submissions will close on 2 June and will be considered by the Future Nillumbik Committee on 13 June. The final Council Plan is due to be adopted at the Council meeting on 27 June 2017.

**Recommendation**

**That Council:**

1. Approves the draft Council Plan 2017-2021 (Attachment 1) for the purposes of public consultation.
2. Gives public notice of the draft Council Plan in accordance with sections 125 and 223 of the *Local Government Act 1989*, inviting written submissions by 2 June 2017.
3. Considers public submissions at the Future Nillumbik Committee meeting to be held at 7pm on Tuesday 13 June 2017.
4. Approve the communications and consultation program on the draft Council Plan, as detailed in this report.

12. Officers' reports

OCM.042/17 Council Plan 2017-2021

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**Attachments**

1. Draft Council Plan 2017-2021

**Background**

1. The *Local Government Act 1989* requires Council to prepare a Council Plan for its four year term following each general election, and to complete this by 30 June 2017.

**Policy context**

2. The Council Plan is Council's primary strategic policy statement for its term.

**Budget implications**

3. The cost of preparing and printing the Council Plan and conducting the statutory public consultation process is met from the operating budget.
4. The expected cost of the brochure mail-out to all residents is \$14,500.

**Consultation/communication**

5. The draft Council Plan has been prepared through a series of Councillor workshops and briefing sessions.
6. It is now proposed to conduct public consultation on the draft Council Plan.
7. Statutory public notices will be published in *The Age* and the *Diamond Valley Leader* newspapers. These notices will advise that the Council Plan is available at the Civic Centre and on Council's website, and will invite written submissions.
8. In addition to the statutory notices, a brochure outlining the content of the Council Plan will be posted to all residents. This will also include some information on the draft 2017-2018 Budget, which will be on public exhibition during the same period. The brochure will also invite residents to make written submissions on the draft Council Plan or the draft Budget.
9. It is proposed to hold two formal consultation sessions to provide the opportunity for the public to hear a presentation, ask questions and provide feedback on the draft Council Plan. These sessions are scheduled to be held at Community Bank Stadium, Diamond Creek (evening of Monday 22 May) and at Edendale Community Environment Farm, Eltham (evening of Wednesday 17 May).
10. It is also proposed to conduct information sessions about the draft Council Plan at the Town and Country Connect event in Hurstbridge (Saturday 20 May), and at the healthAbility expo in Eltham (Sunday 21 May).
11. The draft Council Plan will also be promoted through Council's website, social media and media releases.
12. These activities aim to promote awareness of the Council Plan and Budget, and to encourage members of the community to provide feedback through submissions for Council's consideration.

**12. Officers' reports**

**OCM.042/17 Council Plan 2017-2021**

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13. Submissions from the public will be considered by the Future Nillumbik Committee at its meeting on 13 June 2017. After consideration of public submissions and any consequential changes, the final Council Plan is scheduled to be approved by Council at its meeting on 27 June 2017.

**Draft Council Plan**

14. The draft Council Plan 2017-2021 includes the following information as required by the *Local Government Act 1989*:
- Council's strategic objectives for the shire
  - Strategies to achieve the strategic objectives
  - Strategic Indicators, to monitor progress on the strategic objectives
  - A Strategic Resource Plan, to identify the resources needed to implement the Council Plan.
15. The draft Council Plan (Attachment 1) includes these statutory requirements, along with a list of priority actions and other relevant contextual information about Nillumbik.
16. A full publication version of the Council Plan will be designed and printed after the public consultation process is completed and the final plan is confirmed.

**Conclusion**

17. The preparation of the Council Plan 2017-2021 is a key milestone for Council. It provides overall strategic direction for the Council's four year term. It is recommended that Council approve the draft Council Plan for the purposes of community consultation.

12. Officers' reports

OCM.043/17 Draft Budget 2017-2018

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**Distribution: Public**

**Manager: Andrew Port, General Manager Corporate Services**

**Author: Vince Lombardi, Manager Finance**

**Robert Malignaggi, Management Accountant**

**Summary**

This report presents the draft Budget for 2017-2018 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, and for the development and maintenance of infrastructure throughout the Shire.

**Rates and charges**

- The draft Budget proposes a zero increase to the rate in dollar, municipal charge and waste management charge.

**Capital Works**

- A range of major capital works projects have been identified through planning and community consultation. The draft Budget also provides significant resources to maintain and develop existing infrastructure. Total capital works expenditure is proposed to be \$21.3 million.

**New Initiatives**

- Apart from capital works, the draft Budget also includes resources for a range of new initiatives regarding policy, planning and services which total \$1.5 million.

**Strategic Resource Plan**

- In conjunction with the development of the new Council Plan, the Strategic Resource Plan has also been prepared for the next ten financial years. A copy of the Strategic Resource Plan is included in the draft Budget.

**Recommendation**

**That Council:**

1. Approves the draft Budget 2017-2018 for the purpose of public consultation.
2. Gives public notice of the preparation of the draft Budget pursuant to sections 129 and 223 of the *Local Government Act 1989*, inviting written submissions from the public.
3. Considers public submissions on the draft Budget at the Future Nillumbik Committee meeting at 7pm on Tuesday 13 June 2017.

**Attachments**

1. Draft Budget 2017-2018

**12. Officers' reports**

**OCM.043/17 Draft Budget 2017-2018**

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**Background**

1. Council is required by the *Local Government Act 1989* to prepare a Budget for each financial year.
2. Adoption of the Budget is an important policy decision by Council in terms of resource allocation for services and projects in the coming year.
3. The draft Budget has been prepared for the purposes of public exhibition in accordance with statutory requirements.

**Policy context**

4. This draft Budget has been developed in parallel with the new Council Plan.
5. In developing the draft Budget, Council has also considered the key priorities emerging from the master-plans for Council's major recreation facilities and reserves, the structure plans for Nillumbik's activity centres, and other Council policies and strategies.

**Budget implications**

6. The costs of preparing and exhibiting the Budget, such as public notices, are funded from operating budget allocations.

**Consultation/communication**

7. Subject to Council approval of the draft Budget 2017-2018, it will be placed on public exhibition for 28 days to allow community comment. Public notice will be provided, and the draft Budget will be available for inspection at the Civic Centre and on Council's website.
8. A period of 28 days is provided for the public to lodge written submissions. Public submissions in relation to the draft Budget will be considered at the Future Nillumbik Committee meeting on 13 June 2017.
9. The Budget will then be presented for adoption at the Council Meeting on 27 June 2017.

**Draft Budget 2017-2018**

10. The major features of the draft Budget are summarised below. Details are provided within the Budget document.

**Property rates and charges**

11. The draft Budget for 2017-2018 proposes no increase in property rates and charges. The rate in the dollar, the municipal charge and the waste management charge will all be maintained at existing levels.
12. This means that the vast majority of properties will have the same rates and charges in 2017-2018 as for the previous year.
13. The only exceptions will be those properties which have undergone a supplementary valuation during 2016-2017 due to subdivision, redevelopment or other changes to the property. These supplementary valuations will generate an additional 0.6 per cent increase in rates revenue during 2017-2018.

**12. Officers' reports**

**OCM.043/17 Draft Budget 2017-2018**

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14. No changes are proposed to the existing differential rates. In particular, the existing arrangements will continue for the rating of retirement village properties, which will remain subject to the same general rate as applies to other residential properties. Details are provided in the draft Budget document (Appendix B). This addresses the Council resolution of 9 August 2016 regarding the Ministerial Guidelines on Differential Rating, which require councils to consider the use of differential rates for retirement villages.

**Other fees and charges revenue**

15. Other fees and charges have been adjusted to reflect cost increases, regulatory requirements and market considerations. Details are provided in the draft Budget.
16. Significant changes include a 14.93 per cent increase in total revenue from user charges, which is due to projected increases in attendances at the Eltham Leisure Centre following the completion of the aquatic redevelopment during the coming year. This is partly offset by additional facility management contract costs.

**Operating expenditure**

17. Recurrent operating budgets for Council services have been budgeted to reflect changes in unit costs, including inflationary impacts and contract prices.
18. Employee costs are budgeted to grow by 1.11 per cent which includes the abolition of 2.5 FTE (full-time equivalent) staff positions that are no longer required.
19. Materials and related costs are budgeted to decrease by 0.83 per cent.
20. Interest costs are budgeted to reduce by 8.07 per cent due to ongoing reduction in the level of Council's loan borrowings.
21. Other recurrent operating expenditure is budgeted to decrease by 7.26 per cent. This is driven by a variety of savings measures. These include a reduction in membership subscription costs. It is proposed to cease Council's membership of the Victorian Local Governance Association (at \$15,000 per annum) given that similar services are available through Council's continuing membership of the Municipal Association of Victoria.
22. Overall, the efficiency measures which were implemented in the previous budget have been continued in 2017-2018. This has enabled a balanced budget to be maintained without an increase in the established level of property rates and charges.

**New initiatives for policy, planning and services**

23. The draft Budget provides resources through New Initiatives for policy development, as well as policy implementation and service improvements. The total cost for New Initiatives is \$1.57 million which includes \$600,000 for roadside vegetation and proactive tree management.
24. A full list of New Initiatives is provided in the draft Budget document.

**Capital works**

25. The draft Budget includes \$21.3 million of capital works projects, of which \$3.261 million will be funded by external grants. The balance will be funded by Council from recurrent revenue, contributions, asset sales and reserve funds.

**12. Officers' reports**

**OCM.043/17 Draft Budget 2017-2018**

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26. The draft Budget provides for total expenditure of \$6.556 million on renewal of existing assets such as roads, footpaths, drainage and buildings.
27. A full list of capital works projects is included in the draft Budget document. Major projects to be funded in 2017-2018 include:
  - Completion of Eltham Leisure Centre aquatic redevelopment (\$2.30 million)
  - Commencement of Research Park pavilion redevelopment (\$1.79 million)
  - Commencement of Civic Drive precinct improvements (\$1.12 million)
  - Gipson Street Bridge duplication (\$0.96 million)
  - Plenty former landfill site remediation works (\$0.85 million)
  - Wattle Glen pavilion works (\$0.75 million)

**Loan Borrowings and Asset Sales**

28. The draft Budget includes \$725,000 for repayment of existing bank loans during 2017-2018. A further \$1.29 million will also be transferred into the debt repayment reserve for future repayment of bond principal.
29. There is no new loan borrowing proposed for 2017-2018.
30. Sales of surplus assets are projected to generate \$4.6 million in 2017-2018. These proceeds will be applied towards capital works.
31. The Strategic Resource Plan also forecasts that there will be no new loan borrowings over the next ten years.

**Strategic Resource Plan**

32. The Strategic Resource Plan has been developed in conjunction with the new Council Plan. A copy of the Strategic Resource Plan is included with the draft 2017-2018 Budget.
33. The Strategic Resource Plan provides a ten year forecast of Council's finances, using projections of expenditure and revenue which are based on a series of assumptions about Council's services and infrastructure. This information is then used to assess Council's long-term financial sustainability.

**Financial Sustainability Plan measures and targets**

34. Council's Financial Sustainability Plan identifies a series of measures of financial sustainability along with targets for Council to achieve over the short, medium and long term.
35. These measures include all those used by the Auditor-General to assess financial sustainability for local government across Victoria, along with some additional local measures adopted by Council.
36. The 2017-2018 Budget includes details of Council's projected performance in meeting those financial sustainability targets over the next ten years, based on the Strategic Resource Plan. In summary, these projections show that Council will:
  - Achieve an operating surplus every year, both on an accrual accounting basis and on a cash-position basis

12. Officers' reports

OCM.043/17 Draft Budget 2017-2018

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- Maintain sufficient levels of liquidity
- Substantially reduce the level of debt
- Progressively grow the level of recurrent revenue that is allocated to capital works, so that it exceeds annual depreciation costs by 2019-2020.
- Allocate funding for asset renewal that significantly exceeds the minimum required level identified through asset condition audits
- Achieve these targets while keeping annual rate increases at least 0.25 per cent below the projected rate cap (CPI) every year, commencing with a zero increase in the level of rates for 2017-2018

**Conclusion**

37. Preparation of the annual Budget is a major decision for Council in allocating resources to services and projects for the coming year.
38. The draft Budget has been prepared with regard to the strategic context provided through the new Council Plan and the Strategic Resource Plan.
39. It is recommended that Council adopt the draft Budget for 2017-2018 for the purpose of public consultation.



