

## Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 1 May 2018 commencing at 7.30pm.

### Agenda

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

Thursday 26 April 2018

Distribution: Public

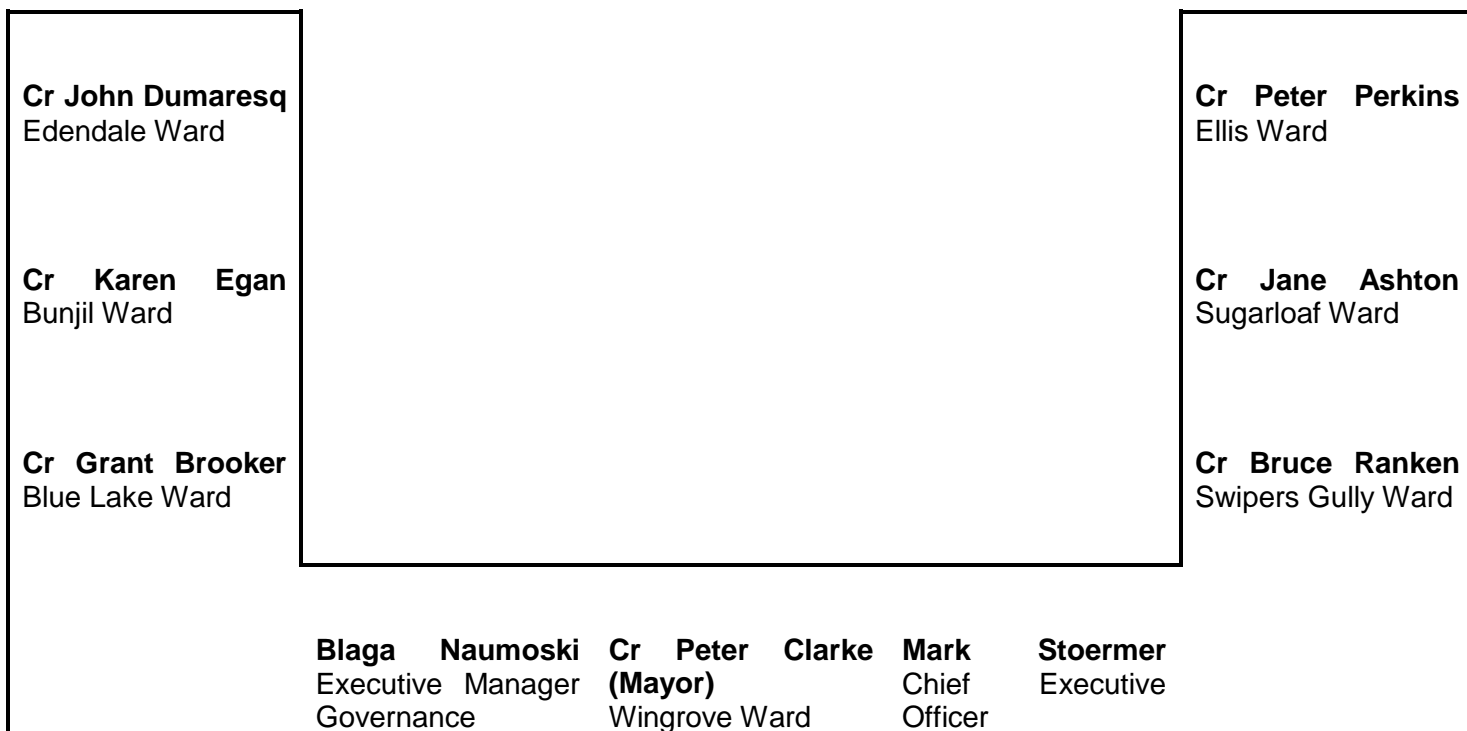
Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone 9433 3111  
Facsimile 9433 3777

Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)

Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

*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 1 May 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.

4. **Apologies**

**Motion**

**That the apologies be accepted.**

5. **Presentations**

Mackenzie Harrison (Ellis Ward) receives \$200 as a contribution for being selected to participate in the Boys Athletic and Educational Tour 2018 in the UK. Nillumbik Shire Council wishes them every success with their future sporting pursuits.

6. **Confirmation of minute**

Confirmation of minutes of the Council Meeting held on Tuesday 27 March 2018.

**Motion**

**That the minutes of the Council Meeting held on Tuesday 27 March 2018.**

7. **Disclosure of conflicts of interest**

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

8. **Petitions**

**PT.001/18**

A petition containing **10,000** signatures from the community opposing the sale of 17 community owned reserves in Nillumbik.

**Motion**

**That Council:**

- 1. Receives the electronic petition signed by the community and others opposing the sale of 17 community reserves in Nillumbik.**
- 2. Considers the petition in conjunction with the 17 reports listed on the Agenda relating to the status reports on the proposed sale of land.**

**9. Questions from the gallery**

10. Reports of Advisory Committees

AC.003/18 Advisory Committee Report

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**File:** AC03/18

**Distribution:** Public

**Manager:** Blaga Naumoski, Executive Manager Governance

**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:

- Economic Development Advisory Committee held on 21 February 2018.
- Activity Centres Urban Design Review – Project Reference Group held on 4 April 2018.
- Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group meeting held on 7 March 2018.

**Attachments**

1. Economic Development Advisory Committee minutes - 21 February 2018
2. Activities Centres Urban Design Review - PRG minutes - 4 April 2018
3. Open Space Precinct Plan Graysharpes Road - PRG minutes - 7 March 2018

**Motion**

**That Council notes the:**

1. **Economic Development Advisory Committee meeting minutes held 21 February 2018.**
2. **Activity Centres Urban Design Review – Project Reference Group meeting minutes held on 4 April 2018.**
3. **Open Space Precinct Plan Graysharps Road, Hurstbridge Project Reference Group meeting minutes held on 7 March 2018.**

**11. Reports of Special Committees**



12. Officers' reports

OCM.045/18 Draft Budget 2018 - 2019

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**File:**

**Distribution:** Public

**Manager:** Vince Lombardi, Manager Finance

**Author:** Robert Malignaggi, Management Accountant

**Summary**

This report presents the draft Budget for 2018-2019 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, and for the development and maintenance of infrastructure throughout the shire.

Rates and charges

- The draft Budget proposes a 1.95 increase to the rate in dollar.
- No increase to the waste management charge.

Capital Works

- A range of major capital works projects have been identified through planning and community consultation. The draft Budget also provides significant resources to maintain and develop existing infrastructure.

Strategic Resource Plan

- In conjunction with the Council Plan, the Strategic Resource Plan has also been prepared for the next ten financial years.

**Recommendation**

**That Council:**

1. **Adopts the draft 2018-2019 Budget for the purposes of Section 127 of the Local Government Act 1989.**
2. **Authorises the Chief Executive Officer to give public notice in accordance with sections 129 and 223 of the Local Government Act 1989 of Council's intention to adopt, at a Council meeting proposed to be held at 7.30 pm on 26 June 2018, the 2018-2019 Budget (Attachment 1) presented to this meeting.**
3. **Notes that any person who makes a written submission in relation to the draft 2018-2019 Budget and requests to be heard in support of the written submission, be heard at the Future Nillumbik Committee meeting to be held in the Council Chamber, Civic Centre, at 7.30 pm on 12 June 2018.**
4. **Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.**

**12. Officers' reports**

**OCM.045/18 Draft Budget 2018 - 2019**

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**Attachments**

1. 2018-2019 Draft Budget

**Background**

1. Council is required by the *Local Government Act 1989* to prepare a Budget for each financial year.
2. Adoption of the Budget is an important policy decision by Council in terms of resource allocation for services and projects in the coming year.
3. The draft Budget has been prepared for the purposes of public exhibition in accordance with statutory requirements.

**Policy context**

4. This draft Budget has been developed in parallel with the Council Plan.
5. In developing the draft Budget, Council has also considered the key priorities emerging from the master-plans for Council's major recreation facilities and reserves, the structure plans for Nillumbik's activity centres, and other Council policies and strategies.

**Budget implications**

6. The costs of preparing and exhibiting the Budget, such as public notices, are funded from operating budget allocations.

**Consultation/communication**

7. Following Council's adoption of the draft Budget 2018-2019, Public notice will be provided, that allows the community the opportunity to lodge submissions. Public exhibition will be for 28 days, and the draft Budget will be available for inspection at the Civic Centre and on Council's website.
8. Public submissions in relation to the draft Budget will be considered at the Future Nillumbik Committee meeting on 12 June 2018.
9. Following the consideration of any submissions reviewed, the Budget will then be presented for adoption at the Council Meeting on 26 June 2018, whereby Council is then required to formally adopt the final Budget for 2018-2019.

**Draft Budget 2018-2019**

10. The major features of the draft Budget are summarised below. Details are provided within the Budget document.

**Property rates and charges**

11. The draft Budget for 2018-2019 proposes a 1.95 percent increase in property rates, this is 0.30 percent below the maximum allowable set by the Minister under the Fair Go Rates System.
12. The waste management charge will be maintained at the existing level.
13. No changes are proposed to the existing differential rates.

**12. Officers' reports**

**OCM.045/18 Draft Budget 2018 - 2019**

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**Other fees and charges revenue**

14. Other fees and charges have been adjusted to reflect cost increases, regulatory requirements and market considerations. Details are provided in the draft Budget.

**Operating expenditure**

15. Recurrent operating budgets for Council services have been budgeted to reflect changes in unit costs, including inflationary impacts and contract prices.

**Major initiatives**

16. The draft Budget provides resources through major initiatives for policy development, as well as policy implementation and service improvements.
17. A full list of major initiatives is provided in the draft Budget document.

**Capital works**

18. The draft Budget includes \$26.444 million of capital works projects, of which \$9.23 million will be funded by external grants.
19. A full list of capital works projects is included in the draft Budget document.

**Loan Borrowings**

20. There is no new loan borrowing proposed for 2018-2019.
21. The Strategic Resource Plan also forecasts that there will be no new loan borrowings over the next ten years.

**Strategic Resource Plan**

22. The Strategic Resource Plan has been developed in conjunction with the Council Plan. A copy of the Strategic Resource Plan is included with the draft 2018-2019 Budget.
23. The Strategic Resource Plan provides a ten year forecast of Council's finances, using projections of expenditure and revenue which are based on a series of assumptions about Council's services and infrastructure. This information is then used to assess Council's long-term financial sustainability.

**Conclusion**

24. Preparation of the annual Budget is a major decision for Council in allocating resources to services and projects for the coming year.
25. The draft Budget has been prepared with regard to the strategic context provided through the Council Plan.
26. It is recommended that Council adopt the draft Budget for 2018-2019 for the purpose of public consultation.

**12. Officers' report****OCM.046/18 Status Report on the proposed sale of 18a Citriodora Court, Diamond Creek**

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**Portfolio:** Officers' reports  
**Distribution:** Public  
**Manager:** Hjalmar Philipp, Director Sustainability and Place  
**Author:** Jon Miller, Manager Assets and Property

**Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 18a Citriodora Court, Diamond Creek is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 100 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 100 submissions received, 97 (97%) were not supportive of the proposed sale, and 3 (3%) submissions were supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the final two meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

**12. Officers' reports**

**OCM.046/18 Status Report on the proposed sale of 18a Citriodora Court, Diamond Creek**

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At these meetings three submitters spoke on behalf of their submission on the proposed sale of 18a Citriodora Court, Diamond Creek and 31 submitters spoke on behalf of their general land sales submission.

The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 18a Citriodora Court, Diamond Creek and consider the options provided.

**Recommendation**

**That Council:**

- 1. Note the status report prepared by officers.**
- 2. Considers and decides on one of the options outlined by officers in this status report.**
- 3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2, which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. Costs associated with selling this parcel of land will be paid by the purchaser, in accordance with Council's policy on the sale of minor parcels of land.
4. If sold, funds raised by the sale open space will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

12. Officers' reports

**OCM.046/18 Status Report on the proposed sale of 18a Citriodora Court, Diamond Creek**

**Consultation/communication**

5. The sale of Council land 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.
6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 18a Citriodora Court Diamond Creek, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Thursday 22 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 18a Citriodora Court, Diamond Creek.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 18a Citriodora Court, Diamond Creek (Minor Parcel of Land)**

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.

12. Officers' reports

**OCM.046/18 Status Report on the proposed sale of 18a Citriodora Court, Diamond Creek**

Title details	Reserve 1 on PoS 326756Y and contained in Certificate of Title Vol 11371 Fol 309.
General comments	<p>A minor parcel of unutilised Council land that is currently under lease to an adjoining property owner, who requested to purchase.</p> <p>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).</p> <p>The potential sale of the land will be conditional upon Council removing the reserve status from the land.</p>

**Submissions received specifically for 18a Citriodora Court, Diamond Creek**

13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
14. Council received 100 public submissions in response to publically advertising its intention to sell the land. Of those submissions, 97 (97%) were not supportive of the proposed sale, and 3 (3%) were supportive. Many of the submissions that were not supportive of the proposed sale were very general in nature.

**General submissions received in relation to the proposed land sales program**

15. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**12. Officers' reports**

**OCM.046/18 Status Report on the proposed sale of 18a Citriodora Court, Diamond Creek**

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**Options for consideration by Council**

16. Having completed the necessary statutory processes relating to the sale of 18a Citriodora Court, Diamond Creek, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
- a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 18a Citriodora Court, Diamond Creek; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 18a Citriodora Court, Diamond Creek and requests Council consider the options provided.



**12. Officers' report****OCM.047/18 Status Report on the proposed sale of 4 Raglan Court, Research**

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**Portfolio: Officers' reports****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Jon Miller, Manager Assets and Property****Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 4 Raglan Court, Research, is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 126 public submissions that specifically relate to the proposed sale of this parcel. Councillors received hard copies of each of the submissions made. Of the 126 submissions received, 124 (rounded up to 98.4%) were not supportive of the proposed sale, and 2 (1.6%) submissions were supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 4 Raglan Court, Research and consider the options provided.

12. Officers' reports

OCM.047/18 Status Report on the proposed sale of 4 Raglan Court, Research

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**Recommendation**

**That Council:**

1. Note the status report prepared by officers.
2. Considers and decides on one of the options outlined by officers in this status report.
3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 4 Raglan Court, Research is estimated around \$6,600 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act (1988)*.

