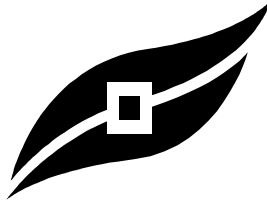


# MINUTES



**MANNINGHAM**  
BALANCE OF CITY AND COUNTRY

## Ordinary Meeting of the Council

**MEETING DETAILS:**

MEETING NO: 1  
MEETING DATE: 02 February 2016  
TIME: 7:00 AM  
LOCATION: Council Chamber  
699 Doncaster Road, Doncaster

# MINUTES

## **PLEASE NOTE**

This is the abridged version of the Council Minutes. The images / attachments have been removed in order to reduce the size of the document for ease of access purposes.

The full Council Minutes are also available on the Council's website. It is also available for inspection at the Municipal Offices, Bulleen Branch Library, Doncaster Branch Library, The Pines Branch Library, Warrandyte Library and Park Orchards Community House.

It should be noted that as a consequence of the removal of the attachments the page numbering in this abridged version has been affected.

**Index**

<b>1.</b>	<b>OPENING PRAYER &amp; STATEMENTS OF ACKNOWLEDGMENT</b>	<b>3</b>
<b>2.</b>	<b>APOLOGIES</b>	<b>3</b>
	<b>MOTION OF CONDOLENCE – MRS HELEN LARKIN</b>	<b>3</b>
<b>3.</b>	<b>PRIOR NOTIFICATION OF CONFLICTS OF INTEREST</b>	<b>4</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 DECEMBER 2015</b>	<b>4</b>
<b>5.</b>	<b>VERBAL QUESTIONS FROM THE PUBLIC</b>	<b>4</b>
<b>6.</b>	<b>PRESENTATIONS</b>	<b>5</b>
6.1	Council's Citizen and Young Citizen of the Year Award	5
6.2	Menzies Community Australia Day Awards	5
6.3	Manningham Australia Day Perpetual Trophy	5
6.4	Australia Day Honours	5
<b>7.</b>	<b>PETITIONS AND JOINT LETTERS</b>	<b>5</b>
<b>8.</b>	<b>ADMISSION OF URGENT BUSINESS</b>	<b>5</b>
<b>9.</b>	<b>PLANNING PERMIT APPLICATIONS</b>	<b>5</b>
<b>10.</b>	<b>PLANNING &amp; ENVIRONMENT</b>	<b>6</b>
10.1	Templestowe Village Special Charge Scheme 2015-2020 - Further Consultation	6
10.2	Plan Melbourne Refresh - Council Submission	12
<b>11.</b>	<b>ASSETS &amp; ENGINEERING</b>	<b>58</b>
11.1	Bolin Bolin Integrated Water Management Project	58
11.2	2015-2016 Capital Works Program - End of December Status Report	187
<b>12.</b>	<b>COMMUNITY PROGRAMS</b>	<b>217</b>
<b>13.</b>	<b>CORPORATE SERVICES</b>	<b>218</b>
13.1	Financial Status Report - December 2015	218
13.2	2015/2016 Mid Year Review	223

13.3	Appointment of Acting Chief Executive Officer - February 2016	240
13.4	Appointment of Authorised Officers under the Planning and Environment Act 1987 – February 2016	241
13.5	Record of Assembly of Councillors - February 2016 Reports	244
13.6	Documents for Sealing - 2 February 2016	251
<b>14.</b>	<b>CHIEF EXECUTIVE OFFICER</b>	<b>253</b>
<b>15.</b>	<b>URGENT BUSINESS REPORTS</b>	<b>253</b>
<b>16.</b>	<b>QUESTIONS FROM THE PUBLIC</b>	<b>253</b>
<b>17.</b>	<b>QUESTIONS WITHOUT NOTICE</b>	<b>253</b>
<b>18.</b>	<b>CONFIDENTIAL REPORTS</b>	<b>253</b>

**MANNINGHAM CITY COUNCIL**  
**MINUTES OF THE ORDINARY COUNCIL MEETING**  
**HELD AT COUNCIL CHAMBER**  
**ON**  
**02 FEBRUARY 2016**

---

The meeting commenced at 7:00 AM.

Present: Councillor Jennifer Yang (Mayor)  
Councillor Dot Haynes (Deputy Mayor)  
Councillor Meg Downie  
Councillor Sophy Galbally  
Councillor Geoff Gough  
Councillor Jim Grivokostopoulos  
Councillor Michelle Kleinert  
Councillor Paul McLeish  
Councillor Stephen O'Brien

Officers Present: Acting Chief Executive Officer, Mr Chris Potter  
Director Assets & Engineering, Mr Leigh Harrison  
Acting Director Community Programs, Mr Malcolm Foard  
Director Planning & Environment, Ms Teresa Dominik  
Director Shared Services, Mr Philip Lee  
Acting Manager Strategic Governance – Ms Jill Colson

**1. OPENING PRAYER & STATEMENTS OF ACKNOWLEDGEMENT**

The Mayor read the Opening Prayer & Statements of Acknowledgement.

**2. APOLOGIES**

There were no apologies for this meeting.

**MOTION OF CONDOLENCE – MRS HELEN LARKIN**

The Mayor advised Councillors that it was with deep regret and sadness that she had to inform Council of the recent passing of Helen Larkin, the widow of Freeman of the City, ex-Cr Bill Larkin and former Mayoress of the City of Doncaster & Templestowe and also the City of Manningham.

**MOVED: HAYNES**  
**SECONDED: GOUGH**

**That Standing Order 16.1 be suspended to enable a motion of condolence to be taken.**

**CARRIED**

**MOVED: HAYNES  
SECONDED: GOUGH**

**That this Council:**

- **Place on record its sorrow and regret at the recent passing of Helen Larkin;**
- **Record its appreciation of the contribution by Mrs Larkin to the local Manningham community; and**
- **Pass on to her family its sincere sympathy and deepest condolences at this very sad time.**

**CARRIED by Councillors Standing in Silent Assent**

**MOVED: HAYNES  
SECONDED: GOUGH**

**That Standing Orders be resumed.**

**CARRIED**

### **3. PRIOR NOTIFICATION OF CONFLICTS OF INTEREST**

The Chairman invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

The CEO advised Council that he had received a written disclosure of a conflict of interest from Cr Michelle Kleinert for Item 10.1 concerning Templestowe Village Special Charge Scheme 2015-2020 – Further Consultation, the interest being an indirect interest because of close association.

### **4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 DECEMBER 2015**

**MOVED: DOWNIE  
SECONDED: GRIVOKOSTOPOULOS**

**That the Minutes of the Ordinary Meeting of Council held on 15 December 2015 be confirmed.**

**CARRIED**

### **5. VERBAL QUESTIONS FROM THE PUBLIC**

There were no public questions.

**6. PRESENTATIONS**

The Mayor acknowledged the following award recipients:-

**6.1 Council's Citizen and Young Citizen of the Year Award**

Geoff Kloot and Chandler Lancaster.

**6.2 Menzies Community Australia Day Awards**

Cr Dot Haynes

Ms Wendy Ross, Council's School Focused Youth Service Coordinator.

**6.3 Manningham Australia Day Perpetual Trophy**

Helen Jurcevic and the Women's Friendship Group.

**6.4 Australia Day Honours**

Manningham residents who received either the (Medal of the Order of Australia (OAM) or Member of the Order of Australia (AM) were:-

- Scott Didier OAM
- Howard Fearn-Wannan OAM
- Abdul Kazi AM
- Br Sean Keefe OAM
- Jock MacNeish OAM
- Tony Monley OAM
- Stephen Pascoe OAM
- Nicholas Tonti-Filippini AM

**7. PETITIONS AND JOINT LETTERS**

There were no petitions.

**8. ADMISSION OF URGENT BUSINESS**

There were no items of Urgent Business.

**9. PLANNING PERMIT APPLICATIONS**

There were no Planning Permit Application Reports.

## 10. PLANNING & ENVIRONMENT

### 10.1 Templestowe Village Special Charge Scheme 2015-2020 - Further Consultation

Responsible Director: Director Planning & Environment

File No. T16/6

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

#### SUMMARY

*The purpose of this report is to consider whether Council should discontinue the Templestowe Village Special Charge Scheme pursuant to section 164(1) of the Local Government Act 1989.*

*On 25 August 2015 Council declared a special charge for the Templestowe Village Shopping Centre to support marketing and business development initiatives within the Centre. The Scheme would raise a total of \$270,000 over the next five years and would be based on an initial charge of \$700pa for primary benefit properties (74) and \$350pa for secondary benefit properties (7). The special charge has now been levied by Council on those persons who, under the Local Government Act 1989, are liable to pay the special charge.*

*A significant number of business owners have since applied to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the special charge.*

*Having regard to the increased level of opposition to the Special Charge, as well as the significant cost for Council to contest the matter at VCAT, at its meeting of 24 November 2015, Council confirmed that it intended to consider a report at the 2 February 2016 meeting on whether or not it should discontinue the Special Charge Scheme. Council also supported requesting any person liable or required to pay the special charge to make a written submission on whether they support or object the proposed discontinuance of the Scheme. Any owner or occupier who chose not to make a submission was to be considered to support the proposed discontinuance.*

*A total of 162 property owners and occupiers were invited to make a submission by Friday 15 January, 2016. The final result of the further consultation is that 91.4% of business owners (34 submissions and 40 non-responses taking into account one vacancy) and 85.2% of property owners (26 submissions and 43 non-responses) have been deemed to support the discontinuance of the Scheme.*

*The proposed Special Charge Scheme was to be a positive local economic development initiative which would encourage and generate competitive commerce, retail, and professional activity and employment in the Templestowe Village Shopping Centre.*

*However, having regard to the confirmed lack of support for continuing the Scheme it is recommended that under the relevant provisions of the Local Government Act 1989 Council formally discontinue the Scheme.*



**1 BACKGROUND**

- 1.1 On 25 August 2015 Council declared a Special Charge Scheme for the 81 properties making up the Templestowe Village Shopping Centre to support marketing and business development initiatives in the Centre from 1 July 2015 to 30 June 2020 (5 years).
- 1.2 The special charge has now been levied by Council on those persons who, under the *Local Government Act 1989* (the Act), are liable to Council to pay the special charge. In most cases, those persons are the rated owners of the properties, even though the occupiers of the properties (as business tenants) may be required to pay (or to reimburse property owners with) the respective special charges payable by them (under separate arrangements which exist under the leases between the property owner and the business tenant).
- 1.3 The decision of Council to declare the special charge followed extensive consultation with both the owners and occupiers of the properties in the Templestowe Village Shopping Centre and included evidence of 75% of the businesses supporting the Scheme.
- 1.4 In response to formal notification of its intention to declare the Special Charge Scheme, Council received 27 written submissions (10 in support and 17 objecting) from the owners and occupiers of the 81 properties affected by the Scheme. Accordingly, on the basis of what was considered to be minimal objection to the Scheme Council went on to formally declare the Scheme.
- 1.5 Utilising rights of appeal under the Act, a total of 37 business owners applied to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the special charge.
- 1.6 Having regard to the increased level of opposition to the Special Charge, as well as the significant cost for Council to contest the matter at VCAT, at its meeting of 24 November 2015, Council confirmed that it intended to consider a report at the 2 February 2016 meeting on whether or not it should discontinue the Special Charge Scheme. Council also supported requesting any person liable or required to pay the special charge to make a written submission on whether they support or object the proposed discontinuance of the Scheme. Any owner or occupier who chose not to make a submission was to be considered to support the proposed discontinuance.
- 1.7 On 1 December 2015, business and property owners were provided with information about the process and were asked to return a proforma that indicated their support or objection to the discontinuance of the Scheme. If a submission was not received, it was considered that the business or property owner supported the discontinuance.

**2 PROPOSAL/ISSUE**

- 2.1 The further consultation that has taken place, in accordance with the resolution of Council at its meeting on 24 November 2015, now indicates that there is minimal support for the Scheme. With 91.4% of business owners and 85.2% of property owners supporting the discontinuance of the Scheme, this report proposes that Council resolve to discontinue the Templestowe Village Special Charge Scheme.
- 2.2 The consultation period closed on 15 January 2016 with 91.4% of business owners (34 submissions and 40 non-responses taking into account one

vacancy) and 85.2% of property owners (26 submissions and 43 non-responses) supporting the discontinuance of the Scheme.

Consultation result	Property occupier	Property owner
Supports discontinuing (submission)	34 (42%)	26 (32.1%)
Supports discontinuing (non-response)	40 (49.4%)	43 (53.1%)
Objects discontinuing (submission)	6 (7.4%)	12 (14.8%)
Vacancy	1 (1.2%)	NA
<b>TOTAL</b>	<b>81</b>	<b>81</b>

### 3 PRIORITY/TIMING

- 3.1 The Practice Day hearing relating to the VCAT request for review took place on Friday 27 November 2015 at which the Tribunal was informed of Council's resolution of 24 November in relation to the matter. On the basis of that information the Tribunal set a preliminary hearing date for beyond the 2 February 2016 Council meeting date, should the request for review proceed.
- 3.2 The period for the further consultation took place between 1 December 2015 and 15 January 2016. The resolution at the 24 November 2015 Council meeting was to consider a report at its 2 February 2016 meeting once the further period of consultation had been completed. Consideration of submissions as part of this process is to take place before a decision is made on whether or not to discontinue the Scheme.

