

## Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 23 August 2016.

### Minutes

**Stuart Burdack**  
**Chief Executive Officer**

Wednesday 24 August 2016

**Distribution:**

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*Domin je ka*

Nillumbik Shire Council

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**Nillumbik Shire Council**

**Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 23 August 2016. The meeting commenced at 7pm.**

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**Councillors present:**

Cr Bronnie Hattam	Swipers Gully Ward (Mayor)
Cr Meralyn Klein	Blue Lake Ward
Cr Anika Van Hulsen	Bunjil Ward
Cr Michael Young	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Ken King	Sugarloaf Ward
Cr Helen Coleman	Wingrove Ward

**Officers in attendance:**

Stuart Burdack	Chief Executive Officer
Pauline Gordon	General Manager Community and Leisure
Andrew Port	General Manager Corporate Services
Ransce Salan	General Manager Environment and Planning
Conal Creedon	General Manager Infrastructure Services
Allison Watt	Manager Governance and Communications
Naomi Paton	Manager Leisure and Social Infrastructure
Joanne Hammond	Coordinator Communications
Nadine Wooldridge	Coordinator Community Leisure Services

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**Welcome**

**1. Reconciliation statement**

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

**2. Prayer**

A prayer was read by Rev David Sullivan from St Matthew's Anglican Church, Panton Hill.

**3. Good governance pledge**

The good governance pledge was read by Cr Helen Coleman.

**4. Apologies**

Nil

**5. Presentations**

**Sporting grant**

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

**6. Confirmation of minutes**

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

**Motion**

**Cr Michael Young  
Cr Helen Coleman**

**That the minutes of the Council Meeting held on Tuesday 26 July 2016 be confirmed.**

**CARRIED**

**7. Disclosure of conflicts of interest**

Nil

**8. Petitions**

**PT.005/16**

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

The online 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 online, 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 online 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 online petition, it has been submitted to Council for consideration.

**Motion**

**Cr Anika Van Hulsen  
Cr Helen Coleman**

**That Council:**

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

**Amendment**

**Cr Peter Perkins  
Cr Meralyn Klein**

**That Council:**

- 1. Receives and notes the online petition regarding the property at Lot 1, Graysharps Road, Hurstbridge.**

2. Refers this matter to the General Manager Community and Leisure for consideration in the next report to Council on this matter.
3. Advises the petition organiser accordingly.
4. Officers investigate and report back to Council a process to allow online petitions to be submitted to Council and comply with Council's Meeting Procedure Local Law.

CARRIED

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

1. Receives and notes the online petition regarding the property at Lot 1, Graysharps Road, Hurstbridge.
2. Refers this matter to the General Manager Community and Leisure for consideration in the next report to Council on this matter.
3. Advises the petition organiser accordingly.
4. Officers investigate and report back to Council a process to allow online petitions to be submitted to Council and comply with Council's Meeting Procedure Local Law.

CARRIED

**9. Questions from the gallery**

**Alan Bamford** asked Council:

'Can Council indicate what work will be done to amend Council's Meeting Procedure Local Law to allow for online petitions to be recognised alongside paper petitions as we operate more and more in an online communications environment?'

**Mayor, Cr Bronnie Hattam** responded that Council is aware that online petitions are becoming more widespread in use.

However a significant issue with online petitions is that they do not require an actual signature by each individual who registers their support, nor do they require a property address to be identified.

Instead, these online petitions rely on electronic registration of each person's support.

This means that Council is not able to have the same level of confidence that each of the people listed in the petition is a real person, or that they have genuinely supported the petition.

Council reviews its governance arrangements following each general election, and the next election is due in October 2016. The matter of petitions will be considered by the incoming Council in 2017 along with other governance matters.

10. Reports of Advisory Committees

AC.008/16 Advisory Committee Report

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**Distribution: Public**

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

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

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

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

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

**Motion**

**Cr Anika Van Hulsen  
Cr Michael Young**

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

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

**CARRIED**

**11. Reports of Special Committees**

Nil

12. Officers' reports

OCM.127/16 Victorian Government TAKE2 Pledge

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**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.

**Motion**

**Cr Anika Van Hulsen**  
**Cr Helen Coleman**

**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.**

**CARRIED**



12. Officers' reports

OCM.128/16 Amendment C101 online survey

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**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 recommendations 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.

