

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 31 July 2018 commencing at 7.30pm.

Agenda

Mark Stoermer
Chief Executive Officer

Thursday 26 July 2018

Distribution: Public

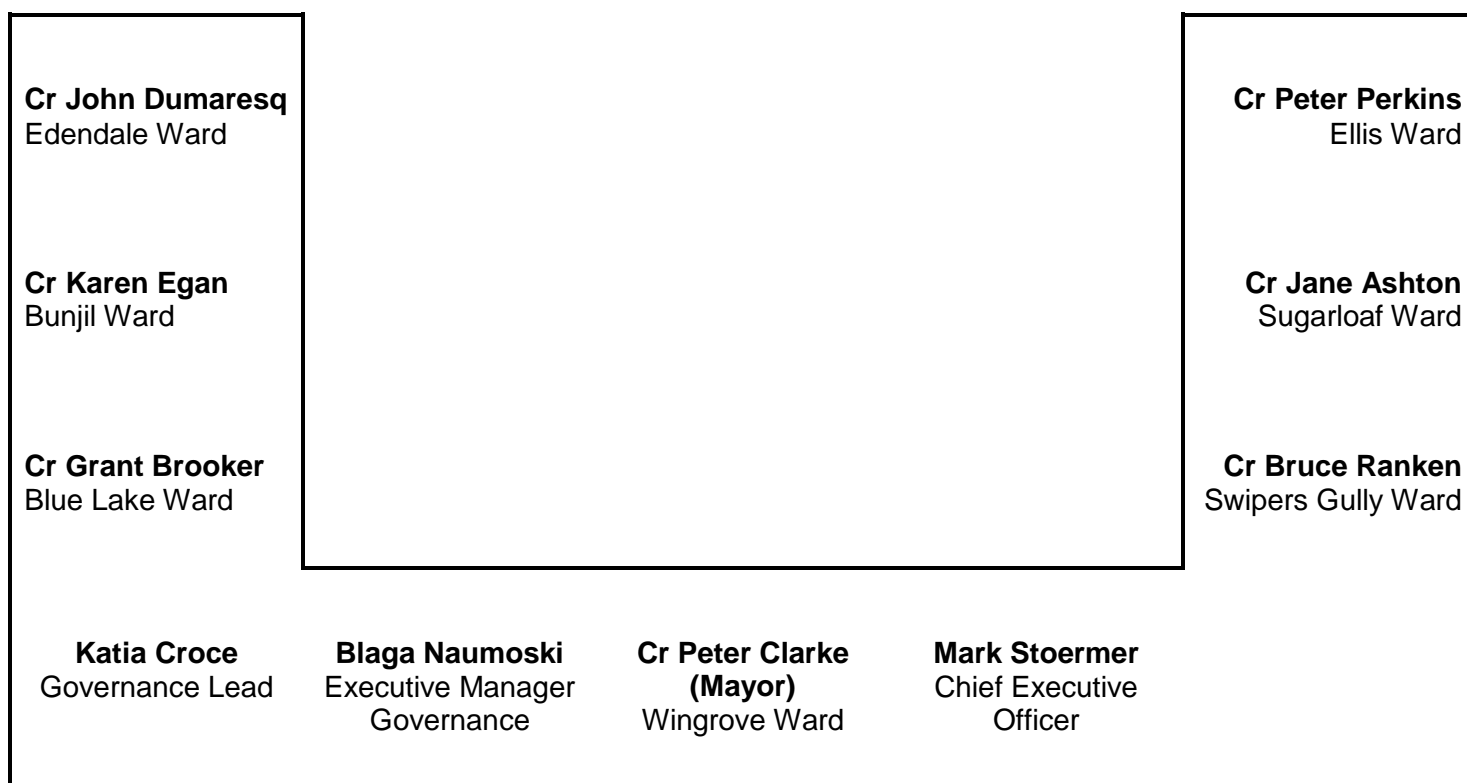
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Domin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.

Welcome to the tea, coffee and water provided in the foyer.

Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.

Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 31 July 2018 commencing at 7.30pm

1. Welcome by the Mayor

Members of the public are advised the meeting will be recorded.

2. Reconciliation statement

The reconciliation statement to be read by the Mayor

Nillumbik Shire Council acknowledges the Wurundjeri as the traditional custodians of the land now known as the Shire of Nillumbik and values the significance of the Wurundjeri people's history as essential to the unique character of the Shire.

3. Prayer

A prayer will be read.

4. Apologies

Recommendation

That the apologies be accepted.

5. Presentations

Jemima Portman (Bunjil Ward) receives \$200 as a contribution for her selection to represent Australia at the Mounted Games 2018 Nations Teams Championships in America.

Tiana Inglis (Wingrove Ward) receives \$150 as a contribution for being selected to represent Victoria at the U17 Volleyball Nationals in Queensland.

Nillumbik Shire Council wishes them every success with their future sporting pursuits.

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 26 June 2018.

Recommendation

That the minutes of the Council Meeting held on Tuesday 26 June 2018 be confirmed.

7. Disclosure of conflicts of interest

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

8. Petitions

9. Questions from the gallery

10. Reports of Advisory Committees

AC.006/18 Advisory Committee Report

Distribution: Public

Manager: Katia Croce, Governance Lead

Author: Emma Christensen, Governance Officer

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

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

- Arts Advisory Committee held on 21 May 2018.

Attachments

1. Arts Advisory Committee Minutes 21 May 2018

Recommendation

That Council notes the Arts Advisory Committee meeting minutes held on 21 May 2018.

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.103/18 Special Charge Schemes for Road and Drainage Works Policy Review

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Patrick Wood, Coordinator Design

Previous Items: Special Charge Schemes for Roads & Drainage Works Policy Review - Future Nillumbik Committee - 17 Jul 2018 7.30pm

Summary

In late 2017, Council commenced a review of its Special Charge Scheme Policy. The overarching objective of the review was to develop a policy that is more responsive to the needs of the community by providing greater flexibility. The review was completed in May 2018 and a new policy was drafted based on the recommendations of that review. Following submission of the draft policy to Council, feedback has now been sought from the community. Twelve submissions from the public have been received in relation to the draft policy. After consideration of these submissions, Council officers recommend that Council adopt the revised Special Charge Scheme Policy.

Recommendation

That Council:

1. Notes that twelve (12) submissions were received in relation to the draft revised Special Charge Scheme Policy.
2. Having considered these submissions, adopts the revised 'Special Charge Schemes for Road and Drainage Works – Policy and Guidelines'.
3. Notifies all submitters of Council's decision.

Attachments

1. Special Charge Schemes for Road and Drainage Work Policy and Guidelines
2. Summary of Submissions Received by Council

Background

1. Council's existing Special Charge Scheme Policy was last updated in 2010.
2. Following a Council briefing in July 2017, Councillors requested that a review of the existing policy be undertaken, with the objective of developing a policy that is more flexible to the needs of the community. It was not intended to be a review into the merits of Special Charge Schemes in general. The Special Charge Scheme represents a decision by Council to fund roads and drainage upgrades requested by residents via the benefiting property owners, as opposed to general rates.
3. Council appointed Terry Alford Consulting to undertake the review, which commenced in November 2017. The review involved:
 - A review of existing Council documentation.
 - A review of current legislation.

12. Officers' reports

OCM.103/18 Special Charge Schemes for Road and Drainage Works Policy Review

- Interviews with Councillors and Council officers.
 - Benchmarking of Council's policy against the policies of other councils.
4. The review was completed in May 2018 and was circulated to all Councillors.
 5. A draft policy (**Attachment 1**) was prepared based on the findings of the review and was presented to Council at a briefing on 29 May 2018. The draft was then subsequently approved for public consultation by the Future Nillumbik Committee, at its meeting on 12 June 2018.
 6. The public were invited to make submissions to the draft policy, from 18 June to 8 July 2018. Twelve (12) submissions were received by members of the public. These submissions were considered by the Future Nillumbik Committee Meeting, on 17 July 2018.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that the provision of community infrastructure responds to community needs.

