

## Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 30 January 2018 commencing at 7.30pm

### Agenda

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

Wednesday 24 January 2018

Distribution: Public

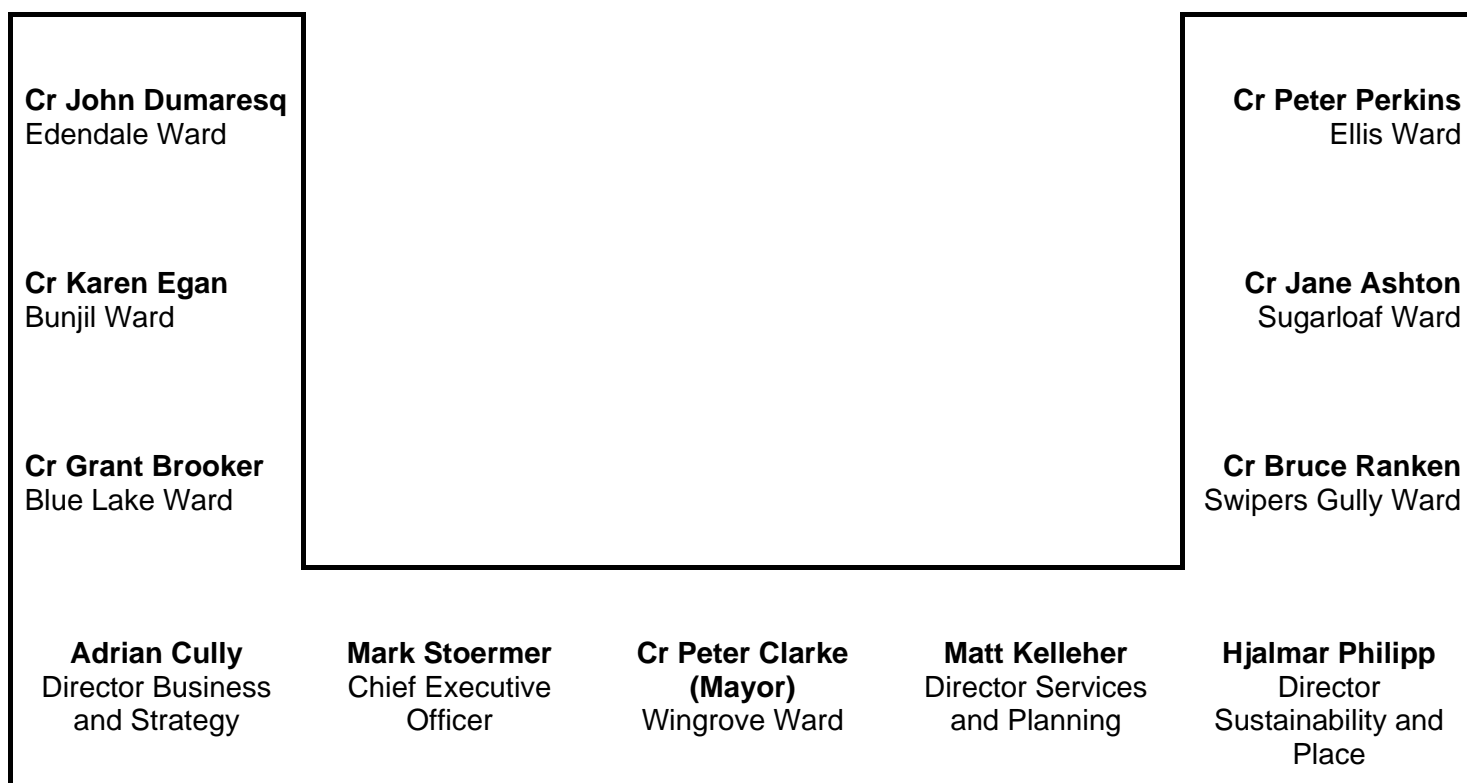
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*Domin je ka*

## 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 30 January 2018 commencing at 7.30pm.**

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**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 by Rev. Dr Tim Johnson, Senior Minister of the Anglican Parish of Diamond Creek.

**4. Apologies**

**Motion**

**That the apologies be accepted.**

**5. Presentations**

Nil.

**6. Confirmation of minutes**

Confirmation of minutes of the Council Meeting held on Tuesday 19 December 2017.

**Motion**

**That the minutes of the Council Meeting held on Tuesday 19 December 2017 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**

Nil.

**9. Questions from the gallery**

10. Reports of Advisory Committees

AC.001/18 Advisory Committee Report

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**Distribution:** Public

**Manager:** Justin Murray, Acting Manager Governance

**Author:** Tracey Classon, Governance Officer

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

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

- Recreational Trails Advisory Committee meeting held 23 November 2017
- Disability Action Plan Advisory Committee meeting held 30 November 2017
- Inclusion Advisory Committee meeting held November 30 2017
- Open Space Precinct Plan Graysharps Road Hurstbridge, Advisory Committee meeting held 4 December 2018

**Attachments**

1. Recreational Trails Advisory Committee Minutes 23 November 2017
2. Disability Action Plan Advisory Committee Minutes 30 November 2017
3. Inclusion Advisory Committee Minutes 30 November 2017
4. Open Space Precinct Plan Graysharps Road Hurstbridge, Advisory Committee Meeting Minutes 4 December 2018

**Motion**

**That Council notes the:**

1. **Recreational Trails Advisory Committee meeting minutes held 23 November 2017.**
2. **Disability Action Plan Advisory Committee meeting minutes held 30 November 2017.**
3. **Inclusion Advisory Committee meeting minutes held 30 November 2017.**
4. **Open Space Precinct Plan Graysharps Road Hurstbridge, Advisory Committee meeting minutes held 4 December 2018.**

**11. Reports of Special Committees**

Nil.

12. Officers' reports

**OCM.001/18 Funding major infrastructure projects through surplus asset sales**

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**Distribution: Public**

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

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

**Summary**

Action 5.6.2 of the Council Plan 2017 – 2021, commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects.

This approach is not new. Council has executed property transactions involving land purchases and sales since 2001. Income raised from land sales has funded capital works, as well as debt reduction, which is in accordance with Council’s adopted Statement of Property Portfolio Management Principles (PPMP).

This report provides Council with the details of sixteen parcels of surplus Council owned land that could be used for that specific purpose.

The report also provides Council with details of an additional minor parcel of Council land that the adjoining property owner has requested to purchase from Council. The address and details of all parcels are listed in the body of this report. Aerial photographs of each parcel; and where appropriate, Plans of Subdivision showing the precise area proposed to be sold are depicted in Attachment 1.

The *Local Government Act 1989* (the Act) requires Council to publicly advertise its intention to sell land and to invite public submissions on the intended sale. Council or a Committee of Council is required to consider the contents of any public submissions prior to making any final decision to sell land.

Two of the parcels listed for potential sale are currently classified as roads (or part thereof). Council may consider discontinuing and selling these roads, subject to giving public notice of its intention to discontinue, and considering any public submissions received, prior to making a decision to proceed with the discontinuance and then sale.

This report seeks Council’s approval to:

- Commence the formal processes required to discontinue the two roads (or part thereof); and
- Publicly advertise its intention to sell all/or part of the parcels of land as depicted in Attachment 1; and
- Invite public submissions on the proposed road discontinuance’s and sales.

**Recommendation**

**That Council**

1. **Commences the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise Council’s intention to sell the following parcels of land:**

