

## Ordinary Meeting of Council

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 21 June 2016.

### Minutes

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

Wednesday 22 June 2016

**Distribution:**

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*Domin je ka*

## Nillumbik Shire Council

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**21 June 2016**

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## Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held Tuesday 21 June 2016. The meeting commenced at 7pm.

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### Councillors present:

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 (Deputy Mayor)

### 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
Lisa Pittle	Acting General Manager Infrastructure Services
Jon Miller	Manager Assets and Property
Allison Watt	Manager Governance and Communications
Naomi Paton	Manager Leisure and Social Infrastructure
Jeremy Livingston	Manager Planning and Health Services
Pat Vaughan	Executive Officer Sustainability and Environment
Joanne Hammond	Coordinator Communications
Kalpesh Jajpura	Coordinator Road and Drain Maintenance

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As the Mayor was absent, the Deputy Mayor, Cr Helen Coleman, assumed the Chair in accordance with Clause 14.3 of the Meeting Procedure Local Law Clause.

### Welcome by the Deputy Mayor

#### 1. Reconciliation statement

The reconciliation statement was read by the Deputy Mayor, Cr Helen Coleman.

#### 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 Meralyn Klein.

#### 4. Apologies

An apology was received from Cr Bronnie Hattam.

<b>Motion</b>
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**Cr Ken King**  
**Cr Michael Young**

**That Cr Bronnie Hattam's apology be accepted.**

**CARRIED**

**5. Presentations**

**Queen's Birthday Honours**

Cr Helen Coleman, Deputy Mayor acknowledged three Nillumbik residents who received 2016 Queen's Birthday Honours.

**Dr Bernard Bryan Crimmins OAM**, for service to medicine, and to men's health awareness.

**Linden David Hearn OAM**, for service to education, particularly for children with learning difficulties.

**Patricia McKenzie Anderson OAM**, for service to the community of Warrandyte.

**Cultural Achievement Award**

**Amy Radford** (Ellis Ward) received \$200 Cultural Achievement Award as a contribution to further her study at the National Ballet Academy in Amsterdam.

**Sporting grants**

**Lachy Batchelor on behalf Molly Batchelor** (Blue Lake Ward) received \$200 as a contribution for Molly's selection to represent Australia at the 2016 Junior Pan Pacific Swimming Championships in Hawaii.

**Brittany Reukers** (Sugarloaf Ward) received \$200 as a contribution for her selection to participate at the Global Dance and Cheer Games in Hawaii.

**Campbell Hutton** (Swipers Gully Ward) received \$200 as a contribution for his selection to participate in the IBA Boys International Baseball Championship in Japan.

**Ned Hargreaves** (Wingrove Ward) received \$200 as a contribution for his selection to IBA Boys International Baseball Championship in Japan.

**6. Confirmation of minutes**

Confirmation of minutes of the:

- Ordinary Council Meeting held on Tuesday 24 May 2016
- Special Council Meeting held on Tuesday 24 May 2016
- Special Council Meeting held on Tuesday 14 June 2016.

**Motion**

**Cr Ken King**

**Cr Michael Young**

**That the minutes of the following meetings be confirmed:**

- **Ordinary Council Meeting held on Tuesday 24 May 2016**
- **Special Council Meeting held on Tuesday 24 May 2016**
- **Special Council Meeting held on Tuesday 14 June 2016.**

**CARRIED**

**7. Disclosure of conflicts of interest**

Nil

**8. Petitions**

Nil

**9. Questions from the gallery**

**Colleen Hackett** asked Council:

'Will Council please explain what stage has been reached in the Hurstbridge Liveable Nillumbik project at Lot 1 Graysharps Road, outline the public consultation that has occurred and explain what further public consultation opportunities will be provided?'

**Deputy Mayor, Cr Helen Coleman** responded that Council is currently seeking registrations of interest from developers with a social conscience who will respect and respond to the needs of the community in a sensitive way to the character and built form of Hurstbridge.

Once a preferred developer has been identified, under the Development Plan Overlay requirements, the developer will need to show how the Development Plan (their development) will respond to Council's objectives and guidelines which have been prepared in consultation with a community reference group.

Extensive community consultations were conducted as part of the development of the Hurstbridge Township Strategy 2000, the Hurstbridge Concept Plan 2010, the Nillumbik Positive Ageing Strategy 2013-2017, and the Municipal Health and Wellbeing Plan 2013-2017.

The Planning Scheme Amendment C85 was publicly exhibited. Consultation included:

- Notification to all affected property owners and occupiers and prescribed government authorities.
- Notification to local Hurstbridge interest and community groups.
- Notice in the *Diamond Valley Leader* and *Government Gazette*.
- Notification on Council's website

Liveable Nillumbik Community bulletins with project updates and questions and answers have been distributed throughout the Shire.

On 10 December 2015 a Liveable Nillumbik (Lot 1 Hurstbridge) Community Reference Group meeting was held. A workshop was conducted with members of the group to seek feedback on the Draft Evaluation Criteria and Weightings. for the Expression of Interest (EOI).

Following this phase, a report will be presented to Council about the EOI shortlisting process and recommendations for endorsement.

Stage 2 is the Request for Proposal Phase of the project, anticipated to occur between August-December 2016. Concurrent to this phase the Shire will be undertaking precinct planning and a master planning process. The community will have further opportunities to contribute and participate during this period.

Once suitable developers have been shortlisted, a revision of the development site plan will be exhibited publicly for community input/ comment. This is likely to occur in April 2017.

**9. Questions from the gallery continued**

**Colleen Hackett** asked Council:

'Is Council aware of a spate of graffiti and vandalism particularly targeting the unpopular overdevelopment at 925 Main Road, Hurstbridge and what measures are being taken to protect the heritage building at the front of this construction site?'

