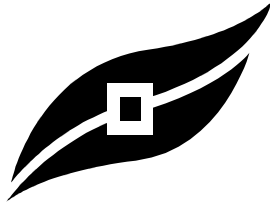


MINUTES



MANNINGHAM
BALANCE OF CITY AND COUNTRY

Ordinary Meeting of the Council

MEETING DETAILS:

MEETING NO: 8
MEETING DATE: 25 August 2015
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.

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MANNINGHAM CITY COUNCIL
MINUTES OF THE ORDINARY COUNCIL MEETING
HELD AT COUNCIL CHAMBER
ON
25 AUGUST 2015

The meeting commenced at 7:00 PM.

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

Officers Present: Chief Executive Officer, Mr Joe Carbone
Director Assets & Engineering, Mr Leigh Harrison
Director Community Programs, Mr Chris Potter
Director Planning & Environment, Ms Teresa Dominik
Director Shared Services, Mr Philip Lee
Manager Strategic Governance – Ms Melissa Harris

1. OPENING PRAYER & STATEMENT OF ACKNOWLEDGMENT

The Mayor read the Opening Prayer & Statement of Acknowledgement.

2. APOLOGIES

There were no apologies for this meeting.

3. PRIOR NOTIFICATION OF CONFLICTS OF INTEREST

The CEO advised that he had received three separate written disclosures of a conflict of interest, these being from:-

- Cr Michelle Kleinert for Item 9.1 concerning Templestowe Village Special Charge Scheme 2015-2020 Declaration of Scheme, the interest being an indirect interest because of close association.
- Cr Stephen O'Brien for Item 12.1 concerning Request to Attend International Urban Design Conference by Councillor S O'Brien, the interest being a direct interest because of his attendance at the conference.

- Cr Paul McLeish for Item 16.1 concerning Amendment GC23 to Manningham Planning Scheme – Proposed Design & Development Overlay (Eastlink Exhaust Stack Environs), the interest being an indirect interest because of residential amenity.

4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 28 JULY 2015

MOVED: DOWNIE
SECONDED: GRIVOKOSTOPOULOS

That the Minutes of the Ordinary Meeting of Council held on 28 July 2015 be confirmed.

CARRIED

5. PRESENTATIONS

5.1 Regional Catchment Strategy

The Chief Executive Officer presented the Mayor with the Award received from the Minister for Environment for Council's participation and leadership in renewing the Regional Catchment Strategy.

6. PETITIONS AND JOINT LETTERS

6.1 Petition – Request to retain the entrance into Tunstall Square Shopping Centre from Beverley Street via Shaw Street (Koonung Ward)

MOVED: HAYNES
SECONDED: GRIVOKOSTOPOULOS

That the petition received from thirty-four traders on the west side of the Tunstall Square Shopping Centre requesting Council to retain the entrance from Beverley Street via Shaw Street into Tunstall Square Shopping Centre, be received and referred to the appropriate Officer for consideration.

CARRIED

7. ADMISSION OF URGENT BUSINESS

There were no items of Urgent Business.

8. PLANNING PERMIT APPLICATIONS

There were no Planning Permit Applications.

9. PLANNING & ENVIRONMENT

9.1 Templestowe Village Special Charge Scheme 2015-2020 Declaration of Scheme

Responsible Director: Director Planning & Environment

File No. T15/175

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 seek endorsement of the completion of the statutory procedures to declare a Special Charge Scheme for the Templestowe Village Shopping Precinct.

The current Templestowe Village Special Charge Scheme to fund marketing and business development initiatives in the Centre expired on 30 June 2015.

Council had received a written request from the Templestowe Village Traders Association to renew the Special Charge Scheme for the Centre for a five year period commencing on 1 July 2015 (would be back dated) and ending on 30 June 2020. The Association has requested that the Scheme raise \$54,250 in the first year. The charge is proposed to apply to 81 properties deemed to receive special benefit from the Scheme, including 74 in the area of primary benefit (\$700 per annum plus CPI after the first year) and 7 in the area of secondary benefit (\$350 per annum plus CPI). (Refer to Attachments 1 & 2)

Following the Council meeting on 26 May 2015 and in accordance with section 163 of the Local Government Act 1989, Council gave public notice of its intention to declare a Special Charge in the Templestowe Village for the 5 year period of 2015-2020 and invited submissions.

As a result of the statutory notification process, 27 submissions in writing have been received, including 10 submissions in support and 17 objections. Seven submitters requested to be heard in support of their written submission and six were heard by the appointed Committee of Council on 6 July 2015.

Those submitters who support the Scheme consider that for a low cost it helps to promote and develop the centre. However those who have objected to the Scheme do not agree that they receive benefit from the scheme and consider the cost to be onerous, particular as several of them are also required to pay body corporate fees.

Following consideration of all the submissions it is considered that all of the retail, commercial and professional properties and businesses located in the area affected by the Special Charge Scheme will derive a benefit from the expenditure of the proceeds of the special charge.

The proposed Special Charge Scheme will be a positive local economic development initiative which will encourage and generate competitive commerce,

retail and professional activities and employment in the Templestowe Village Shopping Centre.

1 BACKGROUND

- 1.1 The *Local Government Act 1989* enables Council to levy a Special Charge on properties within a defined area if it considers that the land in that area will receive a 'special benefit' from the expenditure of the funds raised in accordance with the functions of Council.
- 1.2 A Special Charge Scheme has operated in Templestowe Village Shopping Centre since 2010. Similar Schemes operate for both Tunstall Square Shopping Centre (since 2008) and Warrandyte Shopping Centre (since 2011).
- 1.3 The current Special Charge Scheme for Templestowe Village expires on 30 June 2015. That scheme raised a total of \$234,000 over the past five years (\$46,800 per annum) and has funded the development and implementation of a business plan to target promotional initiatives, such as seasonal marketing campaigns, Christmas decorations for the centre, festivals, refreshed branding for the centre and a new website featuring a directory of businesses within the centre. The Special Charge Scheme also funds the employment of a part-time marketing coordinator who implements most of the actions within the business plan for the centre.
- 1.4 In April 2015 Council received a written request from the Templestowe Village Traders Association to renew a Special Charge Scheme for the Templestowe Village Shopping Centre. The request was based on majority trader support for the Scheme to continue (75% of traders signing an "in-principle support" form for the Scheme to continue).
- 1.5 The Scheme would operate over a five year period, commencing on 1 July 2015 and ending on 30 June 2020. The Traders' Association has requested that the proposed Special Charge Scheme raise \$54,250 in the first year of the scheme to fund activities as indicated in the Templestowe Village Business Plan (2015-2020). (Refer to **Attachment 3**).
- 1.6 In order to raise \$54,250 per annum, the properties included in the Scheme would be levied a Special Charge of \$700 per annum ground floor (primary benefit area) and \$350 per annum first floor and fringe properties (secondary benefit area), for the first year of the Scheme. For each of the subsequent four years, an amount equivalent to the previous year's amount, plus CPI, would apply.
- 1.7 Council considered the request of the Traders Association at its meeting of 26 May 2015, and it was resolved that Council:
 - (A) *Notes the Templestowe Village Traders' Association Business Plan in the form of Attachment 6 to this report and commences to consider the renewal of a Special Charge Scheme to and for properties within the defined Templestowe Village Shopping Centre Precinct, raising an amount of \$54,250 in the first year of the scheme (increasing with CPI each year) for a period of five years, from 1 July 2015 to 30 June 2020.*
 - (B) *Acting under sections 163(1A) and 163B(3) of the Local Government Act 1989 ("Act"), directs that public notices be given in newspapers of the*

intention of Council to declare the Scheme at its ordinary meeting to be held on 25 August 2015 (in accordance with the proposed declaration of Special Charge contained in Attachment 1 to this report) for the purposes of defraying any expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Templestowe Village Traders' Association Incorporated. Funds are to be used for the purposes of the appointment of a part-time Centre Coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by and agreed to from time to time between Council and the Templestowe Village Traders' Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Templestowe Village Activity Centre.

- (C) *Directs that separate letters enclosing a copy of the public notices be sent to both the tenants and the owners of the properties referred to in Attachment 5, advising of Council's intention to declare the Special Charge at its ordinary meeting to be held on 26 August 2015, the amount for which the property owner or the tenant will be liable, the basis of calculation of the Special Charge, the classification of the property as either "primary" benefit or "secondary" benefit and with notification that submissions and/or objections in relation to the proposal will be considered or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.*
- (D) *Advises the Templestowe Village Traders' Association Incorporated of the matters specified in paragraphs (A), (B) and (C) of this resolution.*
- (E) *Appoints and authorises the Heide Ward Councillors to be the members of the committee established by Council under section 223(1)(b)(i) of the Act, to be known as the "Templestowe Village Special Charge (Submissions) Committee" to hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submissions.*
- (F) *Authorises the Council's Director of Planning and Environment –*
 - 1. *to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Act; and*
 - 2. *to prepare an agreement between Council and the Templestowe Village Traders' Association Incorporated to formalise the administrative operations of the Special Charge, such agreement being a precondition to the payment of any funds by Council to the Templestowe Village Traders' Association Incorporated.*
- (G) *Directs that the agreement specified in paragraph (F)2. of this resolution is to be subsequently submitted to Council for approval and sealing.*

- 1.8 A public notice was published in 'The Age' and the 'Manningham Leader' newspapers on Friday, 29 May 2015 and Monday, 1 June 2015 respectively, advising of the proposed scheme and the submissions and objections

process. The public notice advised of the submissions/objections deadline, being Friday 26 June 2015. A copy of the public notice is provided in **Attachment 4**. A copy of the public notice was also sent to the 81 affected property owners and the 81 affected tenants.