## 12. Officers' reports

## OCM.001/18 Funding major infrastructure projects through surplus asset sales

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- a) That part of 251-259 Yan Yean Road, Plenty shown as Lot 246 on survey plan no. SP23502 registered in dealing no. AN956089N (shown in Attachment 1), (being a parcel of approximately 1,917 sqm remaining following VicRoads' land acquisition), comprising part of the land formerly known as Lot 1 on Title Plan 336376Q and contained in Certificate of Title Volume 8055 Folio 980.
  - b) 14 Ripon Close, Diamond Creek (on title as 21-29 Everleigh Drive, Diamond Creek) comprising of Lot 63 on Plan of Subdivision 115979 being the land contained in Certificate of Title Volume 09229 Folio 535. The sale of the land will be subject to a condition that the purchaser enters into a section 173 agreement under the *Planning and Environment Act 1987* that allows only a single dwelling, up to two levels, to be constructed on the land.
  - c) That part of 34 Glen Park Road, Eltham North (approximately 1,002 sqm) shown as Lot 1 on proposed Plan of Subdivision no. PS 813392W prepared by Lawlor and Loy P/L in Attachment 1, comprising part of the land contained in Certificate of Title Volume 9010 Folio 263.
  - d) 60 David Hockney Drive, Diamond Creek, comprising of Reserve 1 on Plan of Subdivision 414298N being the land contained in Certificate of Title Volume 11371 Folio 361 and Reserve 2 on Plan of Subdivision 421549Y being the land contained in Certificate of Title Volume 11371 Folio 370. The sale of the land will be conditional upon Council removing the reserve status from the land.
  - e) 120 Arthur Street, Eltham, comprising of Reserve 1 on Plan of Subdivision 097424 being the land contained in Certificate of Title 09168 Folio 411. The sale of the land will be conditional upon Council removing the reserve status from the land. The sale of the land will be subject to a condition that the purchaser enters into a section 173 agreement under the *Planning and Environment Act 1987* that will protect significant existing trees on the land.
  - f) 17A Ruskin Court, Eltham (on title as 120 Arthur Street, Eltham), comprising of Reserve 1 on Plan of Subdivision 096223 being the land contained in Certificate of Title Volume 09168 Folio 410. The sale of the land will be conditional upon Council removing the reserve status from the land.
  - g) 26 Renshaw Drive, Eltham, comprising of Reserve 1 on Plan of Subdivision 114619 being the land contained within Certificate Volume 09325 Folio 281 and Reserve 2 on Plan of Subdivision 086304 being the land contained within Certificate of Title Volume 08967 Folio 320. The sale of the land will be conditional upon Council removing the reserve status from the land.
  - h) 4 Raglan Court, Research, comprising of Reserve 1 on Plan of Subdivision 031238 being the land contained in Certificate of Title Volume 08533 Folio 201. The sale of the land will be conditional upon Council removing the reserve status from the land.



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- i) 8-9 Cosham Court, Greensborough, comprising of Reserve 1 on Plan of Subdivision 212411M being the land contained in Certificate of Title Volume 09880 Folio 853 and Lot C Plan on Subdivision 211669A being the land contained within Certificate of Title Volume 09844 Folio 182. The sale of the land will be conditional upon Council removing the reserve status from the land.
  - j) 12 The Eyrie, Eltham, comprising of Reserve 2 on Plan of Subdivision 218858J being the land contained in Certificate of Title Volume 10072 Folio 102. The sale of the land will be conditional upon Council removing the reserve status from the land.
  - k) 46 Symon Crescent, Greensborough, comprising of Reserve 1 on Plan of Subdivision 337171S, being the land contained in Certificate of Title Volume 10260 Folio 575. The sale of the land will be conditional upon Council removing the reserve status from the land. The sale of the land will also be subject to a condition that the purchaser enters into a section 173 agreement under the *Planning and Environment Act 1987* that allows only a single dwelling on each lot if the land is subsequently subdivided.
  - l) 303 Plenty River Drive, Greensborough comprising of Reserve 2 on Plan of Subdivision 121686 being the land contained in Certificate of Title Volume 09491 Folio 629 be sold by private treaty to the adjoining childcare centre operator. The sale of the land will be conditional upon Council removing the reserve status from the land. The sale of the land will also be subject to a condition that the purchaser enters into a section 173 agreement under the *Planning and Environment Act 1987* which requires the purchaser to:
    - consolidate this land title with the title to the purchaser's Adjoining Property known as 299-301 Plenty River Drive, Greensborough at the purchaser/s expense; and
    - only use the land for the childcare purposes.
  - m) 18a Citriodora Court, Diamond Creek, comprising of Reserve 1 on Plan of Subdivision 326756Y being the land contained in Certificate of Title Volume 11371 Folio 309 be sold by private treaty to the adjoining land owner of 19 Citriodora Court, Diamond Creek. The sale of the land will be conditional upon Council removing the reserve status from the land. The sale of the land will also be subject to a condition that the purchaser enters into a section 173 agreement under the *Planning and Environment Act 1987* which requires the purchaser to consolidate this land title with the purchaser's Adjoining Property known as 19 Citriodora Court, Diamond Creek, at the purchaser/s expense.
2. Commences the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise Council's intention to sell the following parcels of land with the sale being conditional upon removing the reserve status and rezoning of the land at:

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- a) 62 Frank Street, Eltham, comprising of Reserve 2 on Plan of Subdivision 120103 being the land contained in Certificate of Title Volume 9350 Folio 020.
  - b) 1307 Main Road, Eltham, comprising of Reserve 1 on Plan of Subdivision 213452R, being the land contained in Certificate of Title Volume 9879 Folio 829 and Reserve 2 on Plan of Subdivision 134133, being the land contained within Certificate of Title Volume 09434 Folio 620.
3. Gives public notice of the proposed road discontinuances and sale of land under Section 206 and Schedule 10, Clause 3 of the *Local Government Act 1989* (Act):
- a) 20A Henry Street, Eltham, comprising of Road R2 on Plan of Subdivision LP9335 as Roseo Street and being part of the land contained in Certificate of Title Volume 11820 Folio 477.
  - b) 34 Raglan Road, Research, shown on Plan of Subdivision LP31238 as Doney Road and being part of the land contained in Certificate of Title Volume 6917 Folio 340.
4. In accordance with section 223 of the Act, considers any submissions on the proposed land sales and road discontinuances at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land and/or discontinuance of the roads.

**Attachments**

1. Maps of Land

**Background**

1. The Council Plan 2017 – 2021 outlines the focus, direction and projects that the community feels important to ensure Nillumbik has an engaged and connected community, fosters active and creative people, creates a safe and healthy environment, a prosperous economy, headed by responsible leadership.
2. Included in Priority Action item 2.1.10 of that plan is a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
3. Councillors received two Officer Briefings during 2017, at which the principles, processes, legal requirements, typical time frames and risks relating to the sale of Council land were discussed. Surplus land for potential sale was identified and presented to Councillors. The details of those parcels of land that have been assessed as suitable for sale are the subject of this report.
4. In addition to selling land to specifically fund capital projects, Council officers occasionally receive requests from residents to sell all or part of Council owned land that adjoins their property. These are typically small in area, are not considered to have strategic purpose to Council, are of low value and cannot practically be placed on the open market. One of the parcels considered in this report, being 18 Citriodora Court, Diamond Creek is included as an adjoining property has requested to

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purchase the land from Council. In such instances, Council is still required to comply with all relevant requirements of the Act, in order to consider their sale.

5. For completeness, it is noted that Council has previously resolved to sell various parcels of land which have been identified as surplus to requirements, and has recently sold twenty six lots in a residential subdivision at Civic Drive, Greensborough, and land located at 22 Luck Street, Eltham.
6. Another key objective of the current Council is to determine an appropriate use for the two key parcels of Council owned land located at 895 and 903-907 Main Road Eltham. Their future and possible sale will be determined by the outcomes of the Eltham Precincts 3 and 4 Project and is the subject of a separate Council report.

**Policy context**

- Ensure responsible and efficient management of Council's financial resources.

**Budget implications**

7. The cost to Council to sell the surplus land is estimated to be \$500,000, if the program is delivered according to plan. This includes items such as public advertising, removal of reserve status, subdivision, legal and sales costs (based on 1.5 per cent sales commission) as well as rezoning costs for two parcels (to be completed by planning consultants).

**Consultation/communication**

8. The sale of Council land and discontinuance of roads is subject to the requirements of the *Local Government Act 1989*, which requires Council to give 28 days public notice of its intention, and invite public submissions on both matters. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making any final decision as to whether it will proceed with the discontinuance of roads and sale of land.
9. The community consultation has been scheduled to commence in early February 2018. It is anticipated that a Special Committee of Council will consider submissions in April 2018.

**Issues/options**

10. Properties considered to be potentially surplus are subjected to internal referral process against relevant Council strategies, such as, Council's Open Space Strategy, Bio-diversity Strategy, Recreation Strategy and the Recreational Trails Strategy by internal stakeholders, prior to Council giving consideration to commencing any formal disposal processes.
11. The parcels of land that are the subject of this report have been internally assessed as having no strategic or operational use.
12. If, after public consultation Council ultimately decides to proceed with the sale of land parcels, with the exception of 14 Ripon Close, Diamond Creek, all require some preparatory work prior to sale. These works may include removal of "Reserve" status, minor subdivisions, alterations to existing easements and relocation of existing services.

