

Policy and Services Committee

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 6 December 2016 commencing at 7pm.

Agenda

Stuart Burdack
Chief Executive Officer

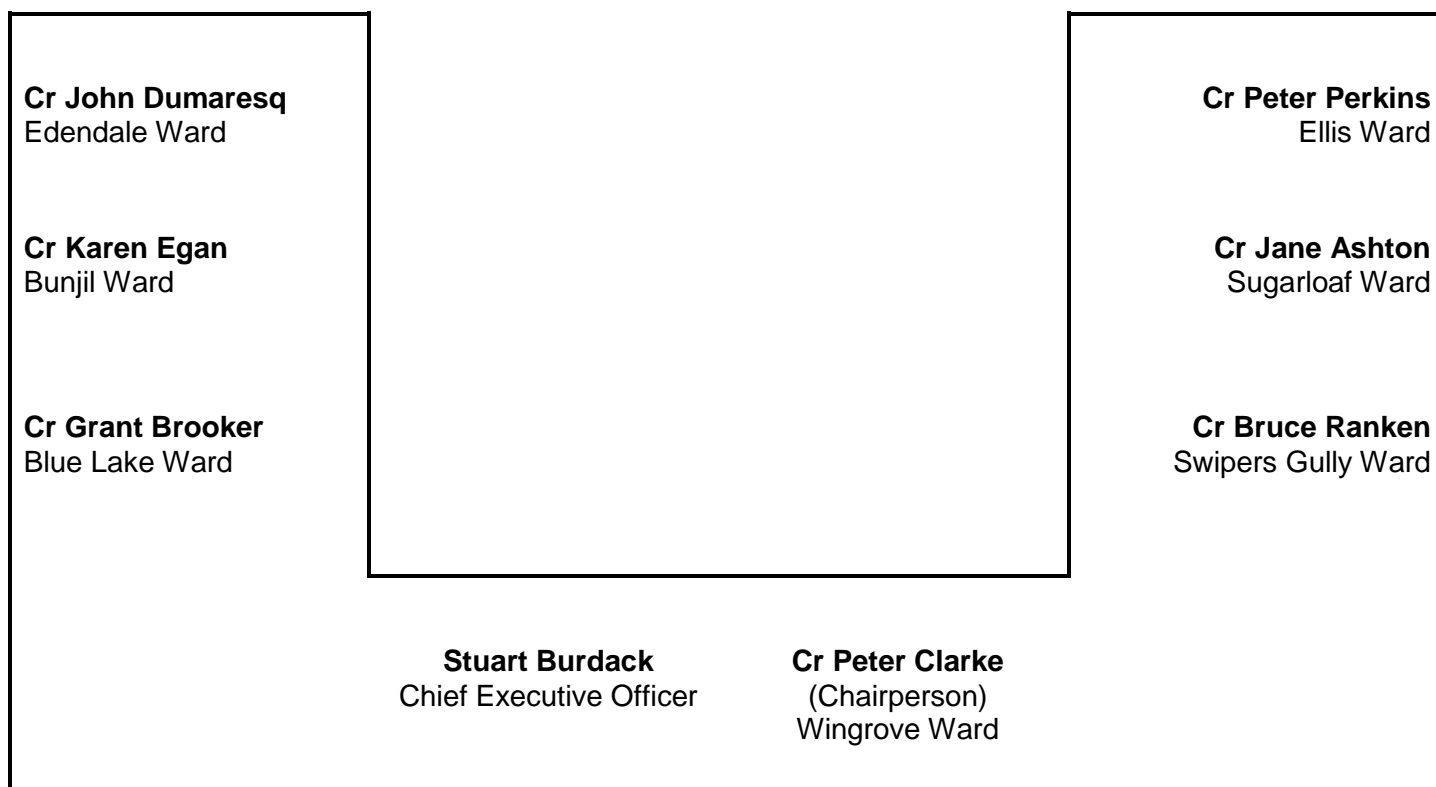
Wednesday 30 November 2016

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

Domin je ka

Policy and Services Committee seating plan



Visitors in the gallery at Committee meetings are:

- Welcome to copies of the various reports which will be considered by this Committee at the meeting. These are on the table in the foyer.
- Welcome to tea, coffee and water. These are on the table in the foyer near the Council Chamber entry.
- Requested to observe deliberations quietly in order for Committee meetings to run smoothly.
- Advised that an audio recording of this meeting will be made for the purpose of verifying the accuracy of the minutes.

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Policy and Services Committee Meeting to be held Tuesday 6
December 2016 commencing at 7pm.**

1. Welcome and apologies

Welcome by the Chair

Members of the public are advised the meeting will be recorded for the purposes of verifying the accuracy of the minutes.

Apologies

Motion

That the apologies be accepted.

2. Disclosure of conflicts of interest

Committee members should note that any disclosure of conflict of interest must be disclosed immediately before the item in which they have an interest.

3. Confirmation of minutes

Confirmation of minutes of the Policy and Services Committee Meeting held on Tuesday 6 September 2016.

Motion

That the minutes of the Policy and Services Committee Meeting held on Tuesday 6 September 2016 be confirmed.

4. Policy and Services reports

PS.033/16 Eltham North Reserve sports pavilion and community hall draft concept plan- community feedback

Distribution: Public

Manager: Pauline Gordon, General Manager Community and Leisure

Author: Naomi Paton, Manager Leisure and Social Infrastructure

Summary

The Eltham North Reserve sports pavilion and community hall draft concept plans have been developed following a number of iterations involving extensive sporting club, scout group and funding agency input over the past two years.

Preparation of the concept plans have attempted to match tenant needs and site constraints with the available budget.

The concept plans include:

- New player and official change rooms, first aid and spectator facilities shared by soccer and cricket clubs.
- Separate sporting social rooms for soccer and cricket and available for wider community use.
- Upgrades to the scout and community halls with improved kitchen, increased storage and new toilets.
- Improved traffic management within the Reserve to reduce potential pedestrian-vehicle conflict.