### 4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Relevant to Council's consideration to discontinue the Scheme are the following strategic items:
- 4.1.1 Under theme of is Everything We Need Is Local the Council Plan states that:  
*Promotion of distinct villages and activity centres are valued and cultivated and we aim to support businesses and traders to build a resilient local economy.*
- 4.1.2 A related goal in the Council Plan is that:  
*Our distinct villages and activity centre are vibrant places to meet and provide support to local businesses and traders.*
- 4.1.3 In addition a strategic indicator in the Council Plan is participation in special rate and charge scheme and the measure is "*Number of activity centres participating in a Special Rate and Charge Scheme for marketing and promotion.*"
- 4.1.4 Under the Strategic Direction of Activating and Improving Activity Centres Council's Economic Development Strategy 2011-2030 includes an objective "*Provide Activity Centres and the Retail Sector with support structures and industry information*". Action

20 under that objective, “*Support the development and implementation of Special Rate and Charge Schemes for Business and Marketing Plans and activities*”, displays commitment to Special Rate and Charge Schemes.

## **5 BEST VALUE**

- 5.1 The discontinuance of the Scheme will not offer any ongoing value for money cost savings other than through the administrative processes of introducing and renewing a Special Charge Scheme.
- 5.2 The discontinuance of the Scheme will provide significant and immediate cost savings through the negation of subsequent legal costs of engaging legal representation to continue the legal proceedings at VCAT.

## **6 CUSTOMER/COMMUNITY IMPACT**

- 6.1 The discontinuance of the Scheme means property/business owners would no longer be required to make the annual contribution of \$700 or \$350 to the Scheme. This would also mean that the funding made available through a scheme to enable promotional activities to benefit the traders and the local community would no longer be available.
- 6.2 Without the Scheme there will no longer be financial support to implement the actions of the *Templestowe Village Business Plan 2015-20* which was written in consultation with business owners as part of the renewal process.
- 6.3 Without this financial support and combined promotional activity it is unclear what the economic ramifications for the activity centre will be into the future.

## **7 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION**

- 7.1 The renewal of the Special Charge Scheme at Templestowe Village Shopping Centre was in accordance with Council's overall vision and capacity to influence a vibrant, desirable retail and commercial hub within this activity centre.
- 7.2 The *Manningham Council Plan (2013-2017)* supports sustainable, cohesive and well resourced communities with relevant services and facilities. Council seeks to ensure all community members have access to vital services that meet their needs, and values our distinct local villages and activity centres, seeking to promote and support businesses and traders to build a resilient local economy. A key strategic indicator in the current Manningham Council Plan is measured by participation in Special Rate and Charge Schemes for the purposes of marketing and promotion.

## **8 FINANCIAL PLAN**

- 8.1 The Templestowe Village Special Charge Scheme was to raise \$54,250 in the 2015/16 financial year. The Templestowe Village Traders Association also received funding through payment from businesses utilising advertising space on its entrance signage of approximately \$4,800 per annum.
- 8.2 At the time of declaring the special charge on 25 August 2015 Council also resolved that the Templestowe Village Traders Association be authorised to administer the proceeds of the Special Charge on condition of entering into a funding agreement (including specific reporting requirements) with Council for the period of the special charge, that the Manager Economic and

Environmental Planning be authorised to prepare such an agreement and that Council authorise the affixing of the common seal to such an agreement.

- 8.3 Whilst the agreement was prepared and signed by the Traders' Association it has not been signed on behalf of Council so there is no need to terminate any such agreement.

## **9 FINANCIAL RESOURCE IMPLICATIONS**

- 9.1 The discontinuance of the Scheme will equate to approximately \$15,000 in administrative savings over the five year period of the Scheme. In addition, there will be savings to Council in legal costs of the VCAT hearing does not proceed.
- 9.2 For the 2015/16 year the forecasted \$54,250 income and expenditure will need to be adjusted.

## **10 SUSTAINABILITY**

- 10.1 Discontinuance of the Special Charge Scheme could affect the economic sustainability of the Templestowe Village Shopping Centre given that promotion and marketing activities associated with the Centre have relied on the funds from the Special Charge Scheme since 2010 (and a previous infrastructure Scheme from 1997-2002).

## **11 REGIONAL/STRATEGIC IMPLICATIONS**

- 11.1 A recent study from Mainstreet Australia and Essential Economics (The Economic Value of Main Street, May 2011) indicated that there are in excess of 70 Special Rate and/or Charge Schemes (for the purposes of marketing and promotion) operating throughout Victoria. The study highlighted that management and marketing programs funded by Special Rates and Charges are playing an increasingly important role in supporting the viability and health of main streets in Victoria. There are schemes in nearly one third of Victorian Councils and approximately \$7.6 million is generated directly by Special Rates and Charges. Adoption of a Special Rate and Charge Scheme is identified as the current best practice financial model to sustain a long term marketing and management framework for main street precincts, shopping and town centres.
- 11.2 Should the Templestowe Village Special Charge Scheme be discontinued, this will leave Tunstall Square and Warrandyte shopping precincts as the remaining activity centres in Manningham operating a Special Rate or Charge Scheme. The Warrandyte Traders' Association is currently preparing an application for the renewal of its scheme.

## **12 CONSULTATION**

- 12.1 In accordance with its decision on 24 November 2015, further consultation was undertaken to determine the level of support or otherwise for discontinuing the Special Charge Scheme.
- 12.2 On 1 December 2015, 162 business and property owners were provided with information about the process and were asked to return a proforma that indicated their support or objection to the discontinuance of the Scheme. If a submission was not received, it was considered that the business or property owner supported the discontinuance.
- 12.3 The outcomes of the consultation are described in section 2.2 of this report.

**13 CONCLUSION**

- 13.1** The proposed Special Charge Scheme was to be a positive local economic development initiative which would encourage and generate competitive commerce, retail and professional activity and employment in the Templestowe Village Shopping Centre.
- 13.2** However, given the increased level of opposition to the Special Charge since it was first requested, as evidenced by both the number of parties involved in the joint application for review and the significant level of support to discontinue the Scheme in the further consultation, in addition to the significant cost for Council to contest the matter at VCAT, it is considered appropriate for Council to discontinue the Special Charge Scheme in accordance with section 164(1) of the *Local Government Act 1989*.

**OFFICER'S RECOMMENDATION**

That Council:

- (A) Notes the significant level of support (both direct and by lack of lodgement of a submission) for discontinuance of the Templestowe Village Special Charge Scheme.**
- (B) Discontinues the Templestowe Village Special Charge Scheme pursuant to section 164 (1) of the Local Government Act 1989.**
- (C) Informs the Victorian Civil and Administrative Tribunal of its decision to discontinue the Templestowe Village Special Charge Scheme.**
- (D) Notifies the Templestowe Village Traders' Association and all persons liable or required to pay the special charge of its decision to discontinue the Scheme.**
- (E) Refunds any monies which may have been received as payment of the Templestowe Village Special Charge Scheme (declared on 25 August 2015).**
- (F) Notes that adjustments will be made to reflect the financial position of the discontinuance.**

Conflict of Interest

Cr Kleinert stated: *Councillors, I wish to disclose that I have a conflict of interest in this item being an indirect interest of close association and I will be leaving the meeting room.*

**MOVED: GRIVOKOSTOPOULOS**  
**SECONDED: GOUGH**

**That the Recommendation be adopted.**

**CARRIED**

Having disclosed her conflict of interest Cr Kleinert left the meeting room at 7.17pm and returned at 7.22pm after the matter had been finalized and took no part in the discussion and voting on this item.

\* \* \* \* \*

## 10.2 Plan Melbourne Refresh - Council Submission

Responsible Director: Director Planning & Environment

File No. T15/293

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*The purpose of this report is to provide a response to Plan Melbourne Refresh.*

*The Minister for Planning has announced a review of Melbourne's metropolitan planning strategy – Plan Melbourne.*

*The review of this Strategy is known as the Plan Melbourne Refresh, and the Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, was seeking feedback on the Plan Melbourne Refresh Discussion Paper by 18 December 2015. It is anticipated that the revised Plan Melbourne will be released in mid-2016.*

*Council officers have responded to specific questions as recommended by DELWP (see Attachment 1), and have also prepared a submission summary which clearly articulates Manningham's priorities (see Attachment 2). These priorities include:*

- Improving environmental sustainability for long term resilience;*
- Redesignating Doncaster Hill as a Metropolitan Activity Centre to attract and increase employment opportunities (as part of the broader role of middle ring suburbs to increase employment opportunities);*
- Improving public transport including extending the heavy rail line to Manningham;*
- Increasing the provision of affordable housing;*
- Providing for innovative health services solutions; and*
- Ensuring a partnership approach to implementation of Plan Melbourne that strongly recognises the role of local government.*

*Due to timing constraints, a Council resolution to support the Council officer response was not achievable prior to 18 December 2015.*

*The draft Council officer response to the Plan Melbourne Refresh (which includes submission form template responses and a submission summary) was forwarded to DELWP on 18 December 2015.*

*Any changes to the Plan Melbourne Refresh Council officer response resulting from this Council meeting will be clearly detailed and forwarded to DELWP. This approach was supported by DELWP.*

## 1 BACKGROUND

- 1.1 In 2013, the previous State Government announced that a new metropolitan strategy would be prepared to replace *Melbourne 2030* and *Melbourne @5 million*. The purpose of the new metropolitan strategy, *Plan Melbourne*, was to guide Melbourne's growth and development over the next 30-40 years.
- 1.2 At its meeting of 17 December 2013, Manningham City Council endorsed a response in relation to the draft *Plan Melbourne*.
- 1.3 *Plan Melbourne* was finalised in 2014.
- 1.4 The current State Government announced a review of *Plan Melbourne* in March 2015. The Minister for Planning reconvened the Ministerial Advisory Committee that was originally established to guide the preparation of *Plan Melbourne* in 2013-2014, to review the metropolitan strategy and recommend changes. The Ministerial Advisory Committee's recommended changes were used to prepare the *Plan Melbourne Refresh Discussion Paper*.
- 1.5 The *Plan Melbourne Refresh Discussion Paper* (the 'Discussion Paper') was released in mid-October 2015 for review and feedback.
- 1.6 The refresh is not intended to comprehensively revise *Plan Melbourne 2014*. It intends to build upon the previous work and consultation that was undertaken.
- 1.7 The refresh seeks to:
  - Strengthen the focus on climate change, energy efficiency and housing affordability;
  - Achieve an enduring strategy with a focus on longer-term rather than short-term actions;
  - Incorporate current transport commitments and priorities, including the Melbourne Metro Rail Project;
  - Reflect progress in implementation of *Plan Melbourne 2014* related policy reviews, such as transport initiatives, the implementation of the new residential zones, apartment standards, Open Space and Boulevards strategies and the Yarra River Strategy;
  - Better define how implementation and outcomes will be measured;
  - Update data and projections;
  - Reflect significant changes in the form of housing being developed which affects the associated projections in *Plan Melbourne 2014*; and
  - Improve clarity and usability.
- 1.8 A submission form template has been available by DELWP with specific questions to be answered, and councils have been encouraged to use this template.

## 2 PROPOSAL/ISSUE

- 2.1 Council officers have prepared responses to relevant questions in the submission form template (see Attachment 1). The responses to the questions include:

- Comments and concerns that were not addressed from our previous response in 2013 to the draft *Plan Melbourne*; and
  - Additional comments and feedback from a number of service units and teams, including: Environment, the Doncaster Hill Place Manager, Economic Development, Social and Community Services, Engineering and Technical Services (including Traffic and Transport), Emergency Management and Strategic Governance.
- 2.2 In addition to the above submission form template, a submission summary has been prepared (see Attachment 2) that more clearly articulates Council's advocacy priorities as they relate to *Plan Melbourne*.
- 2.3 The submission summary addresses the following areas:
- **Environmental Sustainability to ensure greater long-term resilience** – The overarching principle of Environmental Sustainability should be broadened and addressed upfront in *Plan Melbourne 2016*, and greater direction and certainty is required in relation to natural hazards, the protection and restoration of biodiversity, the facilitation of renewable and low-emission energy.
  - **Doncaster Hill Metropolitan Activity Centre and employment attraction** – Doncaster Hill needs to be redesignated as either an existing or future Metropolitan Activity Centre throughout *Plan Melbourne 2016* to unlock job creating opportunities. Doncaster Hill can relieve pressure from neighbouring Metropolitan Activity Centres, as public transport and road infrastructure are currently at capacity. By being identified as a Metropolitan Activity Centre, its real potential to take pressure off regional capacity constraints can be realised.
  - **Improving public transport including the heavy rail line extension to Manningham** – The provision of new public transport infrastructure must remain a high priority if increased employment opportunities are to be realised. Unlocking the spare capacity of existing infrastructure needs to be addressed in *Plan Melbourne*, together with better connections for pedestrians and cyclists using public transport.  
  