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- 13. Removal of "Reserve" status from a parcel of land is subject to the requirements of the *Planning and Environment Act (1987)*, and a separate public consultation process over and above that required for Council to sell land is required.
- 14. Two of the parcels of land (62 Frank Street, Eltham and 1307 Main Road, Eltham) Council is proposing to sell will require re-zoning to increase their market value. It is intended that these parcels would be placed on the market, with the Contract of Sale conditional on a successful re-zoning process.
- 15. The sale of a number of parcels will be subject to a condition that the purchaser enters into a Section 173 Agreement (under the *Planning and Environment Act 1987*) with Council. A Section 173 Agreement (S173) will allow Council to place additional controls on any future development of those parcels.
- 16. The parcel of land Council is proposing to sell located at 303 Plenty River Drive, Greensborough is currently subject to a long term lease to the adjacent childcare operator and forms an integral part of the facility.
- 17. Details of specific parcels of land to be considered for sale are as follows:
- 18. **Parcel 1, being Part of 251-259 Yan Yean Road, Plenty**

Land area	Approximately 1,917m <sup>2</sup>
Zoning	Low Density Residential (LDRZ)
Encumbrances	Affected by the Bushfire Management Overlay, Public Acquisition Overlay Development Plan Overlay (Schedule 4), Development Contribution Plan Overlay (Schedule 4).
Potential future use	Residential
Title details	Part of the land that was formerly known as Lot 1 on Title Plan 336376Q and contained in Certificate of Title Vol 8055 Fol 980.
General comments	Land is remainder of larger parcel after compulsory acquisition by VicRoads for Yan Yean Rd upgrade project.

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19. Parcel 2, being 14 Ripon Close, Diamond Creek

Land area	Approximately 776m <sup>2</sup>
Zoning	General Residential Zone 1 (GRZ1)
Overlays	Neighbourhood Character and Bushfire Management
Encumbrances	An easement of drainage and sewerage purposes
Potential future use	Residential - single dwelling
Title details	Lot 63 on PoS LP115979 and contained in Certificate of Title Vol 9229 Fol 535.
General comments	<p>The land slopes gently towards Eveleigh Drive and is clear of indigenous vegetation.</p> <p>Proposed to be sold with a Section 173 Agreement in place to restrict future development to a single, two storey dwelling.</p> <p>Council records indicate the site was originally intended proposed for the construction of a kindergarten.</p>

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20. Parcel 3, being a Part of 34 Glen Park Road, Eltham

Land area	Approximately 1,002m <sup>2</sup> from existing parcel of 2,679m <sup>2</sup>
Zoning	Neighbourhood Residential Zone 7 (NRZ7)
Overlays	Significant Landscape Overlay 2 (SLO2)
Encumbrances	An easement for drainage and sewerage purposes.
Potential future use	Residential
Title details	Lot 11 on PoS 006091 and contained in Certificate of Title Vol 9010 Vol 263.
General comments	<p>The land slopes slightly from west to east, and contains a swale drain toward that runs adjacent to the eastern boundary that will require an easement to be registered on title.</p> <p>Proposing to subdivide and sell approximately 1002m<sup>2</sup> of the existing underutilised car park.</p> <p>Retain existing playground and footpath.</p>

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21. Parcel 4, being 60 David Hockney Drive, Diamond Creek (Cnr David Hockney and Monomeath Avenue)

Land area	Approximately 2,439m <sup>2</sup>
Zoning	General Residential Zone 1 (GRZ1)
Overlays	N/A
Encumbrances	Two easements for drainage and sewerage purposes. Reserve status.
Potential future use	Residential
Title details	Reserve 1 on PoS 414298N and contained in Certificate of Title Vol 11371 Fol 361; and Reserve 2 on PoS 421549Y and contained in Certificate of Title Vol 11371 Fol 370.
General comments	Vacant parcels of land Two separately titled and contiguous lots, sloping gently sloping towards Monomeath Avenue No improvements and mainly devoid of vegetation. The potential sale of the land will be conditional upon Council removing the reserve status from the land.

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22. Parcel 5, being 120 Arthur Street, Eltham

Land area	Approximately 815m <sup>2</sup>
Zoning	Neighbourhood Residential Zone 7 (NRZ7)
Overlays	Significant Landscape Overlay 3 (SLO3)
Encumbrances	An easement for drainage and sewerage purposes. Reserve status.
Potential future use	Residential
Title details	Reserve 1 on PoS 097424 and contained in Certificate of Title Vol 09168 Fol 411.
General comments	Vacant parcel of land. Slopes towards Arthur Street and devoid of any improvements. Adjoins 17A Ruskin Court (Council owned land). Proposed to be sold with a Section 173 Agreement to protect significant trees. The potential sale of the land will be conditional upon Council removing the reserve status from the land.



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23. Parcel 6, being 17a Ruskin Court, Eltham

Land area	Approximately 552m <sup>2</sup>
Zoning	Neighbourhood Residential Zone 7 (NRZ7)
Overlays	Significant Landscape Overlay 3 (SLO3)
Encumbrances	An easement for drainage and sewerage purposes Reserve status
Potential future use	Residential
Title details	Reserve 1 on PoS 096223 and contained in Certificate of Title Vol 09168 Fol 410.
General comments	Vacant parcel of land. Slopes towards and adjoins 120 Arthur Street (Council owned land). The land contains some significant trees. Proposed to be sold with a Section 173 Agreement to protect significant trees. The potential sale of the land will be conditional upon Council removing the reserve status from the land.

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24. Parcel 7, being 26 Renshaw Drive, Eltham

Land area	Approximately 939m <sup>2</sup>
Zoning	General Residential Zone1 (GRZ1)
Overlays	Significant Landscape Overlay 3 (SLO3)
Encumbrances	An easement for drainage and sewerage purposes. Reserve status.
Potential future use	Residential
Title details	Reserve 1 on PoS 114619 and contained in Certificate of Title Vol 09325 Fol 281, and  Reserve 2 on PoS 86304 and contained in Certificate of Title Vol 08967 Fol 320.
General comments	Two vacant parcels of gently undulating land.  Contains a number of significant trees.  The potential sale of the land will be conditional upon Council removing the reserve status from the land.

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25. Parcel 8, being 4 Raglan Court, Research

Land area	Approximately 1,734m <sup>2</sup>
Zoning	General Residential Zone1 (GRZ1)
Overlays	Significant landscape Overlay 2 (SLO2)
Encumbrances	An easement for drainage and sewerage purposes. Reserve status
Potential future use	Residential.
Title details	Reserve 1 on PoS 031238 and contained in Certificate of Title Vol 08533 Fol 201.
General comments	The land is a corner lot that slopes gently from east to west. It is elevated from Raglan Court and devoid of improvements apart from a perimeter post and rail fence.  The potential sale of the land will be conditional upon Council removing the reserve status from the land.

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26. Parcel 9, being 8-9 Cosham Court, Greensborough

Land area	Approximately 1,991m <sup>2</sup>
Zoning	General Residential Zone 1 (GRZ1)
Overlays	N/A
Encumbrances	Easements for drainage and sewerage purposes. Reserve status
Potential future use	Residential.
Title details	Reserve 1 on PoS 212411M and contained in Certificate of Title Vol 09880 Fol 853; and  Lot C on PoS 211669A and contained in Certificate of Title Volume 09844 Folio 182.
General comments	The land has frontage onto Cosham Court and Marissa Crescent and is devoid of improvements.  It gently slopes down towards Marissa Crescent.  Vegetated with mature indigenous tree species  Currently two separate lots.  The potential sale of the land will be conditional upon Council removing the reserve status from the land.

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27. Parcel 10, being 12 The Eyrie, Eltham

Land area	Approximately 9,744m <sup>2</sup>
Zoning	General Residential Zone 1 (GRZ1)
Overlays	N/A
Encumbrances	Easement for electricity. Reserve status.
Potential future use	Residential
Title details	Reserve 2 on PoS 218858J and contained in Certificate of Title Vol 10072 Fol 102.
General comments	<p>The land is subject to steep undulation to the southern half, with the northern portion being relatively flat.</p> <p>The southern slope is heavily vegetated.</p> <p>The land has frontage onto Zig Zag Road and The Eyrie</p> <p>There is an informal path between both frontages.</p> <p>The potential sale of the land will be conditional upon Council removing the reserve status from the land.</p>

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28. Parcel 11, being 46 Symon Crescent, Greensborough

Land area	Approximately 3,029m <sup>2</sup>
Zoning	General Residential Zone 1 (GRZ1)
Overlays	Special Building Overlay (SBO) (partially covered - to the eastern and lower part of the land)
Encumbrances	Easements for drainage and sewerage purposes Reserve status.
Potential future use	Residential
Title details	Reserve 1 on PoS 337171 and contained in Certificate of Title Vol 10260 Vol 575.
General comments	<p>Vacant parcel of land devoid of improvements.</p> <p>Contains a small number of mature trees and slopes gently from west to east.</p> <p>Abuts two separate reserves, being a park located at 35 Patrick Close and road reserve to the south (Vicroads). Council is not proposing to sell 35 Patrick Close.</p> <p>Proposal to sell land with a S173 agreement in place to allow only one dwelling per lot on any future subdivision, consistent with other residential properties in the area.</p> <p>The potential sale of the land will be conditional upon Council removing the reserve status from the land.</p>