The concept plans have been on public exhibition. This report details the feedback received.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Adopts the Eltham North Reserve sports pavilion and community hall concept plans.**
- 2. Notes the funding shortfall and previous Council decision to refer \$490,000 to the 2017-2018 budget process.**
- 3. Acknowledges the submissions and presentations to Council on the draft concept plans.**
- 4. Receives a further report at the December 2016 Ordinary Meeting of Council.**

Attachments

1. Eltham North Reserve - aerial view - existing conditions
2. Concept Plans F008 F009 F010
3. Summary of submissions

4. Policy and Services reports**PS.033/16 Eltham North Reserve sports pavilion and community hall draft concept plan- community feedback**

Background

1. The Eltham North Reserve (ENR) sport and recreation precinct (Attachment 1) is home to the Shire's largest soccer club and scout group and also the third largest cricket club. It also provides a meeting place for community groups, organisations, and family celebrations.
2. Facilities at ENR are at capacity. The sporting pavilion and scout hall are no longer fit-for-purpose. Change facilities are inadequate and unable to cope with the large number of teams, and do not provide for female participants. The community facilities do not provide universal access nor comply with contemporary building standards. Further demands on the Reserve by sport are restricted by the fact that the grounds are operating at capacity at peak times.
3. The Reserve's facilities currently consist of:
 - a) Two natural turf sports grounds (top oval and Adventure Playground oval), a synthetic pitch used for soccer and cricket and an enclosed multi-purpose cricket practice facility.
 - b) A community facility comprising:
 - i) Basic sports pavilion with social room, bar/canteen, storeroom, two change rooms and spectator toilets.
 - ii) Scout hall with storage, office and mezzanine meeting room.
 - iii) Community hall with timber flooring, stage and storeroom providing for up to 150 people. The toilets and kitchen are shared with the scout hall.
 - (1) Due to site capacity at peak sporting times, the community hall is not available for use from 4pm Monday to Friday year-round, or on weekends during the winter season.
 - iv) Car parking for 117 vehicles, assessed to be 70-80 short to meet current demands.
4. The Reserve is home to three principal tenants.
 - a) Eltham Redbacks Football Club (ERFC) is the fourth largest soccer club in Victoria with 869 members in 2016, more than doubling in size since 2008. Eighty-two percent of members are Nillumbik residents, and twenty-six per cent are female. The club delivers soccer year-round through traditional winter season competitions from April to September, and social competitions and training academies over the spring and summer months. The Club occupies all sporting facilities in the winter season, with access limited to the synthetic pitch in the summer season.
 - b) North Eltham Wanderers Cricket Club (NEWCC) is the third largest (largest if social members are included) of ten cricket clubs in Nillumbik in season 2016-2017 with 190 members in 17 teams across all age groups. Seventy per cent are Nillumbik residents. The Club occupies all sporting facilities in the summer season.

4. Policy and Services reports

PS.033/16 Eltham North Reserve sports pavilion and community hall draft concept plan- community feedback

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- c) First Eltham North Scouts (1ENS) is one of the largest scout groups in Victoria and provides for 100 boys and girls of all ages, and 35 leaders. It occupies the scout hall year-round under a lease agreement with Council via Scouts Victoria. Membership is capped due to lack of space, with some programs delivered and storage accessed off-site.
5. In addition, the community hall is currently regularly booked a total of ten hours per week by commercial operators for dance and ballet classes, and a Council-delivered Living and Learning program. Additional periodic bookings are taken for service group meetings, community fundraising events and family functions.
 6. The redevelopment of Eltham North Reserve sports pavilion was a recommended action in the Nillumbik Soccer Strategy (2014). The Strategy was created to establish a strategic and prioritised response to the significant growth in soccer over the preceding ten years.
 7. Facility improvements seek to better accommodate existing Reserve users whilst maintaining current utilisation levels particularly at peak times. The further anticipated growth of soccer in the Shire is to be met at other facilities, including the recently redeveloped Wattle Glen War Memorial Reserve sports ground.
 8. Detailed planning of the facility redevelopment commenced following the Victorian Government's confirmation of a \$2 million election commitment in November 2014 'To go towards new cricket club rooms, new scout facilities and the refurbishment and expansion of the soccer club.'
 9. Council has worked with the sporting clubs, scout group and funding agencies on the preparation of a feasibility study and concept plans jointly funded by Council and the three tenants.
 10. At the time of project commencement, \$2.15 million was the confirmed available budget consisting of \$2 million in State Government funding for construction and \$150,000 from Council for construction project management.
 11. In November 2015, a report was considered at the Ordinary Meeting of Council (OCM.145/15) which identified three options, noting improvements to the scout and community hall were the same for each.

Option	Sports pavilion scope	Cost \$*
1	Two separate facilities involving the construction of a new clubroom facility for cricket on the west side of the top oval and the demolition and development of a new pavilion for soccer in the existing location.	3,982,000
2	Single, two-storey integrated facility with separate social areas and associated bars and kitchens for each sports club in the existing location.	3,280,000

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Option	Sports pavilion scope	Cost \$*
3	Single, industry standard facility, typically provided by Council, supporting seasonal sport with flexible social rooms allowing for soccer use year round in the existing location.	2,792,000

*Construction costs only.

12. Council resolved to continue planning for the sports clubs' preferred two pavilion option (option one), reaffirmed its \$150,000 for construction project management, referred a further \$800,000 for consideration in the preparation of the 2016-2017 Council budget (since adopted) and referred the funding of an additional 80 car-parking spaces as a medium term priority in the capital works program.
13. In early 2016, the following additional contributions were confirmed:

Source	\$
Eltham Redbacks Football Club (options 1 or 2 only)	227,272
North Eltham Wanderers Cricket Club (options 1 or 2 only)	227,272
Scouts Victoria (on behalf of 1ENS)	18,181
Total	472,725

14. Given the quantum of cricket and soccer club contributions, both clubs intend on seeking a long term lease arrangement with Council for tenancy of the respective social rooms. They each propose to sub-let facilities for wider community use as a means to generate revenue to meet loan repayments and future asset renewal and maintenance responsibilities.
15. With \$3.272 million confirmed for construction, architect-designed concept plans and costings by a quantity surveyor were prepared for options one and two, with a modified option two-A also developed, in the attempt to prepare a design with the funds available accepted by all stakeholders.