**Consultation/communication**

5. The sale of Council land 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.
6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.

12. Officers' reports

**OCM.047/18 Status Report on the proposed sale of 4 Raglan Court, Research**

7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 4 Raglan Court, Research, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Tuesday 3 April 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 4 Raglan Court, Research.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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.

**12. Officers' reports**

**OCM.047/18 Status Report on the proposed sale of 4 Raglan Court, Research**

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**Submissions received specifically for 4 Raglan Court, Research**

13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
14. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) The land was gifted to Council by a long-term resident and Council should honour this heritage. (This information has not been verified by officers).
  - b) This parcel of land is in an area that is built up with houses and nearby shops so this space provides a safe flat area for passive recreation.
  - c) The land provides an area of green and natural tree balance to the developed environment.

**General submissions received in relation to the proposed land sales program**

15. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**Options for consideration by Council**

16. Having completed the necessary statutory processes relating to the sale of 4 Raglan Court, Research, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 4 Raglan Court, Research; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.

**12. Officers' reports**

**OCM.047/18 Status Report on the proposed sale of 4 Raglan Court, Research**

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18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 4 Raglan Court, Research and requests Council consider the options provided.

**12. Officers' report****OCM.048/18 Status Report on the proposed sale of 12 The Eyrie, Eltham**

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**Portfolio: Officers' reports****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Jon Miller, Manager Assets and Property****Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 12 The Eyrie, Eltham, is one of those 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 213 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submission made. Of the 213 submissions received, 212 (99.5%) were not supportive of the proposed sale, and 1 (.5%) of submissions was supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

At these meetings 19 submitters spoke on behalf of their submission on the proposed sale of 12 The Eyrie, Eltham and 31 submitters spoke on behalf of their general land sales submission.

**12. Officers' reports**

**OCM.048/18 Status Report on the proposed sale of 12 The Eyrie, Eltham**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 12 The Eyrie, Eltham and consider the options provided.

**Recommendation**

**That Council**

- 1. Note the status report prepared by officers.**
- 2. Considers and decides on one of the options outlined by officers in this status report.**
- 3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 12 The Eyrie, Eltham is estimated to be \$6,900 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

**Consultation/communication**

5. The sale of Council land 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.

**12. Officers' reports**

**OCM.048/18 Status Report on the proposed sale of 12 The Eyrie, Eltham**

6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 12 The Eyrie, Eltham a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Tuesday 20 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 12 The Eyrie, Eltham.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**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	The land is subject to steep undulation to the southern half, with the northern portion being relatively flat.  The southern slope is heavily vegetated.



12. Officers' reports

OCM.048/18 Status Report on the proposed sale of 12 The Eyrie, Eltham

	<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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**Submissions received specifically for 12 The Eyrie, Eltham**

13. Councillors received hard copies of each of the submission made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
14. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) The land is a vegetated ridgeline and therefore helps define the existing character and amenity of the area.
  - b) The land has significant indigenous vegetation cover and associated fauna which will be at risk if the land is sold and developed.
  - c) The land is utilised by residents for many passive uses including walking, exercising pets, relaxing and is therefore important from a social perspective.

**General submissions received in relation to the proposed land sales program**

15. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**Options for consideration by Council**

16. Having completed the necessary statutory processes relating to the sale of 12 The Eyrie, Eltham, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:

**12. Officers' reports**

**OCM.048/18 Status Report on the proposed sale of 12 The Eyrie, Eltham**

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- a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 12 The Eyrie, Eltham; or
- b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

- 17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
- 18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 12 The Eyrie, Eltham and requests Council consider the options provided.

12. Officers' report

**OCM.049/18 Status Report on the proposed sale of 46 Symon Crescent, Greensborough**

**Portfolio:** Officers' reports

**Distribution:** Public

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

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

**Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 46 Symon Crescent, Greensborough, is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989 (Act)* and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 120 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 120 submissions received, 118 (rounded to 98%) were not supportive of the proposed sale, and 2 (2%) of submissions were supportive of the proposed sale.

Council also received 322 submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) are opposed to any of the proposed sales, and 8 (2.5%) are supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

**12. Officers' reports**

**OCM.049/18 Status Report on the proposed sale of 46 Symon Crescent, Greensborough**

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At these meetings 4 submitters spoke on behalf of their submission on the proposed sale of 46 Symon Crescent, Greensborough and 31 submitters spoke on behalf of their general land sales submission.

The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 46 Symon Crescent, Greensborough and consider the options provided.

**Recommendation**

**That Council**

- 1. Note the status report prepared by officers.**
- 2. Considers and decides on one of the options outlined by officers in this status report.**
- 3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 46 Symon Crescent, Greensborough is estimated to be \$6,800 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

12. Officers' reports

**OCM.049/18 Status Report on the proposed sale of 46 Symon Crescent, Greensborough**

**Consultation/communication**

5. The sale of Council land 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.
6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 46 Symon Crescent, Greensborough, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Monday 19 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 46 Symon Crescent, Greensborough.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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

12. Officers' reports

**OCM.049/18 Status Report on the proposed sale of 46 Symon Crescent, Greensborough**

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>

**Submissions received specifically for 46 Symon Crescent, Greensborough**

13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members have met to discuss key themes that were raised in the written submissions and by speakers.
14. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) The land provides students with easy access to walk to nearby schools.
  - b) It is a single access road to the land, which is already difficult for cars to negotiate as the street access is narrow.
  - c) This land is used as a thoroughfare, with the walking track through the land providing residents with a short cut to St Helena Shopping Centre.

**General submissions received in relation to the proposed land sales program**

15. Of the general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.

**12. Officers' reports**

**OCM.049/18 Status Report on the proposed sale of 46 Symon Crescent, Greensborough**

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- c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the "Green Wedge".

**Options for consideration by Council**

- 16. Having completed the necessary statutory processes relating to the sale of 46 Symon Crescent, Greensborough, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 46 Symon Crescent, Greensborough; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

- 17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
- 18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 46 Symon Crescent, Greensborough and requests Council consider the options provided.

12. Officers' report

**OCM.050/18 Status Report on the proposed road discontinuance and sale of 20A Henry Street, Eltham**

**Portfolio:** Officers' reports

**Distribution:** Public

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

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

**Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 20A Henry Street, Eltham, is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Gives public notice of the proposed road discontinuance and sale of land under Section 206 and Schedule 10, Clause 3 of the *Local Government Act 1989 (Act)* of 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 160 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 160 submissions received, 157 (rounded to 98%) were not supportive of the proposed sale, and 3 (2%) of submissions were supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for those submissions of a general nature or any person who had not been able to attend previous meetings.

At these meetings 11 submitters spoke on behalf of their submission on the proposed sale of 20A Henry Street, Eltham and 31 submitters spoke on behalf of their general land sales submission.



**12. Officers' reports**

**OCM.050/18 Status Report on the proposed road discontinuance and sale of 20A Henry Street, Eltham**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed road discontinuance and sale of 20A Henry Street, Eltham and consider the options provided.

**Recommendation**

**That Council:**

- 1. Note the status report prepared by officers.**
- 2. Considers and decides on one of the options outlined by officers in this status report.**
- 3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to discontinue the road and sell the land known as 20A Henry Street, Eltham is estimated at \$3,000 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.

**Consultation/communication**

4. The sale of Council land 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.
5. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.

**12. Officers' reports**

**OCM.050/18 Status Report on the proposed road discontinuance and sale of 20A Henry Street, Eltham**

6. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise the proposed road discontinuance and sale of land known as 20A Henry Street, Eltham, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
7. The closing date for public submissions was Monday 12 March 2018.
8. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
9. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
10. Time was set aside at the Thursday 22 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed road discontinuance and sale of 20A Henry Street, Eltham.
11. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**12. Details of 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.

**12. Officers' reports**

**OCM.050/18 Status Report on the proposed road discontinuance and sale of 20A Henry Street, Eltham**

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**Submissions received specifically for 20a Henry Street, Eltham**

13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
14. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) This parcel of land is utilised as a popular pet reserve by locals.
  - b) Children are able to walk to school through 20a Henry Street, Eltham and develop their independence.
  - c) This land is a gateway and valued green space, in which trees should be protected.

**General submissions received in relation to the proposed land sales program**

15. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**Options for consideration by Council**

16. Having completed the necessary statutory processes relating to the proposed road discontinuance and sale of 20A Henry Street, Eltham, in accordance with section 206, Schedule 10, Clause 3 and section 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed road discontinuance and sale of 20A Henry Street, Eltham; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.

**12. Officers' reports**

**OCM.050/18 Status Report on the proposed road discontinuance and sale of 20A Henry Street, Eltham**

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18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed road discontinuance and sale of 20A Henry Street, Eltham and requests Council consider the options provided.

12. Officers' report

OCM.051/18 Status Report on the proposed sale of 34 Glen Park Road, Eltham North

**Portfolio:** Officers' reports

**Distribution:** Public

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

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

**Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

Part of the land located at 34 Glen Park Road, Eltham North was one of those 17 parcels. that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise its intention to sell 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 2**, comprising part of the land contained in Certificate of Title Volume 9010 Folio 263; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 200 public submissions that specifically relate to the proposed sale of this parcel. Councillors received hard copies of each of the submissions made. Of the 200 submissions received, 100 (rounded to 99%) were not supportive of the proposed sale, and 1 (1%) submission was supportive of the proposed sale.

Council also received 322 submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

At these meetings 19 submitters spoke on behalf of their submission on the proposed sale of 34 Glen Park Road, Eltham North and 31 submitters spoke on behalf of their general land sales submission.

**12. Officers' reports**

**OCM.051/18 Status Report on the proposed sale of 34 Glen Park Road, Eltham North**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of part of 34 Glen Park Road, Eltham North and consider the options provided.

**Recommendation**

**That Council**

- 1. Note the status report prepared by officers.**
- 2. Considers and decides on one of the options outlined by officers in this status report.**
- 3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Proposed Plan of Subdivision
2. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell part of 34 Glen Park Road, Eltham North is to be \$7,000 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.

**Consultation/communication**

4. The sale of Council land 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.
5. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.

12. Officers' reports

**OCM.051/18 Status Report on the proposed sale of 34 Glen Park Road, Eltham North**

6. Following Council’s resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell part of 34 Glen Park Road, Eltham North, a public notice advertising Council’s intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
7. The closing date for public submissions was Monday 12 March 2018.
8. Written notification of Council’s intention to sell the land was sent to the owners of adjoining properties.
9. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
10. Time was set aside at the Thursday 22 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of part of 34 Glen Park Road, Eltham North.
11. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details being Part of 34 Glen Park Road, Eltham North**

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	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.

12. Officers' reports

**OCM.051/18 Status Report on the proposed sale of 34 Glen Park Road, Eltham North**

	<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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**Submissions received specifically for part of 34 Glen Park Road, Eltham North**

12. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
13. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) Concerns were raised in relation to surveillance of the existing playground if part of the land is sold and developed.
  - b) Concerns were raised in relation to car parking and children’s safety, for those parents approaching the childcare centre from the eastern end of Glen Park Road.

**General submissions received in relation to the proposed land sales program**

14. Of the general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**Options for consideration by Council**

15. Having completed the necessary statutory processes relating to the sale of part of 34 Glen Park Road, Eltham North, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of part of 34 Glen Park Road, Eltham North; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.



**12. Officers' reports**

**OCM.051/18 Status Report on the proposed sale of 34 Glen Park Road, Eltham North**

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**Conclusion**

16. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
17. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of part of 34 Glen Park Road, Eltham North and requests Council consider the options provided.

## 12. Officers' report

### OCM.052/18 Status Report on the proposed road discontinuance and sale of 34 Raglan Road, Research

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<b>Portfolio:</b>	<b>Officers' reports</b>
<b>Distribution:</b>	<b>Public</b>
<b>Manager:</b>	<b>Hjalmar Philipp, Director Sustainability and Place</b>
<b>Author:</b>	<b>Jon Miller, Manager Assets and Property</b>

#### Summary

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 34 Raglan Road, Research, is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Gives public notice of the proposed road discontinuance and sale of land under Section 206 and Schedule 10, Clause 3 of the *Local Government Act 1989 (Act)* of 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 153 public submissions that specifically relate to the proposed sale of this parcel. Councillors received hard copies of each of the submissions made. Of the 153 submissions received, 149 (rounded to 97.4%) were not supportive of the proposed sale, and 4 (2.6%) submissions were supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) are opposed to any of the proposed sales, and 8 (2.5%) are supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for those submissions of a general nature or any person who had not been able to attend previous meetings.

At these meetings 17 submitters spoke on behalf of their submission on the proposed sale of 34 Raglan Road, Research and 31 submitters spoke on behalf of their general land sales submission.

**12. Officers' reports**

**OCM.052/18 Status Report on the proposed road discontinuance and sale of 34 Raglan Road, Research**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed road discontinuance and sale of 34 Raglan Road, Research and consider the options provided.

**Recommendation**

**That Council:**

1. **Note the status report prepared by officers.**
2. **Considers and decides on one of the options outlined by officers in this status report.**
3. **Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to discontinue and sell the land known as 34 Raglan Road, Research is estimated around \$3,000 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.

**Consultation/communication**

4. The sale of Council land 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.
5. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.

12. Officers' reports

**OCM.052/18 Status Report on the proposed road discontinuance and sale of 34 Raglan Road, Research**

6. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise the proposed road discontinuance and sale of 34 Raglan Road, Research a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
7. The closing date for public submissions was Monday 12 March 2018.
8. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
9. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
10. Time was set aside at the Tuesday 3 April 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed road discontinuance and sale of 34 Raglan Road, Research.
11. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 34 Raglan Road, 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. Requires road discontinuance.

**12. Officers' reports**

**OCM.052/18 Status Report on the proposed road discontinuance and sale of 34 Raglan Road, Research**

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**Submissions received specifically for 34 Raglan Road, Research**

12. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
13. The Committee have identified the following parcel specific key themes as being most influential when considering these options for the future of the land:
  - a) The parcel of land is utilised by residents to access Research - Warrandyte Rd.
  - b) Concerns were raised by neighbours in relation to being able to continue maintenance of adjacent Crown Land if the Council owned land is sold.
  - c) The land provides CFA access to the adjacent Crown Land in the case of a fire.

