

## Ordinary Meeting of Council

Held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 28 November 2017.

### Minutes

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

Wednesday 29 November 2017

Distribution:

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*Domin je ka*

Nillumbik Shire Council

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**Ordinary Meeting of Council minutes**

**28 November 2017**

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## Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 28 November 2017. The meeting commenced at 7pm.

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### Councillors present:

Cr Peter Clarke	Wingrove Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward

### Officers in attendance:

Mark Stoermer	Chief Executive Officer
Matt Kelleher	Director Services and Planning
Hjalmar Philipp	Director Sustainability and Place
Adrian Cully	Manager Connected Communities
Allison Watt	Manager Governance
Vince Lombardi	Manager Finance
Naomi Paton	Manager Integrated Strategy
Mitch Grayson	Strategic Advisor to Mayor and Councillors
James Martin	Corporate Affairs Lead
Naomi Ellis	Corporate Planner
Joanne Massoud	Recreation and Open Space Planner
Diana Bell	Social Planning and Policy Officer

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### 1. Welcome

### 2. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Peter Clarke.

### 3. Prayer

A prayer was read by Associate Pastor Sam Scott of the Eltham Baptist Church.

### 4. Apologies

Cr Karen Egan was apology to the meeting.

<b>Motion</b>
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**Cr Peter Perkins**  
**Cr John Dumaresq**

**That Cr Karen Egan's apology be accepted.**

**CARRIED**

### 5. Presentations

#### Northern Football League

Peter MacDougall, Northern Football League and Stuart McCallum, Eltham Junior Football Club presented Council with an award for being shortlisted to the AFL Victoria Infrastructure awards for the LED lighting conversion at the Susan Street Reserve oval in Eltham.

**5. Presentations (cont)**

**Eltham District Historical Society**

Council recognised the 50<sup>th</sup> anniversary of the Eltham District Historical Society and paid tribute to the significant contribution the Society has made to the community during that time.

**National Emerging Leader of the Year Award, Parks and Leisure Australia – Joanne Massoud**

Joanne Massoud, Nillumbik's Recreation and Open Space Planner, was awarded the National Emerging Leader Award at the Australian Parks and Leisure event in October. The award was in recognition of her exceptional leadership, communication and project management skills.

**Growing Suburbs Fund**

Council was successful in five of its 10 Growing Suburbs Fund applications receiving a total of \$7.73 million for the following projects:

- Diamond Creek Netball pavilion (\$2.83 million)
- Diamond Valley Sports and Fitness Centre (\$2.5 million)
- Eltham Central Precinct Community Sports Hub (\$800,000)
- Hurstbridge rail pedestrian crossing connecting Diamond Creek North with Diamond Creek East (\$1.2 million)
- Marngrook Oval pavilion development and lighting upgrade (\$416,650)

**6. Confirmation of minutes**

Confirmation of minutes of the Council Meeting held on Tuesday 31 October 2017.

**Motion**

**Cr Bruce Ranken**

**Cr Jane Ashton**

**That the minutes of the Council Meeting held on Tuesday 31 October 2017 be confirmed.**

**CARRIED**

**7. Disclosure of conflicts of interest**

Nil

**8. Petitions**

Nil

9. Questions from the gallery

**Bill Lord asked Council:**

In previous Nillumbik Councils at each monthly meeting a written Environment and Planning Monthly Report was given in the agenda, that included information for residents such as a list of current planning scheme amendments, summary sheet of result of the month's planning applications that were decided, comparison graphs on percentage of council planning applications done within 60 days, the Status of all Current Planning Appeals at VCAT, etc.

In the interest of open and transparent government can these monthly reports be reinstated please or direction as to where on the Council website such monthly information can now be found?

**Mayor, Cr Peter Clarke** responded that during the current financial year, Council has committed to reviewing planning application processes, as part of its Council Plan 2017-2021. As part of this review process, consideration will be given to providing a quarterly report of relevant performance data to the Future Nillumbik Committee. A list of current Planning Scheme Amendments is currently provided on Council's website. A number of high level statutory planning performance measures are published on the State Government website [www.knowyourcouncil.vic.gov.au](http://www.knowyourcouncil.vic.gov.au) with 2016-2017 performance data expected to be published shortly.

**Bill Lord asked Council:**

At the recent Mannerheim vs Nillumbik SC Supreme Court hearing, Council, along with the community, won and are able to claim costs. In order that Nillumbik ratepayers are not disadvantaged, what is the total amount of the costs that Nillumbik have obtained, or will be claiming, and also will the Mayor provide a written breakdown of the amount gained or claimed please?