Option	Sports pavilion scope	Cost \$	Shortfall \$
1	Two separate facilities consisting of the soccer pavilion in the present location extending to the rear of the synthetic pitch terracing, and new cricket pavilion on the west side of top oval overlooking the ground.	4,328,000	1,055,000

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Option	Sports pavilion scope	Cost \$	Shortfall \$
2	One single pavilion in the present location covering an expanded footprint providing shared player and official amenities, and separate social areas for soccer and cricket. The cricket social rooms were to be located on a second floor overlooking the top oval, albeit set-back from the boundary by approximately 20 metres.	3,854,000	581,000
2A	Alternate option two (Attachment 2) of separate social rooms and shared player, umpire and spectator amenities was developed in the current location, delivered from two stand-alone buildings with cricket facilities located abutting the south side of the top oval.	3,762,000	489,275

16. The proposed changes to the scout and community hall were the same for each option with scouts to access the community hall from 4pm weeknights (as per reduced access detailed in paragraph 3b) and the scout hall modified for storage and rovers den. The amenities were to be upgraded shared by the soccer and community hall users, with additional separate toilets for the scouts. Other upgrades include enhanced accessibility, increased storage and kitchen renovation.
17. The option two-A design meets minimum facility guidelines for cricket and soccer, and delivers on Council and State Government policy detailed below in paragraph 20. All tenants endorsed this concept as their preferred option.
18. At the September 2016 Ordinary Meeting of Council (OCM.148/16), Council resolved to adopt option two-A, refer the \$490,000 shortfall for consideration in the 2017-2018 budget process and to undertake broad community consultation ahead of a further report summarising feedback at the December 2016 Ordinary Meeting of Council.

Policy context

19. This report directly supports the achievement of Council Plan 2013-2017 strategy 'We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy'.
20. Council's commitment to delivering community sporting infrastructure is highlighted in the Recreation Strategy 2011-2019. The Strategy emphasises the provision of quality infrastructure that supports the Shire's high participation levels, increased access to facilities and ensuring facilities meet community needs, are financially viable, and provide for ongoing asset sustainability and renewal.
21. The concept plans respond to both Council and State policy including universal design, environmentally sustainable design, asset management planning, crime prevention through environmental design, and increased participation by females, juniors and disadvantaged population groups.

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22. Optimising external contributions to deliver infrastructure is an objective of Council's Strategic Resource Plan. Further, the combined \$472,725 tenant contributions meets the user pays principle in Council's Financial Sustainability Plan 2013 whereby the higher the level of private benefit, the higher the proportion paid by the user.

Budget implications

23. To date \$35,145 has been spent on consultancy fees including recreation planning, architectural, quantity surveyor and acoustic assessment, and disbursements.
24. The confirmed budget for construction of the preferred option 2A, exclusive of GST, stands at:

Source	Budget (\$)
Nillumbik Shire Council	800,000
Victorian State Government	2,000,000
Eltham Redbacks Football Club	227,272
North Eltham Wanderers Cricket Club	227,272
Scouts Victoria	18,181
Total estimated cost	3,272,725
Shortfall	(489,275)

25. In addition, Council has allocated \$150,000 in the 2016-2017 budget for construction project management.
26. Club contributions will be a combination of cash and borrowings. Both clubs intend on approaching Council separately seeking loan guarantees.
27. At the July 2016 Ordinary Council Meeting (OCM.109/16) Council resolved to submit a funding application to State Government's Growing Suburbs Fund to contribute to the project. Officers have recently been advised this funding application was unsuccessful.
28. At the September 2016 Ordinary Meeting of Council (OCM.148/16), Council resolved to refer the funding shortfall of \$490,000 for consideration in the preparation of the 2017-2018 budget.
29. At the November 2015 Ordinary Meeting of Council (OCM.145/15), \$500,000 was referred to the indicative capital works program as a medium term priority to deliver 80 additional parking bays to meet existing demands. This amount is allocated in 2021-2022 of the indicative years 6-10 year capital works program.

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30. As detailed in the November 2015 Ordinary Council Meeting agenda Council is operating in a constrained financial environment. Sharing player, umpire and spectators amenities year-round, and facilitating wider community use of the sports pavilion social rooms at off-peak times optimises use of community facilities and return on rate-payer investment.
31. Providing additional and expanded social rooms above typical Council provision, and which primarily supports sporting clubs' commercial activities, can be justified as they are being largely funded by the principal club tenants. Should Council enter into leasing arrangements with sporting clubs for the tenancy of pavilion social rooms, under current leasing arrangements the clubs will be responsible for all asset renewal and maintenance responsibilities.

Consultation/communication

32. The project Reference Group has met regularly since the project's inception in late 2014.
33. The Reference Group has sought advice from FFV, Cricket Victoria (CV) and Scouts Victoria (SV) on the recommended facility provision, as well as visited other contemporary sporting facilities to help shape facility concept design.
34. Nillumbik University of the Third Age (Nillumbik U3A) also advised the Reference Group in relation to the potential use of the sports pavilion social rooms for community use outside sports' use.
35. The Reference Group has developed and over time refined the options reflecting the available budget, minimum levels of facility provision to meet user needs, respond to site constraints, comply with contemporary building standards and deliver on relevant State and Local policy.
36. Three weeks of community consultation on the Council-endorsed concept two-A was undertaken. Submissions closed Thursday 17 November 2016.
37. Consultation was promoted on Council's website, in social media and via signage across the Reserve. Brochures were distributed to local schools, delivered to 385 homes within the Reserve's catchment, made available at local community facilities, and circulated to Reserve tenants, users groups and peak sporting bodies.
38. An onsite community information session was held on Friday November 4. Four community members and representatives of ERFC, NEWCC and Nillumbik U3A attended.

Issues/options

39. A total of 42 written submissions were received (Attachment 3) and can be summarised as:
 - a) Thirty-five submissions were in support of the concept plans – including FFV, CV and Nillumbik U3A, ERFC and 1ENS – with three submitters suggesting additional improvements.
 - b) Two submitters did not indicate support or opposition but provided comments for consideration.

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- c) Two submitters strongly opposed the concept plans and any further development of ENR facilities.
 - d) Three submissions were received which did not directly relate to the concept plans.

The response to feedback is detailed below.