**Deputy Mayor, Cr Helen Coleman** responded that Council spends in the order of \$80,000 a year removing graffiti on public buildings and infrastructure and works collaboratively with the police and various agencies to reduce graffiti within the public domain. 925 Main Road Hurstbridge is a private property set well back from the road and it is the owners responsibility to remove any graffiti on the property. Council does provide graffiti removal kits to assist owners of properties with the removal of graffiti and contact should be made with Council's Coordinator of Economic Development if a kit is required.

**Henry Haszler** asked Council:

'At the budget meetings in 2015 I distinctly remember Councillors agreeing to review the parking fees charged traders at their special Council car park. So why are these fees for 2016-2017 still only a miserable six cents per day or 40 cents per week when, for example, La Trobe University charges students \$5 per week?'

**Deputy Mayor, Cr Helen Coleman** responded that this item was considered as part of the budget process in 2015-2016 and the fee increased from \$16 to \$20 (20 per cent). Council also removed the availability of a six month permit. Council again considered these fees as part of the 2016-2017 budget deliberations and has further increased the fee by five per cent.

**Henry Haszler** asked Council:

'The C101 Amendment specifies a preferred 30cm minimum height above ground of the bottom wire of rural fencing. Why such a low minimum when other jurisdictions, such as Cardinia City Council and the Colorado Division of Wildlife specify minimum heights of 40cm to 60cm?'

**Deputy Mayor, Cr Helen Coleman** responded that the information regarding fencing in the ESO was derived from a Department of Environment, Land, Water and Planning's publication which Bushbroker use as a guide. This is entitled 'Standards for management - Fencing Information sheet number 12'. Council has used this guide in its planning considerations for some years.

Other published information such as the Macedon Ranges Wildlife Network's *Wildlife Friendly Fencing Guide* suggest 'leaving a gap of approximately 30- 50cm between the ground and the first strand of fence. This will particularly help smaller animals including kangaroos to go under the fence rather than having to go over the fence.' Nillumbik Shire Council has chosen to adopt a 30cm gap minimum because this is within the regularly recommend range and thus does allow most wildlife movement, yet still creates a sufficient barrier to contain stock such as sheep and goats, which if uncontained would represent a threat to biodiversity and a significant problem for the owners.

The link to above-mentioned Macedon document is <http://www.mrwn.org.au/how-you-can-help/willdlife-friendly-fencing>.

These issues are likely to be discussed at the forthcoming planning panel and Council will consider any panel recommendations.

9. Questions from the gallery continued

**Mark McDonald** asked Council:

‘Could Council please update the Friends of Nillumbik about what has become of the development at the corner of Bible and Luck Street Eltham, number 28?’

**Deputy Mayor, Cr Helen Coleman** responded that the property was granted a permit by VCAT for the construction of two buildings containing 10 dwellings. Although the permit holder has not yet acted on the issued planning permit, the permit remains active.

**Mark McDonald** asked Council:

‘A resident is quoted in the letters to the editor of the June 8 *Diamond Valley Leader* that a permit is now needed to clean up your property in preparation for the fire season. Can Council please reassure people that C101 complies with all recommendations of the Bushfire Royal Commission in regards to fire prevention?’

**Deputy Mayor, Cr Helen Coleman** responded that C101 is not in conflict with the recommendations of the Bushfire Royal Commission. All Planning Schemes were reviewed in light of the Bushfire Royal Commission and new provisions were introduced by the State Government. C101 does not change these.

Interested parties should also look at C101 Frequently Asked Questions, ‘What about bushfire safety’ to gain a more comprehensive understanding of the existing provisions and answer to this question.

**Lyn Millar** asked Council:

‘The organisers of the Pro Active Landowners have publicly stated that if their candidates are elected to Council in October they will remove C81 from the Nillumbik planning scheme. Would the Mayor explain the ramifications of such removal?’

**Deputy Mayor, Cr Helen Coleman** responded that Council cannot comment on what a future Council may or may not do.

Assuming that the Minister for Planning approves Amendment C81, then the Significant Planning Overlay (SLOs) will be part of the Nillumbik Planning Scheme. An amendment to the planning scheme would then be required to remove the overlays from the scheme.

Any Planning Scheme Amendment needs a strategic justification and in this case it would need to justify why this amendment, which will play a primary role in protecting the character and amenity of the rural landscapes, warrants removal.

**Sue Dyet**, asked Council:

‘Given the amount of interjection from the gallery in recent months, is Nillumbik considering following Monash Council in passing a rule banning members of the public who interject for up to six months. If not, why not?’

**Deputy Mayor, Cr Helen Coleman** responded that Council acknowledges that there has been a high level of community interest in some planning issues that have been considered at recent meetings of Council and the Policy and Services Committee. There have been a few occasions when some members of the public gallery have interjected during these meetings, and these people have been reminded of the provisions in the Meeting Procedure Local Law.



**9. Questions from the gallery continued**

Such behaviour has not been a frequent occurrence at Nillumbik, and on the whole, meetings are conducted in a civil and orderly manner. Council's existing Meeting Procedure Local Law provides the power to remove any person who disrupts a meeting, and Council considers that this existing power is adequate.

**Virginia Brumby** asked Council:

'How many toy vehicle permits have been applied for and issued in Nillumbik in the past three years?'

**Deputy Mayor, Cr Helen Coleman** responded that during the past three years, Council received 12 motorised toy vehicle permit applications. Nine of these were approved, one was rejected and two are currently under assessment.

**Virginia Brumby** asked Council:

'Based on the permit process and the above number of permits issued does the Council believe that the current permit application process is not sufficient to assess appropriate use of toy vehicles?'