**Mayor, Cr Peter Clarke** responded that with regard to the recent Supreme Court appeal of Phillip Mannerheim Holdings Pty Ltd vs Nillumbik Shire Council and others, the applicant's appeal of the Victorian Civil and Administrative Tribunal (VCAT) decision was dismissed by the Court, confirming the objection received to the planning permit application was valid.

Council was required to participate in the hearing process, being named as the respondent due to its Responsible Authority role. It was important Council participated to uphold the validity of the permit application process, which has been achieved. Council was not in dispute with the applicant and therefore it would be highly unusual to pursue costs. The opportunity for pursuing costs has already been addressed in the hearing process, and costs cannot be subsequently be pursued.

**Sue Ormerod asked Council:**

Diamond Valley Railway (DVR) lease agreement - Have Council considered charging a percentage 'park levy' on DVR train tickets sales to offset costs to ratepayers incurred previously by the construction of additional car parks, the ongoing rubbish removal, and the construction, cleaning and maintenance of the new toilet block used by DVR's 130,000 annual patrons?

**9. Questions from the gallery (cont)**

**Mayor, Cr Peter Clarke** responded that at this point, Council has not considered seeking a percentage of the ticketing income as a contribution for upkeep of Eltham Lower Park. This is consistent with all other community leases for Council owned or managed land.

**Anne Rennie asked Council:**

Regarding DVR lease - Can the community users of this public land have assurance from Council that the proposed Lease Area B continue to provide unrestricted access along the existing path that traverses it, to the walking track running parallel to Diamond Creek behind DVR's enclosed area?

**Mayor, Cr Peter Clarke** responded, yes.

**10. Reports of Advisory Committees**

**AC.009/17 Advisory Committee Report**

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**Distribution: Public**

**Manager: Allison Watt, Manager Governance**

**Author: Tracey Classon, Governance Officer**

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

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

- Environment and Sustainability Advisory Committee held 20 September 2017.
- Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group held 11 October 2017.
- Arts Advisory Committee held 23 October 2017.
- Economic Development Advisory Committee held 16 November 2017

**Motion**

**Cr Grant Brooker**

**Cr John Dumaresq**

**That Council notes the:**

- 1. Environment and Sustainability Advisory Committee minutes of 20 September 2017**
- 2. Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group minutes of 11 October 2017.**
- 3. Arts Advisory Committee minutes of 23 October 2017.**
- 4. Economic Development Advisory Committee meeting of 16 November 2017.**

**CARRIED**



**11. Reports of Special Committees**

Nil

**12. Officers' reports**

**OCM.128/17 Review of the Eltham and Diamond Creek Activity Centre Urban Design Provisions**

**Distribution: Public**

**Manager: Naomi Paton, Manager Integrated Strategy**

**Author: Paul Fyffe, Senior Strategic Planner**

**Summary**

This report proposes a process to implement Council's intention to review the urban design provisions for the Eltham and Diamond Creek Activity Centres.

In May 2017 the Victorian Civil and Administrative Tribunal approved an application for a large medium density development in the Eltham Town Centre. This was despite Council having refused the application and there having been significant community opposition to the application on the grounds that the proposal is an over-development. In its decision, VCAT stated that the application is consistent with existing activity centre provisions.

On considering VCAT's response, Council resolved in June 2017 to conduct a review of the urban design provisions which are currently applied to the Shire's two activity centres at Eltham and Diamond Creek. In this resolution, Council stated that the review should be assisted by a Project Reference Group (PRG) comprising an urban design expert and key stakeholders.

To implement Council's resolution of June 2017, this report presents a Terms of Reference, Attachment 1, for the review's PRG. It is recommended that Council commences the review by endorsing the attached Terms of Reference, commencing a selection process for the PRG and requesting an engagement program for a first round of broad public engagement in February 2018.

**Motion**

**Cr Peter Perkins  
Cr Peter Clarke**

**That Council commences its Review of Urban Design Provisions of the Eltham and Diamond Creek Activity Centres by undertaking the following actions:**

- 1. Endorses the Terms of Reference for the Review's Project Reference Group, Attachment 1.**
- 2. Seeks nominations for community members to the Project Reference Group.**
- 3. Requests a report in January 2018 which considers the nominations received to the Project Reference Group and which provides an engagement program for the first round of broad engagement to be conducted in February 2018.**

**CARRIED**

12. Officers' reports

**OCM.129/17 Proposed Response to State Government Reforming the Victoria Planning Provisions Discussion Paper**

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**Distribution: Public**

**Manager: Mark Stoermer, Chief Executive Officer**

**Author: Julie Paget, Strategic Planner**  
**Simon Ilsley, Senior Statutory Planner**  
**Naomi Paton, Manager Integrated Strategy**

**Summary**

The State Government through its Smart Planning program is simplifying and improving the operation of the planning system, with the aim to make it the most efficient and responsive in the country. Cumulative amendments to the Victoria Planning Provisions (VPP) and local planning schemes over the past 20 years have led to increasingly long and complex planning schemes.