Greater certainty and commitment for the delivery of the rail line to Doncaster Hill is required.
  - **Affordable Housing (including affordable housing for those with an intellectual or physical disability)** – The introduction of planning mechanisms (either regulatory or incentive based) to increase the provision of affordable housing is supported and needs to be addressed in *Plan Melbourne 2016*, and included in planning schemes.  
  
Greater direction is also required about the upfront and ongoing management of affordable housing to ensure it remains affordable. In addition, social and affordable housing for those living with a disability needs to be addressed.
  - **Innovative health services solutions** – Manningham is geographically well suited to provide an innovative response to the provision of health services. Health services, such as a clustered



'Multi-Medical Specialist Service', are required within Manningham to assist with serving the needs of the municipality and the broader region. As such, the future provision of innovative health services solutions should be demonstrated in *Plan Melbourne 2016*.

- **Implementation** – It is important that a partnership approach to implementation be employed, particularly with local government. It is also important that a rolling implementation plan be developed with an allocated budget that is supported by the State Government budget cycle.

The allocation of short term priorities should also be equitable across Melbourne. More specifically, the allocation of budget to undertake short term priorities should be based on merit, need and the overall impact they will have on the functionality of Melbourne. It is also important that the budget allocation is transparent and that all municipalities receive infrastructure improvements as part of the short term priorities.

In order to ensure effective implementation, the role of the Metropolitan Planning Authority and sub-regional groups of councils needs to be better defined, and a monitoring framework needs to be prepared and updated regularly.

- 2.4 It is recommended that Attachments 1 and 2 be endorsed as Council's response to the Plan Melbourne Refresh.

### 3 PRIORITY/TIMING

- 3.1 Submissions on the *Plan Melbourne Refresh Discussion Paper* were due on 18 December 2015.
- 3.2 DELWP advised that if a Council resolution is not achievable prior to 18 December 2015; a draft Council officer submission can be lodged. DELWP has also advised that following the Council meeting, any resulting changes to Council's submission can be forwarded to DELWP.
- 3.3 Following the close of submissions, all feedback received through submissions, public comment and stakeholder engagement workshops will be considered by DELWP. The feedback will inform the preparation of *Plan Melbourne 2016*. The draft plan will be reviewed by the Ministerial Advisory Committee and following this it is expected that *Plan Melbourne 2016* will be finalised in mid-2016 and then introduced into planning schemes.

### 4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 *Plan Melbourne 2014* is currently referenced throughout the State Planning Policy Framework (SPPF) within the Manningham Planning Scheme.
- 4.2 Council has been advised that upon finalisation of *Plan Melbourne 2016* (in mid-2016), Victorian planning schemes will be updated to reflect any revisions. This may result in further changes to the SPPF, or to other provisions that relate to climate change, energy efficiency and housing affordability.

**5 CUSTOMER/COMMUNITY IMPACT**

- 5.1 Revisions to *Plan Melbourne*, should they occur as a result of Council's submission, will result in positive community outcomes.

**6 FINANCIAL RESOURCE IMPLICATIONS**

- 6.1 The submission in relation to *Plan Melbourne* has been prepared using existing resources in the Economic and Environmental Planning Unit. It is not anticipated that *Plan Melbourne 2016*, when it is released in 2016, will result in additional staff resources.

**7 SUSTAINABILITY**

- 7.1 The refresh seeks to strengthen the focus on climate change and energy efficiency.
- 7.2 The submission endorses this focus, and further emphasises the importance of environmental sustainability as an overarching theme in *Plan Melbourne 2016*.

**8 CONSULTATION**

- 8.1 Information regarding the Plan Melbourne Refresh was placed:
- On the homepage of the Manningham website under the Latest News slider (since 10 November 2015); and
  - In the Manningham Leader half page advertisement on 23 November 2015.
- 8.2 Our community was encouraged to review the Plan Melbourne Refresh information, and lodge submissions directly to DELWP.

**9 CONCLUSION**

- 9.1 The options and potential changes identified in the Discussion Paper are generally considered positive, as they seek to strengthen the focus of climate change, energy efficiency, affordable housing and importantly, the implementation of the strategy.
- 9.2 However, there are a number of outstanding matters from Manningham's previous submission in December 2013 that were not addressed in *Plan Melbourne* and are still considered relevant. In addition, Council officers have identified other changes to *Plan Melbourne 2016* that would result in positive outcomes for our existing and future communities. These outstanding matters and recommended changes have been included in the DELWP submission form template (Attachment 1) and our own submission summary (Attachment 2).

**OFFICER'S RECOMMENDATION****That Council:**

- (A) Notes that the draft Council officer response to the Plan Melbourne Refresh (Attachments 1 and 2) was forwarded to the Department of Environment, Land, Water and Planning on 18 December 2015.**

- (B) Endorses Attachment 1 (responses to the submission form template) and Attachment 2 (the submission summary that articulates our advocacy priorities) being reconfirmed as Manningham’s submission to the Department of Environment, Land, Water and Planning.**
- (C) Notes Attachments 1 & 2 will be resubmitted as Council’s endorsed submission.**

**MOVED: GALBALLY**  
**SECONDED: KLEINERT**

**That the Recommendation be adopted.**

**CARRIED**

Attachment 1 – Submission Form responses  
Attachment 2 – Submission Summary

\* \* \* \* \*

## 11. ASSETS & ENGINEERING

### 11.1 Bolin Bolin Integrated Water Management Project

Responsible Director: Director Assets and Engineering

File No. T16/5

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible director, manager nor the officer authoring this report has a conflict of interest in this matter.

#### SUMMARY

*Action 2.2.1.5 of Council's Strategic Resource Plan for 2015/2016 requires the implementation of the Bolin Bolin Billabong Integrated Water Management project.*

*The Bolin Bolin Billabong Integrated Water Management project, which is predominately located on crown land on the western side of Bulleen Road, is a significant, integrated storm water management project, with multiple stakeholders that include Manningham City Council, Boroondara City Council, Carey Grammar, Melbourne Water, Parks Victoria and the Department of Environment, Land, Water and Planning.*

*It will supply a total of 35 megalitres (ML) of treated stormwater annually to the project partners, Manningham City Council, Boroondara City Council and Carey Grammar, minimizing reliance on potable water supplies, limiting extraction from the Yarra River, minimizing the risk of local flooding and providing significant improvements to the quality of storm water discharging to the Yarra River (reduction of 250kg of Nitrogen discharged per annum).*

*Responsibilities for the capital project funding are distributed across the project partners. Operation, maintenance and asset renewal costs have been determined for the assets, and a "Sinking Fund" is to be established whereby annual contributions will be required from the 3 project partners, to facilitate the routine and non routine maintenance of the facility and replacement of assets over the 21 initial year life of the project.*

*Manningham City Council has take a lead role in the development of the project, which is "shovel ready", subject to signing of the project agreement between the project partners, signing of a license agreement for the construction and maintenance of assets on crown land that form part of the project infrastructure and final resolution of the size of the proposed storage at the Freeway Golf Course.*

*Tenders have been invited for the works and tender interviews have been undertaken with the two lowest tenderers. An assessment of tenders and costs incurred to date indicate that the project is fully funded, subject to final execution of the funding agreement from Department of Environment Land Water and Planning (DELWP).*

*Council's current capital contribution, to the total project cost of \$2,816,647.36, is \$750,000.*

*It is recommended that, subject to final execution of the project partner agreement by both Boroondara City Council and Carey Grammar Council, Council delegate authority to the Chief Executive to sign the project agreement between the project partners.*

*It is further recommended that, in order to facilitate the project delivery, Council resolves to become the Committee of Management for that portion of Crown Land which contains the project assets, and sign the license agreement between Manningham and DELWP that provides access rights for the construction and maintenance of assets over portions of Crown Land that form part of the proposed project infrastructure.*

*It is also recommended that Manningham City Council act as the construction authority for the project on behalf of the project partners, and award a contract for the construction of the Bolin Bolin Integrated Water Management Project, with agreement from the other 2 partners.*

*It is recommended that Council accept the role of Operations Manager for the ongoing management of this asset on behalf of the project partners.*

*Finally, it is recommended that Council notes the delays in securing grant funding from DELWP and endorses the extension of time for the completion of Strategic Resource Plan Action 2.2.1.5 for the completion of project construction from 30 June to 31 December 2016.*

## **1 BACKGROUND**

- 1.1 The Bolin Bolin Billabong Integrated Water Management project is a “Whole-Of-Water-Cycle” integrated storm water management project located on the eastern banks of the Yarra River in Bulleen within the City of Manningham and within the “Freeway Golf Course” owned and managed by the City of Boroondara.
- 1.2 The project will provide fit-for-purpose water for use by local irrigators, dramatically reducing their reliance upon potable water supplies and extraction of water from the Yarra River under license from Melbourne Water.
- 1.3 The project will harvest stormwater from the existing outfall drain that serves a 35 hectare catchment in Bulleen, supplemented with water extracted from the Yarra River, appropriately treat the water and distribute it for reuse to three project partners including Manningham City Council, irrigating the “Freeway Golf Course” within the City of Boroondara, school sports grounds located at Bulleen Park and Carey Grammar, and adjacent public open space areas.
- 1.4 Attachment ‘A’ shows a locality plan of the project site
- 1.5 Over the last 10 years, Council has allocated capital funding to upgrade the Council drainage network within the Whites Way / Morris Williams Reserve catchment, to mitigate the flooding of houses within the catchment. The drainage outfall, through Crown land located at 194, 193 and 193A Bulleen Road, Bulleen, immediately to the north of the Veneto Club site, was the remaining section of drain to be upgraded. The care and management of this land is currently delegated to Parks Victoria.
- 1.6 The existing Council drain at this site is in a state of disrepair and is not functional. In local flash flooding events, this deficiency results in localised flooding of Bulleen Road and the Trinity Grammar site located to the east.

- 1.7 Some 6 years ago Council completed a wetland project within Trinity Grammar in lieu of a piped solution through their land which provided benefits to the school by way of providing water to irrigate their ovals. As a part of the negotiations with Trinity Grammar Wetland, Council signed a “Memorandum of Understanding” which includes a commitment to provide a drainage outfall and resolve flooding issues on their land as far as practicable.
- 1.8 Consultation with the former Department of Sustainability and Environment (DSE) and Parks Victoria (Manager of Crown land where the existing outfall drain emerges) was subsequently undertaken with the intent to resolving local flooding issues experienced by Trinity Grammar. These discussions resulted in the development of a proposal for a stormwater harvesting facility in addition to improved outfall drainage works.
- 1.9 Initially the project was to supply harvested storm water to the Bolin Bolin Billabong during the winter months to arrest the decline in the ecological values of the Billabong by replicating the original inundation regime.
- 1.10 The project was subsequently expanded to include a number of project partners namely Carey Grammar and the City of Boroondara, to supply water for the irrigation of nearby sports fields including Bulleen Park in Manningham, the Carey Grammar sports fields and the “Freeway Golf Course” under the care and management of the City of Boroondara. Irrigation supply would primarily be required during the summer months, complimenting the winter inundation demand for the Billabong.
- 1.11 The project was able to attract \$550,000 from the Federal Government, through the *National Urban Water and Desalination – Storm Water Harvesting and Reuse Program*. The purpose of this program was to fund initiatives that would contribute to the achievement of water security through storm water harvesting projects.
- 1.12 Following the completion of detail designs, there was a change in attitude to the project by the former DSE who indicated that the supply of water for the Billabong was no longer a high priority for rehabilitation. The authority also indicated that they were unable to contribute to the ongoing operating costs of the facility at that time. A significant contribution was required from the authority as the estimated water demand for the billabong site was significantly greater than that required by other parties.
- 1.13 At the same time Council officers had invited tenders for the original project which indicated there was a significant shortfall in funding for the project. Due to the budget constraint and lack of support from the former DSE, Council was unable to deliver the original project in a timely manner and subsequently a significant portion of the Federal Government funding was required to be surrendered to the government.
- 1.14 Consultation was subsequently undertaken with Melbourne Water to discuss a way forward and it was agreed to substantially redesign the project with the view of supplying water to serve the project partners facilities only.
- 1.15 Action 2.2.1.5 of Council’s Strategic Resource Plan for 2015/2016 requires the implementation of the Bolin Bolin Billabong Integrated Water Management project, with construction to be completed by 30 June 2016, subject to receiving grant funding.