12. Officers' reports

OCM.044/17 Sport and Recreation Victoria Grant Funding

**Distribution: Public**

**Manager: Pauline Gordon, General Manager Community and Leisure**

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

**Summary**

This report provides background information and makes officer recommendations regarding applications to the State Government 2017-2018 Better Indoor Stadiums Fund (BISF) and 2018-2019 Community Sports Infrastructure Fund (CSIF) administered by Sport and Recreation Victoria (SRV).

The projects proposed for submission are consistent with Council strategies, and seek to improve sporting and recreation participation outcomes within the Shire.

The report seeks Council endorsement for the submission of one Major Facilities funding proposal, two Minor Facilities funding proposals, one Cricket Facilities funding proposal, three Female Friendly Facilities funding proposals and one Planning proposal through CSIF. The proposals are the first stage of a two stage funding process, due to SRV by 7 June 2017. Should the project proposals be successful then full applications are required by 11 September 2017.

No applications will be submitted to BISF until current stadium planning work is finalised.

The total funding requested from State Government under the CSIF is \$1,141,500 and would require up to \$1,691,000 matching Council funding within the 2018-2019 budget. \$1,610,000 is already indicatively committed in the five year capital works program, a further \$81,000 in Council funding would be required, conditional on grant outcomes. Sporting clubs have committed \$132,500 contributions.

**Recommendation**

**That Council:**

1. **Endorses the following project proposals for application to the Community Sports Infrastructure Fund:**
  - a) **Major Facilities category**
    - i) **Diamond Creek Reserve Regional Nature Playspace**
  - b) **Minor Facilities category**
    - i) **Marngrook Reserve Sportsground Lighting Upgrade**
    - ii) **Eltham Central Park Sportsground Lighting Upgrade**
  - c) **Cricket Facilities category**
    - i) **Yarrambat War Memorial Reserve Turf Cricket Practise Nets**

**12. Officers' reports**

**OCM.044/17 Sport and Recreation Victoria Grant Funding**

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**d) Female Friendly Facilities category**

**i) Marngrook Reserve Pavilion Development**

**ii) Susan Street Reserve Pavilion Upgrade (subject to further planning and investigation)**

**iii) Eltham Lower Park Pavilion Upgrade (subject to further planning and investigation)**

**e) Planning category**

**i) Sports Pavilion Plan**

**2. Notes \$30,000 already identified in 2017-2018 draft budget.**

**3. Notes \$1,580,000 already identified in 2018-2019 and 2019-2020 indicative capex program.**

**4. Refers further \$81,000 in matching funding for consideration in the 2018-2019 budget subject to successful applications.**

**Attachments**

1. Community Sports Infrastructure Fund grant categories
2. Funding partnership

**Background**

1. The Victorian State Government is receiving applications to the 2017-2018 Better Indoor Stadiums Fund (BISF) and 2018-2019 Community Sports Infrastructure Fund (CSIF). These programs are administered by Sport and Recreation Victoria (SRV) through the Department of Health and Human Services.
2. 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. Grants up to \$3 million are available. Applications to BISF close 16 August 2017.
3. The CSIF supports planning for, building new, and improving existing sports and recreation facilities. The fund aims to encourage increased participation including target populations such as females and juniors, and better planning of facilities incorporating innovation, and environmental sustainability and universal design outcomes. Grants are available across seven categories, detailed in Attachment 1.
  - a) Council has secured \$5.63 million from the program through the last three rounds including most recently Research Park pavilion redevelopment (\$100,000) and Wattle Glen War Memorial Reserve pavilion redevelopment (\$100,000).
4. CSIF project proposals are due 7 June 2017. Proposals shortlisted by SRV are invited for full application, closing 11 September 2017.
5. Funding announcements for both BISF and CSIF applications will be from November 2017.

**12. Officers' reports**

**OCM.044/17 Sport and Recreation Victoria Grant Funding**

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**Policy context**

6. This report directly supports the achievement of Council Plan 2013-2017 strategy:
- We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy.

**Budget implications**

7. Nillumbik Shire Council is eligible for government funding set at the following ratios:
- BISF and CSIF Better Pools and Major Facilities are set at a ratio of \$1 grant for every \$2 local (Council, sports club or other contribution).
  - Funding in all other CSIF categories is set at a ratio of \$1:50 grant for every \$1 local.
8. Council's contribution towards a project outside existing indicative forward commitments will be conditional on the grant's success.
9. Clubs are encouraged to financially contribute to projects by way of demonstrating their willingness to invest in facilities benefitting members.
10. Sportsground lighting allocation - There is an annual allocation of \$60,000 for sportsground lighting upgrades and renewal in the indicative capital works program. The 2017-2018 and 2019-2020 allocation will be used as Council's contribution towards Marngrook Oval Sportsground Lighting project application if successful.
11. Should all applications be successful, Council will need to allocate up to \$1,691,000, of which \$1,610,000 is an existing indicative commitments. In the five year capex program there are commitments of \$30,000 in 2017-2018, \$1,350,000 in 2018-2019 and \$230,000 in 2019-2020.
12. Proposed club contributions toward projects is \$132,500 (Attachment 2). It is proposed \$1,000,000 funding will be sought through Growing Suburbs Fund to support Diamond Creek Reserve Regional Nature Playspace, subject to future Council decision.

**Consultation/communication**

13. Sports clubs and recreation providers were invited to contact Council officers to discuss their proposed project and submit an Expression of Interest (EOI) to Council by 3 March 2017 for officer and SRV consideration.
14. Officers received 12 inquiries from clubs in relation to proposed projects, five of these did not satisfy the criteria for funding. Officers met with three clubs to discuss the scope of their proposed projects in detail. Five EOI proposals were received.

**Issues/options**

15. In addition to club-nominated projects, officers identified projects detailed in Council strategy including Recreation Strategy 2011-2019, Sportsground Lighting Strategy 2014, Open Space Strategy 2005, Soccer Strategy 2014 and various open space masterplans, and forward commitments in the Council budget.

**12. Officers' reports**

**OCM.044/17 Sport and Recreation Victoria Grant Funding**

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16. Officers undertook an assessment of all projects against the funding criteria and Council priorities and commitments, and discussed with SRV representatives; a mandatory requirement of the program. SRV then invite Council to submit full applications on their preferred shortlist.

**Identified projects**

17. Officers have identified that Diamond Valley Sports and Fitness Centre would qualify for BISF. A masterplan for the Centre is currently under development, in readiness for a funding application to the 2018-2019 funding round.
18. Yarrambat Basketball Club discussed their proposal for an indoor multi-court facility at Yarrambat War Memorial Park. The project is not sufficiently progressed, and future court provision will be influenced by current stadium planning in Diamond Creek and Greensborough. The Club did not lodge an EOI.
19. Officers propose to lodge eight applications across CSIF program. These are:
20. Major Facilities category: Diamond Creek Reserve Regional Nature Playspace
- a) Council's Lifetime Play Strategy recommends the development of a regional, nature-based play space in Diamond Creek Reserve. The proposed destination playspace, similar in quality, mix of play values and regional catchment, is comparable to the Eltham Copper Butterfly playspace at Eltham Lower Park.
  - b) The facility will attract visitors to Diamond Creek, contributing to tourism and economic development outcomes highlighted in Council's Destination Management Plan and Artisan Hills campaign.
  - c) The community will be consulted on the playspace as part of upcoming consultation on the Lifetime Play Strategy.
21. Minor Facilities category: Two projects may be submitted (only one if submitting two Cricket Facility projects). The following Minor Facilities projects will be assessed for application.
- a) Marngrook Reserve, Diamond Creek - Sportsground Lighting Upgrade
    - i) Diamond Creek Football Club and Diamond Creek Runners identified Marngrook Oval sports ground lighting upgrade. Council submitted this application in 2017-2018 but was unsuccessful.
    - ii) This project is the next priority in the implementation of the Sportsground Lighting Strategy (2014). The project will result in four new poles and fittings to light the ground to 100 lux, suitable for junior night competition. The project will improve the quality of training facilities benefitting junior and female participation.
  - b) Eltham Central Park, Eltham - Sportsground Lighting Upgrade
    - i) The project will result in four new poles and fittings to light the ground to 150 lux, suitable for senior night competition. The project will improve the quality of training facilities benefitting junior and female participation.

12. Officers' reports

OCM.044/17 Sport and Recreation Victoria Grant Funding

22. Diamond Creek Women's Football Club discussed sportsground floodlight upgrade at Plenty War Memorial Park however an EOI was not submitted. Officers will continue to work with the club to progress the project for consideration in future funding rounds.
23. Cricket Facilities category: Two projects may be submitted (only one if submitting two Minor Facility projects). The following Cricket Facilities project will be assessed for application.
  - a) Yarrambat War Memorial Reserve, Yarrambat - Turf Cricket Practice Net
    - i) Plenty Valley Cricket Club submitted a proposal to develop a new turf practice net training facility at Yarrambat War Memorial Park to relocate their training base from neighbouring Banyule City Council.
    - ii) Construct a new turf practice net facility to develop training facilities at Yarrambat War Memorial Reserve. The Club seeks a contribution from Council, and \$20,000 has been detailed in the 2018-2019 indicative budget. Current policy on the provision of specialist turf cricket facilities, benefitting only club-members, requires Clubs to fully fund.
24. Plenty Cricket Club propose a new cricket practice net facility at Plenty War Memorial Park. The project is similar in scope to the Club's 2017-2018 proposal. The Park's current Masterplan does not identify the need for new practice nets however Council has committed to reviewing the Masterplan and address the provision of new cricket practice nets.
25. Female Friendly Facilities category: Three projects may be submitted with the following assessed for application.
  - a) Marngrook Oval, Diamond Creek – Pavilion Development
    - i) This project will provide funding to deliver a new sports pavilion with accessible umpires rooms and female friendly changerooms to support increased participation by females and juniors.
  - b) Susan Street Pavilion - accessible, female friendly player and umpire changerooms.
    - i) Eltham Junior Football club submitted a proposal to redevelop the existing changerooms at their facility to better support increased opportunities for participation by females and juniors
    - ii) Further investigations are required to confirm project scope and requirements. Officers will continue to work with the club in preparing a proposal for this round of funding.
  - c) Eltham Lower Park Pavilion- accessible, female friendly player and umpire changerooms.
    - i) Officers met with Eltham Lacrosse Club to discuss the redevelopment of existing changeroom at their allocated facility. An EOI proposal was submitted which supports increased opportunities for participation by females.

12. Officers' reports

OCM.044/17 Sport and Recreation Victoria Grant Funding

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- ii) Further investigations are required to confirm project scope and requirements. Officers will continue to work with the club in preparing a proposal for this round of funding.

26. Planning category- Local Planning: Shire-wide Sports Pavilion Plan

- a) This project will be informed by the current Sportsground Management review. Use of the sportsgrounds will determine the required future renewal and upgrade of existing and development of new sporting pavilions to serve growing seasonal sports participation, particularly female and junior participation.

**Conclusion**

- 27. The project proposals outlined in this report are consistent with Council's strategies for the provision of improved sporting facilities within the Shire. The projects provide clear community benefit and increased opportunities for participation.
- 28. Proposals recommended by officers for submission are considered the strongest against the CSIF funding guidelines.
- 29. The proposed project proposals will provide \$3,965,000 towards improved community sport and recreation infrastructure with a cost to Council of \$1,691,000 (of which \$1,610,000 is identified in the five year capex program) and clubs of \$132,500.