Budget implications

8. The draft policy does not include any changes that will place additional budget implications on Council.

Consultation/communication

9. Initial consultation was carried out with internal stakeholders as part of the review.
10. Acting on the direction of the Future Nillumbik Committee, public feedback has been sought in relation to the draft policy, via the following methods.
 - The creation of a community engagement page on Council's '*Participate Nillumbik*' site.
 - A mail out to selected property owners, within the Shire, who were identified as potentially interested stakeholders.

Issues/options

11. The key changes to the policy that resulted from the review are increased consultation and flexibility in design outcomes, in particular through:
 - The inclusion of a public meeting to be held following an initial questionnaire gauging community interest, prior to any formal commitment from property owners.
 - Removal of the requirement for an 'Urban' design standard to be applied to roads where average property sizes are below 0.4 of a hectare.
 - Allowing for contributions to be made by Council, in situations where it considers that there may be special benefit to the wider community.
12. Based on feedback from Councillors, further changes were also made to the policy, which were:

12. Officers' reports

OCM.103/18 Special Charge Schemes for Road and Drainage Works Policy Review

- Section 2.5 – The existing three year moratorium on re-instigating a scheme that has been abandoned due to lack of support may now be reconsidered in situations where there has been a substantive change in property ownership (over 50 percent).
 - Section 4.1 – Unnecessary references to ‘Special Rate’ were removed.
 - Section 5.2 – The impact on other road users (such as pedestrians, cyclists and horse riders) will be considered as part of the design
 - Section 5.6 – Council officers may recommend a reduced extent of works, where a safe and practical end point can be achieved, pending the support of the property owners involved.
13. Council received twelve (12) submissions in relation to the draft policy. These submissions have been circulated to all Councillors. A summary of the issues and questions raised in these submissions, followed by a Council officer response, is listed in **Attachment 2**.
14. At the Future Nillumbik Committee on 17 July 2018, additional questions in relation to the draft policy were raised on the subject of:
- **Financial Hardship Policy**
Officer Comment: The draft policy did not contain any reference to Council’s Financial Hardship Policy (which allows a ratepayer to apply for deferral of the charges). The policy has now been updated to include a reference.
 - **Reimbursement to property owners as a result of reduced maintenance costs**
Officer Comment: Council incurs a maintenance cost for both sealed and unsealed roads. Maintenance on unsealed roads involves annual grading of the road, reactive works and cleaning of open table drains. Maintenance on sealed roads involves re-sheeting the road pavement (approximately every 12-18 years), street sweeping, reactive works and cleaning of drainage infrastructure. These maintenance costs are comparable, in the order of a few thousand dollars per kilometre, per year. Therefore Council will not benefit financially from sealing a road and a reimbursement to property owners is not considered appropriate.
15. Based on the submissions received, the policy has been updated to include the following changes:
- Minor editing and formatting;
 - Reference to the ‘Financial Hardship Policy’ has been added to Section 4; and
 - Reference to ‘interest payable’ on ‘instalment options’ has been added to Section 4.

12. Officers' reports

OCM.103/18 Special Charge Schemes for Road and Drainage Works Policy Review

Conclusion

16. The review of the existing Special Charge Scheme Policy and drafting of the new policy has responded to the overarching objective of Council, which was a policy that is responsive to the needs of the community. In giving their feedback, the community has been given the opportunity for their views related to the policy to be considered by Council. No material changes to the policy are recommended as a result of the submissions

12. Officers' reports

OCM.104/18 Fordhams Road Special Charge Scheme - Declaration

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Matthew Theuma, Engineer

Summary

Following a consultation process, Council resolved on 29 May 2018 (Item OCM.076/18), to commence the statutory process for a Special Charge Scheme for Fordhams Road, Eltham.

Council's notice of its intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 6 June 2018.

A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has received six submissions and six objections from affected property owners.

This report recommends that Council formally declares the Fordhams Road Special Charge Scheme.

Recommendation

That Council:

1. Notes that six (6) submissions and six (6) objections were received for this scheme.
2. Having considered these submissions and objections, gives notice under section 163 (4) of the *Local Government Act 1989* of the declaration of a special charge for the purpose of constructing Fordhams Road, Eltham.
3. Incorporates the following outline of declaration:
 - a) The Special Charge Scheme shall apply to the properties in Fordhams Road, as shown in Attachment 1.
 - b) The apportionment cost to each property is based on the method shown in the report and Attachment 2.
 - c) The total estimated cost to each property is shown in Attachment 3 and may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.
 - d) The interest rate applicable to instalments paid by each due date is to be one per cent higher than the rate applying to Council in relation to funds borrowed for this project.
 - e) The Special Charge Scheme for Fordhams Road shall remain in place for 10 years.
 - f) The estimated total project cost is \$325,682 with a benefit ratio of 0.9556 (95.56 per cent). The total amount to be levied under this special charge is \$311,213. Council will be contributing \$14,469 for a Council property at 620 Main Road.

12. Officers' reports

OCM.104/18 Fordhams Road Special Charge Scheme - Declaration

This amount is included in the 2018/2019 Capital Works Program.

- g) Within 12 months of the completion of works a final cost statement will be issued to all of the property owners in the Fordhams Road Special Charge Scheme and any adjustments to liabilities will be made at that time.
4. That the submitters and objectors be advised of Council's decision and the reason for the decision.

Attachments

1. Properties included in proposed scheme
2. Guidelines for Apportionment of Costs for Road Construction
3. Apportionment to affected properties

Background

1. On 24 March 2017, Council received a petition signed by property owners in Fordhams Road, Eltham requesting that Council investigate road sealing.
2. After conducting a survey and determining over 60 per cent of property owners support road sealing, Council resolved on 28 November 2017 to proceed with the consultation process for the Fordhams Road Special Charge Scheme, Eltham (Item OCM.135/17).

Policy context

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that the provision of community infrastructure responds to community needs.

Budget implications

4. Council has incorporated costs for administering the scheme in the current services budget. The survey and design costs incurred will be recovered if the scheme proceeds and the charge is levied.
5. Council will have a liability of \$14,469 for a Council property at 620 Main Road. This property has a frontage of 13.9 metres to Fordhams Road and is included in the scheme. This cost is included in the 2018-2019 Capital Works Program, if the scheme is to proceed.

Consultation/communication

6. Consultation to date has involved information sessions for all residents and task group meetings, to finalise design details for the street. All affected property owners have been advised of Council's intention to declare the scheme and their rights to make submissions or objections to this.

12. Officers' reports

OCM.104/18 Fordhams Road Special Charge Scheme - Declaration

Issues/options

7. Council resolved its intention to declare the Fordhams Road Special Charge Scheme on 29 May 2018 (Item OCM.076/18). Property owners were notified of the resolution via public notice in the *Diamond Valley Leader* newspaper on 6 June 2018. A letter and notice of the proposal was sent to all property owners with a liability to the scheme.
8. Both the public notice and the letter sent to property owners of the intention to declare a scheme outlined the rights of any person to make a submission under section 223 or an objection under section 163B of the *Local Government Act 1989* (the Act), in relation to this Special Charge Scheme. Submissions and objections were to be made in writing by 4 July 2018.
9. Correspondence representing six (6) submissions and six (6) objections was received by Council. The six objections represent 32 per cent of properties included in the scheme. A copy of the submissions and objections were circulated to all Councillors prior to the Future Nillumbik Committee meeting on 17 July 2018. Issues raised in the submissions and objections are summarised below, including an officer's response:

- **Issue 1:** Declaration of the Fordhams Road Special Charge Scheme should be deferred until after adoption of the Special Charge Scheme Policy (which is also undergoing a submissions process), as the results of submissions to the review may have direct impact on residents of Fordhams Road.