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29. Parcel 12, being 303 Plenty River Drive, Greensborough

Land area	Approximately 675m <sup>2</sup>
Zoning	General Residential Zone 1 (GRZ1)
Overlays	N/A
Encumbrances	Gas running through the property for the childcare (northern boundary). Reserve status.
Potential future use	Use for childcare purposes play space
Title details	Reserve 2 on PoS 121686 and contained in Certificate of Title Vol 09491 Fol 629
General comments	<p>The land is currently leased by Council to the adjacent childcare facility, and is utilised as a play space for children attending the facility.</p> <p>Council is proposing to enter into a private treaty deal to sell the subject land to the operators of the childcare centre (who are registered on title as the owners of the land the centre is constructed on).</p> <p>As a condition of sale, the purchaser will be required to enter into a S173 Agreement that requires they consolidate the subject land with the Owner's Adjoining Property at the purchaser/s expense, and that the subject land only be used for childcare purposes.</p> <p>The potential sale of the land will be conditional upon Council removing the reserve status from the land.</p>

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30. Parcel 13, being 18 Citriodora Court, Greensborough

Land area	Approximately 212m <sup>2</sup>
Zoning	General Residential Zone 1 (GRZ1)
Overlays	N/A
Encumbrances	Section 173 Agreement on title requiring only one dwelling per lot. Reserve status.
Potential future use	Consolidated into existing residential parcel.
Title details	Reserve 1 on PoS 326756Y and contained in Certificate of Title Vol 11371 Fol 309.
General comments	A minor parcel of unutilised Council land that an adjoining property owner has requested to purchase.  As a condition of any sale, the purchaser will be required to consolidate both titles land (preventing a separate dwelling being constructed on a small parcel).  The potential sale of the land will be conditional upon Council removing the reserve status from the land.



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31. Parcel 14, being 62 Frank Street, Eltham

Land area	Approximately 4,553m <sup>2</sup>
Zoning	Public Park and Recreation Zone (PPRZ)
Overlays	Significant Landscape Overlay 3 (SLO3)
Encumbrances	An easement for drainage and sewerage purposes. High and low power underground Voltage (eastern boundary). Reserve status.
Potential future use	Residential – requiring successful re-zoning
Title details	Reserve 2 on PoS 120103 and contained in Certificate of Title Vol 9350 Fol 020
General comments	The land slopes moderately down from the Frank Street frontage towards Elouera Close. It is devoid of significant improvements. Lightly vegetated. The potential sale of the land will be conditional on successfully removing the reserve status and re-zoning. May require drainage works to the Elouera Close frontage and creation of a drainage easement.

12. Officers' reports

OCM.001/18 Funding major infrastructure projects through surplus asset sales

32. Parcel 15, being 1307 Main Road, Eltham

Land area	Approximately 11,313m <sup>2</sup>
Zoning	Public Park and Recreation Zone (PPRZ)
Overlays	Partial coverage by a Special Building Overlay (SBO) relating to overland flow of water.
Encumbrances	Multiple easements for drainage and/or sewerage purposes. Reserve status.
Potential future use	Residential – requiring successful re-zoning
Title details	Reserve 1 on PoS 213452R and contained in Certificate of Title Vol 9879 Fol 829; and  Reserve 2 on PoS 134133 and contained in Certificate of Title Vol 9434 Fol 620.
General comments	The land is battle axed in shape, and has frontages onto Leanne drive and Main Road.  It is steeply inclined from North to south, where a creek traverses from the eastern to western part of the lower slope.  High and low power underground Voltage (eastern boundary).  The land is devoid of improvements and has moderate level of vegetation.  The potential sale of the land will be conditional on successfully removing the reserve status and re-zoning.

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OCM.001/18 Funding major infrastructure projects through surplus asset sales

33. Parcel 16, being 20a Henry Street, Eltham

Land area	Approximately 600m <sup>2</sup>
Zoning	Activity Centre Zone 1 (ACZ1)
Overlays	Significant Landscape Overlay 1 (SLO1)
Encumbrances	Existing drainage infrastructure adjacent the eastern boundary. Road status.
Potential future use	Residential
Title details	Road 2 on PoS LP 9335 and contained in Certificate of Title Vol 11820 Fol 477.
General comments	The land is mostly flat and has frontage onto Taylor Street. It is devoid of improvements and has a number of mature trees. Requires road discontinuance.

34. Parcel 17, being 34 Raglan Court, Research

Land area	Approximately 650m <sup>2</sup>
Zoning	General residential Zone 1 (GRZ1)
Overlays	Significant Landscape Overlay 2 (SLO2)
Encumbrances	Road status. Easement required for drainage and sewer along southern boundary.
Potential future use	Residential
Title details	Doney Road on PoS LP31238 and contained in Certificate of Title Vol 6917 Fol 340.
General comments	Moderate slope away from Raglan Court Devoid of improvements and contains some mature trees Require road discontinuance.

**12. Officers' reports**

**OCM.001/18 Funding major infrastructure projects through surplus asset sales**

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**Conclusion**

35. Assessments on potentially suitable parcels of land to support implementation of Council Plan Action item 2.1.10 have been completed and Council can now implement the required public consultation required for it to consider their future sale.

**12. Officers' reports**

**OCM.002/18 Eltham Activity Centre Precincts 3 and 4 Redevelopment Project - update on potential use and redevelopment of 895 Main Road, Eltham**

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**Distribution: Public**

**Manager: Adrian Cully, Director Business and Strategy**

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

**Summary**

This report provides an update on work by a key Council project to determine future use and development of a large vacant Council site at 895 Main Road, Eltham (the old Eltham Shire offices site).

No. 895 Main Road is a strategic parcel of land which has significant frontage to Main Road at the main entrance into the Eltham Town Centre. The site was once the home of the Eltham Shire offices, but has remained vacant since the offices were demolished in the early 1990s. The continued vacancy of this site is to the detriment of the Eltham Town Centre.

The task of determining a vision for the site and surrounding land is being managed by a Council project, namely, the Eltham Activity Centre Precincts 3 and 4 Redevelopment Project. This report documents the current findings of that project in relation to 895 Main Road, such as:

- The potential area of re-development should be extended to include the adjacent Council site of 903-7 Main Road.
- A variety of uses may be appropriate at the sites.
- As part of any redevelopment, it is expected that existing uses on the sites could be housed in quality facilities on, or adjacent to, the sites.
- Council can implement its intention to retain the cenotaph and with a similar, if not larger and improved, civic area.
- Financially responsible redevelopment of 895 and 903-7 Main Road may require sale of land at the sites.

In addition, the report highlights the importance of public consultation to arriving at a proposal for the site. The report anticipates that a draft high-level concept plan will shortly be prepared for the site and recommends that the proposal is presented in coming months to an Ordinary Council Meeting with a recommendation that it be placed on broad public exhibition.

**Recommendation**

**That Council:**

1. **Notes the work by the Eltham Precincts 3 and 4 Project to determine optimum use of the Council site at 895 Main Road, particularly the following findings:**
  - i. **The potential re-development parcel should be extended to include the adjacent Council site at 903-7 Main Road.**

**12. Officers' reports**

**OCM.002/18 Eltham Activity Centre Precincts 3 and 4 Redevelopment Project - update on potential use and redevelopment of 895 Main Road, Eltham**

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- ii. Various uses are currently considered as appropriate on the two sites, such as tourism accommodation, gallery, tourist information centre, civic promenade, community uses, offices (private or civic) and associated car parking.
  - iii. As part of any re-development, it appears that existing uses on the sites could be housed in quality facilities on, or adjacent to, the sites.
  - iv. Council can implement its intention to retain the cenotaph and with a similar, if not larger and improved, civic area.
  - v. There are significant opportunities to provide development which contributes strongly to the preferred character of the Eltham Town Centre and which positively contributes to the Eltham Library precinct.
  - vi. Financially responsible re-development of 895 and 903-7 Main Road may require land at the sites to be sold.
2. Requests an update report in coming months which presents for broad public consultation a concept proposal for future use and development of 895 and 903-7 Main Road, including identification of any sale of land at the sites required as part of the proposal.