**12. Officers' reports****OCM.045/17 Local Government Victoria's Council and Emergencies Directions Paper**

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**Distribution: Public****Manager: Conal Creedon, General Manager Infrastructure Services****Author: Justin Murray, Executive Officer Emergency Management****Summary**

The roles and responsibilities of government (local and state) and emergency services are contained in various items of legislation and in the Emergency Management Manual Victoria (EMMV).

The roles and responsibilities have been the subject of review and refinement in recent years, prompted by a number of natural disasters. This in turn has led to new emergency management structures and planning at State, Regional and local levels with a focus on an all-hazards approach to planning and response, shared responsibility and building community resilience.

Emergency Management Victoria (EMV) has developed the 'Victorian Emergency Management Strategic Plan 2016-2019'. Priority B of this plan is to: Enhance the capability of Local Governments to meet their obligations in the management of emergencies. Local Government Victoria (LGV) has prepared a 'Councils and Emergencies Direction Paper' (Attachment 2) as part of the project to address this priority and is seeking feedback on the Paper by 8 May 2017.

The Directions Paper is welcomed, however it contains a number of recommendations for local governments role which do not accord with current legislation or agreement. The Municipal Association of Victoria has prepared a response to the Directions Paper (Attachment 1). The MAV response addresses the differences between the Directions Paper and current practice and also suggests a 'Maturity Model' to define councils' role in emergency management.

This report recommends that Council support the MAV response to the Directions Paper.

**Recommendation****That Council:**

- 1. Endorses the Municipal Association of Victoria's response to the Local Government Victoria Council and Emergencies Directions Paper.**
- 2. Advises the Municipal Association of Victoria and Local Government Victoria of this decision.**

**Attachments**

1. MAV Submission to Councils and Emergencies Directions Paper
2. Local Government Victoria Councils and Emergencies Directions Paper

**12. Officers' reports**

**OCM.045/17 Local Government Victoria's Council and Emergencies Directions Paper**

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**Background**

1. Emergency Management Victoria (EMV) has developed the Victorian Emergency Management Strategic Plan 2016-2019. Priority B of this plan is to: Enhance the capability of Local Governments to meet their obligations in the management of emergencies.
2. To meet this priority, Local Government Victoria (LGV) is leading the 'Councils in Emergencies' Project.
3. The Councils and Emergencies Project will run for three years and has three phases:
  - Phase 1 is identifying and agreeing councils' current emergency management responsibilities and actions.
  - Phase 2 will assess the capability and capacity of the local government sector, to determine capability and capacity gaps (in terms of skills and expertise) that prevent it from adequately discharging its emergency management responsibilities and taking emergency management action.
  - Phase 3 will develop strategies and plans to address emergency management capability and capacity gaps.
4. As part of phase 1, LGV have produced a directions paper to describe councils' role in emergencies.
5. Feedback is being sought from local government and the emergency management sector to confirm, or suggest amendments to how the roles and responsibilities of councils are described.

**Policy context**

6. This report directly supports the achievement of Council Plan 2013-2017 strategy:
  - We will strive to make our Shire safe by meeting our statutory responsibilities for emergency management including the risks of natural disasters such as fire and flood.

**Budget implications**

7. There is no budget impact related to the consideration of and response to the LGV Directions Paper.
8. Council's budget includes the allocation of funding to meet its emergency management responsibilities. Changes to emergency management arrangements at the state level have potential impact on degree of funding required to meet these obligations.

**Consultation/communication**

9. This report has been compiled following consultation with internal staff with emergency management responsibilities, emergency management staff from other councils and the Municipal Association of Victoria (MAV). To assist in informing a response to this report MAV hosted a series of workshops. These were attended by Councillors and officers from Nillumbik.



12. Officers' reports

OCM.045/17 Local Government Victoria's Council and Emergencies Directions Paper

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Issues/options

10. As part of the Councils in Emergencies Project Local Government Victoria have produced a Councils and Emergencies Directions Paper.
11. Feedback is being sought from local government and the emergency management sector to confirm, or suggest amendments to how the roles and responsibilities of councils are described.
12. The Municipal Association of Victoria (MAV) has produced a draft response to the paper. A copy is attached to this report. This report recommends that Nillumbik Shire Council endorse MAV's response.
13. The community of Nillumbik has a history of emergencies. Notably the 2009 Bushfires had devastating effect.
  - forty-one fatalities
  - one hundred and thirty-five houses destroyed
  - An area of 9, 800 hectares burnt (23 per cent of the Shire).
14. These fires also had immense impact on Nillumbik Shire Council's capacity to both meet the needs of the community during this event and in the recovery from it whilst maintaining the delivery of core business services.
15. The experience of this and other emergencies in Nillumbik has highlighted the need for effective and efficient emergency management arrangements. Clarity of role before during and after emergencies is an essential part of this. Experience in Nillumbik is that council's role is often misunderstood which is accompanied by unrealistic expectations of council's capabilities.
16. It is understood that the intent of emergency management reform in Victoria is to be more community focussed with an aim of 'Safer More Resilient Communities'. Also as the closest tier of government to the community, local government has a crucial role in helping to achieve this.
17. The Councils and Emergencies Directions Paper attempts to define councils' role by listing 154 actions and responsibilities. It also lists six principles for defining responsibilities and actions. However, there seems to be little correlation between these two lists.
18. Many of the references to legislative requirement are wrong or inaccurate. The Municipal Association of Victoria's response to the paper provides comprehensive details of these inaccuracies. LGV has updated its references in recent correspondence to correct these inaccuracies.
19. It is acknowledged that in compiling the list of 154 actions and responsibilities, LGV conducted extensive consultation with council officers. However there does not seem to be any selection criteria applied to the list to determine their appropriateness as a responsibility of local government.

**12. Officers' reports**

**OCM.045/17 Local Government Victoria's Council and Emergencies Directions Paper**

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20. Some of the listed items are very specific e.g. 30. Appoint a municipal emergency resource officer, and others vague and open to interpretation e.g. 90. Manage, coordinate, supply and deliver resources promptly and efficiently using best-practice methods locally.
21. Council's role in the supply of resources is an example where there is great variance of opinion across the sector. This often leads to unrealistic expectations and frustration during emergencies. This paper does nothing to clarify council's role in relation to the supply of resources during emergency.
22. Officers do not consider that this paper effectively describes the role of local government in emergencies. It does not address issues of role clarity nor does it appear to support the principles of a community focused approach to emergency management.
23. MAV in their response to this paper have put forward a 'Maturity Model Proposal'. Officers support this proposal as providing sound methodology for determining councils' role in emergencies. It recognises the importance of having an effective and efficient emergency management system.
24. The Maturity Model recognises the different level of capacity across local government to respond to an emergency event. The Model is based on splitting councils' responsibilities into 'essential' or core responsibilities, 'good practice' activities which all councils should aim to achieve and 'extended' activities which may only be provided where a high risk profile exists. It is recommended that Council support this model.

**Conclusion**

25. Clear definition of the role of local government in emergencies is essential for the provision of effective and efficient emergency management systems that support safer and more resilient communities. The LGV Directions Paper does not provide this clarity in its current form.
26. The response prepared by the Municipal Association of Victoria provides a way forward for addressing this and it is recommended that Council support the MAV submission to the LGV Directions Paper.

12. Officers' reports

**OCM.046/17 Australian Local Government Association - 2017 National General Assembly**

**Distribution: Public**

**Manager: Conal Creedon, General Manager Infrastructure Services**

**Author: Conal Creedon, General Manager Infrastructure Services**

**Summary**

The Australian Local Government Association National General Assembly (NGA) is to be held in Canberra from 18 to 21 June 2017. The NGA is an opportunity for individual councils to identify matters of national relevance to the sector and to submit notices of motion to seek support at the NGA for these matters to be considered by Australian Local Government Association (ALGA) as national policy.

The ALGA Board is calling for motions under the theme of 'Building Tomorrow's Communities'. This year, the NGA will focus debate on motions that address how councils can work in partnership with the Australian Government in particular to meet the current and future needs of local communities. The ALGA Board has also provided guidance on how notices of motion are to address this theme. One of the projects that has support in Melbourne's northern region is the Northern Regional Trails Strategy. Funding opportunities to develop and implement priority trail projects are limited, with no dedicated Federal grant pool. It is recommended that Council submit a motion for consideration at the ALGA National General Assembly to establish a grant fund for local government applications for regional trail projects.

Notices of motion were to be lodged electronically by midnight on 28 April 2017. As this date falls before the Council meeting a notice of motion has been prepared in consultation with the Mayor and Portfolio Councillor and submitted by the due date.

This report seeks Council endorsement of the notice of motion to the ALGA National General Assembly.

**Recommendation**

**That Council:**

1. **Endorses the following notice of motion to the Australian Local Government Association National General Assembly:**  
 'That this Assembly calls on the Australian Government to establish a grant fund for regional recreational trail development to which local governments can make application for projects of an agreed regional nature'
2. **Seeks support for this motion from the six councils that partnered with Nillumbik in preparing the Northern Regional Trails Strategy.**

**Attachments**

Nil

**12. Officers' reports**

**OCM.046/17 Australian Local Government Association - 2017 National General Assembly**

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**Background**

1. Council has participated in the preparation of the Northern Regional Trails Strategy in partnership with six other councils in the northern metropolitan region. This Strategy has identified priority projects including the extension of the Diamond Creek Trail to Hurstbridge.
2. The Strategy is intended to be used to support advocacy to State and Federal governments for support to implement the priorities set out in the Strategy. The Strategy spells out the significant health, wellbeing, tourism and economic advantages of a comprehensive trails network.
3. Grant funding for shared trails is limited and subject to strong competition, particularly from inner metropolitan projects.
4. The ALGA National General Assembly is to be conducted in June 2017 and is an opportunity to gain peak local government body support for advocacy to the Federal Government for the establishment of a fund to support the development of approved regional trails.

**Policy context**

5. This report directly supports the achievement of Council Plan 2013-2017 strategy:
  - We will maximise our opportunities to receive external grants for projects that are consistent with Council's priorities and management of the Green Wedge.

**Budget implications**

6. Council has an extensive network of trails planned under the Nillumbik Trails Strategy including the extension of the Diamond Creek Trail from Diamond Creek to Hurstbridge. There is significant competition for funding under existing state grants for shared trails and no dedicated Federal grant program available.
7. There are no budget implications associated with submitting this notice of motion.

**Consultation/communication**

8. There was extensive consultation with the northern region group of councils in preparing the Regional Trails Strategy. The recent visit to Canberra to represent the interests of the northern region included representation to a number of ministers on matters of importance to the region. Representatives were encouraged to seek peak body support for funding requests that can be applied across the sector.

**Issues/options**

9. The benefits of off-road recreational trails in enhancing connectivity and access to open space, promoting recreation, health and wellbeing outcomes and supporting employment opportunities and a diversification of the economy are well documented. The opportunity for the northern region is to capitalise on these inherent benefits and build on them further through the linking of existing tourism destinations.

**12. Officers' reports**

**OCM.046/17 Australian Local Government Association - 2017 National General Assembly**

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10. Obtaining funding to deliver on the trails network identified in the Northern Regional Trails Strategy is hampered by limited grants and strong competition. This was raised with Federal Government Ministers and MPs on a recent advocacy presentation in Canberra and representatives were encouraged to seek peak body support for measures which would support all local governments, particularly those in regional areas, to apply for funding to the Federal Government.
11. The ALGA National General Assembly is an opportunity to initiate this advocacy for a central fund for recreational trail development and expansion. The ALGA Board is seeking notices of motion for debate at the Assembly. Notices of motion are to be submitted under the theme of 'Building Tomorrow's Communities' and also need to address the following sub-themes:
  - a) Governance - community driven planning and development
  - b) Innovation - identifying and harnessing the key pillars of growth
  - c) Liveability - maximising amenity, design and community cohesion
  - d) Data driven public policy - using high quality data to grow the evidence base
  - e) Social capital - improving the capacity of citizens and optimising workforce trends
  - f) Technology and Infrastructure - identifying and investing in tomorrow's foundations.
12. The analysis and benefits identified in the Northern Regional Trails Strategy are considered to address the liveability sub-theme. Notices of motion were to be lodged electronically by midnight on 28 April. As this date falls before the Council meeting a notice of motion has been prepared in consultation with the Mayor and Portfolio Councillor and submitted by the due date.
13. It is recommended that Council endorse the notice of motion to call for the establishment of a specific recreational trails grant fund for local government.

