

Policy and Services Committee

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

Agenda

Stuart Burdack
Chief Executive Officer

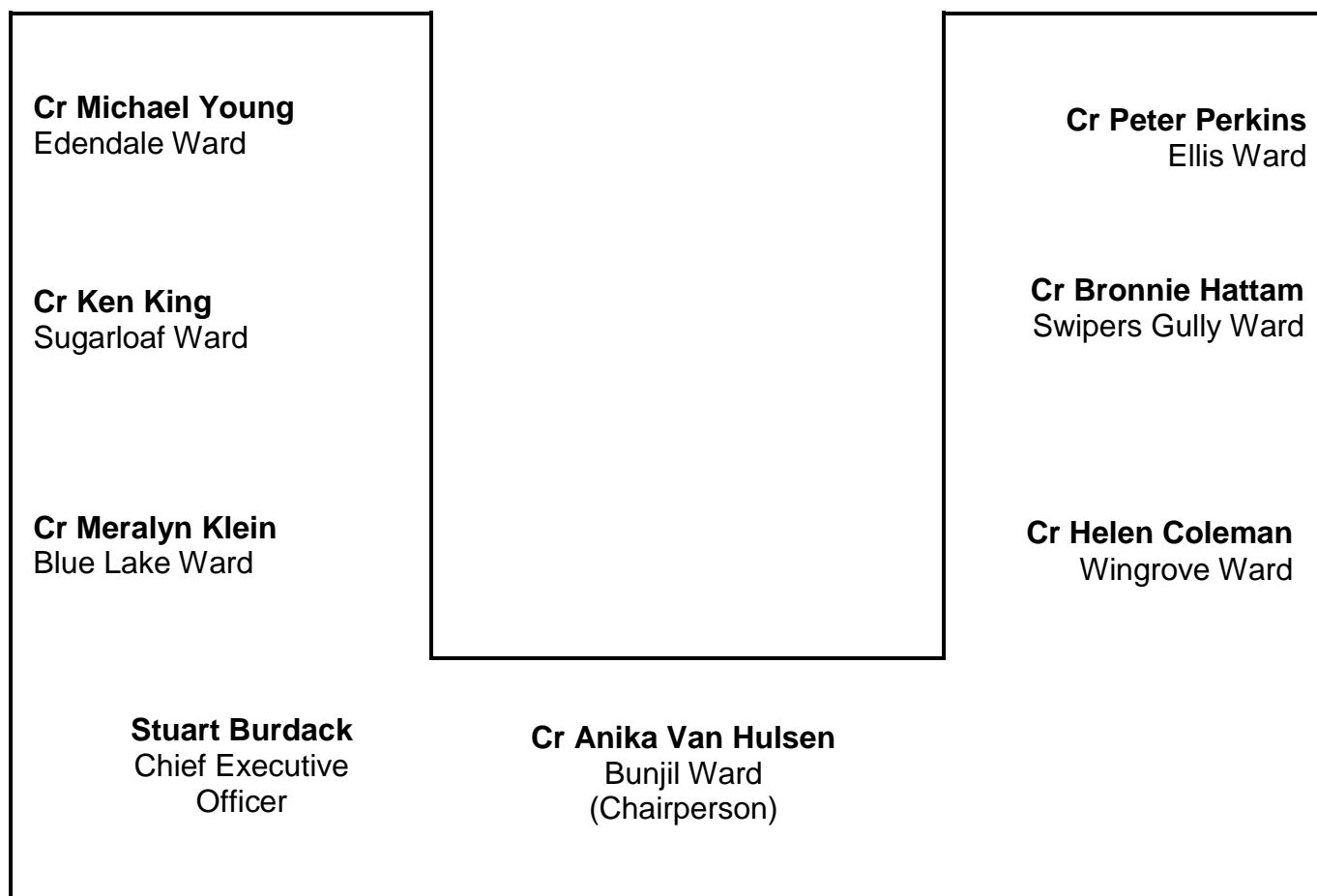
Thursday 2 June 2016

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Wominje 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 Council deliberations quietly in order for Council 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 7 June 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 10 May 2016.

Motion

That the minutes of the Policy and Services Committee Meeting held on Tuesday 10 May 2016 be confirmed.

4. Policy and Services reports

PS.017/16 Special Rate renewal for Eltham Town – hearing of submissions

File: 75/40/019**Distribution:** Public**Manager:** Chad Griffiths, Manager Strategic and Economic Planning**Author:** Darko Popovski, Coordinator Tourism and Business**Summary**

This report concerns the renewal of the Special Rate Scheme for Eltham Town, which will continue to improve the trading climate of the Eltham Town Village through the implementation of a series of business improvement and promotional activities. Over the past five years the scheme has been successful in funding advertising campaigns, a business directory, Traders News and events, including support for the annual Eltham Jazz Food and Wine Festival.

The current Special Rate scheme for Eltham Town expires on 30 June 2016. Following the receipt of a written request from the Eltham Chamber of Commerce and Industry (Chamber) to renew the Special Rate scheme to fund the marketing and promotion of the Eltham Town, Council at its Ordinary meeting on 22 March 2016 resolved to give notice of its intention to declare a Special Rate for that purpose.