The *Reforming the Victoria Planning Provisions* discussion paper focuses on the structure and operation of the VPP and is divided into five proposals. The proposals seek to both simplify and improve the operation of the VPP, and to lay foundations for further future transformative initiatives. The purpose of the discussion paper is to seek comment on these proposals.

The discussion paper provides a broad overview of the proposed changes with a limited level of detail, however the proposals are considered to be generally sound, looking to reduce duplication, streamline processes and simplify the planning scheme overall. The delivery of change on this scale will take a number of years for full implementation.

Submissions were due on 24 November and have since been extended to 1 December 2017.

Specific issues raised in the submission relate to possible changes and/or removal of clauses relating to Activity Centre Zones, Licenced Premises and local policies on neighbourhood character. The interaction between multiple zones and overlays applying overlapping and occasionally contrary requirements has also been identified.

This report provides a proposed submission (Attachment 1) from Council to the *Reforming the Victoria Planning Provisions* discussion paper.

**Recommendation**

That Council endorses Attachment 1 as its submission to the State Government's *Reforming the Victoria Planning Provisions - Discussion Paper*.

**Motion**

**Cr Grant Brooker**  
**Cr Peter Perkins**

**That Council endorses Attachment 1 as its submission to the State Government's Reforming the Victoria Planning Provisions - Discussion Paper and requests that the final planning provisions be circulated for public comment before gazettal.**

**CARRIED**

12. Officers' reports

OCM.130/17 Health and Wellbeing Plan 2017-2021

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**Distribution: Public**

**Manager: Naomi Paton, Manager Integrated Strategy**

**Author: Diana Bell, Social Planning and Policy Officer**

**Summary**

This report presents Council with the Health and Wellbeing Plan 2017-2021 for adoption, following consideration of submissions made to the draft Plan and noted at the Future Nillumbik Committee Meeting on 14 November.

Preparation of the Health and Wellbeing Plan has involved extensive participation by the community and stakeholders. The Plan identifies the priorities across the Shire to contribute to the improved health and wellbeing of our community over the next four years, implemented in partnership with a range of stakeholders and agencies.

The priority areas complement the Council Plan 2017-2021, and vision to make Nillumbik Australia's most liveable Shire.

**Motion**

**Cr Jane Ashton**

**Cr Bruce Ranken**

**That Council:**

1. **Acknowledges the submissions from stakeholders and community members and notes officers' responses as outlined at the Future Nillumbik Committee Meeting held on 14 November 2017.**
2. **Adopts the Health and Wellbeing Plan 2017-2021.**
3. **Forwards a copy of the Plan to the Secretary of the Department of Health and Human Services.**
4. **Authorises the Chief Executive Officer to make any further minor changes that may be necessary.**
5. **Makes copies of the Health and Wellbeing Plan 2017-2021 available for inspection by members of the public.**

**CARRIED**

12. Officers' reports

OCM.131/17 Council Plan Quarterly Performance Report

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**Distribution:** Public

**Manager:** Allison Watt, Manager Governance

**Author:** Naomi Ellis, Corporate Planner

**Summary**

This report presents the Council Plan Quarterly Performance Report to Council for consideration. The Quarterly Performance Report provides an update on the progress achieved during the first quarter of the financial year (July-September) on the priority actions contained in the Council Plan 2017-2021.

Of the 104 priority actions, one is complete, 85 are underway and a further 18 actions are not scheduled to commence until later in the financial year.

**Motion**

**Cr Peter Clarke**

**Cr Peter Perkins**

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

**CARRIED**

12. Officers' reports

OCM.132/17 Yarrambat War Memorial Park turf training facility

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**Distribution:** Public

**Manager:** Mark Stoermer, Chief Executive Officer

**Author:** Joanne Massoud, Recreation and Open Space Planner  
Adrian Cully, Manager Connected Communities

**Summary**

This report provides information of the proposed works at Yarrambat War Memorial Park (YWMP) and makes officer recommendation for Council to support a funding application to the National Community Facilities Funding Scheme (NCFFS) and to financially contribute to the works together with Plenty Valley Cricket Club (PVCC). The application is due to CV by 17 December 2017.

The proposed turf practice facility is consistent with Council strategies and seeks to improve sporting and recreation participation outcomes within the Shire.