**Deputy Mayor, Cr Helen Coleman** responded that motorised toy vehicle permit applications are subject to an assessment process which includes community consultation, site inspections and other criteria as outlined in Council's Amenity Local Law Guidelines. This item will be considered later in this Council meeting.

**Leizl Schnookal** asked Council:

'I have noticed that copies of Council's Fact Sheet on Amendment C101 are on public display on the counters of most of the Post Offices in my area. However this fact sheet is not on public display anywhere in Smiths Gully Post Office. Why is the fact sheet absent from Smiths Gully Post Office?'

**Deputy Mayor, Cr Helen Coleman** responded that the fact sheet on Amendment C101 has been direct mailed to all residents who have an ESO applied to their properties. Council officers delivered copies to local post offices and general stores that are close to where they live, Smiths Gully was inadvertently missed. Council will make sure it gets some copies. Thank you for bringing it to Council's attention.

**Brian Murray on behalf of Nillumbik Ratepayers Association** asked Council:

'As information re Amendment C101 originated from and was distributed by Council, what will Council be doing differently into the future to stop inaccurate discussion that causes confusion and concern for residents?'

**Deputy Mayor, Cr Helen Coleman** responded that Council has made a concerted effort to communicate with citizens. Council will consider future options to better engage with residents in an ever increasing competitive environment for people's attention.

**Brian Murray on behalf of Nillumbik Ratepayers Association** asked Council:

'The CEO by the use of the word "generally" states that these C101 controls can be applied before a planning permit is applied for. Please explain how and when, or under what circumstances these controls can be applied without or before a planning permit is applied for?'

**Deputy Mayor, Cr Helen Coleman** responded that the controls are only triggered by a planning permit application for major building works, earthworks or vegetation clearance. C101 does not impact existing uses or practice.

10. Reports of Advisory Committees

AC.006/16 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:

- Recreation Trails Advisory Committee Minutes held 21 April 2016
- Living & Learning Nillumbik Minutes held 27 April 2016
- Agricultural Advisory Committee Minutes held 12 May 2016

**Motion**

**Cr Ken King**

**Cr Meralyn Klein**

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

1. **Recreation Trails Advisory Committee held 21 April 2016**
2. **Living & Learning Nillumbik held 27 April 2016**
3. **Agricultural Advisory Committee held 12 May 2016**

**CARRIED**

11. Reports of Special Committees

Policy and Services Committee

PS.017/16 Special Rate renewal for Eltham Town – hearing of submissions

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**File:** 75/40/019

**Distribution:** Public

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

**Author:** Darko Popovski, Coordinator Tourism and Business

**Summary**

This report outlines the consideration of submissions received from the public regarding the renewal and declaration of the Special Rate scheme for Eltham Town.

The current Special Rate scheme for Eltham Town expires on 30 June 2016. Following the receipt of a written request from the Eltham Chamber of Commerce and Industry (Chamber) to renew the Special Rate scheme to fund the marketing and promotion of the Eltham Town, Council at its Ordinary meeting on 22 March 2016 resolved to give notice of its intention to declare a Special Rate for that purpose.

In accordance with the requirements of the *Local Government Act* 1989 formal notification of the proposed Special Rate scheme was undertaken, with a public notice published in the *Diamond Valley Leader* on 30 March 2016 and also by written notification being sent to the owners and occupiers of properties upon which the Special Rate would be levied.

In response to the above public notice, Council has received 12 submissions and objections, two in support of the Special Rate and 10 opposing the renewal of the Eltham Town Special Rate. A petition/ survey has also been received in relation to this matter.

The Policy and Services Committee considered all submissions and objections to the declaration of the Special Rate scheme, as well as verbal presentations from submitters and the community at its meeting on 7 June 2016. It also received and noted the contents of the survey/ petition.

The following people addressed the Committee with respect to the renewal of the Special Rate scheme for Eltham Town:

1. Stephen Woolway
2. Fee Seivers
3. John Scopas
4. Andrew Shephard
5. Judy Apostola
6. Rachael O'Connor-Horan

After considering the submissions and presentations, the Committee resolved that this report be presented to Council.

**Motion**

Cr Anika Van Hulsen

Cr Michael Young

That Council:

1. Notes that 12 submissions (plus a petition/survey) were received and considered by the Policy and Services Committee on 7 June 2016.
2. Considers the matters contained in the submissions and the Committee's report when determining the Special Rate scheme.

**CARRIED**

Cr Peter Perkins called for a division:

For: Crs King, Coleman, Van Hulsen, and Young.

Against: Crs Klein and Perkins.

11. Reports of Special Committees

Policy and Services Committee

**PS.018/16 Special Charge renewal for Hurstbridge Village – hearing of submissions**

**File: 15/70/033**

**Distribution: Public**

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

**Author: Darko Popovski, Coordinator Tourism and Business**

**Summary**

This report outlines the consideration of a submission received regarding the renewal and declaration of the Special Charge scheme for Hurstbridge Village.

The current Special Charge scheme for Hurstbridge Village expires on 30 June 2016. Following the receipt of a written request from the Hurstbridge Traders Association (Association) to renew the Special Charge scheme to fund the marketing and promotion of the Hurstbridge Village precinct, Council at its Ordinary Meeting on 22 March 2016 resolved to give notice of its intention to declare a Special Charge scheme for that purpose.

In accordance with the requirements of the *Local Government Act 1989*, formal notification of the proposed Special Charge scheme was undertaken, with a public notice published in the *Diamond Valley Leader* on 30 March 2016 and also by written notification being sent to the owners and occupiers of properties upon which the Special Charge would be levied.