In accordance with the requirements of the *Local Government Act 1989 (Act)* formal notification of the proposed Special Rate scheme was undertaken, with a public notice (Attachment 2) published in the *Diamond Valley Leader* on 30 March 2016 and also by written notification being sent to the owners and occupiers of properties upon which the Special Rate would be levied.

In response to the above public notice, Council has received 12 submissions and objections, two in support of the Special Rate and 10 opposing the renewal of the Eltham Town Special Rate Attachment 1. A petition/survey has also been received in relation to this matter.

Eltham Chamber of Commerce and Industry has advised that it fully supports the Special Rate scheme renewal, as evidenced by the Chamber's formal request for its renewal, as reported to Council at its Ordinary meeting held on 22 March 2016.

This report recommends that Council receive and note the contents of the submissions in response to the formal process outlined above, and consider the matter of whether to declare, modify or abandon the Eltham Town Special Rate scheme at the Ordinary meeting of Council to be held on 21 June 2016.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Receives and notes the contents of submissions and the survey/petition received in response to Council's formal notification of its intention to declare a Special Rate for marketing and promotion of Eltham Town.**
- 2. In accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989* presents a report to the Ordinary meeting of Council to be held on 21 June 2016, with the following recommendation:**

4. Policy and Services reports

PS.017/16 Special Rate renewal for Eltham Town – hearing of submissions

- a) That Council notes that 12 submissions (plus a petition/survey) were received and considered by the Policy and Services Committee on 7 June 2016.
- b) That Council considers the matters contained in the submissions and the Committee's report when determining the Special Rate Scheme.

Attachments

1. Summary of submissions
2. Eltham Town Special Rate scheme public notice

Background

1. The current Special Rate scheme expires on 30 June 2016. The Eltham Chamber of Commerce and Industry has formally requested Council to renew the Special Rate to be used to fund promotional, advertising, marketing, business development and other incidental expenses associated with maintaining and developing commerce and trade within the Eltham Town centre. The Chamber has determined the amount to be raised, the properties to which the scheme should be levied, and the principles that should be applied in raising the required funds. Council collects the Special Rate on behalf of the Chamber, and is responsible for its administration.
2. The proposed Special Rate would be a proportional rate levied upon rateable properties within the Special Rate scheme area over a five year period. This would raise an amount of \$130,000 per annum.
3. The rate and scope of the Special Rate are based on consultation process undertaken by the Eltham Chamber of Commerce and Industry that commenced in February 2016.

Policy context

4. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will encourage business investment that enhances and benefits our activity centres and townships.

Budget implications

5. There will be no net impact on Council's budget under the proposed Special Rate renewal, as all monies raised are distributed to the Eltham Chamber of Commerce and Industry.
6. Provision for undertaking the renewal and supporting the Shire's business associations is made within Strategic and Economic Planning unit's annual budget.

Consultation/communication

7. The Eltham Chamber of Commerce and Industry has advised that it supports the renewal of the Special Rate, as evidenced by the Chamber's formal request, reported to Council at its Ordinary meeting held on 22 March 2016.

4. Policy and Services reports**PS.017/16 Special Rate renewal for Eltham Town – hearing of submissions**

8. The proposal involves a proportional rate levied on properties included in the Special Rate scheme area. This would raise an amount of \$130,000 per annum and \$650,000 over the five year period. It will enable the implementation of an ongoing marketing program.
9. In determining whether to support a renewal of the Special Rate, the Chamber conducted initial consultation with Eltham Town centre businesses which included the following:
 - An article about the Special Rate scheme proposal was published in the Chamber's newsletter and distributed to all traders.
 - A letter and email was sent to each business included in the Special Rate scheme seeking formal endorsement. The correspondence explained the details of the proposal as well as an outline of the Chamber's recent achievements.
 - The Marketing Officer and the Chamber President together with other committee members visited most of the businesses in February 2016 to gauge the level of support and answer queries regarding the proposal. The initial feedback from this consultation was very positive. By the end of March 2016, the Committee received over 110 signed letters in support of the renewal.
10. Following the receipt of a written request from the Eltham Chamber of Commerce and Industry to renew the Special Rate scheme to fund the marketing and promotion of the Eltham Town, Council at its Ordinary meeting on 22 March 2016 resolved to give notice of its intention to declare a Special Rate scheme for that purpose.
11. In accordance with the requirements of the *Local Government Act 1989 (Act)* formal notification of the proposed Special Rate scheme was undertaken, with a public notice published in the *Diamond Valley Leader* on 30 March 2016. Written notification was sent to the owners and occupiers of properties upon which the Special Rate would be levied Attachment 2.
12. Copies of the proposed declaration of the Special Rate and a detailed plan of the scheme area were available for inspection during normal office hours at the Council offices in Greensborough for a period of at least 28 days after the date of the public notice, being until Monday, 25 April 2016. The Council Report with all attachments is also available on Council website.

Issues/options

13. The Eltham Chamber of Commerce and Industry has formally requested Council to renew the Special Rate scheme for a further five years. The proposal involves a proportional rate levied on properties included in the Special Rate scheme area. This would raise an amount of \$130,000 per annum and \$650,000 over the five year period. It will enable the implementation of an ongoing program of marketing, events, business development, business communication, networking and coordination activities. In particular, it will fund the ongoing engagement of a centre Marketing Officer.
14. The Eltham Town Special Rate scheme will apply to businesses trading from properties located in the retail and business precinct including all properties covered by the 2011-2016 Special Rate scheme.