The total project cost is estimated at \$220,000. The funding requested from CV is \$50,000 which will be supported by PVCC's contribution of \$40,000 and Council contribution of \$130,000 split over two financial years. Council funding for this project is conditional on the grant application being successful.

**Motion**

**Cr Bruce Ranken**  
**Cr Grant Brooker**

**That Council:**

1. **Endorses an application to the National Community Facilities Funding Scheme for the development of a turf practice facility at Yarrambat War Memorial Park.**
2. **Refers \$70,000 in funding for consideration in the 2017-2018 mid-year budget review to complete stage 1 of the project.**
3. **Refers \$60,000 in funding for consideration in the 2018-2019 budget.**

**CARRIED**

## 12. Officers' reports

### OCM.133/17 Diamond Valley Railway Lease Agreement at Eltham Lower Park

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Sustainability and Place

**Author:** Natalie Campion, Property Officer

#### Summary

The Diamond Valley Railway Inc. (Association) leases a portion of Eltham Lower Park from Council to conduct their miniature railway operations. The current 21 year lease agreement expires on 30 November 2017. The Association has requested Council enter into a new lease agreement for a term of 21 years, to ensure ongoing management and operation of the miniature railway.

Eltham Lower Park is Crown Land. Council is the nominated Committee of Management for the land, and therefore has responsibility for its management.

Lease agreements over Crown Land are administered under *Section 17D (4) (c) of the Crown Land (Reserves) Act 1978*. Even though Council is the nominated Committee of Management for the land, the lease agreement will need to be endorsed and also executed by the Minister (or delegate) of Energy, Environment and Climate Change.

Council also has obligations under section 190 of the *Local Government Act 1989* (the Act) to advertise the proposed lease agreement and consider any public submissions before resolving to enter into the new lease agreement with the Association.

This report seeks Council's endorsement to implement the public consultation required under the Act, so it can consider entering into a new 21 year lease agreement with the Association on the terms outlined in the recommendation below.

#### Recommendation

That Council:

1. Gives public notice pursuant to section 190 of the *Local Government Act 1989*, of its intention to lease part of the Eltham Lower Park at 576 Main Road, Eltham to the Diamond Valley Railway Inc. for the construction, operation, support and maintenance of a miniature railway and the siting of any amenities connected therewith on the following general terms and conditions:
  - a) Term of Lease: 21 years
  - b) Commencement date: 1 December 2017
  - c) Rental Amount: \$200 per annum with fixed three per cent increase annually on the anniversary of the commencement date.
  - d) Tenant's outgoings: all outgoings including structure and maintenance of all assets on the leased land, building and public liability insurance, utility supply and usage charges.
2. Invites public submissions on the proposed lease in accordance with section 223 of the Act.
3. Considers submissions at the Future Nillumbik Committee meeting on 13 February 2018.

12. Officers' reports

OCM.133/17 Diamond Valley Railway Lease Agreement at Eltham Lower Park

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**Motion**

Cr Peter Clarke  
Cr Peter Perkins

That Council:

1. Gives public notice pursuant to section 190 of the *Local Government Act 1989*, of its intention to lease part of the Eltham Lower Park at 576 Main Road, Eltham to the Diamond Valley Railway Inc. for the construction, operation, support and maintenance of a miniature railway and the siting of any amenities connected therewith on the following general terms and conditions:
  - a) Term of Lease: 21 years
  - b) Commencement date: 1 December 2017
  - c) Rental Amount: \$200 per annum with fixed three per cent increase annually on the anniversary of the commencement date.
  - d) Tenant's outgoings: all outgoings including structure and maintenance of all assets on the leased land, building and public liability insurance, utility supply and usage charges.
  - e) Investigates the future management of the area depicted as 'Landlord (Council) Managed Land' in Attachment 1 be undertaken by the Association, with the intention of adding this area to the lease agreement, or by entering into a separate licence agreement ensuring that public access is maintained.
2. Invites public submissions on the proposed lease in accordance with section 223 of the Act.
3. Considers submissions at the Future Nillumbik Committee meeting on 13 February 2018.

**CARRIED**



12. Officers' reports

**OCM.134/17 Camelot Close Special Charge Scheme, Research - Intention to declare**

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**Distribution: Public**

**Manager: Hjalmar Philipp, Director Sustainability and Place**

**Author: Matthew Theuma, Engineer**

**Summary**

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

After conducting a survey and determining that more than 60 per cent of property owners support road sealing, Council resolved on 26 July 2016 to proceed with the consultation process for the Camelot Close, Research, Special Charge Scheme (Item OCM.121/16). This has now been completed.

At the Ordinary Meeting of Council on 31 October 2017, officers presented a report recommending Council give notice of its intention to declare a Special Charge Scheme for Camelot Close, Research.

