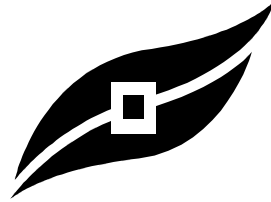


MINUTES



MANNINGHAM
BALANCE OF CITY AND COUNTRY

Ordinary Meeting of the Council

MEETING DETAILS:

MEETING NO: 4
MEETING DATE: 26 April 2016
TIME: 7:00 PM
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

1.	OPENING PRAYER & STATEMENTS OF ACKNOWLEDGMENT	836
2.	APOLOGIES	836
3.	PRIOR NOTIFICATION OF CONFLICTS OF INTEREST	836
4.	CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 29 MARCH 2016 AND THE CONFIDENTIAL MINUTES HELD ON 29 MARCH 2016	837
5.	VERBAL QUESTIONS FROM THE PUBLIC	837
6.	PRESENTATIONS	837
7.	PETITIONS	837
8.	ADMISSION OF URGENT BUSINESS	837
9.	PLANNING PERMIT APPLICATIONS	837
10.	PLANNING & ENVIRONMENT	838
10.1	Manningham City Council Food Security Plan 2016-2021	838
10.2	Koonung Park Draft Management Plan - Endorsement for Public Exhibition	899
10.3	Draft Lawford Reserve Plan - Endorsement for Consultation	946
10.4	Planning Scheme Amendment GC42 - Environmentally Sustainable Development Policy- Consideration of Submissions	956
10.5	Amendment C102 - Montgomery Street Proposal to Rezone Land - Consideration of Panel Report and Adoption of Amendment	1001
11.	ASSETS & ENGINEERING	1073
11.1	2015-2016 Capital Works Program - End of March Status Report	1073
12.	COMMUNITY PROGRAMS	1104
12.1	Progress Report - Live Well in Bulleen Community Strengthening Project	1104
12.2	Regional Kitchen Restructure - Shareholder Agreement	1112
12.3	Appointment of new community representatives for Advisory Committees - Access & Equity, Open Space & Streetscape, Integrated Transport, Arts	1129

13.	CORPORATE SERVICES	1154
13.1	Adoption of proposed 2016/2017 Annual Budget and proposed Strategic Resource Plan 2016-2020 for public exhibition.	1154
13.2	Financial Status Report - March 2016	1304
13.3	Delegations - Update April 2016	1308
13.4	Quarterly Organisational CEO Report - Quarter 3 (January - March) 2016	1318
13.5	Record of Assembly of Councillors - April 2016	1339
13.6	Documents for Sealing - 26 April 2016	1347
14.	CHIEF EXECUTIVE OFFICER	1349
15.	NOTICES OF MOTION	1349
15.1	Notice of Motion by Councillor G Gough (Nom No.1/2016)	1349
16.	URGENT BUSINESS REPORTS	1351
17.	QUESTIONS FROM THE PUBLIC	1351
18.	QUESTIONS WITHOUT NOTICE	1351
19.	CONFIDENTIAL REPORTS	1351

MANNINGHAM CITY COUNCIL
MINUTES OF THE ORDINARY COUNCIL MEETING
HELD AT COUNCIL CHAMBER
ON
26 APRIL 2016

The meeting commenced at 7:00 PM.

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

1. OPENING PRAYER & STATEMENTS OF ACKNOWLEDGMENT

The Mayor read the Opening Prayer & Statements of Acknowledgement.

2. APOLOGIES

There were no apologies.

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 Chief Executive Officer advised that he had received a disclosure of a conflict of interest from Cr Stephen O'Brien for Item 10.5 relating to Amendment C102 – Montgomery Street Proposal to Rezone Land – Consideration of Panel Report and Adoption of Amendment, the interest being an indirect interest of close association.

4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 29 MARCH 2016 AND THE CONFIDENTIAL MINUTES HELD ON 29 MARCH 2016

MOVED: GRIVOKOSTOPOULOS
SECONDED: DOWNIE

That the Minutes of the Ordinary Meeting of Council held on 29 March 2016 and the Confidential Minutes held on 29 March 2016 be confirmed.

CARRIED

5. VERBAL QUESTIONS FROM THE PUBLIC

Questions were asked by:-

- Mr M Cassidy, Templestowe – Capacity constraints and equipment for girls and boys cricket at Bulleen Templestowe Cricket.
- Mr D Wolnizer, Templestowe Lower – Garbage Bin Replacement.
- Mr G Macmillan, Blackburn – Lease and Sublease of 383 Manningham Road.

6. PRESENTATIONS

There were no Presentations.

7. PETITIONS

There were no Petitions.

8. ADMISSION OF URGENT BUSINESS

There were no admissions of Urgent Business.

9. PLANNING PERMIT APPLICATIONS

There were no Planning Permit Applications.

10. PLANNING & ENVIRONMENT

10.1 Manningham City Council Food Security Plan 2016-2021

Responsible Director: Director Planning & Environment

File No. D16/8740

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 report provides an overview of the development of a Food Security Plan which is a key action of the Securing the Future: Responding to climate change, peak oil and food scarcity 2012 and also identified as part of the implementation of the current Healthy City Plan 2013-2017.

The Plan was informed by a community consultation with over 600 residents, visitors, community organisations and businesses that took place throughout April, May and June 2015. Regional involvement from Whitehorse, Boroondara and Monash also took place through the work toward a regional plan.

Subsequent internal consultation was held with nine Council service units to create an action plan that is realistic and achievable by leveraging actions from existing strategies and plans that can be applied to achieve the food security objectives identified from the consultation and review process.

There are no additional financial implications due to the Plan's synergistic action planning approach.

This report asks Council to note the Plan's strategic alignment of Council activities with the food security needs of the community and also seeks endorsement for placing the Plan on Council's website.

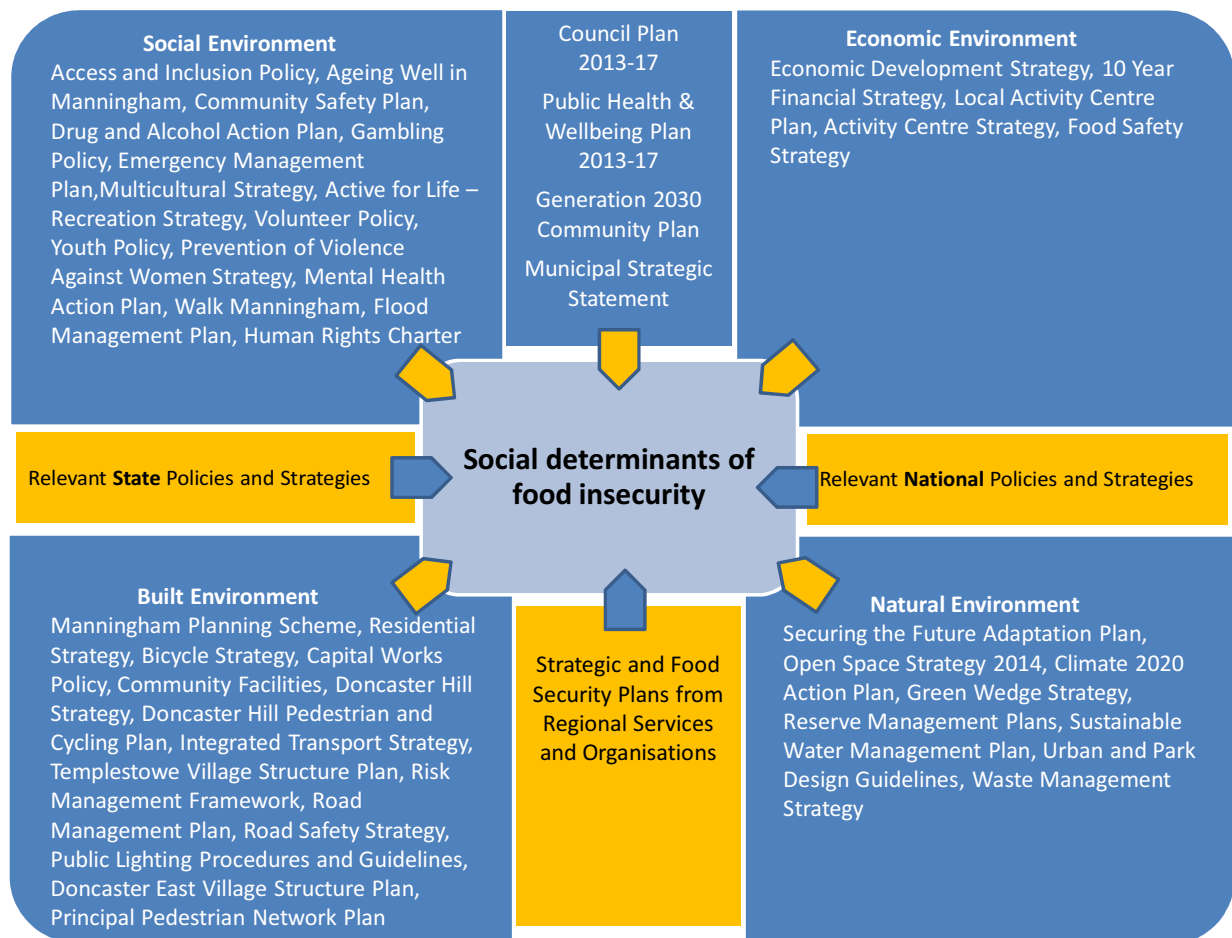
1 BACKGROUND

- 1.1 Action 5.1 of Securing the Future: Responding to climate change, peak oil and food scarcity 2012 is to "Investigate the development of a Manningham Food Security Plan".
- 1.2 This action is also identified as part of the implementation of the Manningham Healthy City Plan 2013-17, action 2.4.14.
- 1.3 According to the most recent Victorian Population Health Survey (VPHS) conducted by the Department of Health at LGA level in 2011, 2.9% of Manningham residents, or over 3,400 people, had experienced in the 12 months prior to the survey, circumstances where they ran out of food and could not afford to buy more.

- 1.4 The findings of the VPHS also demonstrated a number of other health related measures that were indicative of a dysfunctional food system, such as high levels of obesity, type 2 diabetes and poor compliance with the national guidelines for fruit and vegetable intake. In Australia and other developed nations where food availability is not a major issue, food insecurity is also characterised by conditions that promote the consumption of a poor quality diet, contributing to the rates of obesity and diabetes.
- 1.5 In preparing the Plan, a wide reaching literature review was initially conducted which incorporated benchmarking with other Councils, as well as the examination of research articles and discussion papers from different perspectives of the topic. This provided the wider context in which the local conditions and status could then fit.
- 1.6 The community consultation involved a short survey aimed at engaging as many respondents as possible. There were 605 respondents across numerous locations and events including festivals, activity centres, senior citizen meetings, libraries and health and education organisations. The survey was also available online via the *Your Say Manningham* page. An in-class drawing activity was also employed to get input from 111 primary school children in grades 3-6 at Anderson's Creek Primary School.
- 1.7 Results from the survey were then used to engage with 35 businesses and community organisations to determine the types of issues encountered when dealing with producers, suppliers, customers, other healthcare professionals and clients. A small group of business operators also participated in a focus group aimed and community organisations were involved in an open discussion during existing network meetings.
- 1.8 The quantitative and qualitative data was then combined and five strategic objectives were delineated from the responses and feedback received. These were presented to nine Council business units and an action planning session identified actions from existing plans and strategies which could be implemented in a way so as to positively influence food security or a related factor.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council notes the approach employed in developing the Manningham City Council Food Security Plan 2016-2021 and endorses placing the Plan on Council's website.
- 2.2 Utilising the Department of Health's Environments of Health Framework (2001), Council's strategic documents, as part of its integrated planning process, can be categorised within the Framework's four sections that represent the environments (social, economic, built and natural) that will have the greatest impact on the wellbeing of the population, encompassing food security. By doing so, it can be seen where the greatest potential for impact can be derived.
- 2.3 The figure on the next page shows the key strategic documents that positively impact food security as part of the integrated planning process across Council and community.



- 2.4 Section 8.1 outlines the evaluation framework for measuring success within each strategic theme of the action plan and is flexible to accommodate any developments of actions over time.

3 PRIORITY/TIMING

- 3.1 Items within the action plan have been allocated time frames based on discussions with the individual Managers of the service units identified as leading on each action. Whilst no action plan items have been prioritised for completion until the 2016/17 financial year and beyond, some items may be completed during the current financial year.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Action 5.1 of the of Securing the Future: Responding to climate change, peak oil and food scarcity 2012 *Plan* is to “Investigate the development of a Manningham Food Security Plan”.
- 4.2 Action 2.4.14 of the *Manningham Healthy City Plan 2013-17* states “investigate the development of a Manningham Food Security Plan to ensure the community has access to a reliable, affordable and nutritious food supply”.

- 4.3 The issue of food security is one that has received increased media coverage and is recognised as an important component of addressing issues of both sustainability (environmental and economic) and health and well being. During investigation for, and development of, the *Plan* as per the actions above, being active in this area will allow Manningham to demonstrate its commitment to make improvements in areas that have been identified as impacting food security. Working alongside neighbouring and other local government areas that have made similar commitments will also provide future opportunities for regional action and associated funding streams as the area continues to development.

5 BEST VALUE

- 5.1 The approach taken in developing the action plan for the *Manningham City Council Food Security Plan 2016-2021* has been to leverage off of existing plans and strategies already active in areas that can impact food security. Gaining agreement to implement identified actions with food security outcomes in mind provides for efficiencies in delivery that does not place additional pressure on financial or human resources.
- 5.2 The outputs of the *Plan* will also provide environmental, social and economic benefits responding specifically to the needs of the community as identified by the community consultation. Actions are either targeted toward the whole community with regard to systemic change or aimed at those at risk of food insecurity. There is also a focus on capacity building so that there can be a continuous improvement focus for future action plans. The evaluation framework and measures of success necessitate follow up consultation and as such, offer the opportunity for further community engagement regarding the services provided.

6 CUSTOMER/COMMUNITY IMPACT

- 6.1 The impact of the *Plan* will be seen at both a population and individual level. At the individual level, benefit will come through actions within the strategic areas of “food education” and “community food and access”. The greatest impact on health and well being will come from these actions and will allow for capacity building and raising awareness. Whilst only those members of the community that access a food bank will benefit from related actions, the targeted nature of these actions requires this. Other actions in the “food education” and “community food and access” strategic areas are more universal in their approach.
- 6.2 The strategic areas of “building the local food system” and “partnership and engagement” will have the greatest impact at a population level as these actions are aimed at systemic change (including economic and environmental impact) as well as broadening working relationships and partnerships.
- 6.3 The “promotion, marketing and advocacy” strategic area can impact all actions at both the individual and population level.

7 HUMAN RIGHTS CHARTER

- 7.1 The *Manningham City Council Food Security Plan 2016-2021* does not breach any of the 20 fundamental rights of the *Charter of Human Rights and*

Responsibilities as per the Charter of Human Rights and Responsibilities Act 2006.

8 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

8.1 The evaluation framework for the implementation of the action plan will measure success through a range of outcomes. Under each strategic area these are, but not limited to:

THEMES	MEASURES OF SUCCESS
1. Food education	<ul style="list-style-type: none"> Numbers meeting fruit and vegetable guidelines Numbers classified as overweight/obese Participation rates in food education programs
2. Building the local food system	<ul style="list-style-type: none"> Numbers buying local produce (business and community) Farmers markets offering fresh local produce Numbers focused on consumer ethics
3. Community food and access	<ul style="list-style-type: none"> Numbers experiencing food insecurity Numbers growing food at home Number of community gardens Number of harvest exchanges
4. Partnership and engagement	<ul style="list-style-type: none"> Donations to local food banks (business and community) Number of new food security related partnerships Greater community engagement with Council food security related programs
5. Promotion, marketing and advocacy	<ul style="list-style-type: none"> Greater food security related Council output Greater food security related media coverage

9 FINANCIAL RESOURCE IMPLICATIONS

9.1 Due to the synergistic approach used in developing the *Plan* (refer 5.1), it does not have any financial resource implications. The five year cycle of the *Plan* beginning 2016-17 brings it into line with the upcoming *Strategic Resource Plan* and next *Council Plan* cycles.

10 SUSTAINABILITY

- 10.1 Through action to improve food security, the impact on social sustainability will be seen in the longer term effect on health and well being with improved nutrition and diet. Partnership working and a focus on the more disadvantaged members of society also encourage social sustainability through a range of community development projects.
- 10.2 From an economic sustainability perspective, the aim to shift supply and demand arrangements within the food system will have long term benefits for the local economy by encouraging business and customers to make informed decisions about where they purchase their produce. With a greater focus on the local economy, this will create a more sustainable position for working in a complementary fashion with the dominant global food system.
- 10.3 Environmental sustainability will largely be seen through encouraging more sustainable means for the distribution of food aimed at reducing the carbon emissions associated with transportation. Similarly, the focus on sustainable

waste disposal through food waste recycling approaches and new technologies will have longer term implications for the environmental impact of food wastage.

11 REGIONAL/STRATEGIC IMPLICATIONS

- 11.1 Food systems rarely operate in isolation at a local level, making regional working with neighbouring local government areas all the more important. This work is taking place through a regional food security plan in development with Boroondara, Whitehorse and Monash Councils, and the *Plan* contains an action item for reporting ongoing developments.

12 CONSULTATION

- 12.1 As per 1.6 and 1.7 above, the consultation involved a community survey of 605 residents and visitors which took place through a number of community events and locations, including from those whilst attending community services. The survey results were used to inform discussions with 35 community organisations and businesses so that data was gathered regarding how food security issues impact the community from different perspectives. An activity was also conducted with 111 primary school children that provided some insight as to how messages about food were being received by children.
- 12.2 Detailed information about the consultation is contained in Appendix 1 and Appendix 6 of the attached *Manningham City Council Food Security Plan 2016-2021*.

13 CONCLUSION

- 13.1 In response to action 2.4.14 in the *Manningham Healthy City Plan 2013-17*, the *Draft Manningham City Council Food Security Plan 2016-2021* has been strategically developed to align with the existing Council activities in response to the specific food security requirements of the community as informed by a wide reaching consultation.
- 13.2 By leveraging off the work of nine Council business units, the *Plan* does not have any financial or human resources implications. The timeline of the *Plan* will also align with the new *Financial Resources Plan* and *Council Plan*.
- 13.3 The action plan is realistic and achievable, and is grounded in the local findings from the consultation as well as being guided by research on best practice models and regional benchmarking.

OFFICER'S RECOMMENDATION

That Council

1. Notes the Manningham City Council Food Security Plan 2016-2021 and the strategic methodology employed in its development to align existing Council actions with the food security needs of the community, including fulfilling:
 - Action 5.1 of *Securing the Future: Responding to climate change, peak oil and food scarcity 2012* is to "*Investigate the development of a*

Manningham Food Security Plan” and Action 2.4.14 of Manningham’s
Healthy City Plan 2013-17; and

- Linking with regional and local community groups.
2. Endorses placing the Manningham City Council Food Security Plan 2016-2021 on Council’s website and distributing the Plan to relevant groups.

MOVED: O’BRIEN
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

1. Manningham City Council Food Security Plan 2016-2021

* * * * *

10.2 Koonung Park Draft Management Plan - Endorsement for Public Exhibition

Responsible Director: Director Planning & Environment
File No. T16/69

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 present the key issues and opportunities that have informed the development of the draft Koonung Park Management Plan.

A draft Management Plan has been prepared for Koonung Park and provides recommendations for its future use, development and management.

Koonung Park is owned by Manningham City Council. It has an area of approximately 3.5 hectares and is located at Furneaux Grove, Bulleen on the southern boundary of the municipality, adjacent to Koonung Creek Linear Park.

Existing facilities at the Park include one sportsground used for cricket and football, three community tennis courts, Koonarra Hall (for hire), toilets, playground and exercise equipment. It is. There are also significant River Red Gums, carpark, sports pavilion and toilets.

The Park is located within one of the most populated residential communities in Manningham. It is identified in Council's Open Space Strategy 2014 as a district reserve with an important function in Manningham's open space network as a sporting and recreation facility. It is one of the larger and more picturesque reserves in the Bolin Bolin precinct. The Open Space Strategy recommends that reserves in this precinct should be upgraded to a higher standard with quality facilities accessible to the community so as to offset the number of small and often unusable (flood retarding basins and drainage reserves) areas of open space in this precinct.

This report seeks endorsement of the draft Koonung Park Management Plan for public exhibition for a four week period. Refer Attachments 1 and 2.

1 BACKGROUND

1.1 Council's Open Space Strategy 2014 states "Open Space is defined as publicly owned outdoor land that is open for public access and public recreation." Koonung Park is in the Bolin Bolin precinct and it is identified that residents east of Bulleen Road do not have ideal access to larger areas of open space.

Recommendation 6.8 of the Open Space Strategy recommends that reserves in this precinct be upgraded to a higher standard than average to offset the impact of large open space gaps in Bolin Bolin precinct. There are few opportunities to provide additional land to purchase land for open space purposes in this area south of Manningham Road therefore, Council needs to plan carefully with their current areas of open space.

- 1.2 This is the first management plan for Koonung Park and the Reserve has changed little since the 1970's. Works and/or changes at the Reserve in recent years include;
 - 1.2.1 Exercise equipment installed as part of state government funding in 2015
 - 1.2.2 Sports pavilion upgrade in 2014
 - 1.2.3 Disbandment of Koonarra Tennis Club in 2001 with subsequent return of two tennis courts returned to open space and three courts retained for free community use
 - 1.2.4 Floodlights (football club) are currently being installed through combined Council and club funding. This project is separate to the Management Plan and works are due for completion in 2016.
- 1.3 The key stakeholders at Koonung Park are;
 - 1.3.1 Bulleen Cricket Club
 - 1.3.2 Manningham Cobras Football Club (Australian Rules)
 - 1.3.3 Koonarra Hall regular and casual hirers
 - 1.3.4 Users of free community tennis courts
 - 1.3.5 Local residents

2 PROPOSAL/ISSUE

Issues and opportunities for Koonung Park mainly relate to the tennis courts and demands for facilities from Bulleen Cricket Club and these are outlined below.

Community Tennis Courts

- 2.1 Direction is required for the future management of the free community tennis courts. The three tennis courts are a popular and well used asset and there are three issues requiring direction.
- 2.2 Firstly, there is currently no maintenance budget linked to these community courts. This is also the case for the community tennis court at Sheahans Reserve, Lower Templestowe. Maintenance for repairs and eventual replacement includes nets, fencing and surfaces. It is proposed to continue managing the courts at an acceptable level that meets safety requirements only.
- 2.3 The floodlights (evening tennis use) are in disrepair and are not in working order. It is a large capital investment to upgrade to current standards and it is proposed to remove floodlights from all of the courts. Two of these poles are poorly located in a pathway and in the carpark.
- 2.4 The main issue is that private coaches are earning an income without outlaying any costs. This is in contradiction to Council's club based model whereby tennis clubs provide (and charge) coaching and community tennis programs to the community and in return, pay 50 per cent for tennis club infrastructure including flood lights, surface reconstruction or replacement and irrigation systems. It is recommended to continue community use with the current model in the short term and explore the possibility of a tennis club offering coaching and other community tennis programs as a satellite second venue for daytime and evening use. Shared infrastructure costs such as new

floodlighting would be negotiated with the club in this Expression of Interest process.