- 1.9 As a result of the statutory notification process, 27 submissions in writing have been received, including 10 submissions in support and 17 objections. The properties owned and/or occupied by the submitters are identified in **Attachment 5**.
- 1.10 Seven people requested to be heard in support of their written submission by the appointed "*Templestowe Village Special Charge (Submissions) Committee*".
- 1.11 Six of those submitters were heard by the Committee when it met on Monday 6 July 2015. A copy of the report of the proceedings of the Committee is provided in **Attachment 6**.
- 1.12 The Committee received and noted all submissions and/or objections received relating to the Templestowe Village Activity Centre Special Charge Scheme Renewal 2015-2020.

2 PROPOSAL/ISSUE

- 2.1 A decision must be made by Council in relation to declaration of the proposed Special Charge Scheme having regard to the submission and objections received.
- 2.2 As outlined above, 27 submissions in writing have been received, including 10 submissions in support and 17 objections. The majority of submitters are business owners within the centre. A summary of the submissions and the officers' response is included as **Attachment 7**.
- 2.3 Those submitters who support the Scheme include the Traders' Association and six business owners all with businesses along Anderson Street and one business owner off Wood Street in the northern part of the centre. In summary those who support the Scheme consider that for a low cost it helps to promote and develop the centre.
- 2.4 Those who object to the Scheme are primarily business owners related to properties in the northern part of the Centre or western part of the Centre surrounding private car parks. In summary, those who have objected to the Scheme do not agree that they receive benefit from the scheme and consider the cost to be onerous, particular as several of them are also required to pay body corporate fees.
- 2.5 Following consideration of all the submissions it is considered that all of the retail, commercial and professional properties and businesses located in the area affected by the Special Charge Scheme will derive a benefit from the expenditure of the proceeds of the special charge.
- 2.6 Similarly the apportionment of the charge across the centre, which is proposed to be the same as the previous Scheme, is considered reasonable and appropriate. It is considered that those properties within the primary area will each receive the same benefit but that benefit will be greater than for those properties nominated as within the secondary area to which a lesser charge is proposed to apply.

3 PRIORITY/TIMING

- 3.1 Should the proposed Special Charge Scheme be declared, it will be deemed to commence retrospectively as of 1 July 2015 and the Traders Association will be able to utilise the funds raised for the implementation of its business plan.
- 3.2 Following Council's decision, notice in writing will be given to all the owners and occupiers within the area of the Scheme and all persons who have lodged a submission and/or objection, regarding Council's decision.
- 3.3 Once the Scheme is approved, a prescribed notice is sent out to all those liable to pay and, under section 185 of the LGA 1989, a person may apply to VCAT for review of a decision of a Council imposing a special charge on grounds including that they will not be provided with a special benefit or that the basis of distribution of the charge amongst those persons who are liable to pay it is unreasonable.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The Manningham *Economic Development Strategy 2011-2030* advocates support for the retail sector, specifically the development and implementation of Special Rate and Charge Schemes for the purposes of marketing, promotion and business development.
- 4.2 The *Templestowe Village Structure Plan* adopted by Council in September 2012 and updated in January 2013 includes objectives and actions which relate to properties used for commercial purposes on both sides of James Street, which are identified as the retail and commercial core of the centre. The Structure Plan also includes a specific action to 'continue the ongoing implementation of the Special Rate and Charge Scheme (Marketing and Promotion)'.

5 BEST VALUE

- 5.1 The Templestowe Village Special Charge Scheme will equate to an annual budget of \$54,250 per annum in financial year 1 July 2015 through to 30 June 2016 increasing by CPI in subsequent years. The yearly budget will also be adjusted annually based on the total number of assessments within the defined area.
- 5.2 However, the Special Charge does not apply to properties that have rate exemption status.
- 5.3 Decision making with regard to spending of the Special Charge funds will be influenced by all members of the Traders Association. Members of the Traders Association are invited to regular monthly meetings where they have opportunities to vote and have input into the business plan for the centre. The Traders Association will be communicating regularly with traders at the centre in regards to the business plan and its progress.

6 CUSTOMER/COMMUNITY IMPACT

- 6.1 Templestowe Village is a traditional strip shopping precinct and business centre that is operating in an increasingly competitive environment. A number of projects in the Templestowe Village Business Plan are being implemented currently; however, an ongoing program and long term commitment, planning and resources are required to ensure continued work

toward goals and objectives aimed at enhancing the economic activity and vibrancy of the area.

- 6.2 The purpose of the Scheme is to encourage and generate commerce, retail and professional activity and employment in Templestowe Village Shopping Centre through professional co-ordination assistance, promotions, advertising, marketing and other incidental purposes. These services will provide a 'special benefit' to the owners and the occupiers of the land and the commercial and business properties located in the Scheme area. Customers and community also value a well-functioning activated shopping precinct that can respond, serve and cater for all their needs.
- 6.3 Further, a Special Charge Scheme supports an active Traders Association to work with businesses, Council and community to deliver a range of initiatives that focus on generating increased activity and vibrancy to the Templestowe Village Shopping Centre.

7 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

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

8 FINANCIAL PLAN

- 8.1 The Templestowe Village Traders Association has requested that the proposed scheme raises \$54,250 per annum, reflecting a \$100 increase (from \$600 to \$700) per year for primary benefit properties and a \$50 per year increase (from \$300 to \$350) for secondary benefit properties. Based on this structure, with a total of 81 businesses, the Special Charge Scheme will raise \$54,250 in the first year of the Scheme. It is proposed that the amount will be increased in each of the subsequent four years of the Scheme by an amount equivalent to the previous year's amount, plus CPI. In total, the special charge will raise an amount of at least \$270,000 over the 5 year period of the Scheme.
- 8.2 Property owners are legally liable to pay the Special Charge, however the liability can be passed on to tenants (traders/business operators) through individual leasing/tenancy agreements. It is a matter between the property owners and tenant to decide who is responsible to pay the Special Charge.
- 8.3 Council will require the Templestowe Village Traders Association to have a high level of financial and management accountability of the funds.
- 8.4 Financial requirements will include the submission of quarterly profit and loss statements, budgets, evidence of promotion as per the Centre's business plan, an annual plan and budget and certified annual financial statements at the end of each financial year.

- 8.5 It will also be a requirement that the Templestowe Village Traders Association enters into a new funding agreement with Council, as a precondition to any funds from the proceeds of the Special Charge being paid to the Association.

9 FINANCIAL RESOURCE IMPLICATIONS

- 9.1 Council's *Special Rates and Charges Contributory Project Policy*, August 2012, states in relation to Marketing and Promotion schemes that "*Council will pay for the development and administration (including the consultation, preparation of apportionments, preparation of reports, collection and distribution of funds).*"
- 9.2 The estimated cost of renewal of the Scheme is \$15,000 which includes gauging the level of support and advertisements).
- 9.3 The Scheme will then continue to be administered by Council which collects the charge and distributes the collected funds to the Traders Association on a quarterly basis, based on quarterly progress reports of expenditure in accordance with the Association's business plan. The cost of administration of all of Council's special charge schemes forms part of the operational budget for Council's Finance and Economic Development teams in particular.

10 SUSTAINABILITY

- 10.1 Supporting the continuing viability of local shopping centres through promotion and marketing has a positive impact on community and social wellbeing. Raising the profile of Templestowe Village Shopping Centre will continue to support a successful shopping centre with quality traders, services, higher employment and prosperous businesses. Viable local centres also have environmental benefits by providing easier access to a range of goods and services for local residents.

11 REGIONAL/STRATEGIC IMPLICATIONS

- 11.1 A study from Mainstreet Australia and Essential Economics (The Economic Value of Main Street, May 2011) indicated that there are in excess of 70 Special Rate and/or Charge Schemes (for the purposes of marketing and promotion) operating throughout Victoria. The study highlighted that management and marketing programs funded by Special Rates and Charges are playing an increasingly important role in supporting the viability and health of main streets in Victoria. There are schemes in nearly one third of Victorian Councils and approximately \$7.6 million is generated directly by Special Rates and Charges. Adoption of a Special Rate and Charge Scheme is identified as the current best practice financial model to sustain a long term marketing and management framework for main street precincts, shopping and town centres.
- 11.2 Several competing centres in Manningham and in neighbouring municipalities currently operate under a Special Rate and Charge Scheme, such as Tunstall Square and Warrandyte shopping precincts, which each have a special charge scheme. The renewal of the Templestowe Village Special Charge Scheme would facilitate the competitive positioning of a local centre through marketing and promotion while demonstrating the continuation of Council supported growth in local economic strongholds.

12 CONSULTATION

- 12.1 Following the Council meeting of 26 May 2015, public notice of Council's intention to declare a Special Charge for the Templestowe Village Precinct was given in newspapers chosen by Council and by separate notice to all owners and occupiers included in the proposed Special Charge Scheme.
- 12.2 The public notice advised persons of their right to make a written submission and/or an objection in relation to the proposed Special Charge Scheme, in accordance with sections 163A, 163B and 223 of the Local Government Act 1989. The notice also advised that all submissions and/or objections were to be received by Council by the close of business on Friday 26 June 2015.
- 12.3 Council received a total of 27 submissions, including 10 in support of the Scheme and 17 objections.
- 12.4 The Notice of Intention also invited persons who wished to be heard in support of their written submission to attend a meeting of the Council Committee, details of which would be advised. Separate notice advising of the date, time and place of the Committee meeting was given to all persons who lodged a submission and/or objection who had indicated their desire to be heard in support of their submission and/or objection.
- 12.5 Seven people requested to be heard by the Committee which met on Monday, 6 July 2015 although one person was an apology on the night.

13 COMMUNICATIONS STRATEGY

- 13.1 Following the Council meeting of 25 August 2015, all owners and occupiers included in the proposed Special Charge Scheme and all submitters will be notified of Council's decision and the reasons for it.