Council resolved to defer the matter until the November Ordinary Meeting of Council to provide additional time to respond to residents' queries on the scheme.

Since then, work has commenced on a review of Council's Special Charge Scheme Policy. The review may be relevant to Camelot Close and on this basis it is recommended Council further defers its intention to declare a Special Charge Scheme, to determine whether the policy review is relevant to the decision on Camelot Close.

**Motion**

**Cr Jane Ashton**

**Cr John Dumaresq**

**That Council further defers its decision on giving notice of its intention to declare a Special Charge Scheme in accordance with Part 8 of the *Local Government Act 1989*, for the construction of Camelot Close, Research until April 2018.**

**CARRIED**

**12. Officers' reports****OCM.135/17 Fordhams Road Special Charge Scheme, Eltham**

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**Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Matthew Theuma, Engineer****Summary**

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

Council officers held an information session on 30 August 2017 for all interested property owners to discuss the proposed scheme and process.

On 18 September 2017, questionnaires were sent to all property owners in Fordhams Road to establish the level of support to construct the road. Two voting options were presented, including the recommended urban standard of construction (as per Council's Special Rates and Charges Policy and Procedure) and rural standard of construction.

The results indicated one of 19 (5.3 per cent) property owners supported the urban standard of construction and 11 of 18 (61.1 per cent) supported the rural standard of construction.

While the adopted construction standard under Council's Special Charge Scheme Policy, would typically be 'urban', the construction standard ultimately needs to be mindful of neighbourhood character, while providing a suitable solution to the issues of safety, drainage, bank erosion and dust that an unsealed road generates. The interests of the majority of local residents must also be considered.

On this basis the rural standard of construction is proposed. Council's Special Charge Scheme Policy is currently under review to consider whether any amendments could enhance overall outcomes.

Based on this support, it is recommended that the consultation process proceeds and Council invites affected property owners for nominations to join the task group and provide comments for consideration within the design process.

**Motion****Cr Peter Clarke****Cr John Dumaresq****That Council:**

- 1. Proceeds with the development of a Special Charge Scheme for the sealing of Fordhams Road, Eltham with a rural standard of construction.**
- 2. Invites affected property owners for nominations to join the task group and provide comments for consideration within the design process.**

**CARRIED**

**12. Officers' reports****OCM.136/17 Edinburgh Street Special Charge Scheme, Diamond Creek**

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**Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Matthew Theuma, Engineer****Summary**

On 11 January 2017 and 7 February 2017, Council received two separate petitions signed by property owners in Edinburgh Street, Diamond Creek requesting that Council investigate road sealing.

On 19 June 2017, questionnaires were sent to all property owners in Edinburgh Street to determine if the level of support could be established to construct the road. The results indicated six of 22 (27.3 per cent) property owners supported the scheme.

At the Council Ordinary Meeting (Item OCM.101/17) on 29 August 2017, Council deferred the officer's report to abandon the scheme to the Future Nillumbik Committee meeting on 12 September 2017 for consideration. At this meeting, Council deferred a decision regarding the scheme to allow further consultation to take place with affected property owners.

On 20 September 2017, revised questionnaires were sent to all property owners in Edinburgh Street (between Valley Court and Campbell Street), Diamond Creek to determine the level of support to construct only this section of the road. The results indicated two of six (33.33 per cent) of property owners supported the scheme.

Given that the level of support is below 60 per cent it is recommended that Council abandons the scheme and places further investigations for road construction in Edinburgh Street, Diamond Creek on a three-year moratorium.

<b>Motion</b>
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**Cr Peter Perkins****Cr John Dumaresq****That Council:**

- 1. Abandons further investigations into a special charge scheme for Edinburgh Street, Diamond Creek.**
- 2. Places any further investigations into a special charge scheme for Edinburgh Street, Diamond Creek on a three-year moratorium.**
- 3. Notifies affected property owners accordingly.**

**CARRIED**

**12. Officers' reports**

The following Officers' reports were moved as a block motion and their recommendations as printed in the agenda were adopted without change:

- OCM.137/17 Audit Committee meeting November 2017
- OCM.138/17 Review of Instrument of Delegation to Members of Council Staff
- OCM.139/17 Wattle Glen Pavilion - Design and construction of new player change facilities
- OCM.140/17 Provision of Catering Services - 1718-12
- OCM.141/17 Risk and Insurance Report September 2017
- OCM.142/17 Assemblies of Councillors