Officer comment: The key changes to the draft Special Charge Scheme policy are a revised consultation process and increased flexibility in relation to available design standards. Both of these changes have been incorporated into the scheme development and design proposal for Fordhams Road. Should further changes to the policy be recommended as a result of the submissions process, Council will have the option to defer a decision regarding Fordhams Road until after the adoption of the policy.

- **Issue 2:** In light of the policies of some neighbouring Councils and the financial benefits to Council in terms of reduced maintenance, Council should share some of the financial burden, which the residents will incur and make it fairer and equitable.

Officer comment: Council's Special Charge Scheme Policy for Roads and Drainage Works relates to upgrades where the primary beneficiaries of the proposed works are the owners who would be required to contribute and where there is at least 60 per cent support among these owners.

In the case of Fordhams Road, Council is making a financial contribution to the scheme of \$14,469 for the Council property at 620 Main Road.

With respect to reduced maintenance, it is noted that the cost of maintaining a sealed road is (conservatively) comparable to the cost of maintaining an unsealed road (refer point 10).

- **Issue 3:** The scheme places too large a burden on property owners, in addition to the required payment to Yarra Valley Water for the sewer upgrade works.

12. Officers' reports

OCM.104/18 Fordhams Road Special Charge Scheme - Declaration

Officer comment: Council appreciates that a financial commitment is required from property owners in a Special Charge Scheme. Therefore, Council will only proceed where it is demonstrated that 60 per cent of property owners support paying the charge. While Council's resolution to proceed with the scheme was independent of the Yarra Valley Water works, Council is currently working with Yarra Valley Water to align timing and scope of their sewer upgrade works for the most efficient outcome. In addition, Council's Hardship Policy exists to support property owners in making alternative repayments.

- **Issue 4:** It is unfair that a narrow majority can impose a cost on the minority who do not support the scheme.

Officer comment: As there is a diverse range of views in relation to Special Charge Schemes, Council requires 60 per cent support from property owners to proceed, which is 10 per cent greater than the level required by the Act.

10. At the Future Nillumbik Committee meeting on 17 July 2018, a question was raised on the subject of whether Council would consider re-distributing the maintenance costs (back to property owners) that it would have incurred had the road not been sealed. It must be noted that Council incurs a maintenance cost for both unsealed and sealed roads. Maintenance on unsealed roads involves annual grading of the road, reactive works and cleaning of open table drains. Maintenance on sealed roads involves re-sheeting the road pavement (at the end of its life), street sweeping, reactive works and cleaning of drainage infrastructure. These costs, in the order of a few thousand dollars per kilometer, per year are comparable; there is no financial benefit to be redistributed.
11. The special benefit of the road construction is considered to be improved access and amenity to property owners and the residents in the scheme. There is a Council property (620 Main Road) with frontage to Fordhams Road for which Council is required to contribute \$14,469. Therefore, the benefit ratio is 0.9556 (95.56 per cent).
12. If Council resolves to proceed with the Special Charge Scheme, property owners will be sent a notice advising of the formal declaration and outlining their appeal rights to the Victorian Civil and Administrative Tribunal (VCAT).
13. Tenders for the construction of the road will be called subject to the absence of any appeal to VCAT, or a ruling from VCAT supporting the scheme.

Conclusion

14. Council has commenced its statutory obligations in relation to the Fordhams Road Special Charge Scheme, particularly to afford any affected person the opportunity to have their objections or submissions heard by Council. It is recommended that Council formally declare the Special Charge for the construction of Fordhams Road.

12. Officers' reports**OCM.105/18 Yarrambat Township Plan**

Distribution: Public**Manager: Adrian Cully, Director Business and Strategy****Author: Anthony Calthorpe, Strategic Planning Coordinator****Summary**

Council prepared draft planning scheme Amendment C109 (draft Amendment C109) for a Yarrambat Township Plan that was conditionally authorised by the Minister for Planning (Ministerial Authorisation) in November 2016. The proposal included a housing component that would increase housing density in the Township.

Council originally sought to have the Urban Growth Boundary (UGB) around the township to enable further detailed planning to occur with certainty. This was denied by the Minister for Planning as one of the conditions of the Ministerial Authorisation.

The Ministerial Authorisation required, amongst other things, further consultation with officers of the Department of Environment, Land, Water and Planning (DELWP) about possible residential housing zones and their suitability.

Advice provided by senior DELWP staff in December 2017 and reconfirmed through ongoing discussions in 2018 indicated that Amendment C109, in its current form, would unlikely to be supported. Additional housing density outside the UGB (beyond current subdivision controls), is the major policy challenge for the State Government. A hardening of State Government Green Wedge policy, confirmed in 2017 with the release of Plan Melbourne, has been cited by DELWP as confirmation of its policy position.

In June 2018, Advisors to the Minister for Planning have now confirmed that the advice of senior DELWP officers should be relied upon.

Council is now required to consider DELWP advice and how best to progress any township planning for Yarrambat. Officers recommend Council continue township planning focusing initially on public realm and beautification improvements, followed by the exploration with DELWP of the potential of a small scale commercial centre to meet local needs.

Recommendation**That Council:**

1. Continues township planning for Yarrambat, with a revised scope of:
 - a) Removing any housing or residential subdivision components;
 - b) Investigate a staged approach to the preparation of township planning that involves two stages:
 - i) Stage 1: A public realm and beautification plan
 - ii) Stage 2: Investigates with the State Government the possibility of a small scale commercial centre for the township
2. Subject to the above, invite landowners to consider a proponent led planning scheme amendment as a way of determining market demand for any commercial outcomes.

12. Officers' reports

OCM.105/18 Yarrambat Township Plan

3. Requests officers to prepare a revised project scope for Council's endorsement to include indicative costings and a community engagement programme based on Recommendation 1 and report this to Council no later than September 2018.
4. Advises all Yarrambat residents in writing immediately of Council's decision and the next steps for the project.

Attachments

Nil

Background

1. The Yarrambat Township has a long and extensive planning history to date. It is the subject of draft Amendment C109 that was submitted in March 2016 (under the previous Council) and authorised, conditionally, by the Minister for Planning in November 2016. Completion of the Yarrambat Township Plan amendment is Council Plan action 4.5.1.
2. Housing development outside the urban growth boundary is not supported by State Government Policy. Approval for draft Amendment C109 would be required not just from the Minister for Planning but the Victorian Parliament in this instance.
3. Proposals such as the current draft Yarrambat Township Plan are rare at a metropolitan level due to their potential to create a precedent with metropolitan implications.
4. At its Ordinary Meeting of Council on 2 May 2017, Council resolved in part to:
 3. *Defers Amendment C109 until such time as a detailed township plan has been prepared, and requests a report on the township plan before proceeding to public exhibition of any amendment.*
5. Due to the significant costs involved with detailed planning (as set out later in this report), Council officers have prudently sought DELWP's advice, as per the conditions, on how best to progress aspects of the amendment, such as zoning, in order to get clarity about the level of housing that might be considered acceptable from the State's perspective.
6. Advice provided on behalf of senior DELWP staff in December 2017 indicated that the amendment, in its current form, would unlikely be supported. A clearer State Government Green Wedge policy position since the Ministerial Authorisation was first approved has been cited by DEWLP as a key reason for this advice, as per the 2017 release of Plan Melbourne.
7. State Government concerns predominantly relate to the housing component of draft Amendment C109 – which would trigger the need for approval of the Victorian Parliament. This would first require a Planning Panel and the Minister for Planning to determine that sufficient strategic justification could be made in support of draft Amendment C109. DELWP advice indicates that support is unlikely.
8. Council officers have since been seeking confirmation from the office of the Minister for Planning that the DELWP 2017 advice should be relied upon. This has recently (late June) been confirmed by Advisors to the Minister for Planning.