#### **Project Details and Benefits**

- 1.16 The modified project which is the subject of this report involves the construction of 1.5ML combined wetland and storage lake at the Billabong (Crown Land) site. A secondary 3.30ML storage is to be constructed within the "Freeway Golf Course" (47-49 Columba Street, Balwyn North), which is under the care and management of the City of Boroondara and two 214.7kl storage tanks will be constructed within Bulleen Park.
- 1.17 The two storage facilities and the tanks are all connected by a distribution pipe line which runs through the Crown Land site, Bulleen Park and the Freeway Golf Course.
- 1.18 Storm water will primarily be harvested from a 35 hectare catchment on the east side of Bulleen Road north/east of the crown land site. The water will be treated at the crown land site via a gross pollution system and wetland then distributed to the storage lake at the golf course and storage tanks at Bulleen Park.
- 1.19 The project also includes an upgrade of drainage outfall infrastructure within the crown land site. The works include the partial replacement of the existing outfall drain and inlet structure and the reconstruction of a vegetated bypass channel for major flows which will discharge to the existing Council outfall drain that discharges to the Yarra River. The works will also incorporate a detention and secondary storm water treatment facility.
- 1.20 The storage facilities can also be supplemented by extraction of water from the Yarra River from the existing pumping station within the golf course. A distribution pipeline from the Yarra River will be constructed to the Golf Course storage to enable the filling of this storage facility.
- 1.21 The project will harvest in the order of 35ML of stormwater per annum, relieving demand for potable water supplies and minimising Yarra River extraction demand, facilitating the irrigation of the sports fields on Bulleen Park for Manningham City Council, the sports fields for Carey Grammar and the Freeway Golf Course for Boroondara City Council. The proposed infrastructure will provide acceptable reliability, of 95.5% in an average year ensuring the commercial attractiveness of the project to the irrigators and the long term viability of the project.
- 1.22 This project aims to provide a more secure, appropriate source of water for the irrigation of sporting fields across the Bulleen flood plain.
- 1.23 Furthermore, the project aims to attenuate pollutant loads reaching the Yarra River from the local catchment, whilst at the same time enhancing flood mitigation in the lower reaches of the catchment.
- 1.24 In essence the project benefits and aims are to:-
- Achieve a "Whole of Water Cycle" management approach;
  - Reuse and recycling of storm water and reduction of potable water consumption, 95.5% water supply in an average year;
  - Improve the water quality to the Yarra River by reducing pollutant load;
  - Provide sustainable environmental flows to the Yarra River by reducing extraction demand;
  - Provide flood mitigation in the lower reaches of this catchment including Bulleen Road and Trinity Grammar in compliance with the Memorandum of Understanding with Trinity Grammar;

- Improved aesthetics of the crown land site;
  - Facilitate future augmentation of the system at a later date to supply water to the Bolin Bolin Billabong.
- 1.25 Extensive modelling of the system indicates that best practice targets of pollutant and nutrient reductions will be achieved for this catchment: Total Suspended Solids (TSS) will be reduced by 80%, Total Phosphorous will be reduced by 66% and Total Nitrogen by 48%.
- 1.26 The project together with the Trinity Grammar wetland will reduce the amount of Total Nitrogen entering the Yarra River, and Port Philip Bay by 124kg/annum.
- 1.27 A copy of the proposal is attached as Attachment “B” to this report.

#### **Project Governance Arrangements**

- 1.28 The implementation of this project has proven to be very complex, requiring the development of co-operative partnerships with multiple stakeholders. The complexity of the project also required careful negotiations with all relevant stakeholders to ensure their continued commitment to the implementation of this project.
- 1.29 One of the most complex issues associated with the implementation of this project is that the project infrastructure is to be installed across a number of parcels of land; (Freehold and Crown Land) each owned and managed by different authorities. In addition each stakeholder has different requirements in terms of water demand resulting in varying contributions to capital costs as well as the operational and maintenance costs.
- 1.30 Accordingly careful consideration needed to be given to the governance arrangements for the implementation of the project as well as the ongoing operational and maintenance arrangements.
- 1.31 The project partners involved in this project include:-
- Manningham City Council;
  - Carey Grammar;
  - Boroondara City Council;
  - Melbourne Water (Capital contribution to design and construction only)
- 1.32 Manningham Council has taken a lead role in the development of this project from inception, mainly due to the initial requirement to resolve the outfall drainage issues identified through the Trinity Wetland Project. This involved initial discussions and negotiations with Parks Victoria to secure the site for the installation of the major assets on crown land. It also included negotiations with Melbourne Water who funded the initial design and subsequent re-design and documentation of the project including a significant initial capital contribution of \$500,000 and a further contribution of \$400,000.
- 1.33 Manningham officers have also facilitated the necessary planning permits and approvals, negotiated land tenure arrangements, negotiated funding contributions with relevant parties including external agencies and facilitated the drafting of agreements between the project partners.
- 1.34 The major beneficiaries of the project will be Manningham City Council, Carey Grammar and Boroondara City Council. Melbourne Water will benefit with a reduction in pollution loads to the Yarra River.



- 1.35 In order to bind the major beneficiaries to the project, a “Project Agreement” has been drafted to facilitate the implementation of the project. The agreement outlines the obligations of each partner including the capital contributions to be made by each party to the project and the ongoing operational and maintenance arrangements for the project.
- 1.36 Melbourne Water is not party to this agreement as they have indicated that they will not have any operational role for the project once it has been completed and commissioned.
- 1.37 The “Project Agreement” details, the nature of the project, the roles and responsibilities of each party, the land tenure arrangements of the project, the water entitlements of each project partner, the amalgamation of existing licenses for the extraction of water from the Yarra River, the capital contribution by each project partner including the operational arrangements and funding contributions to be made by each partner during the operational phase of the project.
- 1.38 The “Project Agreement” will be binding on the project partners for a period of 21 years. At the expiry of 21 years, the agreement can be re-negotiated if all partners wish to continue with the operation of the facility.
- 1.39 A copy of the draft “Project Agreement” forms Attachment “C” to this report.
- 1.40 As Manningham Council has taken a lead role in the development of this project, it is proposed that Manningham City Council become the construction authority for the delivery of this asset on behalf of the project partners.
- 1.41 The financial obligations of the project partners are outlined in the financial resource implications section of this report.
- 1.42 It is also proposed that Manningham City Council be the responsible authority for the operation of the asset during the life of the agreement which will include the routine and non routine maintenance arrangements of the asset during the operational phase and replacement of assets once the assets have reached the end of their useful lives.
- 1.43 Consultants were engaged to develop the project operational, maintenance and capital renewal schedules for the assets, and to undertake a net present value (NPV) assessment. The schedule identifies the relevant maintenance activities, frequencies and the associated costs. The development of the schedule involved consultation with all project stakeholders, including Melbourne Water.
- 1.44 Operational costs associated with the assets include power supply to run the pumps and appropriate insurance. Required routine maintenance activities include grading of access tracks, general routine inspection to plant, equipment and assets, clearing of the gross pollutant trap and other activities. Renewal includes major works, including the de-silting the sedimentation basins and resetting of the wetland and replacement of pumps.
- 1.45 The project will require the establishment of a “Sinking Fund” whereby each party will be required to make an annual contribution for the operation costs of the project including routine and non routine maintenance and asset replacement.
- 1.46 The contribution to cover operational costs from each party will be apportioned on the basis of water demands of each party that benefits from the project

(Excluding Melbourne Water). Project partners with the greatest water demand will be required to contribute the highest amount for the operation of the asset. The schedule which details the contributions by each party is attached as an annexure to the "Project Agreement".

- 1.47 Details of the operational costs are outlined in the financial resource implications section of this report.
- 1.48 As Manningham will assume responsibility for the operational arrangements, invoices will be forwarded annually to the other project partners to recover the operational costs of the project.
- 1.49 A project control group was established with representatives' from all project partner organizations during the development phase of the project. The project control group have been involved in the project risk assessment, tender selection and will be involved in the commissioning and oversight of the project.
- 1.50 A management committee with representatives from all parties will be established prior to the commencement of the project operational phase to review the operation of the facility including the annual operational, maintenance and capital replacement costs during the life of the agreement.

#### **Land Tenure and Access Arrangements**

- 1.51 As indicated above the project is to be constructed over various parcels of land under different ownerships.
- 1.52 The storage basin, wetland, the vegetated bypass channel and part of the distribution pipe line are to be constructed on crown land currently managed by Parks Victoria on behalf of the Department of Environment, Land, Water and Planning (DELWP).
- 1.53 The storage tanks, part of the distribution pipeline to the wetland storage and golf course storage and the pipeline to the Carey Grammar are located within Bulleen Park owned by Manningham City Council.
- 1.54 The remaining components of infrastructure which includes the golf course storage and the remaining sections of distribution pipelines from the Yarra River, the pump at the Yarra River and the connecting storage facilities at Bulleen Park and the crown land site are contained on the Freeway Golf Course site which is owned and managed by the Boroondara City Council.

#### **a. Crown Land**

- 1.55 Parks Victoria indicated that a Committee of Management needs to be appointed to manage the parcel of Crown Land accommodating the proposed storm water assets, before any works commence on this land. The Committee of Management will act as the land manager for the parcel of crown land.
- 1.56 Crown Land is subject to the provisions of the Crown Land (Reserves) Act 1978. The Act requires land to be used for the purpose for which it is reserved. The Minister has the power to appoint Committees of Management in respect of Crown Land. Committees of Management have been involved in the management of Crown Land for over 150 years in Victoria. A Committee of Management is empowered under the provisions of the Act to:

- Manage, improve, maintain and control the land for the purposes for which it is reserved;
  - Undertake financial transactions, enter into contracts and report on its finances and other issues, as directed by DELWP;
  - Negotiate leasing and licensing arrangements for the reserve; and
  - Enforce relevant regulations.
- 1.57 Council is already designated as the Committee of Management in respect of several parcels of Crown Land across the municipality, including the Warrandyte River Reserve.
- 1.58 In-principle agreement was initially reached with Parks Victoria officers, to annex the section of the Crown Land that contains the project assets, for the purposes of establishing a Committee of Management.
- 1.59 A formal application was made on the 5<sup>th</sup> June 2014 to the former Department of Environment and Primary Industries and advice was received on the 31<sup>st</sup> of July 2015 that Council's application was successful.
- 1.60 The former Department of Environment and Primary Industries advised that the application for Council to become the Committee of Management of that portion of crown land containing the wetland storage and associated infrastructure was approved by the Minister under delegation on the 28<sup>th</sup> of July 2014 and forms Attachment " D" to this report.
- 1.61 As Council is the responsible drainage authority and is successfully meeting its Committee of Management responsibilities at other Crown Land sites within the municipality, it is considered appropriate that Council assumes responsibility for the relevant portion of Crown Land, for the construction and operation of the Bolin Bolin Billabong Integrated Water Management project.
- 1.62 The Department of Environment, Land, Water and Planning carries public liability insurance, which generally covers Committees of Management in respect of injury or loss to third parties although it is proposed to obtain separate public liability insurance to cover the project including the portion of Crown Land to be annexed under a "Committee of Management".
- 1.63 The distribution pipe line is also partly contained on the crown land and accordingly in order for Council to have access rights for the maintenance of this asset on the portions of Crown Land beyond the Committee of Management boundary, Council will need to enter into a license agreement with the Department of Environment, Land, Water and Planning.
- 1.64 The licence will also provide access rights to the existing drainage assets on this land which were previously contained within easements when the land was freehold land (the easements were removed when it became crown land). A copy of the license forms Attachment G to this report.
- 1.65 A copy of the plan showing the crown land area that Council will be responsible for as Committee of Management and the location of the land subject to the licence agreement forms Attachment "E" to this report.
- b. Bulleen Park**
- 1.66 Bulleen Park is under the care and management of Manningham City Council. As Manningham is the proposed construction and maintenance authority on

behalf of the project partners, access rights for construction and maintenance will be unrestricted.

- 1.67 However, the distribution pipeline to Carey Grammar will be the responsibility of Cary Grammar. These assets are located within an easement in favour of Carey Grammar, which is to be retained and accordingly Carey will have access rights to maintain their assets within Bulleen Park.
- 1.68 There are provisions in the "Project Agreement" to grant a licence to Carey Grammar to maintain Carey Grammar's assets on Manningham land.

#### **c. Freeway Golf Course**

- 1.69 The Freeway Golf Course is under the care and management of Boroondara City Council. As Manningham is proposed to be the construction and maintenance authority on behalf of the project partners, access rights will need to be granted to Manningham for the construction and maintenance of the facility on the Golf Course site.
- 1.70 There are provisions in the "Project Agreement" for the City of Boroondara to grant Manningham City Council access rights by way of a licence to enable Manningham Council to exercise the functions and obligations outlined in the agreement for the construction and maintenance of the project infrastructure at the Freeway Golf Course site.

