

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 23 August 2016 commencing at 7pm.

Agenda

Stuart Burdack
Chief Executive Officer

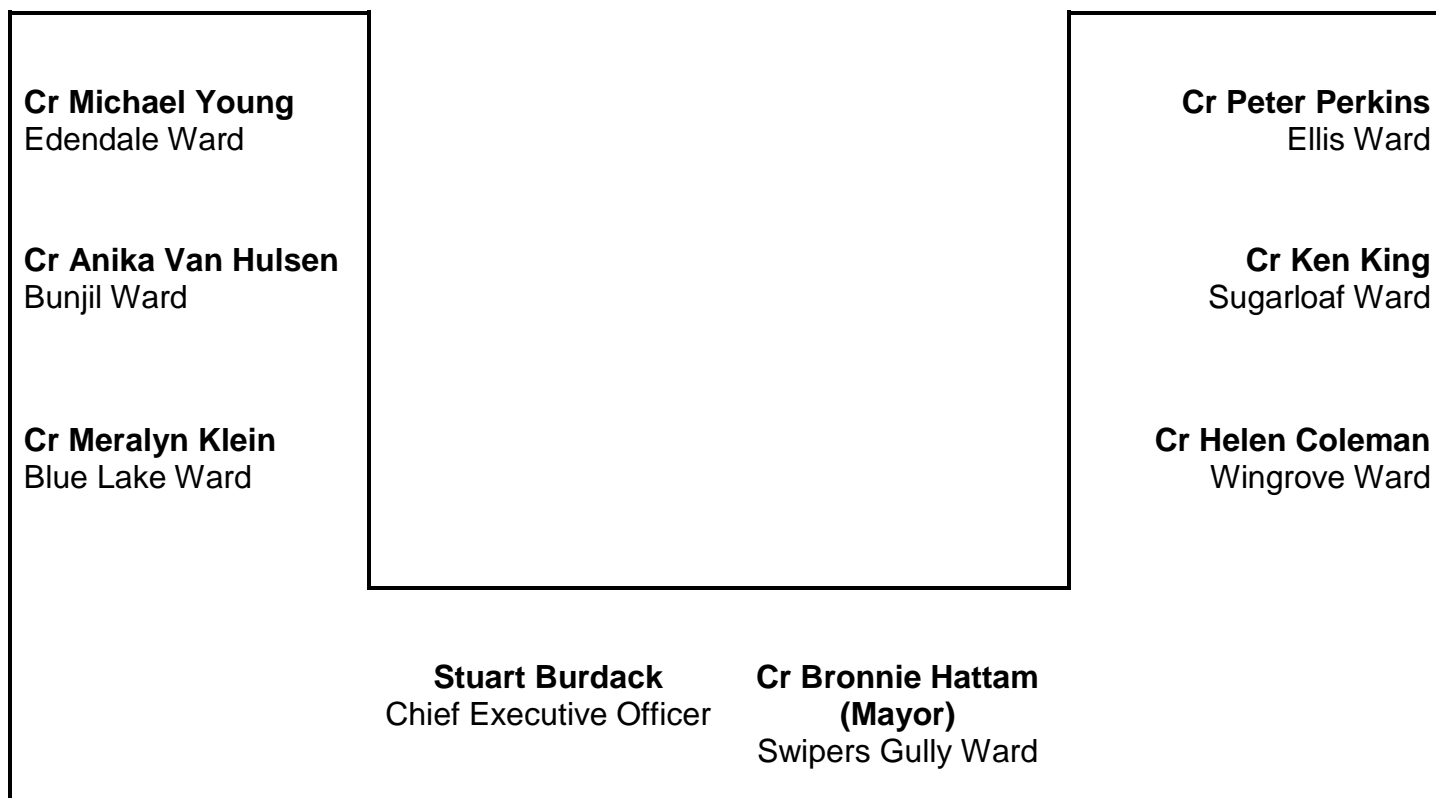
Wednesday 17 August 2016

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Wamin 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.

Nillumbik Shire Council

Contents

Welcome by the Mayor	1
1. Reconciliation statement	1
2. Prayer	1
3. Good governance pledge	1
4. Apologies	1
5. Presentations	1
6. Confirmation of minutes	1
7. Disclosure of conflicts of interest	2
8. Petitions	2
9. Questions from the gallery	2
10. Reports of Advisory Committees	3
AC.008/16 Advisory Committee Report	3
11. Reports of Special Committees	4
12. Officers' reports	5
OCM.127/16 Victorian Government TAKE2 Pledge	5
OCM.128/16 Amendment C101 online survey	8
OCM.129/16 Greensborough Hockey Club loan guarantee	12
OCM.130/16 Plenty Park Synthetic Hockey Pitch Resurfacing	18
OCM.131/16 Audit Committee meeting August 2016 and 2015-2016 Audit Committee Chairperson's report	19
OCM.132/16 Financial statements and performance statement for 2015 -2016	22
OCM.133/16 Risk and Insurance Report June 2016	28
OCM.134/16 Meeting Procedure Local Law - Use of Rescission Motions	33
OCM.135/16 Adjustment to Council meeting dates	38
OCM.136/16 Environment and Planning Monthly Activity Report	40
OCM.137/16 Assemblies of Councillors	47
13. Notices of Motion	51
14. Delegates' Reports	52
15. Supplementary and urgent business	52
16. Confidential reports	53

Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 23 August 2016 commencing at 7pm.

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 Reverend Dr Tim Johnson, Senior Minister of the Anglican Parish of Diamond Creek.

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

Sporting presentation

Ben Major (Ellis Ward) receives \$150 as a contribution for being selected in the 2016 School Sport Victoria Under 15 Boys Australian Football team competing in Queensland.

Audit Committee Chairperson's presentation

Linda MacRae will present the Audit Committee's 2015-2016 report.

6. Confirmation of minutes

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

Motion

That the minutes of the Council Meeting held on Tuesday 26 July 2016 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.005/16

Council has received an on-line petition regarding the property at Lot 1 Graysharps Road, Hurstbridge (former school site).

The on-line petition requests Council to cease the sale of this property for housing, and retain it for community use.

A total of 1,204 people have registered their support on-line, and provided their names and postcodes. While most postcodes recorded are from Nillumbik, a number are from elsewhere in Victoria or interstate.

Because it is an on-line petition, it does not technically comply with Council's Meeting Procedure Local Law, as it does not bear the actual signatures of each person. However given the large number of persons who have registered their support for the on-line petition, it has been submitted to Council for consideration.

Motion

That Council:

- 1. Receives and note the on-line petition regarding the property at Lot 1, Graysharps Road, Hurstbridge.**
- 2. Refers this matter to the General Manager Community and Leisure Services for consideration in the next report to Council on this matter.**
- 3. Advises the petition organiser accordingly.**

9. Questions from the gallery

10. Reports of Advisory Committees

AC.008/16 Advisory Committee Report

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

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

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

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

- Environment Advisory Committee meeting 6 July 2016.
- Agricultural Advisory Committee meeting 14 July 2016.

Motion

That Council notes the following Advisory Committee minutes:

1. **Environment Advisory Committee meeting held 6 July 2016.**
2. **Agricultural Advisory Committee meeting held 14 July 2016.**

Attachments

1. Environment Advisory Committee minutes 6 July 2016
2. Agricultural Advisory Committee minutes 14 July 2016.

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.127/16 Victorian Government TAKE2 Pledge

File: 40/35/019

Distribution: Public

Manager: Ransce Salan, General Manager Environment and Planning

Author: Pat Vaughan, Sustainability and Environment Executive Officer

Summary

The State Government has established a program entitled TAKE2 where they want councils, businesses and the community to make a pledge to take action on climate change. A range of organisations have already signed up and it is proposed that Council also sign on to this pledge.

Recommendation

That Council

1. **Agrees to sign up to the TAKE2 program.**
2. **Provides its logo for inclusion on the TAKE2 website and for other promotional purposes.**

Attachments

1. TAKE2 - Victoria's Climate Change Pledge Program - Prospectus for Founding Partners

Background

1. The State Government through Sustainability Victoria is calling on Victorian based organisations across business, community and local government to sign up and be part of Victoria's leadership on climate change. This is explained in the Prospectus for Founding Partners which is provided as Attachment 1.
2. The pledge is 'Working together, we pledge to play our part and take action on climate change for Victoria, our country and our planet'. This will be accompanied by a range of specific actions which reflect Council's current activity in this area.
3. A variety of organisations have already indicated their support and others are being sought as founding partners based on their record of climate leadership. In local government circles, the City of Melbourne, Brimbank City Council, Hobsons Bay City Council, City of Port Phillip, Mornington Peninsula Shire, the MAV and VLGA, and the Eastern Alliance for Greenhouse Action have already signed up.

Policy context

4. This program directly supports the achievement of Council Plan 2013-2017 strategies:
 - We will lead the Local Government sector in energy-efficient practices to reduce our carbon footprint.

12. Officers' reports

OCM.127/16 Victorian Government TAKE2 Pledge

- We will provide strong and innovative leadership on issues of strategic importance to enable us to achieve our goals for the Nillumbik community
- We will advocate about issues affecting the Nillumbik Shire, supported by informed and clearly articulated policy positions.

Budget implications

5. There are no additional budget implications as a result of this pledge other than what Council has already committed to addressing climate change. The latter includes:
 - \$494,688 for the installation of solar panels on the Civic Centre Office and Diamond Creek Community Bank Stadium
 - \$107,616 via the Resource Conservation Fund for energy efficiency retrofitting works on buildings
 - \$180,000 on Green Power.

Consultation/communication

6. Officers have consulted with the member councils of the Northern Alliance for Greenhouse Action (NAGA) and with the Advocacy Working Group of NAGA. There was general agreement that there was a benefit in NAGA and individual Councils signing up to this program.

Issues/options

7. Given the general support of NAGA Councils for the proposal, it is considered that signing on to this pledge is a reasonable action for Council. It may well encourage other organisations to be involved and for the momentum to address climate change across the community to be increased. This will be to the long term benefit of the Nillumbik community.
8. Beyond the promotion of this program, there is no additional action or funding required of Council beyond what it has already committed to through the adoption of the Climate Change Action Plan 2016-2020 and the existing allocations in the five year plan and annual budgets.
9. Council's inclusion as a Founding Partner will add weight to the pledge, give greater credibility to its message, and show Council to be a leader in this area.
10. Being a founding partner will also enable Council to promote its commitments and achievements on the TAKE2 website. It is intended that the following information would be provided for the promotion of the various initiatives Council has successfully undertaken in recent years, such as
 - Council has replaced all the street lights it controls with energy efficient T5 lights.
 - Council has an Ecologically Sustainable Development Policy that requires that all new buildings and extensions are energy efficient.
 - Council has already installed solar panels on 37 buildings and will install more on the Civic Centre Office, Diamond Creek Community Bank Stadium and the Eltham Reception Centre this financial year. It is also planned to install solar panels on the Diamond Valley Sport and Fitness Centre next financial year.

12. Officers' reports

OCM.127/16 Victorian Government TAKE2 Pledge

- Council has undertaken extensive retrofitting of buildings with a variety of measures that reduce energy use, including installation of solar or heat pump hot water systems, installing energy efficient building lighting, acquisition of more energy and water efficient appliances, installation of timers on appliances, double glazing, draught proofing and fitting of a window film which reduces solar heat gain and radiant heat loss.

Conclusion

11. Given the positive messages to the community on action on climate change provided by the TAKE2 program, it is recommended that Council sign up.