14 CONCLUSION

- 14.1 It is considered that the only persons to derive a 'special benefit' from the expenditure of the Special Charge proceeds are those persons who are liable or required to pay the Special Charge, whether they be the owners or the occupiers of the land and the commercial and business properties included in the Scheme area (in circumstances where there are no other special benefits or community benefits accruing from the Special Charge).
- 14.2 It is considered that the special benefit will be the same for all those properties identified within the area of primary benefit and the same (although less) for all those properties within the area of secondary benefit, therefore two different charges are appropriate.
- 14.3 The proposed Templestowe Village Shopping Centre Special Charge Scheme is a positive local economic development initiative which will encourage and generate competitive commerce, retail and professional activity and employment in the Templestowe Village Shopping Centre.
- 14.4 Directly and indirectly, the viability of Templestowe Village as a commercial, retail and professional area will be further enhanced through increased economic activity by:
- Continued collective marketing and promotion of the precinct as a whole, which will assist to create a greater awareness and profile of the area, including what it has to offer to the community and its customers.

- All businesses benefitting from the continuation of a Traders Association that coordinates the daily management of activities and drives the overall strategic direction with the support of Council.
- Enhanced use, enjoyment and occupation of properties and overall business goodwill as Templestowe Village Shopping Centre will be considered a more desirable location to conduct business.

OFFICER'S RECOMMENDATION

That:

- A. Council having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989 (Act)* hereby declares a Special Charge under 163(1) of the Act (*Special Charge*) for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Templestowe Village Traders' Association Incorporated (*TVTA*), which funds, subject always to the approval and direction of Council, are to be used for the purposes of funding a Shopping Centre Coordinator, and promotional, advertising, marketing, business development and other incidental expenses as agreed to from time to time between Council and the TVTA, all of which are associated with the encouragement of commerce, employment and retail activity in the Templestowe Village Activity Centre (*Scheme*).**
- B. The period for which the Special Charge is declared and will remain in force is a period of 5 years commencing 1 July 2015 and ending 30 June 2020.**
- C. The criteria which form the basis of the declaration of the Special Charge is the ownership of rateable land used, or reasonably capable of being used, for commercial, retail or professional purposes within the geographical area in which the properties described in paragraphs F and G of this declaration are included and, further, the classification of those properties as receiving a "primary" or a "secondary" benefit.**
- D. In declaring the Special Charge, Council is performing functions and exercising powers relating to the peace, order and good government of the municipal district of the City of Manningham, in particular the encouragement of commerce, retail activity and employment opportunities.**
- E. The total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Special Charge is declared) and also the total amount of the Special Charge to be levied by Council is \$54,250 in financial year 1 July 2015 through to 30 June 2016 increasing by CPI in subsequent years.**
- F. The area for which the Special Charge is declared is all of the land referred to as the Templestowe Village Activity Centre, as identified and shown on the plan at Attachment 1 and forming a part of this declaration.**

- G.** The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in Attachment 2 and forming a part of this declaration.
- H.** The contributions to the Special Charge, based on relevant property classifications in relation to “primary” and “secondary” special benefit, will be declared and assessed in accordance with the details in the listing of rateable properties set out in Attachment 2 forming a part of this declaration.
- I.** Having regard to the preceding parts of this declaration, the Special Charge will be levied by way of a Notice of Levy being sent annually to the person who is liable to pay the Special Charge, which will require that the Special Charge is to be paid in the following manner:
- By one annual payment to be paid in full by the date fixed by Council in that Notice, which will be a date not less than 30 days after the date of issue of the Notice; or
 - By four instalments, to be paid by the dates which are fixed by Council in the Notice.
- J.** Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above or greater than the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure proposed by the Special Charge the viability of the Templestowe Village Activity Centre as a commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Special Charge Scheme area will be maintained or enhanced through increased economic activity.
- K.** Council further considers and formally determines for the purposes of sections 163(2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Special Charge are marketing and promotion related and will accordingly only benefit those properties included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.
- L.** The TVTA be authorised to administer the proceeds of the Special Charge on the express condition that the TVTA enters into a funding agreement with Council for the period of the Special Charge.
- M.** Council’s Manager of Economic and Environmental Planning or the person acting in that position, for the purposes of paragraph L of this resolution, be authorised to prepare the funding agreement between Council and the TVTA by which administrative arrangements in relation to the Special Charge are confirmed, such agreement being a formal pre-condition to the payment by Council to the TVTA of any funds to be obtained from the Special Charge.

- N. Council authorise the affixing of the common seal to the funding agreement above.**
- O. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/ or an objection, in writing of the decision of Council to declare and levy the Special Charge commencing 1 July 2015, and the reasons for the decision.**
- P. For the purposes of paragraph O, the reasons for the decision of Council to declare the Special Charge are that:**
- **there is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the proposed Special Charge from all property owners and occupiers;**
 - **Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Special Charge area;**
 - **all persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the occupation, use or enjoyment of the properties; and**
 - **the basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable.**
- Q. The TVTA be advised of the matters specified in paragraphs A, L and M of this resolution.**

Conflict of Interest

Cr Kleinert advised the Mayor and Councillors that she has a conflict of interest in this item being an indirect interest of close association and she will be leaving the Council Chamber during the consideration and voting on the item.

Having disclosed her conflict of interest Cr Kleinert left the meeting room at 7.10pm and returned at 7.18pm after the matter had been finalised and took no part in the discussion and voting on this item.

MOVED: GOUGH
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

- Attachment 1 – Special Charge Scheme Area
- Attachment 2 – Special Charge Scheme Properties and Amounts Payable
- Attachment 3 – Templestowe Village Traders’ Association Business Plan 2015-2020
- Attachment 4 – Notice of Intention to Declare
- Attachment 5 – Special Charge Scheme Submissions
- Attachment 6 – Submissions Committee Report of Proceedings
- Attachment 7 – Summary of Submissions and Officers’ Response

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10. ASSETS & ENGINEERING

10.1 2014-2015 Capital Works Program - End of June Status Report and 4.3.1.5. SRP14 Completion of 2014-2015 Capital Works Program

Responsible Director: Director Assets and Engineering

File No. T15/105

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 30 June 2015, is provided for review and consideration.

Various tables and performance indicators are used to measure and compare the achieved outcomes with the adopted budget, MYR and forecasts, and these are discussed within the body of the report.

As a yearend snapshot, the end of June result was within \$411k of meeting the reportable 90% expenditure performance target, and this shortfall was subsequently expended within the first three (3) weeks of July. That is, Council was less than three (3) weeks off achieving the 90% expenditure target for the 2014/15 works, as measured against the adopted budget.

The overall financial performance indicators reveal that \$30.419 million (88.8%) of the Capital Works Program for 2014/15 was spent against the adopted budget of \$34.269 million. This is a 7.5% improvement on the 2013/14 result. The outcomes are summarised in the following table:

2014/15 Financial Performance Outcomes				
<i>Adopted Budget \$000's</i>	<i>MYR Budget \$000's</i>	<i>Actual Expenditure (non-capitalised) \$000's</i>	<i>% of Actual Expenditure Vs Adopted Budget (non-capitalised)</i>	<i>% of Actual Expenditure Vs MYR Budget (non-capitalised)</i>
34,269	36,131	30,419	88.8%	84.2%

In terms of the number of projects delivered, sixty-two (62) were fully completed (75.6%) against a total of eighty-two (82) in the adopted program, which is also below Council's non-reportable, management performance target of 90%. However, including the partially completed projects, the overall completion percentage would increase to 95.5%. Of further note, though, is that a total of 210 sub-projects were included on the 2014/15 program.

Throughout the financial year, performance was impacted by delays on a number of projects, which resulted in three (3) projects being cancelled or fully deferred, and

some 49 incomplete projects (or \$4.981 million) being partially deferred or carried forward to the 2015/16 Capital Works Program.

The variation between the budget and actual expenditure occurred as a result of:

- savings due to efficiencies achieved;*
- project planning and approval delays;*
- hold ups by third parties, such as utility company component works, and State Government approving departments (funding partners, land managers/owners, etc);*
- tender negotiations;*
- protracted community and stakeholder consultation;*
- contractor availability problems and performance issues;*
- difficulties in gaining plant and materials, as experienced across the State;*
- impacts from storm events and other non programmed works affecting the delivery of capital works; and*
- delayed progress of works and access difficulties due to unfavourable weather.*

A detailed explanation is given against each carry forward project in tables B, G and H of the attached status report.

This report addresses and completes Strategic Resource Plan Initiative (Item 4.3.1.5) in the 2014/15 Council Action Plan, and the details of Council's performance will be included in the Annual Report.

1 BACKGROUND

- 1.1 Reporting on the status of the 2014/2015 Capital Works Program is carried out in a similar form to previous years and 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 preferred budget position against the adopted budget and year end forecast, and in regard to measuring the scope and progress of key capital projects against cost/time variations.
- 1.4 The value of completed works (actual total expenditure) on capital projects at end of June was \$30.419 million (88.8%) of the Capital Works Program (pre-capitalisation) against the against the Adopted Budget total of \$34.269 million, and (84.2%) against the Mid Year Review Budget of \$36.131 million. The net difference between the value of completed works and MYR budget being a decrease in grants and income and budget adjustments of \$1.448 million, less approved and proposed carry forwards of \$4.091 million, less unspent funds (surplus) of \$0.173 million.
- 1.5 The end of June expenditure falls only \$411k short of achieving the 90% expenditure target against the adopted budget.