#### **Extraction Licenses**

- 1.71 As part of the redesign works for the project which was funded by Melbourne Water, the authority required the project partners to surrender part of their Yarra River extraction water entitlements and amalgamate the three existing individual project partner licences into one licence.
- 1.72 The three project partners currently all have separate Yarra River extraction licences that total 222ML and comprise of:
- Manningham City Council – 12ML
  - Boroondara City Council – 138ML
  - Carey Grammar – 72ML
- 1.73 Agreement has been reached with the project partners to each surrender 30% of their extraction licences and to amalgamate all licences into a single licence under joint names to permit extraction of a total 155.4ML annually.
- 1.74 The "Project Agreement" binds the project partners to the surrender of part of their extraction entitlements and amalgamation of their licences into a single licence and also facilitates renewal of separate licences after 21 years, if the facility is to be discontinued.
- 1.75 Melbourne Water has confirmed these arrangements in a letter to Manningham dated the 19<sup>th</sup> December 2014 which is attached as attachment "F" to this report.
- 1.76 The amalgamation of the extraction licenses can be undertaken within 12 months of the project commissioning.

#### **Project Risks and Risk Management Arrangements**

- 1.77 There are a number of project risks that have been identified with the delivery of this project which are as follows together with the appropriate controls:-
- 1.77.1 There is a risk that there are insufficient funds to implement the project. Manningham officers previously identified a shortfall in the project funding which was reliant on additional funding from the former "Office of Living Victoria".
  - 1.77.2 DELWP has assumed the responsibilities of the former Office of Living Victoria and reviewed previous funding applications made by Manningham which were approved but not contracted and have offered a new funding contract to a maximum value of \$400,000.
  - 1.77.3 There are risks that in the event that the project is terminated due to unforeseen circumstances that all sunk costs incurred by Manningham are not recovered.
  - 1.77.4 There are provisions in the "Project Agreement" that any sunk costs incurred by Manningham are apportioned between the parties proportionally based on the funding contributions by each of the partners to the agreement.
  - 1.77.5 There is the risk that the design will not achieve the objectives outlined in the feasibility study including the supply of the quantum of water to the project partners.
  - 1.77.6 The "Project Agreement" provides no guarantees that Manningham will be able to supply the water demand to the project partners in the event there is of lack of rainfall or that extraction from the Yarra River is limited as required by the license. The feasibility study and design report prepared for the project indicate that the provision of 1.5ML storage at the crown land site and 3.3ML storage at the golf course site will provide 95.5% reliability of supply in an average year.
  - 1.77.7 There is a risk that the quality of water is unsuitable for reticulation or could become contaminated.
  - 1.77.8 The "Project Agreement" acknowledges that there are no obligations on Manningham City Council to guarantee the quality of water to be delivered to the project partners. Manningham will however undertake regular water testing in accordance with the operational plan for the project. There are also obligations in the "Project Agreement" on each project partner to undertake their own water quality tests to ensure that the water is safe to use for reticulation.
  - 1.77.9 There is a risk for Manningham in the event that project construction is significantly over budget.
  - 1.77.10 The "Project Agreement" requires the establishment of a project control group to oversee the tender selection. There is also an obligation for Manningham to provide progress updates of expenditure during construction. The agreement gives authority to Manningham to expend the project contingency but any additional costs beyond the contingency will need to be approved by the project control group. Any financial liability exceeding the construction costs including the contingency will be shared between the project partners excluding Melbourne Water.

- 1.77.11 There is a risk that the annual costs are insufficient to cover the operational costs of the infrastructure or one party may default on payments.
- 1.77.12 The operational and renewal costs have been estimated by an independent expert consultant recommended by Melbourne Water who has prepared the operational plan and operating costs for the project. There are provisions in the "Project Agreement" to annually review operational costs and adjust the operational plan and costs of operating the system as required.
- 1.77.13 The "Project Agreement" also provides default provisions during the development and operational phase for all parties to the agreement. No claims for compensation will apply to any party in default however there are obligations on each party to remedy the default.
- 1.77.14 There are exit provisions in the agreement only to the extent that it needs to be by mutual agreement between the parties.
- 1.77.15 There are dispute resolution provisions in the agreement in case of default or any disagreement that may arise during the operational phase of the project.
- 1.77.16 To ensure land tenure arrangements are secure the "Project Agreement" will be binding on any successor organisation and there are provisions in the agreement to protect any land tenure arrangements for the infrastructure proposed to be installed on other parties land.
- 1.78 In addition to the forgoing the "Project Agreement requires Manningham on behalf of the project partners to obtain public liability insurance and insurance for damage or destruction of project infrastructure. The insurance will be funded from proceeds recovered annually as part of the operational plan of the facility.
- 1.79 There are also "Force Majeure" provisions within the agreement in the event of amalgamation of Council's, insolvency, upstream pollution issues and/or unforeseen alterations to land tenure arrangements.
- 1.80 An independent risk assessment for the project has been prepared and is attached as an annexure to the draft "Project Agreement".
- 1.81 Several issues are yet to be resolved to facilitate the final implementation of this project, including the following.
- Signing of the "Project Agreement" by the project partners.
  - Signing of the funding contract with the Department of Environment Land Water and Planning.
  - Signing of the license agreement over the crown land.
  - Resolving issues associated with Boroondara's desire to expand the size of the additional storage at the golf course which includes amendments to the previous funding agreements with Melbourne Water, DELWP, amendments to existing permits and costs associated with the additional works which need to be contained within the income budget.

- 1.82 The project partners have been extensively consulted and the outstanding issues are not insurmountable and considered as formalities.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that subject to the execution of the project agreement by Carey Grammar and Boroondara City Council, that Council confirm its acceptance of the role of the Committee of Management for the relevant portion of the Crown land described as Lot 1 PS406503L Vol 10443 Fol 959, Part Lot 2 LP98638 Vol 9391 Fol 492 and PC360481J Vol 10465 Fol 758, limited to the area shown in Appendix D containing the Bolin Bolin Billabong Integrated Water Management project assets.
- 2.2 It is proposed that Council delegate authority to the Chief Executive Officer to sign the project agreement between the project partners on behalf of Manningham City Council to ensure the obligations of each party are secured including each parties financial obligations to facilitate the construction and ongoing maintenance of the Bolin Bolin Wetland project.
- 2.3 It is proposed that Council Delegate authority to the Chief Executive Officer to sign the license agreement between Manningham City Council and the Department of Environment, Land, Water and Planning, to provide access rights over parts of the crown land as shown in Appendix E, for the construction and ongoing maintenance of those assets that are part of the project infrastructure.
- 2.4 It is proposed that Manningham City Council act as the construction authority for the project and Council delegate to the Chief Executive Officer the authority to award a contract for construction of the Bolin Bolin Integrated Water Management Project.
- 2.5 It is proposed that Manningham City Council become the operational manager of the asset on behalf of the project partners, for the ongoing management and operation of this facility, that will be funded from annual income from each of the partners through the establishment of a "Sinking Fund" and the operational management plan.
- 2.6 Council note the delays in securing grant funding from DELWP and endorse the extension of time for the completion of Strategic Resource Plan Action 2.2.1.5 for the completion of project construction from 30 June to 31 December 2016.

## **3 PRIORITY/TIMING**

- 3.1 Action 2.2.1.5 of Council's Strategic Resource Plan for 2015/2016 requires the implementation of the Bolin Bolin Billabong Integrated Water Management project, with construction to be completed by 30 June 2016, subject to receiving grant funding. Due to the delays experienced in securing the final grant from DELWP, it is now not feasible to complete the construction of this project by 30 June 2016 as previously proposed. An extension of time to 31 December 2016 will be required to complete this action.
- 3.2 Tenders for the construction of this project, closed on the 23<sup>rd</sup> of September 2015. A tender selection panel was formed of all project partners and interviews have been conducted with the two lowest tenders and an evaluation of the tenders received has been completed.

- 3.3 Subject to the signing of the project agreement and licence, Council is in a position to award a contract for these works with the view of works commencing in March 2016.
- 3.4 Under the provisions of the funding agreement with DELWP, there is also a requirement that their funds be expended by 31 December 2016.
- 3.5 Works on the project also need to commence as soon as possible to minimise delays associated with potential wet weather conditions.

#### 4 CUSTOMER/COMMUNITY IMPACT

- 4.1 The Bolin Bolin Billabong Integrated Water Management project is a significant and exemplar storm water management project, which will realise multiple benefits as set out under section 1.24 of this report. The site is currently significantly impacted with blackberries and the existing maintenance regime is minimal. The project will result in a significant improvement in the aesthetic values of the crown land site, as well as improved access to walking trails along the Yarra River for the community.
- 4.2 The project will also provide benefits to the Yarra River through a reduction in nitrogen, suspended solids and phosphorus levels of storm water discharging to the river, thereby improving water quality to receiving waters.
- 4.3 The project will limit the incidence of localized flash flooding of Bulleen Road and the upstream catchment in particular Trinity Grammar, and significantly benefit flood management during significant storm events. Manningham City Council is required to achieve these outcomes in accordance with the "Memorandum" of Understanding" with Trinity Grammar.
- 4.4 Requirements for extraction of water from the Yarra River will be minimized, facilitating maintenance of environmental flows for the river, through the harvesting of storm water from the local catchments.
- 4.5 Sports ground irrigation will be facilitated through this project with 95.5% reliability, which will maximize the availability of local sports fields for community use.

#### 5 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 5.1 Action 2.2.1.5 of Council's Strategic Resource Plan for 2015/2016 requires the implementation of the Bolin Bolin Billabong Integrated Water Management project, with construction to be completed by 30 June 2016, subject to receiving grant funding.

#### 6 FINANCIAL RESOURCE IMPLICATIONS

The financial implications of this project are as follows;-

##### Income

- 6.1 The current sources of income for the project are as follows:

Source of Income	Amount
Manningham City Council	\$ 750,000.00
Boroondara City Council	\$ 300,000.00
Carey Grammar	\$ 200,000.00
Melbourne Water	\$ 900,000.00



Melbourne Water – Reimbursement of Design Costs	\$ 59,975.00
Parks Victoria	\$ 7,000.00
Federal Government	\$ 195,974.00
Bolin Bolin Tourism Advisory Group	\$ 3,698.36
Department of Environment, Land, Water and Planning	\$ 400,000.00
<b>Total</b>	<b>\$ 2,816,647.36</b>

### Expenditure

- 6.2 The projected project expenditure since inception of the project is as follows:

<b>Project Component</b>	<b>Amount</b>
Construction costs	\$ 1,868,649.00
Potential Expansion of Golf Course Storage	\$ 220,843.36
Other project costs	\$ 74,986.00
Consultant fees	\$ 353,961.00
Project management fees	\$ 111,343.00
Contingency	\$ 186,865.00
<b>Total</b>	<b>\$ 2,816,647.36</b>

- 6.3 As indicated in section 2.71 of this report, DELWP have reviewed Manningham Council's previous funding application made to the former "Office Of Living Victoria" which was not honoured due to the change in Government at the time.
- 6.4 Council is now in receipt of a new draft funding agreement from DELWP and a maximum of \$400,000 is available which is commensurate with the amount that was previously sought from the former "Office of Living Victoria".
- 6.5 The project partner capital contributions were based on the negotiations for the original scheme when Federal Funding was sought for the project. Manningham's funding contribution of \$750,000 is consistent with its original obligations to the initial project which included funding the high flow bypass and provision of a matching contribution to the Federal Government grant for the original storm water harvesting and reuse project. Whilst the cost of the high flow bypass may be less with the revised design it is considered appropriate in good faith to the other project partners and in particular Melbourne Water that Council maintain its \$750,000 capital contribution.
- 6.6 As Boroondara's water demand exceeds that of the other project partners, they will be required to fund the majority of the operational costs (in excess of \$1.4Mil) over the life of the project.
- 6.7 Council's funding commitment is available through Council's existing Capital Works allocations, as part of the Drainage Strategy program.

### Operational Costs

- 6.8 In addition to these costs each of the project partners will need to fund the operational costs of this project as indicated in sections 1.42 to 1.47 inclusive of this report.
- 6.9 As indicated in sections 1.43 to 1.45 of this report a schedule of operating costs has been developed for the project and there will be obligations on each of the project partners to make annual contributions to a "Sinking Fund" to fund the ongoing routine and non routine maintenance aspects of the facility

and the replacement cost of assets once they reach the end of their useful lives.

- 6.10 The obligations will be legally binding on each of the partners through the signing of the "Project Agreement".
- 6.11 The estimated annual operational, maintenance and renewal costs for the project is \$90,586.00 in year 1 and increasing to \$113,303 in year 20 allowing for inflation.
- 6.12 The apportionment cost to each party is based on respective water demands for each party and is as follows:-

Project Partner	Water Demand	Apportioned Annual Operational and Capital Renewal Costs	
		Year 1	Year 20
Boroondara City Council	90 ML/annum	\$ 66,581.00	\$ 83,278.00
Carey Grammar School	18 ML/annum	\$ 13,316.00	\$ 16,656.00
Manningham City Council	14.4 ML/annum	\$ 10,689.00	\$ 13,370.00
	<b>Total</b>	<b>\$ 90,586.00</b>	<b>\$ 113,304.00</b>

- 6.13 It is proposed that Manningham Council become the management authority for the operation of the facility and accordingly annual invoices will be forwarded to the other project partners such that adequate funds are available to manage the facility over the life of the agreement.
- 6.14 The ongoing maintenance arrangements for Manningham City Council will be cost neutral.