**General submissions received in relation to the proposed land sales program**

14. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**Options for consideration by Council**

15. Having completed the necessary statutory processes relating to the proposed road discontinuance and sale of 34 Raglan Road, Research, in accordance with section 206, Schedule 10, Clause 3 and section 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed road discontinuance and sale of 34 Raglan Road, Research; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

12. Officers' reports

**OCM.052/18 Status Report on the proposed road discontinuance and sale of 34 Raglan Road, Research**

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**Conclusion**

16. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
17. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed road discontinuance and sale of 34 Raglan Road, Research and requests Council consider the options provided.

**12. Officers' report****OCM.053/18 Status Report on the proposed sale of 251 - 259 Yan Yean Road, Plenty**

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**Portfolio:** Officers' reports  
**Distribution:** Public  
**Manager:** Hjalmar Philipp, Director Sustainability and Place  
**Author:** Jon Miller, Manager Assets and Property

**Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

Part of the land located at 251-259 Yan Yean Road, Plenty, is one of the 17 parcels of land that Councillors to proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise its intention to sell 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 2**), (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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 107 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 107 submissions received, 100 (93.5%) were not supportive of the proposed sale, and 7 (6.5%) submission were supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for those submissions of a general nature or any person who had not been able to attend previous meetings.

**12. Officers' reports**

**OCM.053/18 Status Report on the proposed sale of 251 - 259 Yan Yean Road, Plenty**

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At these meetings 1 submitter spoke on behalf of their submission on the proposed sale of part of 251-259 Yan Yean Road, Plenty and 31 submitters spoke on behalf of their general land sales submission.

The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 251-259 Yan Yean Road, Plenty and consider the options provided.

**Recommendation**

**That Council**

- 1. Note the status report prepared by officers.**
- 2. Considers and decides on one of the options outlined by officers in this status report.**
- 3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land
2. Title Plan

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The selling costs of part of 251-259 Yan Yean Road, Plenty is estimated to be \$3,000 for surveying, public advertising and legal conveyancing fees. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed. VicRoads will complete the Plan of Subdivision for 251-259 Yan Yean Road, Plenty at their cost to retain part of the land for the Yan Yean Road duplication.



**12. Officers' reports**

**OCM.053/18 Status Report on the proposed sale of 251 - 259 Yan Yean Road, Plenty**

**Consultation/communication**

4. The sale of Council land 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.
5. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
6. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 251-259 Yan Yean Road, Plenty, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
7. The closing date for public submissions was Monday 12 March 2018.
8. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
9. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
10. Time was set aside at the Monday 19 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 251-259 Yan Yean Road, Plenty.
11. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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

12. Officers' reports

**OCM.053/18 Status Report on the proposed sale of 251 - 259 Yan Yean Road, Plenty**

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	<p>The land is the remainder of a larger parcel after compulsory acquisition and subdivision by VicRoads for Yan Yean Rd upgrade project.</p> <p>The land was purchased by the former Diamond Valley Council in the 1980s, for the purpose of widening Yan Yean Road. The land (containing a dwelling and sheds) has been leased to various tenants since its purchase.</p>

**Submissions received specifically for part the land at 251-259 Yan Yean Road, Plenty**

12. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
13. Council received 100 public submissions in response to publically advertising its intention to sell the land. Of those submissions, 97 (97%) were not supportive of the proposed sale, and 3 (3%) were supportive. Most of the submissions that were not supportive of the proposed sale were very general in nature.

**General submissions received in relation to the proposed land sales program**

14. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**12. Officers' reports**

**OCM.053/18 Status Report on the proposed sale of 251 - 259 Yan Yean Road, Plenty**

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**Options for consideration by Council**

15. Having completed the necessary statutory processes relating to the sale of 251-259 Yan Yean Road, Plenty, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
- a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 251-259 Yan Yean Road, Plenty; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

16. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
17. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 251-259 Yan Yean Road, Plenty and requests Council consider the options provided.

## 12. Officers' report

### OCM.054/18 Status Report on the proposed sale of 60 David Hockney Drive, Diamond Creek

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**Portfolio:** Officers' reports

**Distribution:** Public

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

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

#### Summary

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 60 David Hockney Drive, Diamond Creek, is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

At 30 January 2018 OCM, Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989 (Act)* and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 118 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 118 submissions received, 115 (97.5%) were not supportive of the proposed sale, and 3 (2.5%) submissions were supportive of the proposed sale.

Council also received 322 submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) are opposed to any of the proposed sales, and 8 (2.5%) are supportive of the sale of land to fund infrastructure projects.

At these meetings 6 submitters spoke on behalf of their submission on the proposed sale of 60 David Hockney Drive, Diamond Creek and 31 submitters spoke on behalf of their general land sales submission.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

**12. Officers' reports**

**OCM.054/18 Status Report on the proposed sale of 60 David Hockney Drive, Diamond Creek**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 60 David Hockney Drive, Diamond Creek consider the options provided.

**Recommendation**

**That Council:**

- 1. Note the status report prepared by officers.**
- 2. Considers and decides on one of the options outlined by officers in this status report.**
- 3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected costs to sell 60 David Hockney Drive, Diamond Creek, is estimated to be \$6,600 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

**Consultation/communication**

5. The sale of Council land 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.

**12. Officers' reports**

**OCM.054/18 Status Report on the proposed sale of 60 David Hockney Drive, Diamond Creek**

6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 60 David Hockney Drive, Diamond Creek a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Thursday 22 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 60 David Hockney Drive, Diamond Creek.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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.

12. Officers' reports

**OCM.054/18 Status Report on the proposed sale of 60 David Hockney Drive, Diamond Creek**

<p>General comments</p>	<p>Vacant parcels of land</p> <p>Two separately titled and contiguous lots, sloping gently sloping towards Monomeath Avenue</p> <p>No improvements and mainly devoid of vegetation.</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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**Submissions received specifically for 60 David Hockney Drive, Diamond Creek**

13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
14. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) Residents understood at the time of purchasing their land that the developer was supposed to develop the parcel of land into a community playground.
  - b) The families on the north side of Aqueduct Road require a decent playground, with seats and trees for shade, so the local children can enjoy playing in a safe environment.
  - c) At present this parcel of land is utilised by residents for passive recreation and walking their pets.

**General submissions received in relation to the proposed land sales program**

15. Of the general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**12. Officers' reports**

**OCM.054/18 Status Report on the proposed sale of 60 David Hockney Drive, Diamond Creek**

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**Options for consideration by Council**

16. Having completed the necessary statutory processes relating to the sale of 60 David Hockney Drive, Diamond Creek, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
- a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 60 David Hockney Drive, Diamond Creek; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 60 David Hockney Drive, Diamond Creek and requests Council consider the options provided.



**12. Officers' report****OCM.055/18 Status Report on the proposed sale of 26 Renshaw Drive, Eltham**

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**Portfolio: Officers' reports****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Jon Miller, Manager Assets and Property****Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 26 Renshaw Drive, Eltham, is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 178 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 178 submissions received, 176 (rounded to 98.9%) were not supportive of the proposed sale, and 2 (1.1%) submissions were supportive of the proposed sale.

Council also received 322 submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) are opposed to any of the proposed sales, and 8 (2.5%) are supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

At these meetings 10 submitters spoke on behalf of their submission on the proposed sale of 26 Renshaw Drive, Eltham and 31 submitters spoke on behalf of their general land sales submission.

**12. Officers' reports**

**OCM.055/18 Status Report on the proposed sale of 26 Renshaw Drive, Eltham**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 26 Renshaw Drive, Eltham and consider the options provided.

**Recommendation**

**That Council:**

1. **Note the status report prepared by officers.**
2. **Considers and decides on one of the options outlined by officers in this status report.**
3. **Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 26 Renshaw Drive, Eltham is estimated around \$6,600 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

**Consultation/communication**

5. The sale of Council land 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.

12. Officers' reports

**OCM.055/18 Status Report on the proposed sale of 26 Renshaw Drive, Eltham**

6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 26 Renshaw Drive, Eltham, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Tuesday 20 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 26 Renshaw Drive, Eltham.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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.

12. Officers' reports

OCM.055/18 Status Report on the proposed sale of 26 Renshaw Drive, Eltham

	The potential sale of the land will be conditional upon Council removing the reserve status from the land.
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**Submissions received specifically for 26 Renshaw Drive, Eltham**

- 13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
- 14. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) Request for playground equipment to be installed on the land, and establishment of a Friends of Group for the reserve.
  - b) The land is a meeting place for local residents and a green place for children to play.
  - c) The land contains several significant trees and is habitat for associated native fauna.

**General submissions received in relation to the proposed land sales program**

- 15. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**Options for consideration by Council**

- 16. Having completed the necessary statutory processes relating to the sale of 26 Renshaw Drive, Eltham, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 26 Renshaw Drive, Eltham; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**12. Officers' reports**

**OCM.055/18 Status Report on the proposed sale of 26 Renshaw Drive, Eltham**

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**Conclusion**

17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 26 Renshaw Drive, Eltham and requests Council consider the options provided.

**12. Officers' report****OCM.056/18 Status Report on the proposed sale of 120 Arthur Street, Eltham**

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**Portfolio: Officers' reports****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Jon Miller, Manager Assets and Property****Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 120 Arthur Street, Eltham, is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989 (Act)* and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 221 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 221 submissions received, 218 (98.6%) were not supportive of the proposed sale, and 3 (1.4%) submissions were supportive of the proposed sale.

Council also received 322 submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

**12. Officers' reports**

**OCM.056/18 Status Report on the proposed sale of 120 Arthur Street, Eltham**

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At these meetings 13 submitters spoke on behalf of their submission on the proposed sale of 120 Arthur Street, Eltham and 31 submitters spoke on behalf of their general land sales submission.

The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 120 Arthur Street, Eltham and consider the options provided.

**Recommendation**

**That Council:**

1. **Note the status report prepared by officers.**
2. **Considers and decides on one of the options outlined by officers in this status report.**
3. **Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 120 Arthur Street, Eltham is estimated to be \$6,800 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

12. Officers' reports

**OCM.056/18 Status Report on the proposed sale of 120 Arthur Street, Eltham**

**Consultation/communication**

5. The sale of Council land 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.
6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 120 Arthur Street, Eltham, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Thursday 22 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 120 Arthur Street, Eltham.
12. Councillors were provided with a copy of all submissions received, prior to the special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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.



12. Officers' reports

OCM.056/18 Status Report on the proposed sale of 120 Arthur Street, Eltham

<p>General comments</p>	<p>Vacant parcel of land.</p> <p>Slopes towards Arthur Street and devoid of any improvements.</p> <p>Adjoins 17A Ruskin Court (Council owned land).</p> <p>Proposed to be sold with a Section 173 Agreement to protect significant trees.</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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**Submissions received specifically for 120 Arthur Street, Eltham**

13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
14. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) The land forms part of a network of open space in the Woodridge estate and provides access links through the estate.
  - b) There are significant trees (and associated fauna) on the land. Sale of the land would effectively result in their removal.
  - c) Residents have specifically moved to the location because of this parcel of land and sale of the land and future development will reduce the liveability of the neighbourhood.

**General submissions received in relation to the proposed land sales program**

15. Of the general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**12. Officers' reports**

**OCM.056/18 Status Report on the proposed sale of 120 Arthur Street, Eltham**

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**Options for consideration by Council**

16. Having completed the necessary statutory processes relating to the sale of 120 Arthur Street, Eltham, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
- a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 120 Arthur Street, Eltham; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 120 Arthur Street, Eltham and requests Council consider the options provided.

**12. Officers' report****OCM.057/18 Status Report on the proposed sale of 17a Ruskin Court, Eltham**

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**Portfolio: Officers' reports****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Jon Miller, Manager Assets and Property****Summary**

At the Ordinary Council Meeting, on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 17A Ruskin Court, Eltham is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 166 public submissions that specifically relate to the proposed sale of this parcel. Councillors received hard copies of each of the submissions made. Of the 166 submissions received, 164 (rounded to 99%) were not supportive of the proposed sale, and 2 (1%) submissions were supportive of the proposed sale.

Council also received 322 submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

At these meetings 10 submitters spoke on behalf of their submission on the proposed sale of 17a Ruskin Court, Eltham and 31 submitters spoke on behalf of their general land sales submission.

**12. Officers' reports**

**OCM.057/18 Status Report on the proposed sale of 17a Ruskin Court, Eltham**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 17A Ruskin Court, Eltham and consider the options provided.

**Recommendation**

**That Council**

1. **Note the status report prepared by officers.**
2. **Considers and decides on one of the options outlined by officers in this status report.**
3. **Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 17a Ruskin Court, Eltham is estimated around \$6,800 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

**Consultation/communication**

5. The sale of Council land 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.

**12. Officers' reports**

**OCM.057/18 Status Report on the proposed sale of 17a Ruskin Court, Eltham**

6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 17a Ruskin Court, Eltham, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Thursday 22 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 17a Ruskin Court, Eltham.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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).

12. Officers' reports

OCM.057/18 Status Report on the proposed sale of 17a Ruskin Court, Eltham

	<p>The land contains some significant trees.</p> <p>Proposed to be sold with a Section 173 Agreement to protect significant trees.</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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**Submissions received specifically for 17a Ruskin Court, Eltham**

13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members have met to discuss key themes that were raised in the written submissions and by speakers.
14. The Committee have identified the following parcel specific key themes as being most influential when considering these options for the future of the land:
  - a) The land forms part of a network of open space in the Woodridge estate and provides access links through the estate.
  - b) There are significant trees (and associated fauna) on the land. Sale of the land would effectively result in their removal.
  - c) Residents have specifically moved to the location because of this parcel of land and sale of the land and future development will reduce the liveability of the neighbourhood.