**Motion**

**Cr Bruce Ranken**  
**Cr Jane Ashton**

**That the recommendations as printed in the agenda be adopted without change for the following Officers' reports:**

- **OCM.137/17 Audit Committee meeting November 2017**
- **OCM.138/17 Review of Instrument of Delegation to Members of Council Staff**
- **OCM.139/17 Wattle Glen Pavilion - Design and construction of new player change facilities**
- **OCM.140/17 Provision of Catering Services - 1718-12**
- **OCM.141/17 Risk and Insurance Report September 2017**
- **OCM.142/17 Assemblies of Councillors**

**CARRIED**

12. Officers' reports

OCM.137/17 Audit Committee meeting November 2017

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**Distribution:** Public

**Manager:** Vince Lombardi, Manager Finance

**Author:** Melika Sukunda, Financial Accountant

**Summary**

In accordance with the *Local Government Act 1989* section 139 and good governance principles, councils must have an Audit Committee. As resolved at the Ordinary Meeting of Council on 16 August 2005 the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.

The Audit Committee met on 20 November 2017. The minutes for the meeting are attached in Attachment 1.

**Motion**

**Cr Bruce Ranken**

**Cr Jane Ashton**

**That Council notes the minutes of the Audit Committee meeting 20 November 2017.**

**CARRIED**

Note: This item was carried as part of a block motion.

**12. Officers' reports****OCM.138/17 Review of Instrument of Delegation to Members of Council Staff**

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**Distribution: Public****Manager: Allison Watt, Manager Governance****Author: Craig Commene, Risk Advisor****Summary**

Council is empowered under a number of pieces of legislation to undertake duties and functions in accordance with that legislation. To actually undertake these duties and functions, it is necessary for Council to delegate relevant powers to the Administration.

It is also necessary for Council to delegate some of its other functions to the Administration for reasons of efficiency and to prevent Council from having to make a lot of operational decisions at Council meetings. Therefore, the *Local Government Act 1989* (the Act) provides for each Council to establish a delegation of power. The Act also requires Council to review the delegations within one year of each general election.

The instrument of delegation was last reviewed in March 2017; however, to ensure compliance with the Act, the Instrument of Delegation to Members of Council Staff has been updated to reflect the changes in organisation structure and is presented to Council for consideration.

<b>Motion</b>
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**Cr Bruce Ranken****Cr Jane Ashton****That Council:**

- 1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the Instrument of Delegation to Members of Council Staff (Attachment 1), resolves that:**
  - a) There be delegated to members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument of Delegation to Members of Council Staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.**
  - b) The Instrument comes into force immediately after the common seal of Council is affixed to the required document.**
  - c) On coming into force of the Instrument, all previous delegations to members of Council staff under the Instrument of Delegation to Members of Council Staff are revoked.**
  - d) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may, from time to time, adopt.**

**12. Officers' reports**

**OCM.138/17 Review of Instrument of Delegation to Members of Council Staff**

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- 2. Affixes the common seal to the Instrument of Delegation to Members of Council Staff.**

**CARRIED**

Note: This item was carried as part of a block motion.

**12. Officers' reports**

**OCM.139/17 Wattle Glen Pavilion - Design and construction of new player change facilities**

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**Distribution: Public**

**Manager: Hjalmar Philipp, Director Sustainability and Place**

**Author: Jake Hart, Project Management Officer**

**Summary**

This report recommends the awarding of the contract for the design and construction of new player change rooms at the Wattle Glen Pavilion.

The works will involve the design and construction of the extension to the Wattle Glen Pavilion, including accessible, female friendly, fit-for-purpose player, umpire and spectator facilities.

The tender evaluation panel has assessed all submissions for these works. This report outlines their evaluation of new player change rooms at the Wattle Glen Pavilion and recommendation for contract award.

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

**Motion**

**Cr Bruce Ranken**

**Cr Jane Ashton**

**That Council:**

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

**CARRIED**

Note: This item was carried as part of a block motion.



12. Officers' reports

OCM.140/17 Provision of Catering Services - 1718-12

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**Distribution: Public**

**Manager: Matt Kelleher, Director Services and Planning**

**Author: Lance Clark, Senior Procurement Specialist**

**Summary**

This report considers the awarding of the contract for the provision of Councils catering services via a panel arrangement.

The purpose of this request is to formalise catering arrangements for the next two years with three x one year options to extend available at Council's discretion.

The tender evaluation panel has assessed all submissions and this report outlines the evaluation and recommendations to award the panel contract.

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

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

**Motion**

**Cr Bruce Ranken**

**Cr Jane Ashton**

**That Council:**

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

**CARRIED**

Note: This item was carried as part of a block motion.

12. Officers' reports

OCM.141/17 Risk and Insurance Report September 2017

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**Distribution:** Public

**Manager:** Allison Watt, Manager Governance

**Author:** Craig Commane, Risk Advisor

**Summary**

This report provides a summary of Council's Risk and Insurance Report for the quarter ending September 2017.