- 2.5 It is observed that three courts are rarely used at the one time for tennis and two courts are sufficient for free community use. The flat hard surface of the fenced courts have proved popular spaces for learning to bike ride, party activities (Koonarra Hall hire) and futsal soccer (line marked on third court). Public open space and associated facilities and activities are at a premium particularly in the Bulleen area. In the community consultation there were requests for informal soccer (goals) and a basketball ring. The management plan proposes to convert the southern court from tennis to a multi use space including soccer. This would also limit Koonarra Hall activities to this space leaving the top two courts available for tennis at all times.

Bulleen Cricket Club

- 2.6 Bulleen Cricket Club has seniors competing and training at Koonung Park and juniors training only. The cricket ground has a turf wicket and this precludes junior competition from being played at Koonung Park. The cricket club also maintains a turf wicket (at their cost) at Wilsons Reserve which is also used for senior cricket only. The club requested a second ground (junior size with synthetic wicket) to be installed on the eastern side of the ground to enable their junior program to play at Koonung Park. The club has been informed this proposition is not practical and Council continues to work with the club to find a suitable venue to establish their junior base.
- 2.7 The cricket club currently has both turf and synthetic cricket training nets and has requested Council to fund new synthetic cricket training nets. Their current synthetic training nets are open to the community but are old and require replacement. Their current location has been identified as a safety issue and too close to the playground precinct. It is proposed to locate the new nets on the site of one of the old tennis courts.
- The facility is proposed to be a locked club only facility (three wickets) with an extra training net constructed to its side which will be accessible to the community. The locked facility is funded by Council but will be maintained by the club.
- 2.8 As part of the cricket net facility it is proposed for Council to fund extra storage at the northern end for the large turf wicket cricket cover, ball machine and associated training items. When designing this facility it is a priority to retain Balwyn Road pedestrian access into the reserve between the tennis court and the northern end of the nets.
- 2.9 There are a range of other actions planned as part of the Plan and these include:
- 2.9.1 Extensive landscaping throughout the Reserve
 - 2.9.2 Install protective netting behind the football goals at the northern end of the sportsground
 - 2.9.3 Construct 1.2 metre cyclone fence and concrete spoon drain around sportsground perimeter
 - 2.9.4 Upgrade the playground
 - 2.9.5 Create various path connections to make the reserve more accessible and user friendly

- 2.10 Issues and opportunities pertaining to Koonarra Hall are being addressed concurrently through the Manningham Council Community Facilities Resourcing Plan which is currently being prepared.

3 PRIORITY/TIMING

- 3.1 To date, there has not been a management plan for Koonung Park. It is timely to coordinate planning for facilities to ensure a balance is achieved for the community to have continued access to infrastructure and facilities.
- 3.2 The only item of any urgency is the current state of the existing cricket nets that pose a safety risk to playground users and need to be rebuilt in a different location in a timely manner. It is proposed to remove the old nets once the new facility is constructed.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Relevant Council strategies considered in preparation of the draft Plan include the Open Space Strategy 2014, Manningham Tennis Strategy 2003 and the Outdoor Sports Infrastructure Guidelines 2015.
- 4.2 A precedent has already been set with the lockable cricket training facility at Zerbes Reserve and Donvale Reserve. The change in publicly accessible space in the Reserve is reduced by 315 m² (9m x 35 metres) with the proposed club only facility.
- 4.3 Council funded storage for the cricket club beyond Council's obligations outlined in the Outdoor Sports Infrastructure Guidelines and could be potentially perceived by other clubs as setting a precedent. The extra storage for covers is supported to make it easier and more convenient for the cricket club.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 Reducing the number of tennis courts from three to two courts will have an impact of various groups
- 5.1.1 The playing surface of the third court is different to the two top courts. Players who prefer using the synthetic grass will have to play on the plexi pave surface on the top courts.
- 5.1.2 Currently casual party hire for children's birthdays occurs on Sunday and depending on who is at the courts first, the party may use both of the top courts. It is proposed they are contained to the single third court for party activities allowing the top courts free for tennis.
- 5.1.3 The tennis floodlights have not been in use for many years and are proposed to be removed due to high infrastructure costs. If it is proposed to install new floodlights as part of a future plan, consultation with residents will need to occur for the new use of the facility.

6 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 6.1 This is not a Council Plan item.

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 There are no funds allocated in the indicative ten year capital works program to commence implementation of the Management Plan. Once the final Plan is endorsed by Council a Capital Works Business Case will be prepared.
- 7.2 The total amount required to cover all the actions in the draft Management Plan is approximately \$467,000.
- 7.3 There is an allocation in the AMS Open Space Program which covers operational items only.

8 REGIONAL/STRATEGIC IMPLICATIONS

- 8.1 The cricket club and football club both play in local competitions. There are no regional implications with the cricket club. The football club currently also plays at a low competition level but the Yarra Junior Football League has financially contributed to the new floodlight infrastructure and it is anticipated the ground will be used more for girls' competition in the future.

9 CONSULTATION

- 9.1 Preliminary consultation was undertaken in November 2015 with the two sports clubs and local residents. A survey was mailed to 467 local residents who also had the option to respond online through Your Say Manningham. 54 responses were received which is an 11 per cent response rate.
- 9.2 The feedback suggests that the park is well used, highly valued and is a park where local residents feel safe. Results include;
 - 9.2.1 74% of the respondents visit the Park at least once a week
 - 9.2.2 69% of the respondents visit the Park on both the weekend and on weekdays
 - 9.2.3 73% of the respondents walk or run to the Park
 - 9.2.4 90% of the respondents feel safe when visiting the Park, commenting that there are generally other people around also using the Park, it feels very open and there is good surveillance from nearby houses
 - 9.2.5 The most popular activities are using the Park to access the Koonung Trail, exercise equipment, other exercise (unspecified), walking the dog, playground and tennis courts
- 9.3 Results of this consultation can be found in Appendix 1 of the body of the draft Plan and highlights are noted in Section 1.6 Community consultation and engagement of the same document. Meetings were held with committee members to discuss issues and opportunities for the respective sports clubs and communication with both clubs has been ongoing to ascertain their specific use of the facilities and how they would be affected by proposals.

10 COMMUNICATIONS STRATEGY

- 10.1 Further consultation on the draft Koonung Park Management Plan will be undertaken through public exhibition for four weeks, and a call for submissions, including:
 - 10.1.1 Circulation of the draft Plan to people who responded to the initial questionnaire and key park user groups;

- 10.1.2 Advertisement of the public exhibition in the local newspapers and on Council's website; and
- 10.1.3 Signs located within the park.

11 CONCLUSION

Feedback from the preliminary consultation suggests Koonung Park is well used, highly valued and a park where local residents feel safe. This plan strives to ensure there is a balance of sports club based activity and fully accessible flexible recreation opportunities to cater for all local residents and their diverse recreation pursuits. It is appropriate to ensure effective management and planning are achieved through a management plan

OFFICER'S RECOMMENDATION

That Council

- A. Endorses the release of Draft Koonung Park Management Plan (Refer to Attachments 1 and 2) for a four week public exhibition period.**
- B. Notes that the results of the public exhibition period will be presented to a future Council meeting.**

MOVED: HAYNES
SECONDED: O'BRIEN

That the Recommendation be adopted.

CARRIED

"Refer Attachments"
Attachment 1 – Draft Koonung Park Management Plan
Attachment 2 – Koonung Park Masterplan

* * * * *

10.3 Draft Lawford Reserve Plan - Endorsement for Consultation

Responsible Director: Director Planning & Environment

File No. T16/62

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

The purpose of this report is to outline the need to proceed with the upgrading of Lawford Reserve in light of the forthcoming completion of the Tullamore Estate Stage 1 open space.

Major upgrading of Lawford Reserve has been endorsed by Council through specific recommendations in the Doncaster Hill Strategy, Doncaster Hill Urban Masterplan, Doncaster Hill Public Art Masterplan, Manningham Open Space Strategy, Manningham Bicycle Strategy and the endorsed plans for the Tullamore Estate development.

Mirvac's Tullamore Estate development at the former Eastern Golf Course site has commenced construction, with the southern portion of the future Council open space within Tullamore (continuous with Lawford Reserve) to be completed in early 2017. Accordingly, it is imperative that Lawford Reserve be planned for and the initial capital improvements undertaken at the same time, in order that the new open space can be properly integrated with Lawford Reserve.

In 2015, local resident and wider community input was sought into future planning for the Reserve and a draft Plan has subsequently been prepared taking into consideration the community feedback received.

The draft Plan proposes major earthworks to create more useable areas, shared paths, secondary paths, a new district playspace, paved multiuse space, public toilets, picnic and barbecue facilities, shelter, public art, signage, landscape development and other open space improvements.

Implementation of the Plan would take place over a number of financial years after its final endorsement by Council, commencing with the major earthworks and shared path connection to ensure the physical linking of Lawford Reserve with the public open space planned for the Tullamore Estate.

This report recommends Council's endorsement of the draft Lawford Reserve Plan for public consultation (refer Attachment 2).

1 BACKGROUND

- 1.1 Lawford Reserve is located on the eastern side of former Eastern Golf Course (now the Tullamore Estate) just outside the Doncaster Hill boundary and is surrounded by a medium density residential. It has been identified in the *Doncaster Hill Strategy (2002)* and *Doncaster Hill Urban Master Plan (2003)* as an important focus for the provision of informal recreation opportunities for Doncaster Hill's future residents.
- 1.2 This large reserve (2.1 hectares) currently connects to four residential streets and is used by local residents as a thoroughfare to Williamsons Road and Westfield Doncaster. The Reserve also has a drainage function and works have been carried out in the gully area over the years to improve local drainage.
- 1.3 It is a large reserve, but as its usage increases in association with the development of the Tullamore Estate and Doncaster Hill, further open space facilities will be needed.
- 1.4 Facilities currently include a play space (2-7 years), basketball ring, cricket pitch, seating, drinking fountains and an extensive path network. Recommendations for Lawford Reserve from the *Doncaster Hill Urban Masterplan* include further play and picnic facilities, more space for ball games, skateable areas, a dog park, public toilets and public art.
- 1.5 As it abuts the Tullamore Estate, Lawford Reserve will also have further linkages when that site is redeveloped. The east-west gully which dissects the Reserve continues through Tullamore and will become an important linear park including shared paths and recreation facilities.
- 1.6 20% of the Tullamore Estate will become public open space but the primary function of the majority of that space is to protect trees and significant bushland, and to provide for local play and informal recreations. Consequently, the additional 2,500+ residents that will live on the site will also use adjoining existing Council open space, particularly Lawford Reserve, for some of their recreation needs.
- 1.7 The projected public use of Lawford Reserve will now be higher than that anticipated in the *Doncaster Hill Strategy*. The Tullamore Estate Development Plan also proposes additional facilities in Lawford Reserve, including a shared path connection through Lawford Reserve joining the Tullamore Estate to Westfield Doncaster.
- 1.8 Construction works have commenced at Tullamore. It is imperative that Lawford Reserve be planned for and the initial capital improvements undertaken at the same time, in order for the Tullamore open space to be integrated with Lawford Reserve.
- 1.9 The development of Doncaster Hill open space (and the purchase of additional open space) is funded through open space developer contributions. Over the last five years, an average of \$460,000 per annum has been received for the purchase and development of Doncaster Hill open space. The development of Lawford Reserve will be fully funded from developer contributions.
- 1.10 Planning for the Reserve has commenced, and preliminary community input has been sought as part of this process. There is now an understanding in the community that upgrades are on the horizon.

- 1.11 Specific community input was sought between 18 September and 23 October 2015, via:
- A flyer posted to over 1100 households surrounding the Reserve
 - Flyers distributed to visitors to MC² civic plaza as part of the launch of the Plaza Park project
 - On site signage
 - Council's website
 - Social media
 - YMCA youth services contacts
 - An on site community drop in session on Saturday 10 October.
- 1.12 The numbers of responses were as follows:
- 122 visits to the web page
 - 14 online surveys completed
 - Six contributions to the four online forum topics
 - 22 attendees at the drop in session
 - Five visits to the Council offices in person
 - Seven letters and emails
 - Four phone conversations
- 1.13 Those interested were invited to complete a short survey (**Attachment 1**) to identify their priorities for Lawford Reserve, specifically in relation to the five general, play space and multipurpose space elements (from a suggestion list with an option to specify Other) that they would like to see in Lawford Reserve.
- 1.14 The most popular requests for the Reserve were:

Seating areas	18
More canopy trees	15
Multiuse: Basketball half court	13
Play: Natural landscapes	11
More planting beds	10
Lighting	10
Toilet facilities	10
Play: Swings	10
Formal tree planting	9
Picnic areas (eg. shelters and barbecue facilities)	8

- 1.15 At the same time, some objections or concerns were raised as follows:

Toilet facilities	6
Multiuse: Skateable elements	5
Public art	5
BBQ	2
Carparking	1
Sandpits	1
Mass shrub planting will result in drug use	1
Lighting	1
Noise	1
Littering	1

- 1.16 Several elements received mixed responses:

	For	Against
Toilet facilities	10	6
Lighting	10	1
Barbeque	8	2
Carparking	6	1
Multiuse: Skate	3	5
Play: Sand	3	1
Public art	3	5

2 PROPOSAL/ISSUE

- 2.1 The draft Plan (as shown in **Attachment 2**) proposes a major upgrade to this large (2.1 hectare) reserve to integrate the existing reserve into the new Tullamore Estate public open space network in order for the Reserve to adequately function as the main open space reserve serving both this segment of Doncaster Hill and the additional 2,500+ residents of the Tullamore Estate.
- 2.2 The design reflects the recommendations of the *Doncaster Hill Urban Masterplan* and includes shared paths, secondary paths, a new district playspace, skateable spaces, multiuse spaces, public toilets, picnic and barbecue facilities, shelter, public art, seating, landscape development and other open space improvements.
- 2.3 The most common concerns raised during the initial community consultation were regarding the provision of public toilets, skateable spaces and public art.
- 2.4 Council officers consider it would be appropriate to provide a small public toilet in association with the scale of recreation facilities proposed. In particular the combination of a district level playspace and barbecue area. It should also be noted that no public toilets will be provided within the Tullamore estate open space. The *Doncaster Hill Urban Masterplan* also recommended public toilets within Lawford Reserve.
- 2.5 Council officers consider it is important to include the provision of skateable multi-use spaces in Lawford Reserve for the following reasons:

- 2.5.1 This site has been earmarked as an appropriate location for skate provision in the *Doncaster Hill Urban Masterplan* since 2002.
 - 2.5.2 Locations near activity centres and public transport are strategically desirable for skate facilities.
 - 2.5.3 Young people are legitimate users of public open space and it is appropriate to provide for them.
 - 2.5.4 Paved areas such as 'urban' themed skateable spaces are also valuable facilities for other recreational uses such as ball play, scooters and learning to ride for all ages.
 - 2.5.5 Lawford Reserve is a large Reserve, and the skateable area will represent less than 2% of the area. Any change in character and use will be localised.
- 2.6 The *Doncaster Hill Public Art Masterplan* 2003 recommended a series of small scale playful sculptures be developed along the path network. This type of public art is generally well accepted by the community and appropriate for the more developed landscape character intended for Lawford Reserve.
 - 2.7 The development would take place over a number of financial years with the open space upgrade being completed within the same timeframe as Tullamore Estate Stage 1 and 2 open space development.

3 PRIORITY/TIMING

- 3.1 Mirvac's Tullamore Estate development at the former Eastern Golf Course site has commenced construction, with the southern portion of the future Council open space within Tullamore (continuous with Lawford Reserve) to be completed in early 2017. Accordingly, it is imperative that Lawford Reserve be planned for and the initial capital improvements undertaken at the same time, in order that the new open space can be properly integrated with Lawford Reserve.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 A major upgrade of Lawford Reserve has previously been endorsed by Council through specific recommendations in the *Doncaster Hill Strategy (2002)*, *Doncaster Hill Public Art Masterplan (2003)*, *Manningham Open Space Strategy (2014)*, *Manningham Bicycle Strategy (2013)* and the endorsed plans for the Tullamore development.

5 BEST VALUE

- 5.1 This project aligns to the Best Value provisions in sections 208(A) to (J) of the *Local Government Act 1989* as follows:
- 5.2 *Services being responsive to the needs of the community:*
 - 5.2.1 The major upgrade to Lawford Reserve is required to meet the additional local population growth through both the Doncaster Hill residential development and the Tullamore development. It will deliver community expectations from the various strategies and plans for Doncaster Hill and Tullamore.

- 5.2.2 The upgrade is a specific response to the changing local demographics and planning for recreation and open space needs in higher density areas.
- 5.2.3 Quality facilities in open space are critical to community health and wellbeing, and are regularly used as places to socialise and connect with neighbours and the wider community. With the future development of this area of Doncaster Hill and Tullamore, Lawford Reserve has the potential to become one of the most highly used local parks in Manningham and, given the connection to Westfield Doncaster, a community meeting point.
- 5.3 *Services being accessible to those for whom they are intended:*
- 5.3.1 Lawford Reserve is a district level reserve and is well serviced by public transport on nearby major roads.
- 5.3.2 The upgrade includes provision of disabled parking and an accessible toilet, which will increase opportunities for people with disabilities and mobility issues to benefit from outdoor recreation.
- 5.4 *Regular consultation with the community on the services provided:*
- 5.4.1 The extent of consultation associated with the preliminary stages of development of this plan was increased due the size and strategic significance of this Reserve. Prior to preparation of a draft plan, the community was asked for feedback around the recommendations of the relevant strategies, and their views regarding the Reserve.
- 5.4.2 A second round of consultation is now proposed, with a draft Development Plan to be placed on public exhibition for a period of one month. All feedback will be collated and used to inform any changes before the Plan is finally endorsed by Council.
- 5.5 *Quality and Cost of Services:*
- 5.5.1 The development of Doncaster Hill open space (and the purchase of additional open space) is funded through open space developer contributions. Over the last five years, an average of \$460,000 per annum has been received for the purchase and development of Doncaster Hill open space. The development of Lawford Reserve will be fully funded from developer contributions.

6 CUSTOMER/COMMUNITY IMPACT

- 6.1 The local community is aware that an upgrade to Lawford Reserve is proposed, and will be awaiting the next stage of development.
- 6.2 Through the initial consultation phase, several long-term residents have expressed concern in relation to any change to the character of the park, and more specifically the impact of any facilities for skaters or young people.
- 6.3 The most common concerns raised during the initial community consultation were regarding the provision of public toilets, skateable spaces and public art. Council officers consider it is important to include the provision of such facilities in the draft Plan.
- 6.4 Visitors to the Reserve will be temporarily inconvenienced during the construction phase.

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 An initial estimate of the total cost of implementing the Plan is \$1,165,000. The draft *Indicative 10 Year Capital Works Program* includes expenditure in relation to Lawford Reserve as \$375, 000 in 2016/2017 and \$395,000 in both 2017/2018 and 2018/2019.
- 7.2 The capital works business case will be updated when the final plan is endorsed by Council.

8 SUSTAINABILITY

- 8.1 Lawford Reserve, as does the adjoining Tullamore Estate open space, contains a major gully and overland flow path that will be integrated into the landscape design of the open space.
- 8.2 Where possible, products and materials will be selected with consideration for environmental impacts and embodied energy.
- 8.3 The upgrade of Lawford Reserve will be critical to the social sustainability of this rapidly changing urban area.

9 REGIONAL/STRATEGIC IMPLICATIONS

- 9.1 The major upgrade of Lawford Reserve has been endorsed by Council through specific recommendations in the *Doncaster Hill Urban Masterplan*, *Doncaster Hill Public Art Masterplan (2003)*, *Manningham Open Space Strategy (2014)*, *Manningham Bicycle Strategy (2013)* and the endorsed plans for the Tullamore Estate development.
- 9.2 The *Doncaster Hill Urban Masterplan* states: 'It is highly desirable that each of the four residential quadrants formed by the main intersection on Doncaster Hill has ready access to a high quality green urban park in near proximity, which is strongly linked with the surrounding area. It is intended that the urban parks be developed as tranquil, treed, predominantly green open spaces which offer quality play opportunities, sheltered seating and other forms of passive recreation in well lit, safe environments.'

10 CONSULTATION

- 10.1 The preliminary consultation during which the community was invited to suggest ideas for elements to be included in the Reserve, ran from 18 September to 23 October 2015.
- 10.2 This report proposes a second round of consultation in May-June 2016 to seek feedback on the draft Plan for the Reserve.

11 COMMUNICATIONS STRATEGY

- 11.1 Exhibition of the draft Lawford Reserve Plan and an invitation for the community to make submissions would be communicated by:
- Flyers posted to over 1100 households surrounding the Reserve, including a hard copy feedback form;
 - Advertisement of the public exhibition in local newspapers and Council's website;
 - Signs located within the Reserve;
 - Social media;

- Mirvac's contact with future residents of Tullamore; and
- YMCA youth services contacts.

12 CONCLUSION

- 12.1 The timely upgrading of Lawford Reserve is important in responding to the recreation and open space needs of existing and future residents in both Doncaster Hill and the Tullamore Estate.
- 12.2 It is proposed that the draft Lawford Reserve Plan, which has been developed having regard to existing adopted Council strategies and plans and initial community consultation, be exhibited for a four week period to seek further feedback.
- 12.3 Following the consultation period any submissions received would be considered by Council which would then decide what changes to make to the Plan prior to its final endorsement for implementation over the coming years.

OFFICER'S RECOMMENDATION

That Council:

- (A) Endorses the draft Lawford Reserve Plan (refer Attachment 2) for public consultation for a four week period.**
- (B) Notes that following the consultation period a report considering submissions received will be presented to a future Council meeting.**

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

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1 – Community Survey
Attachment 2 – Draft Lawford Reserve Plan

* * * * *

10.4 Planning Scheme Amendment GC42 - Environmentally Sustainable Development Policy- Consideration of Submissions

Responsible Director: Director Planning & Environment

File No. T16/57

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 present submissions received to Amendment GC42- Environmentally Sustainable Development Policy.

Manningham City Council, together with Darebin City Council, is participating as a second round group of metropolitan Councils proposing to introduce an Environmentally Sustainable Development Policy, with the relevant amendments gazetted on 19 November 2015.

Amendment GC42 to both the Darebin and Manningham Planning Schemes introduces a Local Planning Policy (Environmentally Sustainable Development) to ensure that development achieves best practice in environmental sustainability, from the design stage through to construction and operation. The proposed policy also sets out application requirements and, dependent on the scale of the development, an applicant will need to demonstrate how the relevant policy objectives will be achieved by completing either a Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP).

The Amendment was publicly exhibited from 11 February to 15 March 2016 with both Councils using a consistent approach to the exhibition process.