**General submissions received in relation to the proposed land sales program**

15. Of the general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**Options for consideration by Council**

16. Having completed the necessary statutory processes relating to the sale of 17a Ruskin Court, Eltham, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 17a Ruskin Court, Eltham; or

**12. Officers' reports**

**OCM.057/18 Status Report on the proposed sale of 17a Ruskin Court, Eltham**

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- b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

- 17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
- 18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 17a Ruskin Court, Eltham and requests Council consider the options provided.

**12. Officers' report****OCM.058/18 Status Report on the proposed sale of 1307 Main Road, Eltham**

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**Portfolio: Officers' reports****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Jon Miller, Manager Assets and Property****Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 1307 Main Road, Eltham is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- 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 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 with the sale being conditional upon removing the reserve status and rezoning of the land; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 186 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 186 submissions received, 182 (rounded to 98%) were not supportive of the proposed sale, and 4 (2%) submissions were supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

At these meetings 14 submitters spoke on behalf of their submission on the proposed sale of 1307 Main Road, Eltham and 31 submitters spoke on behalf of their general land sales submission.



**12. Officers' reports**

**OCM.058/18 Status Report on the proposed sale of 1307 Main Road, Eltham**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 1307 Main Road, Eltham and consider the options provided.

**Recommendation**

**That Council:**

1. **Note the status report prepared by officers.**
2. **Considers and decides on one of the options outlined by officers in this status report.**
3. **Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 1307 Main Road, Eltham is estimated to be \$7,000 for surveying, public advertising and legal costs. Rezoning of the land is expected to cost around \$100,000. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

**Consultation/communication**

5. The sale of Council land 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.

12. Officers' reports

**OCM.058/18 Status Report on the proposed sale of 1307 Main Road, Eltham**

6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 1307 Main Road, Eltham, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Tuesday 20 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 1307 Main Road, Eltham.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

Details	of	1307	Main	Road,	Eltham
13. 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.

12. Officers' reports

OCM.058/18 Status Report on the proposed sale of 1307 Main Road, Eltham

<p>General comments</p>	<p>The land is battle axed in shape, and has frontages onto Leanne drive and Main Road.</p> <p>It is steeply inclined from North to south, where a creek traverses from the eastern to western part of the lower slope.</p> <p>The land is devoid of improvements and has moderate level of vegetation.</p> <p>The potential sale of the land will be conditional on successfully removing the reserve status and re-zoning.</p>
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**Submissions received specifically for 1307 Main Road, Eltham**

14. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
15. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) The reserve provides a safe walking access trail for children to walk to school.
  - b) Habitat for local fauna.
  - c) Linked open space is becoming increasingly important.
  - d) Development on the land would add a large number of cars to an already busy area.

**General submissions received in relation to the proposed land sales program**

16. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**12. Officers' reports**

**OCM.058/18 Status Report on the proposed sale of 1307 Main Road, Eltham**

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**Options for consideration by Council**

17. Having completed the necessary statutory processes relating to the sale of 1307 Main Road, Eltham in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
- a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 1307 Main Road, Eltham; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

18. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
19. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 1307 Main Road, Eltham and requests Council consider the options provided.

**12. Officers' report****OCM.059/18 Status Report on the proposed sale of 8-9 Cosham Court, Greensborough**

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**Portfolio:** Officers' reports  
**Distribution:** Public  
**Manager:** Hjalmar Philipp, Director Sustainability and Place  
**Author:** Jon Miller, Manager Assets and Property

**Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at sell 8-9 Cosham Court, Greensborough, is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989 (Act)* and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 134 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 134 submissions received, all were not supportive of the proposed sale.

Council also received 322 submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

At these meetings 10 submitters spoke on behalf of their submission on the proposed sale of 8-9 Cosham Court, Greensborough and 31 submitters spoke on behalf of their general land sales submission.

**12. Officers' reports**

**OCM.059/18 Status Report on the proposed sale of 8-9 Cosham Court, Greensborough**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 8-9 Cosham Court, Greensborough and consider the options provided.

**Recommendation**

**That Council:**

- 1. Note the status report prepared by officers.**
- 2. Considers and decides on one of the options outlined by officers in this status report.**
- 3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 8-9 Cosham Court, Greensborough is estimated to be \$6,900 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act (1988)*.

**12. Officers' reports**

**OCM.059/18 Status Report on the proposed sale of 8-9 Cosham Court, Greensborough**

**Consultation/communication**

5. The sale of Council land 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.
6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 8-9 Cosham Court, Greensborough, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Monday 19 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 8-9 Cosham Court, Greensborough.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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.

12. Officers' reports

**OCM.059/18 Status Report on the proposed sale of 8-9 Cosham Court, Greensborough**

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.

**Submissions received specifically for 8-9 Cosham Court, Greensborough**

13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
14. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) This reserve has many significant remnant trees that cannot be effectively protected by a Section 173 Agreement.
  - b) Local residents paid a premium price to live next to a reserve.
  - c) The land provides community access to other parts of the neighbourhood.

**General submissions received in relation to the proposed land sales program**

15. Of the general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.



**12. Officers' reports**

**OCM.059/18 Status Report on the proposed sale of 8-9 Cosham Court, Greensborough**

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- c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the "Green Wedge".

**Options for consideration by Council**

- 16. Having completed the necessary statutory processes relating to the sale of 8-9 Cosham Court, Greensborough, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 8-9 Cosham Court, Greensborough; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

- 17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
- 18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 8-9 Cosham Court, Greensborough and requests Council consider the options provided.

12. Officers' report

**OCM.060/18 Status Report on the proposed sale of 14 Ripon Close, Diamond Creek**

**Portfolio:** Officers' reports

**Distribution:** Public

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

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

**Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 14 Ripon Close, Diamond Creek is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989 (Act)* and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 120 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 120 submissions received, 116 (rounded to 97%) were not supportive of the proposed sale, and 4 (3%) submission were supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

**12. Officers' reports**

**OCM.060/18 Status Report on the proposed sale of 14 Ripon Close, Diamond Creek**

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At these meetings 7 submitters spoke on behalf of their submission on the proposed sale of 14 Ripon Close, Diamond Creek and 31 submitters spoke on behalf of their general land sales submission.

The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 14 Ripon Close, Diamond Creek and consider the options provided.

**Recommendation**

**That Council:**

- 1. Note the status report prepared by officers.**
- 2. Considers and decides on one of the options outlined by officers in this status report.**
- 3. Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 14 Ripon Close, Diamond Creek is estimated around \$3,000 for surveying, public advertising and legal costs. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.

**Consultation/communication**

4. The sale of Council land 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.

**12. Officers' reports**

**OCM.060/18 Status Report on the proposed sale of 14 Ripon Close, Diamond Creek**

5. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
6. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 14 Ripon Close, Diamond Creek, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
7. The closing date for public submissions was Monday 12 March 2018.
8. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
9. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
10. Time was set aside at the Thursday 22 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 14 Ripon Close, Diamond Creek.
11. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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	The land slopes gently towards Eveleigh Drive and is clear of indigenous vegetation.

12. Officers' reports

**OCM.060/18 Status Report on the proposed sale of 14 Ripon Close, Diamond Creek**

	<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 for the construction of a kindergarten.</p>
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**Submissions received specifically for 14 Ripon Close, Diamond Creek**

12. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
13. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) This parcel of land is part of a larger green reserve area.
  - b) The high level of development in the immediate vicinity has already resulted in the loss of many trees and vegetation.
  - c) It is a significant flat piece of land for residents to use for passive recreation.

**General submissions received in relation to the proposed land sales program**

14. Of the general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**Options for consideration by Council**

15. Having completed the necessary statutory processes relating to the sale of 14 Ripon Close, Diamond Creek, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 14 Ripon Close, Diamond Creek; or

**12. Officers' reports**

**OCM.060/18 Status Report on the proposed sale of 14 Ripon Close, Diamond Creek**

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- b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

- 16. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
- 17. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 14 Ripon Close, Diamond Creek and requests Council consider the options provided.

**12. Officers' report****OCM.061/18 Status Report on the proposed sale of 62 Frank Street, Eltham**

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**Portfolio: Officers' reports****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Jon Miller, Manager Assets and Property****Summary**

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 62 Frank Street, Eltham, is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- 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 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 with the sale being conditional upon removing the reserve status and rezoning of the land; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 294 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 294 submissions received, 293 (99.7%) were not supportive of the proposed sale, and 1 (.3%) submission was supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) were supportive of the sale of land to fund infrastructure projects.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

At these meetings 31 submitters spoke on behalf of their submission on the proposed sale of 62 Frank Street, Eltham and 31 submitters spoke on behalf of their general land sales submission.

**12. Officers' reports**

**OCM.061/18 Status Report on the proposed sale of 62 Frank Street, Eltham**

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The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 62 Frank Street, Eltham and consider the options provided.

**Recommendation**

**That Council:**

1. **Note the status report prepared by officers.**
2. **Considers and decides on one of the options outlined by officers in this status report.**
3. **Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. The expected cost to sell 62 Frank Street, Eltham is estimated to be around \$7,000 for surveying, public advertising and legal costs. Rezoning of the land is expected to cost approximately \$100,000. Real estate agent commission fees and advertising costs would also be incurred at a later stage if the sale of land were to proceed.
4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

**Consultation/communication**

5. The sale of Council land 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.



12. Officers' reports

**OCM.061/18 Status Report on the proposed sale of 62 Frank Street, Eltham**

6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 62 Frank Street, Eltham, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
8. The closing date for public submissions was Monday 12 March 2018.
9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
11. Time was set aside at the Tuesday 20 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 62 Frank Street, Eltham.
12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

Details	of	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. 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.

12. Officers' reports

OCM.061/18 Status Report on the proposed sale of 62 Frank Street, Eltham

	<p>The potential sale of the land will be conditional on successfully removing the reserve status and re-zoning.</p> <p>May require drainage works to the Elouera Close frontage and creation of a drainage easement.</p>
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**Submissions received specifically for 62 Frank Street, Eltham**

- 13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
- 14. The Committee have identified the following parcel specific key themes as being most influential when considering options for the future of the land:
  - a) Sale of and subsequent development of the land will result in the loss of existing access through the reserve from Elouera Close.
  - b) The land is used by children after kinder play sessions; and forms an important social hub for local residents and parents of children attending Eltham Woods Pre-school.
  - c) Sale of the land will result in the loss of the flat section of the reserve, restricting activities that can be undertaken such as: dog walking, exploration, kicking the football, and relaxing.

**General submissions received in relation to the proposed land sales program**

- 15. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.
  - b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  - c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the “Green Wedge”.

**12. Officers' reports**

**OCM.061/18 Status Report on the proposed sale of 62 Frank Street, Eltham**

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**Options for consideration by Council**

16. Having completed the necessary statutory processes relating to the sale of 62 Frank Street, Eltham, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
- a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 62 Frank Street, Eltham; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 62 Frank Street, Eltham and requests Council consider the options provided.

## 12. Officers' report

### OCM.062/18 Status Report on the proposed sale of 303 Plenty River Drive, Greensborough

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**Portfolio:** Officers' reports

**Distribution:** Public

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

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

#### Summary

At the Ordinary Council Meeting, held on 30 January 2018, Councillors considered the details of 17 parcels of Council owned land that are being proposed for future sale, in order to fund construction of various new sporting pavilions, upgrades to a number of existing sporting pavilions and to acquire 19 hectares (approx) of private land to facilitate the extension to the Diamond Creek Trail, from Diamond Creek to Hurstbridge.

The land located at 303 Plenty River Drive, Greensborough is one of the 17 parcels of land that Councillors are proposing to sell. It is depicted in **Attachment 1**.

Councillors resolved to:

- Commence the necessary public notification process required under section 189 of the *Local Government Act 1989* (Act) and publicly advertise its intention to sell 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; and
- In accordance with section 223 of the Act, consider any submissions on the proposed sale at a Special Committee of Council meeting, prior to making any final decision on whether to proceed with the sale of the land.

In response to publicly advertising its intention to sell the 17 parcels of land, Council received 95 public submissions that relate to the proposed sale of this specific parcel. Councillors received hard copies of each of the submissions made. Of the 95 submissions received, 92 (rounded to 97%) were not supportive of the proposed sale, and 3 (3%) submissions were supportive of the proposed sale.

Council also received 322 general submissions that contain commentary and opinion on the land sales program as a whole, but not specifically linked to the proposed sale of any particular parcel. Of these submissions, 314 (97.5%) were opposed to any of the proposed sales, and 8 (2.5%) are supportive of the sale of land to fund infrastructure projects.

**12. Officers' reports**

**OCM.062/18 Status Report on the proposed sale of 303 Plenty River Drive, Greensborough**

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At these meetings no submitters spoke on behalf of their submission on the proposed sale of 303 Plenty River Drive, Greensborough and 31 submitters spoke on behalf of their general land sales submission.

Five Special Future Nillumbik Committee meetings were held for submitters who wished to speak on behalf of their submission. Meetings were allocated to hear submitters for specific properties, with the two last meetings providing additional opportunities for submissions of a general nature or any person who had not been able to attend previous meetings.

The purpose of this meeting (1 May 2018) is for Councillors to review the status report prepared by officers on the proposed sale of 303 Plenty River Drive, Greensborough and consider the options provided.

**Recommendation**

**That Council:**

1. **Note the status report prepared by officers.**
2. **Considers and decides on one of the options outlined by officers in this status report.**
3. **Thanks all submitters and advises them of Council's decision on the matter following this meeting.**

**Attachments**

1. Map of Land

**Background**

1. The Council Plan 2017 – 2021 includes:
  - Priority Action 5.6.2 which commits Council to implement a program of surplus asset sales to fund a range of major infrastructure projects; and
  - Priority Action item 2.1.10, being a commitment to secure funding to enable Council to deliver a number of major community infrastructure projects.
2. In implementing these priority actions, Councillors resolved at the 30 January 2018 Ordinary Council Meeting to advertise its intention to sell 17 parcels of Council owned land, and seek public submissions on the matter. The subject land is one of those parcels of land included in that resolution.

**Budget implications**

3. Costs associated with selling this parcel of land will be paid by the purchaser, in accordance with Council's policy on the sale of minor parcels of land.