- 40. The most common feedback and concern, with six comments received, related to parking and traffic management within the Reserve and along Wattletree Road at peak times.
 - a) Response: Given that the Reserve and sports grounds are already operating at capacity at peak times, traffic demands will not further increase outside off-peak times as a result of improvements to the sports pavilions and halls.
 - b) Twenty-four replacement parking bays will be relocated from south of the existing building by expanding the car park off Wattletree Road.
 - c) The Feasibility Study identified a total shortfall of approximately 80 bays across the Reserve. Whilst it is not a town planning requirement to provide additional car parking for the proposed development, \$500,000 has been referred to 2021-2022 of the indicative 6-10 year capital works program to expand car parking to meet existing demands. The design of additional car parking will seek to improve access onto Wattletree Road.
 - d) A submitter was concerned about increased traffic flows along Wattletree Road. This road is the responsibility of VicRoads. Council continues to advocate to State Government for traffic improvements across the Shire including the delivery of the North East Link to assist in reducing congestion on VicRoads, and local roads owned by Council.
 - e) Other suggested improvements to be incorporated are:
 - i) Bike-parking to reduce vehicle traffic and promote increased active travel to the Reserve.
 - ii) Installing a barrier across the internal access road to reduce vehicle-pedestrian conflict. At peak times, access will be maintained for people with a disability, emergency vehicles and for the delivery of supplies and equipment.
- 41. One submitter expressed concern that the Reserve is operating at or above capacity.
 - a) Response: Council recognises significant growth in soccer participation across Nillumbik and acknowledges that ENR is operating at capacity. The concept plans seek to improve ENR facilities for existing users at peak times, not grow membership. Additional participation is to be provided for elsewhere, including the new soccer facility at Wattle Glen War Memorial Reserve and current development of a synthetic soccer pitch at nearby St Helena Secondary College in neighbouring Banyule City Council
- 42. Two submitters viewed the duplication of sports pavilion social rooms unnecessary and the facility design to exceed user needs.

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- a) Response: Soccer programs are delivered year-round, with ERFC currently unable to access change and social facilities from October to March.
 - b) Two social rooms are necessary to support the needs of both sporting clubs year-round, and provide new day-time meeting spaces mid-week.
 - c) The designs have undergone extensive value-engineering involving project stakeholders, SRV and peak sporting bodies with cost estimates from the quantity surveyor reflecting current construction rates. The component schedules have been reduced to meet minimum sporting facilities guidelines, the only exception being the expanded social rooms which are to be funded by the sports club tenants where they exceed Council's level of provision.
43. One submitter considered the cost to Council too high.
- a) Scope meets minimum sports facilities guidelines and achieves Council and State policy outcomes including female participation, universal access and environmental sustainability. Costings are confirmed by SRV as being consistent with recent development of similar facilities.
44. One submitter called on change rooms to provide for females.
- a) Response: Four unisex change rooms will be provided, providing flexibility to all users including people with a disability.
45. Three submitters highlighted concerns over potential impacts on the neighbouring residential amenity including increased noise (from both the sports grounds and buildings), consumption of alcohol and increased and extended hours of use for evening social functions.
- a) Response: Use of the Reserve has significantly increased in recent years, particularly in the winter season. As sports grounds are operating at capacity at peak times, current usage levels will be maintained and additional noise or other amenity impacts are expected on match days as a result of this project.
 - b) It is anticipated there will be increased use of facilities for functions. Officers are obtaining independent acoustic advice, due mid-January 2017, to assist with informing the design and construction of facilities in order to optimise noise attenuation.
 - c) Addressing potential noise issues will be considered during the planning permit application process. Controls can be considered regarding the operation and activity of facilities, including use of outdoor viewing areas. Any planning permit conditions are then reflected in tenancy agreements.
 - d) The sale and consumption of alcohol is regulated by the Victorian Commission for Liquor and Gaming Regulation. Council is a referral authority to the Commission on the assessment of liquor licence applications. The two sports clubs have permanent liquor licences which prescribe the days and times liquor can be supplied. Additional facility users would need to operate within the provisions of existing licences, or obtain a temporary liquor licence for one-off events.

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- e) Where use of community facilities has an unreasonable impact on the local area amenity, enforcement may be dealt with under the *Public Health and Wellbeing Act 2008* or *Environment Protection Act 1970*. As currently occurs, the Police will manage any illegal or anti-social behaviour associated with community use of Council facilities, and Council officers will manage in accordance with conditions specified in all tenancy or hire arrangements.
46. One submitter was concerned that trees would need to be removed.
- a) Response: As the proposed works will be located within close proximity of native vegetation an Arborist Report is needed in submitting for town planning approval. If vegetation is to be removed (confirmed at final detailed), and subject to requirements detailed in the Planning Scheme, Council must undertake a Biodiversity Assessment Report demonstrating the trees to be removed and their offset requirements.
47. Three submissions were not directly related to the concept plans, but are noted. These were:
- a) One submitter expressed concern over the quality of the top oval playing surface and suggested upgrading or converting to a synthetic surface.
- i) Response: The sports ground underwent a redevelopment in 2008-2009, with additional perimeter drainage, improvements to the irrigation system and increased maintenance occurring over the past three years. The condition of the playing surface is a direct result of high usage and the ground operating at capacity in the winter season.
- ii) Converting the ground surface to synthetic suitable for cricket and soccer would cost in the order of \$1.3-1.5 million. A new synthetic soccer pitch is under development at nearby St Helena Secondary College which will be available to ERFC, helping the Club to spread usage.
- b) One submitter called for the redevelopment to include the provision of netball training facilities.
- i) Response: Four new netball courts are under construction at nearby St Helena Secondary College, home of Eltham Netball Club. A further two courts are proposed for upgrade at Eltham High School for community use by Eltham Panthers Junior Netball Club, and Council has submitted a grant to State Government through the Shared Facilities Fund to implement at no cost to Council.
- c) One submitter called for the concept plans to include the availability of the Reserve for dogs off leash.
- i) Response: The concept plans do not provide comment on how the sports grounds are used, however the November 2015 stage one Feasibility Study report acknowledges grounds are operating at capacity.

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- ii) Dogs have not been permitted off-leash at the Reserve since 2002; a recommendation in the 2001 Domestic Animal Strategy to minimise additional wear and tear and eradicate dog faeces which impact on the sports grounds' use for its primary sporting function. The provision of off-leash areas was reviewed in 2007 and again in 2012 as part of the development of the four-year Domestic Animal Management Plans. A new four-year plan is being developed in 2017- all current on/off leash areas will be reviewed again.
 - iii) Sixty-one hectares of off-leash area is available at nearby Diamond Creek Reserve, located one kilometre to north of the Reserve.
48. Letters of support were received from Nillumbik U3A, FFV and CV.
- a) Nillumbik U3A supports the proposed development which would provide the organisation with access to a variety of different sized venues.
 - b) FFV supports the concept plans to support existing soccer use.
 - c) CV supports the concept plans and the sharing of player, umpire and spectator facilities across both facilities. The concept plans deliver on CV objectives to improve facilities and grow participation, and is aligned with key strategy including 'Common Ground: A unified plan for Victorian Cricket Facilities Development' and Cricket Australia's 'Community Cricket Facility Guidelines'.