A total of eleven (11) submissions have been received by Manningham and Darebin during the exhibition, of which eight (8) are in support of the Amendment and one recommends a minor change. Two of the submissions were received after the closing date. One supports the Amendment and one, lodged by the Housing Industry Association (HIA), objects to the introduction of the Policy.

The exhibition period has now closed and Council is required to consider all submissions received and, in relation to those submissions which request a change to the Amendment, must either change the Amendment in the manner requested, refer the submissions to an independent panel or abandon the Amendment.

It is recommended that minor changes be made to the Amendment in response to a submission received from Sustainability Victoria. However no changes are recommended to the Amendment in response to the HIA's submission which is similar to that already considered by independent panels which considered submissions to the similar previous amendments.

Accordingly it is recommended that the HIA submission be referred to an independent panel for consideration.

1 BACKGROUND

- 1.1 Manningham City Council, together with Darebin City Council, is participating as a second round group of metropolitan Councils proposing to introduce Environmentally Sustainable Development (ESD) Policy provisions in their respective planning schemes.
- 1.2 Amendment GC42 builds on the collaborative process undertaken by the Cities of Banyule, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra (the Joint Councils) who recently introduced an ESD Policy into their respective planning schemes, gazetted on 19 November 2015.
- 1.3 Amendment GC42 proposes to introduce an ESD Policy at Clause 22.12 to the Manningham Planning Scheme. More specifically, the Amendment proposes to:
 - Introduce a new Clause 22.12 Environmentally Sustainable Development Policy (ESD) into the Local Planning Policy Framework of the Manningham Planning Scheme;
 - Change the Municipal Strategic Statement (MSS) at Clause 21.10 (MSS) to reflect the introduction of Clause 22.12; and
 - Amend the MSS at Clause 21.16 Key References, to update recent reviews of documents.
- 1.4 Introduction of the Policy will require preparation of a sustainability assessment as part of a planning permit application.
- 1.5 The proposed ESD Policy is consistent with the recommendations from the Ministerial Advisory Committee and Panel (MACP) Report on the *Environmentally Efficient Design Local Policies* (7 April 2014), and has been developed with a similar content to policies recently approved for the Round 1 Joint Councils.
- 1.6 At its meeting on 15 December 2015 Manningham City Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment GC42 to the Manningham Planning Scheme. That authorisation was received on 19 January 2016.
- 1.7 Manningham and Darebin Councils jointly prepared the public notification of the Amendment, which was then exhibited between 11 February 2016 and 15 March 2016.

2 PROPOSAL/ISSUE

- 2.1 A total of eleven (11) submissions have been received by Manningham and Darebin during the exhibition. A summary of the submissions is included as **Attachment 2**.
- 2.2 Subject to the provisions of Section 22 (1) of the *Planning and Environment Act 1987* a planning authority must consider all submissions made on before the date set out in the notice. Section 22(2) provides that a planning authority may consider a late submission.

- 2.3 Section 23(1) of the Act specifies that after considering a submission which requests a change to the amendment, the planning authority must:
- Change the amendment in the manner requested; or
 - Refer the submission to a Panel appointed under part 8, or
 - Abandon the amendment or part of the amendment.
- 2.4 In relation to the last option above, Amendment GC42 has been prepared and exhibited with Darebin Council. If Manningham Council resolves to abandon the amendment or part of the amendment, it could preclude Darebin Council from proceeding to refer the amendment to an independent panel appointed under Part 8 of the *Planning and Environment Act 1987*. Notwithstanding this consideration, Manningham could seek to split amendment if approved by DELWP.
- 2.5 Eight submissions in support of the Amendment have been received from the Cities of Bass Coast, Boroondara, Moreland, Stonnington, Yarra and Yarra Ranges; the Municipal Association of Victoria (MAV); and the Council Alliance for Sustainable Built Environment (CASBE). Many of these submissions commend the approach undertaken by the six Joint Councils and strongly support the combined approach of the GC42 amendment.
- 2.6 Sustainability Victoria has recommended a minor administrative change to the Amendment.
- 2.7 Two of the submissions were received after the closing date. A submission from Mirvac supports the Amendment and one, lodged by the Housing Industry Association (HIA), objects to the introduction of the Policy.

Issues raised in the submissions

- 2.8 Sustainability Victoria has requested that the reference to the *Guide for Best Practice for Waste Management in Multi-Unit Developments (Sustainability Victoria, 2010)* be removed from the ESD Policy as it is no longer current, nor supported by Sustainability Victoria, and has been withdrawn from circulation.
- 2.9 Ensuring consistency of the ESD Policy is an important element of this Amendment. The purpose of reference documents within planning scheme provisions is to provide information to assist the responsible authority in making decisions. This purpose was highlighted in the MACP Panel Report Round 1 group of Councils. The recommended deletion of the *Guide for Best Practice for Waste Management in Multi-Unit Developments (Sustainability Victoria, 2010)* is considered reasonable taking into account that Sustainability Victoria has identified its own document to be redundant.
- 2.10 It is therefore considered appropriate that this document be deleted from the reference documents of Clause 22.12-6 of the Policy, subject to the provisions of clause 23 (1) a) of the *Planning and Environment Act 1987*.
- 2.11 It is further considered necessary to revise the explanatory report to reflect this change to Clause 22.12.
- 2.12 The revised version of the ESD Policy is included in **Attachment 1**.

Late Submissions

- 2.13 One of the two late submissions was from Urbis on behalf of Mirvac. The submission did not constitute an objection but provided comments including:

- Cost prohibitive sustainability features should not be imposed;
- Council should provide the resources to assess the sustainability reports in a timely manner; and
- It should be clear that it is sometimes impractical to meet all sustainability criteria.

2.14 Manningham Council Officers provided a letter in response to that submission noting the following:

- In relation to the extent of sustainability efforts required and the need for confirmation that developments are not required to comply with every listed sustainability criteria, the Policy Basis under Clause 22.12-1 does not prescribe performance outcomes. The mandatory requirements relate to the submission of ESD application requirements to demonstrate how the relevant objectives are achieved.
- It is envisaged that mechanisms will be implemented by Council to provide clear communication with developers of Council's expectations in meeting ESD standards.
- In response to the statement that Council should not impose cost-prohibitive sustainability features in any development, Clause 22.12-5 refers to the need to have regard to the type and scale of the development and enables considerations of measures that are not cost prohibiting. It was further indicated in the *Environmentally Efficient Design Local Policies Advisory Committee (EEDAC) and Panel Report* (7 April 2004) that the proposed policies are unlikely to impose a regulatory cost burden on applicants.
- The recent Monash Planning Scheme Amendment C113 Panel Report (22 May 2015) on the proposed ESD policy reiterated that the consideration of affordability should extend beyond construction and consider on-going servicing costs.
- In relation to the need for a commitment from Council that it will provide the resources required to prevent unnecessary delays in providing feedback and approval to developers, the following comments were made:
 - Council currently employs a Sustainability Planner to review sustainability Management Plans (SMP) and Sustainable Design Assessments (SDA) and provide sustainability advice.
 - It is anticipated that any increase in ESD referrals may likely be from SDAs, which are less detailed than SMPs. The quality and consistency of these SDAs should greatly improve with the introduction of the new self-assessment tool at the planning stage, BESS (Built Environment Sustainability Scorecard).
 - The long term goal is to train Statutory Planners to evaluate the SDAs with the assistance of new ESD factsheets which cover best practice guidelines for the 10 key sustainability criteria.

2.15 A second late submission was lodged by the HIA. This late submission objects to the proposed amendment on the basis that the proposed changes:

- Overlap and contravene the role of the National Construction Code (NCC) for buildings.

- Go against the decisions made at VCAT regarding what is reasonable for local government to require as part of a planning permit.
 - Have not been tested through a rigorous and comprehensive cost benefit analysis.
 - Disregard that changes on construction detail may occur and should not be bound by planning permit.
 - Would create enforcement issues and difficulties to the building surveyor.
 - Do not adequately consider housing affordability.
 - Have not adequately considered alternatives to additional planning scheme policies or permit requirements.
- 2.16 It is noted that the submission is essentially the same as those lodged by the HIA in relation to both the Joint Councils amendments and Amendment C113 to the Monash Planning Scheme and which have already been considered by two independent panels.
- 2.17 It is relevant to note that the proposed ESD policy has been prepared to adopt a consistent approach across the municipalities as recommended by the Department of Environment, Land, Water and Planning (DELWP). Consequently, the provisions included in the proposed policy reflect the changes recommended by the planning panels in the previous Planning Scheme amendments, and the resulting gazetted Local ESD policy introduced by the Round 1 of Joint Councils.
- 2.18 The EEDAC and Panel Report which considered submissions to the Joint Councils amendments found that:
- *There is a strong legislative and policy framework that supports the need for sustainable development and which recognises that both planning and building have a significant role to play in achieving it.*
 - *There is a role and a statutory obligation for planning to advance sustainability.*
 - *Whilst the existing State Planning Policy Framework and Victoria Planning Provisions provide a good starting point for the inclusion of sustainability, there are clear areas for improvement.*
 - *The role of planning in achieving sustainability is limited by the fact that it can only influence development that requires a planning permit.*
 - *A Statewide approach to sustainability in planning would be the most effective way to achieve the greatest sustainability outcomes; however, there is still a potential role for local policies to play in achieving greater local sustainability outcomes.*
 - *Any local approach should include a sunset clause that would enable the review of these policies upon the introduction of any Statewide approach.*
 - *The fact that the building regulatory system is generally not involved at the initial design stage of a development, when the orientation and internal layout of buildings is determined, can result in a less desirable design outcome, even though the minimum thermal energy rating is met.*
 - *The involvement of planning at the initial site planning stage enables the orientation, internal layouts and site development to be dealt with in a manner that may assist at the building approval stage in achieving*

the best design outcome in achieving the minimum or even a higher thermal energy rating of the building.

- *There are clear positive economic, social and environmental benefits to be gained through improved sustainable development outcomes in planning.*
- *The consideration of 'affordability' should extend beyond construction and consider ongoing servicing costs.*
- *The approach to sustainability in planning schemes be further reviewed to provide a more coherent, strengthened approach to implementation. This should be based on a Statewide approach and include stronger, higher guidance in the State Planning Policy Framework and Clause 65, as a minimum, with consideration of a range options.*
- *The use of Local Policies until such time as a Statewide approach is developed should be supported, with the inclusion of a sunset clause.*

- 2.19 It was also noted in the Panel Report relating to Amendment C113 to the Monash Planning Scheme that *"the issues raised by HIA were considered comprehensively in the EEDAC report, and there is nothing new in the submissions that would suggest a diversion from the key findings of that report."*

3 PRIORITY/TIMING

- 3.1 Ministerial Direction No. 15 sets the timeframe for completing the various steps in the Planning Scheme amendment process.
- 3.2 Pursuant to Clause 4(3) of the Ministerial Direction, Council must request the appointment of a Panel within 40 business days of the closing date for submissions unless a Panel is not required.
- 3.3 As submissions closed on 15 March 2016, it will be necessary to request the appointment of a Panel no later than 13 May 2016.
- 3.4 Once a decision has been made by Council to refer submissions to an independent panel, a formal request to appoint a Panel will be made.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The proposed local policy at Clause 22.12 is consistent with the key ESD principles set out in Clause 21.10 of the Manningham Municipal Strategic Statement (MSS). These include energy conservation, water conservation, protecting human health and protecting and enhancing the built, natural and cultural environments.
- 4.2 The Amendment does not change the objectives or strategies in the current MMS but simply introduces a number of new provisions to establish a clear link between the MSS and the new policy.
- 4.3 The Amendment is consistent with other provisions in the MSS, in particular Clause 21.05 Residential; Clause 21.06 Low Density; Clause 21.07 Green Wedge & Yarra River Corridor; Clause 21.08 Industrial, Clause 21.12 Infrastructure.
- 4.4 The Amendment is also consistent with other policies in the Scheme, in particular Eastern Golf Course Key Redevelopment Site Policy Clause 22.17, as it reinforces the need for future development to respond to sustainable

development principles and providing guidance in achieving sustainability in the most efficient way.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The Policy will assist in providing certainty to applicants in relation to application requirements relating to environmental sustainability for medium to large scale development.
- 5.2 The community has had an opportunity to comment on the Amendment and to make submissions during the exhibition process.
- 5.3 If Council decides to refer submissions to an independent panel, all submitters to Amendment GC42 will have the opportunity to be heard by the panel and Council will consider the report of that panel before making a decision as to whether to adopt the Amendment and submit it to the Minister for Planning for approval.

6 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 6.1 The ESD Policy is a specific initiative (4.1) in Council's *Strategic Resource Plan 2015/2016* and responds to Strategic Objective 4 – *Planning for Where we Live* in the Council Plan 2013-2017:

We recognise the need to continue to respond to the challenges of population growth. Council endeavours to take a considered and sustainable approach to development, respecting the natural environment. Council will work collaboratively with the community to ensure effective planning is in place and local infrastructure meets the needs of future populations.

7 FINANCIAL RESOURCE IMPLICATIONS

- 7.1 The cost of preparing and processing the Amendment is included in the Strategic Planning Unit's 2015/16 operational budget.
- 7.2 Undertaking this amendment with Darebin City Council has reduced the overall costs through sending joint letters and sharing the cost of advertising in the Government Gazette.
- 7.3 Should the Policy be included in the Planning Scheme a number of processes are recommended to assist in the implementation of the Policy:
 - Provision of suitable training and assessment tools for statutory planners is considered a key element in supporting the resource requirements of smaller scale assessments and establishing consistency in information requirements and assessments;
 - Improved information to developers and advice on Council's expectations;
 - Development of checklist for smaller scale developments; and
 - Need to establish consistency of referrals and internal processes.

8 SUSTAINABILITY

- 8.1 The introduction of the ESD local policy will implement sustainable design principles in the planning process, resulting in improved sustainable development outcomes.

- 8.2 The achievement of sustainable development outcomes is likely to result in significant economic, social and environmental benefits. These benefits were identified by the Advisory Committee:

“resilience to warming climate with amenity and health benefits; higher thermal performance of buildings leading to reduced energy consumption, lower peak demand, and better consumer outcomes, reduced water consumption; at a broader planning level better designed suburbs and urban environments, with improved social, environmental and economic outcomes.”

- 8.3 The Amendment is expected to have:

Environmental benefits by requiring new buildings and additions to achieve greater levels of energy and water efficiency, indoor environmental quality, stormwater management, sustainable transport, waste management and urban ecology will have far reaching environmental benefits.

Economic benefits by maximising sustainable design at the planning stage and minimising the costs associated with retrofit and poor design will provide cost savings on utilities.

Social benefits by facilitating sustainable built form which is more affordable over the life of the building for commercial and residential occupiers, as ongoing servicing costs will be reduced, thus having a positive net community benefit.

9 REGIONAL/STRATEGIC IMPLICATIONS

- 9.1 As members of the Council Alliance for a Sustainable Built Environment (CASBE), Manningham has been working with Darebin in processing this amendment.
- 9.2 The CASBE group has also been active in supporting the development of the policy and assessment tools. Both CASBE and some of the individual member Councils have made submissions in support of the Amendment.

10 CONSULTATION

- 10.1 In accordance with the requirements of section 19(1) of the *Planning and Environment Act 1987* written notice of Amendment GC42 was given to prescribed Ministers and key stakeholders and a notice was placed in the Victoria Government Gazette, and the Manningham Leader.
- 10.2 The Amendment was exhibited between 11 February 2016 and 15 March 2016 and the exhibition was a collaborative approach between Manningham and Darebin Councils.
- 10.3 The collaborative exhibition process included a joint letter signed by the Cities of Darebin and Manningham to Prescribed Ministers, industry groups (as per first round of six Councils), other Ministers, Victorian Councils who offer the Sustainable Design Assessment in the Planning Process (SDAPP) program or have provision of the ESD Local Planning Policy in the SPPF, members of CASBE, respective Local Members of Parliament, neighbouring Councils, regular planning permit applicants and other built environment professionals and groups.
- 10.4 In addition to the joint letters, advertising included notices about Amendment GC42 in the Manningham Leader. Amendment documentation was also

available at the Planning Counter, local municipal libraries, corporate website and Your Say Manningham website.

- 10.5 An information session was held on Thursday 3 March 2016. No one attended that session.

11 COMMUNICATIONS STRATEGY

- 11.1 All submitters will continue to be kept informed about the Amendment process. Submitters will be notified of Council's decisions at each key stage of the amendment process. If submissions are referred to an independent panel, all correspondence relating to the hearing will be prepared by Planning Panels Victoria.

12 CONCLUSION

- 12.1 The proposed ESD policy is consistent with the policies for the Round 1 Joint Councils included in amendments to their Planning Schemes recently approved by the Minister for Planning.
- 12.2 The vast majority of submissions received support the introduction of the policy.
- 12.3 The only objection to the amendment was received from the HIA, which was essentially the same as that considered by panels which considered submissions to both the Joint Councils amendments and an amendment to the Monash Planning Scheme.
- 12.4 Given that it is considered that is not appropriate to change the Amendment as requested in this submission, it is recommended that Council request that the Minister for Planning appoint an independent panel to consider the submission.

OFFICER'S RECOMMENDATION

That Council:

- (A) Notes all submissions received in response to Amendment GC42 to the Manningham Planning Scheme;**
- (B) Requests that the Minister for Planning appoint an Independent Panel under part 8 of the *Planning and Environment Act 1987*, to consider all submissions received in response to Amendment GC42 to the Manningham Planning Scheme;**
- (C) Endorses the officers' recommended responses to the issues raised by the submitters as shown in Attachment 2;**
- (D) Endorses the recommended post exhibition changes to the Local Policy (22.12) shown in Attachment 1 for inclusion in Council's submission to an independent panel; and**
- (E) Informs all submitters of Council's decision.**

MOVED: GALBALLY
SECONDED: McLEISH

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

Attachment 1 – Exhibited Amendment with Recommended Changes to Clause 22.12
(Environmentally Sustainability Development Policy)
Attachment 2 – Summary of Submissions and Officers’ Response

* * * * *

10.5 Amendment C102 - Montgomery Street Proposal to Rezone Land - Consideration of Panel Report and Adoption of Amendment

Responsible Director: Director Planning & Environment

File No. T16/66

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 for Council to consider the report of the independent panel which considered submissions in relation to Amendment C102 to the Manningham Planning Scheme and Planning Permit Application PL15/025196, and to make a decision whether or not to adopt the Amendment/Application in the manner recommended by the Panel. The Panel Report was received by Council on 18 March 2016. A copy of the Panel Report is attached (refer to **Attachment 1**).*

Amendment C102 and Planning Application PL15/025196 relate to the proposed rezoning and subdivision of Council owned land at 6-10 Montgomery Street, Doncaster East, in order to facilitate the future sale of most of that land for residential purposes.

The Panel Report recommends that Amendment C102 to the Manningham Planning Scheme should be adopted as exhibited, subject to a number of minor changes presented to the panel by Council.

Pursuant to sections 27 and 96F of the Planning and Environment Act, Council must consider the panel's report before deciding whether or not to adopt the Amendment (with or without changes), or to abandon all or part of the Amendment and before deciding whether or not to recommend the granting of a permit.

*It is recommended, pursuant to section 29 of the Act, that Council adopts Amendment C102 with changes as recommended by the Panel and reflected in **Attachment 2** (adoption documents), and forward the Amendment as adopted to the Minister for Planning for approval in accordance with section 31 of the Act.*

1 BACKGROUND

Subject land

1.1 Council owns five parcels of land at 2-10 Montgomery Street, Doncaster East, which have a total area of approximately 4,600sqm. The subject land forms part of the Doncaster East Village Activity Centre and is commonly referred to as the Montgomery Street sub-precinct. The land comprises:

- 2 Montgomery Street – a small park with an area of approximately 900sqm. The park is encroached on slightly by the adjoining Pre-school.
- 4 Montgomery Street – occupied by Doncaster East Pre-school.
- 6 Montgomery Street – public carpark with poor line-marking.

- 8 Montgomery Street – a building formerly occupied by Doncare and currently leased by Doncaster City Church. The building has a floor area of around 350sqm and 17 car spaces. The property is currently leased on a monthly basis.
 - 10 Montgomery Street – carparking providing for about 13 spaces with poor line-marking.
- 1.2 The Council-owned land in Montgomery Street is currently in two zones in the Manningham Planning Scheme. Land at 2, 4 and 8 Montgomery Street is within a Public Use Zone (PUZ6), whilst land at 6 and 10 Montgomery Street is within a General Residential Zone Schedule 2 (GRZ2) in conjunction with a Design and Development Overlay – Schedule 8 (DDO8-2), which encourages apartment style development of up to 11 metres in height on lots with an area of at least 1,800sqm.
- 1.3 The background to this amendment/application was previously reported to Council at its meetings of 21 April 2015 and 24 November 2015.
- 1.4 Council considered options for the site at its meeting of 21 April 2015 and resolved to:
- A) *Reaffirm its commitment identified in the Doncaster East Structure Plan (November 2011, update July 2012) to the Montgomery Street Precinct as a key strategic redevelopment site which provides the greatest opportunity in the short term for redevelopment of currently underutilised land.*
 - B) *Seek authorisation of the Minister for Planning under section 8A of the Planning and Environment Act 1987 to prepare and exhibit a combined Amendment to the Manningham Planning Scheme (Amendment C102) and Application for Planning Permit to:*
 - *amend the MSS at Clause 21.05 Residential to reflect the introduction of DDO13 in Precinct 2;*
 - *rezone the land at No. 8 Montgomery Street, Doncaster East to the General Residential Zone Schedule 2;*
 - *rezone the western part of the site at No. 6 Montgomery Street, Doncaster East to the Public Use Zone 6;*
 - *apply a DDO Schedule 13 to the land including the eastern part of No. 6, 8, 10, 12, 14 and 16 Montgomery Street, Doncaster East; and*
 - *resubdivide the land proposed to be sold, including part of No. 6 to No.10 Montgomery Street, Doncaster East, to facilitate the sale of the land for residential purposes,*
 - C) *Subject to authorisation of the Minister for Planning, exhibits Amendment C102 to the Manningham Planning Scheme and the application for planning permit in accordance with section 96C of the Planning and Environment Act 1987 for a minimum of 6 weeks.*
 - D) *Subject to a further report authorising the commencement of statutory proceedings under section 189 of the Local Government Act 1989, gives in principle support to sell the parcel of land shown in Attachments 3a and 3b, known as (part of) No. 6 to No. 10 Montgomery Street, Doncaster East for residential purposes, subject to*

an expression of interest process and the following principles for future development of the site:

- *A preferred minimum 10% of the development to comprise affordable/disability housing;*
- *Demonstrated ability to address local market needs;*
- *Need for high quality, sustainable urban design features; and*
- *Vehicular access to be provided off Montgomery Street only.*
- *Endorses the provision of a minimum of 28 Council carparking spaces on the remaining land at No. 6 Montgomery Street, Doncaster East;*

E) Notes that:

- *the public park at No. 2 Montgomery Street will be upgraded to coincide with the redevelopment of the subject land at 6 – 10 Montgomery Street ; and*
- *consultation will be held with landowners and business owners to progress improvements to the laneway as part of the economic development of the activity centre and the Montgomery Street sub precinct.*

1.5 Amendment C102 and draft Planning Permit (PL 15/025196) were subsequently placed on public exhibition from 20 August to 1 October 2015. Notices were sent to affected owners and occupiers and to the prescribed Ministers on 17 August 2015. Notices were placed in the Manningham Leader and the Government Gazette and an article appeared in Manningham Matters. Two notices were also erected across the subject sites.