**Attachments**

1. Aerial of Precincts 1 to 4 of the Eltham Activity Centre
2. Aerial of 895 and 903-7 Main Road, Eltham

**Background**

1. Precinct 4 of the Eltham Town Centre largely comprises Council land-holdings, which principally include the Eltham Library, the vacant site of the former Eltham Shire Offices (895 Main Road) and a site (903-7 Main Road) which contains a number of stand-alone Council buildings, which are essentially used to provide community services. The boundaries of Precinct 4 are shown in Attachment 1 and the location of sites 895 and 903-7 Main Road is identified in Attachment 2.
2. The site at 895 Main Road (the former Eltham Shire Offices site) has remained vacant for approximately 25 years. This is a poor outcome for Eltham Town Centre given the site:
  - Is a large town centre site (approx. 6,000 square metres), which has the potential to provide uses which would significantly contribute to the success of the Eltham Town Centre.
  - Has significant Main Road frontage.
  - Is located at the main (south) entrance to the Eltham Town Centre and therefore any development at the site will have strong “gateway” significance and play a key role in defining the character of the Eltham Town Centre.

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**OCM.002/18 Eltham Activity Centre Precincts 3 and 4 Redevelopment Project - update on potential use and redevelopment of 895 Main Road, Eltham**

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- Is located very close to the Eltham public transport hub and the commercial heart of the Eltham Town Centre.
  - Abuts the iconic Eltham Library and therefore offers opportunities to provide development and uses which will complement the use and design of the library. The vacancy of 895 Main Road significantly contributes to the Eltham Library precinct currently being somewhat isolated from the rest of the Eltham Town Centre.
3. Council has clearly declared in the Council Plan 2017-2021 that it intends to find a visionary use for the old Eltham Shire offices site. This task is being handled by the project team for the Eltham Activity Centre Precinct 3 and 4 Redevelopment Project (Precincts 3 and 4 Project).
  4. The Precincts 3 and 4 Project has been investigating optimum use and development of 895 Main Road and this report presents an update on that work and outlines the anticipated future steps.

**Policy context**

5. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Develop a visionary plan for Precincts 3 and 4 in the Eltham Activity Centre, including the former Shire Office site and transport modal interchange.

**Budget implications**

6. The Eltham Precincts 3 and 4 Project is adequately provided for in the 2017/18 Council budget.

**Consultation/communication**

7. The community has historically been highly interested in proposals for future development of the Shire owned sites in Precinct 4. Recognising this, it is intended that any proposal for future use and development of the sites be placed on broad public consultation with a variety of opportunities provided to the community to provide its opinion.
8. Consultation needs to include particular and individual consultation with specific groups that may be impacted by a re-development proposal, such as tenants and services which are located at 903-7 Main Road. This consultation will need to clearly articulate separately to each group Council's proposals to cater for the needs of the group in any re-development proposal and to consider feedback from the group in relation to that proposal.
9. The issues/options section of this report explains that a concept proposal is currently being prepared for presentation to a forthcoming Ordinary Council Meeting with a view to Council endorsing broad public consultation on the proposal.
10. It should be noted that, for the Eltham Precincts 3 and 4 Project, Council has in recent years conducted significant levels of consultation with the community and stakeholders on future use and development of 895 and adjacent land. The last round of consultation was conducted in 2016 and entailed meetings with over different 20 stakeholders, particularly service providers and community groups.

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**OCM.002/18 Eltham Activity Centre Precincts 3 and 4 Redevelopment Project - update on potential use and redevelopment of 895 Main Road, Eltham**

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11. Examples of feedback provided from previous consultation include:
- Development should exemplify Eltham's heritage and design themes.
  - Development and use of the land should be sympathetic to the library precinct and ideally, should address the library precinct's current isolation from the rest of the town centre.
  - Civic areas should be provided on the site.
  - Uses which support the community activities and Eltham arts heritage should be included on the site, such as highly functional meeting space and facilities for the arts.
  - Development and use of the land should be financially responsible.
  - Future use of the land should not undermine the role and viability of the commercial core of the Eltham Town Centre.
12. A number of the above themes are also supported by other consultation Council has recently conducted, such as the recent community consultation process held during the development of the 2018-2022 Arts and Cultural Plan.

**Issues/options**

13. To date, the Eltham Precincts 3 and 4 Project has identified the following as key considerations regarding future use and development of 895 Main Road:

**Re-development of 895 and 903-7 Main Road should be considered in unison**

14. No. 903-7 Main Road abuts No. 895 to the north. While not vacant, No. 903-7 contains certain small stand-alone buildings which limit the capacity and type of uses which can be established on site and limits the ability of the site to serve the Eltham Town Centre. Further, from a functionality perspective, a number of these buildings are suitable for re-development.
15. The option of re-developing 895 and 903-7 Main Road in unison, rather than separately, increases the opportunity to create a more co-ordinated, functional and attractive development between the Eltham Library and the former CFA site. For example, it provides opportunities to:
- Co-ordinate design themes, development parcels, civic spaces and landscaping across the two sites.
  - Maximise opportunities to provide quality development which exemplifies Eltham design themes.
  - Better link the Eltham Library, visually and by foot/cycle, to the commercial heart of the Eltham Town Centre
  - To provide proper pedestrian and cycling links to the rear (west) of the two sites, where there is currently an informal cycling and walking path through car parking.
16. Previous consultation for the Eltham Precincts 3 and 4 Project has established a community desire for stronger pedestrian and cycling links between the library and



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**OCM.002/18 Eltham Activity Centre Precincts 3 and 4 Redevelopment Project - update on potential use and redevelopment of 895 Main Road, Eltham**

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town centre and more broadly that the library precinct be better integrated or connected with the rest of the town centre.

**A Variety of Uses May be Appropriate at the Sites**

17. To date, work for the Eltham Precincts 3 and 4 Project indicates the following may be appropriate uses at 895 and 903-7 Main Road:
  - Tourist accommodation
18. Council recently commissioned a report on the feasibility of tourism accommodation at 895 Main Road. The report recommended accommodation is a viable use of the site, but the accommodation should be of a type, including in its appearance, which exemplifies and supports the Shire's heritage, design themes and tourism offering (e.g. wineries, bushwalking and cycling). For example, it should clearly link with Council's award winning "Artisan Hills" tourism platform.
19. Establishing a tourist information office at the sites is also considered to have benefit.
  - An art gallery which houses the Nillumbik Shire art collection.
20. Currently, the town centre only has a small community art gallery located in the Eltham Library. There is the opportunity to provide a gallery of regional significance that meets gallery industry standards. The community has clearly expressed their desire for a public gallery in Nillumbik through the recent community consultation process held during the development of the 2018-2022 Arts and Cultural Plan. The gallery could potentially be located within a larger civic or community development.
  - Offices to support local employment.
21. The Shire has a high number of office workers, yet there is limited supply of quality office space in the region. Establishing offices at the site would provide additional business for retail outlets in the Eltham Town Centre, without competing with retail for space in the commercial heart of the town centre. Re-locating the Council offices will be investigated as part of consideration of this matter.
  - Provision of Community Facilities
22. Number 895 and 903-7 Main Road are well-located to continue to provide community facilities, but in a more co-ordinated fashion. There are opportunities to provide facilities which are more multi-purpose in function, thus increasing their potential patronage, reducing costs and allowing complimentary uses to better co-exist. Further, there are opportunities to link with and support the role provided by the Eltham Library as a hub for community activity.
  - Car Parking
23. Any future use and development would be expected to provide an appropriate level of car parking. The topography of the sites provides considerable opportunity to design and provide car parking which does not impose upon the streetscape. For example, by locating car parking under any development.

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**OCM.002/18 Eltham Activity Centre Precincts 3 and 4 Redevelopment Project - update on potential use and redevelopment of 895 Main Road, Eltham**

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**As part of any redevelopment, it appears that existing uses on the sites could be housed in quality facilities on, or adjacent to, the sites.**

24. If the sites were re-developed, there would be significant opportunity to re-locate existing users of the sites in new facilities on-site, or very close to the site i.e. still within that section of the Eltham Town Centre. For example, the Eltham Senior Citizens Hall at 903-7 Main Road currently provides important meeting space for various community groups and is a venue for certain public events. Such a facility, with improvements, could be housed within a redevelopment of 895 and 903-7 Main Road.

**Council can implement its intention to retain the cenotaph and with a similar, if not larger and improved, civic area.**

25. The Eltham Cenotaph, with associated remembrance gardens, is located at 903-7 Main Road. The cenotaph area has been extremely popular for remembrance activities. Council has clearly stated its agreement and intention to retain the cenotaph complex in this section of the Eltham Town Centre. A redevelopment of 895 and 903-7 Main Road can retain the Eltham Cenotaph and provide an improved highly function civic space for remembrance activities and other events, such as the Eltham Community Craft and Produce Market. For example, a broader civic space with gardens could potentially be provided adjacent to the Main Road frontage of the sites.