**Conclusion**

14. The Australian Local Government Association National General Assembly (NGA) is to be held in Canberra from 18 to 21 June 2017. The ALGA Board is calling for motions under the theme of 'Building Tomorrow's Communities'. Funding opportunities to develop and implement priority trail projects are limited, with no dedicated Federal grant pool. It is recommended that Council submit a motion for consideration at the ALGA National General Assembly to establish a grant fund for local government applications for regional trail project.

**12. Officers' reports**

**OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan**

**Distribution: Public**

**Manager: Chad Griffiths, Manager Strategic and Economic Planning**

**Author: Jackie Donkin, Senior Strategic Planner**

**Summary**

The purpose of this report is to provide an overview of the Yarrambat Township Plan project to date and provide options to progress the project.

The Yarrambat Township Plan (the project) was started in 2014 as an action of the adopted Green Wedge Management Plan, 2010 and aims to provide strategic direction regarding the size, character and role of the core township area.

Council has conducted extensive research and consultation for the project since its inception and resolved at its Policy and Services Committee Meeting of 14 April 2015 to formalise Yarrambat as a small rural township that services the needs of the local community.

In June 2016, in order to formalise the township, Council requested permission from the Minister for Planning to commence an Amendment (C109) to the Nillumbik Planning Scheme.

C109 sought to establish a township boundary, known in planning terms as an Urban Growth Boundary (UGB) around Yarrambat and put in place an outline development plan which would provide guidance for the preparation of a more detailed township plan. Following the June 2016 resolution, Council wrote to the Minister for Planning seeking authorisation to commence the amendment.

In December 2016 the Minister for Planning authorised the commencement of Amendment C109, subject to six conditions which significantly alter the form of the amendment, as well as the scope, process and timeframe for completion.

This report considers the Minister's authorisation conditions, and provides options to progress the project in consultation with the community.

**Recommendation**

**That Council:**

- 1. Notes the authorisation letter from the Minister for Planning of December 2016 to commence Amendment C109 and its conditions (Attachment 1).**
- 2. Resolves to proceed with the Yarrambat Township Plan project, and modifies the project scope to accord with the conditions of authorisation specified by the Minister for Planning, which generally accord with Option A in this report.**
- 3. Defers Amendment C109 until such time as a detailed township plan has been prepared, and requests a report on the township plan before proceeding to public exhibition of any amendment.**

**12. Officers' reports**

**OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan**

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**Attachments**

1. Authorisation conditions Amendment C109 Yarrambat Township Plan

**Background**

1. In consultation with the Yarrambat community the Yarrambat Township Plan project aims to provide strategic direction for the township regarding the size, character and role of the core township area.
2. Yarrambat is outside the metropolitan Urban Growth Boundary (UGB) – and therefore within the Green Wedge - stretching from the Plenty River in the west into the rural conservation landscapes bounding Diamond Creek and Hurstbridge. It extends along Yan Yean Road – which forms the main north-south road access – from Kurrak Road in the south to just north of Bannons Lane.
3. Yarrambat contains a large existing residential area zoned Low Density Residential (LDRZ). It has a distinct central ‘township’ area containing a shop, sporting oval, post office, café, church and school. The current township project focuses on the area of Yarrambat on the corner of Yan Yean Road and Ironbark Road and the community facilities located there.
4. One of the major impediments to development in this area is the zoning (LDRZ), which allows only a limited range of commercial activities and the Design and Development Overlay (DDO2) which restricts subdivision in the area to 1 hectare lots. A further constraint is the limit of existing reticulated sewerage and water services which are at capacity.
5. Being outside the metropolitan UGB any variation to the subdivision size in the zone or to the UGB requires the support of the Minister for Planning and for legislation to be passed by both houses of the Victorian Parliament.
6. The Yarrambat Township project spans from background research and consultation beginning in 2014 to an application to the Minister for Planning on 2 June 2016 for authorisation of an amendment to Nillumbik Planning Scheme (C109) to establish a new UGB and set an Outline Development Plan to provide the basis for the preparation of a more detailed township plan.
7. The objectives of the project are as follows:
  - Determine the extent of change, if any, the community, Council and State Government is willing to accept.
  - Determine broad areas for change.
  - Develop a plan based on community participation, an agreed vision and sound research.
  - The plan will provide clear and overarching policy direction for all strategic plans and policies relating to the Yarrambat Low Density Residential Area, including recommendations for re-zoning if appropriate.

12. Officers' reports

**OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan**

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8. At its Ordinary Meeting of 29 April 2014, Council endorsed the Yarrambat Township Issues and Options Paper April 2014 for public consultation. This paper, informed by a range of background studies, highlighted issues and implications across six themes: housing, transport and mobility, economy, environment, service infrastructure and social needs.
9. Council's Policy and Services Committee of 9 September 2014 considered the outcomes of public consultation on the Issues and Options paper: '...following consultation on the Issues and Options Paper, there would appear to be support for a limited degree of change in Yarrambat - change that improves social interaction, trails and public transport and public infrastructure. Still positive but more cautious, is support for change which increases housing diversity and local commerce but contingent on protecting the much valued character.' The Committee endorsed a draft Vision and guiding principles for the development of Yarrambat township for public consultation.
10. To enable any growth and consolidation of the Yarrambat township there are two threshold issues: the first is gaining the support of the Minister for Planning to vary the UGB and/or zoning in the area to enable subdivision to create smaller lots and the second to provide reticulated sewerage and water to service those lots.
11. The issue of the UGB was discussed with the Department for Environment Land Water and Planning (DELWP) in 2014 and 2015 and it was concluded that it is both reasonable and possible that the Minister for Planning will consider authorising an amendment to the Nillumbik Planning Scheme to introduce a new township boundary (UGB). This was reported to Council's Policy and Services meeting 14 April 2015 with a summary of community consultation on the vision and guiding principles.
12. In September 2015, Council resolved to appoint the Yarrambat Township Plan Advisory Group following an advertised expression of interest to assist in developing the plan. The first step for the Advisory Group was to assist in drafting a concept plan with a proposed boundary.
13. At its Ordinary meeting of 22 March 2016, Council resolved to request authorisation from the Minister for Planning in accordance with section 9 of the *Planning and Environment Act 1987* to prepare Amendment C109 to the Nillumbik Planning Scheme which proposes to: apply a township boundary; apply Schedule 8 to the Development Plan Overlay (DPO) to land within the proposed township boundary; place Amendment C109 on public exhibition on receipt of authorisation from the Minister for Planning.
14. In December 2016 Council received authorisation from the Minister for Planning to commence Amendment C109 (Attachment 1). The Minister attached six conditions; two have significant implications for the amendment and the township plan project as it is currently configured:
  - 'Removal of the proposed Urban Growth Boundary from the amendment' and
  - the requirement to include '...a re-zoning component with the application'
15. The implications of these two conditions for Council in pursuing the Yarrambat Township Project are presented in the section Issues and Options below.



**12. Officers' reports**

**OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan**

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**Policy context**

16. This report directly supports the achievement of Council Plan 2013-2017 strategy:
- We will promote appropriate development in the right locations to increase the diversity of housing options for Nillumbik residents.
17. Council's Green Wedge Management Plan, 2010 identifies the need for a Yarrambat township plan to be commenced between 2012 and 2015. The specific GWMP actions are:
- Undertake a township plan for Yarrambat/Plenty (Action E1.1)
  - Review planning policies in order to encourage increased diversity of housing in...Yarrambat...to accommodate a range of household sizes (Action PC2.1)
  - Develop design policies for ...Yarrambat...(Action PC4.3)
18. A priority action in Council's Economic Development Strategy 2011-2016 is to 'Ensure that any review of the Planning Scheme and the development of Township Strategies, considers existing impediments to sustainable economic development and appropriate tourism related to activity in rural areas and identifies land for the potential establishment of additional light industrial activities.'

**Budget implications**

19. The options for advancing the project (discussed below) have been costed as follows: Option A \$80,000; Option B \$40,000; Option C \$20,000. The cost of consultation is not included in these figures.
20. An amount of \$80,000 (reflecting the estimated cost of Option A) has been proposed for this project as a New Initiative item in the draft Council Budget of 2017-2018.

**Consultation/communication**

21. The project has involved substantial engagement with the community to date, which has comprised the following activities:
- Prior to starting the project, key stakeholders were identified and their views sought on Yarrambat and its potential for change, plus any issues of concern. Stakeholders were identified based on their roles within the community as leaders e.g. CFA, principal of the primary school, local business owners/operators and local residents. A total of 20 people were interviewed using a short, semi structured questionnaire to explore what they like and dislike about the township, what they think would make it better and how they see its future as well as identifying other matters they wished to comment on.
  - Project information was placed on Council's website from the end of 2013 inviting people to join the conversation and add their name to the stakeholder list to keep informed. Also publicised through Nillumbik News and the Diamond Valley Leader and information bulletins mailed to residents. People on the stakeholder list were asked their views on the timing of consultation prior to the workshops being organised.

12. Officers' reports

**OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan**

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- Drop in sessions, followed by a facilitated workshop (run twice on June 11 and June 25 2014); invitations to attend these sessions / workshop were mailed along with an information bulletin summarising the issues and options paper to all Yarrambat residents in the Low Density Residential Zone and all registered on the stakeholder list. The workshop was attended by 180 people in total.
  - Details posted on Council's website, in the Primary School newsletter and on noticeboards at the post office, Tanck's Corner café and general store, St Michael's Church and the Football Club which also distributed additional bulletins. The post office inserted bulletins into all PO boxes. Information was placed in the Council Diamond Valley Leader advertisement. An SMS was sent to all stakeholders who provided mobile numbers advising of the second workshop session on 25 June.
  - Council website updated regularly and contains all background documents from the project including studies and details of the advisory group and minutes from their meetings.
  - E-information bulletins sent out to the stakeholder list (printed and mailed to those who do not want email). The bulletins covered an invitation to issues and options workshop; expression of interest for the community advisory group; update on Council approving a concept plan for a proposed Yarrambat boundary to send to the Minister for Planning to seek his permission to exhibit it for public comment.
22. Council's Policy and Services Committee of 9 September 2014 considered the outcomes of public consultation on the Issues and Options paper. It endorsed a draft Vision and guiding principles for the development of Yarrambat township for public consultation. The report concludes:
- '...following consultation on the Issues and Options Paper, there would appear to be support for a limited degree of change in Yarrambat - change that improves social interaction, trails and public transport and public infrastructure. Still positive but more cautious, is support for change which increases housing diversity and local commerce but contingent on protecting the much valued character.'
23. The Policy and Services Committee 14 April 2015, acting under delegation from Council, resolved to continue to develop a township plan for Yarrambat consistent with the adopted vision and guiding principles.

**Issues/options**

24. As scoped in 2013, the Yarrambat Township Plan was to be undertaken in three stages:
- Initial research and community consultation to determine the extent of support within the community and perceived need for a township. This stage was completed with Council's resolution to adopt a vision for a future township and proceed with the preparation of a planning scheme amendment.