**12. Officers' reports**

**OCM.062/18 Status Report on the proposed sale of 303 Plenty River Drive, Greensborough**

- 4. If sold, funds raised by the sale will be allocated to the Open Space Reserve, and utilised to fund projects that are consistent with the requirements of Section 20 of the *Subdivision Act* (1988).

**Consultation/communication**

- 5. The sale of Council land 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.
- 6. In accordance with section 223 of the Act, Council is further required to consider the contents of public submissions, prior to making a final decision on proceeding with the sale of land.
- 7. Following Council's resolution on 30 January 2018 to commence the formal processes required under the Act to publicly advertise its intention to sell the parcel of land known as 303 Plenty River Drive, Greensborough, a public notice advertising Council's intention was placed in the Diamond Valley Leader on Wednesday 31 January 2018.
- 8. The closing date for public submissions was Monday 12 March 2018.
- 9. Written notification of Council's intention to sell the land was sent to the owners of adjoining properties.
- 10. Five Special Future Nillumbik Committee meetings were held for those submitters who wished to speak on behalf of their submission. Public notices advertising these meeting dates were placed in the Diamond Valley Leader on 7 March 2018 and 21 March 2018. All submitters were also notified by post or email of the scheduled meeting dates.
- 11. Time was set aside at the Tuesday 20 March 2018 Special Future Nillumbik Committee meeting to specifically hear submitters speak to submissions relating to the proposed sale of 303 Plenty River Drive, Greensborough.
- 12. Councillors were provided with a copy of all submissions received, prior to the Special Future Nillumbik Committee meetings.

**Issues/options**

**Details of 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.

12. Officers' reports

**OCM.062/18 Status Report on the proposed sale of 303 Plenty River Drive, Greensborough**

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>

**Submissions received specifically for 303 Plenty River Drive, Greensborough**

13. Councillors received hard copies of each of the submissions made. Since completing the Special Meetings of the Future Nillumbik Committee to consider submissions on the proposed sale of this parcel of land, Committee members (Councillors) have met to discuss key themes that were raised in the written submissions and by speakers.
14. Council received 95 public submissions that relate to the proposed sale of this specific parcel. Of the 95 submissions received, 92 (rounded to 97%) were not supportive of the proposed sale, and 3 (3%) submissions were supportive of the proposed sale. Many of the submissions that were not supportive of the proposed sale were very general in nature.

**General submissions received in relation to the proposed land sales program**

15. Of the 322 general submissions received, the Committee have identified the following key themes as being most influential when considering their options for the future of the land:
  - a) That the proposed infrastructure projects should not be funded by selling open space – Council should seek alternative funding sources.

**12. Officers' reports**

**OCM.062/18 Status Report on the proposed sale of 303 Plenty River Drive, Greensborough**

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- b) That the land being proposed for sale is not underutilised, and is a valued community asset that was specifically set aside at the time of subdivision for open space through previous planning policies.
  
- c) The proposal to sell land is not consistent with many aspects of the Council Plan 2017-2021, particularly in relation to community engagement, building trust with the community and protecting the "Green Wedge".

**Options for consideration by Council**

- 16. Having completed the necessary statutory processes relating to the sale of 303 Plenty River Drive, Greensborough, in accordance with sections 189 and 223 of the *Local Government Act 1989* and having received a status report on the contents of public submissions received, Council may consider the following options:
  - a) Council requests officers prepare a report detailing the submissions and officers response to those submissions to allow full consideration and a final decision on the proposed sale of 303 Plenty River Drive, Greensborough; or
  - b) Council not proceed with the sale of the land and request that officers investigate and report back to Council on processes that could be implemented to protect the land from any sale.

**Conclusion**

- 17. In order to consider the future sale of the subject land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intention to sell the land and invite public submissions.
- 18. Due to the high number of public submissions received on the matter, officers have provided a status report on the proposed sale of 303 Plenty River Drive, Greensborough and requests Council consider the options provided.



12. Officers' reports

OCM.063/18 Assemblies of Councillors

**File:** 10/30/002  
**Distribution:** Public  
**Manager:** Mark Stoermer, Chief Executive Officer  
**Author:** Blaga Naumoski, Executive Manager Governance

**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 27 March 2018.

**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>Date of assembly</b>	<b>Pre-meet to discuss Ordinary Council Meeting - 27 March 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Informal discussion on items listed on the agenda</li> </ul>	
<b>Councillors present</b>	Cr Karen Egan Cr John Dumaresq Cr Jane Ashton	Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken
<b>Staff present</b>	Mark Stoermer Matt Kelleher Hjalmar Philipp Adrian Cully Blaga Naumoski Vince Lombardi Nicole Johnson Melanie Porqueddu Naomi Paton	Jeff Lawler Frances Duncan Rebecca Burton James Martin Matt Deayton Lance Clark Suzy Ellingsen (arrived at 5.25pm) Jeremy Livingston (arrived at 6.35pm)
<b>Conflict of interest</b>	None declared	

<b>Date of assembly</b>	<b>Officer Briefing of Councillors – 3 April 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>Nillumbik Mudbrick</li> <li>State Government Sports Infrastructure Fund</li> <li>Open Space Precinct Plan</li> </ul>	

12. Officers' reports

OCM.063/18 Assemblies of Councillors

<b>Councillors present</b>	Cr Karen Egan Cr John Dumaresq Cr Jane Ashton	Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken
<b>Staff present</b>	Mark Stoermer Matt Kelleher Hjalmar Philipp Adrian Cully Michelle	Blaga Naumoski Vince Lombardi Mitch Grayson Paige McDonald Melanie Holt
<b>Others</b>	Michael Young Barry Pearce Robin Bliem	Keryn Herriman Craig Byatt Jane Hanson – Keddie Partnerships
<b>Conflict of interest</b>	None declared	
<b>Comments</b>	Cr Dumaresq noted that he previously worked with Michael Young however there was no conflict disclosed on this matter.	

<b>Date of assembly</b>	<b>Project Reference Group for the Activity Centres Urban Design Review – 4 April 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>• Introductions</li> <li>• Members expectations</li> <li>• Procedural matters</li> <li>• Context for the review</li> <li>• Design elements for Eltham and Diamond Creek</li> </ul>	
<b>Councillors present</b>	Cr Peter Clarke	Cr Peter Perkins
<b>Staff present</b>	Naomi Paton Paul Fyffe	Anthony Calthorpe Fae Ballingall
<b>Conflict of interest</b>	None declared	

<b>Date of assembly</b>	<b>Officer Briefing of Councillors and pre-meet to Future Nillumbik Committee – 17 April 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>• Land sales</li> <li>• 2019/20 draft budget</li> <li>• Informal discussion on items listed on the agenda</li> </ul>	
<b>Councillors present</b>	Cr Peter Clarke Cr Karen Egan Cr John Dumaresq Cr Jane Ashton	Cr Grant Brooker Cr Peter Perkins Cr Bruce Ranken

12. Officers' reports

OCM.063/18 Assemblies of Councillors

<b>Staff present</b>	Mark Stoermer Hjalmar Philipp Matt Kelleher Adrian Cully Kylie Lethbridge Suzy Ellingsen (left at 6pm)	Blaga Naumoski Vince Lombardi Mitch Grayson James Martin Jon Miller Jeremy Livingston (left at 6.30pm)
<b>Conflict of interest</b>	None declared	

<b>Date of assembly</b>	<b>Municipal Public Health and Wellbeing Reference Group – 17 April 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>• Members and apologies</li> <li>• Welcome and acknowledgement of Country</li> <li>• Conflict of interest and Assembly of Councillors forms</li> <li>• Introductions and governance</li> <li>• Terms of Reference</li> <li>• Health and Wellbeing Action Plan and Outcomes Framework</li> <li>• Health and Wellbeing Plan – progress on actions: Gender equity and respectful relationships</li> <li>• Member updates</li> </ul>	
<b>Councillors present</b>	Cr Jane Ashton	
<b>Staff present</b>	Adrian Cully Izzy Abuleela Jodie Leahy	Yasmin Green Diana Bell
<b>Conflict of interest</b>	None declared	

<b>Date of assembly</b>	<b>Environment and Sustainability Advisory Committee – 18 April 2018</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>• Conflicts of interest</li> <li>• Green Wedge Management Plan Review Process</li> <li>• Energy and Climate Change</li> <li>• Biodiversity</li> <li>• Sustainable Water Management</li> </ul>	
<b>Councillors present</b>	Cr Grant Brooker	
<b>Staff present</b>	Joseph Emmanuel	Ian Culbard
<b>Conflict of interest</b>	None declared	
<b>Apologies</b>	Cr Jane Ashton	

12. Officers' reports  
OCM.063/18 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 27 March 2018.

12. Officers' reports

OCM.063/18 Assemblies of Councillors

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**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.064/18 LGBTI consultation and future initiatives

**File:** 0  
**Distribution:** Public  
**Manager:** Melanie Holt, Place Activation Coordinator  
**Author:** Angela Lampard, Community Inclusion Coordinator

**Summary**

The purpose of this report is for Council to consider preliminary feedback in response to Council’s motion carried on 19 December 2017 to better understand the needs of the lesbian, gay, bi, trans and intersex (LGBTI) community through community consultation activities.

The intention is to guide Council’s budget allocation, resourcing and support of initiatives that deliver on specific actions within the Council Plan 2017-2021 and the Nillumbik Health and Wellbeing Plan 2017-2021.

A grant program will be established and used as a means to further explore community partnerships (Attachment 1) with LGBTI organisations and Nillumbik’s broader LGBTI community. The grant program will enable the broader community to identify projects/events/programs that will respond to the needs and aspirations of the LGBTI community.

Members of Council’s internal LGBTI Working Group, together with Council’s Community Engagement Officer devised an initial series of questions to be used as a conversational tool with service providers (Attachment 2).

**Recommendation**

**That Council:**

1. **Authorises further consultation regarding the development and implementation of a pilot grant program from 2018 onward emphasising the need to work with, understand and respond to the LGBTI community in greater depth.**
2. **Ensure relevant plans, policies and services or events (new or existing) are responsive to the needs of the LGBTI community.**
3. **Encourages promotion of and partnerships with specialised healthcare and other targeted services that support LGBTI individuals.**

**Attachments**

1. LGBTI Partnership Opportunities
2. Conversational Tool

**12. Officers' reports**

**OCM.064/18 LGBTI consultation and future initiatives**

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**Background**

1. Council's Community Inclusion Advisory Committee is chaired by Community Services Portfolio Councillor, Jane Ashton and brings together individuals and organisations that represent LGBTI, disability, interfaith, rural disadvantaged and cultural and linguistic diverse backgrounds.
2. Aspirations expressed by members of this Committee have informed recommendations in this report, emphasising the need to support LGBTI individuals through grants, events and promotion of services. A meaningful relationship between Council and the LGBTI community is believed to be one where individuals can speak freely about their experiences in a space that is inclusive and open.
3. In September 2017, Council's internal LGBTI Inclusion Working Group was established. Staff members of this group are passionate and committed to building inclusive communities where diversity is celebrated and valued. The primary objective of this group is to 'ensure that the LGBTI community is included and engaged in initiatives that are supported by Council' (Action 1.5.7 of the Council Plan). The Group supports events that promote and encourage IDAHOBIT and LGBTI inclusion more broadly.

**Policy context**

4. This report directly supports the following Strategy and Priority Actions of Council Plan 2017-2021:
  - Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community.
  - Strengthen the focus on social inclusion, building social capital and connection within communities.
  - Ensure that the LGBTI community is included and engaged in initiatives that are supported by Council.
  - Develop the links, shared values and understandings across the Shire which enables individuals, groups and council to trust each other and work together productively.

**Budget implications**

5. A small grant program will be established (\$500 per grant, maximum program of \$5,000 per annum) to support local community groups and events that promote LGBTI inclusion, as an annual ongoing allocation.
6. The grant program will be funded from the existing Community Inclusion operating budget.

**Consultation/communication**

7. Feedback from service providers has been overwhelmingly positive and encouraging of Council. Commitment to explore partnerships has been expressed by eight organisations and will be further shaped through feedback with the LGBTI community for Council consideration.

**12. Officers' reports**

**OCM.064/18 LGBTI consultation and future initiatives**

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8. Between January - April 2018, Council reached out to twenty service providers, receiving ten responses to the discussion questions (Conversational Tool – Attachment 2). Organisations who did not respond to the discussion questions either did not have the capacity to respond (many LGBTI organisations are volunteer based) or offer national representation and resources only.

**Issues/options**

9. Planning for the health and wellbeing of the community is an important function of Council and contributes to the liveability of the Shire.
10. The Health and Wellbeing Plan expresses Council's role in creating environments for people to maximise their health and wellbeing. It complements the Council Plan and contributes to the vision of Australia's most liveable Shire.
11. There is no single or unified 'LGBTI community'. Each group of people within LGBTI has distinct health needs. Connecting within this diversity will take time, together with a multifaceted approach given people:
- May or may not be involved publicly with LGBTI organisations
  - May or may not know anyone else who is LGBTI
  - May or may not feel welcome or comfortable attending LGBTI events/services
  - May or may not live as and identify as heterosexual
12. Many groups, including government currently use the LGBTI acronym. Whilst LGBTI has been used with the intention of supporting as many populations and communities as possible, the limitations of LGBTI language also needs to be acknowledged. As long as we are mindful to work beyond identity labels, our multifaceted approach moving forward will ensure people feel heard and understood.
13. The soon to be released Rainbow Resource for Victorian Local Government brings together the experiences of Councils across the state in developing strategies, running events and communicating with and for the LGBTI community. A grant program like the one that will shortly be implemented in Nillumbik aligns with community led recommendations outlined within the Rainbow Resource.
14. To better understand the needs of rainbow families in Nillumbik, a representative from Rainbow Families Victoria presented to members of Council's Inclusion Advisory Committee on 26 April 2018.
15. Implementation of this work utilises existing Council resources. Specific work to support the LGBTI community will therefore require a coordinated effort with partners both internal and external to Council.
16. A temporary part time Inclusion Officer commences in mid-May 2018. This Officer will complement work undertaken with the LGBTI community by creating an inclusion framework to ensure all Council projects and or activities are responsive to the diverse needs of our community. The inclusion lens to create this framework will include interfaith, rural communities experiencing disadvantage, disability, cultural and linguistic diversity and LGBTI (aligning with Inclusion Advisory Committee representation) and will also align with place activation principles.