4. Policy and Services reports**PS.017/16 Special Rate renewal for Eltham Town – hearing of submissions**

15. It is expected that properties within the Special Rate scheme area will be added to or subtracted from the scheme, as further redevelopments or other changes occur over the next five years.
16. New properties within the Special Rate scheme area will be added if they change to retail, commercial or professional purposes. Properties will be deleted if they change to residential purposes. Amendments to the schedule will occur from the date a supplementary valuation changing its Land Classification Code is returned.
17. With regard to the special benefit, it is considered that each rateable property and each business included in the Special Rate scheme area that is liable or required to pay the Special Rate, will receive a special benefit because the viability of the centre as a commercial, retail and professional area will be enhanced through increased economic activity.
18. The Special Rate will be assessed on the basis of ownership of rateable land used or zoned for commercial, retail or professional purposes located within the centre. The Special Rate is calculated by reference to the Capital Improved Value of each property, in a similar manner to the calculation of the general rate.
19. A coordinated and collective approach is aimed at maintaining and improving the Eltham Town centre performance over time. This includes increasing patronage and expenditure, business attraction and investment. The Chamber also provides an effective communication, engagement and advocacy role for individual businesses in the centre and for the town as a whole.
20. This is considered to be of benefit both directly and indirectly to all businesses and property owners located within the designated area and the wider community. It is considered that the value of properties included in the scheme, their desirability as a letting proposition, and their general image will be enhanced.

Summary of submissions

21. In response to the above public notice (which was both published in an appropriate newspaper and copies separately forwarded to all persons liable or required to pay the Special Rate), Council has received 12 written submissions under section 223 of the *Local Government Act 1989* (of which 10 are also objections under section 163B of the Act). Two of the submissions are in support of the Special Rate and 10 oppose the renewal of the Eltham Town Special Rate (Attachment 1).
22. The summary of submissions attached to this report as Attachment 1 outlines the contents of these submissions, which state that their businesses have not received any benefit from the scheme.
23. A separate survey/petition has also been submitted to Council which asks whether the respondents to the petition ‘...believe(s) the Special Rates scheme, and the money which you pay accordingly in addition to your normal rates, delivers an overall benefit to Eltham and to your own business in particular?’ Of the 80 signatories, four express support for the Special Rate and 76 oppose it. The 76 who oppose the renewal includes the 10 formal submissions above.

4. Policy and Services reports

PS.017/16 Special Rate renewal for Eltham Town – hearing of submissions

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24. A distinction needs to be drawn between the submissions which Council has received and the objections which it has received. Any person can make a submission on the declaration of a Special Rate, regardless of whether they are liable or required to pay the special rate, and be heard by the Policy and Services Committee under sections 223(1)(b) and (c) of the Act. But for the purpose of the special rates and charges, sections 163B(4) and (5) of the *Local Government Act 1989* limits the ability to formally object as follows:
- (4) Any person who will be required to pay the special rate or special charge to be imposed by the proposed declaration is entitled to exercise the right of objection conferred by this section.
- (5) For the purposes of subsection (4), a person who is an occupier is entitled to exercise the right of objection conferred by this section if the person submits documentary evidence with the objection which shows that it is a condition of the lease under which the person is an occupier that the occupier is to pay the special rate or special charge.
25. Further, only one person/party can object from each rateable property liable to pay the special rate; i.e. there can be no 'double voting' by the owner and the tenant. In total, there are 175 properties liable to pay the special rate, and thus the maximum number of possible objections is 175, made by either the owner or the tenant (but not both).
26. With this distinction in mind, Council has received 10 written submissions objecting to the renewal of the Special Rate. Four of these objectors claim to own or represent 28 different properties. For six of these 28 properties, a matching objection has been received from the tenant. In addition to this 28 are three individual objections from tenants.
27. Thus the sum total of objections to the special rate (assuming all of the objectors are required to pay the Special Rate) is 31 out of 175, or 17.7 per cent of the total. A significant caveat on these figures is the lack of documentation provided by some objectors to demonstrate they are liable to pay the special rate, or that they indeed own the property, or represent the company that owns the property.
28. Similarly in relation to the petition, no evidence has been provided by the signatories that they are liable to pay the special rate (all but one of the names in the petition match up with Council's records as 'rated owners'), or even that the person that has signed the petition is the applicable owner or operator of the property or the business. Coupled with not receiving a separate written submission clearly identifying the grounds of objections, clearly identifying the property and evidence that they pay the special rate, the petition should be treated as a submission under section 223 of the *Local Government Act 1989*, but not considered as formal objections under section 163B.
29. On the basis of the above, there is no impediment to Council proceeding with the declaration of the special rate at the Ordinary Meeting of Council (if supported), as the number of objections received from persons who will be required to pay the special rate is less (17.7 per cent) than the majority of 175 properties liable to pay the special rate.

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30. Should Council wish to clarify the status and standing of those people who signed the petition/survey, Council could elect to defer consideration of whether to declare the special rate for a period of two months. This would allow Council officers to write/text each signatory to determine a) whether they wish to object to the special rate and b) for each person/business to demonstrate that they are liable to pay the special rate, as required under the *Local Government Act 1989*. Such objections would need to be made in writing and be supported by evidence (such as a lease agreement).
31. Another option available to Council would be to decline to support the declaration of the special rate. But this course of action would be contrary to the wishes of the Eltham Chamber of Commerce and Industry, and significantly impact on the marketing and promotional activities in support of the local businesses of Eltham Town.