Conclusion

49. The concept plans have been developed with extensive input from reserve tenants and stakeholders, with the final design reflecting the minimum recommended component schedule to meet sports facility guidelines and year-round usage demands.
50. A funding shortfall of \$490,000 remains despite an extensive value-engineering process and the confirmation of a further \$472,725 contribution from tenants. This amount was referred by Council in September 2016 to the 2017-2018 budget process.
51. This report summarises the responses to submissions received on the draft concept plans through recent wider community consultation.
52. The submissions received largely demonstrate strong community support for option two-A. A small number of submissions expressed strong opposition to any further development or increased usage of the Reserve, citing existing and anticipated future amenity impacts associated with use of sports grounds, sports pavilion social rooms and community hall, the latter particularly in the evening. Feedback received will inform final design.
53. The report recommends the concept plans option 2A be adopted.
54. A further report will be presented at the December 2016 Ordinary Meeting of Council for Council.

4. Policy and Services reports**PS.034/16 Potential sale of surplus Council land - 22 Luck Street, Eltham**

Distribution: Public**Manager: Conal Creedon, General Manager Infrastructure Services****Author: Natalie Champion, Property Officer****Summary**

At the Ordinary meeting of Council held on 13 September 2016, Council resolved to commence the necessary public consultation process required under sections 189 and 223 of the *Local Government Act 1989* (the Act) in order to consider the sale of land located at 22 Luck Street, Eltham (Attachment 1). In accordance with the Act, Council also resolved to invite public submissions on the proposed sale, and consider the contents of any submissions received at a future meeting of Council's Policy and Services Committee, prior to making a final decision on whether to proceed with the sale.

This Report provides Council with a brief history and overview of the land located at 22 Luck Street, Eltham, a summary of public submissions received on the matter, as well as an officer's response to key themes raised in those submissions.

Council must consider the contents of all submissions prior to making a decision on whether to proceed with the sale of the land. This will be the subject of a report to the Ordinary Meeting of Council to be held on 20 December 2016.

Recommendation**That the Committee (acting under delegation from Council):**

- 1. In accordance with section 223 of the *Local Government Act 1989* (the Act), receives and notes the contents of submissions received in response Council's section 189 public consultation process, relating to the proposed sale of land located at 22 Luck Street, Eltham.**
- 2. Presents a report to the Ordinary Meeting of Council to be held on 20 December 2016 regarding the consideration of submissions, in accordance with section 223(i)(c) of the Act.**
- 3. Notifies submitters accordingly and thank them for their submissions.**

Attachments

1. Map of 22 Luck Street Eltham
2. Submissions Summary

Background

1. In July 2002, Council formally adopted a statement of Property Portfolio Management Principles (PPMP).

4. Policy and Services reports

PS.034/16 Potential sale of surplus Council land - 22 Luck Street, Eltham

2. The strategic objective that is reflected in Council's PPMP is to enable Council to continue to achieve a better alignment of its property portfolio with identified community needs and to direct the proceeds from the sale of surplus Council land towards uses of a capital (non-recurrent) nature, including other property purchases, capital works and/or reduction of debt principal.
3. The review of Council's property portfolio is an ongoing process whereby individual parcels of land are identified as being potentially surplus to Council's strategic needs
4. Since July 2002, Council has undertaken a range of property transactions involving land purchases and sales.
5. At the Ordinary Meeting of Council held on 24 November 2015, Council considered a report on the condition of the dwelling and out buildings constructed on Council owned land located at 22 Luck Street, Eltham and resolved to demolish them due to their poor overall condition and the substantial estimated cost to undertake required renewal and structural works. Demolition works were completed in August 2016.
6. At the Ordinary Meeting of Council held on 13 September 2016, Council resolved to commence the Section 189 public consultation process it is required to complete in order to consider the sale of the land located at 22 Luck Street, Eltham.

Details of 22 Luck Street, Eltham

7. Land Area:973m²
8. Zoning: Schedule 1 to the Activity Centre Zone
9. Overlays: Significant Landscape and Neighbourhood Character
10. Possible future uses: Development may be commercial, retail, residential or a mixture of those categories
11. Title Details: Lot 20 on Plan of Subdivision 7637, Vol 07225/Folio 935.

Policy context

12. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will undertake long-term financial planning to ensure our budget decisions are responsible and sustainable.

Budget implications

13. The necessary statutory processes for Council to give notice of its intention to sell the land and, if Council then chooses, the sale of the land can be funded from Council's operating budget.
14. The proceeds of any sale would be allocated to Council's Major Projects Reserve, and would fund uses of a capital nature, including property purchases, capital works and/or debt reduction.

Issues/options

15. Since July 2002, Nillumbik Shire Council has progressively undertaken property transactions involving land purchases and sales. The sale of surplus Council land can make an important contribution to funding capital works and major projects.

4. Policy and Services reports**PS.034/16 Potential sale of surplus Council land - 22 Luck Street, Eltham**

16. Properties considered to be potentially surplus to Council requirements are subject to a rigorous internal referral process that includes assessment by officers against relevant Council strategies, including the Open Space Strategy, Eltham Major Activity Centre Structure Plan, Biodiversity Strategy, Recreation Strategy and the Recreational Trails Strategy, prior to Council giving consideration to commencing any formal sale process.
17. The land at 22 Luck Street, Eltham was purchased by Council in the mid 1990's for provision of the planned Eltham Circulatory Road, when it was thought the road would run through to Luck Street. Implementation of the Circulatory Road project resulted in its northern termination being at Pryor Street, resulting in the land at 22 Luck Street, Eltham being surplus to this project and therefore Council requirements.
18. A dwelling was previously located on the land and was tenanted until June 2016.
19. The dwelling was in poor condition and required substantial structural and renewal work to bring it up to an appropriate standard.
20. At the 24 November 2015 Ordinary Meeting of Council, it was resolved not to renew the tenant's lease and to demolish the dwelling. This was completed in August 2016.
21. The land at 22 Luck Street has been internally assessed as having no current designated strategic or operational use to Council, and if sold would generate substantial funds.
22. In the context of the Eltham Structure Plan the land has significant commercial value and potential for business, retail or housing uses that support the objectives of the Plan.