**12. Officers' reports**

**OCM.064/18 LGBTI consultation and future initiatives**

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17. Council supports the celebration of International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) held at Eltham and Diamond Valley Libraries. Multiple events are being held across May, including but not limited to Rainbow Storytime for families, Zine Workshops for teens, a Zine Launch and Panel Discussion featuring successful artists and their work promoting inclusivity.
18. To promote Council's internal LGBTI working group and the appointment of Council's Inclusion Officer, members will make themselves available to liaise informally with staff by inviting them to participate in a rainbow cake bake-off to celebrate IDAHOBIT on Thursday 17 May 2018.

**Conclusion**

19. This report is seeking Council endorsement of its recommendations and acknowledges that our understanding of LGBTI continues to change and mature alongside our partnerships with individuals, groups and service providers.

12. Officers' reports

**OCM.065/18 Nillumbik Community Fund Annual Grant Recommendations 2017-2018**

**File:** 0  
**Distribution:** Public  
**Manager:** Adrian Cully, Director Business and Strategy  
**Author:** Melanie Holt, Place Activation Coordinator

**Summary**

The purpose of this report is to seek Council approval for the 2017-2018 annual grant recommendations provided by the Nillumbik Community Fund (NCF) Assessment Panels, which met on 26 March 2018. The recommendations are included as Attachment 1.

Applications received:

- 5 for Community Projects stream
- 6 for Arts and Culture stream

The Assessment Panel recommends a total of four applications for full funding as requested across both streams, totalling \$14,509.

The Assessment Panel recommends redirecting \$5,491 in unallocated funds to the Quick Response Grant fund.

All unsuccessful applicants will be contacted to thank them for their application and to provide suggestions to help them develop their projects and seek alternative funding. In some cases, applicants will be eligible to apply for a Quick Response Grant.

**Recommendation**

**That Council:**

1. **Endorses the 2017-2018 annual grant applications as outlined in Attachment 1.**
2. **Endorses the redirection of remaining funds being \$4,491 from the Arts and Culture, and \$1,000 from the Community Projects categories to the Quick Response Grants for 2017-2018.**

**Attachments**

1. NCF - Assessment Panel Recommendations
2. NCF - Terms of Reference
3. NCF - Guidelines and Application Instructions

12. Officers' reports

**OCM.065/18 Nillumbik Community Fund Annual Grant Recommendations 2017-2018**

**Background**

1. Each year, through the NCF, Council invests over \$50,000 in grants towards community run projects which enhance and strengthen Nillumbik’s communities such as Quick Response Grants, the Robert Bridgeford Trust, Youth Support Grants, Sport and Cultural Grants. This includes \$20,000 for the annual grant round which has two streams: \$10,000 for Arts and Culture, and \$10,000 for Community Projects.
2. The NCF Assessment Panels are convened annually to assess the applications for annual grants and make recommendations to Council. The Panels are governed by a Terms of Reference, which is included as Attachment 2.

**Policy context**

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure that community services, programs and facilities are inclusive and respond to current and emerging needs.

**Budget implications**

4. The NCF is fully funded through Council’s annual budget.
5. It is recommended that any unallocated funds be redirected to the Quick Response Grant program for distribution during 2017-2018.

**Consultation/communication**

6. The NCF annual grants round was advertised in Nillumbik News, on Council’s website and intranet, and through community networks via Council community development contacts, community groups, Living & Learning Nillumbik, healthAbility, arts and culture networks.
7. Free drop-in sessions were held during March in Hurstbridge and at the Civic Centre, offering grant writing advice and the opportunity to discuss project ideas.

**Issues/options**

8. The purpose of this report is to present the 2017-2018 annual grant recommendations provided by the NCF Assessment Panels, as outlined in the table below:

**Arts & Culture Category**

<b>Applicant</b>	The Boite Vic Inc	Ceramics Collective auspiced by St. Andrew’s Men’s Shed
<b>Project Title</b>	Eltham World Harmonies	Connections – the Ceramics Collective
<b>Description</b>	A season of World Music concerts to be held in St. Margaret’s iconic mud brick hexagonal hall in Eltham.	A collaborative pilot with a local café to promote, educate and reduce paper coffee cup waste.
<b>Requested \$</b>	\$5,000	\$509
<b>Total Project \$</b>	\$18,550	\$5,584
<b>Recommended \$</b>	\$5,000	\$509

12. Officers' reports

OCM.065/18 Nillumbik Community Fund Annual Grant Recommendations 2017-2018

**Community Projects Category**

<b>Applicant</b>	Greenhills Neighbourhood House Inc	Araluen Centre
<b>Project Title</b>	The Greenroom Wellbeing Space	Araluen Café Skills
<b>Description</b>	Transformation of an unused space into a supportive and welcoming community space for community members to connect and belong, especially focusing on wellbeing of carers.	Purchase of café point of sale equipment to support café training for people with disability and provide them with transferrable hospitality skills to increase participation in the community, challenge assumptions about people with disability and to support future employment opportunities.
<b>Requested \$</b>	\$5,000	\$4,000
<b>Total Project \$</b>	\$11,500	\$6,500
<b>Recommended \$</b>	\$5,000	\$4,000

A more detailed explanation on each project is included as Attachment 1.

9. All NCF annual grant applications were assessed against the assessment criteria detailed in the NCF Guidelines and Application Instructions, included as Attachment 3.
10. The Art and Culture Assessment Panel assessed six applications and the Community Projects Assessment Panel assessed five applications. Four applications are being recommended for full funding as requested.
11. Applications recommended for funding demonstrated:
  - a. well-developed concepts which aligned with strategic objectives of the Council Plan
  - b. evidence of community support/need
  - c. likelihood of a lasting impact beyond life of the project
  - d. potential for new community connections
  - e. achievable timeline
  - f. complete budget including organisations cash and in-kind commitment
  - g. unique and new projects which are not replicated too closely elsewhere
12. Key reasons for not recommending projects include:
  - a. weak or limited alignment with grant guidelines
  - b. support documents not provided as requested, including letters of support, insurance and incorporation documents
  - c. budget not provided or provided but incomplete
  - d. project better fits within Quick Response Grant program

**12. Officers' reports**

**OCM.065/18 Nillumbik Community Fund Annual Grant Recommendations 2017-2018**

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13. If Council endorses the applicants recommended for funding as outlined in Attachment 1, it is also recommended that the remaining \$5,491 be redirected to the Quick Response Grant program.

**Conclusion**

14. It is recommended that Council endorses the applications recommended for funding as outlined in Attachment 1.
15. It is recommended that the unallocated annual grant funds in both the Arts and Culture and the Community Projects categories be redirected to the Nillumbik Community Fund Quick Response Grants 2017-2018.

**12. Officers' report**

**OCM.066/18 Eltham Trader / Business Parking Permit Review**

**Portfolio:** Officers' reports

**Distribution:** Public

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

**Author:** Jonathan Risby, Coordinator Transport and Development

**Summary**

Council has received significant feedback regarding the limited ability for permit holder to obtain a parking space within the permit zones in Circulatory Road and the Dudley Street carparks.

A higher fee for parking permits in Circulatory Road was originally proposed at a Special Meeting of Council on 23 December 2008, however Council revoked the permit fee and set the parking permit fee at \$10 for one year. These fees have progressively increased over the past nine years to the current fee for a business / trader parking permit in Eltham of \$21 for one year.

There are 149 businesses in the special rate area (town centre) of Eltham and 141 permit parking spaces in Circulatory Road and the Dudley Street carpark. There are currently 543 trader permits issued for these spaces.

There are no obvious areas to accommodate additional permit spaces. Eltham Central Oval, Panther Place or Library Place have been suggested but these areas are close to capacity with free commuter parking. Although the creation of additional trader parking is not recommended, some additional spaces could be created in Panther Place and /or Library Place which is likely to shift commuter parking to around Eltham Central Oval.

It is recommended that the annual permit fee be set at \$250 per year to reduce the demand for parking permits, to cover maintenance costs and to encourage the use of other forms of transport.

Consultation with permit holders and the Eltham Chamber of Commerce is recommended prior to a final decision being made.

Subject to consultation, the new permit system should commence on 1 July 2018. All existing permits should be recognised until the new system is implemented.

**Recommendation**

**That the Committee:**

- 1. Endorses the changes to the Eltham Business Parking Permit Scheme as detailed in this report, for the purpose of commencing consultation.**
- 2. Seek feedback regarding the proposed operational changes to the parking permit scheme with permit holders and the Eltham Chamber of Commerce.**
- 3. Receive a report for the formal approval of the scheme responding to any feedback.**

**12. Officers' reports**

**OCM.066/18 Eltham Trader / Business Parking Permit Review**

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**Attachments**

Nil

**Background**

1. In the 1990s the former Shire of Eltham undertook a program of progressively purchasing land to the east of the Eltham town centre, between Dudley and Pryor Streets with a view to creating an alternative means for vehicles to flow through the centre of Eltham in a north-south direction, and to create longer term parking facilities on the fringes of the town centre.
2. Subsequently, the construction of Circulatory Road, the provision of long-term car parking and the redevelopment of adjacent land for housing and offices was specifically recommended in the Eltham Major Activity Centre Structure Plan 2004.
3. The implementation of the Eltham Circulatory Road project was a key priority under the Structure Plan. The project involved three key objectives being; enhanced traffic circulation through and around the Eltham Central Business District, fully constructed long-term parking and creating opportunities for commercial and residential development on six (6) lots of land adjacent to the Circulatory Road.
4. It was originally proposed that Council could raise \$66,000 per year in parking permit fees to partially offset the construction costs incurred by all ratepayers of the Shire to provide parking for traders and their employees. At the time, these fees were to offset the approximate value of the work to construct the Circulatory Road and associated car parking and to also offset part of the underlying value of the land.
5. In August 2007, Council resolved to levy a charge for long-term parking within the parking area along the Circulatory Road, at a maximum \$2 per day, weekdays, 8am - 5pm.
6. At its Ordinary Meeting on 29 July 2008, Council resolved that the fees for car parking permits for the Circulatory Road would be as follows:
  - 1 month permit - \$37
  - 3 month permit - \$110
  - 6 month permit - \$210
  - 12 month permit - \$400
7. At a Special Meeting of Council on 23 December 2008, Council subsequently resolved to revoke the permit fees adopted in July 2008 and set the parking permit fee at \$10 for one year and \$5 for six months. These fees have progressively increased over the past nine years to \$21 for one year.
8. A temporary parking exemption was implemented in mid-2017 allowing vehicles displaying a trader's permit to parking in any time based zone in Eltham. This exemption was revoked on at midnight on 10 December 2017 as the temporary arrangement was affecting the ability for customers to park in the shopping area and also meant that parking surveys as part of a parking review could not be undertaken because the results would be skewed.

**12. Officers' reports**

**OCM.066/18 Eltham Trader / Business Parking Permit Review**

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9. On 4 December 2017, a decision was made to recognise existing permits until the new scheme had commenced. No permit fees have been collected since this date.
10. There is currently no cap on the number of permits that can be issued. Council has received significant feedback from permit holders and the Eltham Chamber of Commerce and Industry regarding the limited ability for permit holders to obtain a parking space within the permit zones in Circulatory Road and the Dudley Street carpark. This has led to Council officers reviewing the current arrangements.

**Policy context**

11. 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**

12. The cost for Council to administer the Business / Trader Parking Permit Scheme in Eltham is estimated to be approximately \$10,500 in administration costs. Council receives about \$11,000 in income from the permits; therefore the cost of administering the current scheme covers administration costs only.
13. The maintenance cost per bay to Council is estimated to be \$120 per year. Therefore, the cost to maintain the 141 bays is about \$17,000. This is not recovered by the current permit system.
14. The proposed increase in the permit fee and reduction in the number of permits means the income generated per year would be \$35,000 if all permits were issued. This amount would cover administration and maintenance costs.

**Consultation/communication**

15. A letter was sent to all permit holders on 4 December 2017 advising them of interim changes to the permit scheme.
16. It is proposed to seek feedback regarding the proposed operational changes to the parking permit scheme with permit holders and the Eltham Chamber of Commerce and Industry.

**Issues/options**

17. There are 149 businesses in the special rate area (town centre) of Eltham and currently 141 permit parking spaces in Circulatory Road and the Dudley Street carpark. About 78 businesses (52 per cent) have no parking on their own site.
18. There were 543 trader permits issued, as at 20 October 2017, with the following table detailing the number issued to an individual business.