Response to submissions

32. Most of the formal objectors state that their businesses (and the centre as a whole) have not received any benefit from the scheme. Several objectors raise concern with the renewal process, calculation method, transparency and providing a reliable public notice.
33. Council has followed the legislative process as outlined in this report and the public notice. The public notice specified the total cost of the scheme and determined the total amount of the Special Rate to be levied. The estimated 'special benefit' that will accrue to all businesses liable to pay the Special Rate is in a ratio of 1:1 (or 100 per cent).
34. In accordance with the requirements of the Act, formal notification of the proposed Special Rate was undertaken, with a public notice published in the *Diamond Valley Leader* on 30 March 2016 and also by written notification being sent to the owners and occupiers of properties upon which the Special Rate would be levied.
35. The Eltham Town Special Rate scheme is capped at \$130,000 annually and it is distributed amongst 175 properties in a proportionate way using the property's Capital Improved Value (CIV) as calculation method. Changes in the actual dollar amounts payable by each property relate to changes (increases/decreases) in each property's CIV.
36. The funds collected through the Special Rate scheme are levied by Council and then used to reimburse the Eltham Chamber of Commerce and Industry for its expenditure. Council does not retain any of the Special Rate funds.
37. These businesses are involved in supplying goods and services on a commercial basis directly to the local community and will benefit from promotion of the Eltham Town. Marketing and promotion of the centre will encourage greater customer loyalty, reduce escape expenditure to other centres and create a multiplier effect that will enhance the long term viability of the centre as a whole. With regard to the special benefit, it is considered that all the properties used for commercial, retail or professional purposes in the proposed scheme and liable to pay the rate, will receive special benefit through increased economic activity as outlined in the public notice.

4. Policy and Services reports

PS.017/16 Special Rate renewal for Eltham Town – hearing of submissions

38. It should be further noted that the Special Rate scheme is levied on a proportional basis according to the Capital Improved Value (CIV) for the property (ultimately the scheme will be calculated on the 2016 CIV when finalised). At a basic conceptual level, properties/enterprises that enjoy a higher rate of return/ turnover will typically have a higher CIV. The vast majority of the special rate continues to be paid by those high value/ high turnover retail businesses.

Next steps

39. In accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989*, Council is required to hear submissions and refer the matter of whether to declare, modify or abandon the Special Rate to the Ordinary meeting of Council to be held on 21 June 2016.
40. In accordance with section 223(1)(b) of the Act, any person who has made a written submission or objection to Council and requested that he/she be heard in support of their written submission is entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council. All submitters have been advised in writing that they can appear to address their submissions at this meeting of Council's Policy and Services Committee.
41. It is proposed that the Policy and Services Committee receive and note the contents of submissions and in accordance with the requirements of section 223(1)(c) of the *Local Government Act 1989* refer the matter of whether to proceed with the declaration of the Special Rate to the Ordinary meeting of Council to be held on 21 June 2016.

Conclusion

42. The Eltham Chamber of Commerce and Industry relies on appropriate funds to engage in cooperative marketing and promotion for the Eltham Town centre and to raise the profile of the centre and encourage residents to shop locally. The Special Rate scheme would enable the Chamber to contribute positively and in partnership with Council to the future promotion and development of Eltham Town.
43. This report recommends that the Policy and Services Committee receive and note the contents of all submissions and objections received in response to the formal process as outlined in this report and refer the matter of whether to declare, modify or abandon the Eltham Town Special Rate scheme to the Ordinary meeting of Council to be held on 21 June 2016.

4. Policy and Services reports**PS.018/16 Special Charge renewal for Hurstbridge Village – hearing of submissions**

File: 15/70/033
Distribution: Public
Manager: Chad Griffiths, Manager Strategic and Economic Planning
Author: Darko Popovski, Coordinator Tourism and Business

Summary

This report concerns the renewal of the Special Charge scheme for Hurstbridge, which will continue to improve the trading climate of the Hurstbridge Village through the implementation of a series of business improvement and promotional activities, such as those that occurred over the past 5 years and included marketing campaigns, business directory, newsletters and events, including support for the annual Wattle Tree Festival.

The current Special Charge scheme for Hurstbridge Village expires on 30 June 2016. Following the receipt of a written request from the Hurstbridge Traders Association (Association) to renew the Special Charge scheme to fund the marketing and promotion of the Hurstbridge Village precinct, Council at its Ordinary Meeting on 22 March 2016 resolved to give notice of its intention to declare a Special Charge scheme for that purpose.

In accordance with the requirements of the *Local Government Act 1989* (Act) formal notification of the proposed Special Charge scheme was undertaken, with a public notice Attachment 1 published in the *Diamond Valley Leader* on 30 March 2016 and also by written notification being sent to the owners and occupiers of properties upon which the Special Charge would be levied.

In response to the above public notice, Council has received one formal objection opposing the renewal of the Hurstbridge Village precinct Special Charge scheme.

Hurstbridge Traders Association has advised that it fully supports the Special Charge scheme renewal, as evidenced by the Association's formal request for its renewal, as reported to Council at its Ordinary meeting held on 22 March 2016.