**Motion**

**Cr Michael Young  
Cr Helen Coleman**

**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.**

**Amendment**

**Cr Meralyn Klein  
Cr Peter Perkins**

**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**
- 3. Based on the results of the online survey of over 90 per cent of objection rate Council abandons Planning Scheme Amendment C 101.**
- 4. Writes to the Minister of Planning to advise him of its intention to abandon Planning Scheme Amendment C101; and requests that the Planning Panel be dissolved.**

**LOST**

Cr Meralyn Klein called for a division:

For: Crs King, Klein and Perkins.

Against: Crs Coleman, Van Hulsen, Young and Hattam.

**Substantive Motion**

**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.**

**CARRIED**

Cr Michael Young called for a division:

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

Against: Nil.

12. Officers' reports

OCM.129/16 Greensborough Hockey Club loan guarantee

**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.

**Motion**

**Cr Meralyn Klein  
Cr Michael Young**

**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.**

**CARRIED**

12. Officers' reports

**OCM.130/16 Plenty Park Synthetic Hockey Pitch Resurfacing**

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**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.

**Motion**

**Cr Meralyn Klein**  
**Cr Michael Young**

**That Council:**

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

**CARRIED**

12. Officers' reports

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

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**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.

**Motion**

**Cr Ken King**

**Cr Meralyn Klein**

**That Council:**

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

**CARRIED**

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

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**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.

**Motion****Cr Ken King****Cr Michael Young****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.**

**CARRIED**

12. Officers' reports

OCM.133/16 Risk and Insurance Report June 2016

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**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.

**Motion**

**Cr Meralyn Klein**  
**Cr Helen Coleman**

**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*.**

**CARRIED**

Cr Michael Young left the meeting at 8.52pm following the vote on item OCM.133/16 and returned at 8.54pm before the vote on item OCM.134/16.

12. Officers' reports

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

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**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.

**Motion**

**Cr Michael Young  
 Cr Helen Coleman**

**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.**



12. Officers' reports

OCM.134/16 Meeting Procedure Local Law - Use of Rescission Motions

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**Amendment**

Cr Peter Perkins

Cr Ken King

**That the requirement in Point 2 that a rescission motion must be lodged by three Councillors be reduced to two Councillors.**

**LOST**

Cr Peter Perkins called for a division:

For: Crs King, Klein and Perkins

Against: Crs Coleman, Van Hulsen, Young and Hattam

**Substantive Motion**

**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.**

**CARRIED**

Cr Meralyn Klein called for a division:

For: Crs Coleman, Van Hulsen, Young and Hattam

Against: Crs King, Klein and Perkins

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.

**Motion**

**Cr Helen Coleman**

**Cr Meralyn Klein**

**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.**

**CARRIED**

12. Officers' reports

OCM.136/16 Environment and Planning Monthly Activity Report

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**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.

**Motion**

**Cr Michael Young**

**Cr Helen Coleman**

**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.**

**CARRIED**

12. Officers' reports

OCM.137/16 Assemblies of Councillors

**Distribution:** Public

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

**Author:** Naomi Ellis, Corporate Planner

**Summary**

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

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

<b>Motion</b>
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**Cr Meralyn Klein**  
**Cr Helen Coleman**

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 Champion 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"> <li>• Planning briefing</li> <li>• Melbourne Polytechnic Greensborough campus</li> <li>• Amendment C101 ESO Review</li> <li>• Greensborough Headspace</li> <li>• Age Friendly Victoria declaration</li> <li>• Positive Ageing Strategy update</li> <li>• 2015-2016 Capital Works Program</li> </ul>	
	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	<ul style="list-style-type: none"> <li>• Local Government Act Review</li> <li>• Annual Financial Statements 2015-2016</li> <li>• Graffiti Audit</li> <li>• State Govt. Planning for Bushfire - 2016 Mapping and Policy Update</li> <li>• Greensborough Hockey Club – loan guarantee for pitch replacement</li> </ul>	
	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	

CARRIED

13. Notices of Motion

**NOM.015/16**

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

**Motion**

**Cr Michael Young  
Cr Ken King**

**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.**

**Amendment**

**Cr Meralyn Klein  
Cr Peter Perkins**

**That the following words be deleted from Point 3 of the motion:**

**'with the intention of using those funds towards the following projects: Research Park pavilion upgrade; Eltham Central Oval pavilion upgrade; and other major projects.'**