## 7 SUSTAINABILITY

- 7.1 The project has significant environmental benefits in that the project will reduce the reliance on potable water consumption for the project partners and also improve the quality of water in the Yarra River by reducing pollutant load that would naturally discharge to the river from the storm water drain. In particular there will be a reduction in nitrogen, phosphorus and suspended solids as indicated in section 1.25 of this report.
- 7.2 The project will also provide sustainable environmental flows to the Yarra River by reducing water extraction demand from the river.
- 7.3 The project has the ability to provide social benefits to residents that use the walking trails within the crown land site with improvements to the amenity of the crown land site where the storm water harvesting facility is located.

## 8 REGIONAL/STRATEGIC IMPLICATIONS

- 8.1 Council's Strategic Resource Plan for 2015/2016 requires the implementation of the Bolin Bolin Billabong Integrated Water Management project, with construction to be completed by 30 June 2016, subject to receiving grant funding.
- 8.2 The project is an exemplar "Whole of Water Cycle Management" project that can be used as a model for other organisations to implement similar projects with a large degree of complexity.

- 8.3 The project involves a unique arrangement and partnerships between Federal and State Governments, several state government agencies, an adjoining municipality and educational intuition.
- 8.4 The project is a strategic fit with federal and state government water management strategies and directions.

## **9 CONSULTATION**

- 9.1 Extensive consultation has been undertaken with all stakeholders throughout the project planning phase. Presentations were made to local environmental groups and to the Bolin Bolin Tourism Advisory Group regarding the proposal, prior to lodging the Planning Permit application.
- 9.2 Meetings have been conducted with neighbouring property owners and Wurundjeri Elders to present and discuss the project. Extensive consultation has been undertaken with Parks Victoria, Yarra Valley Water, DSE, the Office of Living Victoria and Melbourne Water regarding project delivery and ongoing operational issues.
- 9.3 Extensive discussions and negotiations have been undertaken between the project partners during the life of the project with regard to their continued commitment and support.
- 9.4 The Planning Permit application for the initial application was also advertised as was the amendment to the permit following a change in the scope of works. Several submissions were received in support of the proposal and one objection has subsequently received to the amendment of the permit. The Permit has been subsequently issued.

## **10 COMMUNICATIONS STRATEGY**

- 10.1 Extensive consultation has been undertaken with the project partners in the development and finalization of the project, and project funding agreements with the project partners.
- 10.2 The project involved a number of stakeholders, funding partners, funding arrangements and different land tenure arrangements and displays the high level of complexity involved with the implementation of this project. The project demonstrates a major initiative for Manningham that can be presented at conferences on how such a project can be commissioned involving multiple stakeholders.
- 10.3 The project provides an opportunity to promote Manningham City Council as a leader in sustainable water management. This could involve media coverage and a launch for the project involving State and Local Government bodies as well as Carey Grammar.

## **11 CONCLUSION**

- 11.1 This project demonstrates an exemplary example of “Whole of Water Cycle” integrated storm water management and reinforces Council’s environmental credentials.
- 11.2 All partners have worked together in good faith over a long period of time to advance this project. The project is an excellent demonstration of how different agencies can come together in partnership and work cooperatively to deliver a project that will provide significant benefits to all partners that include

state agencies and the community which align with the States' strategic water management objectives.

- 11.3 This project has involved a number of scope changes over the last 6 years. Whilst a substantial portion of the Federal Government funding was required to be surrendered, Melbourne Water has demonstrated their high level of commitment to the project having separately funded the detail design of the original project, the subsequent re-design following a change in scope of works and the allocation of \$900,000 to the capital cost of the project.
- 11.4 In order to progress this project Council needs to accept Committee of Management responsibilities for that portion of the Crown Land shown in Attachment "D" to the agreement that will accommodate the majority of the assets associated with this project.
- 11.5 Council needs to also accept management responsibilities for the ongoing operation of this facility on behalf of the project partners that will be funded from annual income from each of the partners through the establishment of a "Sinking Fund" and the operational management plan.
- 11.6 Council needs to authorise the signing of the project agreement, signing of the licence agreement and awarding of the contract for the construction of this project.

#### **OFFICER'S RECOMMENDATION**

**That, subject to the execution of the "Project Agreement" by both Boroondara City Council and Carey Grammar, Council resolve to:**

- (A) Delegate authority to the Chief Executive Officer to sign the "Project Agreement" between the project partners on behalf of Manningham City Council, to ensure the obligations of each party are secured, including each party's financial obligations to facilitate the construction and ongoing maintenance of the Bolin Bolin Wetland project, attached as Attachment C to this report, subject to final minor amendments;**
- (B) Accept responsibility and become the Committee of Management for that relevant portion of the Crown Land described as Lot 1 PS406503L Vol 10443 Fol 959, Part Lot 2 LP98638 Vol 9391 Fol 492 and PC360481J Vol 10465 Fol 758, limited to the area shown in Attachment D, to the agreement facilitate the construction of the Bolin Bolin Integrated Water Management project;**
- (C) Delegate authority to the Chief Executive Officer to sign the license agreement between Manningham City Council and the Department of Environment, Land, Water and Planning to provide access rights over parts of the crown land as shown in Attachment G, for the construction and ongoing maintenance of those assets that are part of the project infrastructure;**
- (D) Act as the construction authority for the project on behalf of the project partners and award a contract for the construction of the Bolin Bolin Wetland Project, with agreement from the other two project partners;**
- (E) Accept management responsibilities for the ongoing operation of this facility on behalf of the project partners, which will be funded from annual income from each of the partners through the establishment of a "Sinking Fund", in**

accordance with the “Project Agreement” and the attached operational management plan; and

- (F) Note the delays in securing grant funding from DELWP, and endorse the extension of time for the completion of Strategic Resource Plan Action 2.2.1.5 for the completion of project construction from 30 June to 31 December 2016.

**MOVED:               McLEISH**  
**SECONDED:       GOUGH**

**That the Recommendation be adopted.**

**CARRIED**

“Refer Attachments”

\* \* \* \* \*

## 11.2 2015-2016 Capital Works Program - End of December Status Report

Responsible Director: Director Assets and Engineering

File No. T15/240

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*This attached Capital Works Status Report, for the period ending 31 December 2015, is provided for review and consideration.*

*To the end of December, the majority of projects are progressing satisfactorily and are meeting the specified timelines. Nine (9) projects have been completed out of a total of 110 projects. Eighty-one (81) projects are currently in progress, of which thirty-one (31) projects are currently experiencing some minor delays, but are not considered beyond reasonable control and are anticipated to be completed. Ten (10) projects are yet to commence, but should be completed. Two other projects will not proceed and the unspent funds have been transferred to the Aquarena Master Plan project (Refer Table F in the attached Status Report). A further eight projects will not be completed or sufficiently advanced due to project planning, consultation and approval delays. As a result, it is proposed that the unspent funds be either transferred to other projects, to enable continued progress and effective utilisation of funds is made under the current program, or carried forward to be completed in 2016/17 (Refer Tables G and H in the Status Report).*

*The total value of the proposed carry forward amount is \$0.950 million. A number of other part funding transfers are also proposed on a few projects, and these will not impact on the overall delivery of the programmed works, but will enable these projects to be delivered more effectively to address contractual requirements and/or to meet asset or service needs.*

*The value of works completed at end of December is \$13.725 million, which is \$1.832 million (15.4%) above the YTD Budget of \$11.893 million and \$0.051 million (0.4%) above the YTD Forecast amount of \$13.674 million.*

*The variance against the YTD budget can be attributed to a number of ongoing projects that were incomplete as at 30 June 2015 and carried forward to the 2015/16 financial year, or further advanced than originally planned.*

*A separate report will be presented to Council as a part of the midyear budget review, regarding the adoption of a revised Capital Works Program, which will also consider details of accumulated surplus and additional income and grants that are available and can be expended.*

*Notwithstanding the known carry forward amount, it can be concluded that the end of December position, with respect to the 2015/2016 Capital Works Program, reveals that reasonable progress has been made in terms overall performance in the implementation of the Capital Works Program.*

## 1 BACKGROUND

- 1.1 Reporting on the status of the 2015/2016 Capital Works Program is carried out on a quarterly basis to Council.
- 1.2 A financial chart of performance, with trend graphs and milestone program ('traffic light'), are presented as indicators of performance, which have been previously endorsed by Council as the agreed set of monitoring tools for status reporting. Commentary on performance is by exception and as appropriate.
- 1.3 Key Performance Indicators are also provided to assist in comparing our performance in terms of our budget position against the adopted budget and year end forecast, and in regard to measuring the scope and progress of key capital projects.
- 1.4 A year end expenditure of \$39.225 million is currently forecast against the adopted budget total of \$37.616 million. The increase in the projected capital expenditure arises from a higher level of carry forwards from 2014/15 of \$0.937 million, plus an increase of grant funded works of \$1.622 million for new works to be undertaken this financial year, less proposed carry forwards of \$950 million to the 2016/17 financial year.
- 1.5 The value of works completed at end of December is \$13.725 million, which is \$1.832 million (15.4%) above the YTD Budget of \$11.893 million and \$0.051 million (0.4%) above the YTD Forecast amount of \$13.674million.
- 1.6 Whilst in financial terms the completed works is shown as an unfavourable variance, this is largely due to work on those projects that were carried forward from 2014/15, or further advanced than originally planned. In terms of the delivery of the Capital Works Program, the YTD outcomes show a higher level of works being achieved when compared to the YTD budget and YTD forecast.
- 1.7 Of the \$13.725 million of works completed at the end of December, the value of budgeted works completed, excluding the carry forward projects and new post budget adoption projects, is \$10.573 million. The completed value of the carry forward projects that were delayed from 2014/15, including those in the 2015/16 adopted budget, is \$2.715 million. The net value of new post budget adoption projects is \$0.437 million.
- 1.8 Income received related to capital projects is ahead YTD budget income at the end of December, with a variance of 52.6%, which can be attributed to an increase in additional grants and income for works to be undertaken in 2015/16.

The 'traffic light' program of performance against key milestones is included with the attached Status Report (Attachment C). To the end of December the majority of projects are progressing satisfactorily and are meeting the specified timelines. Nine (9) projects have been completed out of a total of 110 projects. Eighty-one (81) projects are currently in progress, of which thirty-one (31) projects are currently experiencing some minor delays, but none of these are considered beyond reasonable control. Ten (10) projects are yet to commence, but should be completed.

- 1.9 The Leeds Street indented parking bays and Sheahans Reserve upgrade projects have been deferred to 2016/17, and the unspent funds have been

transferred to the Aquarena Master Plan project to enable continued progress and effective utilisation of funds is made under the current program.

- 1.10 The Civic Offices Draught Proofing project has been deferred and the Drainage Strategy Implementation (Bolin Bolin Wetlands), Energy Efficiencies, Colman Park Pavilion Upgrade, Park Avenue Reserve Synthetic Soccer Pitch, and AMS Buildings (Swanston Street Gym), and Contract Management System projects will not be sufficiently advanced due to project planning, consultation and approval delays, resulting in the need for the unspent funds to be either transferred to other projects, to enable continued progress and effective utilisation of funds is made under the current program, or carried forward to be completed in 2016/17.
- 1.11 It is proposed, that rather than carry forward all of the unspent funds, that the carry forward amount from Colman Park Pavilion, Swanston Street Gym and Park Avenue Reserve Soccer Pitch projects be transferred to the Mullum Mullum Highball facility in order to advance the project this financial year and meet contractual requirements, and that the transferred amounts be restored to these projects in 2015/16.
- 1.12 The total value of the proposed carry forward amount is \$0.950 million. A number of other part funding transfers are also proposed on a few projects, and these will not impact on the overall delivery of the programmed works, but will enable these projects to be delivered more effectively to address contractual requirements and/or to meet asset or service needs.
- 1.13 The following explanations are provided on the performance of some projects where specific issues have been identified, or where circumstances have changed since the last reporting period (In many cases projects have been flagged on the 'traffic light' program, and include comments - 'Marginal delay', and it is expected, that whilst these projects are currently experiencing delays, they will be completed):

Energy Efficiencies (Line 7) - In order to obtain maximum benefit and value with the replacement of street light fittings that will deliver a reduction in Council's operating costs, it is proposed that works be undertaken over a two year period resulting in the need to carry forward \$130K to complete the works in 2016/17.

Draught Proofing Civic Offices (Line 10) - The project has been deferred to enable a further review and evaluation of the benefits of carrying out draught proofing works following the recent replacement of external windows at the Civic Centre, and future relocation of the cooling towers, which are scheduled for 2016/17.