12. Officers' reports

**OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan**

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- The second stage was to establish a community advisory group to develop an outline development plan and the preferred location of a 'township boundary'. This stage included the development of a planning scheme amendment (C109) to create a 'township boundary' using the UGB and applying a Development Plan Overlay (DPO) which requires the preparation of a detailed township plan (development plan) at a later date prior to any subdivision or development occurring.
  - Had the Minister for Planning supported this approach, the amendment would have been exhibited, submissions considered and an independent Planning Panel convened. Assuming a positive outcome, Council would then adopt the amendment, refer it to the Minister for Planning for approval and the subsequent passage of legislation through Parliament.
  - The third stage would have been the preparation of detailed township plan in partnership with the local community, including preparing a detailed infrastructure servicing plan. Once prepared, Council would then undertake a second amendment to the planning scheme to apply a range of zones and a Development Contributions Plan to assist in funding the provision of future infrastructure.
25. The authorisation conditions received from the Minister for Planning – particularly 'Removal of the proposed Urban Growth Boundary' mean that it is not possible to undertake the project in the manner outlined above.
26. The Minister's preferred approach is for Council to undertake detailed planning for the township plan upfront and then to submit an amendment for authorisation prior to exhibition. This approach still requires the passage of legislation through both houses of Parliament. It should be noted that the Minister's authorisation letter (Attachment 1) specifically states that his future support for the amendment cannot be guaranteed.
27. Having considered the conditions of the Minister's authorisation for Amendment C109 the following options are presented for Councillors' consideration. The Minister's preferred approach is Option A and the Department of Land, Environment Water and Planning has advised that it will not support Option B.

**Option A**

28. Option A is to prepare a detailed draft township plan with implementation plan, re-zoning component and budget incorporating the Minister's conditions. It would comprise the following elements:
- Vision for Yarrambat
  - Where growth and/or change will occur
  - The settlement boundary
  - Preferred locations for future development e.g. housing, commercial
  - Opportunities for future housing types and where increased density is envisaged

12. Officers' reports

OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan

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- Locations for public spaces
- How the quality and design of the public environment will be improved
- A detailed implementation plan comprising non statutory and statutory work required i.e. amendments to the planning scheme for e.g. changes to zoning and a policy statement in the Municipal Strategic Statement, the framework for a future Development Contributions Plan.
- Detailed service planning for reticulated services.
- A budget for the implementation plan.
- Completion of the part of the implementation plan relating to strategic work required for re-zoning recommendations (this is a condition of the Minister's Authorisation for Amendment C109)

29. The advantages of Option A are as follows:

- It completes the Yarrambat township project in the sense that it produces a detailed draft township plan, implementation plan and allows the community to see what is needed to fulfil the objectives of the project and realise the vision for Yarrambat.
- It uses the community input to the project to date and produces a comprehensive document which they can see and respond to. Consultation would take place for the detailed plan and necessary amendments as they are implemented.

30. The disadvantages of Option A are as follows:

- The completion of the project would represent a substantial resource commitment by Council without certainty that the Minister for Planning would approve exhibition of the required planning scheme amendments to enable the township plan as drafted to be realised.
- Raises community expectation about the delivery of infrastructure associated with the township plan, again without any certainty that it will be supported by the Minister for Planning and Parliament.

**Option B**

31. Option B is a variation of the original proposed project plan and Option A above. It would involve Council undertaking some of the detailed planning up-front, prior to commencing a planning scheme amendment to add a policy to the Nillumbik Municipal Strategic Statement (MSS) to give a strategic vision for Yarrambat and introduce a Development Plan Overlay (DPO) to the Planning Scheme. The DPO would define a settlement boundary (through a map) for the township, which would be a more ambiguous provision than the use of the UGB.

32. The policy in the MSS would include an outline development plan of the township with the elements listed below:

- Location of the settlement boundary.

12. Officers' reports

**OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan**

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- Key pedestrian linkages to promote walkability.
- New north south roads for local traffic.
- A pattern of residential allotments to: provide variation in lot sizes to promote housing diversity; place larger lot sizes abutting the perimeter of the township with the aim of providing a quality transition between the township and surrounding rural land; orientate residential allotments to the proposed internal road network and public spaces such as the Yarrambat War Memorial Park.
- Council would still need to undertake detailed service planning for reticulated services, which would attract costs of \$15,000 to \$25,000.
- A modest retail/commercial core orientated to Ironbark Road.
- Use of a landscape corridor along Yan Yean Road to better separate the township from Yan Yean Road and protect its amenity from the volume of traffic which uses the road.
- Improved public amenities including a playground.

33. The advantages of Option B are as follows:

- An Outline Development Plan for the township and a version of the DDO have already been drafted, and would require no additional budget. Drafting of the MSS policy would need to be done and can be incorporated into the planning scheme as part of the LPPF Review. The amendment to include the DDO in the planning scheme can be prepared by strategic planning as part of its work program.
- If the State Government does not approve the amendment Council will have committed minimal budget.
- If the State Government does approve the amendment then the detailed township plan and implementation plan can be prepared with more confidence.

34. The disadvantages of Option B are as follows:

- DELWP has advised that it will not support option B. Consequently it is not recommended that Council pursue this option.
- The community may find it difficult to understand the role of a concept plan and to appreciate that future detailed work would still need to be done before it is finalised, as there is a tendency to view concepts plans as 'final' and that they should contain all the detail and certainty of a full township plan.
- Consultation will be required for this option and then additional work will need to be done to prepare the detailed township plan and implementation plan with allied consultation. Therefore there will be two rounds of consultation and the time taken will be longer.

35. A budget estimate for completing Option B is in the order of \$40,000, subject to a more detailed budget.

**12. Officers' reports**

**OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan**

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**Option C**

36. Option C is to remove the elements of the project which relate to creating a local shopping centre and expansion of housing (both of which require re-zoning and an amendment). Instead the re-scoped project would concentrate on improving civic infrastructure to create places for people to meet, and generally improving the functionality and appearance of the township.
37. This would require the preparation of a draft township plan focused on public realm improvements, design controls and draft design guidelines plus an implementation plan for consultation. It would need a policy in the Municipal Strategic Statement to emphasise the rural character of Yarrambat but does not require re-zoning.
38. The advantages of Option C are as follows:
- There is unlikely to be a need to prepare a planning scheme amendment and, therefore, no need to seek ministerial approval for changes, or to set a township boundary (though use of a UGB or other tool).
  - Emphasis on retaining the rural character of Yarrambat which is the single most important element coming out of the community consultation
  - No need to re-zone areas of the township and, therefore, uses people say they do not want to see e.g. supermarket, remain prohibited. On the other hand, uses they would like to see remain prohibited.
39. The disadvantages of Option C are as follows:
- This option would mean there can be little to no expansion of commercial uses in the township. Because the zoning remains the same it prohibits local convenience-type shops which consultation indicated people might like to see including bakers, delicatessen, fruit, pharmacy. It also prohibits the type of shops people said they did not want to see such as a supermarket.
  - There is no ability to provide a diversity of housing for smaller families and people to downsize from larger rural blocks in the area because there is no ability to decrease the size of the lots in the township without re-zoning. This has an impact on an ageing population, empty nesters, young adults and on affordability

**Conclusion**

40. The Yarrambat Township Plan (the project) was started in 2014 as an action from the adopted Green Wedge Management Plan, 2010 and aims to provide strategic direction regarding the size, character and role of this area.
41. Following consultation Council resolved at its Ordinary Meeting of 14 April 2014 to formalise Yarrambat as a small rural township that services the needs of the local community.
42. To progress the development of the township plan Council requested permission in June 2016 from the Minister for Planning to commence an Amendment (C109) to the Nillumbik Planning Scheme.

12. Officers' reports

**OCM.047/17 Yarrambat Township Plan: Proposed options for progressing the township plan**

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43. In December 2016 Council received authorisation for C109 from the Minister for Planning including six conditions which must be addressed before re-submitting the amendment. The conditions necessitate a change of direction from the original approach to the planning scheme amendment.
44. The Minister for Planning favours the development of a detailed township plan (Option A) prior to Council proceeding with Amendment C109. Despite this there are no guarantees that the amendment will be supported by the Minister for Planning at the end of the process.
45. Given the community desire to a limited amount of change to facilitate the creation of small rural township township, and the strategic merit in having a more formal and considered policy framework to enable and guide the growth of Yarrambat, it is recommended that Council continue to pursue the Yarrambat Township Project.
46. Accordingly, it is recommended that Council note the conditions imposed by the Minister for Planning in his authorisation letter of December 2016, and resolve to modify the Yarrambat Township Project to accord with Option A in this report. This will require detailed township planning to be undertaken ahead of an amendment to rezone the area to enable the creation of a township.

**12. Officers' reports****OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare**

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**Distribution: Public****Manager: Chad Griffiths, Manager Strategic and Economic Planning****Author: Darko Popovski, Coordinator Tourism and Business****Summary**

The purpose of this report is for Council to consider giving notice of its intention to declare a Special Rate Scheme for the Diamond Creek Shopping Precinct under Section 163 of the *Local Government Act* 1989. The Special Rate Scheme will assist improving the trading climate of Diamond Creek through the implementation of a series of business improvement and promotional activities.

The current Special Rate Scheme expires on 30 June 2017. In a letter dated 12 April 2017, the Diamond Creek Traders Association (Association) has formally requested the renewal of the Special Rate Scheme for the purposes of funding a precinct marketing coordinator, promotional, advertising, marketing, business development and other incidental expenses associated with maintaining and developing commerce and trade in Diamond Creek.

The proposed Special Rate would be a proportional rate levied upon rateable properties within the Special Rate Scheme area over a five year period. This would raise an amount of \$140,000 in the first year of the scheme, with 1.5 per cent annual increase thereafter; raising in total an amount of \$721,318 over the five year period of the scheme. The rate and the scope of the levy are based on a preliminary consultation process undertaken by the Diamond Creek Traders Association that commenced in February 2017.

This report recommends that Council commence the statutory process to declare a Special Rate for marketing, advertising and promotion of Diamond Creek Shopping Precinct by issuing a Notice of Intention to Declare a Special Rate. Any submissions from affected property owners and traders can then be considered at the Council's Future Nillumbik Committee meeting to be held on 13 June 2017.

**Recommendation****That Council:**

- 1. Notes the letter received from the Diamond Creek Traders Association requesting the renewal of a Special Rate (Attachment 1), and the Diamond Creek Traders Association's draft Business Plan (Attachment 2).**
- 2. Having otherwise considered all relevant matters, commence the statutory process under the *Local Government Act* 1989 (the Act) to proceed with the renewal of the Special Rate to and for the properties within the defined area in Attachments 3, 4 and 5 (such Special Rate to raise an amount of \$140,000 in the first year with 1.5 per cent annual increase thereafter, raising in total an amount of \$721,318 over a period of five years, commencing on 1 July 2017 and ending on 30 June 2022).**



12. Officers' reports

OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare

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3. Pursuant to Sections 163(1A) and 163B(3) of the Act, directs that public notice be given in the Diamond Valley Leader and other Council media channels of Council's intention to declare a Special Rate for Diamond Creek at the June 2017 Ordinary Meeting of Council in accordance with the public notice and proposed declaration of Special Rate in the form of Attachments 6 and 9 of this report (such Special Rate to be for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Diamond Creek Traders Association and which funds, administratively only and subject always to the approval, direction and control of Council, are to be used for the purposes of the appointment of a precinct marketing coordinator, promotional, advertising marketing, business development and other incidental expenses as approved by and agreed to from time to time between Council and the Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment opportunities in the Diamond Creek Shopping Precinct).
4. Directs that in accordance with Section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners and occupiers of the properties referred to and set out in the schedule of properties forming a part of the proposed declaration of Special Rate for Diamond Creek (Attachments 3, 4 and 5). These letters will:
  - a) advise of Council's intention to declare the Special Rate at Council's June 2017 Ordinary Meeting; and
  - b) include the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate) will be liable, the basis of the calculation and distribution of the Special Rate and notifying such persons that submissions and/or objections in writing in relation to the proposed declaration of Special Rate will be considered and/ or taken into account by Council in accordance with Sections 163A, 163B and 223 of the Act.
5. Appoints and/ or authorises Council's Future Nillumbik Committee that is established by Council under Section 223(1)(b)(i) of the Act, to hear any persons who in their written submissions under Section 223 of the Act have requested that they be heard in support of their submissions, and authorises the Chief Executive Officer or his delegate to carry out any and all administrative procedures necessary to enable Council to carry out its functions under Section 163A, Section 163(1A), (1B) and (1C) and Sections 163B and 223 of the Act.