12. Officers' reports

OCM.105/18 Yarrambat Township Plan

9. In January 2018, Council officers also sought the advice of independent consultant Peter Seamer of Planning Strategies – the former CEO of the Victorian Planning Authority (VPA). His advice generally reaffirmed much of the above that draft Amendment C109 would unlikely be successful in its current form and recommended a staged approach to the township’s planning that could better work within the current planning policy framework.

Policy context

10. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that the provision of community infrastructure responds to community needs.

Budget implications

11. If Council were to continue with detailed planning for the township, detailed technical investigation work will need to be completed to better understand geotechnical and drainage conditions because this will help to inform where development can go and set a framework of necessary road, drainage and servicing corridors as well as the location of any retarding basins and any other measures required to support development.
12. Some indicative additional detailed planning costs are likely to include the following (as summarised), depending on the ultimate scale of development progressed:

Detailed design work to support preparation of Development Plan	Indicative cost ranges
Site survey; geotechnical; lot layout design; utility and infrastructure design and proving etc	\$335,000 - \$775,000

13. In addition to the above, officers anticipate further planning costs are likely to involve:

Planning and Design work (master plan; Developer contributions plans etc)	\$155,000 - \$330,000
Planning Panel (legal, expert witness)	\$70,000+
Subtotal (planning and design and planning panel)	\$225,000 - \$400,000
Total up-front planning costs to Council	\$560,000 – \$1.175m

14. This raises issues about how to progress the township plan – given some of the substantive costs that might be involved in detailed background work necessary to prepare a detailed Development Plan. Possible costs could range from \$560,000 to \$1,175,000. It is considered financially prudent to only pursue such detailed planning where there is confidence of an outcome.

Consultation/communication

15. No consultation or public communications has occurred since October 2017 due to the uncertainty about the future of the project.
16. It is recommended that communications and a community update should form part of any next steps on the project.

12. Officers' reports

OCM.105/18 Yarrambat Township Plan

Issues/options

17. State Government advice provides significant reason to consider the scope of any township planning for Yarrambat.
18. Notwithstanding the above, if the Amendment were to progress in its current form, there are a number of strategic planning considerations that provide significant hurdles to the Yarrambat project that would need to be addressed before it is examined and scrutinised by a planning panel. Strategic justification for an amendment of this rarity would be vital. Officers consider the strategic justification to be a weakness at present. Key examples are the lack of support from the planning scheme or any adopted housing strategy.
19. Based on the significance of the issues identified, Officers advise that Council could consider the following options:
 - a. To continue the project in its current form;
 - b. To continue the project but modify it as per the options provided below;
 - c. To put the project on hold; or
 - d. To entirely abandon draft Amendment C109 and advise the Minister for Planning accordingly.
20. Officers consider that there is merit in continuing to consider improvements to the township through staged planning. Option b above therefore is recommended by Officers. This provides a number of further options to Council if it wishes to progress any township planning. Officers advise that Council could reasonably adopt a more staged approach, including the following stages:

Stage 1: Short term public realm and beautification project (footpaths, planting, street furniture, parking etc.).

Stage 2: Revise the planning scheme Amendment C109 to allow local scale commercial/ convenience retailing – builds on Option 1. This may be achievable with a more 'straightforward' amendment to the planning scheme – one that would not require parliamentary approval. Can be done alongside Stage 1

Stage 3: Building on Option 1 and 2 – carry out a longer term piece of strategic planning work for the broader township. This would be an advocacy piece until UGB policy is reviewed.

Proponent LedA further option could be to allow the market to pursue a proponent led amendment for the commercial centre/town centre. This would require evidence of agreement between land owners, developer funded background work and evidence of an ability to fund and coordinate infrastructure delivery and community consultation in partnership with Council. This would have the least cost implication to Council. A proponent would only come forward if there was genuine market interest.
21. Council will need to consider possible capital expenditure in public realm works if a staged approach were to be adopted as it is unlikely that significant developer contributions could ever be realised in stages 1 and 2.

12. Officers' reports

OCM.105/18 Yarrambat Township Plan

22. Stage 3 would be primarily an advocacy approach to argue for longer term UGB changes. It would be anticipated that further community consultation would be a key consideration to inform this.

Conclusion

23. DELWP advice, confirmed by Advisors to the Minister for Planning, indicates that there would be limited merit in progressing draft Amendment C109 in its current form. Housing options outside the UGB present as the principal strategic planning issue from the State Government's perspective.
24. There are options available to progress township planning for the community.
25. There is merit to improving the centre of Yarrambat alongside Ironbark Road. Officers consider that of the options outlined in this report at paragraph 19 to revise the scope of the project, consideration of Stages 1 and 2 present as options that can be realised more easily (subject to investigation). These could deliver a better public realm and convenience retailing outcome for the centre of Yarrambat.

12. Officers' reports

OCM.106/18 Arts Advisory Committee Terms of Reference and membership vacancy

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Michelle Zemancheff, Coordinator Arts and Cultural Services

Kylie Lethbridge, Manager Business, Tourism and Marketing

Summary

A position vacancy has arisen within the voluntary community membership of Council's Arts Advisory Committee. In implementing processes to advertise and fill that vacancy, there is an opportunity to review the Terms of Reference so that it reflects current policy and operational requirements.

Recommendation

That Council:

1. Endorses the amended Arts Advisory Committee Terms of Reference.
2. Endorses the public exhibition of expressions of interest for nomination of one vacant volunteer community position, with preferential criteria for performing arts expertise.
3. Receives a report from officers of nominations for the Arts Advisory Committee to Council for endorsement.
4. Recognises the contribution of recently retired volunteer community member, Mr Michael Wilson, to Council through the Arts Advisory Committee.
5. Instructs officers to formally convey Council's gratitude to Mr Wilson.

Attachments

1. Arts Advisory Committee Terms of Reference endorsed 28 March 2017
2. Amended Arts Advisory Committee Terms of Reference

Background

1. The Arts Advisory Committee provides a transparent mechanism for acquisitions and conservation of the Nillumbik Shire Council Art Collection, together with implementation of the Arts and Cultural Plan 2018-2022.
2. At the Ordinary Meeting of Council on 30 May 2017, Council endorsed the Arts Advisory Committee membership, with the Terms of Reference (**Attachment 1**) endorsed by Council on 28 March 2017.
3. The Arts Advisory Committee is chaired by Cr Karen Egan, with Cr Jane Ashton as deputy chair.

12. Officers' reports

OCM.106/18 Arts Advisory Committee Terms of Reference and membership vacancy

4. The Arts Advisory Committee Terms of Reference provide for seven volunteer community representatives to collectively represent a diverse range of arts and cultural expertise, with a spread of members representing the three discipline areas as defined by the National Arts and Culture Accord, namely:
 - Core arts (such as music, performing arts, literature, visual arts, galleries, theatres, for vocational and/or recreational purposes; together with libraries, cultural venues, events and festivals, education and training institutions).
 - Creative industries (such as publishing, film, television, new media, fashion and design).
 - Cultural heritage (such as the work undertaken by museums, galleries, libraries to preserve and provide public access to, artefacts and intangible cultural heritage, including indigenous heritage).
5. One member of the Arts Advisory Committee has recently retired, leaving a vacancy within the committee membership. In this regard, Council recognises the work of the volunteer members of the Arts Advisory Committee and that of recently retired member Mr Michael Wilson.