1.6 At its meeting on 24 November 2015, Council considered all the submissions received and resolved:

That Council:

- (A) Notes all submissions received in response to Amendment C102 to the Manningham Planning Scheme and Planning Permit Application PL15/025196;*
- (B) Endorses the officers' recommended responses to the issues raised by submitters as shown in Attachment 5 and endorse these responses as the basis for Council's submission to an Independent Panel;*
- (C) Endorses the recommended post exhibition changes to the MSS at Clause 21.05 Residential for inclusion in Council's submission to an Independent Panel generally in accordance with Attachment 6;*
- (D) Requests that the Minister for Planning appoint an Independent Panel under part 8 of the Planning and Environment Act 1987, to consider all submissions received in response to Amendment C102 to the Manningham Planning Scheme and Planning Permit Application PL15/025196;*
- (E) Writes to all submitters, informing them of Council's decision to proceed to the Panel stage;*

(F) *Subject to the successful resolution of the necessary Statutory processes, agrees to investigate and implement a carparking management plan for the Montgomery Street precinct and to commit funds from the sale of the proposed development site at 6 (part) – 10 Montgomery Street towards the upgrading of the laneway.*

- 1.7 The Panel Hearing was held on the 18 February 2016. None of the submitters presented at the hearing.
- 1.8 The Panel Report was received by Council on 18 March 2016. Council has 28 days to release the report publicly.
- 1.9 The Panel has recommended that Amendment C102 to the Manningham Planning Scheme should be adopted as exhibited (with the minor changes endorsed previously endorsed by Council) and Permit Application PL15/025196 should be granted, subject to a number of changes.

2 PROPOSAL/ISSUE

- 2.1 Pursuant to section 27 of the Planning and Environment Act 1987 (the Act), Council must consider the Panel's report before deciding whether or not to adopt the Amendment (with or without changes), or to abandon all or part of the Amendment.
- 2.2 Pursuant to section 96F of the Act, Council must also consider the Panel's report before deciding whether or not to recommend the granting of the permit.

Panel Recommendations

- 2.3 The Panel considered all written submissions to the Amendment during the hearing, as well as the issues identified by Council as part of the 24 November 2015 Council report.
- 2.4 The Panel's overall conclusions and recommendations were that:
 - The proposed zones are appropriate for the land;
 - Application of the new DDO13 over 8 to 16 Montgomery Street is supported.
 - The proposal to re-subdivide 6, 8 and 10 Montgomery Street is appropriate.
- 2.5 The Panel, in recommending that the Amendment be adopted as exhibited, supported a number of changes (recommended by officers), which had been supported by Council at its meeting on 24 November 2015.
- 2.6 At the hearing Council referred the Panel to minor anomalies that it had identified during exhibition that it had resolved to address at its meeting of 24 November 2015.
- 2.7 The changes relate to Clause 21.05-1 – Built form and neighbouring character and Clause 21.05-2 – Housing – Zones and Overlays. Under Clause 21.05-1, both DDO8 and DDO9 refer to the building heights in storeys as well as in metres. The exhibited DDO13 does not reference height in metres. Council resolved to add a reference to the height of 13.5 metres to make it consistent with other DDO schedules.

- 2.8 Under Clause 21.05-2, there is no reference to the introduction of DDO13 to Precinct 2: Residential Areas surrounding Activity Centres and Along Main Roads. Council resolved to include this reference in this Clause.
- 2.9 The Panel considered that these minor changes are appropriate and will not change the intent of the exhibited amendment.
- 2.10 The Panel also supported the approval of Application PL15/025196 to resubdivide 6, 8 and 10 Montgomery Street in accordance with the conditions set out in the draft planning permit (**Attachment 3**)

Expression of Interest Process

- 2.11 In respect to the Expression of Interest (Eol) process, which is the Council preferred process for the sale of 8 to 10 Montgomery Street, Council at its meeting of 21 April 2015 resolved to:
- “Subject to a further report authorising the commencement of statutory proceedings under section 189 of the Local Government Act 1989, gives in principle support to sell the parcel of land shown in Attachments 3a and 3b, known as (part of) No. 6 to No. 10 Montgomery Street, Doncaster East for residential purposes, subject to an expression of interest process and the following principles for future development of the site:*
- *A preferred minimum 10% of the development to comprise affordable/disability housing;*
 - *Demonstrated ability to address local market needs;*
 - *Need for high quality, sustainable urban design features;*
 - *Vehicular access to be provided off Montgomery Street only; and*
 - *Endorses the provision of a minimum of 28 Council carparking spaces on the remaining land at No. 6 Montgomery Street, Doncaster East.*
- 2.12 In order to progress the sale of 8 – 10 Montgomery Street Council must first resolve to give notice of its intention to sell and advertise pursuant to sections 189 and 223 of the *Local Government Act 1989* (sale of land and public advertising).
- 2.13 This process will provide the opportunity to interested persons to make a submission.
- 2.14 Subject to the outcome of Council’s consideration of public submissions, the land at 8 – 10 Montgomery Street would be offered for sale through an Eol process.
- 2.15 It is considered appropriate for Council to give notice of its intention to sell the land following ‘adoption’ of the Amendment, however, not commence the actual sale of the land (through an Eol process), until after the Amendment is ‘approved’ by the Minister for Planning. This will provide greater certainty for any prospective purchasers regarding the rezoning and fundamental details of the land to be sold.
- 2.16 **Attachment 4** includes a flow chart which shows how the Amendment and EOI/sale processes referred to in this report will interrelate.

Affordable Housing

- 2.17 At its meeting of 24 November 2015, Council endorsed a number of principles to be embodied in the EoI to guide future development of the site at 8 to 10 Montgomery Street:
- “A preferred minimum 10% of the development to comprise affordable/disability housing”.*
- 2.18 Affordable Housing is defined by Council as:
- “Housing that is affordable for people with low to moderate incomes, where:*
- *Households with less than 120% of median income should pay no more than 30% of their gross income in rent;*
 - *35% on mortgage repayments.”*
- 2.19 With respect to the Montgomery Street proposal, on the basis of the site yielding 30 apartments, the 10% affordable housing target would result in a minimum of 3 units being made available for affordable housing.
- 2.20 In terms of the potential delivery options, the following principles will be used to guide the assessment of the EoIs:
- Clarification on the affordability outcomes sought i.e. tenure, target group, longevity of outcome;
 - A demonstrated successful governance model (ownership and management, as well as levers and financial inputs to support outcome);
 - Demonstrated partnerships with Affordable Housing associations and;
 - The extent/ percentage of affordable housing that is provided.

Carparking Management Plan and Laneway Upgrade

- 2.21 At its meeting on 24 November 2015, Council resolved interalia to:
- “Subject to the successful resolution of the necessary Statutory processes, agrees to investigate and implement a carparking management plan for the Montgomery Street precinct and to commit funds from the sale of the proposed development site at 6 (part) – 10 Montgomery Street towards the upgrading of the laneway.”*
- 2.22 With respect to the Carparking Management Plan, it is acknowledged that on and off street parking restrictions in the precinct should be reviewed to assess the capacity of the surrounding streets and carparks to yield additional and more readily available parking for traders and shoppers.
- 2.23 To this end, at its meeting on 24 November 2015, Council resolved to investigate and implement on street and public car parking management and improvements within the local area as part of a strategy to manage car parking requirements. Preparation of such a *Parking Management Plan* is integral to the effective and efficient management of parking in the precinct.
- 2.24 The Plan would be implemented following the statutory process for Amendment C102. It is expected that the Plan will be presented to Council in July for consideration, which will coincide with the future approval of Amendment C102 and the commencement of the EoI process.
- 2.25 As part of the Plan, it would be necessary to obtain data on the type of users of the public car park, assess parking management options to address inherent long term parking, review existing on-street parking restrictions and

assess the impacts on surrounding streets from any measures proposed for implementation. The Plan would also recommend appropriate parking restrictions for the proposed public carpark at 6 Montgomery Street.

- 2.26 In order to increase parking opportunities and to offset the loss of 12 parking spaces at No. 10 Montgomery Street, the *Parking Management Plan* would consider changes to the restrictions associated with existing on street parking so as to make more parking available to support the operating needs of the activity centre.
- 2.27 Such changes would be consistent with Council's *Parking Policy* (Adopted November 2014), which seeks to provide a consistent, coordinated and equitable approach to assessing competing demands for parking across the municipality, including activity centres.
- 2.28 With respect to the laneway upgrade, the resolution of 24 November 2015, clearly demonstrates a commitment by Council to implement a comprehensive upgrade of the subject laneway which in turn will significantly enhance the viability and vibrancy of the Montgomery Street sub-precinct.
- 2.29 In order to progress the proposed upgrade to the laneway further, it is recommended that a project brief and business case for the '*Montgomery Street Laneway Enhancement*', be prepared. It is expected that the business case/project brief will be reported to Council for consideration following settlement of the sale of land process. This will ensure that the financial implications of the sale are fully understood in the context of the proposed upgrades to the laneway.

3 PRIORITY/TIMING

- 3.1 Ministerial Direction No. 15 sets out the timeframe for completing the various steps in the planning scheme amendment process.
- 3.2 The *Planning and Environment Act 1987* requires Council to release the Panel Report to the public within 28 days of its receipt (which was 18 March 2016). The Panel Report will be released within the 28 day statutory period on 15 April 2016.
- 3.3 Pursuant to clause 6 of the Ministerial Direction, Council must make a decision on the Amendment within 40 business days of the date it receives the Panel's Report. The Amendment will comply with this direction.
- 3.4 Pursuant to clause 7 of the Ministerial Direction, Council must submit an adopted amendment to the Minister within 10 business days of the date the amendment was adopted.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The Municipal Strategic Statement (MSS) forms part of the Manningham Planning Scheme and is a statement of the key strategic planning, land use and development objectives for the municipality. The MSS recognises that activity centres are integral to the local economy and local employment generation and are an important focal point for community life and interaction.
- 4.2 Clause 21.05 Residential of the MSS recognises that managing change and growth in the residential areas of Manningham is a key issue facing Council. Infill residential development and redevelopment of key strategic sites that consolidates the role of established urban areas is encouraged.

- 4.3 In accordance with Council's *Residential Strategy (2012)*, the MSS notes that there will be a need for a greater mix of housing in the form of medium and higher density residential developments and that higher density housing will be encouraged in close proximity to activity centres.
- 4.4 Clause 21.09 Activity Centres and Commercial Areas of the MSS identifies that key challenges for Manningham's network of activity centres are to ensure that existing centres remain vibrant, viable and sustainable into the future. The identified activity centres will be the focus of increased residential growth and development.
- 4.5 Activity centres like Doncaster East Village, provide a limited mix of uses to meet local convenience needs. A key issue for these centres is to ensure that these centres remain viable and can evolve to meet the future needs of the community. These centres will continue to be community hubs and meeting places for local residents, and opportunities for locating a range of social, community and recreational services within these centres will be encouraged.
- 4.6 The MSS notes that development in these types of activity centres should improve functionality, accessibility, safety, social interaction, promote sustainability and address scale and identity through site responsive design.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The proposed rezoning and sale of the land aims to deliver residential development that caters for under-represented markets in Manningham and assist in encouraging renewal of the shopping precinct. The development would act as a demonstration project to showcase high quality urban design and best practice in sustainability and affordability and facilitate the provision of affordable housing opportunities within an activity centre.
- 5.2 The community has had an opportunity to comment on the Amendment and Application and make submissions during the exhibition process. Further opportunity for community input will occur as part of the subsequent planning application for development. Consultation with key stakeholders who have a direct interest in the development of the precinct, was included in the amendment process and will again include affected stakeholders during future application processes.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 Planning Scheme Amendments are prepared and administered by the Economic and Environmental Planning (EEP) Unit. The EEP Unit will meet the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2000*, including the fees associated with a panel hearing.

7 SUSTAINABILITY

- 7.1 It is expected that the Amendment would result in development that would have positive social, environmental and economic outcomes. The Amendment would support the objectives and implements key aspects, of the *Doncaster East Village Structure Plan* by providing new housing opportunities for underrepresented markets including some provision of affordable housing, an upgraded public carpark and upgraded laneway.

8 CONSULTATION

- 8.1 The consultation process undertaken during the 6 week public exhibition was outlined in the Council report on 24 November 2015 that considered submissions
- 8.2 The Panel considered all written submissions made in respect of the proposed Amendment and Planning Application. All submitters were provided with an opportunity to be heard by the Panel.
- 8.3 The Panel Report will be released within the 28 day statutory period with all submitters being notified by mail on the same day.

9 COMMUNICATIONS STRATEGY

- 9.1 In addition to direct notification to all submitters, a copy of the Panel Report will be made available on the Council website, with a copy made available for viewing at the front counter of the municipal offices.

10 CONCLUSION

- 10.1 Council has received the Panel Report for Amendment C102 to the Manningham Planning Scheme and has released it to the public.
- 10.2 The Panel has recommended that the proposed Manningham Planning Scheme Amendment C102 be adopted as exhibited subject to a number of minor changes submitted to the Panel by Council.
- 10.3 The Panel has also recommended that Planning Application PL15/025196 to re-subdivide 6, 8 and 10 Montgomery Street to create two lots be approved in accordance with the conditions on the exhibited draft planning permit.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Notes the content of the Panel Report for Amendment C102 to the Manningham Planning Scheme;**
- (B) **Pursuant to section 29 of the *Planning and Environment Act 1987*, adopts Amendment C102, with changes as recommended by the Panel in the form set out in Attachment 2;**
- (C) **Pursuant to section 96G of the *Planning and Environment Act 1987* recommends to the Minister for Planning that a Planning Permit PL15/025196, as shown in Attachment 3, be granted;**
- (D) **Submits the adopted Amendment C102 to the Minister for Planning for approval in accordance with section 31 of the *Planning and Environment Act 1987*.**
- (E) **Notifies all submitters of Council's decision.**
- (F) **Commence the Expression of Interest process, including giving public notice of its intention to sell 8 – 10 Montgomery Street pursuant to sections 189 and 223 of the *Local Government Act 1989*;**

- (G) Authorises Council’s Chief Executive Officer, to carry out any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.
- (H) Establishes a committee under section 223 comprising the Mayor and Koonung Ward Councillors to hear submissions received in regard to the sale of 8 – 10 Montgomery Street in accordance with section 223 of the *Local Government Act 1989*;
- (I) Resolves that the purpose of the Committee is to:
- Provide the opportunity for persons to be heard in support of their submissions in accordance with section 223 of the Act; and
 - Report to the Council on the oral submissions made, including a summary of hearings.
- (J) Note that it is anticipated that a *Carparking Management Plan* for the Montgomery Street sub precinct will be presented to Council for consideration in July 2016.
- (K) Note that a project brief and business case for the ‘*Montgomery Street Laneway Enhancement*’ will be prepared for consideration by Council at a later date.

Conflict of Interest

Cr O’Brien stated:

“Councillors, I wish to disclose that I have a conflict of interest in this item being an indirect interest of close association and as such I will be leaving the meeting room for the duration of the item.”

MOVED: HAYNES
SECONDED: GALBALLY

That the Recommendation be adopted.

CARRIED

Having disclosed his conflict of interest Cr O’Brien left the meeting room at 7.28pm and returned at 7.30pm after the matter had been finalised and took no part in the discussion and voting on this item.

“Refer Attachments”

Attachment 1: Panel Report Manningham Planning Scheme Amendment C102 Planning Permit Application PL15/025196
Attachment 2: Amendment documents for adoption
Attachment 3: Planning Permit PL15/025196
Attachment 4: Amendment/EOI process flowchart

* * * * *

11. ASSETS & ENGINEERING**11.1 2015-2016 Capital Works Program - End of March Status Report**

Responsible Director: Director Assets and Engineering

File No. T16/49

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 March 2016, is provided for review and consideration.

To the end of March, the majority of projects are progressing satisfactorily and are meeting the specified timelines. Nineteen (19) projects have been completed out of a total of 111 projects. Eighty (80) projects are currently in progress, of which thirty-five (35) projects are currently experiencing some minor delays, but are not considered beyond reasonable control and are anticipated to be completed. One new project is 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. A further nine projects will not be completed or sufficiently advanced due to project planning, consultation and approval delays. As a result, the unspent funds have been 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.

The total value of the carry forward amount is \$1.980 million, and includes \$0.950 million approved at the MYR, plus a further \$1.030 million (post MYR). A number of other part funding transfers have also been made, or are proposed on several 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 March is \$22.219 million, which is \$2.032 million (8.4%) below the YTD MYR budget of \$24.251 million and \$2.542 million (10.3%) below the YTD forecast amount of \$24.761 million. The YTD lag against the forecast is largely seen as a cash flow issue and not a carry forward issue at this stage, other than Bolin Bolin Wetlands, Prospect Road drainage improvements and Mullum Mullum Linear Park Stage 3 projects.

However, against the YTD adopted budget, there is an unfavourable variance of \$0.195 million (0.9%), which can be attributed to a number of ongoing projects that carried forward from 2014/15, plus additional new works that were not part of the 2015/16 adopted budget.

The variance against the YTD MYR Budget and YTD forecast can be largely attributed to a number of project delivery variations on the following projects, which are lagging from a project expenditure perspective: New Footpath Construction (Templestowe Road and Parker Street), Road Management Strategy Traffic and Road Use (Heads Road), Bicycle Strategy Implementation (Park Road), Drainage Strategy (Bolin Bolin wetlands, Prospect Road, and Melbourne Hill Road drainage improvements), Mullum Mullum Linear Park Stage 3, Finns Reserve Management Plan (footbridge), Mullum Mullum Highball Facility, and Templestowe Heights Stadium refurbishment. Works have commenced on the majority of these projects however, the Mullum Mullum Linear Trail works, Bolin Bolin Wetlands and Prospect Road drainage improvement projects will not be completed due to planning permit compliance issues and ongoing consultation and approval delays.

Notwithstanding the known carry forward amount, it can be concluded that the end of March 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 \$40.422 million is currently forecast against the adopted budget of \$37.616 million and MYR budget of \$39.225 million. The net difference between the EoY forecast and MYR budget being an increase in grants and income of \$0.088 million, plus other budget adjustments of \$2.139 million, less proposed carry forwards of \$1.030 million.
- 1.5 The value of works completed at end of March is \$22.219 million, which is \$2.032 million (8.4%) below the YTD MYR budget of \$24.251 million and \$2.542 million (10.3%) below the YTD forecast amount of \$24.761 million.
- 1.6 Whilst in financial terms the completed works is shown as an unfavourable variance against the YTD MYR budget, this is because the delivery of the program is lagging from a project expenditure perspective when compared to the MYR budget.
- 1.7 However, against the YTD adopted budget, there is an unfavourable variance of \$0.195 million (0.9%), which can be attributed to a number of ongoing projects that that carried forward from 2014/15, plus additional new works that were not part of the 2015/16 adopted budget.

- 1.8 Expenditure in February and March has dropped off, which can be largely attributed to a number of project delivery variations on the following projects, which are lagging from a project expenditure prospective; New Footpath Construction (Templestowe Road and Parker Street), Road Management Strategy Traffic and Road Use (Heads Road), Bicycle Strategy Implementation (Park Road), Drainage Strategy (Bolin Bolin wetlands, Prospect Road, and Melbourne Hill Road drainage improvements), Mullum Mullum Linear Park Stage 3, Finns Reserve Management Plan (footbridge), Mullum Mullum Highball Facility, and Templestowe Heights Stadium refurbishment, but are expected to be completed, except for Mullum Mullum Linear trail works, Bolin Bolin Wetlands and Prospect Road drainage improvement projects, due to planning permit compliance issues, ongoing consultation and approval delays.
- 1.9 Of the \$22.219 million of works completed at the end of March, the value of budgeted works completed, excluding the carry forward projects and new post budget adoption projects, is \$16.384 million. The completed value of the carry forward projects that were delayed from 2014/15, including those in the 2015/16 adopted budget, is \$3.157 million. The net value of new post budget adoption projects is \$2.678 million.
- 1.10 Income received related to capital projects is ahead YTD budget income at the end of March, with a variance of 12.4%, which can be attributed to an increase in additional grants and income for works to be undertaken in 2015/16.
- 1.11 The 'traffic light' program of performance against key milestones is included with the attached Status Report (Attachment C). To the end of March the majority of projects are progressing satisfactorily and are meeting the specified timelines. Nineteen (19) projects have been completed out of a total of 111 projects. Eighty (80) projects are currently in progress, of which thirty-five (35) projects are currently experiencing some minor delays, but none of these are considered beyond reasonable control. One new project is yet to commence, but should be completed.
- 1.12 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.
- 1.13 The Civic Offices Draught Proofing and Project and Contract Management System projects will not be completed and the Drainage Strategy Implementation Program (Bolin Bolin Wetlands and Prospect Road), Colman Park Pavilion Upgrade, Sheahans Road Highball Facility, Park Avenue Reserve Synthetic Soccer Pitch, AMS Buildings (Swanston Street Gym), Mullum Mullum Linear Park Stage 3 (footbridge and trail works), and Energy Efficiencies projects will not be sufficiently advanced due to project planning, consultation and approval delays. As a result, the unspent funds have been 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.
- 1.14 It is proposed, that rather than carry forward all of the unspent funds, that part of the additional carry forward amount from the Drainage Strategy Implementation Program be transferred to the Mullum Mullum highball facility to further advance the early works this financial year, and to the Civic Centre

duct sealing works in order to deliver cost savings in electricity costs, reduction in carbon emissions and overall improvements in the building's comfort levels. The transferred amounts will be restored to the Drainage Strategy Program in 2016/17 from the Mullum Mullum highball facility project (Refer Table G in the Status Report).

1.15 The total value of the carry forward amount is \$1.980 million and includes \$0.950 million approved at the MYR, plus a further \$1.030 million (post MYR). A number of other part funding transfers have also been made, or are proposed, on several other 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.

1.16 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 completed):

Road Management Strategy Upgrades (Line 16) - Planning permit compliance issues have delayed the Heads Road / Whitefriars Way roundabout works and the project may not be completed should the works not be sufficiently advanced.

Bus Bay Construction (Line 24) - Planning permit delays encountered with neighbouring council in relation to works at Homestead Road. As a result the scope of works has been reviewed and will include concept and design only this financial year, with construction to be undertaken in 2016/17.

Drainage Strategy Implementation - (Line 27)

- Bolin Bolin Wetlands - Ongoing delays have been encountered in seeking resolution from an external funding partner 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 additional funds to complete the project in 2016/17 (Refer Table C).
- Prospect Road drainage improvements - Project planning and approval delays have occurred, which will result in the works not being completed. A substitute project is currently being considered to offset any potential carry forward, with the Prospect Road improvements being undertaken in 2016/17.
- Melbourne Hill Road Drainage Scheme - Consultation and approval delays have been encountered. A separate report regarding modifications to the scheme was presented to Council in November; however a risk of appeal by the property owners through the statutory process still remains and could delay the completion of the works.