12. Officers' reports

OCM.128/16 Amendment C101 online survey

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Allison Watt, Manager Governance and Communications

Summary

This report presents the results of an online survey that was conducted in response to a resolution made at the Ordinary Council Meeting on Tuesday 24 May, when Council resolved the following:

That:

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

A report was presented to the Ordinary Council Meeting on 26 July which recommended an alternative set of questions and methodology, however these resolutions lapsed without a mover and seconder meaning the original survey proceeded.

12. Officers' reports

OCM.128/16 Amendment C101 online survey

The online survey was created and remained open for seven days from Monday 1 August to Monday 8 August. There were a total of 349 responses. The results are detailed in this report. Council also resolved to refer the survey results to an independent market research specialist for validation. Metropolis Research has reviewed the survey and concluded that the results cannot be validated. Reasons are detailed in this report.

Recommendation

That Council:

1. **Notes the results of the online survey about Amendments C101 and C81.**
2. **Notes the independent evaluation of the survey methodology provided by Metropolis Research.**

Attachments

Nil

Background

1. In accordance with the Council resolution on 24 May 2016, an online survey about Amendments C101 and C81 was created and made available to landowners directly affected by the amendments for a period of seven days.
2. The link to the online survey was promoted and publicised via Council's Facebook page, website and Twitter.
3. A total of 349 responses were received. In accordance with Council's resolution, the survey results were forwarded to an independent market research specialist (Metropolis Research) for validation.
4. Metropolis Research analysed the results and found that the survey cannot be considered to be a reasonable measure of the views of affected landowners, and the results cannot be validated as such.
5. Metropolis found that the results reflect only the views of a small minority of the potential respondents, who are likely to already be actively engaged in the issue, and most of whom clearly have a strong and singular view. Further details are provided later in this report.

Policy context

6. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - 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.

Budget implications

7. The costs of having the survey resulted validated by Metropolis Research will be met within existing operational budgets.

Consultation/communication

8. Consultation and communication about the survey is detailed in the report below.

12. Officers' reports

OCM.128/16 Amendment C101 online survey

Issues/options

9. The online survey on Amendments C101 and C81 was created using the Survey Monkey program using the questions from the Council resolution of 24 May 2016.
10. The survey link was posted on Council's corporate Facebook page on Monday 1 August at 9am.
11. The Facebook post reached 3,001 people and was shared 18 times. Among those who shared the post were the Yarra Valley Equestrian Landcare Group and Nillumbik Horse Action Group. There were 17 comments which were mostly people tagging other people in.
12. The survey link was also posted on Council's website in the 'Have your say' section at the same time. The page was visited 296 times by 264 unique visitors.
13. A tweet was put out about the survey on Council's Twitter account.
14. Officers received one complaint that the survey was online only and we printed a hard copy and sent it to one recipient who requested it.
15. A total of 349 responses were received. Once duplications were removed (as C101 and C81 applies to a property rather than an individual), and those people who did not complete their addresses correctly were also removed, the number of valid responses was 289.
16. The survey closed at 9am on Monday 8 August.
17. Full survey results are provided in Attachment 1, however in summary, the results were as follows:
 - a) Do you feel that there has been appropriate Council engagement in relation to proposed C101 and C81?
 Yes: 6.09%
 No: 93.91%
 - b) Are you satisfied with the accuracy of information you have been provided by Council on this matter?
 Yes:7.56%
 No: 92.44%
 - c) Are you satisfied with the timing of communications that have been sent to you on this matter?
 Yes:11.24%
 No: 88.76%
 - d) Are you satisfied that Council has responded adequately and appropriately to submitters?
 Yes:7.56%
 No: 92.44%
 - e) Do you feel that you and your family's interests are being properly listened to and represented by Councillors?

12. Officers' reports

OCM.128/16 Amendment C101 online survey

Yes:6.38%

No: 93.62%

- f) Ordinarily, do you consider yourself to be an environmentally conscientious and responsible landowner who cares for the land and environment?

Yes: 100%

- g) Do you believe that C101 and C81 will better encourage you as a landowner to improve and enhance environmental attributes of your property?

Yes:5.19%

No: 94.81%

- h) Do you believe that Council is performing its duty to procedural fairness and natural justice adequately and properly?

Yes:6.07%

No: 93.93%

18. The results were sent to Metropolis Research to provide a professional opinion as to the validity of the survey results.

19. Metropolis Research found that the survey has not met contemporary professional standards:

- a) The survey was not open for completion for a sufficient period of time.
- b) All affected landowners were not made aware of the existence of the survey, which introduces a significant skew in the survey results.
- c) Affected landowners were not provided a range of completion options, potentially denying some the opportunity to participate.
- d) A number of the questions are invalid; as they are either imprecisely worded making it impossible to properly interpret the results, ask questions of respondents that they are not in a position to answer, or ask for hearsay responses from respondents.

20. Metropolis Research concluded that the survey cannot be considered to be a reasonable measure of the views of the affected landowners and the results cannot be validated as such.

21. The results reflect only the views of a small minority of the potential respondents, who are likely to already be actively engaged in the issue, and most of whom clearly have a strong and singular view.

Conclusion

22. The results of the online survey on Amendments C101 and C81 are presented for Council's information.

12. Officers' reports

OCM.129/16 Greensborough Hockey Club loan guarantee

File: 7040/031

Distribution: Public

Manager: Pauline Gordon, General Manager Community and Leisure

Author: Nadine Wooldridge, Coordinator Community Leisure

Summary

This report considers a request from Greensborough Hockey Club for Council to provide a loan guarantee to enable the club to fund the replacement of one of their synthetic hockey pitches.

Greensborough Hockey Club was formed in 1959 and is affiliated with Hockey Victoria. The club has a current membership of 573 players making up the 47 teams playing in the Hockey Victoria and the junior Northern District Hockey Leagues.

The club operates from Council owned facilities at Plenty War Memorial Park under a maximum three year community lease which expires in April 2019. Facilities consist of two synthetic hockey pitches and associated players facilities as well as clubrooms providing change rooms and social space.

The east pitch is a sand filled synthetic surface which was installed in 1998 and was expected to last eight to ten years. The pitch has been in place for double its expected life and has been repaired several times by the club to extend the pitch for as long as possible. It has now reached the end of its useable life and needs to be replaced.

The Bendigo Bank has provided in principle agreement to provide a loan of \$500,000 to the club to replace the east hockey pitch, subject to a Council guarantee of the loan.

The club proposes to repay the loan over 15 years a variable rate and have provided financial projections and business plans to support their capacity to meet the loan repayments. In addition, financial statements for the past three years were provided by the club and have been reviewed by Council's finance unit.

Recommendation

That Council:

1. **Acts as loan guarantor for the Greensborough Hockey Club for up to \$500,000 for a period of 15 years to assist the club to renew the east hockey pitch, on the proviso that the club provides over the life of the loan:**
 - a) **Quarterly loan statements from Bendigo Bank to demonstrate that the loan repayments have been made as scheduled.**
 - b) **Annual cash flow reports and projections to ensure Council is informed of any adverse financial projections.**
 - c) **Current business plans forecasting memberships, programs and services.**
2. **Affixes the common seal of Nillumbik Shire Council to the necessary loan guarantee documentation.**

12. Officers' reports**OCM.129/16 Greensborough Hockey Club loan guarantee**

Attachments

Nil

Background

1. Greensborough Hockey Club occupies the Council owned property at Plenty War Memorial Park, Memorial Drive, Plenty under a three year lease agreement due to expire in April 2019. The club was formed in 1959 and was based at Partington's Flat, Greensborough. Between 1984 and 1991 the club was based at Whatmough Park, Greensborough and played matches at various hockey venues across Melbourne. In 1991 the club relocated to their current home in Nillumbik and over the last 25 years have invested heavily in the required infrastructure to set up a permanent home and the facilities to be a successful hockey club.
2. This is one of the few regional recreation facilities in Nillumbik servicing a catchment area covering Nillumbik, Whittlesea and surrounds. The club has two synthetic hockey pitches, is one of only five locations in Melbourne with two co-located pitches and therefore able to host events on behalf of Hockey Victoria. The other locations with two pitches include the State Netball and Hockey Centre, Essendon Hockey Centre, Hawthorn–Malvern Hockey Centre and Footscray Hockey Centre.
3. The east hockey pitch was installed in 1998 and was expected to last eight to ten years. Nineteen years later, it is beyond its useable life and needs to be replaced.
4. The west hockey pitch is a hybrid synthetic surface with a life expectancy of ten years and was installed in 2010.
5. The club currently has 573 members making up the 47 teams playing in the Hockey Victoria and the under-age/ junior Northern District Hockey Leagues.
6. Greensborough Hockey Club has always catered well for both male and female players at junior, senior and masters level and has shown steady growth in recent years. The club has 34.5 per cent female membership and has ensured female representation on committees, coaching staff and club officials.
7. The club is one of the largest in Victoria and has enjoyed sustained success over decades producing international level players including several current and past Olympians. Since 2006 the club has won five Women's Premier League titles and five Men's Premier League titles and is recognised as one of the most successful hockey clubs in Victoria.

Policy context

8. 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

9. The total cost of the renewal of the synthetic hockey pitch is approximately \$520,000 which the club is planning to meet through a loan of \$500,000 and \$20,000 cash contribution.

12. Officers' reports

OCM.129/16 Greensborough Hockey Club loan guarantee

10. There is no direct impact on Council's budget; however, there is a contingent liability exposure for Council should the club be unable to meet the instalments under the terms of the loan agreement. Officers have completed extensive assessments of the club's financial data to assess the risk exposure to Council, which is considered low.
11. Greensborough Hockey Club has secured a loan, in principle, from the Bendigo Bank to fund the renewal of the east synthetic pitch at Plenty War Memorial Park.

Consultation/communication

12. The club has undertaken consultation with their members on the replacement of the synthetic hockey pitch and members are supportive of the project.
13. Council officers have been working with the club on the project and are supportive of the club's proposal to replace the synthetic hockey pitch through a loan arrangement with Bendigo Bank.
14. Hockey Victoria's CEO has been involved in the planning of the project. The replacement of the synthetic pitch at Greensborough with a hybrid synthetic surface from a sand filled synthetic is consistent with Hockey Victoria's Strategic Facilities Masterplan.

Issues/options

15. The synthetic hockey pitch (east) was installed 19 years ago and was only expected to last around ten years. While the club has managed the ground and undertaken repairs as required, the pitch is now beyond its useable life and requires replacement.
16. Hockey Victoria recommends that synthetic surfaces should last around ten years and the rubber shock pad beneath the synthetic should last around 20 years. The lifespan of both is dependent upon both usage and the maintenance regime in place.
17. The project will include the replacement of the synthetic surface and rubber shock pad.
18. In accordance with the club's lease agreement with Council, the club is responsible for the maintenance, repair and replacement of the playing surfaces at the facility. Renewing the east synthetic hockey pitch delivers on the club's obligations under their tenancy arrangement with Council.
19. Council has an adopted Masterplan for Plenty War Memorial Park and the proposed project is consistent with the objectives and recommendations of the Masterplan.
20. Council officers have tendered the works to replace the synthetic surface and rubber shock pad and received responses from suitably qualified contractors.
21. Council will award the tender in line with Council's procurement policy and in consultation with Greensborough Hockey Club representatives, subject to Council's loan guarantee approval. The replacement of the pitch will be project managed by Infrastructure Development and is planned to be available for use for the 2017 hockey season.