**CARRIED**

**Substantive  
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.**

**CARRIED**

13. Notices of Motion

**NOM.016/16**

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

**Motion**

**Cr Michael Young  
Cr Helen Coleman**

**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.**

**Amendment**

**Cr Peter Perkins  
Cr Meralyn Klein**

**That Council:**

- 1. Requests a report from Officers on the proposal by the Eltham Club Incorporated to upgrade pavilion facilities at Eltham Central Oval.**
- 2. Notes that the expected cost of the project is in the vicinity of \$600,000 plus any required power upgrades.**
- 3. 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.**

**Procedural Motion**

In accordance with Clause 8.3 of the Meeting Procedure Local Law, Cr Ken King moved a procedural motion that the amendment motion now be put. Procedural motions must be dealt with immediately and are not required to be seconded before being put to the vote.

**Procedural Motion**

**Cr Ken King**

**That the amendment motion now be put.**

**CARRIED**



13. Notices of Motion

**NOM.016/16 Continued**

**Amendment**

**That Council:**

1. **Requests a report from Officers on the proposal by the Eltham Club Incorporated to upgrade pavilion facilities at Eltham Central Oval.**
2. **Notes that the expected cost of the project is in the vicinity of \$600,000 plus any required power upgrades.**
3. **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.**

**LOST**

**Substantive 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.**

**CARRIED**

Cr Peter Perkins called for a division:

For: Crs King, Coleman, Young and Hattam.

Against: Crs Van Hulsen, Klein and Perkins.

**13. Notices of Motion**

**NOM.017/16**

Cr Bronnie Hattam advised of her intention to move the following Motion, however as Chair of the meeting, Cr Hattam cannot move or second a motion without vacating the Chair (Clause 8.2.18 of the Meeting Procedure Local Law). The motion was moved by Cr Ken King as allowed by Clause 6.13 of the Meeting Procedure Local Law.

**Motion**

**Cr Ken King  
Cr Helen Coleman**

**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.**

**Amendment**

**Cr Peter Perkins  
Cr Meralyn Klein**

**That Point 4 be deleted from the motion.**

**LOST**

Cr Meralyn Klein called for a division:  
For: Crs Klein, Perkins and Van Hulsen.  
Against: Crs King, Coleman, Young and Hattam.

**Continuance of the meeting**

In accordance with Clause 2.1 of the Meeting Procedure Local Law, a meeting must not continue after 10.30pm unless a majority of Councillors present vote in favour of its continuance, The Chair noted that as it had now reached 10.29pm, continuation of the meeting must be put to the vote.

13. Notices of Motion

NOM.017/16 Continued

**Motion**

Cr Ken King

Cr Michael Young

That the meeting continue past 10.30pm.

**CARRIED**

**Substantive  
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.

**CARRIED**

13. Notices of Motion

**NOM.018/16**

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

**Motion**

**Cr Meralyn Klein  
Cr Peter Perkins**

**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.**

**Procedural Motion**

In accordance with Clause 8.3 of the Meeting Procedure Local Law, Cr Michael Young moved a procedural motion that the motion now be put. Procedural motions must be dealt with immediately and are not required to be seconded before being put to the vote.

**Procedural Motion**

**Cr Michael Young**

**That the motion now be put.**

**CARRIED**

**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.**

**LOST**

Cr Meralyn Klein called for a division:

For: Crs King, Klein and Perkins.

Against: Crs Coleman, Van Hulsen, Young and Hattam.

Cr Peter Perkins and Cr Meralyn Klein requested that their opposition be noted.

**14. Delegates' reports**

Nil

**15. Supplementary and urgent business**

Nil

**16. Confidential reports**

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

**Motion**

Cr Anika Van Hulsen

Cr Meralyn Klein

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

**CARRIED**

The meeting closed to the gallery at 10.37pm.

Cr Anika Van Hulsen left the Chamber at 10.38pm and Cr Michael Young left the Chamber at 10.39pm, neither Councillor were in attendance to vote on confidential report OCM.138/16.

**Ordinary Meeting of Council minutes**

**23 August 2016**

The meeting closed at 11.04pm.

Confirmed: \_\_\_\_\_

Cr Bronnie Hattam, Mayor