This report recommends that Council receive and note the contents of the submission in response to the formal process outlined above, and consider the matter of whether to declare, modify or abandon the Hurstbridge Village Special Charge scheme at the Ordinary meeting of Council to be held on 21 June 2016.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Receives and notes the contents of the submission received in response to Council's formal notification of its intention to declare a Special Charge for marketing and promotion of Hurstbridge Village.**
- 2. In accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989* presents a report to the Ordinary meeting of Council to be held on 21 June 2016, with the following recommendation:**

4. Policy and Services reports

PS.018/16 Special Charge renewal for Hurstbridge Village – hearing of submissions

- a) That Council notes that one submission was received and considered by the Policy and Services Committee on 7 June 2016.
- b) That Council considers the matters contained in the submission and the Committee's report when determining the Special Charge scheme.

Attachments

1. Hurstbridge Village Special Charge Scheme Public Notice 2016
2. Hurstbridge Village Special Charge Area Map 2016
3. Objection Special Charge Scheme Hurstbridge Village

Background

1. The current Special Charge scheme expires on 30 June 2016. The Hurstbridge Traders Association has formally requested Council to renew the Special Charge scheme to be used to fund promotional, advertising, marketing, business development and other incidental expenses associated with maintaining and developing commerce and trade within the Hurstbridge Village. The Association has determined the amount to be raised, the properties to which the scheme should be levied, and the principles that should be applied in raising the required funds. Council collects the Special Charge on behalf of the Association and is responsible for its administration.
2. The proposed Special Charge would be a flat rate of \$420 per property levied upon rateable properties within the Special Charge scheme area over a five year period. This would raise an amount of approximately \$27,720 per annum.
3. The rate and scope of the Special Charge are based on an extensive consultation process by the Hurstbridge Traders Association that commenced in February 2016.

Policy context

4. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will encourage business investment that enhances and benefits our activity centres and townships.

Budget implications

5. There will be no net impact on Council's budget under the proposed Special Charge scheme renewal, as all monies raised are distributed to the Hurstbridge Traders Association.
6. Provision for undertaking the renewal and supporting the Shire's business associations is made within Strategic and Economic Planning Unit's annual budget.

4. Policy and Services reports**PS.018/16 Special Charge renewal for Hurstbridge Village – hearing of submissions**

Consultation/communication

7. Following the receipt of a written request from the Hurstbridge Traders Association to renew the Special Charge scheme to fund the marketing and promotion of the Hurstbridge Village precinct, Council at its Ordinary meeting on 22 March 2016 resolved to give notice of its intention to declare a Special Charge for that purpose.
8. In accordance with the requirements of the *Local Government Act 1989* formal notification of the proposed Special Charge was undertaken, with a public notice published in the *Diamond Valley Leader* on 30 March 2016 and also by written notification being sent to the owners and occupiers of properties upon which the Special Charge would be levied (Attachment 1).
9. In response to the above public notice, Council has received one formal objection opposing the renewal of the Special Charge scheme.
10. The Hurstbridge Traders Association has advised that it fully supports the Special Charge scheme renewal, as evidenced by the Association's formal request for its renewal, as reported to Council at its Ordinary meeting held on 22 March 2016.
11. In accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989*, the Policy and Services Committee is required to hear submissions and refer the matter of whether to declare, modify or abandon the Special Charge to the Ordinary meeting of Council to be held on 21 June 2016.

Issues/options

12. The Hurstbridge Traders Association has formally requested Council to renew the Special Charge scheme for a further five years.
13. The proposal involves a flat rate of \$420 per property levied upon rateable properties within the Special Charge scheme area. This would raise an amount of approximately \$27,720 per annum and up to \$138,600 over the five year period. It will enable the implementation of an ongoing program of marketing, events, business development, business communication, and networking and coordination activities. In particular, it will fund the ongoing engagement of a precinct Marketing Coordinator.
14. The Hurstbridge Village Special Charge scheme will apply to businesses trading from properties located in the retail and business precinct including all properties covered by the 2011-2016 Special Charge scheme.
15. It is proposed that the boundaries be extended to include one business that operates from a property on Graysharps Road (Attachment 2). The proposed extended boundary covers all rateable land used or zoned for commercial, retail and professional purposes located within the Hurstbridge Village precinct.
16. The Special Charge will be assessed on the basis of ownership of rateable land used or zoned for commercial, retail or professional purposes located within the precinct.
17. It is expected that properties within the Special Charge scheme area will be added to or subtracted from the scheme, as further redevelopments or other changes occur over the next five years.

4. Policy and Services reports**PS.018/16 Special Charge renewal for Hurstbridge Village – hearing of submissions**

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18. New properties within the Special Charge scheme area will be added if they change to retail, commercial or professional purposes. Properties will be deleted if they change to residential purposes. Amendments to the schedule will occur from the date a supplementary valuation changing its Land Classification Code is returned.
 19. With regard to the special benefit, it is considered that each rateable property and each business included in the Special Charge scheme area that is liable or required to pay the Special Charge, will receive a special benefit because the viability of the precinct as a commercial, retail and professional area will be enhanced through increased economic activity.
 20. Charitable organisations and businesses that believe that they have grounds to be exempted, may seek an exemption through the Hurstbridge Traders Association Committee of Management, to be approved by Council.
 21. A coordinated and collective approach is aimed at maintaining and improving the Hurstbridge Village precinct performance over time. This includes increasing patronage and expenditure, business attraction and investment. The Association also provides an effective communication, engagement and advocacy role for individual businesses in the precinct and for the village as a whole.
 22. This is considered to be of benefit, both directly and indirectly to all businesses and property owners located within the precinct and the wider community. It is considered that the value of properties included in the scheme, their desirability as a letting proposition, and their general image will be enhanced.