Public Consultation/Submissions

23. The sale of Council land is subject to the requirements of section 189 of the *Local Government Act 1989*. Section 189 requires Council to give a minimum four weeks public notice of its intention to sell land and invite public submissions on the matter. Council is further required, in accordance with section 223 of the Act, to consider the contents of public submissions, prior to making any decision to proceed with the proposed sale.
24. In response to Council's resolution on 13 September 2016, a public notice was placed in the *Diamond Valley Leader* on 19 October 2016. In addition, prominent notices placed on the land, and Council's intention was advertised on its Facebook and web sites, with attached online submission forms.
25. The public consultation period commenced on 19 October 2016 and closed after the mandatory 28 days on 16 November 2016.
26. Three submissions have been received by Council. Contents of those submissions are summarised in Attachment 2 of this report for Council's consideration. Copies of individual submissions have been circulated separately to all Councillors.

Summary of public submissions

27. The three submissions received did not support the proposed sale of 22 Luck Street. The key themes raised in submissions, together with officer's response are as follows.

4. Policy and Services reports**PS.034/16 Potential sale of surplus Council land - 22 Luck Street, Eltham**

Key Theme 1 – Sale of land will lead to more over - development in Eltham

28. Two of the three submissions made comment on the potential sale leading to over development within central Eltham. One submitter requested that a covenant be placed over the land prior to sale, to restrict any future development to a single dwelling.

Officer response

29. The land is zoned under Schedule 1 to the Activity Centre Zone (ACZ) in the Nillumbik Planning Scheme and is depicted as a 'Key Development Site' in Precinct 1 of the Eltham Activity Centre Framework Plan.
30. The Eltham Major Activity Centre Structure Plan (NSC 2004) is the key strategic document that defines the re-shaping of the Eltham Major Activity Centre. It encourages a mixed use of residential and office buildings in Luck Street, which is consistent with the zoning.
31. In relation to placing a section 173 Agreement or a Covenant over the land to restrict future use to construction of a single dwelling, such an action would contradict what is encouraged under the current zoning and would negatively impact on the market value.

Theme 2 - Further development will exacerbate current traffic and car parking problems in Eltham

32. The three submissions raised concerns that Eltham is already experiencing traffic congestion and parking difficulties due to over development within the area. One submitter has requested that the land be utilised for additional car parking.

Officer response

33. Any future development of the land would be subject to the normal planning approval process. Traffic and car parking requirements would be assessed as a part of that process.
34. The Eltham Major Activity Centre Car Parking Strategy Report (26 June 2013) noted that peak parking occupancy in Eltham was 70 per cent of capacity, but short term demand exceeds the short term supply. The Report made a number of recommendations, including to; maintain the existing balance of short term and long-term occupancies within Precinct 1; develop a car parking strategy for the Eltham area; and car parking rates be applied to future commercial and residential developments.

Conclusion

35. As a part of the ongoing review of Council's property portfolio, land located at 22 Luck Street, Eltham has been assessed as having no strategic use, and is therefore considered surplus to Council's requirements.
36. In order to consider the future sale of these parcels of land, Council has undertaken a public consultation process in accordance with section 189 of the *Local Government Act 1989* and advertised its intentions to sell the land and invite public submissions.
37. In accordance with section 223 of the Act, the contents of submissions received in response to the public advertisements are now required to be considered by Council, prior to it making any final decision to sell the land at the Ordinary Meeting of Council to be held on 20 December 2016.

4. Policy and Services reports

PS.035/16 Municipal Public Health and Wellbeing Plan 2017-2021 Project Reference Group and Draft Terms of Reference

Distribution: Public

Manager: Pauline Gordon, General Manager Community and Leisure

**Author: Diana Bell, Coordinator Social Development and Service Planning
Corrienne Nichols, Acting Manager Community Services and Social Development**

Summary

The *Public Health and Wellbeing Act 2008* (section 26) requires a Municipal Public Health and Wellbeing Plan be prepared within 12 months of the general election of Council.

The governance structure proposed for the preparation of this plan provides a Project Reference Group composed of key stakeholders to provide knowledge and advice to Council in respect to developing and implementing the 2017-2021 Plan.

It is recommended that this group includes one Councillor as chair, and that the group operates in accordance with an adopted Terms of Reference.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Appoints one Councillor to the Municipal Public Health and Wellbeing Plan 2017-2021 Project Reference Group, being the Community Services Portfolio Councillor Cr Ashton as Chair.**
- 2. Adopts the Terms of Reference for the Municipal Public Health and Wellbeing Plan 2017-2021 Project Reference Group.**

Attachments

1. Municipal Public Health and Wellbeing Plan 2017-2021 Project Reference Group Terms of Reference

Background

1. The four year Municipal Public Health and Wellbeing Plan (MPHWP) is a legislative requirement of all Councils under the *Public Health and Wellbeing Act 2008* (the Act). Councils must prepare a MPHWP within the period of 12 months after each general election of Council.
2. In accordance with section 26 of the Act, the MPHWP must:
 - Include an examination of the data about the health status and health determinants in the municipality.
 - Identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing.

4. Policy and Services reports**PS.035/16 Municipal Public Health and Wellbeing Plan 2017-2021 Project Reference Group and Draft Terms of Reference**

- Provide for the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan.
 - Specify how Council will work in partnership with the Department of Health and Human Services and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the plan.
 - Be consistent with the Council Plan and Municipal Strategic Statement.
3. The MPHWP 2017-2021 must be provided to the Department of Health and Human Services no later than 27 October 2017.

Policy context

4. This report directly supports the achievement of Council Plan 2013-2017 strategy:
- We will plan and deliver accessible community services that enhance health and wellbeing across all life stages.