Mullum Mullum Linear Park Stage 3 (Line 35) - Planning permit compliance issues, approval delays and contractor availability issues have been encountered in relation to the footbridge and linear trail works. 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 unspent funds to complete the project in 2016/17 (Refer Table C).

Implementation of Horse Riding Strategy (Line 52) - Project planning and consultation delays have been encountered with the Gold Memorial Road retaining wall works; however the works are expected to be completed.

Mullum Mullum Highball Facility (Line 56) - Stage 1 early works have commenced and an opportunity exists to advance the highball facility works this financial year with the purchase of a substation and payment of consultants fees associated with the finalisation of the tender documents for the highball facility. It is proposed, that in order to advance the works, that \$0.35 million of the proposed carry forward amount for the Drainage Strategy Program be transferred to the Mullum Mullum highball facility project, and that the transferred amount be restored in 2016/17. (Refer Table G).

Invoice Scanning Solutions (Line 75) - Project planning and internal resourcing delays have been encountered and may result in funds being carried forward should the project not be sufficiently advanced. Details will be confirmed once final contractor payments and accruals have been finalised on committed works.

Risk Management & Audit Software (Line 78) - Software testing compliance and vendor signoff issues. Project may not be completed and could result in funds being carried forward if issues are not resolved. Details will be confirmed once final contractor payments and accruals have been finalised on committed works.

Tea Replacement (Line 81) - Project scoping and internal resourcing delays. Carry forward anticipated should the project not be sufficiently advanced. Details will be confirmed once final contractor payments and accruals have been finalised on committed works.

Civic Centre Duct Sealing (Line 111) - Following recent pressure testing and analysis of the heating, cooling and ventilation system at the Civic Centre, it was found that sections of the offices are leaking large amounts of conditioned air, which is expensive and highly inefficient, causing staff discomfort, potential safety risks, and generation of unnecessary carbon emissions.

In order to address these concerns, the ductwork needs to be sealed to ensure that conditioned air is delivered to its intended destination and deliver cost savings in electricity costs, reduction in carbon emissions and overall improvements in the building's comfort levels. It is proposed that \$0.085 million of the proposed carry forward amount for the Drainage Strategy be transferred to the duct sealing project, and that the transferred amount be restored in 2016/17. (Refer Table G).

2 PROPOSAL/ISSUE

- 2.1 It is proposed that the attached Capital Works Program Status Report for the period ending 31 March 2016 be noted.

3 FINANCIAL RESOURCE IMPLICATIONS

- 3.1 It is proposed that \$0.35 million of the proposed carry forward amount from the Drainage Strategy Program be transferred to the Mullum Mullum highball facility project, to advance the works, and a further \$0.085 million be

transferred to the Civic Centre duct sealing works, and that the transferred amounts be restored to the Drainage Strategy Program in 2016/17.

- 3.2 A number of other part funding transfers have also been made or are proposed on several 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 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 March 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.
- 4.2 Ongoing discussions are ensuing with Project Managers to ensure that any projects that are currently experiencing delays are completed, and that the Council Plan performance target for the implementation of the Capital Works Program is met.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Receive and note the attached Capital Works Program Status Report for the period ending 31 March 2016.**
- (B) **Note and approve the transfer of \$0.455 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 \$0.435 million from the Drainage Strategy Implementation Program to the Mullum Mullum Highball Facility and Civic Centre Duct Sealing projects, is to be restored in 2016/17, as indicated in the Status Report.**
- (D) **Note the proposed carry forward amount of \$1.030 million, which will be included as a part of the 2016/17 Capital Works Program.**

MOVED: McLEISH
SECONDED: GALBALLY

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

- Capital Works Status Report (Council) - March 16
- Traffic Light Program - March 16

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12. COMMUNITY PROGRAMS

12.1 Progress Report - Live Well in Bulleen Community Strengthening Project

Responsible Director: Director Community Programs

File No. "T15/287"

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

Live Well in Bulleen (LWB) is a community strengthening project that is using a place based approach bringing together collaboration between community support services and government to redress barriers impacting on community health and wellbeing.

The project responds to priority 1.4.5 of Manningham's Healthy City Plan 2013 – 2017, which sets a goal to 'investigate the needs of socially isolated and disadvantaged residents in Bulleen and deliver initiatives to effectively address the service gaps using a place based approach'.

Following the development of a Project Reference Group in 2014, Council carried out extensive research and community consultation to investigate the unique needs of the Bulleen community. On 28 July 2015, Council endorsed the LWB Research Paper, highlighting key challenges for Bulleen residents including higher rates of ill health and less drivers of good health than other parts of Manningham, an aging population, limited service access, and environmental and physical infrastructure in need of renewal. The Research Paper proposed 11 recommendations to improve the coordination and delivery of community support services in Bulleen, investigate the capacity for Council service units to work collaboratively, and to develop an action plan to direct future interventions and investment in Bulleen.

Council has committed \$35,000 in 2015/16 to employ a part time, Place Maker Officer to develop an Action Plan and coordinate the implementation of collaborative projects. It is expected that many of the initiatives in the Action Plan will be realised the short and medium term.

This report summarizes the progress undertaken since the appointment of the Place Maker Officer in September 2015, and proposed activities for the next six months and beyond.

1 BACKGROUND

- 1.1 The Live Well in Bulleen Community Strengthening Project commenced in June 2014 by adopting a place based approach to address the local needs of the community through strategic partnerships and coordinated investment.
- 1.2 The Live Well in Bulleen Reference Group was established to drive the partnership approach and comprises of senior representation from Doncare Community Services, Manningham Community Health Service, Manningham

YMCA, Living and Learning @ Ajani, Onemda, Inner East Melbourne Medicare Local, Banyule City Council, Whitehorse Manningham Libraries, Eastern Community Legal Centre, State Government representatives and officers from Council's Community Programs Directorate.

- 1.3 Initial activities of the project included the development and adoption of the Live Well in Bulleen Community Strengthening Project Research Paper, which involved analysis of available population data and undertaking extensive community consultation. Over 700 community conversations were undertaken and over 120 surveys completed.
- 1.4 A Research Paper was developed, outlining key themes that emerged through research and consultation activities. A range of recommendations were incorporated into the paper, proposing an action plan and implementation phase, and a commitment to evaluating change facilitated by the project.
- 1.5 Through the 2015/16 Budget, the recruitment of a part time Place Maker was undertaken in September 2015. The Place Maker has been valuable resource in strengthening partnerships, securing project funding, and introducing an integrated approach across Council and community in addressing the needs identified.
- 1.6 An analysis of Council Service Unit Strategies and Plans, and existing Capital Works commitments for Bulleen has been undertaken. This process identified a number of opportunities to leverage on planned initiatives that might otherwise be delivered by Council Service Units independently.
- 1.7 Meetings have been conducted with Council Services Units, including Aged and Disability Services, Community Relations and Marketing, Cultural Services, Economic and Environmental Planning, Engineering and Technical Services, Parks and Recreation, Maternal and Child Health and People, and Culture and Risk. Each service unit provided an update on existing strategic goals for Bulleen and surrounding precincts, as well as issues and opportunities to improve the liveability of the area.
- 1.8 Through this consultation with Service Units, it is apparent that many existing strategies and plans have prioritised resources and actions to improve Bulleen's liveability. However, these priorities lack coordinated execution and therefore miss opportunities for efficiencies and to leverage additional internal / external resources.
- 1.9 An internal working group will be initiated from May 2016 to further engage Council officers in collaborative planning to deliver actions already committed to Bulleen, while also discovering opportunities to consolidate resources and reinforce drivers of liveability and community wellbeing. The internal working group will inform and prioritise the development of the Bulleen Community Action Plan.
- 1.10 In addition to strategically working across Council, the Place Maker Officer has engaged with the Live Well in Bulleen Reference Group, community organisations and Bulleen stakeholders to strengthen services and the social connectedness of residents in and around Bulleen.
- 1.11 The Live Well in Bulleen Project has attracted \$450,000 in funds by Council and its community partners to initiate programs in Bulleen.

In Summary:

ORGANIZATION LEAD	FUNDING SOURCE	PROJECT TITLE	PROJECT STATUS
Living And Learning @ Ajani	Adult, Community And Further Education Board Capacity And Innovation Fund \$178,000 2015 – Sept 2016	Ajani Community Partnership and Café	IN PROGRESS: <ul style="list-style-type: none"> Café @ Ajani, a pre-employment training program engaging students with an intellectual disability Partnership hub, resulting in new partnerships, programs and services
Living & Learning @ Ajani	Adult, Community and Further Education Board Capacity and Innovation Fund \$50,000 2016/17 FY	Café @ Ajani	IN PLANNING FOR 2016/17 FY DELIVERY: <ul style="list-style-type: none"> Expansion of the Café @ Ajani to engage residents from diverse cultural and linguistic backgrounds in pre-employment training.
Manningham Community Health Services	Manningham City Council – Community Development Grant \$14,640 2015/16 FY	Parent Education Program & Access to Health Services @ Ajani	IN PROGRESS: <ul style="list-style-type: none"> Parent education at two playgroups in Bulleen (Ajani centre and Bulleen library). Delivery of a range of health services as part of the Hub @ Ajani project.
Manningham Community Health Services	Manningham City Council – Community Partnership Grant \$25,000/year for two years	Mother Goose Program	IN PROGRESS: <ul style="list-style-type: none"> Delivery of a parent-child mother goose program at stride early childhood intervention service.
Eastern Community Legal Centre Inc (ECLC)	Manningham City Council – Community Partnership Grant \$25,000/year for two years	Outreach Legal Services In Bulleen	IN PROGRESS: <ul style="list-style-type: none"> Delivery of high quality legal services through outreach services in Bulleen.
Living and Learning @ Ajani	Manningham City Council – Community Partnership	Annual Programme Of Health And Wellbeing	IN PROGRESS: <ul style="list-style-type: none"> Delivery of a range of programs and activities to engage residents living in the

	Grant	Activities	
	\$60,000/year for four years		western precinct of the municipality. Activities include: general interest, health and well being, art and craft, digital literacy, activities for men, women, parents, grandparents and children.
Doncare Community Services	Manningham Charitable Fund \$10,469 2015/16 FY	'Reach Out To Bulleen' Project.	IN PROGRESS: <ul style="list-style-type: none"> A pilot project providing high quality outreach support, information and referral services from Living and Learning @ Ajani to Bulleen residents who would benefit from Doncare services.
Manningham City Council	Maternal Child Health Innovation Funding (Victorian Government) \$49,740 2016 – May 2017	Connecting Bulleen Families	IN PROGRESS: <ul style="list-style-type: none"> A pilot initiative delivered in partnership with Doncare and Bulleen Plaza Shopping Centre to deliver a series of pop up supported playgroups and a community service information kiosk at Bulleen Plaza
Manningham City Council	Department of Justice (Victorian Government) \$9,900 2016 – Sept 2016	Bulleen Safe Place Project	IN PROGRESS: <ul style="list-style-type: none"> An art's based community development initiative that will engage young people to explore community safety themes and create positive messages of safety.
Manningham City Council	Inner East Melbourne Medicare Local \$21,885 2014/15 FY	Healthy Schools, Healthy Children, Healthy Communities	ACHIEVED: <ul style="list-style-type: none"> Healthy Living Program delivered in 2 Schools Healthy Living Messages Healthy Living Program for Schools and Preschool educators Healthy Living Education Forum for Community Bush Kinder program

1.12 An application for funding to the Victorian Multicultural Commission (\$5,500) has been submitted to support a multicultural community celebration at the Ajani Centre in 2017.

1.13 A series of community engagement activities in Bulleen have been delivered including:

1.13.1 A Pop Up Cinema at Heide Gallery MOMA with over 1000 people in attendance.

1.13.2 A Community Multicultural Festival at the Ted Ajani Centre and Reserve during Cultural Diversity Week (March 2016). Key

stakeholders and cultural community groups were involved in the planning and delivery of this successful event.

- 1.14 Planning is underway for the delivery of two Pop Up Park events at Bulleen Plaza and recreation activities for families at Banksia Park to further enhance connections with local families and community members.
- 1.15 Through community engagement in these initiatives, it has been identified that there is limited civic participation in the planning and delivery of local activities. A series of community conversations will be held in May and June 2016 to initiate collaborative planning for the LWB Community Action Plan. The Action Plan will prioritise resources to improve service access, community health and wellbeing, environmental and physical infrastructure, and opportunities for social and economic participation.
- 1.16 In the next six months, the Place Maker Officer will:
 - 1.16.1 Finalise the Bulleen Community Action Plan;
 - 1.16.2 Establish an internal working group to identify synergies and opportunities for an integrated approach to implementation to improve effectiveness and efficiency of service activities and other key initiatives;
 - 1.16.3 Actively engage and work with key stakeholders on funded initiatives;
 - 1.16.4 Continue to engage residents and community champions to inform planning and to lead and contribute to local targeted initiatives; and
 - 1.16.5 Sourcing further funding (internal / external) for identified gaps, promote positive community outcomes and improve information provision to the Bulleen community.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council note the progress of the Live Well in Bulleen Community Strengthening Project since the engagement of the Place Maker Officer in September 2015, including leveraging an additional \$450,000 towards relevant initiatives in Bulleen.
- 2.2 It is also proposed that Council note the activities proposed to be undertaken over the next six months of the project.
- 2.3 It is proposed that Council continues to advocate to the State and Federal Governments to seek to secure critical funding to achieve the long term outcomes of the Live Well in Bulleen project.

3 PRIORITY/TIMING

- 3.1 Through Council's 2015/16 Budget, a part time officer has been appointed for an initial 12 month period to develop a Community Action Plan, identify and support community projects and engage Council Service Units in an integrated way to leverage on existing commitments to initiatives in Bulleen.
- 3.2 Operational funding provided through Council's draft 2016/17 Budget will enable the continuation of the place maker role and support of relevant project activities.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The Live Well in Bulleen Community Strengthening Project aligns to a number of key Council strategies and policies including Generation 2030, Strategic Resource Plan and Manningham's Healthy City Plan.
- 4.2 The project also consolidates actions across other Council strategic plans and policies including; Manningham's Bicycle Strategy 2013, Open Space Strategy 2014, Cultural Strategy 2015 - 17, Manningham Links Road Improvement Strategy 2014, Active for Life Recreation Strategy 2010 – 15, Early Years Plan 2012 – 18 and the Capital Works Budget for the 2015/16 and 2016/17 financial year periods.
- 4.3 The project provides a conduit for stakeholder participation in the development of policies and feasibility studies for the Bulleen library and shared pedestrian and bicycle path across the Yarra River to link Bulleen to Heidelberg.

5 BEST VALUE

- 5.1 The Live Well in Bulleen Community Strengthening Project is being delivered in line with Best Value principles of continuous improvement and responsiveness to community need.

6 CUSTOMER/COMMUNITY IMPACT

- 6.1 The Live Well in Bulleen Community Strengthening Project provides a coordinated approach across Council and community to address the needs of Bulleen residents. By streamlining existing approaches, working in partnership and delivering initiatives across sectors, the impact to the community is expected to be improved and strengthened.
- 6.2 State Government representation on the Live Well in Bulleen Reference Group demonstrates an ongoing interest in supporting this innovative place renewal model.
- 6.3 The project aims to have demonstrated improvements for the community including greater service access and coordination, new programs and services, infrastructure improvements and community awareness.

7 HUMAN RIGHTS CHARTER

- 7.1 The Live Well in Bulleen Community Strengthening Project aligns with the Victorian Human Rights Charter and people's basic human rights, freedoms and responsibilities.

8 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 8.1 The Live Well in Bulleen Community Strengthening Project responds to action 1.4.5 of Manningham's Healthy City Plan 2013 – 2017: 'Investigate the needs of socially isolated and disadvantaged residents in Bulleen and deliver initiatives to effectively address the service gaps using a place based approach'.
- 8.2 The Project has developed an evaluation model that considers short and longer term outcomes for the Project and a framework which includes process, impact and outcome measures that can determine the success of the initiative.

9 FINANCIAL PLAN

- 9.1 An allocation of \$35,000 was committed by Council in the 2015/16 Budget to appoint a part-time project officer.

10 FINANCIAL RESOURCE IMPLICATIONS

- 10.1 Operational funding has been allocated in the 2016/17 Budget to continue to deliver the Live Well in Bulleen Community Strengthening Project, Community Action Plan and extend the tenure of the LWB Place Maker position.
- 10.2 External funding has been successfully obtained for a number of new initiatives. Additional external funds will continue to be sought to deliver further programs and initiatives in Bulleen.
- 10.3 The LWB project has been earmarked as a 'Major Initiative' in the draft 2016/17 Strategic Resource Plan.

11 SUSTAINABILITY

- 11.1 The Live Well in Bulleen Community Strengthening Project has been established on the basis of stakeholder partnership, collaborative effort and capacity building which strengthens the sustainability of the initiative.

12 REGIONAL/STRATEGIC IMPLICATIONS

- 12.1 The Live Well in Bulleen Community Strengthening Project will be evaluated and the findings will inform the Victorian Government in accordance with the compliance requirements of the Health and Wellbeing Act 2008.

13 CONSULTATION

- 13.1 The Live Well in Bulleen Community Strengthening Project was informed by extensive community consultation including:
- Live Well in Bulleen Reference Group
 - 11 Community conversations with over 700 participants in a variety of community settings.
 - 133 resident surveys
 - 11 community organisation surveys
 - Council officers from a variety of service units; Aged and Disability Support Services, Community Relations and Marketing, Cultural Services, Economic and Environmental Planning, Engineering and Technical Services, Parks and Recreation, Maternal and Child Health and People, Culture and Risk.

14 COMMUNICATIONS STRATEGY

- 14.1 A Communications Strategy is in development to promote the Live Well in Bulleen project activities. Social and Community Services in partnership with Council's Community Relations and Marketing Unit will produce a series of tools that reach Bulleen's broad and culturally diverse community.

15 CONCLUSION

- 15.1 The research and consultation undertaken during Phase One of the Live Well in Bulleen Community Strengthening Project has formed a sound foundation upon which to scope action plan initiatives, collaborate with Council Service Units and broaden the membership of the Live Well in Bulleen Reference Group.
- 15.2 In the last six months, significant impact has already been made across Council and community. Substantial external funding, new projects and initiatives and a commitment to focusing on the needs of the Bulleen community have been gained.
- 15.3 There is growing consensus among stakeholders that, when compared to other communities in Manningham, Bulleen faces elements of locational disadvantage. Fortunately, a healthy level of good will and interest in the project exists among stakeholders, which is supporting the adoption of a coordinated planning approach.
- 15.4 However, the complexity of Bulleen's social, economic and environmental challenges poses significant pressure on stakeholders whom carry responsibility and authority. It is therefore important to balance the demands of the Project and leverage on opportunities to maximize outcomes within existing resources, while also being strategic when reprioritizing the allocation of future resources.
- 15.5 Advocacy to secure State and Federal funding is critical to achieving long term milestones of the project, such as the development of community infrastructure. Executive leadership and ongoing cross-Council commitment to the project will drive project outcomes.
- 15.6 Involving the community in the development of a shared plan will identify joint responsibilities between Council, the community, all levels of government and private and community sectors.

OFFICER'S RECOMMENDATION

That Council:

- (A) note the progress of the Live Well in Bulleen Community Strengthening Project, since the engagement of the Place Maker Officer in September 2015 including leveraging an additional \$450,000 towards relevant initiatives in Bulleen.**
- (B) note the activities to be undertaken over the next six months of the project.**
- (C) continues to advocate to the State and Federal Governments to seek to secure critical funding to achieve the long term outcomes of the Live Well in Bulleen project.**

**MOVED: GOUGH
SECONDED: KLEINERT**

That the Recommendation be adopted.

CARRIED

* * * * *

12.2 Regional Kitchen Restructure - Shareholder Agreement

Responsible Director: Director Community Programs

File No. T16/39

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

In 2007, 14 councils formed a joint Regional Food Kitchen company. This was to be the meal production company for a new regional meals service, established to investigate how changing needs for Delivered Meals could be met in the future.

In 2009, Manningham Council resolved to become a shareholder of Regional Food Kitchen Pty Ltd (RFK P/L), trading as Community Chef. Shares in RFK P/L were allocated having regard to the percentage of meals purchased by participating councils compared to total meals sold. Manningham Council entered an Agreement for the supply of menu items with RFK P/L, as of December 2010 and this continues to be the current arrangement for meal supply. As a shareholder in Community Chef, Council is currently represented by Council's Acting Chief Executive Officer.

A separate company, Regional Kitchens Pty Ltd (RK P/L), was also established to be the facility provider of the land and buildings occupied by Community Chef. At that time, some RFK P/L shareholder councils also became shareholders in RK P/L. Manningham Council did not elect to become a shareholder in RK P/L.

At the Regional Kitchen Group Annual General Meeting held in November 2015, advice was provided of a proposed restructure to bring the two companies under one company structure. In order to achieve this objective, all Councils would need to become RK P/L shareholders and agree to transfer their shares in RFK P/L in exchange for one free share in RK P/L. It was proposed that the consolidation of the two companies would facilitate more efficient administrative, governance and audit processes as well as provide further business opportunities. The creation of a single company requires a unanimous vote of the 21 Councils who are currently shareholders in RFK P/L. All resolutions pertaining to the change will be presented to shareholders and voted on at the Regional Kitchen Group meeting in May 2016.

In support of the proposals, RK P/L has provided a copy of their legal advice in regard to any corporate risk for shareholders. Council has also obtained independent legal advice which confirms no commercial risk for Council associated with this proposal.

The purpose of this report is to inform Council of the Regional Kitchen Group proposal; seek Council approval to become a shareholder of RK P/L by accepting the offer of one free share in RK P/L; and authorise Council's Chief Executive Officer to undertake related administrative matters associated with the proposal.