In response to the above public notice, Council has received one submission opposing the renewal of the Hurstbridge Village precinct Special Charge scheme. A report was prepared for the Policy and Services Committee on 7 June 2016 which considered the submission. The submitter was invited to attend the Committee meeting but did not.

After considering the submission, the Committee resolved that this report be presented to Council.

<b>Motion</b>
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**Cr Anika Van Hulsen**

**Cr Michael Young**

**That Council:**

- 1. Notes that one submission was received and considered by the Policy and Services Committee on 7 June 2016.**
- 2. Considers the matters contained in the submission and the Committee’s report when determining the Special Charge Scheme.**

**CARRIED**

**12. Officers' reports****OCM.092/16 Declaration of a Special Charge for Hurstbridge Village**

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**File:** 15/70/033**Distribution:** Public**Manager:** Chad Griffiths, Manager Strategic and Economic Planning**Author:** Darko Popovski, Coordinator Tourism and Business**Summary**

The purpose of this report is for Council to consider the matter of whether to declare, modify or abandon the Special Charge for Hurstbridge Village.

The Special Charge scheme for Hurstbridge will continue to improve the trading climate of the Hurstbridge Village through the implementation of a series of business improvement and promotional activities, such as those that occurred over the past 5 years and included marketing campaigns, business directory, newsletters and events, including support for the annual Wattle Tree Festival.

In accordance with the requirements of the *Local Government Act 1989* (the Act) formal notification of the proposed Special Charge scheme was undertaken, with a public notice published in the *Diamond Valley Leader* on 30 March 2016 and also by written notification being sent to the owners and occupiers of properties upon which the Special Charge would be levied (Attachment 2).

In response to the above notifications, Council has received one submission, and in accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989*, Council has considered all submissions and/or objections at a meeting of its Policy and Services Committee held on 7 June 2016.

Following their consideration of the submission, the Hurstbridge Traders Association (Association) has advised that it wishes to proceed with the renewal of the Special Charge in the form advertised.

Accordingly, this report recommends that Council declares the Special Charge for Hurstbridge Village for a further five year period.

<b>Motion</b>
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**Cr Anika Van Hulsen****Cr Peter Perkins****That Council:**

- 1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* (Act), and otherwise according to law, hereby declares a Special Charge for Hurstbridge Village under section 163(1) of the Act for the purpose of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Hurstbridge Traders Association Inc., which funds, subject always to the approval, direction and control of Council, are to be used for the purpose of funding a part-time precinct marketing coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved**

12. Officers' reports

OCM.092/16 Declaration of a Special Charge for Hurstbridge Village

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by Council and agreed to from time to time between Council and the Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Hurstbridge Village precinct.

2. Gives notice to all owners and occupiers of properties included in the scheme and all persons who have lodged a submission and/ or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 1 July 2016, and the reasons for the decision.
3. Resolves that for the purposes of paragraph 2, the reasons for the decision of Council to declare the Special Rate are that:
  - There is a broad level of support for the Special Charge from property owners and occupiers.
  - Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the scheme area.
  - All persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/ or a maintenance or enhancement in the use, occupation and enjoyment of the properties.
  - The basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable.
4. Undertakes all statutory processes and procedures outlined within Attachment 1, including the authorisation of Council officers.
5. Notifies the Hurstbridge Traders Association of the above.

CARRIED

**12. Officers' reports****OCM.093/16 Declaration of a Special Rate for Eltham Town**

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**File:** 75/40/019**Distribution:** Public**Manager:** Chad Griffiths, Manager Strategic and Economic Planning**Author:** Darko Popovski, Coordinator Tourism and Business**Summary**

The purpose of this report is for Council to consider the matter of whether to declare, modify or abandon the Special Rate for Eltham Town.

The Special Rate scheme for Eltham Town will continue to improve the trading climate of the Eltham Town Village through the implementation of a series of business improvement and promotional activities. Over the past five years the scheme has been successful in funding advertising campaigns, a business directory, Traders News and events, including support for the annual Eltham Jazz Food and Wine Festival.

In accordance with the requirements of the *Local Government Act 1989* (the Act) formal notification of the proposed Special Rate scheme was undertaken, with a public notice published in the *Diamond Valley Leader* on 30 March 2016 and also by written notification being sent to the owners and occupiers of properties upon which the Special Rate would be levied (Attachment 2).

In response to the above notifications, Council has received 12 submissions/objections, and in accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989*, Council has heard and considered all submissions and/ or objections at a meeting of its Policy and Services Committee that was held on 7 June 2016.

Following their consideration of the submissions, the Eltham Chamber of Commerce and Industry (Chamber) has advised that it wishes to proceed with the renewal of the Special Rate in the form advertised.

Accordingly, this report recommends that Council declares the Special Rate for Eltham Town centre for a further five year period.

<b>Motion</b>
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**Cr Michael Young****Cr Ken King****That Council:**

- 1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* (the Act), and otherwise according to law, hereby declares a Special Rate for Eltham Town under section 163(1) of the Act for the purpose of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Eltham Chamber of Commerce and Industry Inc., which funds, subject always to the approval, direction and control of Council, are to be used for the purpose of funding a part-time centre marketing officer, promotional, advertising, marketing, business development and other incidental expenses as approved**



12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

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by Council and agreed to from time to time between Council and the Chamber, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Eltham Town centre.