Drainage Strategy Implementation - Bolin Bolin Wetlands (Line 27) - Delays have been encountered in seeking resolution from the external funding partners regarding the current funding shortfall and negotiation of ongoing operational costs. As a result, the project will not be sufficiently advanced to enable the current allocation of funds to be spent this financial year resulting in the need to carry forward \$251K to complete the project in 2016/17.

Colman Park Pavilion Upgrade (Line 48) - As a result of a funding shortfall being identified to upgrade the pavilion and ongoing delays in reaching agreement with the club on the build option, the project will not be completed this financial year resulting in the need to carry forward \$0.345 million of unspent funds to 2016/17. It is proposed, that rather than carry forward all of



the unspent funds, that the carry forward amount be transferred to the Mullum Mullum Highball facility in order to address a cash flow issue to enable the project to advance this financial year, and that the transferred amount be restored to the Colman Park pavilion project in 2016/17.

Whilst discussions are continuing with the sporting clubs on the preferred build option, a funding shortfall of \$540K has been identified for the Council option, to construct new change rooms and storage space to the rear of the pavilion, and a further \$311K for the clubs option, which would include a redevelopment to the front of the pavilion, following recent tender submissions. The proposed pavilion redevelopment for the Council option is consistent with Council's Outdoor Sports Infrastructure Guidelines and the sporting clubs would be responsible to fund the cost difference if the clubs option is to proceed. The clubs are currently seeking external grants and other income sources to contribute towards the gap between alternative options, and the outcomes on the preferred build option, including details of the funding shortfall, will be considered as a part of the 2016/17 budget.

Mullum Mullum Highball Facility (Line 56) - Stage 1 car park and early works have been tendered and in order to undertake these works this financial year \$1.1 million of the total project budget needs to be brought forward to enable the works to be successfully completed. It is proposed, that in order to advance the project and meet contractual requirements, that funds from carry forward projects be transferred to the Mullum Mullum Highball project, and that the transferred amounts be restored to those carry forward projects in 2015/16 (Refer Table G in the attached Status Report).

A funding shortfall of some \$2.0 million remains however to successfully complete this project and a number of external grants/sponsorships are currently being explored to fund the shortfall, and the outcomes will be considered as a part of the 2016/17 budget.

Sheahans Road Highball Facility (Line 59) - The successful delivery of the project is dependent on a contribution of \$600K from the Bulleen Templestowe Basketball club, which will be required prior to the signing of the contract to commence works. The total project cost is estimated to be \$1.4 million. The State Government has committed \$500K towards the stadium redevelopment and Council has allocated a further \$300K. The project will not be completed this financial year resulting in the need to carry forward \$100K of Council funds to complete the works in 2016/17.

Park Avenue Reserve Synthetic Soccer Pitch (Line 57) - Project planning and consultation delays have been encountered with the club in finalising the scope of works, which will also need to be undertaken during the non sporting season when disruption to the club and sports ground users will be minimised. As a result, the project will not be sufficiently advanced to enable the majority of funds to be spent this financial year. It is proposed, that rather than carry forward the unspent funds, that the carry forward amount be transferred to the Mullum Mullum Highball facility, and that the transferred amount be restored to the Park Avenue Soccer Pitch project in 2016/17.

However, a funding shortfall of some \$359K has been identified to successfully deliver the project, and this will be considered as a part of the 2016/17 budget.

Contract and Project Management Solution (Line 77) - The project is presently focussed on improving and maturing project management disciplines and processes that will ultimately translate into a corporate wide technology solution. The project will not be sufficiently advanced due to project planning and resourcing delays resulting in the need to carry forward 200K to 2016/17.

AMS Buildings - Swanston Street Gym (Line 82) - A funding shortfall has been identified to refurbish the building that includes opportunities for a mixed use facility. A review of scoping requirements is to be undertaken and SRV funding is to be sought. As a result, the project will not be sufficiently advanced to enable the majority of funds to be spent this financial year resulting in the need to carry forward \$170K to 2016/17. It is proposed, that rather than carry forward the unspent funds, that the carry forward amount be transferred to the Mullum Mullum Highball facility, and that the transferred amount be restored to Swanston Street gym in 2016/17.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that the attached Capital Works Program Status Report for the period ending 31 December 2015 be noted.

## **3 FINANCIAL RESOURCE IMPLICATIONS**

- 3.1 It is proposed that \$1.1 million of the total carry forward amount for 2016/17 be transferred to the Mullum Mullum highball facility project, to address contractual requirements, and that the transferred amount be restored to the carry forward projects in 2016/17 by adjustments to other project budgets and cash flows.
- 3.2 A number of other part funding transfers are also proposed on a few projects, and these will not impact on the overall delivery of the programmed works, but will enable these projects to be delivered more effectively to address contractual requirements and/or to meet asset or service needs.
- 3.3 Funding shortfalls have been identified on the Colman Park Pavilion, Sheahans Road Highball Facility, Park Avenue Synthetic Soccer Pitch, and Mullum Mullum Highball Facility projects, and in order to successful complete these projects, the funding shortfalls will be considered as a part of the 2016/17 Capital Works Program.
- 3.4 There are no other adverse or unfavourable financial resource implications identified in this report.

## **4 CONCLUSION**

- 4.1 It can be concluded that the end of December position with respect to the 2015/16 Capital Works Program, reveals that reasonable progress has been made in terms of overall performance in the implementation of the Capital Works Program.

**OFFICER'S RECOMMENDATION**

That Council:

- (A) Receive and note the attached Capital Works Program Status Report for the period ending 31 December 2015.
- (B) Note and approve the transfer of \$2.028 million, as indicated in the Status Report (Refer Table G), to enable additional progress and effective utilisation of capital funds is made under the program.
- (C) Approve that the transfer of \$1.1 million from the Colman Park Pavilion, AMS Buildings, and Park Avenue Synthetic Soccer Pitch projects to the Mullum Mullum Highball Facility, are to be restored in 2016/17 by adjustments to other project budgets and cash flows, as indicated in the Status Report.
- (D) Note the carry forward amount of \$0.950 million, which will be considered as part of the 2016/17 Capital Works Program (Refer Table H).
- (E) Note the revised annual budget amount that will be achieved through identified savings and from a net increase in grants and income of \$1.622 million, plus additional carry forwards/budget adjustments of \$0.937 million that were not part of the 2015/16 adopted budget, less proposed carry forwards of \$0.950 million to the 2016/17 financial year, which will be considered as a part of a separate report to Council regarding the adoption of a revised Capital Works Program, at the 2015/16 Mid Year Budget Review.

**MOVED: DOWNIE**  
**SECONDED: GRIVOKOSTOPOULOS**

That the Recommendation be adopted.

**CARRIED**

"Refer Attachments"

- Capital Works Status Report (Council) - December 15
- Traffic Light Program - December 15

\* \* \* \* \*

**12. COMMUNITY PROGRAMS**

There are no Community Programs reports.

## **13. CORPORATE SERVICES**

### **13.1 Financial Status Report - December 2015**

Responsible Director: Director Shared Services

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

#### **SUMMARY**

*The attached Financial Status Report for the period ending 31 December 2015 is provided for review and consideration.*

*The December report details an overall positive performance and shows an improvement to the year to date operating results and financial positions adopted in the 2015/16 Annual Budget. Material variations to the adopted budget forecasts have been reflected in the Mid Year Review which is due to be tabled to Council at the 2 February 2016 meeting.*

#### **1 BACKGROUND**

- 1.1 The attached Financial Status Report for the period ending 31 December 2015 reflects that Council's budgetary operating and financial position are sound and are performing better than year to date target. Commentary on performance is by exception and as appropriate.
- 1.2 Reporting on the performance of the Capital Works Program, Customer Feedback System, Council Plan Initiatives, Local Government Performance and Reporting Framework and Councillor expenditure is provided through alternate reporting mechanisms

#### **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that the attached Financial Status Report for the period ending 31 December 2015 be noted.

#### **3 FINANCIAL RESOURCE IMPLICATIONS**

- 3.1 There are no adverse financial resource impacts arising from the review of Council's December 2015 financial results.

#### **4 CONCLUSION**

- 4.1 It can be concluded that satisfactory progress has been made in regard to the achievement of budget outcomes to the end of December 2015.

#### **OFFICER'S RECOMMENDATION**

**That the attached Financial Status Report detailing the financial performance of Council to 31 December 2015 be noted.**

**MOVED: HAYNES**  
**SECONDED: McLEISH**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

## 13.2 2015/2016 Mid Year Review

Responsible Director: Director Shared Services

File No. T15/308

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*On 23 June 2015, Council adopted the 2015/16 Budget (the Adopted Budget) based on estimates prepared during the first quarter of 2015.*

*The 2015/16 Mid Year Review (MYR) is undertaken to critically review and reprioritise current year operational budgets where required, consider new initiatives and refine year-end forecasts in response to changing internal and external factors.*

*The outcome of the MYR is summarised in the table below and represents an overall improvement to the financial position (net assets) of Council when compared to the Adopted Budget.*

<b>Key Financial Indicators</b>	<b>Adopted Budget (June 2015) \$ million</b>	<b>MYR Adjustment (Dec 2015) \$ million</b>	<b>Reviewed Forecast \$ million</b>
Operating surplus for the year	16.266	(0.251)	16.015
Underlying cash surplus	29.023	(1.022)	28.001
Capital Expenditure	37.616	1.609	39.225
Cash and Investments	44.470	2.703	47.173
Net Assets	1,690.800	157.997	1,848.797

*The operating surplus for 2015/16 is forecast to decrease by \$0.25 million to \$16.01 million, though after taking into account \$1.23 million in cash grants received late in 2014/15 for the 2015/16 year, the result represents an improved position.*

*Key variances to income and expenditure include:*

#### **Income**

- *General rate income is forecast to increase by \$1.142 million chiefly due to back rates from the former Eastern Golf Club land and an increase in the number of properties rated for the first time.*
- *Higher than budgeted capital grants of \$0.750 million for capital work projects*
- *Recovery of service delivery costs through the charges of fees to users of Council's services is expected to increase by \$0.571 million*
- *Timings of Financial Assistance Grants payment of \$1.231 million which was received in advance in late June 2015*

**Expenses**

- *\$1.104 million is allocated to improve the core IT systems as part of the IT Transformation project. The project expenses for 2015/16 are largely funded from favourable budget outcomes in prior years*

*Attachment 1 to this report provides detailed explanations of key variances to the Adopted Budget and includes updated financial statements reflecting the forecast year end position as at 30 June 2016.*

**1 BACKGROUND**

- 1.1 Council adopted the 2015/16 financial year budget on the basis of maintaining operational service levels including extended capacity to service growth in the municipality. The Budget also provides for the required renewal and enhancement of community assets throughout the municipality.
- 1.2 The MYR is prepared as at the end of December as one of the strategies used to monitor and track financial targets and achieve financial sustainability. Later in the financial year, a March update is also prepared to further refine year end forecasts.
- 1.3 During the MYR process, the Executive Management Team and Service unit Managers reviewed financial performance in the year to date and considered the impacts of changed circumstances and priorities.
- 1.4 The MYR provides an opportunity to Council to review and re-prioritise current year operational budget allocations to achieve best outcomes within established budget provisions.
- 1.5 The MYR outcomes are presented in the attached report in detail along with the explanations to the key variances and financial performance indicators set as part of the 2015/16 Budget.
- 1.6 The MYR represents an update to financial forecasts only, not a revised budget, and therefore the Adopted Budget will still form the basis for statutory reporting purposes for the 2015/16 year.

**2 PROPOSAL/ISSUE**

- 2.1 It is proposed that Council consider the attached 2015/16 Mid Year Report, noting the proposed reviewed financial forecast, factors contributing to the revision, and the impact of the Review on the Council's financial indicators.
- 2.2 The proposed MYR outcomes represent an update to the year-end forecast, not the adoption of a Revised Budget. As such, the 2015/16 Annual Report will compare financial outcomes against the budget adopted by Council on 23 June 2015.

**3 PRIORITY/TIMING**

- 3.1 It is proposed that the reviewed forecast will be used for financial reporting effective from the February 2016 Financial Status Report.



#### 4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The forecast year end (30 June 2016) results will form the starting point for preparing the 2016/17 Budget, forecasts for the Strategic Resource Plan and associated Ten Year Financial Strategy.

#### 5 BEST VALUE

The MYR aligns with the Best Value and continuous improvement principles of maintaining operational service levels including extended capacity to service growth in the municipality.