Summary of submissions

23. Council has received one formal objection from Dr Michael Landy, Dental Surgeon in Hurstbridge (Attachment 3).
24. The objector states that the scheme has never delivered any benefit of any kind to their dental clinic and that their business is not enhanced in any way by advertising, passing trade or the association with the Hurstbridge Traders. The objector is seeking to be exempted from the scheme.
25. All businesses within the scheme area are involved in supplying goods and services on a commercial basis directly to the local community and will benefit from promotion of the Hurstbridge Village. Marketing and promotion of the precinct will encourage greater customer loyalty, reduce escape expenditure to other centres and create a multiplier effect that will enhance the long term viability of the precinct as a whole.
26. With regard to the special benefit, it is considered that all the properties used for commercial, retail or professional purposes in the proposed scheme and liable to pay the rate, will receive special benefit through increased economic activity as outlined in the public notice (Attachment 1).
27. In accordance with section 223(1)(b) of the Act, any person who has made a written submission or objection to Council and requested that he/she be heard in support of their written submission is entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council. The submitter has been advised in writing that they can appear in person to support their submission at this meeting of Council's Policy and Services Committee.

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PS.018/16 Special Charge renewal for Hurstbridge Village – hearing of submissions

28. It is proposed that the Policy and Services Committee receive and note the contents of the submission and in accordance with the requirements of section 223(1)(b) and (c) of the *Local Government Act 1989* refer the matter of whether to proceed with the declaration of the Special Charge to the Ordinary meeting of Council to be held on 21 June 2016.

Conclusion

29. The Hurstbridge Traders Association relies on appropriate funds to engage in cooperative marketing and promotion of Hurstbridge Village and to raise the profile of the precinct and encourage residents to shop locally. The Special Charge scheme would enable the Association to contribute positively and in partnership with Council to the future promotion and development of Hurstbridge Village.
30. This report recommends that Council receive and note the contents of the submission received in response to the formal process outlined in this report and consider the matter of whether to declare, modify or abandon the Hurstbridge Village Special Charge scheme at the Ordinary meeting of Council to be held on 21 June 2016.

4. Policy and Services reports

PS.019/16 Consideration of submissions - draft Budget 2016-2017

File: 20/25/001

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Robert Malignaggi, Management Accountant

Vince Lombardi, Manager Finance

Summary

This report considers submissions received from the public regarding the draft Budget 2016-2017.

Council adopted the draft Budget 2016-2017 at the Ordinary Council meeting on 26 April 2016 for the purpose of community consultation. The draft Budget was exhibited for 28 days in line with statutory requirements. Seven submissions were received and are summarised in this report. Copies of each individual submission have been circulated to Councillors in a separate memo.

It is proposed that the Committee consider the submissions regarding the draft Budget 2016-2017 and that the matter then be considered by Council on 14 June 2016.

Based on the written submissions received, it is recommended that the Budget 2016-2017 remain unchanged.

Recommendation

That the Committee (acting under delegation from Council):

1. **Receives and notes the submissions received in respect of the draft Budget 2016-2017, in accordance with the sections 129 and 223 of the *Local Government Act 1989*.**
2. **Presents a report to the Special Council Meeting on 14 June 2016 in accordance with section 223(1)(c) of *Local Government Act 1989* with the following recommendation:**
 - a) **That Council notes that seven submissions were received on the draft Budget 2016-2017, and the submissions were considered and submitters were provided with the opportunity to be heard by the Policy and Services Committee on 7 June 2016.**
 - b) **That Council considers the matters contained in the submissions and the Committee's report during finalisation of the Budget.**

Attachments

Nil

4. Policy and Services reports

PS.019/16 Consideration of submissions - draft Budget 2016-2017

Background

1. The *Local Government Act 1989* provides that a council must:
 - Prepare a budget for each financial year – section 127(1)
 - Ensure that the budget contains financial statements, description of services and major initiatives and a statement as to how these will contribute to achieving the strategic objectives specified in the Council Plan, indicators of service performance that are required to be reported against in the performance statement and any other details required by the regulations– section 127(2)
 - Give public notice of a proposed budget and make it available for public inspection for at least 28 days – section 129
 - Adopt the budget and submit a copy to the Minister - section 130.
2. Council adopted the draft Budget 2016-2017 at the Ordinary Council meeting on 26 April 2016 for the purpose of community consultation.

Policy context

3. The draft Budget has been developed in the context of the Council Plan which sets the overall strategic direction for Nillumbik. It is also developed in the context of the Strategic Resource Plan which demonstrates how the outcomes of the Council Plan can be resourced in a way which ensures Nillumbik's ongoing sustainability. The draft Budget also includes projections of Council's performance in meeting the targets in the Financial Sustainability Plan that was adopted in December 2013.
4. In developing the draft Budget, Council has also considered the key priorities emerging from the masterplans for major recreation facilities and reserves, the structure plans for activity centres, and various other policies and strategies for specific Council services.