12. Officers' reports

OCM.129/16 Greensborough Hockey Club loan guarantee

Proposed loan and guarantee

22. Council is currently guaranteeing around \$1.05 million in loans for 11 sporting clubs in Nillumbik. The current request from Greensborough Hockey Club would present the largest loan guarantee for Council; however officers have completed extensive assessments of the club's financial data to ensure there is minimal risk for Council.
23. The club has previously borrowed money with guarantees from Council and club members to improve the facilities at Plenty War Memorial Park.
24. In 1997 the club borrowed \$260,000 guaranteed by Council to construct the east hockey pitch. This loan was repaid in full in 2007.
25. In 2004 the club borrowed \$275,000 guaranteed by club members to improve the club room building. This loan was repaid in full in 2015.
26. In 2010 the club borrowed \$350,000 guaranteed by Council to support the installation of the west pitch, this project was part funded by Council and state government. The club anticipates this club can be repaid in 2017 from the club's cash reserves.
27. The club has undertaken preliminary discussions with Bendigo Bank for a loan to replace the hockey pitch with the following terms:
 - Loan amount – \$500,000
 - Term – fifteen years
 - Monthly principle and interest payments – \$4,080
 - Interest rate – 5.3 per cent variable
 - Requirement for loan guarantee from Council
 - No redraw capacity – loan can only be used for stated project
28. The club has provided evidence that it will be able to meet the loan required repayments on the new loan.
29. Prior to granting formal approval, the Bendigo Bank has requested confirmation from Council that it will support the club's loan application by executing under seal a Guarantee and Indemnity document. This means that Council would be liable for the loan repayments if the club defaulted.

Risk assessment for loan guarantee

30. There have been ongoing negotiations between Leisure and Social Infrastructure, Finance and the Greensborough Hockey Club to ensure the club is able to service the loan.
31. The club has provided Council with the following documents to demonstrate the club's capacity to service the loan:
 - Committee meeting minutes to confirm the club's intention of applying for a loan to replace the east hockey pitch.
 - Audited financial statements from the last three years.

12. Officers' reports

OCM.129/16 Greensborough Hockey Club loan guarantee

- Forecast cash flow for next ten years, including the club's ability to meet all current expenses and loan liabilities based on a zero membership growth model.
 - Committee meeting minutes to confirm the levy added to all playing members from 2016 season, \$50 for senior players and \$20 for junior players to help build the sinking fund for future ground replacements.
32. This financial information has been reviewed by Council's Finance Unit to assess the risk to Council that is involved in providing the loan guarantee. This review has confirmed that, based on the current financial position of the club, and the projections for coming years, the club can be expected to be able to service the interest and principal payments on the loan, in addition to its other expenditures.
33. There is always some risk exposure to Council in providing such bank guarantees, particularly if circumstances change (for example, due to increases in interest rates, or a decline in club membership numbers). However the available information indicates that the risk to Council is low.
34. It should also be noted that, as owner of the property, Council would take ownership of the fixed infrastructure assets (the hockey pitch) in the event of a club default on the loan. While Council would still need to meet the outstanding loan liabilities, the assets would be held by Council.
35. There have been ongoing negotiations between Leisure and Social Infrastructure, Finance and Greensborough Hockey Club to ensure the club is able to service the loan. The club has provided Council with the following documents to demonstrate the club's capacity to service the loan:
- Committee meeting minutes to confirm the club's intention of applying for a loan to replace the east hockey pitch.
 - Audited financial statements from the last three years.
 - Forecast cash flow for next ten years, including the club's ability to meet all current expenses and loan liabilities based on a zero membership growth model.
 - Committee meeting minutes to confirm the levy added to all playing members from 2016 season, \$50 for senior players and \$20 for junior players to help build the sinking fund for future ground replacements.
36. The overall benefits of the renewal of the east synthetic hockey pitch includes:
- The club will have two hybrid synthetic grounds that meet the requirements to play and host Premier League, Hockey Victoria and school sport events.
 - Club training loads can be re-adjusted to provide time for broader community use and provide income for the club.
 - The Northern District Hockey League can grow to its full potential and club has capacity to increase membership and team numbers.

12. Officers' reports

OCM.129/16 Greensborough Hockey Club loan guarantee

- Renewing the east ground in 2016-2017 will enable the club to meet the renewal of the west pitch in a timely manner, stagger future renewals and meet future renewal costs through a hockey pitch sinking fund.
- Improve the overall playing experience for Greensborough Hockey Club, retain members and continue to be one of the largest and most successful hockey clubs in Victoria.

Conclusion

37. Greensborough Hockey Club provides important social and recreational opportunities for the community and operates from a Council owned facility. In the unlikely event that the club defaulted on the loan, or dissolved, and Council inherited the responsibility for the loan, the club facility would remain in Council ownership for the benefit of the community.
38. The club's proposed to upgrade the synthetic pitch will not only improve a Council asset, but also provide a fit for purpose surface for the club and their members and visitors.

12. Officers' reports

OCM.130/16 Plenty Park Synthetic Hockey Pitch Resurfacing

File: 1516-19

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Jake Hart, Project Management Officer

Summary

Greensborough Hockey Club occupies the Council owned property at Plenty War Memorial Park, Memorial Drive, Plenty. The site comprises of two hockey pitches. The eastern hockey pitch has been in place for double its expected life and has been repaired several times by the club. The Pitch has now reached the end of its usable life and needs to be replaced.

This report considers the awarding of a lump sum contract for the Plenty Park Synthetic Hockey Pitch Resurfacing. The contract involves the replacement of the eastern hockey pitch synthetic surface and the rubber shock pad at Plenty War Memorial Park, Memorial Drive, Plenty.

The tender evaluation panel has assessed all submissions and a separate confidential report to this meeting outlines their evaluation in recommending the awarding of the contract for the Plenty Park Synthetic Hockey Pitch Resurfacing.

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

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.131/16 Audit Committee meeting August 2016 and 2015-2016 Audit Committee Chairperson's report

File: 20/15/006

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Vince Lombardi, Manager Finance

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 15 August 2016. The minutes for the meeting are attached in Attachment 1.

As outlined in the good practice guide for Local Government Audit Committees, the Chairperson of the Audit Committee should present a report to Council on the activities of the Committee over the preceding financial year. Linda MacRae, Chair of the Audit Committee will present her report to the Ordinary Council Meeting on the Audit Committee's 2015-2016 activities at this meeting. A copy of the report is provided at Attachment 2.

Recommendation

That Council:

- 1. Notes the minutes of the Audit Committee meeting 15 August 2016.**
- 2. Notes report from the Chair on the 2015-2016 activities of the Audit Committee.**

Attachments

1. Audit Committee Minutes
2. Report from the Audit Committee Chair 2015-2016

Background

1. 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.
2. The Audit Committee meets a minimum of four times a year and has the role to assist the coordination of relevant activities of management, internal audit and the external auditor to facilitate good governance, effectiveness and efficiency.

12. Officers' reports

OCM.131/16 Audit Committee meeting August 2016 and 2015-2016 Audit Committee Chairperson's report

Policy context

3. This report directly supports the achievement of Council Plan 2013-2017 strategies:
- We will ensure our services are efficient and deliver good value for money for our residents and we will invest in training and technology to enhance productivity.
 - We will meet our legal responsibilities and manage our risks.

Budget implications

4. The costs associated with this matter were contained within Council's 2015-2016 Budget.

Consultation/communication

5. The Audit Committee meeting on 15 August 2016 was attended by the Committee members, the internal Auditor from Crowe Horwath, as well as the Chief Executive Officer, General Manager Corporate Services and Manager Finance. Cr Meralyn Klein and Cr Ken King are the councillor representatives.

Audit Committee minutes

6. The minutes of the Audit Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
7. The Audit Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.
8. The 15 August 2016 Audit Committee minutes have not yet been adopted by the Committee, but will be presented at its next meeting.
9. Among the items considered by the Audit Committee at the meeting held on 15 August 2016 were:
- Council's Risk and Insurance report, including the updated Risk Management Strategy, was received and noted.
 - The internal audit report on the Follow-up of selected high risk matters previously identified.
 - The 2015-2016 Annual Financial Report accompanied by the closing report by the external auditor.
10. The next Audit Committee meeting is scheduled to take place either in late November or early December 2016.

Audit Committee Chairperson's report

11. The Chair of the Audit Committee, Linda MacRae, has provided her report on the 2015-2016 activities of the Committee.
12. The report includes details regarding:
- Internal Audits undertaken

12. Officers' reports

OCM.131/16 Audit Committee meeting August 2016 and 2015-2016 Audit Committee Chairperson's report

- External Audit
- Management Reports Considered;
- The 2016-2017 outlook.

13. A copy of the report is provided at Attachment 2.

Conclusion

14. The Audit Committee minutes 15 August 2016 are presented to Council to ensure timely feedback, accurate information and for noting by Council.
15. The Audit Committee Chairperson's report on the 2015-2016 activities of the Audit Committee is presented for noting.

12. Officers' reports**OCM.132/16 Financial statements and performance statement for 2015 -2016**

File: 20/10/004**Distribution:** Public**Manager:** Andrew Port, General Manager Corporate Services**Author:** Vince Lombardi, Manager Finance**Summary**

Council is required to produce audited Annual Financial Statements and a Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

The draft 2015-2016 Financial Statements and Performance Statement have been reviewed by Council's external auditors on behalf of the Victorian Auditor General.

For the 2015-2016 financial year Council has achieved an operating surplus of \$4.6 million on an accrual basis.

This report recommends that Council give 'in principle' approval to the 2015-2016 accounts and appoint the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2015-2016 Financial Statements and Performance Statement.

Council has also produced a Performance Statement in accordance with the Local Government Performance Reporting Framework. This provides results on a range of prescribed indicators of service performance, financial performance and sustainable capacity. In addition to the audited Performance Statement, the results for a range of other indicators are reported in the Report of Operations as part of the Annual Report. This information will also be published on the Know Your Council website.

The draft statements have been presented to Council's Audit Committee which has recommended that Council give in principle approval for the statements pursuant to Section 132 of the Act, prior to formal presentation to the Auditor General.

Based on these results, Council has again recorded a low-risk (green-light) result based on the existing indicators of financial sustainability used by the Auditor-General.

Recommendation**That Council:**

- 1. Approves 'in principle' the 2015-2016 Annual Financial Statements and Performance Statement (Attachment 1).**
- 2. Authorises the Mayor, Deputy Mayor and the Chief Executive Officer to sign the 2015-2016 Annual Financial Statements and Performance Statement in their final form after any changes recommended, or agreed to, by the auditor have been made.**
- 3. Notes that Nillumbik has again achieved a low-risk (green-light) assessment on the existing indicators of financial sustainability used by the Auditor-General.**

Attachments

Nil

12. Officers' reports

OCM.132/16 Financial statements and performance statement for 2015 -2016

Background

1. Council is required to produce audited Annual Financial Statements and a Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.
2. Section 132 of the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014 require Council to:
 - a) Adopt a resolution giving its approval, 'in principle', to the Financial Statements and Performance Statement before they are submitted to the Auditor General.
 - b) Authorise two Councillors and the Chief Executive Officer to certify the statements in their final form, after any changes recommended, or agreed to, by the auditor have been made.

Policy context

3. This report directly supports the achievement of the Council Plan 2013-2017 strategy:
 - We will meet our legal responsibilities and manage our risks.

Budget implications

4. This is a statutory procedural matter, the associated costs for which are contained within the operating budget.

Consultation/communication

5. The development of the draft Financial Statements and Performance Statement has been undertaken in consultation with Council's external auditors on behalf of the Victorian Auditor General, and the Audit Committee.