2. Gives notice to all owners and occupiers of properties included in the scheme and all persons who have lodged a submission and/ or an objection in writing of the decision of Council to declare and levy the Special Rate commencing on 1 July 2016, and the reasons for the decision.
3. Resolves that for the purposes of paragraph 2, the reasons for the decision of Council to declare the Special Rate are that:
  - There is sufficient support for the Special Rate from the property owners and occupiers.
  - Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the scheme area.
  - All persons who are liable or required to pay the Special Rate and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/ or a maintenance or enhancement in the use, occupation and enjoyment of the properties.
  - The basis of distribution of the Special Rate amongst those persons who are liable or required to pay the Special Rate is considered to be fair and reasonable.
4. Undertakes all statutory processes and procedures outlined within Attachment 1, including the authorisation of Council officers.
5. Notifies the Eltham Chamber of Commerce and Industry of the above.

**CARRIED**

Cr Meralyn Klein called for a division:

For: Crs King, Coleman, Van Hulsen and Young.

Against: Crs Klein and Perkins.

12. Officers' reports

**OCM.094/16 Regulatory Impact Assessment on planning fees**

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**File:** 40/04/000  
**Distribution:** Public  
**Manager:** Ransce Salan, General Manager Environment and Planning  
**Author:** Jeremy Livingston, Manager Planning and Health Services

**Summary**

The State Government has released a Regulatory Impact Statement (RIS) in relation to new planning fees. These apply to planning applications, subdivisions and planning scheme amendments. A review of these fees is long overdue and warmly welcomed. Councils (and their communities) have been bearing a disproportionate cost burden for the delivery of planning services due to low and non-indexed planning fees set by State Government. Instead, planning services provided by councils should be recovered from those who directly benefit from these services.

Although it is not possible to know in advance what increased income generation the proposed fees will bring to the planning services in Nillumbik, the proposed fees will certainly assist Council in receiving greater cost recovery for its provision of planning services to the community. The proposed annual indexing of planning fees to CPI is appropriate, and is strongly supported.

**Motion**

**Cr Anika Van Hulsen**  
**Cr Michael Young**

**That Council:**

- 1. Notes the receipt of the released Regulatory Impact Statement (Planning and Environment (Fees) Regulations 2016 and Subdivision (Fees) Regulations 2016.**
- 2. Submits a response broadly supporting the Regulatory Impact Statement, as outlined in paragraphs eight to 19 of this report.**

**CARRIED**

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

12. Officers' reports

OCM.095/16 Conversion of synthetic cricket pitches

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**Distribution:** Public

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

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

**Summary**

All cricket grounds in Nillumbik have a synthetic covered cricket pitch, known as an all season pitch. Cricket Victoria (CV), the peak body for cricket, has indicated they no longer support the all season pitch which has a long, 16mm pile. Their preference is for Council to convert to a short, 9mm pile pitch. The rationale is that the short pile pitch has a more predictable and lower bounce, better promoting skill development and contributing to improved player safety.

Neighbouring councils have commenced the roll-out of short pile pitch conversions. Nillumbik-based cricket clubs and the Diamond Valley Cricket Association (DVCA) are calling on Council to consider changing current practice and move towards the short pile synthetic cricket pitch.

The funding of cricket pitch installations is shared between Council and tenant cricket club/s- Council funds 50 per cent of costs at home venues and 80 per cent at secondary venues for both the concrete base and synthetic cover. Clubs fund the difference.

Currently the installation of an all season synthetic surface over a concrete slab is \$11,500 per ground.

The short pile synthetic surface over a concrete slab costs up to \$24,000 per pitch, of which up to \$12,000 funds the required infrastructure enabling winter season use of the ground.

Nillumbik has a total of 23 pitches requiring conversion. Converting all to the short pile synthetic pitch and replacing concrete slabs (it is recommended Council takes full financial responsibility for the provision/renewal of the concrete slab – considered core infrastructure for cricket) totals up to \$552,000 shared between Council \$245,600 and clubs \$306,400. Council currently allocates \$5,000 per annum towards cricket pitch installation.

In addition, Council's current operating contribution towards synthetic cricket pitches is \$8,500 per annum (\$500 per ground) to spread and remove rubber infill for winter use (applies to 17 grounds only). It is estimated that the annual operating costs to maintain the short pile pitches will be approximately \$20,400, an increase to Council of \$11,900 per annum in its operating budget (71 per cent increase).

Future Council funding and club preparedness including financial contribution will guide the timing of the proposed implementation program.

Implementation criteria will inform the development of a prioritised program of pitch conversions in partnership with CV and DVCA and be presented to Council for further consideration.

12. Officers' reports

OCM.095/16 Conversion of synthetic cricket pitches

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Recommendation

That Council:

1. Notes that Cricket Victoria's preferred synthetic pitch is a short pile, moving from the current longer pile all seasons synthetic pitch.
2. Endorses the short pile synthetic cricket pitch as the preferred surface for all synthetic cricket grounds in the Shire of Nillumbik.
3. Prepares a prioritised implementation program in partnership with Cricket Victoria and the Diamond Valley Cricket Association for Council's consideration to inform future budget allocations.

Motion

Cr Meralyn Klein  
Cr Michael Young

**That Council defers consideration of this item to the Policy and Services Committee meeting on 12 July 2016 to allow the clubs time to have further meetings with Council Officers and be in a better position to have their concerns addressed.**

**CARRIED**

12. Officers' reports

**OCM.096/16 Rehabilitation of the Diamond Street Bridge, Diamond Street, Eltham**

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**Distribution: Public**

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

**Author: Mathew Deayton, Manager Infrastructure Development**

**Summary**

An audit of all Council bridges and culverts in 2015 identified that the Diamond Street Bridge, Eltham was in poor condition and needed to be repaired urgently or else it would need to be closed.

A temporary repair was undertaken late last year, however this needed to be followed up with a permanent repair within the next 18 months.