Issues/options

5. The *Public Health and Wellbeing Act 2008* reinforces the statutory role of Councils to 'protect, improve and promote public health and wellbeing within the municipal district' (s24). The MPHWP required of local government under the Act sets the broad mission, goals and priorities to protect and promote municipal public health and wellbeing.
6. In preparing a MPHWP, Council must have regard to the Victorian Public Health and Wellbeing Plan 2015-2019. The Act also allows flexibility for Council to consider and plan for issues in locally determined ways, which fit with existing planning frameworks and strategies. The MPHWP 2017-2021 will give consideration to the health and wellbeing issues as understood through the statistical evidence and the community consultations, as well as give realisation to all of Council's existing strategic plans, policies and programs that aim to protect and promote health and wellbeing in the municipality.
7. Preliminary planning for the MPHWP 2017-2021 includes planning a coordinated and sustainable governance and leadership structure. The proposed governance structure provides:
- a) A Project Control Group (PCG) to oversee the process, provide advice and input into the development of the Plan
 - b) The Project Working Group (PWG) comprising Council officers will undertake the day to day work required to deliver the Plan
 - c) The Project Reference Group (PRG) to provide community stakeholder input into the project and review documentation. The PRG is proposed to be chaired by Cr Jane Ashton as the Community Service Portfolio Councillor, and include other stakeholders representing a variety of organisations and interest groups from across the Shire.

4. Policy and Services reports

PS.035/16 Municipal Public Health and Wellbeing Plan 2017-2021 Project Reference Group and Draft Terms of Reference

8. It is proposed the PRG will meet bi-monthly during the planning phase, then quarterly during the life of the MPHWP, as set out in the draft Terms of Reference.
9. The draft Terms of Reference for the Project Reference Group will be presented to Council for consideration.

Conclusion

10. The PRG will provide an important link between the Nillumbik community and Council, providing community knowledge, advice and perspectives across a diverse range of interests and disciplines to help shape and implement the MPHWP 2017-2021.

4. Policy and Services reports**PS.036/16 Landfill Contract Extension**

Distribution: Public**Manager: Conal Creedon, General Manager Infrastructure Services****Author: John Smyth, Coordinator Waste Management****Summary**

Council has participated in the Metropolitan Waste and Resource Recovery Group's (MWRRG) Landfill Services contract with Hanson Landfill since 2011 and Landfill Operations since 2015. The contract provides a landfill disposal service at Wollert for Nillumbik's putrescible and inert waste which cannot otherwise be recycled or diverted from landfill. The initial contract period with Hanson expired on 31 March 2015 and Council has extended the contract for an additional two years. There are two extensions periods of two years each remaining on the contract

Officers have undertaken a performance assessment of the service and this report outlines the findings and recommendations for disposal services. Based on the review of the services provided under the current contract it is recommended that Council exercises the option to extend the contract for the remaining two periods of two years. This will maintain the current competitive prices available to Council.

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

Recommendation**That the Committee (acting under delegation from Council):**

- 1. Exercises the option to extend the Landfill Services Deed with Hanson Landfill Services and Landfill Operations Pty Ltd for two periods of two years commencing on 1 April 2017.**
- 2. Advises the Metropolitan Waste and Resource Recovery Group (MWRRG), Hanson Landfill Services Pty Ltd and Landfill Operations Pty Ltd of this decision.**
- 3. Authorises the General Manager Infrastructure Services to finalise and sign the contract extension**

Attachments

Nil

Background

- 1. Nillumbik Council participated in the Landfill Services for Metropolitan Melbourne Councils procurement process in 2010, facilitated by Metropolitan Waste and Resource Recovery Group (MWRRG) on behalf of 21 metropolitan councils.**

4. Policy and Services reports**PS.036/16 Landfill Contract Extension**

2. Nillumbik Council's participation in the procurement of waste services that are facilitated by MWRRG under the provisions of Section 49SC of the *Environmental Protection Act* is exempt from the tendering provisions of section 186 of the *Local Government Act 1989*.
3. At its meeting of March 2011 Council considered a report detailing the outcome of the tender process and resolved to enter into a contractual arrangement for the supply of landfill services from Hanson Landfill Services for the period 1 June 2011 to 31 March 2015 with the option of up to three extensions of the contract term of two years each, at MWRRG and Council's discretion.
4. In August 2015 based on advice from MWRRG, Council resolved to enter into a contractual arrangement with the Landfill Operations Pty Ltd to ensure access and contract pricing with a second landfill operator in the event of the closure of the primary landfill.
5. The outcome for Nillumbik Council is that Hanson Landfill Services in Wollert remains the destination for Nillumbik's kerbside and other waste. While Hanson does not provide the lowest gate price, the overall cost of delivering waste to Hanson provides the best cost benefit for Nillumbik. The proximity of the landfill to Nillumbik provides the lowest transport costs. Hanson also demonstrates best practice landfill processes in terms of environmental impact.
6. Council currently disposes of the following waste to landfill:
 - a) Putrescible waste from Nillumbik's kerbside garbage stream
 - b) Other kerbside collection streams that have been determined to be contaminated beyond economic recovery.
 - c) Inert waste from Nillumbik Council's Recycling and Recovery Centre excluding materials that cannot be disposed of in landfill (e.g. motor oil) or materials that can be recovered and resold or reprocessed.
 - d) Inert and putrescible waste from Nillumbik Council's roads and parks maintenance programs as required. This may include dumped rubbish, street and reserve litter collection, street and drain cleaning, road grading, dead animals and any other material that cannot be reused or reprocessed.
7. In December 2014, Council decided to extend the contract for a further two years to 31 March 2017. Council now has the option to consider a second extension of two years or a final extension of four years at the current contract rate and conditions.

Contract structure and governance arrangements

8. The contract structure enables MWRRG to act on behalf of participating councils. Councils provide direction to MWRRG on high level contract issues through a User Group which is made up of representatives from each Participating Council. Day to day administrative issues will be managed directly between the council and the contractor.
9. The contract structure consists of:
 - a) The Landfill Services Deed that MWRRG entered into with each of the successful contractors.

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- b) The Participation Agreement that MWRRG entered into with each participating council. Nillumbik Council entered into a Participation Agreement with MWRRG.
 - c) The Direct Deed that each Council entered into with the contractor(s) that the Council chose to use. Nillumbik Council entered into a Direct Deed with Hanson Landfill Service.
10. Two additional ancillary documents provide structure for the administration of the contract (the Contract Administration Protocol) and for the waste delivery obligations that councils may make with a contractor under the Direct Deed

Policy context

11. The Council Plan 2013–2017 seeks to improve Council’s waste management programs and uses recycling and waste diversion levels as strategic indicators.
12. The Plan also seeks to ensure that Council’s services are high quality, efficient and deliver good value for ratepayers.
13. The Victorian State Government’s Statewide Waste and Resource Recovery Infrastructure Plan (Victoria 2015-44) contains a range of initiatives aimed at minimising the amount of waste generated, minimizing the environmental impact of waste and maximising opportunities for materials recovery and reuse.
14. The Metropolitan Waste and Resource Recovery Group’s (MWRRG) Metropolitan Waste and Resource Recovery Implementation Plan provides detailed discussion about how to achieve resource recovery for metropolitan Melbourne over the next ten years.
15. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide environmental best practice services in waste and recycling.