Approval process

6. Preliminary audit work has been completed by Council's external auditors and officers have prepared a draft set of the 2015-2016 Financial Statements and Performance Statement for submission to the Auditor General. A copy of these statements, forming the 'in principle' statements, is provided in Attachment 1.
7. The Statements were presented to the Audit Committee on 15 August 2016. The recommendations of the Audit Committee were:
 - a) Record its approval 'in principle' to the Annual Financial Statements and Performance Statement (the statements) for the year ended 30 June 2016
 - b) That subject to the review of the final version of the Financial Statements and the Performance Statement, that Council:
 - i) Authorise the Chief Executive Officer to send the statements to the Auditor General
 - ii) Authorise the Chief Executive Officer, the Mayor, and Deputy Mayor to certify the final version of the statements

12. Officers' reports

OCM.132/16 Financial statements and performance statement for 2015 -2016

- iii) Authorise the Manager Finance to implement any non-material changes to the statements as recommended by the Auditor General, and provide a summary of such changes to the Audit Committee at its next meeting. Any material changes will be discussed with the Chair of the Audit Committee prior to being presented to Council.
- 8. The following process is required to ensure that Council's Financial Statements and Performance Statement are submitted to the Auditor General in a timely manner, enabling the Auditor General to officially express his opinion prior to the statutory deadline of 30 September 2016:
 - a) Council must meet formally to review the draft Financial Statements and Performance Statement, and resolve that Council approves the statements 'in principle' and authorises two Councillors and the Chief Executive Officer to sign the final statements on behalf of, and with the full authority of, the Council. The 'in principle' statements and the Council resolution are given to the external auditor;
 - b) The external auditor checks the 'in principle' statements. These statements, the Council resolution, and the external auditors recommended Audit Report will then be forwarded to the Auditor General for review;
 - c) The Auditor General reviews the statements and requests any changes where appropriate;
 - d) The Principal Accounting Officer, (Manager Finance) then considers the Auditor General's requested changes and incorporates them into the 'in principle statements', where appropriate;
 - e) The Principal Accounting Officer will identify any matters of significance, including proposed qualification issues, not previously considered by the Council and formally draw Council's attention to them prior to the formal sign off of the statements by the two designated Councillors and the Chief Executive Officer;
 - f) If Council and the Auditor General are satisfied with the statements, the statements are to be signed by the delegated Councillors and the Chief Executive Officer and forwarded to the Auditor General;
 - g) The Auditor General's Audit Reports will be issued to the Council once the formally signed statements have been received and checked by the Auditor General; and
 - h) The organisation's 2015-2016 Annual Report, including the audited Financial Statements and Performance Statement, must be forwarded to the Minister by 30 September 2016.

Financial Statements – Operating Result

- 9. The Financial Statements include the Comprehensive Income Statement which is prepared on an accrual basis. On an accrual basis, the result for the year shows an Operating Surplus of \$4.6 million.

12. Officers' reports

OCM.132/16 Financial statements and performance statement for 2015 -2016

10. Council’s 2015-2016 Budget forecast an Operating Surplus of \$8.3 million on an accrual basis. The final Operating Surplus for 2015-2016 was \$4.6 million. This is \$3.7 million lower than the budgeted surplus of \$8.3 million. The major reasons for this variance are detailed below, and are mainly attributable to non-monetary items, particularly adjustments to the value of Council infrastructure assets to correctly reflect asset ownership.

Item	Variance	Comment
Monetary items		
Grants - Capital	\$5.3m	Variance due to grants received in relation to the Eltham Leisure Centre redevelopment and Eltham Community Reception Centre upgrade.
Contributions – monetary	\$2m	Variance largely due to developer and capital works contributions received in excess of budget amounts, which are tied to specific works.
All other items (net)	\$1m	The balance of the variation in the surplus is \$1 million. This is due to some higher than budgeted income (particularly interest earned), and some lower than budgeted expenditure across all other activities of Council, including savings during the year due to vacancies in staffing positions.
Subtotal	\$8.3m	Favourable variance (monetary items)
Non-monetary items		
Contributions – non monetary	\$1.6m	Gifted assets received during the year generally relate to infrastructure transferred to Council via subdivisions. The monetary value of these contributions is recorded as income as per Australian Accounting Standards.
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	(\$13.6m)	Once-off adjustments to Council’s fixed asset register to correct ownership of infrastructure including pedestrian signals on VicRoads’ roads; tenants’ infrastructure on Council land; land not owned by Council; and Crown land not controlled by Council.
Subtotal	(\$12m)	Unfavourable variance (non-monetary items)
Total variation (budget vs actual)	(\$3.7m)	Net unfavourable variance

12. Officers' reports

OCM.132/16 Financial statements and performance statement for 2015 -2016

11. The audited result (\$4.6 million surplus) is greater than the interim result \$3.09 million surplus) which was reported to Council in July 2016 (OCM 118/16). This is because the audited result reflects a full accrual result.
12. As noted in the Council report on the interim result in July, that result was calculated on a cash-position basis (which is used for rate determination purposes).
13. The difference between the two results reflects the fact that the audited financial result includes non-cash items, such as Depreciation, Non-Monetary Contributions, and Net Gain/Loss on asset disposal (which are relevant for accounting purposes but do not affect Council's cash position).
14. The audited financial result also excludes Balance Sheet items, such as Debt Redemption, Reserve Transfers and Capital Works (which do affect Council's cash position, but which are not classified as income or expenditure for accounting purposes).
15. The net effect of all these differences is that the final audited result is \$1.5 million higher than the interim result reported in July.
16. In summary, Council has concluded the 2015-2016 financial year with a surplus of \$4.6 million.

Performance Statement

17. Council has produced a Performance Statement in accordance with the Local Government Performance Reporting Framework.
18. The Performance Statement reports the audited results for 2015-2016 for the prescribed indicators of service performance, financial performance and sustainable capacity.
19. The financial performance and sustainable capacity indicators include several of the indicators used by the Victorian Auditor-General to assess the financial sustainability of local government.
20. The overall assessment of Council's financial sustainability will be confirmed by the Auditor-General in the annual report on Victorian local government in late 2016, which will also confirm the indicators to be applied for 2015-2016.
21. However based on the existing set of indicators used by the Auditor-General, and the results in the audited financial statements and performance statement, a preliminary assessment has been conducted. This shows that Nillumbik will again achieve an overall low-risk (green light) assessment for financial sustainability. The indicators, targets and results are shown in the table below:

AG indicator	Low-risk target	Nillumbik result 2015-16	Risk rating
Net result	> 0%	3%	Low risk
Liquidity	> 1.0	3.5	Low risk
Indebtedness	< 40%	34%	Low risk

12. Officers' reports

OCM.132/16 Financial statements and performance statement for 2015 -2016

AG indicator	Low-risk target	Nillumbik result 2015-16	Risk rating
Internal financing	> 100%	138%	Low risk
Capital replacement	> 1.5	1.99	Low risk
Renewal gap ratio	> 1.0	1.24	Low risk

22. In addition to the audited Performance Statement, the results for a range of other indicators are reported in the Report of Operations as part of the Annual Report.

Conclusion

23. It is recommended that Council give 'in principle' approval to the 2015-2016 Annual Financial Statements and Performance Statement and authorise two Councillors and the Chief Executive Officer to sign the statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

12. Officers' reports

OCM.133/16 Risk and Insurance Report June 2016

File: 25/50/018
Distribution: Public
Manager: Andrew Port, General Manager Corporate Services
Author: Craig Commene, Risk Advisor
Vince Lombardi, Manager Finance

Summary

This report provides a summary of Council's Risk and Insurance Report for the quarter ending June 2016.

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.

Recommendation

That Council:

1. **Notes this summary of the Risk and Insurance Report for the quarter ending June 2016.**
2. **Confirms that the confidential Risk and Insurance Report for the June quarter 2016 is to remain confidential in accordance with sections 77 and 89(2)(h) of the *Local Government Act 1989*.**

Attachments

Nil

Background

1. Council's commitment to risk management is outlined in the Risk Management Policy adopted by Council on 16 December 2014, with the following objectives:
 - Promote and support a consistent corporate approach to risk management.
 - Ensure that all risks that could affect the achievement of our Council's goals, strategies and actions are identified, assessed and treated to a commercially and politically acceptable level of risk.

12. Officers' reports

OCM.133/16 Risk and Insurance Report June 2016

- To manage risks to an acceptance level in the low/medium risk range as far as practicable.
 - Integrate risk management into decision making process and embed risk into the organisation culture to help make informed choices to ensure resources and operational capabilities are identified and deployed responsibly and effectively for the benefit of Council and our stakeholders.
 - To ensure that risk management is seen as the responsibility of all staff, i.e.: 'Risk Management is everyone's business'.
 - Provide a basis for higher standards of accountability.
2. In addition to the risk management policy, Council's Risk Management Framework communicates and describes the risk management structure and procedures that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
 3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
 4. Prior to the introduction of the Local Government Performance Reporting Framework, risk reporting was referred to Councils' Internal Audit Committee and the information included for consideration by Council through the adoption of the Audit Committee's minutes.
 5. Commencing 1 July 2014, the State Government introduced the Local Government Performance Reporting Framework. This framework requires the presentation of risk reporting processes to Council at least every six months on strategic risks to Council operations.
 6. The Risk and Insurance report is a result of consolidation of these management reports, which broadly reports on:
 - Risk Management
 - Insurance premiums
 - Claims and Incident Management
 - Safety Health and Wellbeing
 - Statistical reports relating to strategic risks and accident and injury data.

Policy context

7. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will meet our legal responsibilities and manage our risks.

Budget implications

8. The costs for managing and reporting are covered by the operating budget for the Corporate Services Department.

12. Officers' reports

OCM.133/16 Risk and Insurance Report June 2016

Consultation/communication

9. The Risk and Insurance Report was considered by the General Management Team on 27 July 2016 and the Audit Committee on 15 August 2016.