1. BACKGROUND

- 1.1 In 2004, a Victorian state-wide review of delivered meal services conducted by the Department of Human Services (DHS) and the Municipal Association of Victoria (MAV) recommended that councils consider a regional approach to service. As an outcome, the Regional Kitchen Project Group was formed.
- 1.2 In 2007, fourteen Councils formed a joint venture company called Regional Food Kitchen Pty Ltd (trading as Community Chef) to be the meal production company for the new regional meals service. In 2009, Manningham Council became involved in the Regional Food Kitchen Project which was a collaborative venture established to further investigate how the changing needs for Delivered Meals recipients, new food standards et cetera could be met in the future.
- 1.3 Manningham Council resolved to become a shareholder of Regional Food Kitchen Pty Ltd (RFK P/L) in 2009 so that Council could access the purchase of meals produced by that company. Shares in RFK P/L were allocated having regard to the percentage of meals purchased by participating Councils compared to total meals sold. The cost to Council for the minimum required numbers of shares was \$160. Subsequently Council entered into an Agreement for the Supply of Menu Items with RFK P/L, trading as Community Chef, effective as of December 2010. Community Chef continues to be the supplier of meals for Council's Delivered Meals Service.
- 1.4 A separate company, Regional Kitchens Pty Ltd (RK P/L), was also established as the facility provider of the land and buildings from which Community Chef operates. At that time, eleven of the fourteen shareholder councils in RFK P/L became shareholders in RK P/L. Manningham Council did not take up the option to further invest and become a shareholder in RK P/L.
- 1.5 The current structure is that RFK P/L has 21 shareholders and RK P/L has 13 shareholders.
- 1.6 RK P/L leases building, plant and equipment to Community Chef and provides capital funding; Community Chef pays rent to RK P/L; two Boards operate in consultation but independently of each other; and effectively run as two separate companies with a Joint Charter. There is a Cross Company Guarantee, and Board membership overlaps with three Board members sitting on both boards.
- 1.7 Community Chef advises that it has expanded business with the recent commencement of Wyndham City Council as a new shareholder; an expanded product range has commenced into the public hospital food services network, and cutting edge research is being undertaken with and funded by the CSIRO.
- 1.8 At the Regional Kitchen Group Annual General Meeting held in November 2015, a company restructure was proposed to bring the two companies under one consolidated entity with the current Board members retained on an expanded single Board. Under this proposal, all Councils would need to become shareholders in RK P/L and agree to transfer their shares in RFK P/L in exchange for one free share in RK P/L. It was proposed that the consolidation of the two companies would facilitate more efficient

administrative, governance and audit processes as well as provide further business opportunities.

- 1.9 Council has received correspondence from the Regional Kitchen Group with information related to the proposal (see attached Regional Kitchen Group – Shareholder Representative Business Restructure letter). Regional Kitchen has provided legal advice from Maddocks (attached) about the corporate risk in relation to RK P/L, which has determined that there is minimal commercial risk to Council should Regional Kitchen Pty Ltd become insolvent. Council's financial risk would be limited to the loss of its shareholding as part of any wind up of the company. Council has obtained independent legal advice through Macquarie Lawyers (attached) which confirms no commercial risk for Council associated with this proposal and noting the proposed Deed of Accession does not contain any unreasonable provisions.
- 1.10 RK P/L is a registered Australian propriety company since 2008. Information has also been provided in relation to the current value of RK P/L shares. Regional Kitchen Group advises that recent sales of shares in RK P/L were at a price of \$18,000 per share. A valuation of shares in the proposed consolidated structure, using December 2015 balances, confirms that the shares in the consolidated entity would have a value of \$18,000.
- 1.11 The creation of a single company requires a unanimous vote of the 21 Councils who are currently shareholders in RFK P/L. All resolutions pertaining to the change will be presented to shareholders and voted on at the Regional Kitchen Group meeting in May 2016.
- 1.12 Manningham Council's initial involvement with the idea and subsequent development of a regional kitchen was based on ensuring the ongoing supply of quality delivered meals for the local government sector and demonstrating the advantages of a shared services model in local government. These factors are still relevant today. The offer provides Council with the opportunity to continue involvement and ownership in a company that owns a modern production facility with the potential to further grow and gain an increased market share as a result of aged care reforms, ageing population and other related service sector activity.
- 1.13 On the basis that Council wants to continue involvement with the Regional Kitchen Group and supports the restructure, it is proposed that Council would accept the offer of one free share in RK P/L in exchange for transferring its share in RFK P/L. RK P/L have provided further information on the indicative process of legal steps required to undertake the proposed restructure as follows.

Legal Steps to Undertake Proposed Restructure

- 1.14 Step 1 – Council is provided with an offer to transfer their shares in RFK P/L as proposed above, Council will also be provided with the relevant documentation including a share transfer form (attached); an application for issue of one share in RK P/L (attached) and the Deed of Accession (attached) to become bound by the RK P/L Shareholders Agreement.
- 1.15 Step 2 – Notice of General Meeting to Shareholders to be held on 27 May 2016. The matters to be considered at the meeting include the share transfer offer; the issue of one share in RK P/L to each shareholder of RFK P/L and amendment of the Regional Kitchen Shareholders Agreement.

- 1.16 Step 3 – Minutes of meeting of Directors of RFK P/L who will approve the transfer of shares and resolve to do all things necessary to give effect to the transfer.
- 1.17 Step 4 – Minutes of meeting of Directors of RK P/L who will acquire the shares in RFK P/L and issue one share to each of the existing shareholders of RFK P/L.
- 1.18 Step 5 – General Meeting of Shareholders on Friday 27 May 2016 to consider and pass resolution in relation to the matters raised in 1.15.
- 1.19 Step 6 – Approval under sections 193 (5G) and 186 (5) (c) of the *Local Government Act (Vic)* will be required. Shareholders in RFK P/L will need to obtain the consent of the Minister prior to being issued shares in RK P/L pursuant to section 193 (5G) of the *Local Government Act 1989 (Vic)*. RK P/L have advised that this approval can be sought on Council's behalf by RK P/L. Consent of the Minister must be received before a share can be issued. RK P/L may apply to the Minister to vary the approval obtained under section 186 (5) (c) of the *Local Government Act 1989 (Vic)* to reflect the proposed restructure.
- 1.20 Step 7 – Shareholders of RK P/L will enter into a Deed to vary the Shareholders Agreement. This will be to provide that the business of the company includes holding the shares in RFK P/L and other amendments required in respect of matters in the RFK P/L Shareholders Agreement.
- 1.21 Step 8 – Transfer of shares in RFK P/L and termination of RFK Shareholders Agreement requires a number of actions including the transfer of shares (share transfer forms and a new share certificate); an ASIC Form 484 will need to be lodged to notify of the share transfers and the RFK Shareholders Agreement will be terminated following the passing of the shareholders resolution and the transfer of shares in RFK P/L to RK P/L.
- 1.22 Step 9 – Issue of shares in RK P/L includes the legal documents to effect the issue including application for shares from the relevant Councils. An ASIC Form 484 will need to be lodged with ASIC to notify of the share issue.
- 1.23 Step 10 – A Deed of Accession is required for each Council not already a Shareholder of RK P/L so that it becomes bound by the RK P/L Shareholders Agreement.
- 1.24 Step 11 – RK P/L will resolve to amend the RFK P/L Constitution in accordance with 136 of the *Corporations Act 2001* to incorporate the objectives, relevant decision making and reporting clauses that were in RFK Shareholders Agreement.
- 1.25 In summary, to accept the Regional Kitchen offer Council would be required to transfer its shares in RFK P/L to RK P/L, make an application for shares in RK P/L and accept one free share (currently valued at \$18,000); and complete the Deed of Accession. The CEO Community Chef advises that the completion of the share transactions can only proceed at the Regional Kitchen Group Meeting on 27 May 2016 if all shareholders agree and submit the required forms by Friday 20 May 2016.

2 PROPOSAL/ISSUE

- 2.1 A company restructure for Regional Kitchen Pty Ltd and Regional Food Kitchen Pty Ltd (trading as Community Chef) is being proposed. Council as a

shareholder of RFK P/L only is being asked to become a shareholder in RK P/L as result of the company consolidation. Legal advice has been received about the corporate risk in relation to the Regional Kitchen Group proposal and confirms that there is no commercial risk to Council should RK P/L become insolvent.

- 2.2 It is proposed that Council take up the offer to become a shareholder in RK P/L and receive one share valued at \$18,000 in return for surrendering its currently held shares, this being conditional upon the consent of the Minister. Further that Council approve RK P/L to seek Ministerial approval under S193 (5G) of the *Local Government Act 1998 (Vic)* to invest in an entity with the capacity to borrow.
- 2.3 It is proposed that Council's CEO be nominated as the RK P/L shareholder representative and that Council authorise the CEO to execute all documentation, including the Deed of Accession, on Council's behalf to effect the restructure.
- 2.4 It should be noted that in order to proceed with the proposal, the shareholders of both companies will be required to agree to the restructure at a joint meeting to be held on 27 May 2016.

3 PRIORITY/TIMING

- 3.1 Council's decision and action is required in time for the Regional Kitchen Meeting in May 2016.

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 There will be no changes to Food Service customers as a result of the proposed company restructure.

5 FINANCIAL RESOURCE IMPLICATIONS

- 5.1 The Council will be issued with one free share with an estimated value of \$18,000 if it decides to proceed with the proposal.
- 5.2 Legal costs associated with seeking advice related to the proposal have been incurred and are being shared with Boroondara City Council.

6 REGIONAL/STRATEGIC IMPLICATIONS

- 6.1 The Regional Kitchen approach to service delivery demonstrates the advantages of a shared service model in local government.

7 CONSULTATION

- 7.1 Council's Procurement Manager has been consulted to ensure compliance with Council requirements. Independent legal advice has been sought in relation to any risks associated with the proposal for Council and this has been undertaken in conjunction with Boroondara City Council. The Community Chef, Administration Manager and Regional Kitchen Group CEO have provided additional information and clarified certain questions raised in the preparation of this report.

8 CONCLUSION

- 8.1 Council has a long standing involvement with the regional kitchen development. Whilst Council has not previously been a shareholder in RK P/L it has been a shareholder of RFK P/L since 2009. Council has had an agreement for the supply of meals with RFK P/L since December 2010.
- 8.2 A company restructure to consolidate the two companies is now being proposed to create efficiencies and provide further business opportunity. The proposal will require all Councils to become shareholders in RK P/L and transfer their shares in RFK P/L in exchange for one free share in RK P/L.
- 8.3 Legal advice has verified that the proposal poses no commercial risk for Council. The offer provides opportunity for Council to continue to remain involved in the regional kitchen initiative.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Approve the proposed restructure between Regional Food Kitchen Pty Ltd and Regional Kitchen Pty Ltd whereby Council will receive one share valued at \$18,000 in return for surrendering its currently held shares, both to occur without payment, conditional on the consent of the Minister being obtained under section 193 (5G) of the *Local Government Act 1989*;**
- (B) **Authorise the Chief Executive Officer of Regional Kitchen Pty Ltd to obtain the Minister's consent on Council's behalf;**
- (C) **Affix the common seal to the Application for Shares and the Deed of Accession documents; and**
- (D) **Appoint Council's Chief Executive Officer to be Council's shareholder representative should the restructure occur noting that the shareholders of both companies are required to agree to the restructure at a joint meeting to be held on 27 May 2016.**

**MOVED: DOWNIE
SECONDED: GRIVOKOSTOPOULOS**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

1. Regional Kitchen Group – Shareholder Representative – Business restructure letter
2. Maddocks Advice Letter
3. Macquarie Advice Email
4. Application for Shares Form
5. Standard Transfer Form
6. Deed of Accession

* * * * *

12.3 Appointment of new community representatives for Advisory Committees - Access & Equity, Open Space & Streetscape, Integrated Transport, Arts

Responsible Director: Director Community Programs

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

Throughout February and March 2016, an expression of interest process was conducted seeking nominations for community representatives for (up to) 20 available positions on the Access and Equity Advisory Committee, one position on the Open Space and Streetscape Advisory Committee (OSSAC), seven (7) positions on the Integrated Transport Advisory Committee (ITAC) and six (6) positions on the new Arts Advisory Committee.

All applications have been assessed and it is recommended that twenty (20) community representatives be appointed to the Access and Equity Advisory Committee for a period of two years, two (2) new representatives be appointed to the Open Space and Streetscape Advisory Committee for a period of four (4) years, seven (7) new representatives be appointed to the Integrated Transport Advisory Committee for a period of three (3) years, and three (3) representatives be appointed to the new Arts Advisory Committee for a period of three (3) years.

1 BACKGROUND

Access and Equity Advisory Committee

- 1.1 Council's Access and Equity Advisory Committee has been operating in various forms since 1978. Over the years it has been known as the *City of Doncaster and Templestowe Advisory Committee on the Needs of the Handicapped* (1978 – late 1980's), *The City of Doncaster and Templestowe Disability Advisory Committee* (late 1980's – 1994), *Manningham City Council Disability Advisory Committee* (1994 – 2002), and since 2003, it has included consideration of people from culturally and linguistically diverse backgrounds as well as disability backgrounds and has been titled the *Access and Equity Advisory Committee*. It now also includes consideration of gender equity issues and people who identify as being gay, lesbian, bisexual, transgender and/or intersex (GLBTI).
- 1.2 The members of the 2014-2016 *Access and Equity Advisory Committee* will complete their term in May 2016.
- 1.3 The Terms of Reference for the *Access and Equity Advisory Committee* were reviewed over the period December 2015 - February 2016 and endorsed at the Council meeting held on 1 March 2016. Council also agreed to conduct an

Expression of Interest process seeking membership of the 2016 – 2018
Access and Equity Advisory Committee

- 1.4 An Expression of Interest period from 2 March to the 31 March 2016 seeking up to twenty members was conducted (on the Council website and in the Manningham Leader), and community individuals and organisations were invited to nominate for a position on the 2016-2018 Advisory Committee. In addition emails inviting interested persons to nominate were sent to community networks.
- 1.5 Arising from the Expression of Interest period, 29 nominations were received (15 representing the disability sector, 16 representing the multicultural sector, Six (6) representing the GLBTI sector, 13 representing gender equity and 21 representing social inclusion.) Please note that many applicants represent multiple access and equity sectors.
- 1.6 All applications were assessed by Cr Kleinert (Chairperson) and Council Officers using the following criteria:
 - 1.6.1 Membership on the Access and Equity Advisory Committee will, as far as possible, be balanced in regard to representation of people with disabilities and their advocates; people from a CALD background and their advocates; people with a GLBTI interest; people with a gender equity interest; age; and gender and people with diversity, access and social inclusion issues.
 - 1.6.2 Applicants are required to live, work, study in or have a connection to Manningham.
 - 1.6.3 Community/Consumer/Individual applicants should have a commitment to, and knowledge in, creating accessible, inclusive and equitable outcomes for people in one or more of the following areas:
 - 1) People with disabilities;
 - 2) The carer of someone with a disability; and
 - 3) People from culturally, linguistically and religiously diverse backgrounds.
 - 4) People who identify as being gay, lesbian, bi-sexual, transgender or intersex
 - 5) People with an interest in social inclusion
 - 6) People with an interest in gender equity
 - 1.6.4 Community organisational representatives who are from local or peak organisations should have a commitment to, and knowledge in, creating accessible, inclusive and equitable outcomes in one or more of the following areas:
 - 7) People with disabilities;
 - 8) The carer of someone with a disability; and
 - 9) People from culturally, linguistically and religiously diverse backgrounds.
 - 10) People who identify as being gay, lesbian, bi-sexual, transgender or intersex
 - 11) People with an interest in social inclusion
 - 12) People with an interest in gender equity

- 1.7 28 of the applicants met the selection criteria.
- 1.8 The applicants having met the initial criteria were then assessed against the following elements to reach the 20 representatives:
 - 1.8.1 Equitable organisational and community representatives
 - 1.8.2 Length of previous membership and ongoing attendance levels at the Access and Equity Advisory Committee.
 - 1.8.3 Gender balance
- 1.9 It is recommended that of the applications, 11 organisation and 9 community representatives be offered a membership on the Access and Equity Advisory Committee.
- 1.10 The applicants being put forward for appointment on the Access and Equity Advisory Committee are:
 - a) Aaron Jones - NEAMI National
 - b) Amanda Marshall – Kevin Heinze GROW
 - c) Anna Di Pietrantonio – Community Representative
 - d) Audrey Kelly – Community Representative
 - e) Carla Reardon – Victoria Police
 - f) Dilnaz Billimoria – Community Representative
 - g) Emmie Lidis – Community Representative
 - h) Eva Salvo Antonio – Community Representative
 - i) Fiona Tuomy – Community Representative
 - j) Georgina Earls – Whitehorse Manningham Libraries
 - k) Janice O'Connor - Onemda
 - l) Jenny Carson – Pines Learning
 - m) Mei Yu – Chinese Health Foundation
 - n) Michelle Thompson – Family Access Network
 - o) Mike Zafiropoulos AM – Community Representative
 - p) Piyadasa Godellewatte – Community Representative
 - q) Saarah – Bounce Youth Refugee Mentoring Program
 - r) Rev. Shenouda Boutros – Coptic Orthodox Church
 - s) Sue Rosenhain – Women’s Health East
 - t) Varvara Ioannou – Community Representative
- 1.11 Attachment 1 provides a summary of the successful applicants detailing their affiliations and experience.
- 1.12 The new members will be appointed for a two year term commencing July 2016 – May 2018.

Open Space and Streetscape Advisory Committee (OSSAC)

- 1.13 The purpose of the OSSAC is to oversee the design and development of Manningham’s public open spaces and streetscapes. The advisory Committee

provides advice to Council in relation to strategic open space and streetscape issues.

1.14 The objectives of OSSAC are to:

- Promote a wide range of good quality and accessible open space areas;
- Provide high quality management and maintenance of open space;
- Support the use and development of Ruffey Lake Park in accordance with the Ruffey Lake Park Management Plan 2005;
- To provide an integrated streetscape character through the enhancement of Manningham's residential areas and strengthening its sense of identity; and
- To co-ordinated streetscape elements including planting, street furniture and lighting to collectively influence and establish an identifiable character for the municipality and its individual areas.

1.15 The Committee consists of three Councillors, (one from each Ward), Director Planning and Environment, Director Assets and Engineering, seven community representatives and other officers as required. One community representative is required to be a professional person with suitable qualifications in relation to open space planning. Two community representatives shall have a proven knowledge of Ruffey Lake Park and its strategic planning, use and management issues. The Advisory Committee may from time to time co-opt additional representatives to provide expertise to carry out the roles and functions of the group.

1.16 The role of the OSSAC includes:

- Providing advice to Council on quality public open space outcomes in line with the objectives of the Public Open Space Strategy 2014;
- Providing advice to Council on the purchase and sale of open space;
- To providing advice to Council on urban design issues and on streetscape enhancement proposals;
- Providing advice to Council on the implementation of streetscape enhancement proposals in line with the Streetscape Character Study 2009; and
- To support the implementation of the Ruffey Lake Park Management Plan 2005 and review and advise on specific development proposals within Ruffey Lake Park.

1.17 There are six current OSSAC community representatives whose term will expire in April 2017. Council called for nominations to fill a vacancy on the committee following the resignation of the seventh community representative.

1.18 The selection criteria for community representative positions on OSSAC are:

- A Manningham resident;
- A demonstrated interest in open space and/or streetscape issues;
- Personal, professional and community networks;
- An understanding and involvement in strategic level decision making;

- Experience of working on committees;
 - Professional knowledge/qualification in relation to open space planning (minimum one community representative); and
 - Proven knowledge, understanding or interest in Ruffey Lake Park (minimum two community representatives).
- 1.19 Five nominations were received for OSSAC membership. Attachment 5 provides a summary of the applicants detailing their experience and areas of interest.
- 1.20 Councillors Downie, Gough and Yang reviewed all applications on 29th March 2016 and were unanimous in their selection of Tina Garg and Maverick Knight as the new community representatives. It was determined that these two applicants would represent parts of Manningham not covered on the existing committee and also represent the interests of a younger demographic. Refer to Attachment 6 for location of existing resident committee members and new applicants.
- 1.21 The applicants being put forward for appointment on OSSAC are:
- a) Tina Garg
 - b) Maverick Knight
- 1.22 In order for two community representatives to be appointed it is proposed for Council to endorse new terms of reference (Attachment 2) that increase the maximum number of community representatives to eight.

Integrated Transport Advisory Committee

- 1.23 The purpose of the new Integrated Transport Advisory Committee (ITAC) is for community members to assist Council to promote greater use of sustainable transport and to advocate and implement transport initiatives that relate to all forms of public and private transport, including rail, bus, tram, motor vehicle, cycling, walking and parking matters.
- 1.24 At the Council meeting on 24 November 2015, Council resolved to endorse the establishment of ITAC and the Committee's Terms of Reference, and resolved to include the following councillors on the Committee – The Mayor Cr Yang, Cr Grivokostopoulos and Cr McLeish, with the Mayor as Chair.
- 1.25 Under the Terms of Reference, members of ITAC are to comprise of three (3) councillors, up to seven (7) members of the community or local business members, and Council officers, including the Director Assets and Engineering, Director Planning and Environment, Manager Community Relations and Marketing, a Strategic Transport Planner and a Traffic and Transport Engineer.
- 1.26 Throughout February and March 2016, expressions of interest to the community were called for via advertisements in the Manningham Leader newspaper, Manningham Council's website, the Manningham Matters magazine and via the Doncaster Rail Facebook site.
- 1.27 Council received a total of 12 applications. The seven (7) short-listed applicants were contacted in March 2016 and informed that they have been short-listed, subject to formal Council endorsement. All nominated applicants were contacted to confirm that they were still interested in participating.

- 1.28 Short-listed applicants have been nominated as they all have an appreciation for the key fundamentals of transport planning and demonstrate experience in transport advocacy either through prior involvement in volunteer work or through their experiences in their careers, work-environments or local business networks.
- 1.29 When Council endorsed ITAC, it was agreed that consideration would be provided to appointing up to three (3) former Doncaster Rail Advocacy Steering Committee (DRASC) members to the new ITAC, in order to provide for a transition of knowledge and motivation between the former and new transport committees.
- 1.30 The applicants being put forward for appointment on the ITAC are:
- a) Stuart McKenzie
 - b) James Adams
 - c) Cynthia Pilli
 - d) Robin Spragg
 - e) Elizabeth Taylor
 - f) Timothy Benedict
 - g) Christos Katsivelis
- 1.31 These seven (7) applicants have been selected as they represent a wide spectrum of the community, based on their demographic (age and gender), academic or working history, users of various modes of transport (regular cyclist or public transport user) and experience and/or affiliation with other similar community groups, business associations or committees.
- 1.32 Of the four applications received from former members of DRASC, the three aforementioned nominations (a, b and c) have a demonstrated history, participation and enthusiasm in community advocacy, and demonstrate a good understanding of the fundamentals of transport planning.

Arts Advisory Committee

- 1.33 The term of appointment of the external community representatives of the previous Manningham Art Collection Advisory Committee ceased in 2014.
- 1.34 Prior to Council undertaking an 'Expression of Interest' process to call for nominations from the community to form a new Committee, the Councillor representative on the Committee asked Council Officers to research whether the scope of this Committee could be expanded to also include providing Council with community input on broader arts and cultural planning and development in the City of Manningham.
- 1.35 Following benchmarking with a number of other Councils and how their arts advisory committees were structured, on 30 September 2014, Council endorsed that the old Art Collection Advisory Committee's purpose and objectives be broadened and endorsed the Terms of Reference for the new Manningham Arts Advisory Committee.
- 1.36 Section 3 of the Manningham Arts Advisory Committee Terms of Reference calls for:
- 1.36.1 One Manningham City Councillor appointed by Council;

- 1.36.2 Four external community representatives representing a variety of creative disciplines;
 - 1.36.3 Two external cultural industry professionals working within the municipality;
 - 1.36.4 Executive Officer Cultural Services; and
 - 1.36.5 Cultural Planning and Development Officer.
- 1.37 During the EOI process, given the specific nature of the criteria, a number of targeted approaches were also made to people who Council was aware of within the community that had the right skill set and background.
- 1.38 Initial nominations received were below what was required for the Committee and a number of EOIs and targeted approaches to people were undertaken throughout 2015.
- 1.39 Three external nominations have been received to date.