Policy context

6. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

Budget implications

7. Administrative support for the Arts Advisory Committee is provided through Council's operational budget.
8. Strategy and acquisitions are guided by the Arts and Cultural Plan 2018-2022 together with the Nillumbik Shire Art Collection Policy 2014-2017.

Consultation/communication

9. Given the priority action 2.2.7 of the Council Plan 2017-2021 to recognise performing arts through facilitation and promotion and Arts and Cultural Plan 2018-2022 goals one and two to develop performing arts in Nillumbik, the Arts Advisory Committee have recommended that performing arts expertise form preferential criteria in filling the Arts Advisory Committee volunteer membership vacancy.

Issues/options

10. The current Terms of Reference (**Attachment 1**) precede both the Council Plan 2017-2021 and the Arts and Cultural Plan 2018-2022. While considering the membership vacancy, there is an opportunity for Council to also update the Terms of Reference to reflect current policy and operational structures. The proposed amended Terms of Reference (**Attachment 2**) are provided for Council's consideration for formal endorsement.

12. Officers' reports

OCM.106/18 Arts Advisory Committee Terms of Reference and membership vacancy

11. Given the focus of the Arts and Cultural Plan 2018-2022, and in order to complement a strong suite of expertise across the committee's existing membership, while being responsive to the National Arts and Culture Accord, it is recommended that performing arts expertise form preferential criteria in filling the Arts Advisory Committee volunteer membership vacancy.

Conclusion

12. Officers recommend Council endorse:
- The amended Arts Advisory Committee Terms of Reference as proposed in **Attachment 2**.
 - The public exhibition of expressions of interest for nomination of one vacant volunteer community position, with preferential criteria for performing arts expertise.
 - Recognition of the contribution of recently retired member, Mr Michael Wilson, to the Arts Advisory Committee.
13. The Arts Advisory Committee will otherwise continue to provide advice to Council, working closely with the Councillor Chair, Councillor Deputy Chair, and officers on the implementation of the Arts and Cultural Plan 2018-2022 and acquisitions to the Nillumbik Shire Art Collection.

12. Officers' reports

OCM.107/18 Synthetic Cricket Pitch Conversion Program Funding

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Joanne Massoud, Acting Coordinator Recreation and Open Space Planning

Summary

To seek Council’s endorsement to allocate additional funds and amend the funding model for the cricket pitch conversion program, to reduce the clubs financial contribution.

In 2016, Council endorsed the conversion of the Shire’s all-season cricket pitches to short pile synthetic cricket pitches following overwhelming support from cricket clubs across the Shire and the Diamond Valley Cricket Association (DVCA). Conversion to the short pile pitch was recommended by Cricket Victoria as the short pile pitch has a lower bounce and provides a more predictable and consistent ball trajectory which promotes skill development and contributes to greater player safety.

The current funding model requires each club to contribute approximately \$20,000 per pitch conversion; most clubs are allocated multiple facilities therefore increasing the total cost. The proposed new model reduces clubs contribution by approximately \$10,000 per conversion.

Recommendation

That Council:

1. Endorses the proposed funding model, which proposes that:
 - a) The club contribution be capped at \$10,000 per pitch conversion; and
 - b) Council contributes the remaining funds to complete the conversion.
2. Continues to fund four cricket pitch conversions per year until 2021/22.

Attachments

Nil

Background

1. Since endorsing the short pile synthetic pitch conversions, seven cricket pitches have been converted: Ben Frilay Oval (Hurstbridge), Coventry Oval (Diamond Creek), Eltham Lower Park front oval, Eltham Lower Park back oval, Plenty Park, Research Park and Wattle Glen Memorial Park.
2. Cricket pitch replacements are estimated to cost \$35,000 including storage, winter cover spindles, and the purchase of winter covers.
3. The conversions are only possible by each club contributing approximately \$20,000 towards the total cost which can be offset by multiple grant opportunities that are available.
4. Feedback from cricket clubs’ was that the overall cost of the synthetic pitch replacement and associated winter infrastructure is too high and not sustainable.

12. Officers' reports

OCM.107/18 Synthetic Cricket Pitch Conversion Program Funding

5. Previous capital works budget allocation was \$35,000 which only allows for two cricket pitches to be converted annually, making this an 11 year program.
6. Whilst officers continued to explore cost saving options for the clubs, permanent winter cover storage was not created, temporary storage was utilised, therefore keeping the club contribution as low as possible but still in line with the policy position.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that the provision of community infrastructure responds to community needs.

Budget implications

Current Funding Model

8. The current funding model is structured as follows:
 - a) Council pays for core infrastructure (the slab) and contributes 50 percent to the short pile synthetic and necessary turf works.
 - b) Club pays for the winter infrastructure (cover, spindle and storage) and contributes the remaining 50 percent to short pile synthetic and necessary turf works.

Capital Item	Cost Estimates (ex GST)	Club		Council	
		%	\$	%	\$
Slab	\$10,000	-	-	100%	\$10,000
Synthetic	\$4,000	50%	\$2,000	50%	\$2,000
Turf Work	\$7,000	50%	\$3,500	50%	\$3,500
Winter Cover & Spindle	\$7,000	100%	\$7,000	-	-
Storage	\$7,000	100%	\$7,000	-	-
Total	\$35,000		\$19,500		\$15,500

Proposed Funding Model

9. The proposed funding model caps the club contribution at \$10,000 to cover short pile synthetic, turf works, winter cover and spindle. Council will cover all additional costs including storage.

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OCM.107/18 Synthetic Cricket Pitch Conversion Program Funding

Capital Item	Cost estimates (ex GST)	Club	Council
		\$	\$
Slab	\$10,000	-	\$10,000
Synthetic	\$4,000	\$10,000	\$8,000
Turf Work	\$7,000		
Winter Cover & Spindle	\$7,000		
Storage	\$7,000	-	\$7,000
Total	\$35,000	\$10,000	\$25,000

10. Annual winter cover levy is approximately \$570 per year for seven years (subject to CPI), which will cover the cost of replacing the winter cover once it reaches the end of its life. This is applicable to each ground.
11. The 2018/19 adopted capital works budget for the conversions is \$100,000 therefore allowing for four cricket pitches to be converted this financial year based on the proposed funding model.
12. To complete all pitch conversions by 2020 would require an ongoing budget allocation of \$100,000 per annum. This would need to be considered as part of the annual budgeting process.
13. Once the initial conversion takes place, renewal for the short pile synthetic will revert back to Council's original policy position with a 50/50 Council and club split for home ground and 80/20 Council and club split for secondary grounds. This excludes replacement of the winter cover which will be covered by the annual levy.

Consultation/communication

14. DVCA and the cricket clubs have been involved in shaping the proposed funding model and are supportive of the change. This model is also consistent with Banyule City Council in which the DVCA have also endorsed.

Issues/options

15. The proposed funding model will not favour any clubs as it will be fair and equitable for all previous and upcoming conversions.
16. Club contribution can consist of multiple grants therefore reducing the club's out of pocket cost.
17. Storage options are still being explored however onsite storage is proving to be more beneficial than storage at the Operation Centre.

Conclusion

18. The proposed funding model outlined in this report is consistent with Council's strategy for the provision of improved sporting facilities within the Shire.

12. Officers' reports

OCM.107/18 Synthetic Cricket Pitch Conversion Program Funding

19. Officers will continue to work with the next four highest priority clubs to assist in obtaining grants and scheduling the required works. The four clubs and their respective facilities are:
- a) Eltham Cricket Club – Eltham Central Park
 - b) North Eltham Wanderers Cricket Club – Eltham North Reserve Top Oval
 - c) Panton Hill Cricket Club – AE Cracknell Reserve
 - d) Diamond Creek Cricket Club – Marngrook Oval

12. Officers' reports**OCM.108/18 June Interim Financial Report**

File: 20/10/004**Distribution: Public****Manager: Vince Lombardi, Manager Finance****Author: Robert Malignaggi, Management Accountant****Summary**

This report outlines Council's interim financial performance for the period ending 30 June 2018.