Issues/options

10. The Risk and Insurance report has been prepared in accordance with Council's risk management framework and is consistent with industry standards, using the Australian Standard AS/NZS 31000:2009 Risk Management.
11. Highlights from the report are:
- Council Risk status reporting – 99.3 per cent of all risk control actions have been completed or are on target to be completed in accordance with their time lines. One action for organisational risk 1 (failure to prepare for and respond to emergencies) related to the scheduled review of Council's existing Pandemic Plan (Ebola, Infectious Diseases Plan) is not on target due to a staff resignation. This action has been rescheduled to be completed in early in 2016-2017.
 - The annual insurance renewal process has concluded with all policies place by 30 June 2016. A saving of \$96,000 was made against last years' premium inclusive of an ongoing saving of \$52,000.
 - A section 186 tender resulted in receiving one tender response for motor vehicle insurance and one tender response for property insurance was received. Council's Broker was engaged to seek open market pricing and 7 property and 4 motor vehicle insurers were approached for comparison pricing. The result was acceptance of the tender offers from JMAPP and VERO, being the lowest pricing based on similar terms.
 - Council's Broker was engaged to seek open market terms for public liability and professional indemnity and 6 insurers were approached. The quotation from MAV insurance was accepted being the lowest offer based on similar terms.
 - A new policy for cyber insurance was also sourced to cover exposures related to privacy breach costs, digital asset replacement expenses, business income loss, third party liability, cyber extortion and reward, Internet media liability. Premiums varied widely and the lowest offer from Chubb Insurance was accepted.
 - Premium costs are managed within existing budgets and at this time there are no cost implications for Council to consider.
 - The following table summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

12. Officers' reports

OCM.133/16 Risk and Insurance Report June 2016

Incidents by type (excluding OHS incidents)	Jul - Sep 2015	Oct - Dec 2015	Jan - Mar 2016	Apr - Jun 2016	Total year to June 2016	Total year to June 2015	Year to year trend
Property	3	13	7	10	33	28	▲
Motor vehicle	35	35	33	30	133	108	▲
Professional Indemnity	1	0	1	2	4	3	▲
Public Liability	25	27	29	29	110	83	▲
Total all incidents	64	75	70	71	280	222	▲

- A high proportion of reported incidents are generated within the normal course of operations of the Infrastructure Services Department, 66 per cent. These incidents relate to major classes of asset or maintenance type incidents for Council buildings, trees, footpath, road damage, and major plant.
- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds.
- Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties.
 - One major incident resulted in an insurance claim when Council's travel tower parked on an incline began sliding whilst its stabilisers were being lowered and damaged an adjacent Council chipper truck. No injuries occurred and Worksafe investigated. A number of recommendations related to the incident have been actioned.
- Public liability relates to incidents reported to Council where the third party is seeking compensation. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, tree related and trip and fall incidents.
- Annual trend data for year ending June 2016 highlights a 20 per cent increase in reported incidents over the same period for 2015. This increase is attributed to a re-launch of Councils OHS incident reporting system in mid-2015.
- Incident costs including under excess claim costs and insurance excesses are managed within existing budgets.

12. Officers' reports

OCM.133/16 Risk and Insurance Report June 2016

Conclusion

12. This summary, along with the Confidential Risk and Insurance Report, have been provided to meet the requirements of the Local Government Performance Reporting Framework and consolidation of management reporting.
13. Ongoing reporting to Council will be presented quarterly following each meeting of the Audit Committee.

12. Officers' reports

OCM.134/16 Meeting Procedure Local Law - use of rescission motions

File: 10/60/016
Distribution: Public
Manager: Andrew Port, General Manager Corporate Services
Author: Wayne Trull, Coordinator Governance

Summary

Council, at its Ordinary Meeting on 26 July 2016, resolved as follows:

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

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

As part of the investigation, the meeting procedure local laws of a number of other councils were researched to ascertain current industry practice in relation to proposing of notices of rescission.

For the reasons outlined in this report, it is recommended that there be a requirement in Council’s Meeting Procedure Local Law that at least three councillors be required to sign a Notice of Rescission. This report also considers the matter of alternative motions that are contingent upon rescission motions.

As the current Council will be holding its final meeting in September, it is recommended that this report be noted and that the matter of a possible amendment to the Rescission Motions clause in the current Meeting Procedure Local Law be referred to the incoming Council as part of its wider consideration of governance arrangements, including meeting procedures, for its four year term.

Recommendation

That Council:

1. **Notes this report.**
2. **Refers to the incoming Council the matter of a possible amendment to the Meeting Procedure Local Law, requiring any rescission motions to be lodged by three Councillors, and that this matter be considered by the incoming Council as part of its wider consideration of governance arrangements.**

Attachments

Nil

12. Officers' reports

OCM.134/16 Meeting Procedure Local Law - use of rescission motions

Background

1. At its 26 July 2016 Ordinary Meeting, Council resolved as follows:
‘That Council officers investigate and report back to Council on ways to improve the use of rescission motions, so that when Councillors use rescission motions in the future:
 1. They obtain a stronger level of support from their Councillor colleagues as a requirement for lodging rescission motions.
 2. Rescission motions are not used as a vexatious or a political tool to obstruct good governance and efficient processes.’
2. Clause 8.2.20 of Council’s Meeting Procedure Local Law provides, inter alia, that:
‘A Rescission Motion is a motion to rescind or vary a previous decision of Council. Any Councillor may propose a Notice of Rescission at a subsequent meeting. The Notice of Rescission must be received by the Chief Executive officer in writing no later than 12 noon the Tuesday prior to the next subsequent meeting.’
3. Following Council’s resolution, the investigation by officers included researching the meeting procedure local laws of ten other councils including the neighbouring Banyule, Manningham and Whittlesea City Councils.
4. Research indicated that five of those Councils allowed a Notice of Rescission to be proposed by one councillor only. The remaining five Councils required two or more councillors to propose a Notice of Rescission.
5. For example, Banyule City Council has seven councillors in total, and requires the rescission notice to be signed by three Councillors.
6. Manningham City Council has nine councillors in total, and requires the rescission notice to be signed by two or more councillors.
7. Melbourne City Council has eleven councillors in total, and requires the rescission notice to be signed by four councillors.

Policy context

8. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will meet our legal responsibilities and manage our risks.

Budget implications

9. There are no budgetary implications at this time.
10. In the event that any changes to the Meeting Procedure Local Law are initiated, it is possible that there may be minor administrative expenses incurred in the current financial year for public advertising of any proposed changes. There is adequate provision in Council’s 2016-2017 budget.

Consultation/communication

11. No additional consultation or communication is required at this time.

12. Officers' reports**OCM.134/16 Meeting Procedure Local Law - use of rescission motions**

Rescission motions

12. Rescission motions are different to other matters that are addressed through Notices of Motion. A general Notice of Motion provides an opportunity for any Councillor to list an item on the Council agenda for consideration. It does not have any effect upon Council's activities or resources unless it is then seconded, and carried by a majority at a Council meeting.
13. However a rescission motion has an immediate effect upon Council's activities, even before it is considered by Council. This is because, once a rescission motion has been lodged, the administration must defer implementation of the original resolution in accordance with the Meeting Procedure Local Law. The Local Law does provide an exception in certain limited circumstances, where deferring implementation would deprive the original resolution of efficacy. However in most cases, the lodging of a rescission motion means that a previous resolution of Council cannot be acted upon until the rescission motion has been considered at the next Council Meeting, which may be up to one month later.
14. There does need to be a mechanism for Councillors to seek rescission of prior Council resolutions. For example, given a total number of seven Councillors, there could be instances when a Council meeting is held and only five Councillors are present, and two are absent. If a resolution is made at that meeting, but the vote is three in favour, and two against, then those two Councillors who were absent (if opposed to the resolution) may seek to rescind the motion at a later meeting at which they are present. Under that scenario, a later decision (to rescind) would represent the view of the majority of all Councillors. In other situations, circumstances may change which warrant Council's reconsideration of a matter, including a possible rescission of an earlier decision.
15. Although there is a legitimate requirement for a rescission mechanism, the availability of this mechanism needs to be balanced with other governance considerations. This is because the action of lodging a rescission motion has an immediate effect by delaying the implementation of an earlier Council resolution. The power to lodge a rescission motion is in itself significant, even though the rescission motion will eventually succeed or fail based on the vote at the subsequent Council meeting.
16. The key issue is therefore to consider the appropriate number of Councillors who must demonstrate support for a rescission motion at the point when it is lodged in writing, rather than when it is subsequently debated. There are a number of options in this regard, which are discussed below.

Lodgement of rescission motion by one Councillor

17. This is considered to be inadequate, as it provides the opportunity for a single Councillor to delay the implementation of an existing Council resolution which has already received majority support. There is no requirement to demonstrate that there is support from any other Councillor at the lodgement stage.

12. Officers' reports

OCM.134/16 Meeting Procedure Local Law - use of rescission motions

Lodgement of rescission motion by two Councillors

18. The argument in favour of this approach is that any motion to be debated at a Council meeting (other than some procedural motions) must be seconded in order to proceed to debate and voting. A motion lapses if it is not seconded. As lodgement of a rescission motion will delay the implementation of an existing resolution, it should at least require a seconder.

Lodgement of rescission motion by three Councillors

19. The argument in favour of this approach is that the requirement for a rescission motion ought to be higher than the requirement for other motions (which require a seconder). This is appropriate because Council has already made a resolution on the matter, and the implementation of that decision should not be delayed unless there is evidence of substantial support from Councillors for a rescission.
20. It also recognises that there is a similarity between rescission motions, and the process for calling a Special Meeting of Council. The Local Government Act 1989 provides that any three Councillors may call a Special Meeting (the Mayor also has this power).
21. By calling a Special Meeting, three Councillors have the power to direct that Council consider a matter outside of the normal cycle of Ordinary Meetings. The lodgement of a rescission motion involves a similar exercise of power, because it has an immediate impact by delaying implementation of a prior resolution, and that impact occurs outside of the normal cycle of Ordinary Meetings.
22. The fundamental power of a Councillor rests in their authority to vote on motions at a properly constituted meeting of Council. It is appropriate that there are limits on the exercise of powers by Councillors outside of such meetings, and the Local Government Act 1989 establishes such limits.
23. If Councillors wish to direct the business of Council (in ways other than voting at an Ordinary Meeting of Council) they have the power to call a Special Meeting. The Act requires three Councillors to lodge a written notice to call a Special Meeting.
24. Both actions (calling a Special Meeting, or lodging a rescission motion) involve Councillors exercising power to direct the business of Council outside of the ordinary meeting cycle. Given the statutory requirement for three Councillors to call a Special Meeting, it is considered that a similar standard is appropriate for rescission motions.

Lodgement of rescission motion by four Councillors

25. This would be the most stringent requirement, as it would require any rescission motion to demonstrate majority support (four of seven Councillors) prior to lodgement. The argument in favour of this approach is that Council decisions should be promptly implemented, and that any delay to their implementation should only occur if a majority of Councillors record their intention to support a rescission.
26. The disadvantage of this approach is that it places a very high requirement at the lodgement stage, which diminishes the significance of debate in the Council Chamber that may influence the eventual vote on a rescission motion.

12. Officers' reports

OCM.134/16 Meeting Procedure Local Law - use of rescission motions

27. Lodgement of a rescission motion initiates a debate on the rescission motion, but lodgement does not need to become a substitute for that debate to occur in a public forum at a Council meeting.

Alternative motions

28. In some instances, when rescission motions are used, it is appropriate to provide an alternative motion which will be moved if (and only if) the rescission motion succeeds.
29. This is appropriate if the act of rescinding the earlier motion will leave a matter unresolved, and if it is a matter where Council needs to make a clear resolution and take a position on the matter (for instance, if there is a relevant statutory requirement).
30. Under such circumstances, an alternative motion can be lodged as part of a rescission motion, contingent upon the rescission motion being carried. If the rescission motion is carried, then the alternative motion can be moved. This avoids the situation where a successful rescission motion then leaves a void, and a matter that requires a Council decision is therefore undetermined.
31. This approach does not require any change to the local law, but it is an important consideration for Councillors when lodging any rescission motions.

Conclusion

32. In considering the appropriate number of Councillors required to lodge a rescission motion, there are a range of options and considerations.
33. The fundamental issue with rescission motions is that, once lodged, they delay the implementation of existing resolutions that have been legitimately made by Council.
34. While there does need to be a mechanism to revisit past decisions, this needs to be limited to those circumstances where a substantial level of Councillor support for rescission is evident at the lodgement stage.
35. For the reasons outlined above, it is considered that a requirement for three Councillors to submit any rescission motion would be an appropriately balanced requirement.
36. Such a change would require an amendment to Council's Meeting Procedure Local Law, which can only be done through a statutory process involving public exhibition and consideration of submissions over several months.
37. As the current Council will hold its final meeting in September, it is recommended that this matter be referred to the incoming Council for consideration following the general election in October 2016.
38. This will provide the opportunity for the incoming Council to address this matter as part of its wider consideration of governance arrangements, including meeting procedures.