Budget implications

5. The costs of advertising and public consultation are included in the routine operating budget allocations.

Consultation/communication

6. The draft Budget was placed on public exhibition for 28 days. An advertisement appeared in *The Age* on Friday 29 April 2016 and on Council's website (statutory requirement), and information was published in the *Diamond Valley Leader*. Submissions were due by 27 May 2016.

Submissions

7. In response to the public exhibition of the draft Budget, seven submissions were received from the community.
8. These submissions are summarised below and includes an officer response to the issues raised in each submission.

4. Policy and Services reports

PS.019/16 Consideration of submissions - draft Budget 2016-2017

Submitter and key points	Officer response
Helen Legg Supports the Diamond Creek Trail Project	Support noted. The draft budget has \$2,250,000 allocated to the Diamond Creek Recreation Trail.
Geoff Mosley Supports the Diamond Creek Trail Project	Support noted. See comments in submission 1.
Lewis Brock Supports the Diamond Creek Trail Project	Support noted. See comments in submission 1.
Courtney Rohan Supports the Diamond Creek Trail Project	Support noted. See comments in submission 1.
Darren Callahan Requests widening of the turf wicket table at Yarrambat for the Plenty Valley Cricket Club.	Under Nillumbik Shire Council Capital Works Funding Policy for Community Based Sports Facilities, the provision of higher-level turf cricket facilities is the responsibility of tenants. On this basis, Council would expect the Club to fully fund the expanded turf-table proposed at Yarrambat War Memorial Reserve. Council encourages the Club to explore other external funding opportunities to assist with this important project to better support female participation. Facility grants are available through Cricket Victoria, and officers are in a position to support the Club's application
Julie Ward Requests a footpath along Haleys Gully Road to Kendalls Lane	Council's Footpath Strategy is used to identify and prioritise footpath construction across the municipality. Officers have identified almost 150 separate projects with an estimated value of over \$4 million under this Strategy. These are being progressively worked through with an annual funding allocation in Council's Capital Works Budget and are expected to take a number of years to complete. Council has constructed footpaths on Hurstbridge-Arthurs Creek Road and Haleys Gully Road up to Hurst Road in the current term. The identified list of footpath projects includes further sections on Haleys Gully Road to Fawkner Crescent and from Fawkner Crescent to Kendalls Lane. These will be constructed in due course, however, on current priorities and funding, this is expected to take a number of years to complete.

4. Policy and Services reports

PS.019/16 Consideration of submissions - draft Budget 2016-2017

Submitter and key points	Officer response
Patricia Curtis Expressed opposition to any funding to be allocated to the Blue Lake Ward.	Council allocates funding across the Shire to service community needs and ensure Council assets are maintained. Funding is not allocated throughout the shire on a ward basis.

9. Submitters have been invited to attend this meeting of the Policy and Services Committee to speak to their submissions.
10. Once the Committee has considered the submissions, the Committee must present a report to the next Council meeting. Council is required to consider the Committee’s report on submissions prior to finalising the Budget.

Conclusion

11. Council has adopted a draft Budget for 2016-2017 and exhibited this for public consultation in accordance with the *Local Government Act 1989*.
12. Following the Committee’s consideration of submissions, the matter will be further considered at the Special Council Meeting on 14 June 2016.

4. Policy and Services reports**PS.020/16 Sport and Recreation Victoria Grant Funding 2017-2018 - Female Participation Strategies category****File: 20/35/044****Distribution: Public****Manager: Pauline Gordon, General Manager Community and Leisure****Author: Michelle DePasquale, Leisure Facilities Officer****Naomi Paton, Manager Leisure and Social Infrastructure****Summary**

This report provides background information previously unavailable and makes a further officer recommendation regarding the State Government 2017-2018 Community Sports Infrastructure Fund (CSIF) administered by Sport and Recreation Victoria (SRV) in the Female Participation Strategies category.

The project proposed for submission is consistent with council's strategies, and seeks to improve female sporting and recreation participation outcomes within the Shire by demonstrating a clear community benefit.

The report seeks council endorsement for the submission of the Nillumbik Inclusive Pavilion Plan in the Female Participation Strategies category. The proposal is the first stage of a two stage funding process, due to SRV by 8 June 2016.

Should the project proposal be successful then a full application is required by 31 August 2016.

The funding requested from State Government is \$21,000 reducing council's indicative allocation of \$35,000 by \$14,000 in the proposed 2017-2018 budget. This is in addition to Councils resolution on the 24 May 2016.

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

- 1. Endorses the following project proposal for application to the Community Sports Infrastructure Fund:**
 - a) Local Planning Category – Female Participation Strategies**
 - i) Nillumbik Inclusive Pavilion Plan**
- 2. Refers \$14,000 in matching funding for consideration in the 2017-2018 budget.**

Attachments

Nil

Background

1. Council was informed of the Victorian State Government's 2017-2018 Community Sports Infrastructure Fund (CSIF), administered by Sport and Recreation Victoria (SRV) through the Department of Health and Human Services at the May Ordinary Council Meeting.