Wood Research and Development (WRD) was engaged to undertake a detailed assessment of the existing bridge and also prepare concept plans for upgrade works. These plans include two options:-

- Option 1 – Rehabilitate existing bridge
- Option 2 – Rehabilitate existing bridge and widen to two lanes.

Council has received numerous complaints over the years regarding traffic congestion near Catholic Ladies College (CLC) during the morning drop off and afternoon pick up times. A major cause of this is the restriction of the one lane bridge and the queuing that results from people waiting to cross. If the bridge was widened to two lanes this would greatly enhance traffic flow during these times.

**Recommendation**

That Council endorses Option 2, to rehabilitate the existing bridge in Diamond Street, Eltham and widen it to two lanes.

**Motion**

**Cr Michael Young  
Cr Anika Van Hulsen**

**That Council endorses Option 1, to rehabilitate the existing bridge in Diamond Street, Eltham.**

**CARRIED**

**(on the casting vote of the Chair, Cr Helen Coleman)**

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

12. Officers' reports

**OCM.097/16 Civic Drive Precinct development - Authorisation to sign and seal transfer of land documentation**

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**Distribution: Public**

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

**Author: Jon Miller, Manager Assets and Property**

**Summary**

Council is currently constructing a 26 lot residential subdivision and development to the western part of the Council owned land located at 14-32 Civic Drive, Greensborough.

Construction works commenced in January 2016 and are expected to be completed in August 2016. Sale of the 26 residential lots that comprise the subdivision is programmed to commence shortly after.

Whilst Council has previously endorsed the sale of the land that comprises the 26 lot subdivision, this report seeks Council's endorsement to authorise the signing and sealing of documents that will allow for the transfer of ownership from Council to the new owners, once individual lots have been sold.

**Motion**

**Cr Meralyn Klein**

**Cr Ken King**

**That Council authorises transfer of land documents relating to the sale of the 26 parcels of land within the Civic Drive Precinct residential subdivision to be sealed.**

**CARRIED**

12. Officers' reports

OCM.098/16 Trade Services Tender

**File:** 1516-74

**Distribution:** Public

**Manager:** Lisa Pittle, Acting General Manager Infrastructure Services

**Author:** Lisa Pittle, Acting General Manager Infrastructure Services

**Summary**

Council conducts various capital works, reactive and proactive maintenance, essential services testing, scheduled servicing, installation and emergency out of hours works that are required to maintain and improve its building assets.

To complete these works, Council staff engage contractors from a panel of trade service providers including carpentry, electrical, plumbing, painting, mechanical and glazing services. The contract that appointed the current panel expired in February 2016, and was extended to 30 June 2016 whilst a tender process was conducted to appoint a new panel of contractors.

A separate confidential report outlines the categories of trade services sought, the tender process, and seeks Council's endorsement to appoint a panel of contractors that can be engaged as work needs arise on Council's building assets, for a period of three years, with a further two years at Council's discretion.

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

<b>Motion</b>
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**Cr Ken King**

**Cr Meralyn Klein**

**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.099/16    Cleaning of public toilets and barbeques**

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**File:**            1516-47

**Distribution:**    Public

**Manager:**        Lisa Pittle, Acting General Manager Infrastructure Services

**Author:**         Jon Miller, Manager Assets and Property

**Summary**

Council either owns or has cleaning responsibility for 30 public toilets and 32 public barbeques that are located in reserves or activity centres throughout the Shire.

Residents and the public in general expect a high standard of maintenance and cleanliness to be maintained in both categories of these public services.

A tender has now been developed and advertised for cleaning public toilets and barbeques. The proposed contract is for an initial term of three years, with an option to extend for one further term of two years, exercisable entirely at Council's discretion.

The Tender Evaluation Panel has assessed all submissions received in response to Council's publicly advertised Request for Tender and recommends the awarding of a contract for the initial three year contract term.

A separate confidential report outlines the cleaning services sought, the tender and evaluation process, and seeks Council's endorsement to appoint a contractor to be engaged for cleaning of Council's public toilets and barbeques

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 Ken King**

**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.100/16 Provision of underground stormwater drainage cleaning and condition audits**

**File:** 1516-42

**Distribution:** Public

**Manager:** Lisa Pittle, Acting General Manager Infrastructure Services

**Author:** Kalpesh Jajpura, Coordinator Road and Drain Maintenance  
Nadine Sinclair, Coordinator Asset

**Summary**

Council is responsible for maintenance and renewal of a network of underground drainage pipes and pits to manage stormwater flows. Council conducts various reactive and proactive maintenance programs, condition audits (including CCTV works) and emergency out of hours works that are required to maintain and improve Council stormwater pits and drain pipes within road reserves, on Council property and in drainage easements on private property.

To complete these works, Council staff engage contractors from a panel of service providers. The contract that appointed the current panel expired in November 2015 and subsequently extended while a tender process was conducted to appoint a new panel of contractors.

A separate confidential report outlines the pit and drain cleaning services sought, the tender process, and seeks Council's endorsement to appoint a number of tenderers to a panel of contractors that can be engaged for cleaning of Council stormwater pits and drains as well as reporting on the condition of pits and drains under this contract, for a period of three years, with a possible extension of a further two years.

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/s.

**Motion**

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

**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.101/16 Risk and Insurance Report

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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 March 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 Ken King**

**That Council:**

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

**CARRIED**

12. Officers' reports

OCM.102/16 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 May 2016.

**Motion**

**Cr Michael Young**

**Cr Meralyn Klein**

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

- 1. Sixty-eight per cent of planning applications were determined within 60 statutory days.**
- 2. One VCAT decision was handed down during May, relating to 29 Raglan Road, Research.**

**CARRIED**

12. Officers' reports

OCM.103/16 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 24 May 2016.