12. Officers' reports

OCM.135/16 Adjustment to Council meeting dates

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Andrew Port, General Manager Corporate Services

Summary

This report recommends an adjustment to Council meeting dates in late 2016, following the general election on 22 October 2016.

This adjustment is necessitated by recent changes to the electoral regulations.

Because of changes to Australia Post delivery times, the electoral regulations have been modified to allow a longer period for postal votes to be accepted by the Returning Officer. Postal votes which have been posted by 21 October will now be included in the count if they are received by the Returning Officer by Friday 28 October.

In late 2015, Council set the meeting dates for 2016. Council had scheduled a Special Meeting to be held on 27 October 2016 for the purpose of administration of the Oath of Office for elected councillors, for the election of the Mayor and Deputy Mayor, and for other post-election matters.

The change to the closing date for acceptance of postal votes means that this Special Meeting of Council needs to be rescheduled. It also means that the election results will not be declared until Monday 31 October at the earliest, and potentially not until Friday 4 November (if extensive preference distributions or recounts are required).

It is therefore now proposed that the Special Meeting be held on Tuesday 8 November. This date was previously scheduled for meetings of the Policy and Services Committee and the Planning Committee. Remaining meeting dates for late 2016 are unchanged.

Recommendation

That Council:

1. **Holds a Special Meeting of Council at 7pm on Tuesday 8 November 2016.**
2. **Cancels the Policy and Services Committee and Planning Committee meetings that were previously scheduled for 8 November 2016.**
3. **Gives public notice of these changes to the meeting dates.**

Attachments

Nil

Background

1. The Local Government (Electoral) Regulations 2016 were made by the Governor-in-Council on 26 July 2016. These regulations replaced the previous 2005 regulations.

12. Officers' reports

OCM.135/16 Adjustment to Council meeting dates

2. One of the significant changes in the new regulations is that postal votes returned via the mail will be accepted by the Returning Officer until five working days after election day. This responds to recent changes in the Australia Post mail delivery schedule, which have resulted in longer delivery times.
3. Postal votes still need to have been completed prior to the close of voting, which for postal elections is 6pm on the Friday prior to election day.
4. For those votes returned by mail, postmarks will be used by the Returning Officer to validate the date on which the postal vote was posted, along with the date of the voter's declaration signature.
5. Any postal votes that are hand-delivered after the close of voting will not be accepted into the count.

Policy context

6. 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.

Budget implications

7. There are no budget implications for this report.

Consultation/communication

8. There has been consultation between the Victorian Electoral Commission (VEC) and Local Government Victoria in the preparation of the new regulations.

Issues/options

9. The change in the electoral regulations means that the result of the election will not be declared until after 12 noon on Friday 28 October 2016, to allow for postal votes received on that day to be included in the count.
10. The VEC has indicated that declarations for contested elections may be scheduled from 10am on Monday 31 October. Depending upon any preference distributions or recounts, the final date for declaration is Friday 4 November.
11. This change means that it is necessary for Council to move the Special Meeting that was scheduled for 27 October, as the result of the election will not be known by then.
12. It is proposed that this Special Meeting be rescheduled to Tuesday 8 November.
13. As a result, the Policy and Services Committee and Planning Committee meetings that were previously scheduled for 8 November will be cancelled. Matters that would have been reported to those Committee meetings will be held over until December.

Conclusion

14. It is recommended that Council make changes to the meeting dates as detailed in this report, and give public notice via the Diamond Valley Leader newspaper and on Council's website.

12. Officers' reports

OCM.136/16 Environment and Planning Monthly Activity Report

File: 45/25/007

Distribution: Public

Manager: Ransce Salan, General Manager Environment and Planning

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

Summary

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

Recommendation

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

1. **Seventy one per cent of planning applications were determined within 60 statutory days.**
2. **One VCAT decision was handed down during July, relating to 26 Edmonds Street, Diamond Creek.**
3. **Council has been advised that Amendment C106 'Application of Activity Centre Zone to Eltham and Diamond Creek activity centres' has been approved.**

Attachments

1. Information on statutory planning matters and subdivisions
2. Information on approved building dispensations
3. Information on Planning Scheme Amendments

Background

1. Council's Environment and Planning Department consists of the Planning and Health Services Unit; Regulatory Services Unit; Strategic and Economic Planning Unit; and Sustainability and Environment Team. The following report consolidates and documents the key activities for each of these service units for the month of July 2016. A summary of the key activities within each of these service units follows.

Policy context

2. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will protect Nillumbik's Green Wedge from expansion of the Urban Growth Boundary (UGB).

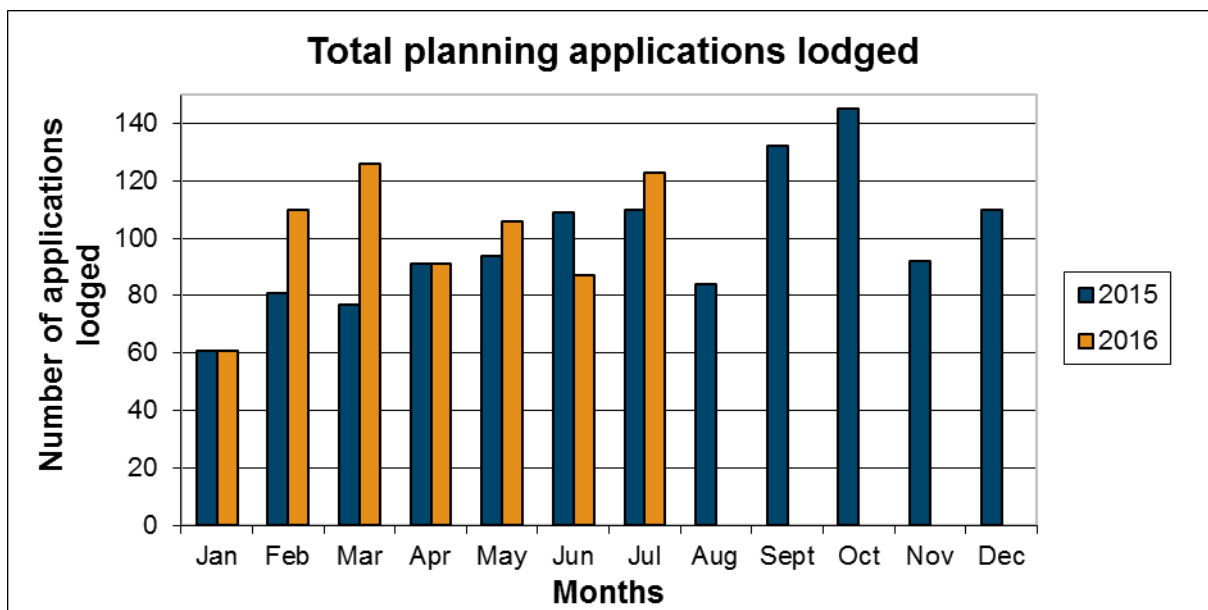
12. Officers' reports

OCM.136/16 Environment and Planning Monthly Activity Report

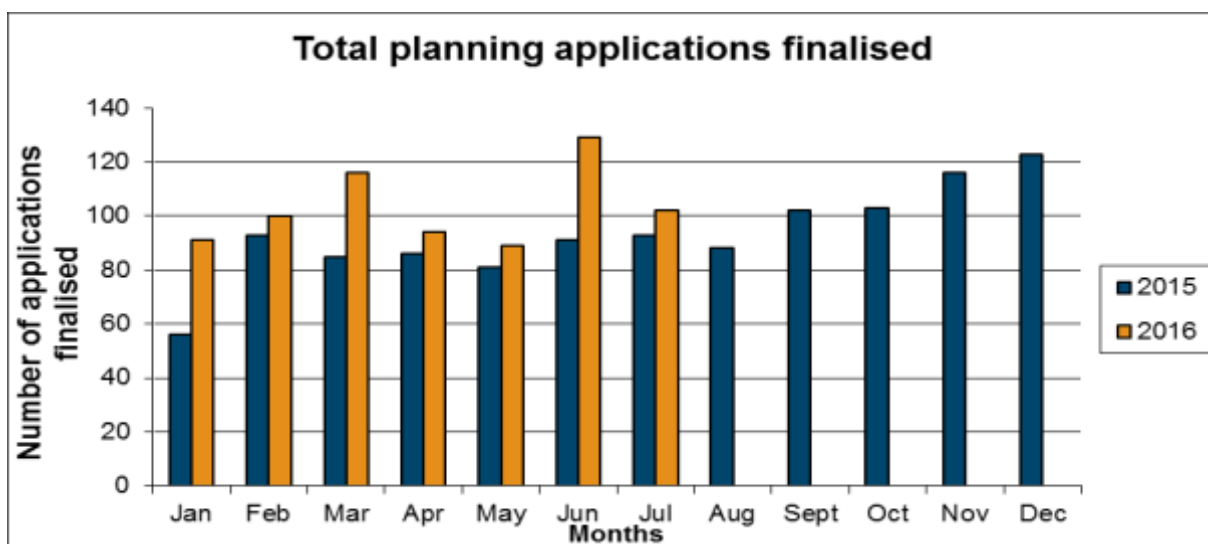
Planning and Health Services Unit

Planning applications lodged and finalised

- Applications lodged include new planning applications; requests for amendments; plans required by permit conditions and miscellaneous consents (under Section 173 Agreements). A total of 123 new applications were lodged in July 2016.



- The applications finalised total includes those applications that have been both withdrawn and those for which no permit were required. A total of 102 applications were finalised in July.



- A breakdown of the determined planning applications is as follows:

Application type:	Percentage determined
Residential development (new dwellings or additions)	40%
Miscellaneous consent under Section 173 Agreement	18%

12. Officers' reports

OCM.136/16 Environment and Planning Monthly Activity Report

Application type:	Percentage determined
Subdivision	12%
Multi-dwelling development	9%
VicSmart	8%
Non-residential building and works	6%
Use	5%
Vegetation removal	2%
Signage	2%

6. Council has received 79 year to date more planning application than for the same period in 2015:

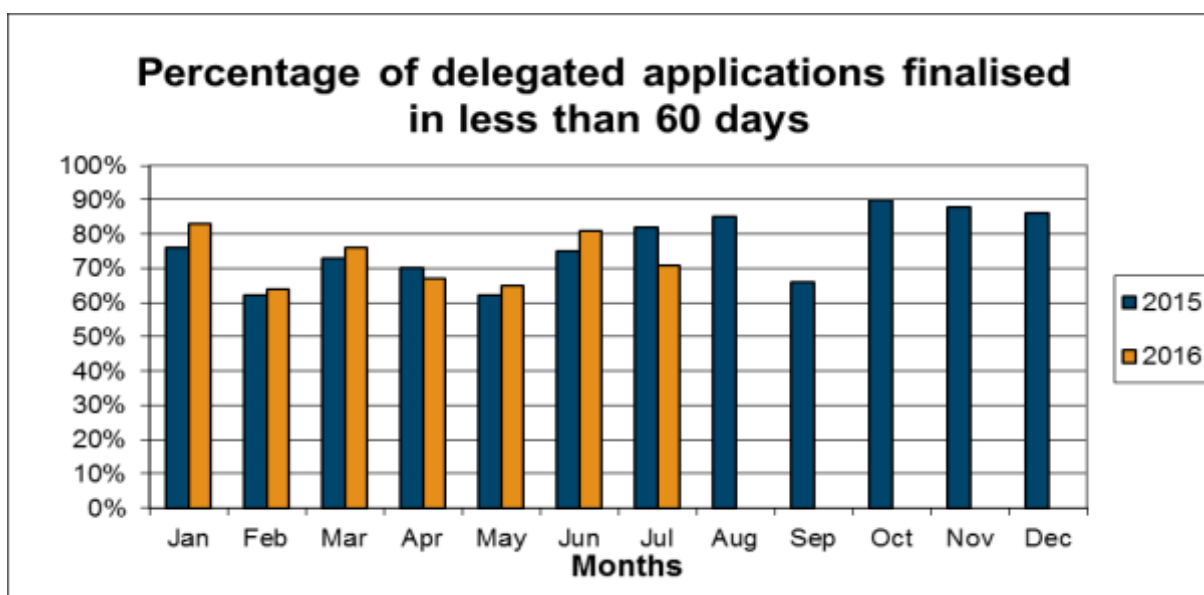
Year	31 July 2015	31 July 2016
Year to date	626	705

7. At the end of July, 333 planning applications remain outstanding, 15 more than for the same period last year:

Year	31 July 2015	31 July 2016
Outstanding applications	318	333

Planning applications decision timelines

8. The following graph outlines the statutory timelines for all planning decisions, with the exception of 'VicSmart' planning applications. In July, 71 per cent of planning applications were decided within 60 statutory days.