#### 6 FINANCIAL PLAN

- 6.1 The key financial performance indicators are summarised below:

Financial Performance Indicators	Actual	Adopted Budget	Reviewed Forecast
	2014/15	2015/16	2015/16
<b>Operating position</b>			
<b>Adjusted underlying result</b> [Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x 100	7.0%	7.6%	6.7%
<b>Liquidity</b>			
<b>Working capital</b> [Current assets / Current liabilities] x 100	206.1%	176.0%	189.9%
<b>Unrestricted cash</b> [Unrestricted cash / Current liabilities] x 100	60.4%	63.0%	59.3%
<b>Obligations</b>			
<b>Loans and borrowings</b> [Interest bearing loans and borrowings / Rate revenue] x 100	8.3%	7.9%	7.8%
<b>Loans and borrowings</b> [Interest and principal repayments / Rate revenue] x 100	0.3%	0.3%	0.3%
<b>Indebtedness</b> [Non-current liabilities / Own source revenue] x 100	8.0%	7.7%	7.4%
<b>Asset renewal</b> [Asset renewal expenses / Asset depreciation] x 100	71.3%	83.5%	87.1%
<b>Stability</b>			
Rates concentration [Rate revenue / Adjusted underlying revenue] x 100	76.5%	78.6%	79.0%
<b>Rates effort</b> [Rate revenue / Capital improved value of rateable properties in the municipality] x 100	0.2%	0.3%	0.3%

<b>Financial Performance Indicators</b>	<b>Actual</b>	<b>Adopted Budget</b>	<b>Reviewed Forecast</b>
	<b>2014/15</b>	<b>2015/16</b>	<b>2015/16</b>
<b>Efficiency</b>			
<b>Expenditure level</b> [Total expenses / Number of property assessment]	\$2,282	\$2,325	\$2,363
<b>Revenue level</b> [Residential rate revenue / Number of residential property assessments]	\$1,832	\$1,840	\$1,947
<b>Workforce turnover</b> Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x 100	8.3%	9.5%	9.5%
<b>Sustainability</b>			
<b>Own-source revenue</b> [Own-source revenue / Municipal population]	\$860	\$883	\$898
<b>Recurrent grants</b> [Recurrent grants / Municipal population]	\$110	\$99	\$96
<b>Total expenditure</b> [Total expenses / Municipal population]	\$895	\$899	\$914
<b>Infrastructure</b> [Value of infrastructure / Municipal population]	\$5,944	\$6,112	\$6,012
<b>Population density</b> [Municipal population / Kilometres of local roads]	198	201	201

## 7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 The financial movements reported to Council are those of material nature and will therefore have an impact on the Operating Surplus for the year.

## 8 CONSULTATION

- 8.1 Service Unit Managers and Directors have critically reviewed and reprioritised current year operational budgets in response to changing internal and external factors.

## 9 CONCLUSION

- 9.1 With the commitment of management and staff, and continued focus on productivity improvements and expenditure restraint, the MYR is forecasting achievement of the Adopted Budget financial outcomes.

- 9.2 The MYR forecasts will be used for financial reporting effective from the February 2016 Financial Status Report.
- 9.3 The positive MYR forecasts will form a strong starting point for establishing the 2016/17 Budget.

**OFFICER'S RECOMMENDATION**

**That Council note the updated year-end financial forecasts and Key Financial Performance Indicators for the 2015/16 year.**

**MOVED: McLEISH  
SECONDED: KLEINERT**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \*

### 13.3 Appointment of Acting Chief Executive Officer - February 2016

Responsible Manager: Acting Manager Strategic Governance - Jill Colson

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Manager nor the Officer authoring this report has a conflict of interest in this matter.

#### SUMMARY

*Due to the resignation of Mr Joe Carbone as Chief Executive Officer, Council appointed Mr Chris Potter, Director Community Programs, as Acting Chief Executive Officer for the period from 18 January to 2 February 2016. As Mr Joe Carbone's resignation took effect from 29 January, it is necessary to appoint an Acting Chief Executive for a period after the 2 February 2016.*

#### 1 BACKGROUND

- 1.1 The Council at its meeting on 15 December 2015 appointed Mr Chris Potter, Director Community Programs, as Acting Chief Executive Officer for the period from 18 January to 2 February 2016, both dates inclusive. Mr Potter's appointment was made for the duration of Mr Carbone's absence on leave leading up to his resignation date. As Mr Potter's current appointment as Acting Chief Executive Officer is due to expire before the appointment of a new permanent Chief Executive Officer, Council therefore needs to appoint an Acting Chief Executive Officer for the period from 3 February 2016 until the formal commencement date (to be determined by Council) for the Council's new Chief Executive Officer.

#### OFFICER'S RECOMMENDATION

That –

1. **Mr Chris Potter, Director Community Programs, be appointed as Acting Chief Executive Officer for the period from 3 February 2016 until the formal commencement date for the Council's new Chief Executive Officer; and**
2. **the Acting Chief Executive Officer be authorised to exercise all powers and authorities reposed in the position of Chief Executive Officer for the period of the appointment**

MOVED: DOWNIE  
SECONDED: O'BRIEN

That the Recommendation be adopted.

CARRIED

\* \* \* \* \*

## 13.4 Appointment of Authorised Officers under the Planning and Environment Act 1987 – February 2016

Responsible Manager: Acting Manager Strategic Governance - Jill Colson

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*In accordance with section 188(2)(c) of the Planning and Environment Act 1987, Council is required to authorise Officers for the purpose of enforcing the Planning and Environment Act. It is proposed to appoint a newly employed Statutory Planning Officer as an Authorised Officers under this Act. The Appointment is detailed on the attached sample Instrument of Appointment and Authorisation and will be recorded in the Authorised Officers Register kept pursuant to Section 224 of the Local Government Act 1989 and made available for public inspection.*

### 1 BACKGROUND

- 1.1 Council, pursuant to Section 224 of the Local Government Act 1989, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most Acts, regulations or local laws which relate to the functions and powers of the Council. This is normally done under the delegated authority of the Chief Executive Officer and allows the appointed Council Officers to carry out their functions under a variety of statutes.
- 1.2 The Planning and Environment Act 1987 regulates enforcement and is reliant on authorised officers acting on behalf of the Responsible Authority.
- 1.3 The Planning and Environment Act 1987, unlike the Local Government Act, in most cases does not permit appointments to be made by the Chief Executive Officer and therefore it is necessary for the Council to make these appointments by formal resolution.
- 1.4 In order to legally undertake the duties of their office the nominated Officers need to be appointed as an Authorised Officer pursuant to the Planning and Environment Act 1987. The attached Instrument of Appointment and Authorisation will come into force immediately upon its execution under the Seal of Council and signed by the Mayor and Chief Executive Officer.
- 1.5 The appointment also allows for the Officers to institute proceedings for offences against the Acts and regulations described in the Instrument of Appointment and Authorisation under section 232 of the Local Government Act 1989.

**2 PROPOSAL/ISSUE**

- 2.1 It is proposed to appoint the following Statutory Planning Officer as an Authorised Officer pursuant to Section 147(4) of the Planning and Environment Act 1987. The Officer is:-
- Michelle West – Student Planner, Statutory Planning Unit.
- 2.2 The appointment will remain in force until varied or revoked by Council or the Officer ceases employment with Council.

**3 CONCLUSION**

- 3.1 The Instrument of Appointment and Authorisation documents are in accord with the format recommended by Maddocks.
- 3.2 The Officer has already been appointed by the Chief Executive Officer as an Authorised Officer under the Local Government Act 1989.
- 3.3 Both appointment forms will be recorded in the Authorised Officers Register that is required to be kept by Council pursuant to Section 224 of the Local Government Act 1989 and is available for public inspection.

**OFFICER'S RECOMMENDATION**

**That in the exercise of the powers conferred by Section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached sample Instrument of Appointment and Authorisation (Attachment 1), Council resolves that:**

- A. The member of Council staff referred to in the above report be appointed and authorised as set out in the Instrument;**
- B. The Instrument comes into force immediately the Common Seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it or the Officer ceases employment with Council; and**
- C. The Common Seal of the Council be affixed to an Instrument of Appointment for each of the Officers.**

**MOVED: HAYNES  
SECONDED: O'BRIEN**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachment"

\* \* \* \* \*

**ATTACHMENT 1**

**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

Michael West, Student Planning Officer, Statutory Planning Unit

**By this instrument of appointment and authorisation Manningham City Council**

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.

**It is declared that** this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 2 February 2016.

The Common Seal of            )  
Manningham City Council    )  
was hereunto affixed        )  
in the presence of:            )

Mayor .....

Acting Chief Executive Officer .....

Date: .....

## 13.5 Record of Assembly of Councillors - February 2016 Reports

Responsible Manager: Acting Manager Strategic Governance - Jill Colson

File No. EF12/18153

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to the next ordinary meeting of Council and those records be incorporated into the minutes of the Council Meeting. The Assemblies to be reported to this Council Meeting took place between 7 December 2015 and 22 January 2016 (both dates inclusive). They are:-*

- *Access and Equity Advisory Committee on 7 December*
- *Meeting to Discuss CEO Recruitment on 15 December*
- *Council Meeting Briefing Session on 15 December*
- *Strategic Briefing session on 8 December and 19 January*

### 1 BACKGROUND

- 1.1 An Assembly of Councillors is defined in the Local Government Act 1989 and means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:-
  - 1.1.1 the subject of a decision of the Council; or
  - 1.1.2 subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation
- 1.2 An advisory committee can be any committee or group appointed by Council and does not necessarily have to have the term 'advisory' or 'advisory committee' in its title.
- 1.3 Written records of Assemblies of Councillors must be kept and that record presented to the next practicable ordinary meeting of Council. The record is to include the names of all Councillors and members of Council staff attending, a list of the matters considered, any conflict of interest disclosures made by a Councillor attending and whether a Councillor who has disclosed a conflict of interest leaves the assembly for the item in which he or she has an interest.



1.4 A Councillor who has a conflict of interest at an assembly of Councillors must disclose to the meeting that he or she has a conflict of interest, and leave the meeting while the matter is being discussed.

1.5 The details of each Assembly are shown in the Attachments to this report.

**OFFICER'S RECOMMENDATION**

**That the records of the Assemblies of Councillors as listed in the summary to this report and shown attached be noted and incorporated in the minutes of this Council Meeting.**

**MOVED: GRIVOKOSTOPOULOS**

**SECONDED: DOWNIE**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

## 13.6 Documents for Sealing - 2 February 2016

Responsible Director: Strategic Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*The following documents are submitted for signing and sealing by Council.*

#### 1 BACKGROUND

- 1.1 The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the Recommendation section of this report.

### OFFICER'S RECOMMENDATION

**That the following documents be signed and sealed:**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and A Bonakdar  
36 Roger Street, Doncaster East**

**Planning Agreement – Mullum Creek Guidelines  
Section 173 of the Planning and Environment Act 1987  
Council and Blackwood Banner Pty Ltd, D, S and S Mathews, Ultima Pty Ltd and  
Mullum Pty Ltd  
112-114 and 116-126 Old Warrandyte Road, Donvale**

**Deed of Renewal of Lease – Municipal Branch Library  
Council, Ayrestein Nominees Pty Ltd and Ginevra Holdings Pty Ltd  
Part Bulleen Plaza, 101 Manningham Road, Bulleen**

**Deed of Variation of Lease  
Council and Burch Memorial Pre-School Inc  
Part 9-13 Old Yarra Road, Wonga Park**

**Community Services Lease  
Council and Twin Hills Preschool Inc  
Part 39-41 Mayfair Avenue, Templestowe Lower**

**MOVED: GALBALLY**  
**SECONDED: DOWNIE**

**That the Recommendation be adopted with the addition of the following agreement:**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and G P Go  
125 High Street, Doncaster**

**CARRIED**

\* \* \* \* \*

**14. CHIEF EXECUTIVE OFFICER**

There were no Chief Executive Officer reports.

**15. URGENT BUSINESS REPORTS**

There were no Urgent Business Reports.

**16. QUESTIONS FROM THE PUBLIC**

There were no questions from the public.

**17. QUESTIONS WITHOUT NOTICE**

**17.1 Koonung Creek Linear Park – Fire**

Cr Haynes asked if Council could request the State Government to take action to remove dead and dangerous trees, caused by a fire in November 2015, in the Koonung Creek Linear Park at the rear of Hampshire Road, Doncaster.

The Mayor advised that a letter would be sent to the appropriate State Government authority.

**17.2 Amendment C109**

Cr Gough asked if Officers could investigate an alternative option to the introduction of a Planning Scheme Amendment that would produce the same desired outcome without the implications of an Amendment.

The Mayor advised that the request would be considered.

**17.3 Wonga Park – Cricket**

Cr Downie commented on the Wonga Park Cricket Club's recent successes.

The Mayor thanked Cr Downie for the information.

**17.4 Mr Murray Bouchier - 100 Acres Park Orchards**

Cr Galbally asked the Mayor if she was aware of the recent passing of Mr Murray Bouchier who was an instigator of the establishment of the 100 acres in Park Orchards.

The Mayor thanked Cr Galbally for this information.

**18. CONFIDENTIAL REPORTS**

There were no Confidential Reports.

The meeting concluded at 7:40pm.

---

Chairman  
CONFIRMED THIS 1 MARCH 2016

\* \* \* \* \*