- 1.6 The surplus of \$0.173 million is the net result of variations in expenditure on several projects, both under and over, but can be largely attributed to savings being delivered on a number of projects due to efficiencies being achieved. If the surplus was not included in the overall performance assessment, a revised performance score of 89.3% would be stated against the Adopted Budget.
- 1.7 The total carry forwards to 2015/16 is \$4.981 million, and includes \$0.890 million approved at the MYR, plus \$3.154 million (post MYR) that has been included in the 2015/16 Capital Works Program, plus a further \$0.937 million of proposed carry forwards/adjustments that will be considered at the 2015/16 MYR.
- 1.8 The value of works completed at end of June is \$3.850 million (11.2%) below the adopted budget, \$5.712 million (15.8%) below the YTD MYR budget, and \$0.173 million (0.6%) below the EoY Forecast amount of \$30.592 million, and includes the additional proposed carry forwards/adjustments of \$0.937 million identified under the Capital works program, outlined in 1.4 and 1.6 above.
- 1.9 The overall financial performance outcomes are summarised as follows:

2014/15 Financial Performance Outcomes				
Adopted Budget \$000's	MYR Budget \$000's	Actual Expenditure (non-capitalised) \$000's	% of Actual Expenditure Vs Adopted Budget (non-capitalised)	% of Actual Expenditure Vs MYR Budget (non-capitalised)
34,269	36,131	30,419	88.8%	84.2%

- 1.10 The variation between the Adopted Budget and actual expenditure can be largely attributed to a number of projects that did not commence or were delayed resulting in \$4.981 million being carried forward, to be completed in 2015/16.
- 1.11 The delays have occurred as a result of project planning and approval delays, protracted community and stakeholder consultation, contractor availability and performance issues, from difficulties gaining plant and materials as experienced across the state, impacts from recent storm events and other non-programmed works affecting the delivery of works, and from access difficulties due to recent wet weather.
- 1.12 Whilst these project delays have impacted on Council's overall performance resulting in funds being carried forward, many of these projects are well advanced, with \$0.600 million of the carry forward amount forecast to be spent in the first 3 weeks of July and a further \$1.5 million to be spent in the remaining first quarter of 2015/16. This means that Council was only less than 3 weeks short of achieving the 90% expenditure target. Details of progress of all carry forward projects will be included in future Capital Works Status Reports to be presented to SBS and Council.
- 1.13 Progress against milestones is also below Council's management performance target of 90% with 62 projects (75.6%) completed out of a total of 82 projects against the Adopted Program.
- 1.14 Initially the Capital Works Program consisted of 82 projects. As a part of the Mid Year Review process, 21 new projects were introduced giving an overall total of 103 projects. Council's long term planning and 10 year Capital Works Program has enabled these additional projects to be brought forward

for implementation. It should be noted that a number of the completed projects are significant in size and several programs, such as the Asset Management Strategy, Road Management Strategy, Drainage Strategy, Advanced Design Fees and Minor Capital Works, have many significant sub projects and expenditure activities. Overall, a total of 210 sub projects were included on the 2015/16 capital Works Program.

- 1.15 Some sensitivity analysis was undertaken to determine the qualitative performance of the uncompleted projects. Of the 41 incomplete projects, 23 are more than 50% completed. Including the partially completed projects, the overall completion percentage would be (95.5%) +19.9% against the Adopted Program.
- 1.16 This year's outcomes show an increase in the number of incomplete projects compared to last year, with a total of 26 projects not completed in 2013/14 and 8 projects being more than 50% completed. The performance outcomes for 2014/15 are summarised in the following table:

2014/15 Management Performance - Incomplete Projects			
No of Incomplete Projects	<25% complete	<50% complete	>50% complete
41	8	10	23

- 1.17 Whilst the total amount of funds carried forward has decreased significantly compared to last year, the total number of incomplete projects has increased from 26 to 41 as a result of project deferrals and/or delays due to circumstances beyond Council's control.
- 1.18 Further details regarding milestone performance of capital projects can be obtained from the 'traffic light' program, included with the attached Status Report.
- 1.19 Capital income received is below YTD budget income at end of June, with an overall variance of 38.1%. This variance can be attributed to a reduction in the sale of plant and vehicle items, due to lower than expected sale prices, which are dictated by market rates, and from the deferral of income and grants associated to a number of projects that have been delayed that will carry over into 2015/16.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council note the outcome of the implementation of the 2014/2015 Capital Works Program, the approved carry forwards that have been included as part of the 2014/15 Capital Works Program, the additional proposed carry forward/adjustments that will be considered at the 2015/16 Mid Year Review (Refer Table H), and approve the transfer of funds, as indicated in the Status Report (Refer Table F), to ensure effective utilisation of capital funds and additional progress was made under the program.

3 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 3.1 The delivery of the Capital Works Program is also identified as a Key Strategic Resource Plan Initiative (Item 4.3.1.5) in the 2014/15 Council Action Plan. This SRP reports on Council's performance to expend equal to or greater than 90% of capital expenditure against the adopted capital budget in accordance with Council objectives and management processes.

- 3.2 The overall performance indicators reveal that \$30.419 million (88.8%) of the Capital Works Program (pre-capitalisation) for 2014/15 was spent against the Adopted Budget of \$34.269 million, and the SRP action has therefore not been achieved against the performance target.
- 3.3 This report addresses and completes this SRP, and the details of Council's performance will be included in the Annual Report.

4 FINANCIAL RESOURCE IMPLICATIONS

- 4.1 Works under the Capital Program have been implemented with an overall surplus (under expenditure) of \$0.173 million against the end of year forecast amount of \$30.592 million. The surplus is the net result of variations in expenditure on several projects, both under and over, but can be largely attributed to savings being delivered on a number of projects due to efficiencies being achieved.
- 4.2 Whilst the carry forwards/adjustments do not create any adverse financial implications from a cash flow prospective, they do impact on Council's overall performance in terms of the funds not being spent in 2014/15, therefore resulting in a lesser number of projects being completed.

5 CONCLUSION

- 5.1 It can be concluded that the overall financial performance indicators reveal that capital expenditure is slightly below the Council Plan performance target of >90%, against the adopted budget, in the implementation of the Capital Works Program.
- 5.2 Whilst the management performance target of 90% completion of projects was not also met, the results need to be considered against influencing factors encountered with the delivery of the program, such as unforeseen problems and delays encountered with the delivery of the Capital Works Program, and that total expenditure on capital projects was some \$1 million higher than the previous ten year average. Charts highlighting capital works expenditure (non-capitalised) against the adopted budget over the past ten years are included as Appendix 1 and 2.

OFFICER'S RECOMMENDATION

That Council:

- (A) **Receive and note the attached Capital Works Program Status Report for the period ending 30 June 2015.**
- (B) **Note and approve the transfer of \$0.050 million, as indicated in the Status Report (Refer Table F), to enable effective utilisation of capital funds and additional progress was made under the Capital Works Program.**
- (C) **Note the proposed additional carry forward amount of \$0.937 million, which will be considered as part of the 2015/16 Mid Year Review.**
- (D) **Note the milestone performance table 'traffic light program', which shows which projects were not completed and will be carried forward into 2015/16.**

MOVED: O'BRIEN
SECONDER: KLEINERT

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

- 2014/15 Capital Works Program Status Report - End of June
- Traffic Light Program June 2015
- Appendix 1 Capital Works Expenditure - Past 10 years
- Appendix 2 Percentage of Capital Works Expenditure - Past 10 Years

* * * * *

10.2 Parks and Reserves Benchmarking Survey - April 2015

Responsible Director: Director Assets and Engineering

File No. T15/98

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 considers the outcomes of the annual parks and reserves maintenance and infrastructure benchmarking survey of Manningham against five (5) other municipalities, carried out during April 2015. A detailed and comprehensive parks benchmarking survey report is attached.

The parks and reserves infrastructure benchmarking survey is solely an initiative of Council, which has been conducted annually since 2000 and provides valuable trend data, and is a key exercise in assisting with the prioritising of Council's resources.

The results indicate that Manningham continues to present its parks and reserves at a high standard and is generally performing well against the other councils.

It is recommended that the report and benchmarking survey outcomes be noted, including the key improvement opportunity to raise the overall level of performance, in relation to the standard of maintenance of parks and reserves throughout Manningham.

1 BACKGROUND

- 1.1 An external consultant, Gilbert Consulting and Council's Asset Coordinator carried out a parks and reserves maintenance benchmarking survey of Manningham against five (5) other municipalities. The other councils surveyed were the Cities of Whitehorse, Monash, Maroondah, Knox and Banyule.
- 1.2 The parks and reserves benchmarking survey was carried out on 14th and 15th April 2015.
- 1.3 Parks and reserves infrastructure benchmarking surveys have been conducted annually since 2000, and the results of the key elements inspected have been compared over this period. In addition, the results for Manningham over the past surveys have been compiled, to assist in identifying any key trends or issues that may require further analysis, and to assist with resource prioritisation. The surveys are an initiative of Manningham.
- 1.4 The main objective of the benchmarking survey exercise is to determine the overall performance, from a community perspective, of each council surveyed in terms of parks and reserves maintenance and infrastructure, and to establish an appropriate visual benchmark on which to compare the overall performance and urban amenity with that of Manningham.
- 1.5 The parks and reserves benchmarking survey is assessed by a "walk around" approach to determine performance by a visual assessment, in much the

same way as a general user or visitor to that park or reserve would determine the standard of maintenance and overall presentation.

- 1.6 The parks and reserves survey included the random selection of four (4) sporting reserves, four (4) major reserves and four (4) pocket parks within each municipality, incorporating the following items; litter, basic infrastructure, grass height and quality, garden beds and overall appearance.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that the report and parks and reserves benchmarking survey outcomes be noted, including the key improvement opportunity to raise the overall level of performance in relation to the standard of maintenance of parks and reserves throughout Manningham.