**Attachments**

1. Diamond Creek Special Rate Scheme - Diamond Creek Traders Association Letter Renewal 12 April 2017
2. Diamond Creek Traders Association Draft Business Plan 2017

**12. Officers' reports**

**OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare**

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3. Diamond Creek Special Rate Scheme Property List 2017 PUBLIC
4. Map 1 Chute Street Precinct
5. Map 2 Main Road Precinct
6. Draft Notice of Intention to Declare a Special Rate Scheme for Diamond Creek
7. Council Letter
8. Draft Agreement
9. Draft Declaration

**Background**

1. The current Diamond Creek Special Rate Scheme commenced on 1 July 2012 for a period of five years and is due to expire on 30 June 2017. The scheme has been successful in funding a range of promotional and business development activities over the past five years, including advertising campaigns, business directory, public art, newsletters, online media, investment attraction program and a range of promotional campaigns and events including support for local community events.
2. The Diamond Creek Traders Association (DCTA) has now formally requested Council to renew the Special Rate Scheme for a further five years, commencing 1 July 2017 Attachment 1.
3. The proposal involves a proportional rate levied on properties included in the Special Rate Scheme area. This would raise an amount of \$140,000 in the first year with 1.5 per cent annual increase thereafter, for a period of five years, commencing on 1 July 2017 and ending on 30 June 2022. It will enable the implementation of an ongoing program of marketing, major events, business development, business communication, networking, advocacy, coordination and management. In particular, it will fund the ongoing engagement of a marketing coordinator Attachment 2.

**Policy context**

4. This report directly supports the achievement of Council Plan 2013-2017 strategy:
  - We will encourage business investment that enhances and benefits our activity centres and townships.

**Budget implications**

5. There will be no impact on Council's budget. The funds collected through the Special Rate Scheme are levied by Council and then used to reimburse the DCTA for its expenditure on advertising, promotion, management and business development expenses for the Diamond Creek Shopping Precinct.
6. Council does not retain any of the Special Rate funds. Council covers the administration and management costs associated with the program from its existing operating budget.

**12. Officers' reports**

**OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare**

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**Consultation/communication**

7. The proposal has been discussed with the Association's Committee of Management which has determined that the existing scheme should continue over the next five years, maintaining the current level of commitment with 1.5 per cent annual increases.
8. Traders who contribute to the scheme are provided with ongoing opportunities to participate in decision-making on how the Special Rate funds are spent on marketing and promotional activities, through the sub-committees of the Association and through surveys regarding their priorities and preferences for marketing activities.
9. Initial consultation undertaken by the Association with local businesses has included an article about the Special Rate Scheme proposal published in the Association's newsletter and distributed to all traders, as well as an email sent to each business included in the Special Rate Scheme seeking formal endorsement.
10. The Marketing Coordinator and the Association President together with other committee members visited many businesses in February and March 2017 to gauge the level of support and answer queries regarding the proposal. The DCTA Committee advised that the initial feedback from this consultation was positive.

**Boundaries of the proposed Special Rate Scheme**

11. The Diamond Creek Special Rate Scheme will apply to businesses trading from properties located in the core retail and business precinct including all properties covered by the 2012-2017 Special Rate Scheme which starts from Main Road (Ashton Manor), Main Street, Chute Street, George Street, Elizabeth Street, Station Street, both sides of Main Hurstbridge Road until corner of Wensley Street. It also includes businesses that operate in Collins Street and businesses that occupy premises on the right-hand side of Main Hurstbridge Road, heading north until the intersection of Main Hurstbridge Road and Phipps Crescent. The proposed boundary covers all rateable land used or zoned for commercial, industrial, retail and professional purposes located within the Diamond Creek Shopping Precinct Attachments 4 and 5.
12. It is expected that properties within the Special Rate scheme area will be added to or subtracted from the scheme as further redevelopments or other changes occur over the next five years. New properties within the Special Rate Scheme area will be added if they change to retail, industrial, commercial or professional uses. Properties will be excluded if they change to residential use.
13. With regard to the special benefit, it is considered that all the properties used for retail, industrial, commercial and professional purposes in the proposed scheme will receive special benefit through increased economic activity within the precinct. There are no retail or commercial properties which should be excluded.

**12. Officers' reports**

**OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare**

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**Basis of calculation**

14. The Special Rate will be assessed on the basis of ownership of rateable land used or zoned for industrial, retail, commercial, or professional purposes located in the scheme area.
15. The Special Rate is calculated by reference to the Capital Improved Value (CIV) of each property, in a similar manner to the calculation of the general rate, currently based on 2016 valuations. The list of properties and the estimated amount payable for each property is included as Attachment 3.

**Objectives of proposed Special Rate Scheme**

16. The Association marketing objectives stated in the Draft Business Plan for the Special Rates Scheme 2017-2022 are:
  - a) Present united voice to Local and State Government and lobby for infrastructure and transport improvements.
  - b) Further develop the internal lines of communication between businesses in the Shopping Precinct.
  - c) Improved integration of all marketing communication activities to achieve greater synergies.
  - d) Develop all advertising and promotional activities with the specific aim of generating foot traffic and encouraging expenditure in the Shopping Precinct.
  - e) Through creative advertising, develop a brand value that captures the uniqueness of Diamond Creek and positions the retail Shopping Precinct for boutique shopping, including food and wine for customers in the surrounding markets.
  - f) Through integrated marketing communications, position the Diamond Creek brand so as to differentiate the retail experience.
  - g) Create a series of interactive events that are consistent with the brand value that attract families during the week.
  - h) Through the use of outdoor marketing, develop a visual link between the different retail and business services areas to create the perception of a fluid rather than fractured Shopping Precinct.
  - i) Work collaboratively with Council's Economic Development and Tourism team, Eltham Chamber of Commerce and Industry and Hurstbridge Traders Association as well as the Nillumbik Tourism Association, to implement The Artisan Hills marketing plan that positions Nillumbik as a visitor destination.

**12. Officers' reports**

**OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare**

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17. Some of the DCTA recent activities and achievements include:
  - a) Further enhancement of the Diamond Creek brand.
  - b) The development of Investment Attraction and Welcome Kit.
  - c) Ongoing development of the Diamond Creek website [www.diamondcreekshopping.com.au](http://www.diamondcreekshopping.com.au) and social media channels.
  - d) Continuation of integrated marketing campaigns, events and competitions.
18. Council provides the proceeds of the Special Rate Scheme to the DCTA. The current scheme is used for advertising, promotion, Shopping Precinct management, business development, and other incidental expenses. The ongoing management of the scheme is governed by the Administrative Payment Agreement between Council and the Association.
19. A coordinated and collective approach is aimed at maintaining and improving the Diamond Creek Shopping Precinct performance over time. This includes increasing patronage and expenditure, business attraction and investment. The Association also provides an effective communication, engagement and advocacy role for individual businesses in the Shopping Precinct and for the precinct as a whole.
20. This is considered to be of benefit both directly and indirectly to all businesses and property owners located within the designated area and the wider community. It is considered that the value of properties included in the scheme, their desirability as a letting proposition, and their general image will be enhanced.

**Rationale**

21. Council can declare a Special Rate Scheme under section 163 of the *Local Government Act 1989* (Act). In declaring a Special Rate Scheme, Council must consider:
  - a) That the proposal relates to the performance of a function authorised by the Act.
  - b) That there will be a special benefit to the persons liable to pay the Special Rate.
  - c) That there is a proportional distribution of the rate amongst those persons liable to pay the Special Rate.
  - d) The total cost of the Special Rate Scheme including the annual amount, which the Association has budgeted to spend on various marketing and other activities.
22. Special Rate schemes for marketing, management and business development are an important strategy for the activity centres such as Diamond Creek to revitalise and maintain ongoing viability. Council has worked closely with the Association on improving the Diamond Creek Shopping Precinct in recent years. Council officers have worked with consecutive Association Committees of Management and sub-committees to develop annual business and marketing plans.

12. Officers' reports

OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare

**Finance and resource implications**

23. Administrative costs will be incurred in the renewal of the Special Rate Scheme. If the Special Rate Scheme is renewed, it is intended that Council will provide the Special Rate proceeds to the DCTA for expenditure on the marketing, management and business development of the Diamond Creek Shopping Precinct. A further formal Administrative Payment Agreement will be entered into between Council and the Chamber confirming that:
- a) The role of DCTA in expending the monies raised by the Special Rate Scheme on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council.
  - b) Council reserves to itself all discretions to the application of the proceeds of the Special Rate Scheme.
  - c) Council will not forward any proceeds of the Special Rate Scheme to the Association until such an agreement is entered into.
24. The Association will continue to be required to prepare a Business and Marketing Plan and an Annual Budget for the Diamond Creek Shopping Precinct outlining how the Special Rate proceeds will be spent. A copy of the plan, calendar of annual activities and budget must be provided to Council for approval.
25. Following approval of the Business and Marketing Plan, Annual Budget and compliance with other conditions specified in the Administrative Payment Agreement, Council will provide the Association with the Special Rate proceeds in two instalments. A key aspect of this agreement is that the DCTA continues to be an incorporated entity and acts in accordance with the *Associations Incorporation Act 1981* and *Amendments to the Act 2014*.

**Legal and risk implications**

26. The trader associations are required to enter into a formal Administrative Payment Agreement (driven by a Business Plan) with Council on the expenditure of Special Rate Scheme proceeds. This subsequently negates many of the risks that might arise through the possible irresponsible expenditure of Special Rate.
- a) If the Association were to expend the Special Rate funds irresponsibly and not in accordance with their Marketing Plan, this may present a perceived risk for Council.
  - b) As identified above Council officers do not forward any proceeds of the Special Rate Scheme to the Association until such an agreement is entered into.
  - c) Upon receipt of financial reporting documentation bi-annually (Profit and Loss, Balance Sheet and Marketing Activity Report) the Special Rate Scheme funds would be paid to the DCTA in two instalments.

12. Officers' reports

**OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare**

- d) The role of the Association in expending the monies raised by the Special Rate Scheme on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council. Council reserves to itself all discretions to the application of the proceeds of the Special Rate Scheme. Section 154 of the *Local Government Act* 1989 enables Council to discontinue the Special Rate Scheme in this circumstance.
- e) It should be noted a risk or consideration of Council not adopting the Special Rate Scheme for the Diamond Creek Shopping Precinct, is the expectation that complimentary marketing and promotional activities are required within a commercial precinct. It may be suggested under this scenario that Council will be required to fund such activities through its economic development function. Marketing and promotions of Diamond Creek Shopping Precinct is not currently funded through Council's existing budget.
- f) It is considered that localised trader associations which represent the interests of its members are best positioned to identify the commercial needs, and interests of its select trader groups, and best direct marketing charges to achieve their collective interest.

**Outline of planned activities and budget**

- 27. It is proposed that the Association prepares an Annual Budget as part of its business planning process, outlining how the Special Rate proceeds will be spent. The Draft Business Plan for the Special Rates Scheme 2017-2022 includes the following budget allocations (estimated):
  - a) Marketing and Events (\$50,000)
  - b) Marketing Coordinator (\$40,000)
  - c) Building Social Capital – Public Art (\$20,000)
  - d) Advocacy for Improved Transport and Infrastructure (\$ 20,000)
  - e) Administration/ Committee/ Contingency (\$10,000)
- 28. The DCTA has ongoing sponsorship arrangements and will continue to seek additional sources of funding in addition to the Special Rate.

**Next steps**

- 29. At this meeting, Council resolves to give notice of intention to declare a Special Rate Scheme for Diamond Creek Shopping Precinct.
- 30. Public Notice of Council's intention to declare the Special Rate Scheme is to be formally advertised in the next available edition of the Diamond Valley Leader, being Wednesday 3 May 2017. Additional publicity will be achieved through the use of Council online media channels.
- 31. Individual letters with a copy of the public notice are to be sent within five (5) working days of the Public Notice to all property owners and property occupiers who will be made liable for the Special Rate.