<b>Motion</b>
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**Cr Ken King**  
**Cr Meralyn Klein**

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

1	<b>Date of assembly</b>	19 May 2016
	<b>Matters considered</b>	CEO Employment Matters Committee
	<b>Councillors present</b>	Cr Bronnie Hattam                      Cr Ken King Cr Helen Coleman                      Cr Peter Perkins
	<b>Staff present</b>	Des Bethke (consultant)
	<b>Conflict of interest</b>	None declared

2	<b>Date of assembly</b>	20 May 2016
	<b>Matters considered</b>	Memorials Advisory Committee
	<b>Councillors present</b>	Cr Meralyn Klein
	<b>Staff present</b>	Adrian Cully                                      Michelle Zemancheff
	<b>Conflict of interest</b>	None declared

3	<b>Date of assembly</b>	24 May 2016
	<b>Matters considered</b>	Pre-meeting for Ordinary Council Meeting and Special Council Meeting
	<b>Councillors present</b>	Cr Bronnie Hattam                      Cr Peter Perkins Cr Michael Young                      Cr Helen Coleman Cr Meralyn Klein                      Cr Anika Van Hulsen Cr Ken King

12. Officers' reports

OCM.103/16 Assemblies of Councillors

	<b>Staff present</b>	<b>Stuart Burdack</b> <b>Andrew Port</b> <b>Conal Creedon</b> <b>Ransce Salan</b> <b>Pauline Gordon</b> <b>Allison Watt</b> <b>Wayne Trull</b> <b>Chad Griffiths</b>	<b>Naomi Paton</b> <b>Nadine Wooldridge</b> <b>Lisa Pittle</b> <b>Michelle De Pasquale</b> <b>Joanne Massoud</b> <b>Mathew Deayton</b> <b>Hannah Burns</b> <b>Jon Miller</b>
	<b>Conflict of interest</b>	<b>Cr Peter Perkins declared a direct interest in agenda items OCM.086/16 and OCM.090/16 'Tender report 1516-69 Reynolds Road-Orme Street Road Sealing Works' as he lives on one of the affected roads.</b>	

<b>4</b>	<b>Date of assembly</b>	<b>30 May 2016</b>	
	<b>Matters considered</b>	<b>Eltham Activity Centre Forum</b>	
	<b>Councillors present</b>	<b>Cr Michael Young</b>	
	<b>Staff present</b>	<b>Paul Fyffe</b>	<b>Chad Griffiths</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

<b>5</b>	<b>Date of assembly</b>	<b>31 May 2016</b>	
	<b>Matters considered</b>	<b>Officer briefings of Councillors</b> <ul style="list-style-type: none"> <li>• <b>Planning briefing</b></li> <li>• <b>Eltham Precincts 3 and 4 Plan</b></li> <li>• <b>Proposed heritage amendment</b></li> <li>• <b>NDIS provider update</b></li> <li>• <b>Resilient Melbourne Strategy</b></li> </ul>	
	<b>Councillors present</b>	<b>Cr Bronnie Hattam</b> <b>Cr Michael Young</b> <b>Cr Anika Van Hulsen</b>	<b>Cr Ken King</b> <b>Cr Meralyn Klein</b>
	<b>Staff present</b>	<b>Stuart Burdack</b> <b>Andrew Port</b> <b>Conal Creedon</b> <b>Ransce Salan</b> <b>Pauline Gordon</b> <b>Jeremy Livingston</b> <b>Renae Ahern</b>	<b>Chad Griffiths</b> <b>Ben Pollard</b> <b>Paul Fyffe</b> <b>Gabrielle Castellan</b> <b>Fiona Stevens</b> <b>Rachel Deans</b> <b>Adrian Cully</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

12. Officers' reports

OCM.103/16 Assemblies of Councillors

6	<b>Date of assembly</b>	7 June 2016	
	<b>Matters considered</b>	Pre-meeting for Policy and Services Committee and Planning Committee	
	<b>Councillors present</b>	Cr Anika Van Hulsen Cr Bronnie Hattam Cr Ken King	Cr Meralyn Klein Cr Michael Young Cr Helen Coleman
	<b>Staff present</b>	Stuart Burdack Andrew Port Conal Creedon Ransce Salan Pauline Gordon Chad Griffiths	Jeremy Livingston Robert Malignaggi Naomi Paton Lisa Pittle Mathew Deayton
	<b>Conflict of interest</b>	None declared	

7	<b>Date of assembly</b>	8 June 2016	
	<b>Matters considered</b>	Green Wedge Management Plan Implementation Advisory Committee	
	<b>Councillors present</b>	Cr Ken King Cr Bronnie Hattam	Cr Anika Van Hulsen
	<b>Staff present</b>	Jackie Donkin	
	<b>Conflict of interest</b>	None declared	

8	<b>Date of assembly</b>	14 June 2016	
	<b>Matters considered</b>	<b>Officer briefings of Councillors</b> <ul style="list-style-type: none"> <li>• Yarrambat Park Golf Course Strategic Review</li> <li>• Synthetic cricket pitches conversion</li> <li>• Planning Fees Regulatory Impact Statement</li> <li>• Nillumbik Thematic Environmental History</li> <li>• Economic Development Strategy update</li> <li>• Finance policies</li> <li>• Pre-meeting for Special Council Meeting</li> </ul>	
	<b>Councillors present</b>	Cr Bronnie Hattam Cr Ken King Cr Anika Van Hulsen	Cr Meralyn Klein Cr Helen Coleman Cr Michael Young
	<b>Staff present</b>	Stuart Burdack Andrew Port Pauline Gordon Ransce Salan	Naomi Paton Jackie Donkin Darko Popovski Robert Malignaggi

12. Officers' reports

OCM.103/16 Assemblies of Councillors

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		<b>Lisa Pittle</b> <b>Jeremy Livingston</b>	<b>Melika Sukunda</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

**CARRIED**

13. Notices of Motion

**NOM.009/16**

Cr Meralyn Klein advised of her intention to move a Notice of Motion. Due to its confidential subject matter, it will be considered as part of the Confidential Reports section.