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Permits per business	Number of businesses	Total
1	17	17
2	20	40
3	12	36
4	12	48
5	20	100
6	4	24
7	3	21
8	6	48
9	3	27
10	1	10
11	-	-
12	-	-
13	2	26
14	1	14
15	2	30
16	2	32
17	-	-
30	1	30
40	1	40
	<b>107</b>	<b>543</b>

19. The Council lease with the owners of the Woolworths site (19 Arthur Street) requires Council to grant no less than 40 parking permits to Woolworths for use on their own property. This carpark has a total of 287 spaces. In addition to any permits issued on their own site, 15 parking permits have also been issued for use in Circulatory Road and Dudley Street.
20. Other large carparks in the area are 6-20 Luck Street (Aldi) with 188 spaces, currently 36 permits have been issued for Circulatory Road for this site and 806 Main Road (Coles/ Eltham Village) with 220 spaces which currently have 50 permits issued for Circulatory Road. To be equitable, it is reasonable that these two sites accommodate their long term parking requirements themselves. Council could administer the permits for these sites.
21. There are no obvious areas to accommodate additional permit spaces. Eltham Central Oval, Panther Place or Library Place have been suggested but these areas are close to capacity with commuter parking. The provision of parking should continue to be provided in line with the Council approved 'Use of Kerb Space' hierarchy below:

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User Category	Relative Priorities	Prioritisation of Kerb Space	
		Activity Centre	Park and Ride
Safety Zone	Safety is the highest priority in all situations.	1	1
Public Transport Zone	Public Transport is the second highest priority in all situations for efficiency, environmental and social equity reasons.	2	2
Disabled Permit Zone	People with disabilities are the third highest priority across all situations for social equity reasons.	3	3
Residents (including visitors)	Residents are the next highest priority in residential areas. In Major Activity Centres residents should not expect priority access to on-street parking in commercial areas.	9	7
Loading Zone	Loading zones have a medium priority in all Activity Centre areas to support local economic activity.	4	8
Customers	Customers have medium priority in Major Activity Centres and residential areas.	5	6
Commuters	Commuters have low priority in Activity Centres and are a high Priority in Park and Ride designated facilities.	6	4
Local Employees	Local employees are encouraged to use alternative modes or use the least convenient car parking – leaving more convenient spaces for customers.	7	5
Commercial	Using the kerb side for commercial activity is a low priority except in specific circumstances where Council has slowed traffic speeds and is encouraging pedestrian activity.	8	9

Use of Kerb Space – Nillumbik Sustainable Transport Study and Strategy, November 2010

**12. Officers' reports**

**OCM.066/18 Eltham Trader / Business Parking Permit Review**

22. The creation of additional trader parking is not recommended, on the basis that it will take away spaces currently being occupied by another user groups of a higher priority in the user hierarchy. Nevertheless, there is the potential for some additional permit spaces to be created along Main Road, Panther Place and /or Library Place.
23. It is common policy to directly charge the specific beneficiaries when the benefit of a project is confined to a particular group. This would include the cost of establishing and funding the project and its administration. It was originally estimated that a fee of \$500 per permit per year would refund the costs of the construction of Circulatory Road over a 19 year period.
24. The cost to administer the parking permit scheme is about \$20 per permit and the maintenance cost per bay is approximately \$120 per year. Therefore as a minimum the fee for Council to recover costs is \$140 or \$0.56 per day. The cost to maintain the 141 bays is approximately \$17,000 which is not recovered by the current permit system.
25. The charge should provide a greater incentive for people working in the centre to consider non-car transport, such as bicycle, train or bus. A long term 'Zone 2' public transport ticket currently costs \$3.36 per day being about \$840 per year.
26. A higher fee is likely to decrease the demand for a permit, therefore realigning the ratio of permits to spaces, which is currently about 4:1. It would also ultimately provide better value to a permit holder because they will be able to find a permit parking space to park in.
27. To help inform a recommendation, a review of the permit schemes within the twenty-seven (27) metropolitan councils has been undertaken. Thirteen (13) councils had information publicly available on the trader/business parking permit systems.
28. The annual fee for one permit across other councils with schemes range from \$10 to \$3780. The average of the interface councils is \$78.90 (range \$10-\$140.40). None of the parking schemes guarantees a parking space. The cheapest permit system that guarantees a space appears to be for Blackburn Station Village at \$290 per space annually.

**Conclusion**

29. It is recommended that the fee be set to reduce the demand for parking permits, to cover maintenance cost and to encourage the use of other forms of transport. This is in line with priority action 3.10.8 of the Council Plan.
30. As a minimum the fee should not be less than \$140 to cover Council's costs, plus an additional amount to reduce demand. As such the initial fee should be set at \$1 per day being \$250 per year which would be the lowest fee for a guaranteed parking space in metropolitan Melbourne. This fee should be adjusted up or down after 12 months based on the take up of permits.
31. The number of permits per business should be limited to a maximum of 2 per business with priority given to properties with no on-site parking. A total of 141 permits would be issued.

**12. Officers' reports**

**OCM.066/18 Eltham Trader / Business Parking Permit Review**

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32. Businesses at 19 Arthur Street (Woolworths), 6-20 Luck Street (Aldi) and 806 Main Road (Coles / Eltham Village) should not be eligible for permits with permit schemes established at 6-20 Luck Street and 806 Main Road similar to the one already in operation at 19 Arthur Street.
33. Consultation regarding the proposed changes to the parking permit scheme with permit holders and the Eltham Chamber of Commerce should be undertaken and a report prepared for a future Council meeting detailing any feedback.
34. Subject to consultation, the new permit system should commence on 1 June 2018.
35. All existing permits will continue to be recognised until the new system is implemented, no matter when they expire.

12. Officers' reports

**OCM.067/18 Camelot Close Special Charge Scheme, Research - Intention to declare**

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**File:** 1  
**Distribution:** Public  
**Manager:** Hjalmar Philipp, Director Sustainability and Place  
**Author:** Matthew Theuma, Engineer

**Summary**

On 20 January 2016, Council received a petition signed by property owners in Camelot Close, Research requesting that Council investigate road sealing.

After conducting a survey and determining that more than 60 per cent of property owners support road sealing, Council resolved on 26 July 2016 to proceed with the consultation process for the Camelot Close, Research, Special Charge Scheme. (Item OCM.121/16). This has now been completed.

At the Ordinary Meeting of Council on 28 November 2018, Council deferred its decision on giving notice of its intention to declare a Special Charge Scheme until April 2018. This was due to a review of Council's Special Charge Scheme Policy which may have been relevant to Camelot Close.

The review of Council's Special Charge Scheme Policy is still in progress and it is too early to determine if the findings of the review will have any relevance to the proposed Special Charge Scheme. On this basis it is recommended Council further defers its intention to declare a Special Charge Scheme, until the completion of the policy review.

**Recommendation**

**That Council further defers its decision on giving notice of its intention to declare a Special Charge Scheme in accordance with Part 8 of the *Local Government Act 1989*, for the construction of Camelot Close, Research until the completion of the Special Charge Scheme Policy review.**

**Attachments**

Nil

**12. Officers' reports****OCM.068/18 2018 Annual Community Survey**

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**File:** 25/65/007**Distribution:** Public**Manager:** Mark Stoermer, Chief Executive Officer**Author:** Jeremy Livingston, Executive Manager Organisational Performance**Summary**

This report outlines the results of the 2018 Annual Community Survey, which was conducted on Council's behalf by Metropolis Research in January 2018. The survey results attached to this report will be made available to the public on Council's website and reported in the 2017-2018 Annual Report.

This seventh annual survey is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community. The survey also assists Council in meeting State Government performance reporting requirements by measuring community satisfaction in a number of areas covered by this survey.

Among its findings, community satisfaction with Council's overall performance is rated at 6.46 out of 10, a substantial increase of five per cent compared to the 6.15 result in 2017. This overall performance rating compares very similarly to satisfaction levels of other councils, with northern region councils and metropolitan Melbourne councils rating an average of 6.47 and 6.53 respectively. This level of performance is categorised by Metropolis Research as 'solid'.

With the level of data and information provided in this survey, Council officers will be able to analyse the results as they apply to individual service areas, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future service planning and making budgetary decisions.

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

- 1. Receives and notes the results of the 2018 Annual Community Survey.**
- 2. Makes the report's findings available to the public on Council's website.**

**Attachments**

1. 2018 Annual Community Survey Report

**12. Officers' reports**

**OCM.068/18 2018 Annual Community Survey**

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**Background**

1. In November 2017, Council commissioned Metropolis Research to undertake the seventh Annual Community Survey. Using the same methodology applied in previous surveys, the survey involved face-to-face interviews with 501 randomly selected residents from across five precincts of the Shire including Greensborough, Diamond Creek, Eltham, Eltham North and rural townships.
2. The survey is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on a range of issues which are of importance to the community. The survey also assists Council in meeting State Government performance reporting requirements by measuring community satisfaction in the majority of areas covered by this survey.

**Policy context**

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Maintain good governance and effective leadership.

**Budget implications**

4. The cost of undertaking the 2018 Annual Community Survey was met within existing operational budgets.

**Consultation/communication**

5. The Annual Community Survey involved face-to-face interviews with 501 randomly selected residents from across five precincts in the Shire including Greensborough, Diamond Creek, Eltham, Eltham North and the rural townships.

**Overview of the survey results**

6. The Annual Community Survey has been designed to provide Council with a wide range of information covering community satisfaction, sentiment and involvement. The survey is also a strong measure of Council's performance across all of its core service areas, facilities and activities.
7. The 2018 survey comprised the following:
  - Satisfaction with Council's overall performance
  - Satisfaction with key aspects of governance and leadership
  - Community issues, behaviours and attitudes on particular issues including traffic and parking, perception of public safety, waste services, support for an ageing population and social inclusion
  - A new section around tourism within the Shire, to assist with future benchmarking
  - Satisfaction with planning and housing development
  - Satisfaction with Council's communications tools and preferred methods of receiving information from Council
  - Customer service
  - Importance and satisfaction ratings of a range of Council services and facilities

12. Officers' reports

OCM.068/18 2018 Annual Community Survey

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- Demographic profile of respondents.
8. The key findings of the survey are outlined as follows.
9. Overall Council performance
- Satisfaction with Council's overall performance increased 5 per cent in this survey compared to the 2017 survey, from 6.15 to 6.46 out of 10. This score is categorised as 'solid', and is very similar to both the corresponding metropolitan Melbourne (6.53) and the six northern region councils (6.47) averages.
  - Respondents from Eltham (a 6.68 out of 10 rating) are somewhat more satisfied with Council's overall performance than the municipal average.
  - Respondents in the Rural precinct (a 6.30 rating) are less satisfied than the municipal average, although satisfaction in the Rural area increased substantially in this survey (a 5.4 rating was recorded in 2017).
  - Respondents more satisfied with Council's performance than average tend to be younger respondents, rental households and newer residents of Nillumbik. Conversely, respondents less satisfied with Council's performance than average tend to be middle-aged and older adults, home-owners and long term residents of Nillumbik.
  - 12.5 per cent of respondents consider that Council's overall performance has improved in the last 12 months, up on the 6.0 per cent recorded in the 2017 survey. This is the best result ever recorded. Meanwhile, 8.1 per cent of respondents consider that Council's performance has deteriorated (down on the 11 per cent recorded in the 2017 survey).
10. Governance and leadership
- Consistent with the increased satisfaction with Council's overall performance, satisfaction with the six aspects of governance and leadership – meeting responsibilities towards the environment; consultation and engagement; making decisions in the interests of community; representation, lobbying and advocacy; responsiveness to community needs; and maintaining trust and confidence – rated at 6.4 out of 10, an increase of 6.7 per cent on the 2017 average of 6.0. This is categorised as 'good', up on the 2017 result of 'solid'.
  - Satisfaction with making decisions in the interest of the community; representation, lobbying and advocacy on behalf of the community; and meeting responsibilities towards the environment, have all recorded higher results than the metropolitan Melbourne average.
  - Metropolis Research note that the increase in satisfaction with governance and leadership is greater than the increase in overall satisfaction, and this reflects a return to more normal levels of satisfaction. This reverses the significant decline recorded in the 2017 survey, which appears to have been largely the result of the issues surrounding the unpopular C101 and C81 planning scheme amendments.



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11. Important issues for Nillumbik Council to address

- The top five issues as identified by respondents for Council to address are:
  - Traffic management (33.7 per cent)
  - Roads maintenance and repairs (19 per cent)
  - Building, housing, planning and development (15.4 per cent)
  - Bushfire management / prevention (14.4 per cent)
  - Rubbish and waste including garbage (13.9 per cent).
- Council rates is identified as the sixth most important issue at 10.2 per cent, however this result is down from the 2017 survey result of 16.7 per cent.
- The proportion of respondents identifying traffic management as an important issue (33.7 per cent) is significantly higher than the metropolitan Melbourne average of 20.6 per cent. This is consistent with the poor satisfaction with the volume of traffic on main roads (4.63 out of 10), a result which is significantly lower than the metropolitan Melbourne average of 5.73. This reinforces the fact that traffic management issues, most prominently those related to traffic congestion and commuting times along main arterial roads, are of significant concern to the Nillumbik community.

12. Traffic and parking

- Satisfaction with the volume and speed of traffic and the availability of parking on local and main roads can be summarised as follows:
  - Volume of traffic on main roads (4.63 out of 10, up from 4.53 in 2017 survey)
  - Speed of traffic on main roads (5.91, down from 6.05 in 2017 survey)
  - Availability of parking on main roads (6.08, up from 6.05)
  - Speed of traffic on residential streets (6.28, up from 6.09)
  - Volume of traffic on residential streets (6.35, up from 5.76)
  - Availability of parking on residential streets (6.86, up from 6.80).
- Respondents dissatisfied with the speed of traffic were asked whether the speed was too fast or too slow. A total of 83 per cent of respondents consider the speed to be too fast on residential streets, and 62.2 per cent consider the speed to be too slow on main roads.

13. Safety in public areas

- The perception of safety in the public areas of Nillumbik during the day is rated at 9.0 out of 10 (consistent with the 2017 survey result of 8.98). This result is significantly higher than the metropolitan Melbourne and northern region municipality averages of 8.27 and 8.01 respectively.
- The perception of safety in the public areas of Nillumbik at night increased marginally from 7.48 to 7.69 in this survey, and is also significantly higher than the metropolitan Melbourne and northern region averages of 7.35 and 6.95 respectively.

12. Officers' reports

OCM.068/18 2018 Annual Community Survey

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14. Planning and housing development

- Satisfaction with the planning approvals process of those involved in the process (equating to only 8 per cent of respondents) remains low, although this is not unique to Nillumbik, as satisfaction is low across metropolitan Melbourne.
- Satisfaction with planning outcomes such as quality and appearance of newly constructed developments remains 'good', and this result remains higher than the metropolitan Melbourne average.

15. Customer service and methods of communication

- Satisfaction with Council's overall performance in customer service increased significantly in the 2018 survey, now categorised as 'excellent'. In particular, respondents rated choice of methods to access services (7.81 out of 10), courtesy and friendliness of staff (7.79), and access to relevant officer (7.35) very highly.
- A little less than half of respondents (45.9 per cent) contacted Council within the last year. The main forms of contact were by telephone (63.1 per cent), visits in person (16.9 per cent) and internet based methods (16.0 per cent). Of the internet based methods, 10.7 per cent were email, and 5.3 per cent were website / social media.
- A little more than half (51.4 per cent) of respondents regularly receive and read *Nillumbik News*, while 34.3 per cent of respondents regularly receive but do not regularly read the publication. A total of 14.3 per cent of respondents do not regularly receive the publication.
- The four most common methods by which respondents prefer to receive information or interact with Council remain direct mail / letterbox drop of information (59.3 per cent), email (39.5 per cent), the *Nillumbik News* (36 per cent) and Council's website (33.3 per cent). Approximately one-sixth of respondents (17.6 per cent) prefer social media, a result that appears to have stabilised across recent surveys.