**12. Officers' reports**

**OCM.048/17 Special Rate Renewal for Diamond Creek - Notice of Intention to Declare**

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32. A person affected by the Special Rate Scheme may make a written submission (which may include in it a request to be heard at the Future Nillumbik Committee meeting) to the Council within 28 days of the publication of this notice. This will be considered in accordance with Section 223 of the *Local Government Act 1989*.
33. It is proposed that Council hears and considers submissions at its Future Nillumbik Committee meeting (under delegation from Council) to be held on 13 June 2017, following which, Council would resolve to declare, modify or abandon the scheme at its next Ordinary meeting to be held on 27 June 2017.
34. If the Special Rate Scheme is renewed, notice of the Special Rate Scheme will be sent to affected businesses and property owners after this date. Property owners and businesses have 30 days to appeal to the Victorian Civil and Administrative Tribunal (VCAT) from the date of this notice.
35. If there are no valid appeals or any appeals are dismissed by VCAT, Council will commence collection of the Special Rate in 2017-2018 financial year.

**Conclusion**

36. The DCTA has requested Council renew the Special Rate Scheme for the Diamond Creek Shopping Precinct. Given the positive results from consultation conducted by the DCTA, it is recommended that Council commence the statutory process and proceed with public notification. This enables Council to further gauge the opinions of property owners and occupiers affected by the proposal. Council can then decide whether to declare, modify or abandon the Special Rate Scheme following the hearing and consideration of submissions received.
37. The Special Rate Scheme will enable the Association's Committee of Management and its sub-committees to take greater ownership and contribute positively and in partnership with Council to the future business development of the Diamond Creek Shopping Precinct.



12. Officers' reports

OCM.049/17 Pioneer Road Special Charge Scheme Reconciliation

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**Distribution:** Public

**Manager:** Conal Creedon, General Manager Infrastructure Services

**Author:** Patrick Wood, Coordinator Design

**Summary**

The special charge scheme outlined in this report has been completed and the final costs have been calculated. At this stage, property owners have been invoiced for the estimated cost, which was the estimated amount at the time of declaration by Council. Property owners who elected to pay the full cost of the scheme up-front would have paid the total estimated cost and for those who chose to pay by instalments, the instalments that have been invoiced to date were calculated on the estimated amount.

Council may now vary these schemes under section 166 of the *Local Government Act 1989*, so that property owners pay the actual cost. The amount of the refund or additional charge to each property will be proportionate with the original contribution.

In the case of the Pioneer Road Special Charge Scheme, property owners will receive an average refund of \$2,882. The affected properties are shown in Attachment 1.

**Recommendation**

**That Council:**

1. **Varies the Pioneer Road Special Charge Scheme under section 166 of the *Local Government Act 1989*, in line with the revised liabilities set out in Attachment 2.**
2. **Advises property owners of the applicable variation and provide a refund for the required amount.**

**Attachments**

1. Special Charge Scheme area
2. Declaration cost and actual cost
3. Refunds payable to property owners

**Background**

1. Following the receipt of a petition from property owners to seal Pioneer Road, Yarrambat (between Ironbark road and Seymour Drive), it was determined that the overall level of support for sealing the road was 60 per cent, representing nine out of 15 properties.
2. At its meeting on 29 July 2014 Council resolved to proceed with consultation for the Pioneer Road Special Charge Scheme (Item OCM.085/14).
3. At its meeting on 26 May 2015, Council resolved to give notice of its intention to declare the Pioneer Road Special Charge Scheme (Item OCM.048/15), in accordance with Part 8 of the *Local Government Act 1989*.

**12. Officers' reports**

**OCM.049/17 Pioneer Road Special Charge Scheme Reconciliation**

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4. At its meeting on 28 July 2016, Council formally declared the Pioneer Road Special Charge Scheme (Item OCM.098/15).

**Policy context**

5. This report directly supports the achievement of Council Plan 2013-2017 strategy:
- We will provide a safe and accessible network of local roads, footpaths and trails.

**Budget implications**

6. The scheme outlined in this report has been completed and in accordance with previous Council resolutions, property owners have been invoiced for the estimated cost. As the actual costs were less than the estimated cost (refer to Attachment 2), Council is holding money that needs to be refunded to property owners.

**Consultation/communication**

7. Consultation with property owners was undertaken during the development of the scheme. During this consultation, property owners were advised that they would ultimately pay their share of the actual cost, rather than the estimated cost which was used in the declaration of the scheme. They were advised that reconciliation would be undertaken when the final cost was known, which may involve either a refund or an additional invoice.

**Issues/options**

8. When a Special Charge Scheme is declared the liability of each property is calculated based on the estimated cost of the scheme. When construction commences for a scheme, property owners are sent an invoice for the amount that was apportioned to their property at the time of declaration. This is the amount that Council had resolved to charge property owners and cannot be changed without a further Council resolution.
9. Under section 165 of the *Local Government Act 1989* (the Act), Council must not receive excess money for a special charge scheme. If a scheme is completed for less than the estimated cost, Council must refund the balance proportionate to the original contributions received by Council. The refund would be made to the current owners of the relevant land.
10. Furthermore, under section 166 of the Act, Council may resolve to vary the scheme in relation to the amount to be paid, the persons on whom it is levied and the land to which it applies. Therefore, Council may resolve to vary a scheme under this section in order to adjust the amount of the charge to match the actual cost. This can mean a refund or an additional charge, which in either case would be proportionate to the original contributions. This refund or additional charge is receivable or payable by the current land owner.
11. The affected properties are shown in Attachment 1.
12. The table in Attachment 2 shows when the scheme reached the stage of practical completion.

**12. Officers' reports**

**OCM.049/17 Pioneer Road Special Charge Scheme Reconciliation**

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13. The table also shows the estimated amount for the scheme at the time of declaration and the actual cost of the scheme that is attributable to property owners, as well as the cost difference and percentage difference.
14. The costs for the Pioneer Road Special Charge Scheme are 11.66 per cent below the declared costs for this scheme and residents will receive a refund as shown in Attachment 3.

**Conclusion**

15. The final costs have been established for the Pioneer Road Special Charge Scheme and Council is now in a position to vary the apportionment so that each property's liability is amended to reflect its share of the final cost.
16. The revised apportionment spreadsheet for the scheme is shown in Attachment 2, a plan showing the properties affected by the scheme is shown in Attachment 1.

12. Officers' reports

OCM.050/17 Mayoral and Councillor Allowances

**Distribution:** Public

**Manager:** Andrew Port, General Manager Corporate Services

**Author:** Andrew Port, General Manager Corporate Services

**Summary**

This report considers the review of Mayoral and Councillor allowances paid in accordance with the *Local Government Act 1989*.

The Act requires each Council to review and determine the level of allowances for its four year term, following each general election. The review must be completed by 30 June 2017.

It is recommended that the allowances for Nillumbik be maintained at the existing levels.

While the Council officially sets the level of allowances under the Act, an individual Mayor or Councillor can elect not to receive their full allowance. This is a personal decision for the individual Mayor or Councillor.

**Recommendation**

**That Council:**

1. **Having reviewed the Mayoral and Councillor allowances, determine to fix the allowances at the existing levels for the four-year term of Council as follows:**
  - a) **Mayoral allowance           \$76,521**
  - b) **Councillor allowance       \$24,730**
2. **Give public notice of the determination of allowances in accordance with sections 74 and 223 of the *Local Government Act 1989*, inviting written submissions within 28 days, and consider any written submissions at the Future Nillumbik Committee meeting at 7pm on 13 June 2017.**

**Attachments**

Nil

**Background**

1. The *Local Government Act 1989* provides for the Mayor and Councillors to be paid allowances. The Act also requires each Council to review and determine the level of allowances by 30 June after each general election. Public notice of the determination must be given, and Council must consider any written submissions that are received within 28 days. After considering any submissions, Council must then finalise the allowances.

**Policy context**

2. This report directly supports the achievement of Council Plan 2013-2017 strategy:
  - We will provide strong and innovative leadership on issues of strategic importance to enable us to achieve our goals for the Nillumbik community.

12. Officers' reports

OCM.050/17 Mayoral and Councillor Allowances

**Budget implications**

3. The cost of Mayoral and Councillor allowances is funded from the operating budget. There is also a minor cost of advertising the public notice of the review.

**Consultation/communication**

4. It is recommended that Council give public notice of the review and determination of allowances. The Act provides for any person to make a written submission within 28 days of the public notice. Any submitter also has the opportunity to address Council (or its Committee) on the matter.
5. It is proposed that public notices be published in *The Age* and the *Diamond Valley Leader* newspapers, and also on Council's website.

**Issues/options**

6. Allowances paid to the Mayor and Councillors are established under the *Local Government Act 1989*. The Victorian Government sets the upper and lower limits for allowances. There are three categories of councils (small, medium and large) and the categories are based on population and revenue. Nillumbik is included in Category 2 (medium-sized councils).
7. Each Council has discretion to determine its position within the relevant limits for its category. Once determined by the Council following each annual election, the level of allowances within the band is fixed for the balance of that Council's four year term.
8. As a separate exercise, the Minister for Local Government also conducts an annual adjustment of allowances to allow for inflation. The most recent adjustment was in December 2016, when the Minister increased allowances by 2.5 per cent.
9. For Category 2 councils (including Nillumbik) the relevant limits for annual allowances are currently as follows:

	Lower limit	Upper limit
Councillors	\$10,284	\$24,730
Mayor	N/a	\$76,521

10. While the Council officially sets the level of allowances under the Act, an individual Mayor or Councillor can elect not to receive their full allowance. This is a personal decision for the individual Mayor or Councillor, and does not require a Council resolution.
11. In addition to the allowance, the Mayor and Councillors are also entitled to receive an amount equivalent to the Superannuation Guarantee (currently 9.5 per cent). It is a matter for individual Councillors whether their allowance (plus the 9.5 per cent superannuation equivalent) is taken as cash, or paid as superannuation, or a combination of both.
12. Nillumbik allowances have historically been set at the upper limit, and are currently set at that level. This reflects the substantial commitment and workload of Councillors.

**12. Officers' reports**

**OCM.050/17 Mayoral and Councillor Allowances**

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13. Until Council completes the post-election review, the level of allowances remains at the current level. Once Council has completed the review, the only further changes will be via the Minister's annual adjustment process.

**Conclusion**

14. It is recommended that Council, having reviewed the allowances, determine to maintain the allowances at the existing levels.
15. It is further recommended that Council give public notice inviting written submissions regarding this matter.

12. Officers' reports

OCM.051/17 March Quarter Financial Report

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**Distribution:** Public

**Manager:** Andrew Port, General Manager Corporate Services

**Author:** Vince Lombardi, Manager Finance

Robert Malignaggi, Management Accountant

**Summary**

This report outlines Council's financial performance and financial position for the period ending 31 March 2017.

The Income Statement shows an overall favourable Year to Date (YTD) variance of \$1,350,066 representing 6.17 per cent of YTD Budget. This reflects the combined result of higher-than-budgeted operating income of \$1,254,910 along with lower-than-budgeted operating expenses of \$95,156.

Council's overall financial position at the end of this quarter is sound, and continues to be actively monitored to ensure achievement of mid-year financial review budget targets.

**Recommendation**

**That Council receives and notes the Financial Report for the period ended 31 March 2017.**

**Attachments**

1. Quarterly Finance Report

**Background**

1. In June 2016, Council adopted the 2016-2017 Budget, which projected an operating budget surplus of \$10,606,000. In December 2016, Council adopted the Mid-Year Financial Review, which proposed a revised forecasted operating surplus of \$13,119,931 (Ordinary Council Meeting of 20 December 2016 report number OCM 182/16)
2. This budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works investment, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year. It should be read in conjunction with the Quarterly Performance Report which is also being considered at this Council meeting.