3 ISSUE

- 3.1 Summaries of the survey results for Manningham, and the comparisons of performance against the other councils surveyed, are outlined in the following table:

Park Infrastructure and Amenity

(The following table summarises the number of ratings recorded for the various assessment items within the park & reserves survey. The higher the rating, the higher the standard of maintenance / presentation at the time of the survey).

Ratings				
Parks and Reserves - Assessment Items	Manningham	Average Rating (All Councils)	Highest Rating (All Councils)	Lowest Rating (All Councils)
SPORTING RESERVES				
Litter	4.3	4.3	4.5	3.8
Basic Infrastructure	4.3	4.3	4.6	3.8
Grass Height	4.1	4.3	4.8	3.9
Grass Quality	4.3	4.3	4.6	4.0
Garden Beds	4.0	3.8	4.3	3.3
MAJOR RESERVES				
Litter	4.3	4.6	4.8	3.9
Basic Infrastructure	4.1	4.2	4.5	4.0
Grass Height	3.8	3.8	4.1	3.3
Grass Quality	3.9	3.8	4.4	3.1
Garden Beds	3.9	4.0	4.4	3.8
POCKET PARKS				
Litter	4.3	4.5	4.8	4.3
Basic Infrastructure	4.1	4.2	4.4	4.0
Grass Height	3.9	3.6	4.5	3.0
Grass Quality	3.4	3.7	3.9	3.3
Garden Beds	3.8	3.8	4.5	3.3

Note: ratings are out of 5.0.

- 3.1 The results of the parks and reserves survey indicate that Manningham's performance has remained relatively consistent, over previous, with an improvement in the overall presentation of reserves in comparison to the 2014 assessment (see Chart 44 on page 31 of the attached report).
- 3.2 The results show that Manningham continues to present its parks and reserves at a high standard and is generally performing well against the other councils surveyed.

- 3.3 All reserves were found to have consistent performance and improving trend for infrastructure maintenance and garden beds and previous issues relating to consistency in performance appears to have been addressed.

Due to an overall lack of garden beds across all councils surveyed resulting in poor comparisons, garden beds will be removed from future surveys in comparing performance against other councils, but will continue to be included to assess Manningham's performance history and trends in performance year to year.

- 3.4 Evidence from the 2014 and 2015 surveys indicates a strong commitment by Council towards infrastructure renewal funding, with consistent improvement in the presentation of its reserves and corresponding infrastructure. However, Council faces a challenge of maintaining a high comparative standard with other councils over the next few years, as the 2015 survey observed a high level of new and upgraded infrastructure being implemented across the other councils.
- 3.5 Sporting reserves and major reserves also had consistent performance for grass height and grass quality, with an increased rating in 2015. Some inconsistencies were found in grass quality on pocket parks, with a slight decline from previous results. It should be noted that the Parks & Recreation Unit is currently reviewing its grass cutting and maintenance programs, particularly in regard to scheduling and resource allocation (refer to the table at paragraph 3.8 for management's response).
- 3.6 The following is a summary of Manningham's performance, including trends over past surveys:
- **Litter** - Consistent high standards being achieved on major reserves with a trend of progressive improvement, with the exception of sporting reserves and pocket parks where there has been a slight slippage from last year, but still well above the overall Industry Mean.
 - **Basic Infrastructure** - Consistent performance (renewal and maintenance) reflecting a trend of continuous improvement with a focus on regular renewal of infrastructure.
 - **Grass Height** - Continued improvement overall in performance, although some inconsistencies in grass height on pocket parks, but still above the overall Industry Mean.
 - **Grass Quality** - Steady improvement, particularly on sporting reserves and major reserves, although slight decline in performance of pocket parks from last year's result, which was adversely influenced by two reserves.
 - **Garden Beds** - Consistent performance with continued improvement compared to past surveys and well above the overall Industry Mean, although a slight drop in performance on pocket parks from last year, but still indicating an overall upward trend in performance.
- 3.7 The appearance of public areas, such as Council parks and reserves, is well regarded, and historically Manningham's performance over time has rated well in comparison to other councils. Evidence from the 2015 survey suggests that the overall presentation of Manningham's parks and reserves has improved and the challenge for Council is not only to continue to maintain high

comparative standards with other councils, but to also address inconsistencies in performance in the areas of grass quality and grass height on pocket parks.

- 3.8 A key improvement opportunity has been identified, as a result of the parks and reserves benchmarking survey, to meet the needs and reasonable expectations of the community and the overall standard of maintenance of major parks throughout Manningham. The following is a summary of the recommended action plan.

Action	Management Response
1. A review of grass height and maintenance programs be undertaken of pocket parks to improve the overall consistency and standard of presentation of parks.	<p>A review of grass height and maintenance programs is currently being undertaken to improve consistency and overall performance of pocket parks.</p> <p>The review is being undertaken as a part of a Manningham Improvement (MI) project that will investigate improvement measures in relation to grass cutting and maintenance of parks and reserves.</p>

4 BEST VALUE

- 4.1 The survey provides a comprehensive urban amenity benchmark to assist in comparing Manningham's overall performance and amenity, in regard to park infrastructure maintenance, and enables comparisons with other councils surveyed.

5 FINANCIAL RESOURCE IMPLICATIONS

- 5.1 The parks and reserves benchmarking survey is provided for within the Assets and Engineering budget.

6 CONSULTATION

- 6.1 The Manager of Parks & Recreation has been consulted in regard to the outcomes and key improvement opportunity identified as a result of the benchmarking survey.

7 CONCLUSION

- 7.1 The annual parks and reserves benchmarking survey, involving the Cities of Manningham, Whitehorse, Monash, Knox, Maroondah and Banyule continues to provide Council with a practical means of measuring its performance against similar councils. It also enables trends to be identified and effective process improvements to be implemented, to improve the consistency in performance.
- 7.2 The 2015 benchmarking survey results have shown that high maintenance standards are being achieved in most areas. Whilst grass height and quality standards were found to be inconsistent on pocket parks and have fallen compared to last year's result, it should be noted that grass height is very dependent upon the timing and scheduling of the mowing.

- 7.3 The survey has identified a key improvement opportunity to raise the overall level of performance and standard of maintenance of pocket parks throughout Manningham, and the relevant Service Unit Manager has responded with a corrective action.

OFFICER'S RECOMMENDATION

That Council:

- (A) Receive and note the report.
- (B) Note the improvement opportunity and resultant action plan identified in the report, to improve the overall level of performance in relation to the standard of maintenance of parks and reserves throughout Manningham.

MOVED: KLEINERT
SECONDED: O'BRIEN

That the Recommendation be adopted.

CARRIED

"Refer Attachments"

- Manningham Parks and Reserves Benchmarking Survey - April 2015

* * * * *

11. COMMUNITY PROGRAMS

11.1 Manningham Reconciliation Action Plan 2015-2017 (Policy)

Responsible Director: Director Community Programs

File No. T15/165

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 draft Manningham Reconciliation Action Plan (2015-2017) was approved for public exhibition by Council in May 2015. Eight submissions were received during the public exhibition phase.

Feedback was generally very positive, with key suggestions being that Council continue to actively support increased engagement with local Indigenous communities and agencies; improve training, employment and procurement opportunities for Indigenous people within Council; add value to heritage and cultural programming; and advocate for reconciliation within the local education sector. Feedback has been incorporated into the Manningham Reconciliation Action Plan (2015-2017) where appropriate.

This report proposes that Council adopt the attached Manningham Reconciliation Action Plan (2015-2017), replacing the existing Manningham Reconciliation Action Plan (2012 – 2014).

1 BACKGROUND

- 1.1 Council adopted the current Manningham Reconciliation Action Plan (MRAP) in 2012, following on from Indigenous policies dating back to 1997.
- 1.2 The Manningham Reconciliation Action Plan (2012-2014) has undergone a review process by the Manningham Reconciliation Action Plan Working Group, a specialist group appointed to strategically guide the development of the current MRAP that consists of representatives from peak Indigenous bodies, Wurundjeri Elders and cultural advisors, representatives from the Eastern Local Indigenous Network, State Government Indigenous advisors, key community stakeholders, local Indigenous representatives and Council Officers responsible for the delivery of policy actions.
- 1.3 Through this review process and consultation, the draft Manningham Reconciliation Action Plan (2015-2017) was developed.
- 1.4 Council endorsed the draft Manningham Reconciliation Action Plan (2015-2017) for public exhibition in May 2015.
- 1.5 The draft Manningham Reconciliation Action Plan (2015-2017) was placed on public exhibition for a six week period from 1 June to 10 July 2015, and an advertisement inviting public comments on the draft MRAP was placed in the local Leader newspaper.

- 1.6 Feedback was sought via Council's online consultation portal 'Your Say Manningham', and emails sent directly to key community partners and industry stakeholders inviting their feedback.
- 1.7 Eight submissions were received during the public exhibition phase, two through 'Your Say Manningham', and six received by email. A summary of public comments has been compiled (Attachment One).
- 1.8 Overall feedback was generally very positive, with key suggestions being that Council continue to actively support increased engagement with local Indigenous communities and agencies; improve training, employment and procurement opportunities for Indigenous people within Council; add value to heritage and cultural programming; and advocate for reconciliation within the local education sector.
- 1.9 Where appropriate, feedback has been incorporated with the recommended changes highlighted throughout the draft MRAP (Attachment Two).
- 1.10 The MRAP (2015-2017) was sent to Reconciliation Australia and Wurundjeri Tribe Council for their final endorsement and their statement of support will be included into the document on Council's adoption of the policy.