Budget implications

16. It is expected that the Landfill Services contract will be extended on 1 April 2017 for a term of a further four years from the date of extension ending 31 March 2021.
17. The disposal cost for this service is determined by two components, contract gate price and Landfill Levy. In 2017-2018, the contract gate price will be adjusted by CPI (All Groups Indices – Melbourne based on December quarter 2016). The Landfill Levy is determined by State Government and is currently set at 4.45 ‘Fee Units’. Fee Units are set by Treasury and adjusted from time to time, typically with the State Budget.
18. The 2016-2017 budgets have been prepared based on an assumption of the contract extension and a gate price increase in accordance with the contract.
19. As there are limited landfill operators of the capacity to meet the regional needs for household putrescible disposal and the current pricing is competitive, MWRRG is recommending that the further two options be exercised now to lock in the current arrangements until 2021 and avoid any escalation in price through the uncertainty of a new tendering process.

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Consultation/communication

20. Council has been briefed annually regarding the waste contract arrangements and the outcomes of the waste collection services.
21. The Metropolitan Waste and Resource Recovery Group has facilitated the contract management process which included regular meetings with and updates to representatives from 21 metropolitan councils.
22. Council has been regularly briefed on waste management arrangements.

Contractor performance

23. The Contract is administered by the MWRRG under the direction of a user group made up of members of Participating Councils.
24. Performance reviews have been conducted on a regular basis and there have been no issues that would be seen as an impediment to extending the contract for a further term. There have been no reported workplace accidents over the initial term and specified insurance policies are in place.
25. Nillumbik's direct experience with Hanson's contract performance has been satisfactory and includes:
 - a) Regular updates to the Participating Councils user group
 - b) Addressing concerns regarding site issues
 - c) maintaining the environmental performance of the landfill
 - d) a positive negotiation about the application of the Carbon Tax and a prompt refund following the repeal of the legislation
26. Nillumbik has not required the use of the contract with Landfill Operations and there is no direct experience of contract performance. MWRRG report no issues that may be an impediment to extending the contract.

Issues/options

27. In the context of satisfactory contractor performance Council has three options to consider in deciding whether or not to extend the current contract arrangement with MWRRG, Hanson and Landfill Operations.
 - a) Council may exercise the second of three, two year extensions at the adjusted rates as set out in the terms of the agreement, or
 - b) Council may exercise the remaining two extensions of two years at the adjusted rates as set out in the terms of the agreement, or
 - c) Elect to no longer be a party to the agreement and enter into an agreement with another party for the provision of landfill services.

Option 1- Exercise the second of three, two year extensions at the adjusted rates as set out on the agreement.

28. The current contract facilitated by MWRRG provides access to landfills across Melbourne at best value pricing. The performance of Council's current service provider has been satisfactory. The contract extension will retain the current pricing structure and conditions.

4. Policy and Services reports**PS.036/16 Landfill Contract Extension**

29. With all contract extensions, price increases continue to be determined by CPI increases and can be predicted for budgeting purposes on this basis. Changes to the Victorian Government's Landfill Levy are outside the contracted price and would be added to any contracted gate price with a landfill operator.
30. The existing operational budget will meet this year's financial obligations.

Option 2- Exercise the remaining two extensions of two years at the adjusted rates as set out in the terms of the agreement

31. The current contract facilitated by MWRRG provides access to landfills across Melbourne at best value pricing. The performance of Council's current service provider has been satisfactory. The contract extension will retain the current pricing structure and conditions.
32. The MWRRG has recommended to each participating Council that this is the preferred option. The MWRRG has shown through their Metropolitan Waste and Resource Recovery Implementation Plan that there are no new opportunities for the disposal of waste that will become available to participating councils within the next four year period. There is also no potential new technology to be introduced at existing sites likely to be implemented within the next four years which could result in service level changes.
33. While Hanson does not provide the lowest gate price, the overall cost of delivering waste to Hanson provides the best cost benefit for Nillumbik. The proximity of the landfill to Nillumbik provides the lowest transport costs. Hanson also demonstrates best practice landfill processes in terms of environmental impact. Landfill Operations offer a secondary site if access to Hanson is unavailable.
34. With all contract extensions, price increases continue to be determined by CPI increases and can be predicted for budgeting purposes on this basis. Changes to the Victorian Government's Landfill Levy are outside the contracted price and would be added to any contracted gate price with a landfill operator.
35. The existing operational budget will meet this year's financial obligations.

Option 3 – Elect to no longer be party to the contract

36. Council has the opportunity to elect not to be party to the extension and make alternate arrangements. Council would then need to go out to tender and contract a landfill disposal service by April 2017. This process could be completed within the expected time frame.
37. It is unlikely that Council would access better value through a tender process. Tendering as an individual Council would lose the benefit of negotiating with larger volumes as part of the group contract and would lose the support of the MWRRG and participating Councils in supervising the contract. It is likely that a tender process would result in higher landfill costs.

Conclusion

38. The current collaborative, panel contract facilitated by MWRRG provides Council with access to competitive rates and conditions. It is unlikely that a re-tender process would deliver a better outcome for Council.

4. Policy and Services reports

PS.036/16 Landfill Contract Extension

39. Hanson Landfill Services offers the best value for Nillumbik Council in terms of price and travel distance. Landfill Operations offer a secondary disposal site if access to Hanson is unavailable. It is therefore recommended that Council take up the option to extend the current agreement with MWRRG, Hanson Landfill Services and Landfill Operations for disposal of waste that cannot be otherwise recovered and resold, reused or reprocessed for the further two extensions of two years.

Tender Certification/Disclosure with Conflict of Interest

40. The tender process described in this report is in accordance with Council's Procurement Policy and Guidelines (2012), the relevant provision of the *Local Government Act 1989* – section 186 (Restriction on power to enter into contracts), section 3C (Council Objectives) and section 208 (Best Value Principles).

- 5. Supplementary and urgent business**
- 6. Confidential reports**