**Policy context**

5. This report directly supports the achievement of Council Plan 2013-2017 strategy:
  - We will undertake long-term financial planning to ensure our budget decisions are responsible and sustainable.

**12. Officers' reports**

**OCM.051/17 March Quarter Financial Report**

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**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. The Budget was subject to public exhibition prior to its final adoption by Council.

**Issues/options**

8. The detailed Financial Report for the period ended 31 March 2017 is provided at Attachment 1. This report is an analysis of Council's financial performance and financial position as of 31 March 2017. The report also includes an analysis of budget variances.

**Income statement**

9. Council closed the period ending 31 March 2017 with a favourable year to date (YTD) variance of \$1,350,066 based on actual operating revenue, costs and commitments. This represents 6.17 per cent of the YTD Budget.
10. The overall variance is made up of the following:
- Income – \$1,254,910 (1.56 per cent) favourable variance. This includes new/additional grant funding of \$374,762, developer contributions of \$268,114 and interest income of \$206,355, with the balance comprising of a number of minor variances across the organisation (refer to page 6 and 7 in Attachment 1).
  - Expenditure – \$95,156 (0.19 per cent) favourable, mainly attributed to year-to-date savings across the organisation on salary costs of \$607,091 and higher than anticipated year-to-date external contract costs (\$435,379).
  - Additional details on variances are located on pages 8 and 9 in Attachment 1.
11. Council's overall financial operating performance as at 31 March 2017 continues to track in line with budgeted expectations with the exception of a number of YTD variances as outlined in the attached report. It should be noted that the extra income from grants and developer contributions is tied to specific purposes.

**Balance sheet**

12. The Balance Sheet reflects Council's financial position at 31 March 2017, and is prepared in compliance with the Australian Accounting Standards.
13. Council's Balance sheet (page 4, Attachment 1) continues to show a strong net position. This is represented by \$822.5 million of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$39.1 million which results in net assets of \$783.4 million.



**12. Officers' reports**

**OCM.051/17 March Quarter Financial Report**

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**Statement of cash flows**

14. The statement of cash flows captures Council's actual cash transactions for the period.
15. Council is showing a cash position of \$43.5 million after all cash transactions for the period to date.
16. The \$43.5 million includes \$40.6 million held in investments as detailed on page 13 of Attachment 1.

**Capital works**

17. The year-to-date expenditure relating to capital works is reported on pages 10 and 17 of the report in Attachment 1.
18. This shows an unfavourable variance of \$2.4 million relative to YTD budget. This is largely attributable to timing matters for the Eltham Leisure Centre re-development, which is showing a \$2.2 million unfavourable variance.
19. This is due to the fact that construction of this project is being funded over three financial years (2015-2016, 2016-2017 and 2017-2018). Council has entered into a contract for the full price of construction, which now shows as a commitment for the total contract price.
20. A specific reconciliation for the Eltham Leisure Centre covering the spend on the project to date (across multiple financial years) is provided on page 11 of Attachment 1.
21. The balance of the variance for Capital Works is detailed on page 10 of Attachment 1.

**Other information**

22. New Initiatives are reported on page 12 of the Attachment 1. Expenditure on New Initiatives currently shows a favourable variance of \$85,611 which is primarily due to timing issues. It is expected that full year expenditure on New Initiatives will be within budget.
23. Investment activities are consistent with Council's Adopted Investment Policy and in accordance with section 143 of the *Victorian Local Government Act 1989*. A summary of investments and loans is provided on page 13 of Attachment 1.
24. A summary of significant grant funding received (grants over \$50,000) for the period 1 July to 31 March 2017 is provided on page 15 of the attached report.

**Conclusion**

25. Council's overall financial position at the end of March 2017 is considered sound and continues to be closely monitored to ensure budgeted outcomes are achieved.

12. Officers' reports

OCM.052/17 Council Plan Quarterly Performance Report March 2017

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**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 2016-2017 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 third update on the progress of the Annual Plan actions for the 2016-2017 financial year.

Of the 58 actions identified in the Annual Plan, at the close of the quarter (31 March 2017) all were on target with a green light status.

**Recommendation**

**That Council receives the Council Plan Quarterly Performance Report for the period ending 31 March 2017.**

**Attachments**

1. Council Plan Quarterly Performance Report March 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. This is the final year of the Council Plan 2013-2017. Following the council elections in October 2016, a new Council Plan is being prepared and will be approved by 30 June 2017, as required by 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.052/17 Council Plan Quarterly Performance Report March 2017**

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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). The final Quarterly Performance Report for 2016-2017 will be considered in July.

**Policy context**

8. The Council Plan 2013-2017 is a key strategic plan for Council. It sets out Council's strategic objectives for the four-year life of the plan and the strategies Council will undertake for achieving those objectives.
9. The Quarterly Performance Report directly supports the achievement of Council Plan 2013-2017 strategies:
  - We will meet our legal responsibilities and manage our risks.
  - We will involve the community in our decision-making through public participation and representation and we will keep them informed through frequent and effective communication.
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.

**Progress during the quarter**

13. The Quarterly Performance Report contains 58 high level actions Council will undertake during the 2016-2017 financial year to deliver the Council Plan strategies.
14. At the close of the third quarter (31 March 2017) all actions were considered on target and had a green light (at least 90 per cent of action target achieved).
15. Some of the progress made on actions during the quarter include:
  - Council endorsed the revised Municipal Emergency Management Plan at its March Ordinary Meeting.(1.1.1.4)

12. Officers' reports

OCM.052/17 Council Plan Quarterly Performance Report March 2017

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- The second of two free green waste drop-off days was held on 5 February to assist residents dispose of surplus green waste during the summer season. (1.1.2.1)
- The community bus program and medical transport program provided 315 trips during the quarter and 1,081 for the year-to-date. (1.1.5.1)
- The Diamond Valley Sports and Fitness Centre Stakeholder Group was appointed in February as part of the masterplan development. (1.1.6.11)
- Diamond Creek Outdoor Pool had 44,904 visits for the quarter. (1.1.6.12)
- Council's non-aquatic facilities recorded 357,185 visits for the quarter. (1.1.6.13)
- Edendale's Education for Sustainability programs were attended by 1,131 participants. (1.1.7.3)
- Enrolments in Living and Learning Nillumbik activities and courses for the quarter were 956 and 2,900 for year-to-date. (1.1.7.4)
- Over 10 per cent of the Nillumbik population were active library users during the quarter and almost 140,000 items borrowed. (1.1.7.6)
- Sixty-eight per cent of kerbside waste collected was diverted from landfill. (2.1.6.2)
- Installation of solar panels at the Civic Centre was substantially completed, significantly reducing Council's use of fossil fuel generated electricity. (2.1.7.5)
- Rehabilitation works commenced on the Diamond Street Bridge and will be completed in April. (3.1.6.4)
- Work continued on the Eltham Leisure Centre aquatic redevelopment with the pool shells poured and works to the building structure started. (3.1.7.20)
- Annual updates on the implementation of structure plans for Eltham and Diamond Creek were presented to Council in February. (4.1.4.3)
- Seventy per cent of planning decisions were determined by Council within the 60 statutory days. (4.1.7.1)
- Seven of the eight planning decisions determined by VCAT during the quarter upheld Council's decision. (4.1.7.2)

**Conclusion**

16. The Council Plan Quarterly Performance Report outlines Council's progress on delivering key strategic activities during the second quarter of 2016-2017. At 31 March 2017, all 58 actions contained in the Annual Plan are on target.
17. The overall position suggests that in the third quarter, Council continued working towards delivering the 2016-2017 actions and significant outcomes for the community.

12. Officers' reports

OCM.053/17 Assemblies of Councillors

**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 28 March 2017.

<b>Recommendation</b>
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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	21 March 2017
	Matters considered	Health and Wellbeing Project Reference Group
	Councillors present	Cr Jane Ashton
	Staff present	Pauline Gordon                      Diana Bell Corrienne Nichols
	Conflict of interest	None declared

2	Date of assembly	22 March 2017
	Matters considered	Living & Learning Nillumbik Committee
	Councillors present	Cr Jane Ashton
	Staff present	Maggie Clarke
	Conflict of interest	None declared

3	Date of assembly	23 March 2017
	Matters considered	Chief Executive Officer Recruitment
	Councillors present	Cr Peter Clarke                      Cr John Dumaresq Cr Karen Egan                      Cr Grant Brooker Cr Bruce Ranken                      Cr Jane Ashton
	Staff present	Suzy Ellingsen
	Conflict of interest	None declared

12. Officers' reports

OCM.053/17 Assemblies of Councillors

4	Date of assembly	27 March 2017	
	Matters considered	Planning application conference for 47 Warringah Crescent, Eltham	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Grant Brooker	Cr John Dumaresq Cr Jane Ashton
	Staff present	Renae Ahern	Tim Oldfield
	Conflict of interest	None declared	
5	Date of assembly	28 March 2017	
	Matters considered	Pre-meeting for Ordinary Council Meeting	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Bruce Ranken Cr Peter Perkins	Cr John Dumaresq Cr Grant Brooker Cr Jane Ashton
	Staff present	Conal Creedon Pauline Gordon Jeremy Livingston Suzy Ellingsen Pat Vaughan Michelle Zemancheff Lance Clark Adrian Cully Naomi Paton Frances Duncan	Justin Murray Allison Watt Joanne Hammond Suzanne Rouvray Jonathan Miller Lisa Pittle John Smyth Mathew Deayton Natalie Champion Ryan Lobo
	Conflict of interest	None declared	
6	Date of assembly	4 April 2017	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> <li>• Eltham Leisure Centre tender</li> <li>• Road Management Plan</li> <li>• Initial draft of the Council Plan</li> <li>• Mayor and Councillor allowances</li> <li>• Procurement Policy and Bank Guarantee Policy</li> <li>• Budget 2017-2018</li> <li>• Councillor/CEO discussion</li> </ul>	
	Councillors present	Cr Peter Clarke Cr Karen Egan Cr Bruce Ranken Cr Peter Perkins	Cr John Dumaresq Cr Grant Brooker Cr Jane Ashton

12. Officers' reports

OCM.053/17 Assemblies of Councillors

	<b>Staff present</b>	<b>Mark Stoermer Andrew Port Conal Creedon Pauline Gordon Jeremy Livingston Frances Duncan Michelle DePasquale Joanne Hammond</b>	<b>Diana Bell Davina Flynn Vivianna Gerbiz Rachel Deans Rachel Holt Vince Lombardi Allison Watt</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

<b>7</b>	<b>Date of assembly</b>	<b>6 April 2017</b>	
	<b>Matters considered</b>	<b>Edendale Councillor Working Group</b>	
	<b>Councillors present</b>	<b>Cr Peter Clarke Cr Grant Brooker Cr Peter Perkins</b>	<b>Cr Bruce Ranken Cr John Dumaresq</b>
	<b>Staff present</b>	<b>Mark Stoermer Pauline Gordon</b>	<b>Adrian Cully Corinne Mays</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

<b>8</b>	<b>Date of assembly</b>	<b>18 April 2017</b>	
	<b>Matters considered</b>	<b>Officer briefings of Councillors and pre-meet for Future Nillumbik Committee</b> <ul style="list-style-type: none"> <li>• Council Plan briefing</li> <li>• Future Nillumbik Committee pre-meet</li> </ul>	
	<b>Councillors present</b>	<b>Cr Peter Clarke Cr Karen Egan Cr John Dumaresq</b>	<b>Cr Grant Brooker Cr Jane Ashton</b>
	<b>Staff present</b>	<b>Mark Stoermer Andrew Port Conal Creedon Pauline Gordon Jeremy Livingston</b>	<b>Allison Watt John Smyth Lisa Pittle Jonathan McNally</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

**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.

**12. Officers' reports**

**OCM.053/17 Assemblies of Councillors**

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**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 28 March 2017.

**Conclusion**

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



**13. Notices of Motion**

Nil

**14. Delegates' reports**

**15. Supplementary and urgent business**

**16. Confidential reports**

Nil