16. Importance of Council's services and facilities

- The survey requested respondents to rate the importance of 30 selected services and facilities. The average importance of the thirty services and facilities was 8.41 out of 10. This result is marginally lower than the metropolitan Melbourne average of 8.70.
- Fortnightly recycling collection and fortnightly garbage collection (9.34 and 9.31 respectively); weekly green waste collection (9.14), fire prevention works (9.07), services for seniors (8.84), provision and maintenance of parks and gardens (8.78), services for children aged 0 to 5 (8.77), litter collection (8.72) and maintenance and repairs of local sealed roads (8.7) all rate 'higher than average importance'.

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- Services for youth, drains maintenance and repairs, local library, public toilets, hard rubbish collection, local traffic management, street lighting, on and off road bike paths, recreational facilities, education and learning, footpath maintenance and repairs, environmental programs and facilities, provision and maintenance of street trees and maintenance and cleaning of shopping strips all rate 'average importance'.
- Art and culture events, programs and activities (7.99 out of 10), animal management (7.92), Council's website (7.64), street sweeping (7.53), the *Nillumbik News* publication (6.69) and parking enforcement (6.59) rate 'lower than average importance'.
- The importance of two services and facilities increased notably in this survey; the local library (up 3.4 per cent) and local traffic management (up 2.6 per cent, however this service did record a significantly lower score in 2017 than in any of the previous years).
- The importance of four services and facilities decreased notably in this survey; hard rubbish collection (declined 2.1 per cent, and has declined 5.9 per cent since 2014), the maintenance and cleaning of shopping strips (declined 4.6 per cent compared to the 2017 survey), the *Nillumbik News* (declined 2.1 per cent this year, and 10.4 per cent since 2015) and parking enforcement (declined 2.9 per cent this year, and 13.6 per cent since 2014).

17. Satisfaction with Council's services and facilities

- The average satisfaction with the same thirty Council services and facilities increased by 1.8 per cent in this survey to a rating 7.31. This is categorised as 'very good' and is an improvement on the 2017 result of 'good'. This result is almost identical to the metropolitan Melbourne average of 7.37.
- Residents are most satisfied with their local library (8.74 out of 10), environmental programs and facilities (8.36), sports ovals (8.17), weekly green waste collection (8.13), services for children (8.02) fortnightly recycling collection (8.0) and arts and culture events, programs and activities (7.99), education and learning (7.83) and hard rubbish collection (7.76) All of these services have been rated by respondents as 'excellent'.
- Services and facilities rated 'very good' are on and off-road bike paths, aquatic and leisure centres, fortnightly garbage collection, services for seniors, provision and maintenance of parks and gardens, street lighting and maintenance and cleaning of shopping strips.
- Services and facilities rated 'good' are Council's website, services for youth, animal management and fire prevention works, litter collection in public areas, public toilets, the *Nillumbik News*, the provision and maintenance of street trees and street sweeping.
- Respondents rated footpath maintenance and repairs, the maintenance and repairs of local sealed roads (both 6.44) and drains maintenance and repairs (6.41) as 'solid', whilst parking enforcement (5.99) and local traffic management (5.98) are rated 'poor'.

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**OCM.068/18 2018 Annual Community Survey**

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18. When compared to metropolitan Melbourne averages, residents in Nillumbik rated the following higher than average satisfaction: public toilets (7.5 per cent higher than the metropolitan average); on and of-road bike paths (6.8 per cent higher); the provision and maintenance of street lighting (5 per cent higher), services for children aged from birth to five years of age (4.3 per cent higher) and sports ovals (4 per cent higher).
19. Services and facilities with a lower than average satisfaction in Nillumbik compared to metropolitan Melbourne are the fortnightly garbage collection (12.9 per cent lower), drains maintenance and repairs (10.9 per cent lower), parking enforcement (9.4 per cent lower), street sweeping (9.4 per cent lower), local traffic management (9.3 per cent lower), maintenance and repair of sealed local roads (6.7 per cent lower), fortnightly recycling service (6.4 per cent lower) and the provision and maintenance of parks and gardens (4.3 per cent lower).

**Conclusion**

20. The 2018 Annual Community Survey has provided Council with key information on the importance and satisfaction the community places on a broad range of Council services, facilities and activities delivered to the community. The survey has also identified key local issues which are considered important to the community.
21. With the level of data and information provided in this survey, Council officers will be able to analyse the results as they apply to individual service areas, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future service planning and making budgetary decisions.
22. The survey's findings will be made available to the public on Council's website and will be reported in the 2017-2018 Annual Report which must be prepared and presented to the Minister for Local Government by 30 September this year.

**12. Officers' reports**

**OCM.069/18 Council Plan Quarterly Performance Report**

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**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 an update on the progress achieved during the third quarter of the financial year (January-March) on the priority actions contained in the Council Plan 2017-2021.

Of the 104 priority actions, two are complete, 98 are 'in progress' and a further four actions are not yet scheduled to commence.

The overall position as outlined in the report suggests that in the third quarter Council continued working towards delivering on the priority actions and significant outcomes for the community.

**Recommendation**

**That Council receives the Council Plan Quarterly Performance Report for the period ending 31 March 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. The Quarterly Performance Report provides Council with an update on the progress of the Council Plan priority actions for the third quarter (January-March) of the 2017-2018 financial year. The report documents how Council is performing and delivering on the objectives of the Council for the Nillumbik community.

**Policy context**

3. This report reflects Council's performance against the Council Plan 2017-2021, and directly supports the achievement of the plan's 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.

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**OCM.069/18 Council Plan Quarterly Performance Report**

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**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 104 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 104 priority actions, two are complete, 98 are 'in progress' and a further four actions are not yet scheduled to commence.
8. Some of the progress made on actions during the quarter include:
- With respect to the 2050 Shire/Community Plan, an internal project committee has been established and is currently undertaking a desktop review of community plans across other local governments to inform an engagement strategy (Action 1.1.1.1)
  - An internal capability program in Community Engagement has resulted in approximately 60 staff being trained in 1AP2 Public Participation Spectrum to improve project management skills and ensure community engagement is delivered consistently (Action 1.1.1.2)
  - The review of Living and Learning Nillumbik has commenced to address opportunities for program enhancements (Action 1.1.3.2)
  - Work has commenced on the development of a Community Infrastructure Plan which will follow industry best practice (Action 1.1.4.1)
  - The Panton Hill streetscape plan has now been completed (Actions 1.1.5.3 and 4.1.5.2)
  - Council has worked proactively with the community to develop a plan for the Eltham North Playground rebuild by completing various community engagement activities including a 'mega consultation' that was undertaken on 9 February 2018 (Action 1.1.5.3)

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OCM.069/18 Council Plan Quarterly Performance Report

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- Landscape improvement works at Kangaroo Ground War Memorial Tower have commenced (Action 1.1.5.3)
- Works are now complete in the southern precinct of the Civic Drive Open Space Precinct Plan, with a brief now prepared to commission an artist to develop an art installation within the precinct (Action 2.1.1.2)
- Arts and Culture Plan has been adopted by Council following public consultation and was formally launched (Action 2.1.2.1)
- Signature programs for supporting creative industries, 'The Nillumbik Prize' and 'Literary Nillumbik' were launched (Action 2.1.2.5)
- Supported and promoted two community-led performing arts projects, 'Shakespeare In the Park' and 'Come Together Music and Arts Festival' through the Nillumbik Community Fund Quick Response grants with participation numbers of 1,191 and 800 respectively (Action 2.1.2.7)
- Council endorsed the program and associated timeframes for the Green Wedge Management Plan. MosaicLab has been engaged to assist in designing and part implement a four staged engagement process for the review (Action 3.1.1.2)
- The box clearance program along roadsides is now complete, with the exception of one road in Dunmoochin where further consultation with local residents will occur in order to achieve the best outcome for both public safety and the environment (Action 3.1.8.2)
- Council has recently applied and received approval from VicRoads to lower the speed limit of the rural section of Broad Gully Road to 60km/h (Action 3.1.9.3)
- The footpath construction program has delivered on new footpaths along Ironbark Road (Yarrambat), Kangaroo Ground-Wattle Glen Road (Wattle Glen), Research Park (Research), Heidelberg-Kinglake Road (Wattle Glen) and Cherry Tree Road (Hurstbridge) (Action 3.1.10.6)
- The Diamond Creek streetscape beautification plan has been completed (Action 4.1.5.2)
- The Mayor and Chief of Staff to Mayor and Councillors visited Canberra for a series of meeting with government ministers, senior advisors and members of the opposition to lobby on behalf of Council on a number of key issues. As part of our advocacy efforts, Nillumbik Council has been advised that it will now be eligible for funding previously only available to rural councils. Council will now make application to this funding stream for local projects (Actions 5.1.2.1 and 5.1.2.3).

**Conclusion**

9. This Council Plan Quarterly Performance Report is the third progress report on delivery against the Council Plan 2017-2021. The overall position suggests that in the third quarter, Council continued working towards delivering on the priority actions and significant outcomes for the community.

12. Officers' reports

OCM.070/18 March Quarter Financial Report

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**File:** 20/10/004  
**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 March 2018.

The Income Statement shows an overall favourable year to date (YTD) variance of \$816,251 representing 5.2 per cent of YTD Budget. This reflects the combined result of higher-than-budgeted operating income of \$1,615,653 and higher-than-budgeted operating expenses of \$799,402.

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 March 2018.**

**Attachments**

1. March Quarter Financial Report

**ackground**

1. In June 2017, Council adopted the 2017-18 Budget. In January 2018, Council adopted the Mid-Year Financial Review.
2. Budgeted surplus reflects the amount by which operating revenue exceeds operating expenses, in accordance with relevant accounting standards.
3. Operating expenditure excludes non-operating transactions such as capital works and investments, which are separately detailed in the report.
4. The report compares actual performance to budgeted targets at this stage of the financial year.

**Policy context**

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



**12. Officers' reports**

**OCM.070/18 March Quarter Financial Report**

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**Budget implications**

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

**Consultation/communication**

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

**Issues/options**

8. The detailed Financial Report for the period ended 31 March 2018 is provided in Attachment 1. This report is an analysis of Council's financial performance and financial position as at 31 March 2018. The report also includes an analysis of budget variances.

**Income statement**

9. Council closed the period ending 31 March 2018 with a favourable YTD variance of \$816,251 based on actual operating revenue, costs and commitments. This represents 5.2 per cent of the YTD Budget.
10. The overall variance is made up of the following:
- Income – \$1,615,653 (2.13 per cent) favourable variance. This includes developer contributions \$1,011,268, new/additional grant funding \$356,743, interest income \$100,418 and other recurrent revenue \$84,129, with the balance comprising of a number of minor variances across the organisation (refer to page 6 in Attachment 1).
  - Expenditure – (\$799,402) (1.53 per cent) unfavourable, mainly attributed to higher than anticipated YTD materials and related costs (\$815,795) and external contracts (\$371,105), offset by a favourable variance in employee benefits \$124,522 and new initiative expenditure \$225,504. Additional details on variances are located on page 7 in Attachment 1.

**Balance sheet**

11. The balance sheet reflects Council's financial position at 31 March 2018 and is prepared in compliance with the Australian Accounting Standards.
12. Council's balance sheet (page 4 in Attachment 1) continues to show a strong net position. This is represented by \$831.9 million of assets which is largely made up of Council's Property, Plant and Equipment. Council's total liabilities are \$39.3 million, which results in net assets of \$792.6 million.

**Statement of cash flows**

13. The statement of cash flows (page 5 in Attachment 1) captures Council's actual cash transactions for the period.
14. Council is showing a cash position of \$42.1 million after all cash transactions for the period to date.
15. The \$42.1 million includes \$40.4 million held in investments as detailed on page 11 of Attachment 1.

**12. Officers' reports**

**OCM.070/18 March Quarter Financial Report**

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**Capital works**

16. The YTD expenditure relating to capital works is reported on page 8 in Attachment 1.
17. This shows an unfavourable variance of (\$433,938) relative to YTD budget. Details of the variance are listed on page 8 (Attachment 1).

**Conclusion**

18. Council's overall financial position at the end of March 2018 is considered sound and continues to be closely monitored to ensure budgeted outcomes are achieved.

**12. Officers' reports**

**OCM.071/18 Tender Report - 1718-110 Eltham North Adventure Playground Rebuild**

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**File: 01**

**Distribution: Public**

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

**Author: Melissa Houselander, Project Officer**

**Summary**

This report recommends the awarding of the contract for Design and Construction of the Eltham North Adventure Playground.

The project objective is to deliver a playground that best meets the community expectations and aspirations within budget parameters.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for Design and Construction of the Eltham North Adventure Playground.

**Recommendation**

**That Council:**

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

**Attachments**

Nil

**12. Officers' reports**

**OCM.072/18 Tender Report - Contract 1718-113 - Research Park Pavilion Redevelopment - Building Works**

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**File: 1718-113**

**Distribution: Public**

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

**Author: Jake Hart, Project Management Officer**

**Summary**

This report recommends the awarding of the contract for the Research Park Pavilion Redevelopment Building Works.

The works will involve the extension and refurbishment of the existing pavilion (floor level) to deliver female friendly player, umpire and spectator facilities and the construction of a second story community facility, available for sports clubs and wider community use.

The Tender Evaluation panel has assessed all submissions and this report outlines their evaluation in recommending the awarding of the contract for the Research Park Pavilion Redevelopment Building Works.

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

**Recommendation**

**That Council:**

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

**Attachments**

Nil

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

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

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

Report No.	Title	Reason for confidentiality
OCM.073/18	Tender Report - 1718-110 Eltham North Adventure Playground Rebuild	(d) contractual matters
OCM.074/18	Tender Report - Contract 1718- 113 - Research Park Pavilion Redevelopment - Building Works	(d) contractual matters