The June draft interim financial report is the fourth report presented to Council on the year-to-date performance against the approved 2017-2018 Budget, which includes changes resulting from the Mid-Year Financial Review process.

Quarterly reports are presented to Council for the September, December and March quarters. However due to the timing and preparation of the Annual Report, an interim quarterly report is prepared for the June quarter. This is to comply with the provisions of the *Local Government Act 1989* which requires that a financial report be presented to Council every three months.

The interim financial report shows a draft net surplus of \$975,968. This is an improvement of \$3.055 million compared to the Mid-Year Financial Review in January 2018, when a deficit of \$2.079 was forecast. This favourable variance has been achieved through a combination of increased income received, and effective management of operational expenditure. This surplus enables Council to make additional allocations to its financial reserves, which will strengthen Council's financial position and reduce risk exposure.

Recommendation**That Council:**

1. Receives and notes the Draft Interim Financial Report for the period ended 30 June 2018.
2. Endorses the proposed allocation of the surplus into Council's financial reserves.

Attachments

1. Draft Interim Income Statement

Background

1. With the end of the financial year at 30 June 2018, a draft result is now available.
2. The reporting process compares actual performance to budgeted targets. It should be noted that this is only an interim report as the annual external financial audit is yet to be completed. The audited financial statements will be presented in August.
3. There are two profitability measures referred to in this briefing; Net Profit and Net Surplus.
 - a) **Net Profit.** The periodic financial reports (monthly and quarterly) presented to Council report on the Net Profit. The net profit is a statutory accounting measure

12. Officers' reports

OCM.108/18 June Interim Financial Report

which is reported on in the Annual Report. This measure captures all the financial activity for the year which includes both cash and non-cash items.

- b) **Net Surplus.** The net surplus captures Council cash position at the end of financial year. This is an important measure as it provides insight into the cash used in operating activities during the year. Through this measure if there are surplus funds remaining at the end of the year, Council has the ability to allocate the funds to the future year.

- 4. Council has ended the financial year in a better than expected position generating a strong net profit result and sustainable cash position as per the table below:

	Mid-Year Budget Review (forecast position)	Year to date Actuals	Favourable Variance
Net Profit (statutory accounting)	2,848,472	10,096,041	7,247,569
Net Surplus/(Deficit) (cash position)	(2,079,211)	975,968	3,055,179

- 5. This strong result is driven by careful management of operating expenditure by the organisation and better than expected revenue received during the year.
- 6. The favourable result enables Council to allocate the surplus of \$975,968 to the next financial year.

Policy context

- 7. This report directly supports the achievement of Council Plan 2017-2020 strategy:
 - Ensure responsible and efficient management of Council's financial resources.

Budget implications

- 8. This is a standard reporting item to Council, the associated costs for which are included in the current budget.

Consultation/communication

- 9. Nil

Issues/options

- 10. The draft interim income statement for the period ended 30 June 2018 is provided in **Attachment 1**.

Draft Interim Income Statement

- 11. The Interim Income Statement (the statement) for the period ended 30 June 2018 is attached (**Attachment 1**). The statement details variances and commentary to the Mid-Year Financial Review.

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OCM.108/18 June Interim Financial Report

12. The statement includes operating income and expenditure items generating a draft net profit for the year ended 30 June 2018.
13. The draft net profit figure is a statutory accounting measure which will be reported in the Annual Report. More broadly, a strong profit result contributes to Council achieving financial sustainability targets of a low risk assessment with the Victorian Auditor General's Office.
14. Council closed the period ended 30 June 2018 with a strong draft profit result of \$10.096 million. This represents a favourable variance of \$7.248 million above the forecast profit of \$2.848 million from Mid-Year Financial Review in January 2018 (highlighted in yellow on **Attachment 1**).
15. This strong financial result continues to be reflected in the draft net surplus.

Draft Net Surplus

16. The final line of the statement details the draft net surplus for the period ended 30 June 2018.
17. The draft net surplus reflects the overall operating performance of the business for the 12 month period. This figure is considered to be important as provides insight to Council's performance for the financial year. It excludes items which are of a non-cash nature or capital related.
18. At the Mid-Year Financial Review in January 2018 Council forecast a deficit of (\$2.08 million) as detailed in **Attachment 1**.
19. The draft net surplus for the period ended 30 June 2018 is \$975,968.
20. This significant improved result when compared to the mid-year review is largely driven by:
 - a) better than expected income received; and
 - b) overall underspend in operational expenditure, driven by effective financial management across the organisation (**Attachment 1**).
21. The underspend in expenditure is considered to be isolated to the past financial year. This trend is not expected to continue in future years.
22. As a result of this favourable position Council has the ability to allocate the surplus funds for the year ended 30 June 2018.

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OCM.108/18 June Interim Financial Report

23. It is proposed to allocate the favourable variance as follows:

Item	Amount	Balance	Commentary
Draft Net Surplus		975,968	
LESS: Proposed allocation			
Yarra Ranges Tourism Board	70,000		Funds required for the annual membership.
Green Wedge Management Plan	32,726		<u>Ongoing</u> project funding carried forward.
Activity Centre Review	107,915		
Solar Feasibility Study	179,668		
Council financial reserve allocation	583,000		
Final Surplus		2,659	

Conclusion

24. Council's interim financial position at the end of June 2018 reflects an improved result compared to the original Budget and the Mid-Year Financial Review.
25. This has been achieved through a combination of increased income received and effective management of expenditure.
26. This surplus enables Council to make allocations to financial reserves.

12. Officers' reports

OCM.109/18 Audit Committee Vacancy

File: 20/15/006

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Melika Sukunda, Financial Accountant

Summary

Council currently has one vacancy for an independent member on its Audit Committee, following the recent resignation of long standing committee member Ms Linda MacRae.

The *Local Government Act 1989* requires each Council to have an Audit Committee to oversee the Council's management of risk, internal controls and financial reporting.

The Committee meets four times each year and the minutes are presented at a subsequent Council meeting.

The Audit Committee comprises three positions for independent members, and two positions for Councillors (currently Cr Clarke and Cr Ranken). The position of Chairperson is held by one of the independent members.

Applications for the vacant position have been invited through advertisements on the Board Direction and LinkedIn website. Council received 32 applications.

The recommended applicant for the vacant position is Chris Eddy, who holds extensive experience at a senior level with over 30 years of management experience in the private and public sector.

Recommendation

That Council:

1. Appoints Chris Eddy as an independent member of the Audit Committee for a three year term concluding 30 June 2021 and advises Mr Eddy accordingly.
2. Notifies the other applicants of Council's decision and thanks them for their application.

Attachments

Nil

Background

1. Council is required by the *Local Government Act 1989* to have an Audit Committee to oversee Council's financial reporting, risk management and internal controls.
2. At Nillumbik, the Audit Committee has five members. Two members are Councillors, currently Cr Clarke and Cr Ranken.
3. The other three positions are held by independent members with one of the independent members acting as Chairperson.
4. The independent members are each appointed for a three year term, and may be reappointed by Council once that term concludes.