Wurundjeri Statement of Acknowledgement of Country

- 1.11 Council's current Wurundjeri Statement of Acknowledgement of Country is *"Council acknowledges the Wurundjeri people as the traditional custodians of this land known as Manningham and Council also acknowledges the contribution made to Manningham over the years by people of diverse backgrounds and cultures"*.
- 1.12 The Manningham Reconciliation Action Plan (2015-2017) proposes that, to better reflect Council's commitment to Reconciliation and other Victorian statements, Council update its Statement of Acknowledgement of Country to: *"Manningham City Council acknowledges the Wurundjeri people as the traditional custodians of the land we now know as Manningham. We pay our respects to Wurundjeri Elders, past and present, and value the ongoing contribution to the cultural heritage of Manningham"*.
- 1.13 As requested at the Strategic Briefing Session of 12 May 2015, Council Officers were asked to explore the development of an additional separate statement to acknowledge Manningham's cultural diversity.
- 1.14 In discussion with the relevant Council Officers, it is suggested that this could be simply done just by using the last part of the current acknowledgement as a standalone statement i.e. *"Manningham Council would also like to acknowledge the contribution made to Manningham over the years by people of diverse backgrounds and cultures"*.
- 1.15 The format of a speech is shown (Attachment Three).

Aboriginal and Torres Strait Islander Flags

- 1.16 Council currently permanently flies the Aboriginal flag directly outside the Municipal Offices, with this and the Torres Strait Islander flag replacing the Victorian State and Manningham flags on the tri-flagpole to fly alongside the Australian National flag during National Reconciliation Week, NAIDOC Week and National Sorry Day.

- 1.17 The Manningham Reconciliation Action Plan (2015-2017) proposed that, in keeping with Council's leadership in the area of Reconciliation and the practice adopted by a number of other Victorian LGAs, Council also look to permanently fly the Torres Strait Islander flag, and that both the Aboriginal and Torres Strait Islander flags being permanently positioned alongside the Australian National flag.
- 1.18 As requested at the Strategic Briefing Session of 12 May 2015, Council Officers were asked to investigate the cost of installing additional flagpoles on the Civic Precinct so that, in addition to the Torres Strait Islander flag, Council could continue to fly the Victorian flag and Manningham flag (i.e. a total of five flags to be permanently flown - Australian National flag, Aboriginal flag, Torres Strait Islander flag, Victorian State flag and Manningham flag).
- 1.19 In discussion with the relevant Council Officers it is suggested that, to achieve a better landscape design outcome and in a line of equal height and distance in accordance with the Australian Government flag protocols, the tri-flagpole be permanently removed, the existing Aboriginal flagpole be relocated, and four new flagpoles be installed on the Civic Precinct (Attachment Four).

2 PROPOSAL/ISSUE

- 2.1 It is proposed that, in addition to the Wurundjeri Statement of Acknowledgement of Country shown in 1.10, Council also adopt the standalone statement shown in 1.12 to acknowledge Manningham's cultural diversity.
- 2.2 It is also proposed that Council undertake the work outlined in 1.17 and install a line of five individual flagpoles on the Civic Precinct to be able to permanently fly the Australian National flag, Aboriginal flag, Torres Strait Islander flag, Victorian State flag and Manningham flag.
- 2.3 Finally, it is proposed that Council adopt the attached Manningham Reconciliation Action Plan (2015-2017) which includes amendments made in response to the public exhibition phase.

3 PRIORITY/TIMING

- 3.1 The adoption of the Manningham Reconciliation Action Plan (2015-2017) is timed to come into effect during Quarter One 2015/2016.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 The Manningham Reconciliation Action Plan (2015-2017) replaces the Manningham Reconciliation Action Plan (2012-2014).
- 4.2 The Manningham Reconciliation Action Plan (2015-2017) will be reviewed again in 2017 to ensure the MRAP aligns with the new Council Plan's strategic themes.

5 BEST VALUE

- 5.1 The Manningham Reconciliation Action Plan (2015-2017) was developed based on the Best Value principles of 'continuous improvement' and 'consultation'.

6 CUSTOMER/COMMUNITY IMPACT

- 6.1 Adoption of the Manningham Reconciliation Action Plan (2015-2017) will provide Council with a strategic and coordinated approach to the development and delivery of Reconciliation initiatives for the next two years.
- 6.2 The actions contained in the MRAP are designed to highlight Council's ongoing leadership in the area of Reconciliation to Manningham residents, and to the region, the State and the country.
- 6.3 The MRAP is intended to impact the local community in the following ways:
 - 6.3.1 Build respectful and resilient relationships between Indigenous people and other Australians.
 - 6.3.2 Build the cultural competency of Council and the local community to deliver services that effectively meet the needs of the Indigenous community.
 - 6.3.3 Develop innovative ways to celebrate, reconnect with, respect and preserve Indigenous cultural heritage.
 - 6.3.4 Provide local opportunities, resources and support for Indigenous people and those involved in the process of Reconciliation.

7 HUMAN RIGHTS CHARTER

- 7.1 The Manningham Reconciliation Action Plan (2015-2017) complies with the Victorian Charter of Human Rights and Responsibilities.
- 7.2 The MRAP specifically addresses the key principle – 'Respect: Cultural Rights, including recognition that human rights have a special importance for the Aboriginal People of Victoria'.

8 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION

- 8.1 The review of the Manningham Reconciliation Action Plan (2012-2014) and the subsequent development of the Manningham Reconciliation Action Plan (2015-2017) was undertaken in accordance with the action contained in the Cultural Services 2014-2015 Service Unit Plan.
- 8.2 The Manningham Reconciliation Action Plan (2015-2017) reflects the 2013-2017 Council Plan and the Generation 2030 Community Plan.

9 FINANCIAL RESOURCE IMPLICATIONS

- 9.1 There are no additional financial resources required for the implementation of the Manningham Reconciliation Action Plan (2015-2017), with the exception of three actions that are subject to funding being sourced in order for these to be completed.
- 9.2 The rest of the actions contained within the MRAP are designed to be resourced within the Cultural Services operational budget.

10 SUSTAINABILITY

- 10.1 The aim of the Manningham Reconciliation Action Plan (2015-2017) is to build a sustainable framework for the Reconciliation initiatives within Manningham.

11 REGIONAL/STRATEGIC IMPLICATIONS

- 11.1 Manningham is one of thirty-six Australian Local Governments who have nationally-endorsed Reconciliation Action Plans and is one of the ten councils in Victoria that have RAPs in place.
- 11.2 Along with the cities of Melbourne, Moreland, Hume, Whittlesea, Yarra, Stonnington, Port Phillip, Brimbank and Ballarat, Manningham continues to be seen as a leader in the Local Government Reconciliation movement.

12 CONSULTATION

- 12.1 The Manningham Reconciliation Action Plan (2012-2014) underwent a review process by the Manningham Reconciliation Action Plan Working Group, a specialist group appointed to strategically guide the development of the current MRAP that consists of representatives from peak Indigenous bodies, Wurundjeri Elders and cultural advisors, representatives from the Eastern Local Indigenous Network, State Government Indigenous advisors, key community stakeholders, local Indigenous representatives and Council Officers responsible for the delivery of policy actions.
- 12.2 Through this review process and consultation, the Manningham Reconciliation Action Plan (2015-2017) was developed.
- 12.3 Consultation was also undertaken with the Wurundjeri Tribe Council, Aboriginal Affairs Victoria, Reconciliation Victoria and Reconciliation Australia.
- 12.4 Local residents were consulted through the online public exhibition process.

13 COMMUNICATIONS STRATEGY

- 13.1 The adopted Manningham Reconciliation Action Plan (2015-2017) will be printed and distributed to all those involved in the consultation phase, as well as those residents submitting to the public exhibition phase. It will also be distributed to schools and community organisations within Manningham that have been identified as potential Reconciliation partners with Council. Copies will be made available from Council's customer service centre and libraries, and placed on Council's website.

14 CONCLUSION

- 14.1 The Manningham Reconciliation Action Plan (2012-2014) has undergone a review process involving consultation with the Manningham Reconciliation Action Plan Working Group, the specialist group that was first convened to guide the strategic development of Council's first MRAP. This group guided the development of the Manningham Reconciliation Action Plan (2015-2017) and assessed the strategic actions in terms of what was measurable and achievable in line with Reconciliation Australia's nationally-endorsed best practice.
- 14.2 Council endorsed the draft Manningham Reconciliation Action Plan (2015-2017) for public exhibition, and eight submissions were received during the public exhibition phase. Where appropriate, feedback has been incorporated into the attached final MRAP for Council adoption.

OFFICER'S RECOMMENDATION**That**

- A) Council, in addition to adopting the Wurundjeri Statement of Acknowledgement of Country as shown in the Manningham Reconciliation Action Plan (2015-2017), also adopt the standalone acknowledgement statement of *"Manningham Council would also like to acknowledge the contribution made to Manningham over the years by people of diverse backgrounds and cultures"*;
- B) Council install a line of five individual flagpoles on the Civic Precinct to be able to permanently fly the Australian National flag, Aboriginal flag, Torres Strait Islander flag, Victorian State flag and Manningham flag;
- C) Council adopt the attached Manningham Reconciliation Action Plan (2015-2017).

MOVED: GALBALLY**SECONDED: DOWNIE****That the Recommendation be adopted.****CARRIED****DIVISION**

A Division having been demanded the Council divided as follows:

FOR (8): Councillors Galbally, Downie, Yang, O'Brien, Gough, Grivokostopoulos, Kleinert & McLeish.

AGAINST (1): Haynes.

THE MOTION WAS DECLARED CARRIED

An extension of speaking time was granted to Cr McLeish.

"Refer attachments"

- Attachment One – Table of Public Comments
- Attachment Two – Manningham Reconciliation Action Plan (2015-2017)
- Attachment Three – Proposed Speech Format (Acknowledgements)
- Attachment Four – Proposed Civic Precinct Flagpoles

* * * * *

12. CORPORATE SERVICES

12.1 Request to Attend International Urban Design Conference by Councillor Stephen O'Brien

Responsible Director: Strategic Governance

File No. EF14/31557

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

Cr S O'Brien has requested the approval of Council to attend the 8th International Urban Design Conference will be held in Brisbane from 16 November to 18 November 2015 as allowed for within Council's Councillor Allowances and Support Policy.