**NOM.010/16**

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

Motion

That Council:

1. Notes a motion to rescind the decision to Adopt Amendment C81 to the Nillumbik Planning Scheme made on 24 May 2016 has been disallowed for the agenda for the Ordinary Council Meeting of 21 June 2016 by the CEO stating it would be 'invalid under the *Planning and Environment Act 1987*.'
2. Notes an urgent motion put by the CEO and a Council resolution on 7 June at the Policy and Services meeting, 'that a notice or rescission cannot be validly considered by Council'.
3. Writes to the Minister for Planning to apologise for any miscommunication and advises that, a rescission motion was raised in accordance with the *Local Government Act 1989* and requests that the Minister defers any decision on Planning Amendment C81 until such time the rescission motion has been dealt with as per the *Local Government Act 1989*.
4. Following the Council resolution of the notice of rescission Council writes the Minister of Planning advising him of the outcome of the rescission motion.

In accordance with Clause 6.13 of the Meeting Procedure Local Law, Cr Meralyn Klein sought and was granted leave of the Council to amend her Notice of Motion as follows:

Motion

**Cr Merlyn Klein  
Cr Peter Perkins**

**That Council:**

1. **Notes a motion to rescind the decision to adopt Amendment C81 to the Nillumbik Planning Scheme made on 24 May 2016 has been disallowed for the agenda at the Ordinary Council Meeting of 21 June 2016 by the Chief Executive Officer who stated it would be 'invalid under the *Planning and Environment Act 1987*.'**
2. **Notes an urgent motion recommended for inclusion by the Chief Executive Officer who was both author and manager of the resolution put on 7 June at the Policy and Services meeting, 'that a notice or rescission cannot be validly considered by Council'.**



3. **Writes to the Minister for Planning to apologise for any miscommunication and advises that, a rescission motion was raised in accordance with the Meeting Procedure Local Law 8.2.20 and the *Planning and Environment Act 1987* and requests that the Minister defers any decision on Planning Amendment C81 until such time as the rescission motion has been dealt with as per the *Local Government Act 1989*.**
4. **Following the Council resolution of the notice of rescission Council writes to the Minister for Planning advising him of the outcome of the rescission motion.**

**LOST**

**(on the casting vote of the Chair, Cr Helen Coleman)**

Cr Peter Perkins called for a division:

For: Crs King, Klein and Perkins.

Against: Crs Young, Van Hulsen and Coleman.

**NOM.011/16**

Cr Helen Coleman had previously advised of her intention to move the following notice of motion:

Motion

That:

1. A report be prepared for Council's consideration on alternative options for controlling the use of motorised toy vehicles on private property through Council's Amenity Local law.
2. The report addresses:
  - Options for prohibition of motorised toy vehicle usage in defined areas
  - Alternative standards that may be applicable for controlling noise emissions
  - The pros and cons of changing Council's existing delegations to designate Council as the determining authority under Council's Amenity Local Law and associated Guidelines in order to meet the objectives of the Local Law, in particular, to provide for the fair and reasonable use and enjoyment of private land in a uniformed and fair manner.

As Cr Coleman was acting Chair, in accordance with Clause 6.13 of the Meeting Procedure Local Law, Cr Michael Young moved Cr Coleman's motion with amendments:

Motion

**Cr Michael Young  
Cr Anika Van Hulsen**

That:

1. **A report be prepared for Council's consideration on alternative options for controlling the use of motorised toy vehicles on private property through Council's Amenity Local Law (which defines 'motorised toy vehicle' as any mini bike, trail bike, motor bike, motor scooter, go-cart and any other vehicle propelled or operated by a motor and which is normally used for recreational purposes but excludes a motorised wheelchair or scooter designed to transport a person of limited mobility).**
2. **The report addresses:**
  - **Alternative standards that may be applicable for controlling noise emissions.**
  - **The arguments for and against changing Council's existing delegations to designate Council as the determining authority under Council's Amenity Local Law and associated Guidelines in order to meet the objectives of the Local Law, in particular, to provide for the fair and reasonable use and enjoyment of private land in a uniform and fair manner.**

**CARRIED**

Cr Meralyn Klein called for a division.

For: Crs King, Coleman, Van Hulsén and Young.

Against: Crs Klein and Perkins.

Crs Meralyn Klein and Peter Perkins requested that their dissent be noted in the minutes.

**14. Delegates' reports**

Cr Michael Young reported on his activities as a Council delegate.

**15. Supplementary and urgent business**

Nil

**16. Confidential reports**

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

<b>Motion</b>
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**Cr Ken King**

**Cr Michael Young**

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

<b>Report No.</b>	<b>Title</b>	<b>Reason for confidentiality</b>
NOM.009/16	Notice of Motion	(f) legal advice
OCM.104/16	Tender - Trade Services	(d) contractual matters
OCM.105/16	Confidential Tender Report - Cleaning of Public Toilets and Barbeques	(d) contractual matters
OCM.106/16	Provision of Underground Stormwater Drainage Cleaning and Condition Audits	(d) contractual matters
OCM.107/16	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.108/16	Contract Report 1516-56 - Supply and installation of solar photovoltaic system at the Civic Centre	(d) contractual matters

**CARRIED**

The meeting closed to the public at 10.10pm

Cr Young left the Chamber at 10:12pm and returned at 10.13pm.