12. Officers' reports

OCM.109/18 Audit Committee Vacancy

5. Applications were invited through an advertisement on the LinkedIn and Board Direction websites over the period of four weeks in May 2018.
6. Thirty-two applications were received. The applications were short-listed based on the experience and qualifications of the applicants and the quality of the applications.
7. Four applicants were shortlisted and interviewed on Wednesday 27 June 2018.
8. An assessment was then carried out at the conclusion of the interviews to determine if a further round of interviews would be required or if there was an outstanding candidate from the shortlist.
9. Upon review of the four candidates there was one candidate who was preferred by all panel members.
10. Mr Eddy was the preferred candidate based both on his experience and performance during the interview process. Mr Eddy is an experienced Chief Executive with background in government administration and media.
11. A final stage of the process was to conduct reference checks on Mr Eddy to verify his credentials and professional experience listed. In addition, the reference checks also provided subjective insight to Mr Eddy's conduct and approach within a committee environment.
12. The Referees contacted gave sound feedback which complemented Mr Eddy's application and interview.
13. Mr Eddy has demonstrated extensive experience which will add significant value to the Audit Committee.

Policy context

14. This report directly supports the achievement of Council Plan 2017-2020 strategy:
 - Maintain good governance and effective leadership.

Budget implications

15. Council pays a fee to each independent member, being \$8,000 per annum to the Chairperson, and \$5,000 per annum to each of the other independent members.
16. Costs associated with advertising have been met from operating budgets.

Consultation/communication

17. Applications were invited through advertisements on the Board direction and LinkedIn website.
18. An interview process was then undertaken to assist in the assessment of applicants. The interview panel consisted of the CEO, Independent Committee Member John Watson and Executive Manager Finance.

Recommended appointment

19. On the basis of the evaluation conducted, the recommended applicant is Chris Eddy.
20. Mr Eddy is a very experienced and well-credentialed candidate and it is recommended that Council accept his application.

12. Officers' reports

OCM.109/18 Audit Committee Vacancy

Conclusion

21. The Audit Committee performs a crucial role in overseeing Council's risk management, internal control and financial reporting framework.
22. The appointment of well-qualified and experienced independent members to the Audit Committee is an important decision by Council in ensuring that the Committee has the necessary skills and capabilities to undertake this role.

12. Officers' reports

OCM.110/18 Council Plan Quarterly Performance Report

File: 25/10/002

Distribution: Public

Manager: Mark Stoermer, Chief Executive Officer

Author: Jeremy Livingston, Executive Manager Organisational Performance

Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report for Council's consideration. The attached Quarterly Performance Report provides the fourth and final update on the progress of the 2017-2018 delivery of the Council Plan 2017-2021.

Of the 103 priority actions reported, and within the parameters of what was planned to be achieved this financial year, 63 actions are complete, 37 actions remain 'in progress' and a further three actions have not yet commenced. Of those 37 actions 'in progress', 22 receive a green traffic light (at least 90 percent complete), 10 receive an amber light (40 to 90 percent complete) and five receive a red light (less than 40 percent complete).

The year's performance against the delivery of the Council Plan will be published in the Annual Report 2017-2018, which will be presented to Council and the Minister of Local Government before 30 September 2018.

Recommendation

That Council receives the Council Plan Quarterly Performance Report for the fourth quarter, being the period ending 30 June 2018.

Attachments

1. Council Plan Quarterly Performance Report

Background

1. The Council Plan 2017-2021 was developed following the general council election in October 2016 and adopted by Council on 27 June 2017.
2. This Quarterly Performance Report provides Council with an update on the progress of the Council Plan at the end of the 2017-2018 financial year. The report documents how Council is performing and delivering on the Council Plan for the Nillumbik community.

Policy context

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

4. This report is part of Council's monitoring of the Council Plan and Budget. The resources for the monitoring and the preparation of this report are accommodated within existing operational budgets.

12. Officers' reports

OCM.110/18 Council Plan Quarterly Performance Report

Consultation/communication

5. The Council Plan 2017-2021 was developed following a comprehensive program of workshops and briefings with Councillors following the general election in October 2016, as well as a period of consultation with the community in May and June 2017. The Council Plan 2017-2021 was adopted by Council on 27 June 2017.

Progress during the quarter

6. Delivery for the first year of the Council Plan 2017-2021 contains 101 priority actions that sit under the five high-level strategic objectives of:

- Engaged, connected communities – a place where communities and ideas thrive, underpinned by trust, confidence and continuous learning.
- Active and creative people – active lifestyles and artistic expression are fostered through participation and innovation.
- Safe and healthy environments – healthy and safe communities enjoy living in our iconic Green Wedge environment.
- A prosperous economy – a strong local economy that supports business growth, jobs and community wealth.
- Responsible leadership – collaborative and consultative leadership that builds trust and makes the best use of available resources to the benefit of all in the pursuit of excellence.

7. Of the 103 priority actions reported, and within the parameters of what was planned to be achieved this financial year, 63 actions are complete, 37 actions remain 'in progress' and a further three actions have not yet commenced. Of those 37 actions 'in progress', 22 receive a green traffic light (at least 90 percent complete), 10 receive an amber light (40 to 90 percent complete) and five receive a red light (less than 40 percent complete).

Status	Green	Amber	Red	Total	%
Completed	63	0	0	63	61.2
In Progress	22	10	5	37	35.9
Not Started	0	0	3	3	2.9
Total	85	10	8	103	100
%	82.5	9.7	7.8	100	

8. Some highlights of activities and deliverables achieved during the 2017-2018 financial year include:

- Implementing a new online engagement tool for the community, 'Participate Nillumbik', which was used on several community engagement projects (Action 1.1.5.3);

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OCM.110/18 Council Plan Quarterly Performance Report

- Undertaking significant community engagement on a number of key projects, including North East Link Advocacy, Building Nillumbik, Eltham North Adventure Playground redevelopment, Green Wedge Management Plan Review and Hurstbridge Open Space Precinct Master Plan (Action 1.1.1.2);
- Completing Council's Brand and Collateral Audit, including gap analysis (Action 1.1.1.3);
- Completing the Odyssey Project pilot which demonstrated a successful methodology enabling partnership agreements between Council, emergency services and community groups; using this methodology in other high bushfire risk locations, and to promote risk awareness and facilitate activities that increase community connectedness (Action 1.1.2.1);
- Completing a number of strategic service reviews to inform future service delivery, including Living and Learning Nillumbik and Commonwealth Home Support Program (CHSP) - formerly known as HACC (Action 1.1.6.1);
- Works are complete on the south side of the Civic Drive Open Space precinct, with a brief to commission an artist to develop art installation prepared (Action 2.1.1.2);
- Hurstbridge Recreation and Open Space Master Plan draft concept plan has been developed following input from the project reference group and community workshops, and is currently out for public consultation and final input (Actions 2.1.1.2 and 2.1.1.4);
- A shire-wide Lifetime Play planning framework has been completed, and an implementation plan is currently being developed to inform a 10 year capital works program following an assessment of all existing play spaces (Action 2.1.1.3);
- Council has endorsed a program and timeframes to deliver the Diamond Creek Trail extension for completion by mid-2020, subject to securing external funding. An advocacy campaign was developed to support this initiative which resulted in securing \$4million from the State Government to fund sections of the Diamond Creek Trail (Action 2.1.1.6);
- Council secured more than \$8million from various State Government infrastructure funds to contribute towards more than \$18 million investment in nine community infrastructure priorities to support greater participation in a range of recreation pursuits, particularly for women and girls (Actions 2.1.1.8 and 2.1.1.10);
- A total of 101,334 participants engaged with the Arts and Cultural Development program, with the year heralding an exciting new era for the arts and cultural sector with the adoption of the Arts and Cultural Plan 2018-2022. This year's Nillumbik Prize was highlighted by an investment of a special acquisition allocation to the value of \$15,000 which enabled the acquisition of six contemporary artworks to the Nillumbik Shire Art Collection (Actions 2.1.2.1 and 2.1.2.5);

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OCM.110/18 Council Plan Quarterly Performance Report