**There are significant opportunities to provide development which contributes strongly to the preferred character for the Eltham Town Centre and positively contributes to the library precinct**

26. Re-development of the site would be expected to employ design themes which will contribute to the preferred character for the Eltham Town Centre. Re-development would do this by such means as:

- Use of earthy external materials and muted tones
- Effective use of landscaping to soften the profile of buildings
- Incorporating art into the development
- Employing a design which responds to the local topography

27. Given the prominent location of the two sites, employing Eltham design themes provides a particular opportunity to improve the character of the southern entrance into the Eltham Town Centre.

28. The development will also be expected to provide a complimentary interface with the Eltham Library. As part of this, there are significant opportunities to provide much stronger visual and pedestrian links between the Eltham Library and the core of the Eltham Town Centre and to address the current isolation of the library precinct.

**Financially responsible redevelopment of the sites may require at least part sale of 895 and 903-7 Main Road.**

29. Redevelopment of 895 and 903-7 Main Road will likely be a costly venture, particularly given the combined sites amount to approximately 1 hectare of town

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**OCM.002/18 Eltham Activity Centre Precincts 3 and 4 Redevelopment Project - update on potential use and redevelopment of 895 Main Road, Eltham**

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centre land. There is an expectation that Council supports growth of town centres, services and facilities in a manner which is financially responsible and does not unnecessarily burden ratepayers. In this instance, a number of the current uses being considered, such as tourist accommodation, could be accompanied by sale of land at the sites. For example, land could be sold for a development and use best provided by the private sector (e.g. tourism accommodation or private offices). Council will be able to accompany any sale of land with restrictions and/or planning permits to provide a preferred use and development.

30. The necessity, extent and appropriateness of selling any part of the sites can be discussed with more clarity once a proposal or proposals have been scoped. This is expected to occur in coming months (discussed below).

**Next Steps**

31. It is anticipated that a high level concept proposal for use and development of 895 and 903-7 Main Road will shortly be prepared. Prior to presenting this proposal to a Council meeting, officers will discuss the proposal with each community group, service provider etc. which is located at 895 and 903-7 Main Road with the purpose of explaining the proposal and suggesting how each user group could be advantaged and suitably accommodated as part of the proposal. The consultation will better inform the proposal.
32. Following this, it is recommended that the draft concept proposal is presented to an Ordinary Council Meeting with a recommendation that it be endorsed for broad public consultation. It is expected that the concept proposal will be ready to be presented to the Ordinary Council Meeting in coming months.

**Conclusion**

33. The on-going vacancy of the large, strategically located Council owned-site at 895 Main Road, Eltham undermines the success of the Eltham Town Centre. In response, Council is using the Eltham Precinct 3 and 4 Project to recommend an appropriate proposal for the site.
34. This report outlines some guidelines and considerations developed to date by this work, including that; there is benefit in considering re-development of 895 and 903-7 Main Road in unison, there are a variety of uses which may be appropriate on the site, it is expected that existing uses can be appropriately catered for (in consultation with those user groups), the cenotaph with an appropriate civic area can be provided on-site, the re-development provides significant opportunities to improve the character of the Eltham Town Centre and address the current isolation of the Eltham Library precinct and finally, in the interest of financial responsibility, a redevelopment proposal may require sale of at least part of the sites.
35. It is recommended that a draft high-level concept proposal for use and redevelopment of 895 and 903-7 be presented in coming months to an Ordinary Council Meeting with a recommendation that it be placed on public exhibition and that the report identify any sale of land required for the proposal.

**12. Officers' reports****OCM.003/18 Special Rate Renewal for Diamond Creek Notice of Intention to Declare**

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**Distribution: Public****Manager: Adrian Cully, Director Business and Strategy****Author: Darko Popovski, Coordinator Tourism and Business****Summary**

The purpose of this report is for Council to consider giving notice of its intention to declare a Special Rate Scheme for the Diamond Creek Shopping Precinct under Section 163 of the *Local Government Act* 1989. The Special Rate Scheme will assist improving the trading climate of Diamond Creek through the implementation of a series of business improvement and promotional activities.

The current Special Rate Scheme expired on 30 June 2017. Following the Diamond Creek Traders Association Special General Meeting held on 26 July 2017, in a letter dated 30 November 2017, the Diamond Creek Traders Association (DCTA) formally requested the renewal of the Special Rate Scheme. The proposed Special Rate would be a proportional rate levied upon rateable properties within the Special Rate Scheme area over a five year period. This would raise an amount of \$120,000 annually.

This report recommends that Council commence the statutory process to declare a Special Rate for marketing, advertising and promotion of Diamond Creek Shopping Precinct by issuing a Notice of Intention to Declare a Special Rate. Any submissions from affected property owners and traders can then be considered at the Council's Future Nillumbik Committee meeting on 13 March 2018.

**Recommendation****That Council:**

- 1. Notes the letter received from the Diamond Creek Traders Association requesting the renewal of a Special Rate (Attachment 1), and the Diamond Creek Traders Association's draft Business and Marketing Plan.**
- 2. Commences the statutory process under the *Local Government Act* 1989 (the Act) to proceed with the renewal of the Special Rate to and for the properties within the defined area in Attachments 2, 3 and 4; such Special Rate to raise an amount of \$30,000 in the first year and \$120,000 annually thereafter, raising in total an amount of \$510,000 over the five (5) year period of the Scheme, commencing on 1 April 2018 and ending on 30 June 2022.**
- 3. Pursuant to Sections 163(1A) and 163B(3) of the Act, directs that public notice be given in the Diamond Valley Leader and other Council media channels of Council's intention to declare a Special Rate for Diamond Creek at the March 2018 Ordinary Meeting of Council. In accordance with the public notice and proposed declaration of Special Rate in the form of Attachments 5 and 6 of this report, such Special Rate to be for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Diamond Creek Traders Association and which funds,**

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administratively only and subject always to the approval, direction and control of Council, are to be used for the purposes of the appointment of a precinct marketing coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by 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 opportunities in the Diamond Creek Shopping Precinct.

4. Directs in accordance with Section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners and occupiers of the properties referred to and set out in the schedule of properties forming a part of the proposed declaration of Special Rate for Diamond Creek, Attachments 2, 3 and 4.
5. Appoints and/ or authorises Council's Future Nillumbik Committee that is established by Council under Section 223(1)(b)(i) of the Act, to hear any persons who in their written submissions under Section 223 of the Act have requested that they be heard in support of their submissions, and authorises the Chief Executive Officer or his delegate to carry out any and all administrative procedures necessary to enable Council to carry out its functions under Section 163A, Section 163(1A), (1B) and (1C) and Sections 163B and 223 of the Act.

**Attachments**

1. Diamond Creek Traders Association Letter 30 November 2017
2. Diamond Creek Special Rate Property List
3. Diamond Creek Special Rate Chute Street Map
4. Diamond Creek Special Rate Main Road Map
5. Draft Notice of Intention to Declare a Special Rate Scheme for Diamond Creek
6. Draft Diamond Creek Special Rate Scheme Council Resolution

**Background**

1. The Diamond Creek Special Rate Scheme commenced on 1 July 2012 for a period of five years and expired on 30 June 2017. The scheme has been successful in funding a range of promotional and business development activities over the past five years, including advertising campaigns, business directory, public art, newsletters, online media, investment attraction program and a range of promotional campaigns and events including support for local community events.

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2. At its Future Nillumbik Committee meeting on 13 June 2017, Council deferred the consideration of the Special Rate scheme renewal for a period of at least one month to enable discussions with submitters about the structure of the Special Rate, and the promotional and marketing activities to be undertaken with the funds collected.
3. Since then, Council facilitated further discussions between the Diamond Creek Traders Association (DCTA) Committee and submitters, including visiting traders and assisting the Committee in its deliberations. The Association Committee members and the Marketing Coordinator visited many businesses to gain further support and answer queries regarding the new proposal. In response to these discussions, the DCTA Committee amended its Business Plan and capped the budget required to deliver the plan to \$120,000 per annum.
4. Following the DCTA Special General Meeting held on 26 July 2017 and a further consecutive Committee meeting, the Committee believes that the majority of traders are in favour of the scheme.
5. In a letter dated 30 November 2017, the Diamond Creek Traders Association formally requested the renewal of the Special Rate Scheme for the purposes of funding a precinct marketing coordinator, promotional, advertising, marketing, business development and other incidental expenses associated with maintaining and developing commerce and trade in Diamond Creek.
6. The new proposal involves a proportional rate levied on properties included in the Special Rate Scheme area. This would raise an amount of \$30,000 in the first year and \$120,000 annually thereafter, raising in total an amount of \$510,000 over the five (5) year period of the Scheme, commencing on 1 April 2018 and ending on 30 June 2022

**Policy context**

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Identify new economic development opportunities and improve amenity for our villages in conjunction with key stakeholders including residents.