9. VicSmart planning decision process specifies 10 business days as the statutory time frame when applications meet criteria set by the State Government. In July five VicSmart planning applications were decided within 10 business days.

12. Officers' reports

OCM.136/16 Environment and Planning Monthly Activity Report

Victorian Civil and Administrative Tribunal (VCAT) decisions

10. A total of nine planning matters are currently before VCAT. One VCAT decision was handed down, one extension of time approved and one appeal withdrawn in July 2016.

26 Edmonds Street, Diamond Creek – Construction of two dwellings (Council refusal, VCAT approval)

11. The application sought the construction of a single storey dwelling behind the existing single storey dwelling on the land, which is zoned General Residential. The application attracted four written objections and Council under delegation refused the application on grounds relating to neighbourhood character. The permit applicant subsequently lodged an application for review at VCAT.

12. In the hearing, the Tribunal agreed with Council that the subject site was in a location which supported some modest medium density housing consistent with State and Local planning policy objectives: 'I find the subject land is well located to host the moderate housing growth sought by the purpose of this zone. This suitability is facilitated by the absence of any planning overlay controls'. However, with respect to neighbourhood character, the Tribunal disagreed with Council and directed that a planning permit be issued. The Tribunal commented: 'I find the combination of the building height, the extent of the building setbacks and the proposed landscaping all contribute to an acceptable neighbourhood character response, particularly in the context of the prominent building form of surrounding development'.

13. The Tribunal added: '...a further consideration in my assessment of the neighbourhood character response is the degree to which the proposed rear dwelling is set back from the side and rear boundaries. In this case, the minimum building setbacks from the boundaries are three metres from the rear, two metres from the eastern side boundary (to the carport) and 4.06 metres from the western side boundary'. The Tribunal identified that all these setbacks exceeded those stipulated by ResCode. The Tribunal also noted that the proposal sought the retention of some of the trees around the perimeter of the site, and the proposed landscape plan would provide an appropriate level of compensatory planting for the trees to be removed.

Food and Health premises inspections

14. A total of 38 inspections of registered Food and Health Premises were conducted during July. These included 33 mandatory Food Act inspections, which included five Follow Up inspections to re-assess issues identified in previous visits. The remaining were five Public Health and Wellbeing Act inspections and two new premises.

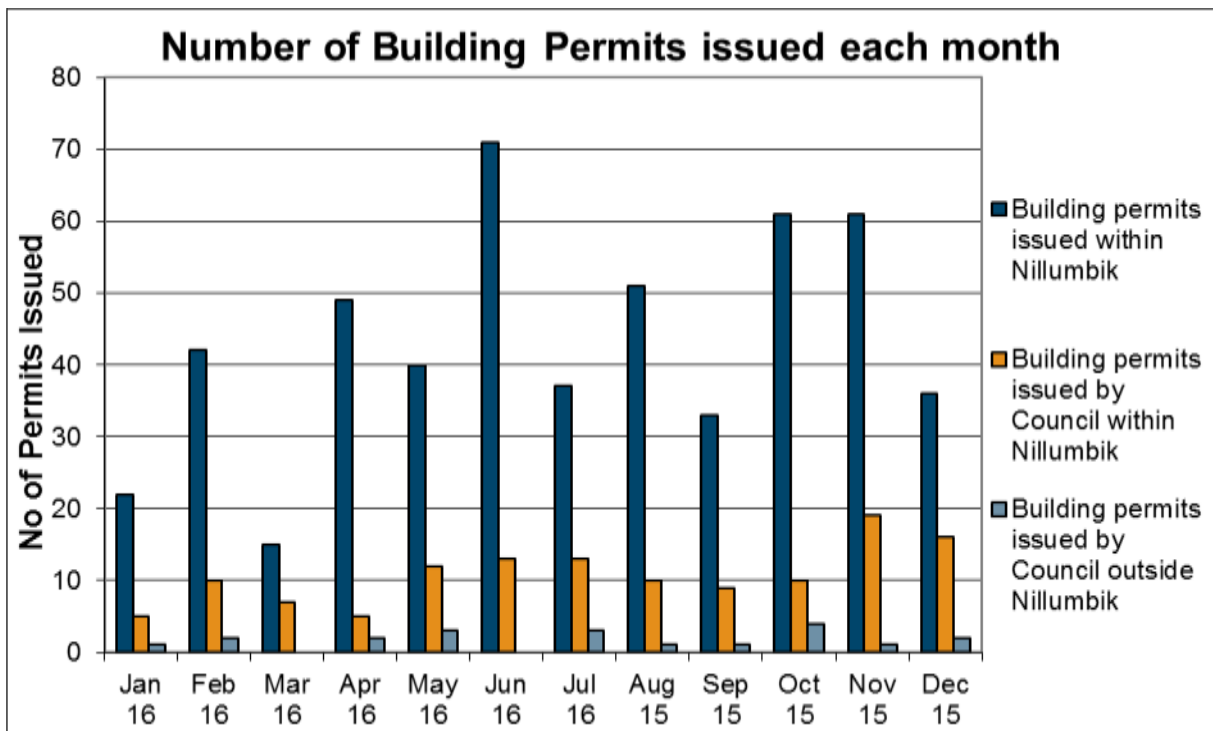
Regulatory Services Unit

Building permits issued

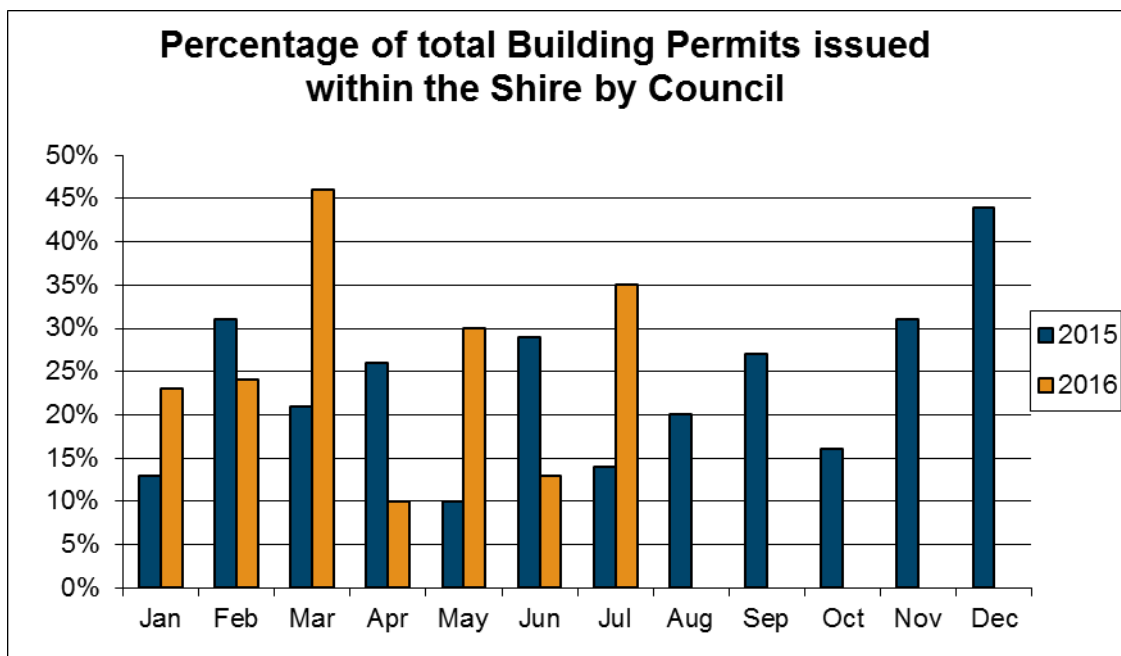
15. The following graph shows the total number of building approvals issued within the Shire of Nillumbik and the number issued by Council's Building Team. The third component of the graph shows the number of building approvals Council's Building Team has issued outside the Shire of Nillumbik.

12. Officers' reports

OCM.136/16 Environment and Planning Monthly Activity Report



16. The following graph illustrates the percentage of building permits issued within the municipality. Permits issued by Council’s Building Team during July were 35 per cent of the overall total.