1 BACKGROUND

- 1.1 The theme for this year's Urban Design Conference is titled Empowering Change: Transformative Innovations and Projects and will focus on inspirational changes in urban environments. The conference will be held in Brisbane from 16 to 18 November, 2015.
- 1.2 This conference is an opportunity for design professionals to exchange ideas and experiences, to be creative and visionary, and to contribute to redesigning our urban futures. It will showcase these innovations and projects which embrace and create transformational change in urban environments, ranging from the modest but high impact idea to the new Eco-city, from technological experimentation to multicultural cities, from the use of big data to physical city making.
- 1.3 The Conference program will also include presentations on the operation of an urban design practice, industry standards and the Urban Design Profession.
- 1.4 This conference streams include:
 - Building inclusive multicultural cities
 - Eco cities
 - Health & urban design
 - Higher density urbanism
 - Spatial / temporal changes in Chinese cities
 - Rapid urban development in South East Asia, China & India
 - Balancing the quick and slow formation of cities
 - Using technology to change how cities work
 - How will big data change the future of cities?
 - Urban Design Practice

- 1.5 The Conference keynote speaker is Peter Newman, Professor of Sustainability at Curtin University. In 2014 he was awarded an Order of Australia for his contributions to urban design and sustainable transport. He has worked in local government as an elected councillor, in state government as an advisor to three Premiers, in the Australian Government on the Board of Infrastructure Australia and in the UN on the IPCC as a Lead Author for Transport. His new book is '[The End of Automobile Dependence: How Cities are Moving Beyond Car Based Planning](#)'.

2 PROPOSAL/ISSUE

- 2.1 Cr O'Brien has requested Council's approval to attend the conference pursuant to Council's Councillor Allowance and Support Policy.
- 2.2 Cr O'Brien is the chair of Councils Design Task Force group and as such this conference would be of interest and very beneficial to attend.

3 POLICY/PRECEDENT IMPLICATIONS

- 3.1 Council's Councillor Allowance and Support Policy states that attendance at interstate and international seminars and conferences, except those specifically mentioned in the policy must be approved by Council.
- 3.2 The policy also states that Council will provide the following financial support to a Councillor attending an approved conference:-
- 3.2.1 Registration, Course or Sessional Fees;
 - 3.2.2 Cost of main conference meals, if not covered by the registration fee and all other meals within reasonable limits for the duration of the conference;
 - 3.2.3 Appropriate accommodation as selected after consultation with the Chief Executive Officers office from the day prior to the registration day and each day until the conclusion of the conference; and
 - 3.2.4 Cost of transportation to, during and from the conference, including return economy class air travel, economy class train or bus travel and cabcharges (if appropriate).

4 FINANCIAL RESOURCE IMPLICATIONS

- 4.1 It is proposed to cover the estimated cost from within this year's budget allocation for seminars and conferences as there are currently sufficient unused funds within Cr O'Brien's account. Cr O'Brien has also not attended an interstate or international conference as a Councillor during his term of office.
- 4.2 The estimated cost of attendance is approximately \$2,450 including full conference registration cost for a non-member of \$1150 (early bird \$1050) plus accommodation (3 nights)(\$600), meals (\$250), flights and transport (\$550).
- 4.3 As this travel will be required to be registered in the Councillors Travel Register fully accountable invoices will be submitted to verify the cost of attendance.
- 4.4 No other conference costs are to be paid by Council.

5 CONCLUSION

- 5.1 This conference offers insights into planning issues being faced by Manningham Council and is appropriate for attendance by local government elected officials.
- 5.2 Cr O'Brien has an interest in planning matters for the City being the Chair of Council's Design Task Force.

OFFICER'S RECOMMENDATION

That Council approves the attendance of Cr O'Brien at the 8th International Urban Design Conference in Brisbane, for 16 – 18 November, 2015 and notes that an estimated amount of \$2,500 for the cost of airfares, accommodation and meals as provided for in the Councillor Allowance and Support Policy be contributed for this conference.

Conflict of Interest

Cr O'Brien advised the Mayor and Councillors that he has a conflict of interest in this item being a direct interest because of his attendance at the conference and he will be leaving the Council Chamber for the consideration and voting on the item.

Having disclosed his conflict of interest Cr O'Brien left the meeting room at 7.47pm and returned at 7.49pm after the matter had been finalised and took no part in the discussion and voting on this item.

MOVED: GALBALLY
SECONDED: GRIVOKOSTOPOULOS

That the Recommendation be adopted.

CARRIED

* * * * *

12.2 Appointment of Authorised Officers under the Planning and Environment Act 1987 – August 2015

Responsible Director: Strategic Governance

File No. T15/181

The ultimate destination for this report is: COUNCIL AGENDA

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

SUMMARY

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

1 BACKGROUND

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

2 PROPOSAL/ISSUE

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

3 CONCLUSION

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

OFFICER'S RECOMMENDATION

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

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

**MOVED: O'BRIEN
SECONDED: KLEINERT**

That the Recommendation be adopted and an additional new employee, being Liz Drury, Environmental Referrals Officer (Assistant) also be appointed as an Authorised Officer.

CARRIED

"Refer Attachment"

* * * * *

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

In this instrument "officer" means -

**Tanya Overton – Town Planner and Landscape Planner,
Statutory Planning Unit.**

By this instrument of appointment and authorisation Manningham City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument comes into force immediately upon its execution and remains in force until varied or revoked or the Officer ceases employment with Council.

This instrument is authorised by a resolution of the Manningham City Council on 25 August 2015.

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

Mayor

Chief Executive Officer

Date:

12.3 Performance Report for the Period Ending 30 June 2015

Responsible Director: Director Shared Services

File No. T15/171

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 outlines Council's performance against key financial and non-financial indicators for the year ending 30 June 2015.

Financial data is based on ledger balances as at 7 August 2015 and subject finalisation of the 2014/15 external audit. Unless otherwise stated, variances are reported against the 2014/15 end of year forecasts as adopted in the 2015/16 Annual Budget document.

As at 30 June 2015, Council maintains a strong financial position and has achieved or exceeded the key performance indicators with the exception of Capital Expenditure.

The key indicators are detailed in the table 1 below:

Key Performance Indicator	Target	Result	Outcome*	
Operating Result	\$12.844M	\$14.162M	Achieved target	
Capital Expenditure	\$32.906M	\$30.419M	Expenditure behind budget **	
Working Capital Ratio	184.9%	206.7%	Achieved target	
Customer Feedback System	85% to 95%	93.3%	Achieved target	
<p>* Legend for Outcome: Green = achieving target (Fav), Amber = 0 to 5% unfavourable to target, Red greater than 5% unfavourable to target</p> <p>** Capital expenditure is a financial expenditure measure only representing the value of works completed.</p>				

As part of the Local Government Performance and Reporting Framework, 2014/15 will see the introduction of a substantially revised Performance Statement detailing 30 audited service and financial indicators. The Performance Statement will be presented to Council in early September 2015, following an external audit process and review by Council's Audit Committee.

1 BACKGROUND

- 1.1 The net operating surplus is \$14.162 million which is \$1.318 million (or 10.3 per cent) greater than the end of year forecast.
- 1.2 Revenues were \$1.368 million or 1.2 per cent greater than forecast and chiefly relate to:

- increased user fees and charges in Statutory Planning, Local Laws and higher utilisation of community facilities;
 - the receipt in June 2015 of \$1.70 million in Federal Government assistance grants for the 2015/16 financial year; and
 - developer levy contributions were \$0.913 million higher than forecast. These contributions are placed in a cash backed reserve and utilised to fund community assets as part of the capital works program.
- 1.3 Total expenditures at \$103.562 million were within forecast. Section 2.1 of the attached Performance Report provides detailed commentary on material variations to forecast.
- 1.4 After removing non cash revenue and expenses, “tied” revenues committed for specific purposes, transfers to and from reserves and funds committed to ongoing initiatives in 2015/16, the underlying or “purified” result is \$0.230 million favourable to the end of year forecast.
- 1.5 The value of capital works completed at the end of the reporting period is \$30.419 million, which is \$2.487 million less than the EoY forecast. The value of capital works completed is comprised of:
- 2014/15 budgeted works \$23.574 million
 - carry forward works from 2013/14 of \$5.535 million
 - new projects of \$1.310 million.

While the financial outcome of this indicator is favourable (because from a financial perspective expenditure is less than budget), the service delivery outcome would be red due to the capital works not being delivered at the forecast level.

A separate Capital Works Program Status Report details progress on the Capital Works Program.

- 1.6 As at 30 June 2015, the Working Capital Ratio was 206.7 per cent against a 30 June 2015 forecast of 184.9 per cent. The high Working Capital Ratio is chiefly the result of higher than expected carry forward of capital works projects to 2015/16 and a higher surplus than forecast.
- 1.7 Customer Feedback System requests have achieved a year to date completion of 93.3 per cent, which is within the target range.

2 PROPOSAL/ISSUE

- 2.1 It is proposed that the attached Performance Report for the period ending 30 June 2015 be noted.

OFFICER’S RECOMMENDATION

That the attached Performance Reporting detailing the financial and non-financial performance of Council to 30 June 2015 be noted.

MOVED: O’BRIEN
SECONDED: DOWNIE

That the Recommendation be adopted.