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

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

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

**Motion**

**Cr Bruce Ranken**

**Cr Jane Ashton**

**That Council:**

1. **Notes this summary of the Risk and Insurance Report for the quarter ending September 2017.**
2. **Confirms that the confidential Risk and Insurance Report for the September quarter 2017 is to remain confidential in accordance with sections 77 and 89(2)(h) of the *Local Government Act 1989*.**

**CARRIED**

Note: This item was carried as part of a block motion.

12. Officers' reports

OCM.142/17 Assemblies of Councillors

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

**Summary**

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

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 31 October 2017.

**Motion**

**Cr Bruce Ranken**  
**Cr Jane Ashton**

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

1	<b>Date of assembly</b>	23 October 2017	
	<b>Matters considered</b>	Arts Advisory Committee	
	<b>Councillors present</b>	Cr Karen Egan	Cr Jane Ashton
	<b>Staff present</b>	Michelle Zemancheff	Grace Longato
	<b>Conflict of interest</b>	None declared	

2	<b>Date of assembly</b>	31 October 2017	
	<b>Matters considered</b>	Pre-meet for Ordinary Council Meeting	
	<b>Councillors present</b>	Cr Peter Clarke Cr Karen Egan Cr Bruce Ranken Cr Peter Perkins	Cr Jane Ashton Cr John Dumaresq Cr Grant Brooker
	<b>Staff present</b>	Mark Stoermer Rachel Cooper Matt Kelleher Hjalmar Philipp Allison Watt Mitch Grayson	Suzy Ellingsen Vince Lombardi Phil Lovelace Natalie Hall Matt Deayton Patrick Wood
	<b>Conflict of interest</b>	None declared	

12. Officers' reports

OCM.142/17 Assemblies of Councillors

<b>3</b>	<b>Date of assembly</b>	<b>8 November 2017</b>	
	<b>Matters considered</b>	<b>Officer briefings of Councillors</b> <ul style="list-style-type: none"> <li>• Discussion with local Liberal Party MPs – Cindy McLeish MP, The Hon. Ryan Smith MP, The Hon. Mary Wooldridge MP and The Hon. Wendy Lovell MP</li> <li>• Draft Health and Wellbeing Plan 2017-2021 – Submissions</li> <li>• Arts and Cultural Plan Discussion Paper</li> <li>• Proposed changes to Planning for Sustainable Animal Industries</li> <li>• Review of the Urban Design Provisions for the Eltham and Diamond Creek Activity Centres</li> <li>• Councillor/CEO discussion</li> </ul>	
	<b>Councillors present</b>	Cr Peter Clarke Cr Karen Egan Cr Peter Perkins	Cr Jane Ashton Cr John Dumaresq Cr Grant Brooker
	<b>Staff present</b>	Mark Stoermer Rachel Cooper Matt Kelleher Hjalmar Philipp Allison Watt Mitch Grayson Naomi Paton Nichole Johnson Jonathan Risby Jon Miller Justin Murray	Suzy Ellingsen Paul Fyffe Vince Lombardi Paige Macdonald Diana Bell Michelle Zemancheff Adrian Cully Ellis Judson James Martin Jonathan McNally
	<b>Conflict of interest</b>	None declared	

<b>4</b>	<b>Date of assembly</b>	<b>14 November 2017</b>	
	<b>Matters considered</b>	<b>Pre-meet for Future Nillumbik Committee</b>	
	<b>Councillors present</b>	Cr Peter Clarke Cr Karen Egan Cr Peter Perkins	Cr Jane Ashton Cr John Dumaresq Cr Grant Brooker
	<b>Staff present</b>	Mark Stoermer Matt Kelleher Hjalmar Philipp Allison Watt Mitch Grayson James Martin	Suzy Ellingsen Paul Fyffe Ellis Judson Naomi Paton Michelle Zemancheff Diana Bell