Cultural Industry Professional

- 1.40 Kirsty Grant is the Director and CEO of Heide Museum of Modern Art. She has over 20 years of experience working in the visual arts and museum sector in Australia and extensive knowledge of historical and contemporary Australian art with a vast and broad-ranging network. Kirsty's aim in participating in participating in the Arts Advisory Committee is to contribute her knowledge, experience and passion for art to the broader community, as well as to play a more active role in the cultural life of Manningham.

Community Representative

- 1.41 Mervyn Hayman-Danker has resided in Lower Templestowe for over 25 years and is an architect / urban designer with experience in working with the local community as well as experience in public visual arts and urban design. Mervyn has had membership on a number of Council committees, including the previous Art Collection Advisory Committee, and he is currently a community representative on the Manningham Open Space and Streetscape Advisory Committee.

Community Representative

- 1.42 Deborah Lasky-Davison has resided in Manningham for over 8 years and is an active participant in many of Manningham's artistic and cultural events and activities. Deborah is also a practising artist and has over 20 years professional experience in archive and public record management. She has an understanding of the local history of the area through her involvement with the Doncaster – Templestowe Historical Society and has knowledge of the cultural heritage of Manningham such as the important Wurundjeri sites and Heidelberg School Artists trail.
- 1.43 Given that the nominees outlined in 1.39 – 1.41 possess a number of required attributes, it is proposed that these three people become external representatives on the Manningham Arts Advisory Committee.
- 1.44 As the membership called for four external community representatives and two cultural industry professionals, it is also suggested that the 'Section 3 Committee Membership' of the Terms of Reference be slightly reworded to state "Up to" in order for Council to establish this Committee now, yet allowing Council to continue its search for the required additional Committee

membership (see Attachment 3 – ‘Revised Manningham Arts Advisory Committee Terms of Reference March 2016’).

2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council:
- 2.1.1 appoint 20 applicants to the 2016-2018 Access and Equity Advisory Committee for a period of two (2) years from July 2016 – May 2018.
 - 2.1.2 endorse new terms of reference for the Open Space and Streetscape Advisory Committee (Attachment 2) that increase the maximum number of community representatives to eight;
 - 2.1.3 appoint Tina Garg and Maverick Knight to the Open Space and Streetscape Advisory Committee for a period of four (4) years from May 2016 to May 2020.
 - 2.1.4 appoint all seven (7) applicants to ITAC for a period of three (3) years from April 2016 to December 2018.
 - 2.1.5 appoint all three (3) applicants to the Arts Advisory Committee for a period of three (3) years from May 2016 to May 2019.
 - 2.1.6 endorse new terms of reference for the Arts Advisory Committee (Attachment 3), noting the reworded Section 3 Committee Membership;
 - 2.1.7 note the continued call for nominations from the community for the additional external representatives for the Arts Advisory Committee;
 - 2.1.8 note the appointment of Cr Stephen O’Brien as the Chairperson of the Arts Advisory Committee. This is due to the minutes of the Council meeting of 10 November 2015 stating that Cr O’Brien was the appointed Chairperson of the Manningham Art Collection Advisory Committee when in fact Council had changed this committee on 30 September 2014.
 - 2.1.9 note the officers will write to all 2014-2016 members of the Access and Equity Advisory Committee thanking them for their valued contribution.

3 POLICY/PRECEDENT IMPLICATIONS

- 3.1 The 2016-2018 Access and Equity Advisory Committee will replace the former 2014-2016 Access and Equity Advisory Committee.
- 3.2 In order for two community representatives to be appointed, it is proposed for Council to endorse new terms of reference for the Open Space and Streetscape Advisory Committee (Attachment 2) that increase the maximum number of community representatives to eight. The term of the existing six OSSAC community representatives will expire in April 2017.
- 3.3 ITAC replaces the former DRASC and the Transport Advisory Committee (former internal committee), for a term of three (3) years in order to continue with Council’s transport advocacy.

- 3.4 The 2016-2019 Arts Advisory Committee will replace the former 2011-2014 Art Collection Advisory Committee.
- 3.5 In order for the three community representatives to be appointed to the Arts Advisory Committee, it is proposed that Council endorse the updated Manningham Arts Advisory Committee Terms of Reference and note the continued search for the additional external committee members.

4 CUSTOMER/COMMUNITY IMPACT

- 4.1 The Access and Equity Advisory Committee will advise Council on measures to ensure that disability, diversity and social inclusion considerations are considered in the development and implementation of Council's strategic direction.
- 4.2 ITAC provides an avenue for the community to influence improvements and enhancements of the transport network and accessibility throughout Manningham, and the wider region, by advocating for enhancements to the local public transport network and services and walking and cycling infrastructure. ITAC also seeks to promote increased use of sustainable forms of transport and encourage behaviour change in the community regarding their transport habits.
- 4.3 ITAC's proposed actions and activities will also compliment the objectives of the Access and Equity Advisory Committee and Open Space and Streetscape Advisory Committee, through promotion and improvement of transport-related services and infrastructure.
- 4.4 The Arts Advisory Committee will provide strategic advice on arts and cultural development in Manningham. It will also assist in promoting greater awareness and understanding of arts and culture in Manningham.

5 BEST VALUE

- 5.1 This report is consistent with Best Value principles, particularly those relating to continuous improvement and consultation with the community (via involvement of community representatives on the advisory committees).

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 Administration of these committees is incorporated into the respective service unit plans.

7 SUSTAINABILITY

- 7.1 The Access and Equity Advisory Committee will result in positive social and community impacts within the municipality.

8 CONSULTATION

- 8.1 An Expression of Interest period for the Access and Equity Advisory Committee was open between 2 March and 18 March 2016, and extended for an additional period of time to the 31 March 2016.
- 8.2 The Expression of Interest period for ITAC was open between 15 February and 18 March 2016, receiving a total of 12 applications.

- 8.3 The Expression of Interest process for the Arts Advisory Committee initially began in early 2015 but was extended for the rest of that year to allow nominations to be sought and received.
- 8.4 Community members and / or community organisations were invited to nominate themselves for a position on any one (or more) of the four committees.
- 8.5 The Expression of Interest for all four committees was advertised on the Council website with advertisements placed in the Manningham Leader.
- 8.6 In addition, an advertisement also appeared in the February 2016 edition of the Manningham Matters magazine for all three committees.
- 8.7 The Expression of Interest for ITAC was also advertised via the Doncaster Rail Facebook page.

OFFICER'S RECOMMENDATION

That Council:

- (A) Appoint 20 applicants (Attachment 1) on to the 2016-2018 Access and Equity Advisory Committee for a period of two years from July 2016 to May 2018;**
- (B) Endorse new terms of reference for the Open Space and Streetscape Advisory Committee (Attachment 2) that increase the maximum number of community representatives to eight;**
- (C) Appoint Tina Garg and Maverick Knight to the Open Space and Streetscape Advisory Committee for a period of four years from May 2016 to May 2019;**
- (D) Appoint Stuart McKenzie, James Adams, Cynthia Pilli, Robin Spragg, Elizabeth Taylor, Timothy Benedict and Christos Katsivelis to the Integrated Transport Advisory Committee for a period of three years from April 2016 to December 2018;**
- (E) Appoint Kirsty Grant, Mervyn Hayman-Danker and Deborah Lasky-Davison to the Arts Advisory Committee for a period of three years from May 2016 to May 2019;**
- (F) Endorse new terms of reference for the Arts Advisory Committee (Attachment 3), noting the reworded Section 3 Committee Membership;**
- (G) Note the continued call for nominations from the community for the additional external representatives for the Arts Advisory Committee;**
- (H) Note the appointment of Councillor Stephen O'Brien as the Chairperson of the Arts Advisory Committee.**
- (I) Note the officers will write to all 2014-2016 members of the Access and Equity Advisory Committee thanking them for their valued contribution.**

MOVED: GOUGH
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

Attachment 1 – Table of short-listed applicants for Access and Equity Advisory Committee
Attachment 2 – Revised Open Space and Streetscape Committee Terms of Reference April 2016
Attachment 3 – Revised Manningham Arts Advisory Committee Terms of Reference March 2016

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13. CORPORATE SERVICES

13.1 Adoption of proposed 2016/2017 Annual Budget and proposed Strategic Resource Plan 2016-2020 for public exhibition.

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

This report recommends that Council adopt the proposed Annual Budget 2016/17 and Strategic Resource Plan 2016-2020 for public exhibition.

The Strategic Resource Plan details a four year forecast of financial and non-financial resources applied to services and infrastructure in order to achieve the vision, mission and strategic objectives of Council. The proposed Annual Budget 2016/17 details the resources applied to deliver the programs, services and capital investment in the final year of the Council Plan (2013-2017).

Key outcomes of the proposed Budget include:

- Maintenance of existing services and continued focus on quality and the customer;*
- invests \$47.86 million in a comprehensive capital works program that enhances and grows community infrastructure and facilities;*
- applies a capped average general rate increase of 2.5%;*
- reduces total waste charges collected from ratepayers by \$1.35 million following the awarding of a new waste collection contract. The proposed 2016/17 charge of \$205 for the new, standard waste service (consisting of an 80 litre garbage, 240 litre recycling and 240 litre green waste) represents a \$65 (24%) reduction on the equivalent charge in 2015/16 and a \$92 (31%) reduction on the current standard waste service with a larger 120 litre waste bin.*
- sees the total Council rates and waste charges for an average property with a standard waste service drop by \$23 or 1.17% to \$1,931 (down from \$1,954 in 2015/16).*
- projects a strong and financially sustainable position for Manningham City Council over the life of the Strategic Resource Plan.*

Following adoption by Council, the Annual Budget and Strategic Resource Plan will be placed on public exhibition during the period 28 April 2016 to 26 May 2016.

Written submissions on the budget and strategic resource plan close on 26 May 2016 and a Committee of Council, consisting of all Councillors, is proposed for 7

June 2016 to receive submissions and hear those submitters that wished to address Councillors in support of their written submission.

It is proposed to adopt the Budget in its final form at the Council Meeting on 28 June 2016.

1 BACKGROUND

- 1.1 Council has a long term Community Plan (Generation 2030) which articulates the community vision, mission and goals. The Council Plan is prepared with reference to the Community Plan and the Strategic Resource Plan covers the four year period 2016/17 to 2019/20, and summarises the financial and non-financial resources applied by Council. The Strategic Resource Plan also details the Major Initiatives and Initiatives that Council is to undertake in 2016/17 to achieve the goals of this, the last year of the Council Plan.
- 1.2 The Annual Budget is then framed within the context of the Strategic Resource Plan and Council's ten-year Financial Strategy.
- 1.3 Section 2 of proposed Budget describes the range of services provided by Council and the financial resources applied to each service (expenditure and revenue).
- 1.4 Commencing with the 2016/17 financial year, the State Government has capped the average rate increase for councils at CPI (2.5% for 2016/17) under the 'Fair Go Rates System'. Under the adopted 2015/16 to 2018/19 SRP, Council had forecast a rate increase of 4.0%. The reduction in rate revenue to Council for 2016/17 is projected to be approximately \$600,000.
- 1.5 Council has complied with the 2.5% rate cap and measures put in place to balance the 2016/17 budget to offset the projected \$600,000 rate revenue reduction include:
 - 1.5.1 Improved efficiency in operational services \$400,000;
 - 1.5.2 A \$200,000 reduction in rate funds being applied to the capital program. This follows Council's current policy of at least 33% of rate revenue is applied to capital. Council is still contributing a significant \$28.64 million from rates to the capital program after the rate cap reduction.
- 1.6 The detailed financial statements incorporating the Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows and Statement of Capital Works is detailed in Section 3 of the Budget document. Explanation of significant movements between the 2015/16 forecast and proposed 2016/17 budget is provided in the Budget Analysis sections of the Budget (sections 8 through to 13).
- 1.7 The table below summarises the Income Statement financial outcomes.

Account Type	2015/16 Forecast \$'000	2016/17 Budget \$'000	Variance \$'000	Variance %
Surplus for year	17,371	15,722	(1,649)	-9.5%
Revenue	126,734	127,783	1,049	0.8%
Expenditure	109,363	112,061	2,698	2.5%

Revenue is budgeted to increase by 0.8% to \$127.8 million with rate revenue being capped by the State Government and Waste charges revenue reduced following the introduction of a new waste contract. Total expenditure is budgeted to increase by 2.5%, closely tracking to CPI, and reflecting the strong ongoing cost control measures that are in place at Manningham and the results of efficiency savings being driven by rate capping.

- 1.8 The strong surplus is required to generate cash to fund Council's \$47.86 million capital program to improve facilities and infrastructure throughout the municipality. Without a strong surplus, it is likely that Council would not be able to consistently apply the high levels of rate funds to capital.
- 1.9 The proposed Budget maintains operational service levels and extends capacity to service growth in the municipality.

Operating Budget highlights

- 1.10 The following chart highlights where Council spends each \$100 of rate money:



- 1.11 Further information on the wide range of services provided by Council and the cost to ratepayers of each service is detailed in section 2 of the Budget.

Capital Program highlights

- 1.12 The Budget proposes a Capital Works Program of \$47.86 million. A full listing of the proposed program is detailed in Section of the Budget Report.
- 1.13 Capital Works projects have been prioritised based on a process business case analysis and consultation. This approach has enabled Council to assess priority needs and develop sound business cases for each project.

- 1.14 Of the \$47.86 million for the Capital Works Plan, \$28.64 million will come from rates (equivalent of 33.0% of current year Rates), \$4.97 million from government grants and local contributions, \$3.00 million from asset sales (plant and equipment and land sales), \$1.98 million carried forward from 2015/16, \$1.57 million from the Public Resort and Recreation Reserve/ Doncaster Hill activity centre reserve and \$5.8 million from cash set aside in prior years to purchase new waste bins.
- 1.15 The major capital projects for 2016/17 are outlined in Section 6 and Appendix C to the Annual Budget report and include:
- Community buildings and facilities \$14.54 million
 - Roads, streets and bridges \$10.44 million
 - Drainage \$2.89 million
 - Waste management \$5.80 million
 - Parks, open space and streetscapes \$2.68 million
 - Other infrastructure \$3.31 million
 - Recreational and leisure \$2.09 million
 - Footpaths and cycleways \$0.91 million
 - Plant and equipment \$2.89 million

Rates and charges

- 1.16 The proposed budget is based on an average rate increase of 2.5%, in line with the Fair Go Rates System. Note that this is an average increase, and most individual properties will have a change in rates that is either less, or more than the 2.5% average increase and to varying degrees (see next paragraph).
- 1.17 2016 is a general revaluation year, and under this process the value of all properties in Manningham are reassessed by qualified, independent valuers and result certified by the Victorian Auditor General. The updated property values will be used to calculate how much each property owner pays in rates.
- 1.18 As a general principle the change in valuation of an individual property is compared to overall average change in valuation for the whole municipality. In the 2016 revaluation, not all individual property values have moved at the same rate and this effects rates payable as follows:
- 1.18.1 where an individual property value movement is less than the municipal average then a rate increase lower than 2.5% will normally apply; and
- 1.18.2 where an individual property value movement is higher than the municipal average then a rate increase more than 2.5% will normally apply.
- 1.19 We know some property owners will receive a rates notice that's higher than their council's average rate rise but this will be offset by other properties paying less than the average for the municipality.

- 1.20 It is a common misunderstanding that as property values rise, councils collect more money overall — but they don't. Higher property values only change how much each property owner pays towards the total council budget, which must stay within the council's rate cap.
- 1.21 From 1 July 2016, a new waste collection service will come into effect. The new waste collection service will also incorporate the roll out of new bins to the community. At the time of preparing the 2016/17 Budget, the exact number of tenements using each waste service option was not known. For the purpose of finalising the total waste budget, it is assumed that all 43,000 tenements will be charged the new standard waste service charge, and of those 15,000 will choose a larger 120 litre garbage bin at an additional charge.
- 1.22 Waste service user charges have decreased for the equivalent service in 2015/16. The new standard waste service of an 80 litre garbage, 240 litre recycling and 240 litre green waste bins is proposed to cost \$205 in 2016/17, a saving of \$65 to the ratepayer. Other main waste options are detailed below, however ratepayers are asked to contact customer service if they wish to discuss their own individual requirements:

Bin sizes: Waste/Recycling/Green (former waste option)	Proposed full year cost	Change on 2015/16 charge	comments
120/240/240 (A)	\$268.00	(\$29.00)	This is the 2015/16 standard waste service
New Standard Service 80/240/240 (B)	\$205.00	(\$65.00)	Keeping current 80L waste bin
	\$205.00	(\$92.00)	Moving down from 120L bin
120/240/120 (C)	\$268.00	No change	
80/240/120 (D)	\$205.00	(\$25.50)	
120/240/- (E)	\$268.00	+\$37.50	Increased level of service (additional bin for \$37.50)
80/240/- (F)	\$205.00	+\$18.00	Increased level of service (additional bin \$18.00)

- 1.23 It is further proposed that for 2016/17 year alone, those ratepayers that move from an 80 litre waste bin to a 120 litre waste bin, or from a 240 litre recycling to a 360 litre recycling bin, only be charged 50% of the additional annual cost of the larger bins. This relates to Council not being able to give a specific date of delivery of the new bins, with all bins being delivered by 31 December, hence the 50% charge for 2016/17. Those ratepayers retaining their existing 120 litre waste bin will be charged a full 12 months of the higher rate as they will have a 120 litre bin for the full 12 month period.

- 1.24 The total Council rates and waste charges for an average property with the new standard waste service will see a drop of \$22.90 or 1.17% in their Council charges to \$1,931 (down from \$1,954 in 2015/16). The actual charges for each property will be dependent on which waste option is chosen and the valuation movement relative to the municipal average.

	2015/16	2016/17	change	change
	\$	\$	\$	%
Average property rate	1,684.13	1,726.23	42.10	2.50%
Standard waste charge	270.00	205.00	- 65.00	-24.07%
Total rates and waste charges bill	1,954.13	1,931.23	- 22.90	-1.17%

- 1.25 This Council's commitment to cost restraint during its term has enabled a strong focus on limiting the average rates and waste charges bill, and has set a platform for responding to the rate capping system.
- 1.26 Over the last year, the amount of rates levied for each dollar of property value has reduced by 21.5% from \$0.002213 to \$0.001738.
- 1.27 The Low Income "LI" Health Care Card rebate has been retained, and increased to \$60 for 2016/17 in recognition of CPI movements since the rebate was introduced in 2009/10.
- 1.28 The 2016/17 Annual Rates notice will again include the State Government Fire Services Property Levy. Details of these charges for 2016/17 were not available at the time of preparing the proposed Budget.

Differential rates

- 1.29 Under Section 161 of the *Local Government Act* 1989 (the Act), Council may declare differential rates on properties that have different classes of land use. Examples of land use that may be suitable for the application of differential rates include farm land, commercial/industrial land and retirement villages. To assist Council's understanding of differential rates and to provide guidance on their use, the State Government issued the Ministerial Guidelines on Differential Rates document in 2013.
- 1.30 The Local Government Act places many obligations on Council, including to "ensure the equitable imposition of rates and charges" (Section 3C(2)(f)).
- 1.31 Key considerations for Council in determining whether to retain the current uniform rate or to adopt one or more differential rates include:
- equity for residents of the municipality in its entirety
 - general rates being a charge on property and not a consumption based tax
 - Council provides services and infrastructure for all residents of the municipality – the extent that each resident accesses services is at the discretion of each person.
- 1.32 Additional considerations that relate to the issue of differential rates for retirement villages include:
- the range of services and service level provided within a retirement village is a private matter between the village residents and the owner/operator of the facility.

- in many cases, infrastructure provided by the village is connected to Council's infrastructure, for example roads, drains and footpaths.
 - a larger proportion of retirees still live in their own private residence and maintain their own private facilities such as driveways, pool and gardens at their cost.
 - a differential rate for retirement villages would decrease the cost for retirement village residents and increase the cost on all other residents, including retirees living outside retirement villages.
- 1.33 Having considered all the factors relating to differential rates, including the many letters from retirement village residents, and meetings with officers, councillors and residents, Councillors have affirmed their commitment to a single uniform rate for all properties.

Other Charges

- 1.34 The Cultural and Recreational Lands Act provides for a charge in lieu of rates to be applied to designated properties instead of general rates. The following properties have been classified as Recreational Lands on which a charge in lieu of rates will be levied:
- 1.34.1 The Veneto Club, 1914 Bulleen Road, Bulleen; and
- 1.34.2 The Yarra Valley Country Club, 9-15 Templestowe Road, Bulleen
- 1.35 It is proposed that the 2016/17 charge in lieu of rates be set at the equivalent of the general rate for these properties.

Cost Shifts

- 1.36 Cost Shifting occurs where Local Government provides a service to the community on behalf of the State and Federal Government, and over time the funds received by local governments do not increase in line with real cost increases. The difference represents a cost to Council (the ratepayer) and forms part of each year's rate rise.
- 1.37 Examples of costs shifts in the 2016/17 Budget include:
- The pausing of indexation by the Federal Government on Victoria Grants Commission allocations from 2013/14 to 2017/18 (lost grant revenue of \$240,000 in 2016/17)
 - declining State funding for library services as a % of total operating costs (from approximately 40% in 2002 to less than 20% in 2015/16)
 - The escalation factor applied to numerous State grants not matching CPI or cost of service increase,
 - Statutory fees not escalated for CPI or cost of service increases - these include statutory planning and building fees, and many fines and infringements.

Economic and Fiscal Influences

- 1.38 The Consumer Price Index (CPI) increases on general goods and services is forecast to be 2.5% in 2016/17. Council's costs are influenced only by a small degree by CPI movements. The main cost increases incurred by Councils relate to employee costs, transport, contracted services and

building price index movements together with the cost of fuel, electricity and water, most of which are likely to increase by more than 2.5%.

- 1.39 Costs associated with building materials and construction is forecast to increase by 4.0%.
- 1.40 Council is a member of the Vision Super Defined Benefits Fund, and over the last 16 years there have been four calls to members to top up asset shortfalls in the Fund. The last call in 2011/12 resulted in a liability for Manningham of \$7.906 million. It is possible that Council may be required to make further contributions in future budgets should the investment returns in the Vision Super Defined Benefits Fund not increase in line with liabilities of the fund. This is out of Council's control.
- 1.41 The proposed 2016/17 Budget has established a non statutory 'reserve' to providing funding toward the likelihood of a future defined benefits call. In 2016/17, an amount of \$200,000 has been set aside as restricted cash for a future call. Further amounts are also proposed over the next four years of the Strategic Resource Plan.