4. Policy and Services reports

PS.020/16 Sport and Recreation Victoria Grant Funding 2017-2018 - Female Participation Strategies category

2. The 2017-2018 CSIF application process is in two stages.
 - a) Submission of Project Proposals - closing date 8 June 2016
 - b) SRV shortlisted Project Proposals are invited to submit a full application -closing date 31 August 2016
3. The CSIF offers grants across seven categories.
4. At the 24 May 2016 Ordinary Council Meeting Council endorsed the submission of six project proposals to the CSIF.
5. Since the decision of Council on 24 May 2016, SRV contacted councils to update and clarify the funding guidelines which include a new Planning grant titled Female Participation Strategies. This is in addition to the Local and Regional grants in the Planning Category.
6. Following clarification in relation to the CSIF funding categories Council officers identified a project that meets the criteria for submission. Funding up to \$30,000 at a ratio of \$1.50 SRV to \$1 local is available.
7. One local planning application in each sub category and one regional planning application can be submitted.

Policy context

8. 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.
9. Nillumbik Shire Council Budget 2015-2016 – Financial Sustainability Plan:
 - Council will provide well-maintained infrastructure assets that are fit for purpose and provide the required level of service to the community.
10. The Nillumbik Shire Council Recreation Strategy 2011-2019:
 - Identify opportunities to retain and increase participation in leisure and physical activity for the following priority groups: women, young people particularly aged 15-18 years, people with disabilities, older adults.

Budget implications

11. Funding in the local planning category for Nillumbik Shire Council is provided at a ratio of \$1.50 grant for every \$1 local.
12. Should this application be successful, Council will need to allocate up to \$14,000 in the 2017-2018 budget.
13. There is a current NIO allocation of \$35,000; a successful application for this project will reduce Council's contribution to \$14,000.

4. Policy and Services reports**PS.020/16 Sport and Recreation Victoria Grant Funding 2017-2018 - Female Participation Strategies category**

Consultation/communication

14. At the May 2016 OCM feedback was received that many sporting pavilions in Nillumbik were not designed to meet the growing demand and participation by women in our community. The current condition of many pavilions in Nillumbik is such that participation opportunities for females are limited or non-existent.
15. As part of the EOI process undertaken by the Leisure and Social Infrastructure team for the CSIF funding program, officers had discussions with the Diamond Creek Women's Football Club and the Yarrambat Junior Football Club in relation to pavilion upgrade projects for submission in the minor and female friendly categories. Whilst further planning is needed, prioritising investment across pavilions is best informed by needs-based strategic planning.
16. Council officers have consulted with representatives from SRV, a mandatory requirement of the program.

Issues/options

17. Officers had identified two Local Planning projects: the Hurstbridge Liveable Nillumbik Recreation and Open Space Masterplan which Council endorsed to submit; and the Sports Pavilion Service Plan had previously been referred for Council's consideration in the indicative 2017-2018 budget (New Initiatives). With SRV confirming the Female Participation Strategies, officers recommend Council also submit the sports pavilion planning proposal to the Female Participation Strategies Local planning category.
18. Council officers identified an opportunity to make application for a proposal to address inclusive pavilion planning. This work follows on from the Sportsground management review currently being undertaken by officers.
19. This project proposal was then discussed with SRV representatives, a mandatory requirement of the program.

Project proposals

20. Council officers are recommending the following Planning project for submission in the 2017-2018 CSIF program:

- a) Nillumbik Inclusive Pavilion Plan

This project will be informed by the current sportsground management review. The Plan will inform the future renewal and upgrade of existing, and development of new sporting pavilions responding to seasonal sports participation demands. The Plan will inform the planning of facilities reflecting current and future participation demands.

The Plan will assist Council in the provision of facilities designed with reference to female friendly use to meet the changing demographics and participation in traditional sporting settings.

4. Policy and Services reports

PS.020/16 Sport and Recreation Victoria Grant Funding 2017-2018 - Female Participation Strategies category

Conclusion

21. The project proposal outlined in this report is consistent with Council's strategies for the provision of improved sporting facilities within the Shire. The project provides clear community benefit and increased opportunities for participation.
22. The proposal recommended by officers for submission meets CSIF funding guidelines, as confirmed by SRV.
23. The proposed project proposal will provide \$35,000 towards planning for improved community sport and recreation infrastructure with a cost to council of \$14,000 and state government contributions of \$21,000.

4. Policy and Services reports

PS.021/16 Playground upgrade works - Rotary Park Diamond Creek and Sheila and Gordon Reserve Hurstbridge

File: 1516-79

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Jake Hart, Project Management Officer

Summary

The upgrade of Rotary Park Playground, Diamond Creek and Sheila and Gordon Reserve Playground, Hurstbridge has been identified in the playground upgrade schedule for the 2015-2016 and 2016-2017 financial years.

This report considers the awarding of a lump sum contract for the Playground Upgrade Works - Rotary Park Diamond Creek and Sheila and Gordon Reserve Hurstbridge. The contract involves the installation of new playground equipment, installation of soft fall rubber and landscaping works at both Rotary Park Diamond Creek and Sheila and Gordon Reserve Hurstbridge.

The tender evaluation panel has assessed all submissions and a separate confidential report outlines their evaluation in recommending the awarding of the contract for the Playground Upgrade Works – Rotary Park Diamond Creek and Sheila and Gordon Reserve Hurstbridge.

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

Recommendation

That Council:

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

Attachments

Nil

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

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

Motion

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

Report No.	Title	Reason for confidentiality
PS.022/16	Playground upgrade works - Rotary Park Diamond Creek and Sheila and Gordon Reserve Hurstbridge	(d) contractual matters