**Budget implications**

8. There will be no impact on Council's budget. The funds collected through the Special Rate Scheme are levied by Council and then used to reimburse the DCTA for its expenditure on advertising, promotion, management and business development expenses for the Diamond Creek Shopping Precinct.
9. Council does not retain any of the Special Rate funds. Council covers the administration and management costs associated with the program from its existing operating budget.

**Consultation/communication**

10. The initial consultation undertaken by the Association with local businesses has included an article about the Special Rate Scheme proposal published in the DCTA newsletters and distributed to all traders, renewal brochure, as well as an email sent to each business included in the Special Rate Scheme seeking formal endorsement.

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**OCM.003/18 Special Rate Renewal for Diamond Creek Notice of Intention to Declare**

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11. The proposal has been discussed further with the Association's Committee of Management which has determined that the existing scheme should continue over the next five years, maintaining the current level of commitment.
12. Following the Council decision to defer the consideration of the Diamond Creek Special Rate scheme renewal, the DCTA Committee held a Special General Meeting in July 2017 with over 40 traders in attendance. At this meeting, the DCTA amended its marketing plan and budget and resolved to submit the new proposal to Council.

**Issues/options**

**Boundaries of the proposed Special Rate Scheme**

13. The Diamond Creek Special Rate Scheme will apply to businesses trading from properties located in the core retail and business precinct including all properties covered by the previous scheme which starts from Main Street, Chute Street, George Street, Elizabeth Street, Station Street, both sides of Main Hurstbridge Road until corner of Wensley Street. It also includes businesses that operate in Collins Street and businesses that occupy premises on the right-hand side of Main Hurstbridge Road, heading north until the intersection of Main Hurstbridge Road and Phipps Crescent. The proposed boundary covers all rateable land used or zoned for commercial, industrial, retail and professional purposes located within the Diamond Creek Shopping Precinct, see Attachments 3 and 4.
14. It is expected that properties within the Special Rate scheme area will be added to or subtracted from the scheme as further redevelopments or other changes occur over the next five years. New properties will be added if they change to retail, commercial or professional uses; and deleted if they change to residential use.
15. Not for profit charitable organisations will be excluded from the scheme.

**Basis of calculation**

16. The Special Rate will be assessed on the basis of ownership of rateable land used or zoned for industrial, retail, commercial, or professional purposes located in the scheme area. The Special Rate is calculated by reference to the Capital Improved Value (CIV) of each property, in a similar manner to the calculation of the general rate, currently based on 2016 valuations. The list of properties and the estimated amount payable for each property is included as Attachment 2.
17. Separate letters enclosing a copy of the public notice will be sent to the owners and occupiers of the properties referred to and set out in the schedule of properties forming a part of the proposed declaration of Special Rate for Diamond Creek.
18. These letters will advise of Council's intention to declare the Special Rate at Council's March 2018 Ordinary Meeting; and include the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate) will be liable, the basis of the calculation and distribution of the Special Rate and notifying such persons that submissions and/ or objections in writing in relation to the proposed declaration of Special Rate will be considered and/ or taken into account by Council in accordance with Sections 163A, 163B and 223 of the Act.

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**Rationale**

19. Council can declare a Special Rate Scheme under Section 163 of the Act. In declaring a Special Rate Scheme, Council must consider:
- That the proposal relates to the performance of a function authorised by the Act.
  - That there will be a special benefit to the persons liable to pay the Special Rate.
  - That there is a proportional distribution of the rate amongst those persons liable to pay the Special Rate.
  - The total cost of the Special Rate Scheme including the annual amount, which the Association has budgeted to spend on various marketing and other activities.
20. Special Rate schemes for marketing, management and business development are an important strategy for the activity centres such as Diamond Creek to revitalise and maintain ongoing viability. The scheme will enable the implementation of an ongoing program of marketing, major events, business development, communications, networking, advocacy, coordination and management. In particular, it will fund the ongoing engagement of a precinct marketing coordinator.

**Administration of the Special Rate**

21. The objectives of the proposed Special Rate Scheme together with some of the DCTA recent activities and achievements; and the proposed budget and expenditure are outlined in the DCTA 2017-2022 Business and Marketing Plan.
22. A coordinated and collective approach is aimed at maintaining and improving the Diamond Creek Shopping Precinct performance over time. This includes increasing patronage and expenditure, business attraction and investment. The Association also provides an effective communication, engagement and advocacy role for individual businesses in the Shopping Precinct and for the precinct as a whole.
23. This is considered to be of benefit both directly and indirectly to all businesses and property owners located within the designated area and the wider community. It is considered that the value of properties included in the scheme, their desirability as a letting proposition, and their general image will be enhanced.
24. If the Special Rate Scheme is renewed, it is intended that Council will provide the Special Rate proceeds to the DCTA. A further formal Administrative Payment Agreement will be entered into between Council and the Chamber confirming that:
- The role of DCTA in expending the monies raised by the Special Rate Scheme on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council.
  - Council reserves to itself all discretions to the application of the proceeds of the Special Rate Scheme.
  - Council will not forward any proceeds of the Special Rate Scheme to the Association until such an agreement is entered into.



**12. Officers' reports**

**OCM.003/18 Special Rate Renewal for Diamond Creek Notice of Intention to Declare**

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25. The Association will continue to be required to prepare a Business and Marketing Plan and an Annual Budget for the Diamond Creek Shopping Precinct outlining how the Special Rate proceeds will be spent. A copy of the plan, calendar of annual activities and budget must be provided to Council for approval.
26. Following approval of the Business and Marketing Plan, Annual Budget and compliance with other conditions specified in the Administrative Payment Agreement, Council will provide the Association with the Special Rate proceeds in two instalments.
27. A key aspect of this agreement is that the DCTA continues to be an incorporated entity and acts in accordance with the Associations Incorporation Act 1981 and Amendments to the Act 2014.

**Next steps**

28. Following this Ordinary Meeting of Council, Public Notice of Council's intention to declare the Special Rate Scheme is to be formally advertised in the next available edition of the Diamond Valley Leader, being Wednesday 31 January 2018. Additional publicity will be achieved through the use of Council online media channels.
29. Individual letters with a copy of the public notice are to be sent within three (3) working days of the Public Notice to all property owners and property occupiers who will be made liable for the Special Rate.
30. A person affected by the Special Rate Scheme may make a written submission (which may include in it a request to be heard at the Future Nillumbik Committee meeting) to the Council within 28 days of the publication of this notice. This will be considered in accordance with Section 223 of the Act.
31. It is proposed that Council hears and considers submissions at its Future Nillumbik Committee meeting (under delegation from Council) to be held on 13 March 2018, following which, Council would resolve to declare, modify or abandon the scheme at its next Ordinary meeting to be held on 27 March 2018.
32. If the Special Rate Scheme is renewed, notice of the Special Rate Scheme will be sent to affected businesses and property owners after this date. Property owners and businesses have 30 days to appeal to the Victorian Civil and Administrative Tribunal (VCAT) from the date of this notice. If there are no valid appeals or any appeals are dismissed by VCAT, Council will commence collection of the Special Rate in 2017-2018 financial year.

**Conclusion**

33. The Diamond Creek Traders Association Committee has requested Council renew the Special Rate Scheme for the Diamond Creek Shopping Precinct. Given the positive feedback from the consultation conducted by the Committee with the traders, it is recommended that Council commence the statutory process and proceed with public notification. This enables Council to further gauge the opinions of property owners and occupiers affected by the proposal. Council can then decide whether to declare, modify or abandon the Special Rate Scheme following the hearing and consideration of submissions received.

**12. Officers' reports**

**OCM.004/18 December Quarter Financial Report**

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**Distribution: Public**

**Manager: Vince Lombardi, Manager Finance**

**Author: Robert Malignaggi, Management Accountant  
Lyn Jones, Assistant Accountant**

**Summary**

This report outlines Council's financial performance and financial position for the period ending 31 December 2017.

The Income Statement shows an overall unfavourable year to date (YTD) variance of (\$101,020) representing (0.39) per cent of YTD Budget. This reflects the combined result of higher-than-budgeted operating income of \$1.666 million and higher-than-budgeted operating expenses of (\$1.767 million).

Council's overall financial position at the end of this quarter is sound, and continues to be actively monitored.

**Recommendation**

**That Council receives and notes the Financial Report for the period ended 31 December 2017.**

**Attachments**

1. December Quarterly Finance Report

**Background**

1. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
2. Operating expenditure excludes non-operating transactions such as capital works investment, which are separately detailed in the report.
3. The report compares actual performance to budgeted targets at this stage of the financial year.