12. Officers' reports

OCM.142/17 Assemblies of Councillors

	<b>Conflict of interest</b>	<b>None declared</b>	
<b>5</b>	<b>Date of assembly</b>	<b>14 November 2017</b>	
	<b>Matters considered</b>	<b>Officer briefing of Councillors:</b> <ul style="list-style-type: none"> <li>• <b>Eltham Precincts 3 and 4 Redevelopment Project – Concept Plan for 895 and 903-7 Main Road, Eltham</b></li> <li>• <b>Land sales program</b></li> </ul>	
	<b>Councillors present</b>	<b>Cr Peter Clarke</b> <b>Cr Karen Egan</b> <b>Cr Peter Perkins</b>	<b>Cr Jane Ashton</b> <b>Cr John Dumaresq</b> <b>Cr Grant Brooker</b>
	<b>Staff present</b>	<b>Mark Stoermer</b> <b>Matt Kelleher</b> <b>Hjalmar Philipp</b> <b>Allison Watt</b> <b>Mitch Grayson</b> <b>James Martin</b>	<b>Ellis Judson</b> <b>Jon Miller</b> <b>Natalie Campion</b> <b>Paul Fyffe</b> <b>Naomi Paton</b>
	<b>Conflict of interest</b>	<b>None declared</b>	
<b>6</b>	<b>Date of assembly</b>	<b>16 November 2017</b>	
	<b>Matters considered</b>	<b>Economic Development Advisory Committee</b>	
	<b>Councillors present</b>	<b>Cr Karen Egan</b>	
	<b>Staff present</b>	<b>Mark Stoermer</b> <b>Kate Shannon</b>	<b>Jane Lawson</b>
	<b>Conflict of interest</b>	<b>None declared</b>	
<b>7</b>	<b>Date of assembly</b>	<b>21 November 2017</b>	
	<b>Matters considered</b>	<b>Officer briefings of Councillors</b> <ul style="list-style-type: none"> <li>• <b>Proposed Response to State Government ‘Reforming the Victoria Planning Provisions’ discussion paper</b></li> <li>• <b>Yarrambat Park Golf Course Strategic Review</b></li> <li>• <b>Bushfire Management Overlay Implementation Update</b></li> <li>• <b>Yarrambat War Memorial Park turf cricket training facility funding application</b></li> <li>• <b>Nillumbik Shire Art Collection Acquisition, Baldessin and Friends Folio, Baldessin Press and Studio</b></li> <li>• <b>Public Mural Commissioning on Private Property</b></li> <li>• <b>Integrated management for parks, streetscapes and roadsides</b></li> </ul>	

12. Officers' reports

OCM.142/17 Assemblies of Councillors

		<ul style="list-style-type: none"> <li>• Council Plan 2017-2021 Quarterly Performance Report</li> <li>• CEO Mid-Year Performance Review process</li> </ul>
<b>Councillors present</b>	<b>Cr Peter Clarke</b> <b>Cr Karen Egan</b> <b>Cr Peter Perkins</b> <b>Cr Bruce Ranken</b>	<b>Cr Jane Ashton</b> <b>Cr John Dumaresq</b> <b>Cr Grant Brooker</b>
<b>Staff present</b>	<b>Mark Stoermer</b> <b>Allison Watt</b> <b>Mitch Grayson</b> <b>Hjalmar Philipp</b> <b>Fiona Stevens</b> <b>Julie Paget</b> <b>Naomi Paton</b> <b>Michelle Zemancheff</b> <b>Clare Leporati</b> <b>Leah Farrell</b>	<b>Adrian Cully</b> <b>Matt Kelleher</b> <b>Grace Longato</b> <b>Suzy Ellingsen</b> <b>Lisa Pittle</b> <b>Neil Hordern</b> <b>Vince Lombardi</b> <b>Jo Massoud</b> <b>Frances Duncan</b>
<b>Conflict of interest</b>	<b>None declared</b>	

**CARRIED**

Note: This item was carried as part of a block motion.

**13. Notices of Motion**

Nil

**14. Delegates' reports**

Nil

**15. Supplementary and urgent business**

One supplementary and urgent item, had arisen after the agenda was distributed. It was presented for inclusion in the meeting. In accordance with clause 6.15 of the Meeting Procedure Local Law, supplementary and urgent items may be admitted at the discretion of the Chairperson. The Chairperson, Mayor, Cr Peter Clarke, admitted the item to the meeting.

**Motion**

**Cr Peter Clarke  
Cr John Dumaresq**

**That Council seeks an urgent meeting with VicRoads to discuss local businesses' concerns around Bolton Street upgrades and the impact that works have had on traders.**

**CARRIED**

**16. Confidential reports**

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

**Motion**

**Cr Bruce Ranken  
Cr John Dumaresq**

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

<b>Report No.</b>	<b>Title</b>	<b>Reason for confidentiality</b>
<b>OCM.143/17</b>	<b>Wattle Glen Pavilion - Design and construction of new player change facilities</b>	<b>(d) contractual matters</b>
<b>OCM.144/17</b>	<b>Provision of Catering Services - 1718-12</b>	<b>(d) contractual matters</b>
<b>OCM.145/17</b>	<b>Risk and Insurance Report September 2017</b>	<b>(h) any other matter which the Council or special committee considers would prejudice the Council or any person</b>

**CARRIED**

The meeting closed to the public at 8.23 pm.