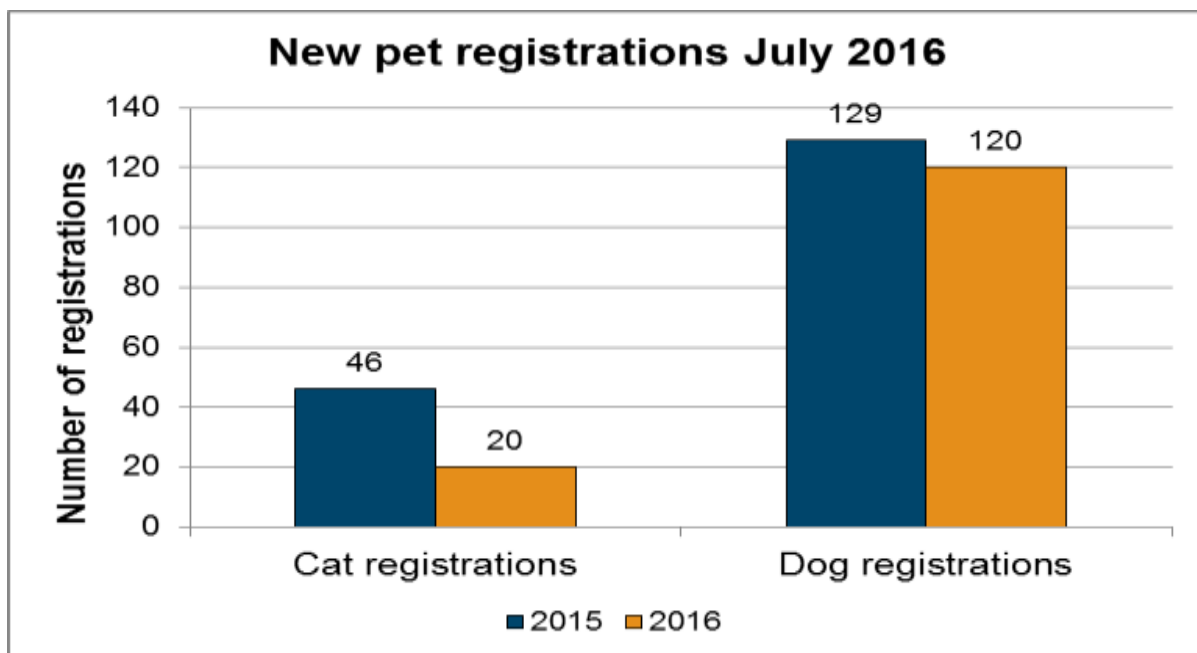


Animal management

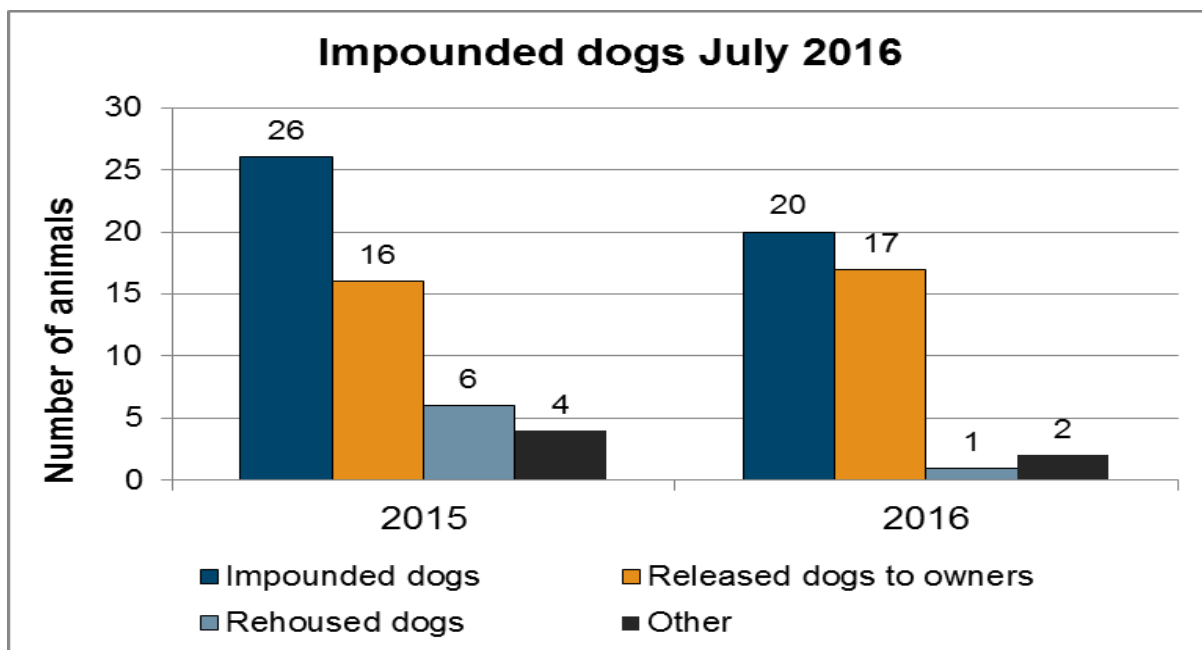
17. The following graph illustrates the number of new dogs and cats registered during July.

12. Officers' reports

OCM.136/16 Environment and Planning Monthly Activity Report



18. The following graph illustrates the number of dogs impounded during July.



Strategic Planning Unit

19. Council has been advised that Amendment C106 'Application of Activity Centre Zone to Eltham and Diamond Creek activity centres' has been approved.

Sustainability and Environment Team

20. Inspection of properties by Council and independent ecologists continued to be undertaken in response to requests from residents to verify the application of the proposed ESOs to their properties. In total, 40 assessments were completed by the end of July.

21. Fifteen environmental assessments of planning referrals were completed.

12. Officers' reports

OCM.136/16 Environment and Planning Monthly Activity Report

22. Nillumbik was one of five Councils invited by DELWP to attend a Targeted Testing Workshop to go through the proposed changes to the Native Vegetation Regulations and discuss impacts prior to broad release in August.
23. Under Council's Over-the Counter Offsets program, two credit trades were made in July at a total of \$11,283.62. To date, \$18,354.73 of income has been generated from the sale of credits and the first year of offset management in The Chase reserve has been completed.
24. The final report on the four year Nillumbik Conservation Corridors project was completed, submitted and accepted.
25. Nominations for the Practically Green Sustainability Awards closed on 31 July. All nominations received will be evaluated by a judging panel in time for the awards night on October.

Conclusion

26. It is recommended that Council receives and notes the Environment and Planning Department Activity Report for July 2015.

12. Officers' reports

OCM.137/16 Assemblies of Councillors

File: 10/30/002
Distribution: Public
Manager: Andrew Port, General Manager Corporate Services
Author: Naomi Ellis, Corporate Planner

Summary

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

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

Recommendation

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

1	Date of assembly	6 July 2016
	Matters considered	Environment Advisory Committee
	Councillors present	Cr Anika Van Hulsen Cr Michael Young
	Staff present	Pat Vaughan Stacey Warmuth
	Conflict of interest	None declared

2	Date of assembly	14 July 2016
	Matters considered	Liveable Nillumbik Community Reference Group
	Councillors present	Cr Anika Van Hulsen
	Staff present	Pauline Gordon Nichole Johnson Corrienne Nichols
	Conflict of interest	None declared

3	Date of assembly	22 July 2016
	Matters considered	CEO Employment Matters Committee
	Councillors present	Cr Bronnie Hattam Cr Helen Coleman Cr Peter Perkins Cr Ken King
	Staff present	Des Bethke (consultant)
	Conflict of interest	None declared

12. Officers' reports

OCM.137/16 Assemblies of Councillors

4	Date of assembly	26 July 2016	
	Matters considered	Pre-meeting for Ordinary Council Meeting	
	Councillors present	Cr Bronnie Hattam Cr Ken King Cr Michael Young	Cr Peter Perkins Cr Anika Van Hulsen
	Staff present	Stuart Burdack Andrew Port Conal Creedon Jeremy Livingston Chad Griffiths Allison Watt Mathew Deayton Adrian Cully Rachel Deans	Corrienne Nichols Vince Lombardi Robert Malignaggi David Cecala Naomi Paton Pauline Gordon Jon Miller Natalie Campion Frances Duncan
	Conflict of interest	None declared	

5	Date of assembly	27 July 2016	
	Matters considered	Living & Learning Nillumbik Advisory Committee	
	Councillors present	Cr Meralyn Klein	
	Staff present	Maggie Clarke	Dawn McDonnell
	Conflict of interest	None declared	

6	Date of assembly	2 August 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Planning briefing • Melbourne Polytechnic Greensborough campus • Amendment C101 ESO Review • Greensborough Headspace • Age Friendly Victoria declaration • Positive Ageing Strategy update • 2015-2016 Capital Works Program 	
	Councillors present	Cr Bronnie Hattam Cr Anika Van Hulsen Cr Peter Perkins Cr Michael Young	Cr Ken King Cr Meralyn Klein Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Conal Creedon Pauline Gordon	Anita Fitzpatrick Darko Popovski Chad Griffiths Gabrielle Castellan

12. Officers' reports

OCM.137/16 Assemblies of Councillors

		Jeremy Livingston Jonathan McNally	Rebecca Burton
	Conflict of interest	None declared	

7	Date of assembly	9 August 2016	
	Matters considered	Pre-meeting for Policy and Services Committee and Planning Committee	
	Councillors present	Cr Anika Van Hulsen Cr Helen Coleman Cr Meralyn Klein	Cr Peter Perkins Cr Michael Young Cr Ken King
	Staff present	Stuart Burdack Andrew Port Conal Creedon Pauline Gordon Ransce Salan	Chad Griffiths Vince Lombardi Jonathan McNally
	Conflict of interest	None declared	

8	Date of assembly	16 August 2016	
	Matters considered	Officer briefings of Councillors: <ul style="list-style-type: none"> • Local Government Act Review • Annual Financial Statements 2015-2016 • Graffiti Audit • State Govt. Planning for Bushfire - 2016 Mapping and Policy Update • Greensborough Hockey Club – loan guarantee for pitch replacement 	
	Councillors present	Cr Bronnie Hattam Cr Anika Van Hulsen Cr Peter Perkins Cr Michael Young	Cr Ken King Cr Meralyn Klein Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Conal Creedon Pauline Gordon Ransce Salan Chad Griffiths Nadine Woodridge	Allison Watt Wayne Trull Vince Lombardi Phil Lovelace Jeremy Livingston Fiona Stevens
	Conflict of interest	None declared	

Attachments

Nil

12. Officers' reports

OCM.137/16 Assemblies of Councillors

Background

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

Policy context

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

Budget implications

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

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 26 July 2016.

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

NOM.015/16

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

Motion

That Council:

1. **Notes that the property at 22 Luck Street, Eltham has previously been identified as potentially being surplus to Council's needs.**
2. **Receives a report from officers to enable Council to commence the public consultation process for possible sale of this property in 2017, in accordance with sections 189 and 223 of the *Local Government Act 1989*.**
3. **Subject to considering any public submissions regarding the possible sale of this property, resolves to allocate any sale proceeds into the Major Projects Reserve with the intention of using those funds towards the following projects: Research Park pavilion upgrade; Eltham Central Oval pavilion upgrade; and other major projects.**

NOM.016/16

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

Motion

That Council:

1. **Endorses the proposal by the Eltham Club Incorporated to upgrade pavilion facilities at Eltham Central Oval.**
2. **Endorses the allocation of approximately \$300,000 towards this project but defers consideration to the incoming Council 2017-2018 budget deliberation process.**
3. **Notes that the expected cost of the project is in the vicinity of \$600,000 plus any required power upgrades.**
4. **Undertakes regular communications with the Eltham Club Incorporated to support its delivery of a fully-funded project and develop a strategy to maximise grants, sponsorship and club funding capacity.**

NOM.017/16

Cr Bronnie Hattam advised of her intention to move the following:

Motion

That Council:

- 1. Confirms the \$150,000 allocation in the 2016-2017 budget towards the redevelopment of Research Park sports pavilion towards the estimated total project cost of \$950,000.**
- 2. Notes the confirmed external funding commitments consisting of:**
 - a) Tenant sports club contributions totalling \$145,000 (not including GST)**
 - b) State Government commitment of \$200,000**
- 3. Notes the pending \$100,000 grant application to the 2017-2018 State Government Community Sporting Infrastructure Fund (CFFP) - Female Facilities Category.**
- 4. Refers a further \$455,000 for consideration in the 2017-2018 Council budget to meet the funding shortfall, subject to the outcome of the CFFP grant application.**

NOM.018/16

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

Motion

That Council:

- 1. Writes to the Minister for Planning, requesting the return of the Proposed Planning Amendment C81 unsigned.**
- 2. Is of the view that the community interests are not well served by the introduction of the planning scheme amendment C81 in its current form.**
- 3. Notes the community impacted upon, by the amendment has indicated their interests have not been reflected by this amendment.**
- 4. Brings the proposed planning amendment back to Council for further consideration as to its future.**

14. Delegates' reports

15. Supplementary and urgent business

16. Confidential reports

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

Motion

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

Report No.	Title	Reason for confidentiality
OCM.138/16	Plenty Park Synthetic Hockey Pitch Resurfacing	(d) contractual matters
OCM.139/16	Confidential attachment to the Risk and Insurance Report	(h) any other matter which the Council or special committee considers would prejudice the Council or any person
OCM.140/16	Chief Executive Officer's Performance Review	(a) personnel matters