- A review of Council's policy for events and festivals has been completed, including the development of an annual calendar. This will inform further work in this area (Action 2.1.2.3);
 - The Green Wedge Management Plan Review project has commenced, with the endorsement of a four stage community engagement process (Action 3.1.1.2);
 - The Public Health & Wellbeing Plan 2017-2021 was adopted in November, and implementation of an action plan has commenced (Action 3.1.3.1);
 - Support has been provided to the Diamond Creek Men's Shed to improve their facility, and the Eltham Men's Shed has moved into their new home located at the previous Wattletree Road pre-school site. Additionally, a number of men's sheds have secured community grants funding (Action 3.1.3.5);
 - A new Domestic Animal Management Plan was adopted in October, with first year actions and other related initiatives completed (Action 3.1.4.1);
 - Widespread, positive media coverage was received in response to Council's approach to graffiti management, with the prevalence of graffiti within the Shire continuing to drop with the annual graffiti audit detailing this success (Action 3.1.8.1);
 - The Small Business Development Program continues to be implemented with the provision of the Small Business Bus, the Business Mentoring Program and workshop series, in addition to support for the Northern Business Achievement Award (Action 4.1.1.2);
 - Work has commenced on the review of the Eltham and Diamond Creek Structure Plans and a review of the activity centre's urban design guidelines is underway (Action 4.1.3.1);
 - Development and future use of the former Eltham Shire Offices site has undergone preliminary planning to inform deliverables and outcomes (Action);
 - A continuous improvement framework has been developed and embedded within the Council administration, supported by a capability building program (Action 5.1.6.3); and
 - A zero rate increase was delivered in 2017-2018.
9. The year's performance against the delivery of the Council Plan will be published in the Annual Report 2017-2018, which will be presented to Council and the Minister of Local Government before 30 September 2018.
10. The next quarterly performance report on the Council Plan will measure activity and performance against the Annual Plan 2018-2019 that was adopted by Council at the June Ordinary Meeting.

Conclusion

11. This Quarterly Performance Report provides Council with an update on the progress of the Council Plan at the end of the 2017-2018 financial year. The report documents how Council is performing and delivering on the Council for the Nillumbik community.

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OCM.110/18 Council Plan Quarterly Performance Report

12. Although there a number of priority actions which are presently 'off-track' from what was envisaged at the beginning of the financial year, the overall position suggests that at the end of the first year of the Council Plan 2017-2021, Council has made a solid effort at working towards delivering on the priority actions and significant outcomes for the community.
13. A resolution from Council at the June 2018 Ordinary Meeting has flagged a mid-term review of the Council Plan 2017-2021 to commence later this calendar year. This will provide an opportunity to assess some of the priority actions that are presently behind schedule.

12. Officers' reports

OCM.111/18 Assemblies of Councillors

File: 10/30/002

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Emma Christensen, Governance Officer

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 June 2018.

An Assembly of Councillors record was kept for:

- Inclusion Advisory Committee and Disability Action Planning Subcommittee - Thursday 22 March 2018.
- Officer Briefing and OCM pre-meet - Tuesday 26 June 2018.
- Councillor Briefing Session - Tuesday 17 July 2018.
- Environment and Sustainability Advisory Committee - Wednesday 18 July 2018.
- Inclusion Advisory Committee and Disability Action Planning Subcommittee - Thursday 19 July 2018.

Recommendation

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 22 March 2018, 26 June 2018, 17 July 2018, 18 July 2018 and 19 July 2018 (Attachment 1):

Attachments

1. Assembly of Councillors 31 July 2018

Background

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

Policy context

2. This report directly supports the achievement of Council Plan 2017-2021 strategy 'ensure that Council meets its legal responsibilities and manages its risks'.

Budget implications

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

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OCM.111/18 Assemblies of Councillors

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 26 June 2018.

Conclusion

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

12. Officers' reports

OCM.112/18 Yan Yean Road Upgrade - Acquisition of Council Land

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Jon Miller, Manager Assets and Property

Summary

VicRoads is currently undertaking a project to duplicate approximately 3.5 kilometres of Yan Yean Road, between Diamond Creek Road, Greensborough and Kurrak Road, Yarrambat.

Council owned 10 parcels of land (included in 12 titles) with frontage onto Yan Yean Road that have been compulsorily acquired or partially acquired by VicRoads to facilitate the road duplication project. The approximate area of Council land acquired is 2.6 hectares.

VicRoads has made offers of compensation to Council for the parcels of land it has acquired.

Council has appointed valuers (Property Dynamics) to provide expert advice in relation to the adequacy of VicRoads offers.

The confidential report will seek Council's endorsement of the proposed next steps by officers, being to:

- Accept offers of compensation for seven of the 10 parcels;
- Initiate a formal dispute process in relation to offers of compensation for two parcels;
- Continue to negotiate with VicRoads in relation to one parcel of land and business disturbance costs, and
- Make public the final compensation paid by VicRoads to Council for the acquired land, after all negotiations have been completed.

Recommendation

That Council notes the summary of the report.

Attachments

Nil

12. Officers' reports

OCM.113/18 Supply, delivery and finance of one road sweeper unit

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Vladimir Mistic, Engineer

Summary

The confidential report recommends awarding a contract for supply, delivery and finance of one road sweeper.

This road sweeper is proposed to replace an existing road maintenance vehicle and its replacement is like-for-like and consistent with the scheduled timing and funding provided within Council's 10-year plant replacement program.

The road sweeper was tendered through the National Procurement Network (NPN) Register of Prequalified Supplier for the supply of Specialised Trucks and Bodies (Contract number NPN1.15).

The Tender Evaluation Panel (TEP) has assessed the submissions in accordance with the evaluation criteria and provides a recommendation to award the contract.

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

Recommendation

That Council notes the summary of the report.

Attachments

Nil

12. Officers' reports

OCM.114/18 Tourism Patnership Agreement

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Kylie Lethbridge, Manager Business, Tourism and Marketing

Summary

Nillumbik Shire Council (NSC) has independently sought to develop the visitor economy in isolation from the broader state strategy and networks for some time now.

In order to enact the focus on business, tourism, marketing and events and festivals in the Council Plan an analysis has been undertaken to identify possible strategic partnerships that will support building the visitor economy.

Yarra Ranges Tourism (YRT) is the official regional tourism organisation for the Yarra Valley and Dandenong Ranges region, which includes NSC.

YRT provide a range of benefits that NSC cannot realise by working in isolation which include:

- reaching visitors coming to Melbourne at scale in a cost effective manner through a range of marketing opportunities, digital assets and partnership activities;
- providing advocacy to government and key partners for the region to secure additional funding;
- access to grant programs that NSC cannot access independently such as the regional events and infrastructure fund and the tourism infrastructure pipeline program;
- leveraging industry expertise through education and networking opportunities otherwise unavailable to NSC and local businesses;
- ensuring recognition on key collateral for the region;
- access to visitor economy research for NSC;
- a team of six staff dedicated to driving the visitor economy which in turn scales up the capabilities of NSC to enhance the outcomes for the region; and
- a board position on YRT to help drive the visitor economy for the region and influence the strategic direction.

Recommendation

That Council notes the summary of the report.

Attachments

Nil

- 13. Notices of Motion
- 14. Delegates' Reports
- 15. Supplementary and urgent business
- 16. Confidential reports

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

OCM.115/18 Yan Yean Road Upgrade - Acquisition of Council Land

This item is designated confidential because it is a contractual matter and any other matter which the Council or special committee considers would prejudice the Council or any person pursuant to section 89(2)(d) and (h) of the Act.

OCM.116/18 Supply, delivery and finance of one road sweeper unit

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

OCM.117/18 Tourism Partnership Agreement

This item is designated confidential because it is any other matter which the Council or special committee considers would prejudice the Council or any person pursuant to section 89(2)(h) of the Act.

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

Recommendation

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.