**Policy context**

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure responsible and efficient management of Council's financial resources.

**Budget implications**

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

**12. Officers' reports**

**OCM.004/18 December Quarter Financial Report**

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**Consultation/communication**

6. The Budget was subject to public exhibition prior to its final adoption by Council.

**Issues/options**

7. The detailed Financial Report for the period ended 31 December 2017 is provided at Attachment 1. This report is an analysis of Council's financial performance and financial position as at 31 December 2017. The report also includes an analysis of budget variances.

**Income statement**

8. Council closed the period ending 31 December 2017 with an unfavourable YTD variance of (\$101,020) based on actual operating revenue, costs and commitments. This represents (0.39) per cent of the YTD Budget.

9. The overall variance is made up of the following:

- Income – \$1.666 million (2.39 per cent) favourable variance. This includes new/additional grant funding \$697,075, developer contributions \$400,827, user charges \$134,665, other non-recurrent revenue \$107,061, capital contributions \$106,945, other recurrent revenue \$80,752 and statutory fees and fines \$68,854, with the balance comprising of a number of minor variances across the organisation (refer to pages 6 and 7 in Attachment 1). It should be noted that the extra income from grants and developer contributions is tied to specific purposes.
- Expenditure – (\$1.767 million) (4.62 per cent) unfavourable, mainly attributed to higher than anticipated YTD external contract costs (\$1,259,009), materials and related costs (\$849,216), offset by a favourable variance in employee benefits \$522,239. Additional details on variances are located on pages 8 and 9 in Attachment 1.

**Balance sheet**

10. The balance sheet reflects Council's financial position at 31 December 2017 and is prepared in compliance with the Australian Accounting Standards.

11. Council's balance sheet (page 4 in Attachment 1) continues to show a strong net position. This is represented by \$844.7 million of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$42.5 million, which results in net assets of \$802.2 million.

**Statement of cash flows**

12. The statement of cash flows (page 5 in Attachment 1) captures Council's actual cash transactions for the period.

13. Council is showing a cash position of \$42.4 million after all cash transactions for the period to date.

14. The \$42.4 million includes \$38.2 million held in investments as detailed on page 14 of Attachment 1.

**12. Officers' reports**

**OCM.004/18 December Quarter Financial Report**

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**Capital works**

15. The YTD expenditure relating to capital works is reported on page 10 in Attachment 1.
16. This shows an unfavourable variance of (\$1.5 million) relative to YTD budget. Details of the variance are listed on pages 10 and 11 of Attachment 1.
17. Specific commentary regarding project expenditure to date for the Eltham Leisure Centre redevelopment (across multiple financial years) is provided on page 12 of Attachment 1.

**Other information**

18. New Initiatives are reported on page 13 of Attachment 1. Expenditure on New Initiatives currently shows an unfavourable variance of (\$212,555) which is primarily due to timing issues. It is expected that full year expenditure on New Initiatives will be within budget.
19. Investment activities are consistent with Council's Adopted Investment Policy and in accordance with section 143 of the *Victorian Local Government Act 1989*. A summary of investments and loans is provided on page 14 of Attachment 1.
20. A summary of significant grant funding received (grants over \$50,000) for the period 1 July to 31 December 2017 is provided on page 16 of the attached report.

**Conclusion**

21. Council's overall financial position at the end of December 2017 is considered sound and continues to be closely monitored to ensure budgeted outcomes are achieved.

**12. Officers' reports**

**OCM.005/18 Mid-Year Financial Review 2017-2018**

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**Distribution: Public**

**Manager: Vince Lombardi, Manager Finance**

**Author: Robert Malignaggi, Management Accountant**

**Summary**

This report presents the outcomes of the Mid-Year Financial Review.

The revised forecast is for Council to achieve an operating surplus of \$2.848 million for the financial year 2017-2018.

**Recommendation**

**That Council:**

- 1. Approves the changes detailed in the Mid-Year Financial Review, Attachment 1.**
- 2. Notes the revised forecast of \$2.848 million operating surplus for financial year 2017-2018.**

**Attachments**

1. Mid-Year Financial Review Report 2017-2018
2. Mid-Year Financial Review 2017-2018

**Background**

1. The purpose of this report is to present the Mid-Year Financial Review.
2. Officers have completed a Mid-Year Financial Review for 2017-2018 as at December 2017 to identify major changes that have occurred since the budget adoption.
3. The review includes both operational and capital items.
4. The outcome of the review is a revised forecast operating surplus of \$2.848 million.

**Operating Budget**

5. The Mid-Year Financial Review identified a number of favourable and unfavourable movements in operational income or expenditure as detailed in Attachment 1.

**Capital works**

6. Capital works has a net unfavourable change of \$454,811 due to a number of adjustments across the program as detailed in Attachment 1.

**Conclusion**

7. Following the Mid-Year Financial Review, it is now projected that the forecast operating surplus for 2017-2018 is \$2.848 million.

12. Officers' reports

OCM.006/18 Assemblies of Councillors

**Distribution:** Public

**Manager:** Justin Murray, Acting Manager Governance

**Author:** Naomi Ellis, Corporate Planner

**Summary**

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

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 28 November 2017.

**Recommendation**

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

<b>1</b>	<b>Date of assembly</b>	<b>19 December 2017</b>	
	<b>Matters considered</b>	<b>Officer briefings of Councillors</b> <ul style="list-style-type: none"> <li>• <b>Green Wedge Management Plan Review</b></li> <li>• <b>Civic Drive Outdoor Performance Centre upgrade - Community engagement feedback</b></li> <li>• <b>Electricity Large Sites and Street Lighting</b></li> </ul>	
	<b>Councillors present</b>	<b>Cr Peter Clarke</b> <b>Cr Karen Egan</b> <b>Cr John Dumaresq</b> <b>Cr Jane Ashton</b>	<b>Cr Grant Brooker</b> <b>Cr Peter Perkins</b> <b>Cr Bruce Ranken</b>
	<b>Staff present</b>	<b>Mark Stoermer</b> <b>Matt Kelleher</b> <b>Hjalmar Philipp</b> <b>Justin Murray</b> <b>Vince Lombardi</b> <b>Paige Macdonald</b> <b>Michelle Zemancheff</b> <b>Jon McNally</b> <b>Yasmin Green</b>	<b>James Martin</b> <b>Suzy Ellingsen</b> <b>Mitch Grayson</b> <b>Nichole Johnson</b> <b>Paul Fyffe</b> <b>Emily Physick</b> <b>Lance Clarke</b> <b>Anthony Calthorpe</b> <b>Ian Culbard</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

12. Officers' reports

OCM.006/18 Assemblies of Councillors

<b>2</b>	<b>Date of assembly</b>	<b>19 December 2017</b>	
	<b>Matters considered</b>	<b>Pre-meeting for Ordinary Council Meeting</b>	
	<b>Councillors present</b>	<b>Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Jane Ashton</b>	<b>Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken</b>
	<b>Staff present</b>	<b>Mark Stoermer Matt Kelleher Hjalmar Philipp Justin Murray Jon McNally Naomi Paton</b>	<b>Naomi Ellis Lance Clarke Adrian Cully Corrienne Nicholls Ian Culbard</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

<b>3</b>	<b>Date of assembly</b>	<b>23 January 2018</b>	
	<b>Matters considered</b>	<b>Officer briefings of Councillors</b> <ul style="list-style-type: none"> <li>• <b>Special Rate Renewal for Diamond Creek- Notice of Intention to Declare</b></li> <li>• <b>Land sales verbal presentation</b></li> <li>• <b>Aged Care reforms</b></li> <li>• <b>Eltham Preschool</b></li> <li>• <b>2018 Mid-Year Financial Review</b></li> <li>• <b>Budget 2018-2019 Overview, parameters and key external impacts</b></li> <li>• <b>Eltham Playhouse</b></li> </ul>	
	<b>Councillors present</b>	<b>Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Jane Ashton</b>	<b>Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken</b>
	<b>Staff present</b>	<b>Mark Stoermer Matt Kelleher Adrian Cully Justin Murray Vince Lombardi Jon Miller Robert Malignaggi</b>	<b>Darko Popovski Mitch Grayson Corrienne Nichols Suzy Ellingsen Kylie Lethbridge Rebecca Burton</b>
	<b>Conflict of interest</b>	<b>None declared</b>	

**12. Officers' reports**

**OCM.006/18 Assemblies of Councillors**

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**Attachments**

Nil

**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.

**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 28 November 2017.

**Conclusion**

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



**13. Notices of Motion**

Nil.

**14. Delegates' Reports**

**15. Supplementary and urgent business**

**16. Confidential reports**

Nil.