CARRIED

“Refer Attachments”

* * * * *

12.4 426 Yarra Road, Wonga Park - Sale of Part Road Reserve (post Statutory Advertising)

Responsible Director: Director Shared Services

File No. T15/158

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

A request has been received from the owner of the property at 426 Yarra Road, Wonga Park to purchase a triangular section of disused road at the front of his property. The section of road is not used as part of the road and footpath infrastructure, and is considered to be superfluous to Council requirements. It is recommended that Council discontinues the section of road and sells it to the abutting owner. The statutory advertising subject to section 189 of the Local Government Act 1989 has been completed and initially a section 223 submission was received by Council which was later withdrawn. The initial submission was on the issue of traffic management and road safety at the intersection of Yarra Road and Jumping Creek Road. Following consultation with Council's Engineering and Technical Services unit, a commitment has been provided in which Council will investigate traffic management and safety measures at the site. Officers will update the submitter by the end of October 2015 regarding progress on this matter.

Following this undertaking,

It is noted that the land for sale in this report is inconsequential to any safety treatments which may be instigated at this location.

It is now recommended that Council approve the sale of the part road reserve.

1 BACKGROUND

- 1.1 The owner of the property at 426 Yarra Road, Wonga Park has formally requested to purchase a triangular parcel of road reserve abutting the front of their land from Council.
- 1.2 The property at 426 Yarra Road has a land area of approximately 822 square metres, and the triangular shaped road reserve in front of that property, which has a frontage to Jumping Creek Road of 19.6 metres and a frontage to Yarra Road of 17.2 metres, has an area of approximately 146 square metres.
- 1.3 Consultation with relevant Council departments has confirmed that this land is surplus to Council requirements.
- 1.4 In addition, all service authorities have been consulted and none report any issues surrounding the proposed sale.

2 PROPOSAL/ISSUE

- 2.1 The market value has been assessed by Council's Valuers reflecting the assessed differential between the value of the land on a before and after acquisition scenario. The survey and legal costs have been estimated at approximately \$5,000 and are payable by the purchaser.

- 2.2 The acquisition of the part road reserve would increase the land area of their property; however, the resultant land area would not yield any potential for subdivision under the current planning scheme.
- 2.3 The land is zoned Low Density Residential and as such is not able to be subdivided and is regarded as sub-optimal even with the additional land.
- 2.4 Prior to agreeing to sell the land, Council must first discontinue the section of road pursuant to clause 3 of Schedule 10 of the Local Government Act 1989 (the Act) and advertise its intention to do so in accordance with section 189 of the Act, which provides the opportunity under section 207A and 223 of the Act for a person to make a submission.
- 2.5 Upon discontinuance of the road, it is recommended that the title of the road reserve be consolidated with the title of the property at 426 Yarra Road.

3 PRIORITY/TIMING

- 3.1 If Council resolves that it intends to sell the land, the following action will take place:
 - 3.1.1 a notice will be prepared for publication in the Victorian Government Gazette to discontinue the section of road, and Council's surveyor will be engaged to prepare the necessary plans and its solicitor will be engaged to undertake the transfer of the land.

4 POLICY/PRECEDENT IMPLICATIONS

- 4.1 Council policy CD14.3 Road and Lane Discontinuance provides for the sale of discontinued roadways to abutting owners.

5 CUSTOMER/COMMUNITY IMPACT

- 5.1 The discontinuance and sale of this section of road is not expected to affect anybody other than the owner of 426 Yarra Road as it has been in use as access to their property for a number of years. The existing footpath alignment along Jumping Creek Road conceals the fact that a road reserve exists to the west and south of the footpath.

6 FINANCIAL RESOURCE IMPLICATIONS

- 6.1 The land that is the subject of this report has been valued by Council's City Valuer at market value based on a before and after assessment, and the price has been agreed by the prospective purchaser, who has also agreed to pay Council's associated survey and legal costs.
- 6.2 The income from the sale has not been anticipated in Council's budget.

7 CONSULTATION

- 7.1 A Public Notice in accordance with the Act was published in the Manningham Leader newspaper, advising of Council's intention to discontinue the section of road and to sell it for market value plus costs, providing the opportunity for any person to make a submission to Council.
- 7.2 One submission was received on the issue of traffic management and road safety at the intersection of Yarra Road and Jumping Creek Road. Following consultation with the submitter, officers gave a commitment to investigate traffic management and road safety treatments at this location. These treatments include:

- 7.2.1 Investigation of a 40kph speed zone at the school crossing – this is subject to VicRoads approval. This option will be referred to VicRoads by the end of October 2015 for their consideration; and
- 7.2.2 Investigation of safety measures at the intersection of Jumping Creek Road, Dudley Road and Yarra Road. Detailed design of Jumping Creek Road is yet to commence, and when it does, community consultation will be included in the process.
- 7.3 Following receipt of this information the submitter has formally withdrawn their submission.
- 7.4 The recommendation to sell can now be put to Council for approval.

8 CONCLUSION

- 8.1 That the section of road that is the subject of this report is not required for public use, and that it be sold to the owners of 426 Yarra Road, Wonga Park.

OFFICER'S ALTERNATIVE RECOMMENDATION

That Council:

- (A) Resolves to approve to discontinue the section of road at the front of 426 Yarra Road, Wonga Park, and which is shown on the plan attached to this report and labelled as Attachment 1, and authorises the undertaking of the Government Gazettal process;
- (B) Agrees the sale price of the section of the road reserve to be acquired by the owners of 426 Yarra Road, Wonga Park, be at the assessed market value placed on the land by Council's City Valuer;
- (C) Authorises the Chief Executive Officer to execute any documents associated with the road closure and sale;
- (D) Write to the initial submitter by 31 October 2015 to inform them of progress regarding traffic and road safety at the intersection of Yarra Road and Jumping Creek Road;
- (E) Affix the common seal to the Transfer of Land and any other documents required to effect the road closure, sale and transfer; and
- (F) Resolves that the Special Committee established to hear and consider any submissions now be disbanded.

MOVED: DOWNIE
SECONDED: GALBALLY

That the Alternative Recommendation be adopted.

CARRIED

"Refer Attachments"

Attachment 1 Survey & Location Plan

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12.5 Documents for Sealing - 25 August 2015

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 the report.

OFFICER'S RECOMMENDATION

That the following documents be signed and sealed:

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and A N Esfahani & S G R Poor
30 Renshaw Street, Doncaster East**

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and X Feng & H S Zhu
36 Roderick Street, Doncaster East**

**Consent Agreement to Build Over an Easement
Section 173 of the Planning and Environment Act 1987
Council and W G P & T Allen
21 Carlton Court, Templestowe**

**Deed of Surrender of Council Licence
Council and Bendigo and Adelaide Bank Limited
Part Manningham City Square, 687 Doncaster Road, Doncaster**

**Deed of Renewal and Variation of Lease
Council and Gum Nut Gully Pre-School Association Inc
58-60 Larnoo Drive, Doncaster East**

**Lease – Section 17D of the Crown Land (Reserves) Act 1978
Council and Warrandyte Sporting Group Inc & Minister for Environment &
Climate Change
Part 2 Taroona Avenue, Warrandyte**

MOVED: GRIVOKOSTOPOULOS
SECONDED: KLEINERT

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

**Community Services Lease
Council and Florence Avenue Playgroup Association Inc
Part 7-9 Florence Avenue, Donvale**

CARRIED

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13. CHIEF EXECUTIVE OFFICER

There were no Chief Executive Officer reports.

14. URGENT BUSINESS REPORTS

There were no Urgent Business Reports.

15. QUESTIONS FROM THE PUBLIC

There were no questions from the public.

16. CONFIDENTIAL REPORTS**16.1 Amendment GC23 to Manningham Planning Scheme – Proposed Design & Development Overlay (Eastlink Exhaust Stack Environs)**

This matter has been declared confidential by the Chief Executive Officer pursuant to S89(2)(h) of the Local Government Act 1989 as disclosure may prejudice the interest of Council or any person.

Conflict of Interest

Cr McLeish advised Councillors that he has a conflict of interest in this item being an indirect interest of residential amenity and he will be leaving the Council Chamber for the consideration and voting on the item, but before he left he called for a motion to appoint an Acting Chairperson during his absence from the meeting.

MOVED: O'BRIEN
SECONDED: HAYNES

That Cr Kleinert be appointed Acting Chairperson for the period of the meeting that the Mayor is absent.

CARRIED

When Cr McLeish left the Council Chambers the Acting Chairperson assumed the chair.

Having disclosed his conflict of interest Cr McLeish left the meeting room at 7.54pm and returned at 7.56pm after the matter had been finalised and took no part in the discussion and voting on this item.

MOVED: DOWNIE
SECONDED: GALBALLY

That the Council consider this confidential matter in open Council Meeting on the understanding that the report and attachments are to remain confidential as disclosure of its contents may be prejudicial to the interests of the Council and/or other parties.

CARRIED

MOVED: DOWNIE
SECONDED: GALBALLY

That the recommendation be adopted and this matter remains confidential subject to officers being authorised to take appropriate action to implement the resolution.

CARRIED

17. QUESTIONS WITHOUT NOTICE

17.1 Payment of Rates by Direct Debit

Cr Gough asked if a report could be prepared on Manningham's Direct Debit system for paying rates and especially whether credit cards can be included in the system.

The Mayor advised that a report would be prepared for consideration.

17.2 Charitable Event

Cr O'Brien asked the Mayor if he was aware that September is Childhood Cancer month.

The Mayor advised that he was aware of this matter.

17.3 Wonga Park CFA

Cr Downie asked the Mayor if he was aware that a message board has commenced working at the Wonga Park CFA Station.

The Mayor advised that he was aware of this matter.

17.4 Warrandyte South Men's Shed

Cr Galbally asked the Mayor if he was aware that various service clubs recently visited the Scout Hall in Warrandyte South and indicated support for starting a Men's Shed project.

The Mayor advised that he was aware of this matter.

The meeting concluded at 8:01pm.

Chairman
CONFIRMED THIS 29 September 2015.

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