Loan borrowings

- 1.42 Council is proposing to borrow \$1.92 million during 2016/17 to bring forward investment in efficient street lighting. Originally this project was budgeted to be implemented over 7 years, however the take up of a loan will enable the project to be completed in a single year and result in electricity savings of approximately \$0.97 million over the 7 years period.
- 1.43 As at 30 June 2017, Council is projected to have two loans with a total principle outstanding of \$8.96 million. The loans relate to a \$7.279 million liability for defined benefits superannuation costs (with the loan taken up in 2014) and \$1.68 million to implement efficient street lighting in 2016/17 (see 1.42 above).

Strategic Resource Plan

- 1.44 The Major Initiatives and Initiatives in the Strategic Resource Plan 2016 – 2020 are in various adopted Council strategies. They have been identified as being key in achieving Council Plan themes and goals in 2016/17.

2 PROPOSAL/ISSUE

- 2.1 That Council adopt the proposed Annual Budget 2016/17 and Strategic Resource Plan 2016 – 2020 for public exhibition and invite submissions from the community.

3 PRIORITY/TIMING

- 3.1 The Annual Budget 2016/17 and Strategic Resource Plan 2016 – 2020 is required by legislation to be adopted on or before 30 June 2016. The timetable proposed will enable achievement of this objective.

4 FINANCIAL PLAN

- 4.1 Council has a 10 year Financial Strategy that sets out Council's commitment to financial management, and details the accountability outcomes desired to achieve and maintain responsible financial management and continued financial stability.

- 4.2 The forward financial forecasts contained in the Financial Strategy project Council to be in a solid financial position and projects Council to remain a “low risk” council in terms of the current VAGO financial sustainability assessment.
- 4.3 A basic principle of the Financial Strategy is that future average rate increases are capped to CPI as required under the Fair Go Rates System imposed by the State Government. No allowance has been for a Variation which would increase the average rate rise above CPI.

5 CONSULTATION

- 5.1 Public consultation is an inherent aspect in the planning and development of Council’s many services and facilities. The proposed Annual Budget and Strategic Resource Plan maintains service levels previously approved by Council.
- 5.2 In the interests of promoting community consultation and debate, the proposed Annual Budget 2016/17 and Strategic Resource Plan 2016 – 2020 will be available for public exhibition on 28 April 2016 and submissions from the community are invited.
- 5.3 The public display period commences on 28 April 2016 and concludes at 5.00pm on 26 May 2016.
- 5.4 Comments about the proposed Annual Budget 2016/17 may be lodged on line at Your Say Manningham or addressed to the Group Manager Financial Services, Manningham City Council, 699 Doncaster Road, Doncaster, 3108. Written submissions must be received by Council by 5.00pm on Thursday 26 May 2016.
- 5.5 A report on all submissions received will be presented to a Committee of Council on Tuesday 7 June 2016 at 7.00pm.
- 5.6 Further information on the submission process will be available on Council’s web site, Your Say Manningham, municipal libraries, the Civic Office, Council Depot and the Council Customer Service information line on (03) 9840 9333.
- 5.7 The Annual Budget 2016/17 and Strategic Resource Plan 2016-2020 are scheduled to be adopted by Council on Tuesday 28 June 2016 at 7.00pm.

6 COMMUNICATIONS STRATEGY

- 6.1 Notices related to public display period, and the submissions process, will be published in ‘The Age’ on 28 April, and in the Manningham Leader.
- 6.2 Following the adoption of the proposed Annual Budget and proposed Strategic Resource Plan for public exhibition, a media briefing will be held, and key elements of the proposed Annual Budget and Strategic Resource Plan will feature in Manningham Matters and in media releases.

7 CONCLUSION

- 7.1 The Proposed Annual Budget enables Council to achieve the objectives and outcomes detailed in the Council Plan and to do so within the fiscally sound parameters established in the Financial Strategy.
- 7.2 The Proposed Strategic Resource Plan details the major initiatives and initiatives that Council will undertake throughout the year to deliver on the

goals in the Council Plan. as well as a four year forecast of the financial and non-finances resources required to meet current commitments.

- 7.3 Council's Proposed Annual Budget is prepared in accordance with statutory requirements and with regard to best practice guidelines, and is recommended to Council for adoption for public exhibition and for public submissions to be invited.

OFFICER'S RECOMMENDATION

That

- (A) Council gives notice that it has adopted the proposed Annual Budget 2016/17 and Strategic Resource Plan 2016-2020 as detailed in Attachment 1 and Attachment 2 for public exhibition;**
- (B) Public Notice of the draft Annual Budget and Strategic Resource Plan be given in 'The Age' on 28 April 2016 inviting submissions in accordance with Sections 129 and 223 of the *Local Government Act, 1989*;**
- (C) The public display period to commence on 28 April 2016 and close at 5.00pm on 26 May 2016;**
- (D) Council establish the Budget and Strategic Resource Plan Committee, comprised of all Councillors, to hear any submissions received under Section 223 in relation to the proposed Annual Budget 2016/17 and the Strategic Resource Plan 2016-2020;**
- (E) Council proposes to undertake new borrowings of \$1,920,000 in 2016/17;**
- (F) Loan principle repayments of \$243,000 are proposed in 2016/17;**
- (G) In accordance with Section 4 (4) of the Cultural and Recreational Lands Act 1963, Cultural and Recreational Lands are proposed to be charged in lieu of rates as per Section 7 of Attachment 1;**
- (H) Council proposes to offer a \$60 waiver under Section 171 of the Local Government Act 1989 on the 2016/17 rates for the principal place of residence of a ratepayer who is the holder of a valid Low Income Health Care Card ("LI" designated card), provided that the ratepayer makes application to Council for the waiver by 30 June 2017;**
- (I) Council proposes that a rate concession be made under the provisions of Section 169 of the Local Government Act 1989 to the Bulleen-Templestowe Basketball Club, Property Number 205733, 27-37 Sheehans Road, Bulleen, and the Doncaster Youth Club, Property Number 120933, 12 Leeds Street, Doncaster East, equivalent to the property rates payable having regard to their requirement to provide volunteer services in the management of Council's basketball stadiums;**
- (J) Council proposes that a waiver of rates under Section 171 of the Local Government Act 1989 for 50% of the increase in rates to a ratepayer who is likely to experience financial hardship as a consequence of increases in the rates payable where:**
 - The affected property is the ratepayers principal place of residence; and**

- **There is an increase in rates of 30% or greater that is attributable to property values arising from the general revaluation of properties in the municipality;**
- (K) The 2016/17 Capital Program, as contained in Section 6 of Attachment 1 be adopted for public exhibition;**
- (L) The Fees and Charges Schedule, as contained in Appendix A of Attachment 1 be adopted for public exhibition; and**
- (M) The proposed Annual Budget 2016/17 and proposed Strategic Resource Plan 2016 - 2020, including any amendments arising from the recommendations of the Budget and Strategic Resource Plan Committee, be presented for consideration and adoption at the Council Meeting to be held on 28 June 2016, commencing at 7.00pm in the Council Chamber, 699 Doncaster Road, Doncaster.**

**MOVED: DOWNIE
SECONDED: McLEISH**

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

Attachment 1: Proposed Annual Budget 2016/17

Attachment 2: Proposed Strategic Resource Plan 2016-2020

* * * * *

13.2 Financial Status Report - March 2016

Responsible Director: Director Shared Services

File No. T16/77

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 March 2016 is provided for review and consideration.

The March report indicates that Council is expected to perform better than year end reviewed forecast endorsed by Council on 2 February 2016.

1 BACKGROUND

- 1.1 The attached Financial Status Report for the period ending 31 March 2016 reflects an overall positive performance against the year to date operating budget. 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 March 2016 be noted.

3 FINANCIAL RESOURCE IMPLICATIONS

- 3.1 There are no adverse financial resource impacts arising from the review of Council's March 2016 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 March 2016.

OFFICER'S RECOMMENDATION

That the attached Financial Status Report detailing the financial performance of Council to 31 March 2016 be noted.

MOVED: GRIVOKOSTOPOULOS
SECONDED: KLEINERT

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

* * * * *

13.3 Delegations - Update April 2016

Responsible Manager: ACTING MANAGER STRATEGIC GOVERNANCE

File No. EF15/28896

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

Council delegates various powers to staff to assist in the streamlining of the day-to-day business operations and thereby providing a more effective and timely service to residents, customers and other stakeholders. There are five Instruments of Delegation within Council's overall delegations framework but only two are made by the Council. These are delegations to the Chief Executive Officer (CEO) pursuant to the Local Government Act 1989 and directly to other staff members under the authority of other State Government Acts or Regulations. The other three Instruments are made to Council Officers by the CEO or the Municipal Building Surveyor.

The Instrument of Delegation to the CEO is usually remade at each half yearly update on the advice of Maddocks Lawyers to ensure it continues to be current and appropriate to any recent legislative changes.

The Instrument of Delegation from Council to Staff has been reviewed and updated pursuant to changes to Acts and Regulations made since the last update of the Instrument of Delegation made in 2015.

1 BACKGROUND

- 1.1 The Local Government Act 1989 (LGA) provides that Council may delegate to a member of staff most powers, duties or functions (powers) of a Council under that Act or any other Act that empowers Council to delegate powers to members of Council staff.
- 1.2 The delegation framework in use at Manningham Council consists of the following five Instruments of Delegation.
 - i. Instrument of Delegation from Council to the CEO (S5).
 - ii. Instrument of Delegation from Council to Organisational Positions (S6).
 - iii. Instrument of Sub-Delegation from the CEO to Officers (S7).
 - iv. Instrument of Delegation by the Municipal Building Surveyor (S12).
 - v. Instrument of Delegation by the CEO for VicSmart Applications (S14).
- 1.3 These Instruments of Delegation are kept up-to-date in two ways. The first is by subscription to a delegations service provided by Maddocks giving information of changes in legislation and delegated powers to Council every six months. The second is by way of a total review conducted after every general election of Council.
- 1.4 In respect of the LGA the delegations are all made to the CEO and are contained in the S5 Instrument which was last updated on 31 March 2015. The CEO may further delegate any of his powers to a member of his staff.

These sub-delegations are contained within the S7 Instrument of Sub-Delegation which was last updated on 1 April, 2015.

- 1.5 The S12 Instrument is managed independently by the MBS and it was last updated on 1 April 2015.
- 1.6 The S14 Instrument was introduced in 2014 due to the Planning and Environment (VicSmart Planning Assessment) Act 2012 amending the Planning and Environment Act 1987 to enable planning schemes to set out different procedures for different classes of application. Under the new VicSmart planning provisions clause 61 nominates the CEO as the responsible authority for considering and deciding VicSmart applications. Under section 98(2) of the Local Government Act 1989 and section 188 of the Planning and Environment Act 1987, the CEO is able to delegate the responsible authority powers to other officers of the Council. This Instrument of Delegation was last approved by the CEO on 1 April 2015.
- 1.7 All Instruments of Delegation are contained within a public register and are published on Council's website.
- 1.8 This report constitutes the first update of delegations for 2016 as it takes into account all legislative changes since that occurred in 2015 that affect the powers of Council and is concerned only with the S5 and S6 Instruments of Delegation.

2 PROPOSAL/ISSUE

2.1 Instrument of Delegation from Council to CEO (S5)

- 2.1.1 There are no changes proposed for this Instrument but in line with the practice of Council since August 2012 it is proposed to remake this Instrument to ensure the certainty of the delegations currently in place under this Instrument and for the other Instruments of Sub-delegations.
- 2.1.2 The proposed renewed Instrument is shown in Attachment A and it details the conditions and limitations placed on the delegations to the CEO.

2.2 Instrument of Delegation from Council to Organisational Positions (S6)

- 2.2.1 Section 98(1) of the LGA provides that Council may delegate to a member of its staff any powers of Council under that Act or any other Act. No delegations have been made direct from Council to staff under the LGA, other than the CEO, as this is considered best left to the CEO to do and is adequately covered by the CEO's sub-delegation ability.
- 2.2.2 Other Acts such as the Planning and Environment Act 1987, Domestic Animals Act 1994, Food Act 1984 and the Road Management Act 2004 do not permit Council to delegate directly to the CEO so Council needs to perform this task itself through the S6 Instrument.
- 2.2.3 The changes proposed to this Instrument are due to information received from Maddocks in regard to changes in State Government legislation made since the last update of the Instrument and concern several new duties powers that have been inserted into the Planning and Environment Act 1987.
- 2.2.4 The table below details the proposed new delegations.

ACT	Section	Proposed Delegate
Planning & Environment Act	46GF	DPE, MEEP, MSP(1) SPC
	46GG	DPE, MEEP, MSP(1) SPC
	46GH(1)	DPE, MEEP, MSP(1) SPC
	46GH(2)	DPE, MEEP, MSP(1) SPC
	46GH(3)	DPE, MEEP, MSP(1) SPC
	46GI(1)	DPE, MEEP, MSP(1) SPC
	46GI(2)	DPE, MEEP, MSP(1) SPC
	46GI(3)	DPE, MEEP, MSP(1) SPC
	46GI(4)	DPE, MEEP, MSP(1) SPC
	46GI(5)	DPE, MEEP, MSP(1) SPC
	46GL	DPE, MEEP, MSP(1) SPC
	46GM	DPE, MEEP, MSP(1) SPC
	46QD	DPE, MEEP, MSP(1) SPC
	60(1B)	DPE, MSP(1)
<i>DPE means Director Planning & Environment MEEP means Manager Economic and Environmental Planning MSP(1) means Manager Statutory Planning SPC means Statutory Planning Coordinator</i>		

2.2.5 Improved delegation to the subdivision officer will allow the officer to sign and issue the permits on SPEAR the same time as assessing and preparing the report and permit. See Attachment B.

Note: SPEAR is a paperless application process for procedural and/or minor applications. This will result in faster turnaround times.

3 PRIORITY/TIMING

3.1 The updated Instruments, when adopted by Council, will come into force immediately the common seal of Council is affixed to each Instrument.

4 SUSTAINABILITY

4.1 Council's delegations are maintained in an up-to-date form by Council subscribing to the delegations and authorisations service provided by Maddocks. This service covers all Victorian Acts and Regulations under which Council has powers and responsibilities and provides updates on any legislative changes twice a year.

5 CONSULTATION

5.1 In undertaking this update the Manager Statutory Planning, Director Planning and Environment and the Executive Management Team have been consulted prior to presentation to Council to ensure the accuracy and appropriateness of the delegations.

6 COMMUNICATIONS STRATEGY

6.1 Pursuant to S98 of the LGA a register of delegations must be kept for public inspection. The register is held by the Strategic Governance Service Unit and individual Instruments of delegation are all displayed on Council's website.

7 CONCLUSION

- 7.1 This report updates the two Instruments of Delegation under Council's direct authority to ensure their accuracy and effectiveness and takes into account recent organisational changes as well as recent legislative changes that have affected current delegations or introduced new matters for delegation.
- 7.2 It is recommended that the Instrument of Delegation S5 (Attachment A) be remade and the new delegations by Council to staff be incorporated within the Instrument of Delegation S6 and both adopted by Council.

OFFICER'S RECOMMENDATION

That:

- A. In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989, Council resolves that:-**
- a) there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation S5 (Attachment A) Council to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;**
 - b) the Instrument comes into force immediately the Common Seal of Council is affixed to the instrument;**
 - c) on the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked;**
 - d) the duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt;**
 - e) it is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act; and**
 - f) Council affix the Common Seal to this Instrument.**

And

- B. In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the above report Council further resolves that:-**
- a) the new delegations referred to in the above report be incorporated within a new S6 Instrument of Delegation Council to Organisational Positions;**
 - b) the S6 Instrument comes into force immediately the Common Seal of Council is affixed to the Instrument;**
 - c) on the coming into force of the S6 Instrument, all previous delegations from Council to members of Council Staff (other than the Chief Executive Officer) are revoked;**
 - d) the duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and**
 - e) Council affix the Common Seal to the updated S6 Instrument.**

MOVED: O'BRIEN
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

"Refer Attachment"

13.4 Quarterly Organisational CEO Report - Quarter 3 (January - March) 2016

Responsible Director: Strategic Governance

File No. T16/86

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 Quarterly Organisational CEO Report aims to:

- 1. Streamline the reporting requirements under the Local Government Performance Reporting Framework (LGPRF)*
- 2. Monitor and track key aspects of council's performance for continuous improvement purposes*
- 3. Highlight Council's services, activities and achievements.*

The Quarter 3, 2015/16 Report is presented for endorsement.

1 BACKGROUND

- 1.1 The CEO Organisational Quarterly Report incorporates key aspects of current reporting in a streamlined approach, as well as highlighting council performance and achievements across a broad range of activities.
- 1.2 The Report has been developed to:
 - a) Streamline current reporting to meet the requirements under the Local Government Performance Reporting Framework (LGPRF). The LGPRF requirements this report will meet include:
 - Council Plan reporting (report reviewing the performance of the Council against the Council Plan, including results in relation to strategic indicators, for the first six months of the financial year)
 - Financial reporting (quarterly report to Council comparing budgeted revenue and expenditure with actual revenue and expenditure)
 - Risk reporting (six-monthly reports of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies)
 - Performance reporting (six-monthly reports of indicators measuring the results against financial and non-financial performance).
 - b) Monitor and track key aspects of Council's performance for continuous improvement in quality, effectiveness and efficiency:
 - EMT and Managers have put forward indicators to depict key areas of activity. Work will continue to ensure that the information provided strengthens its focus on productivity, efficiency and effectiveness.

- 2014/15 data is shown where available for comparison over time in the indicator sets.
- c) Promote Council performance and achievements across a broader range of services and activities:
- It is timely to promote the value, quality and breadth of activities and services that Council is providing its residents, particularly in light of the potential impact of rate capping and the launch of the 'Know Your Council' State Government website.

2 PROPOSAL/ISSUE

- 2.1 The report format aims to be easy to read for Council and the community. To keep the report concise, council services and activities not included in the indicator information will be featured in achievements and activities.
- 2.2 The report tracks the major initiatives and initiatives published in the Strategic Resource Plan. These are tracked against a common accumulative target of 25% per quarter, aiming at 100% achievement of the goal by the end of Quarter 4.

OFFICER'S RECOMMENDATION

That Council endorse the Quarterly Organisational CEO Report – Quarter 3 (January – March) 2016.

**MOVED: DOWNIE
SECONDED: GALBALLY**

That the Recommendation be adopted.

CARRIED

"Refer Attachment"

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13.5 Record of Assembly of Councillors - April 2016

Responsible Manager: Acting Manager Strategic Governance

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

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 21 March and 15 April 2016 (both dates inclusive). They are:-

- *Access and Equity Advisory Committee on 4 April*
- *Council Meeting Briefing Session on 29 March*
- *Senior Citizens Reference Group Committee on 13 April*
- *Strategic Briefing Sessions on 22 March and 5 & 12 April*

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.

2 PROPOSAL/ISSUE

2.1 To receive and note the record of Assemblies of Councillors which took place in the past month.

3 CONCLUSION

3.1 The Assembly of Councillors' Records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989.

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: DOWNIE
SECONDED: GRIVOKOSTOPOULOS**

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

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13.6 Documents for Sealing - 26 April 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 J L Birckel
20 Esther Street, Templestowe Lower**

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and N & I Dafinis
107 Yarra Valley Boulevard, Bulleen**

**MOVED: GRIVOKOSTOPOULOS
SECONDED: KLEINERT**

That the Recommendation be adopted with the addition of the following agreements:

**Community Services Lease
Council and Beverley Hills Kindergarten Inc
2-4 Damala Street, Doncaster East;**

**Lease – Section 17D of the Crown Land (Reserves) Act 1978
Council, Park Orchards Kindergarten Inc and Department of Environment, Land, Water and Planning
Crown Allotment 25B, Parish of Warrandyte (570 Park Road, Park Orchards); and**

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and R Fu & Y Lei
5 and 7 Avocet Street, Doncaster East**

CARRIED

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14. CHIEF EXECUTIVE OFFICER

There were no Chief Executive Officer reports.

15. NOTICES OF MOTION**15.1 Notice of Motion by Councillor G Gough (Nom No.1/2016)****MOTION**

“That Council

- A. Note that as Amendment C109 has proceeded, incomplete and confusing information has been provided to potential affected properties and perhaps unaffected properties. Also note that only certain areas have been mapped and are not covered by this amendment leading to confusion and a feeling of injustice by some residents. This has compromised the exhibition process as it unclear whether the properties that were sent notices are or are not detrimentally affected. Information in the maps provided by Council and used for assessment by landowners was either missing, unclear or perhaps inaccurate. This failure to provide accurate and unambiguous information has seriously compromised the exhibition and amendment process and could clearly be challenged in court.**
- B. Thoroughly check the flood mapping and modelling and test it is accurate for every property and ensure correct, current and accurate maps are used in the future for Council and others to make decisions.**
- C. Research other methods and terms to achieve the same outcomes of providing building floor height and stormwater flow information and publicise these to the community.**
- D. Postpone advancing the planning scheme Amendment C109 process until all residents have the right to submit again if they wish ensuring that anyone who has not submitted can do so and inform all affected residents of this new opportunity.**
- E. Research ways and means of abandoning C109 in various stages of the Amendment process and make this information available to the community.”**

Cr Haynes made the following statement in respect to this matter:

“I wish to advise that I have relied on legal advice that my land ownership in the affected Amendment C109 area, under consideration in this item does not constitute a conflict of interest, based on the exemption under section 77A(5) of the Local Government Act 1989, as I am one amongst a large class of persons and as such do not need to leave the Council Chamber for any debate and vote on this matter.”

Cr Kleinert made the following statement in respect to this matter:

"I wish to advise that I have relied on legal advice that my land ownership in the affected Amendment C109 area, under consideration in this item does not constitute a conflict of interest, based on the exemption under section 77A(5) of the Local Government Act 1989, as I am one amongst a large class of persons and as such do not need to leave the Council Chamber for any debate and vote on this matter."

Cr Gough made the following statement in respect to this matter:

"I wish to advise that I have relied on legal advice that my land ownership may be in the affected Amendment C109 area, under consideration in this item does not constitute a conflict of interest, based on the exemption under section 77A(5) of the Local Government Act 1989, as I am one amongst a large class of persons and as such do not need to leave the Council Chamber for any debate and vote on this matter."

MOVED: GOUGH
SECONDED: DOWNIE

That Notice of Motion No.1/2016 be adopted.

An extension of speaking time was granted to Cr Gough.

An extension of speaking time was granted to Cr McLeish.

The original MOTION was then PUT and LOST

DIVISION

A Division having been demanded the Council divided as follows:

FOR (2): Crs Gough and Downie.

AGAINST (6): Crs O'Brien, McLeish, Grivokostopoulos, Kleinert, Galbally & Yang.

THE MOTION WAS DECLARED LOST

16. URGENT BUSINESS REPORTS

There were no Urgent Business Reports.

17. QUESTIONS FROM THE PUBLIC

There were no questions from the public.

18. QUESTIONS WITHOUT NOTICE

Questions were asked by Councillors on various topics other than Council business matters. These can be heard on the audio for the Council Meeting on Council's website.

19. CONFIDENTIAL REPORTS

There were no Confidential Reports

The meeting concluded at 8:39pm.

Chairman
CONFIRMED THIS 31 MAY 2016.

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