

## Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 26 March 2019 commencing at 7:30pm.

### Agenda

**Carl Cowie**  
**Chief Executive Officer**

Friday 22 March 2019

Distribution: Public

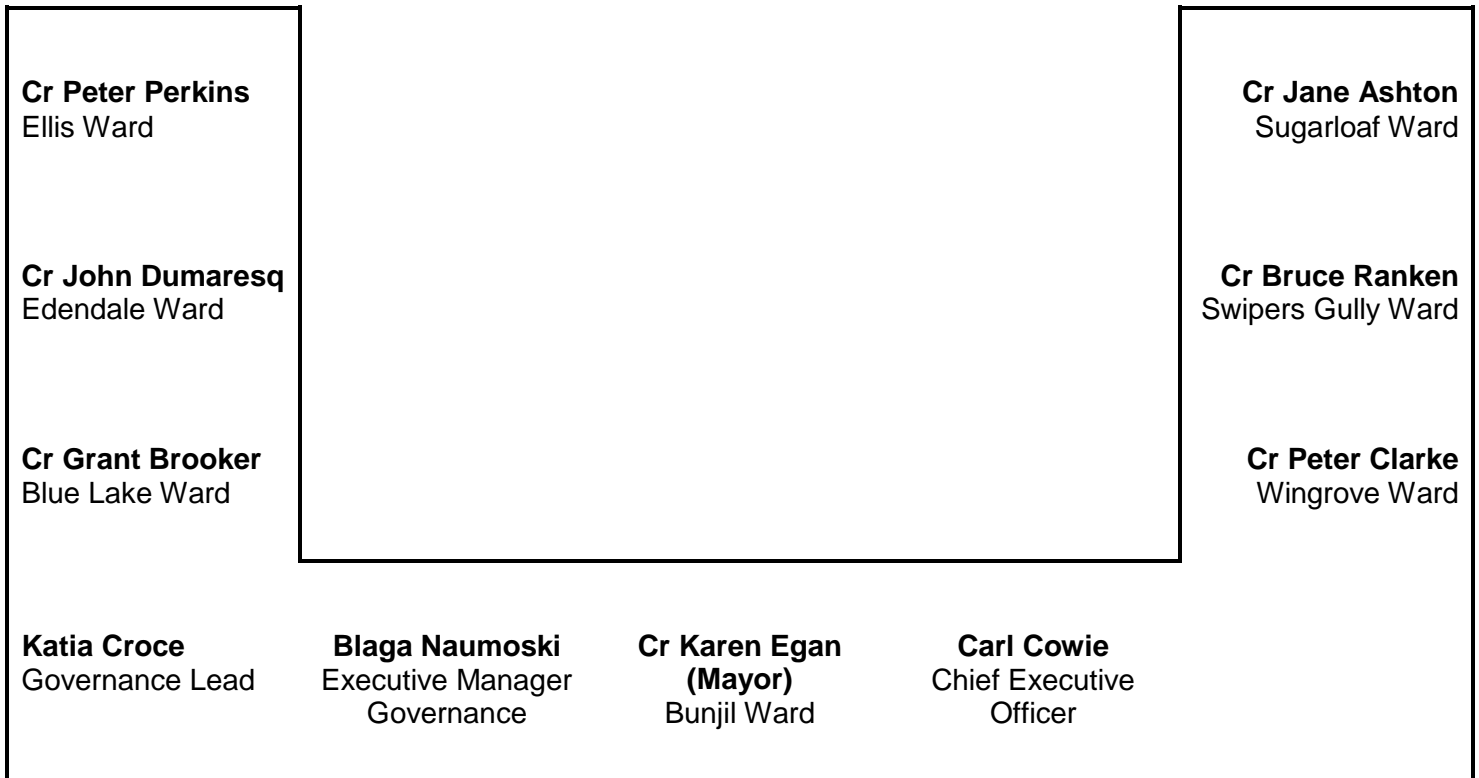
Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone 9433 3111  
Facsimile 9433 3777

Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)

Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

*Domin je ka*

# Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

## Nillumbik Shire Council

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**26 March 2019**

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## Nillumbik Shire Council

### Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 26 March 2019 commencing at 7:30pm.

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**1. Welcome by the Mayor**

Members of the public are advised the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

**2. Reconciliation statement**

**The reconciliation statement to be read by the Mayor**

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

**3. Prayer**

A prayer will be read.

**4. Apologies**

**Recommendation**

**That** the apologies be accepted.

**5. Presentations**

**Katya Saill-Dilnot** (Swipers Gully Ward) receives \$200 as a contribution for her selection to represent Australia in the Under 21 National Volleyball Championships in Thailand.

**Rachel Svent** (Swipers Gully Ward) receives \$200 as a contribution for her selection to represent Australia in the Australian Women's Development Tour.

**Tahli Brittain** (Swipers Gully Ward) receives \$200 as a contribution for her selection to represent Australia at the USASF World Cheerleading Championships in America.

Nillumbik Shire Council wishes them every success with their future sporting pursuits.

**Jim Connor** on behalf of the Eltham Historical Society – Nillumbik Shire Council would like to present the Eltham Historical Society with two Ballot boxes from the former Shire of Eltham.

**6. Confirmation of minutes**

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 26 February 2019.

**Recommendation**

**That** the minutes of the Ordinary Council Meeting held on Tuesday 26 February 2019 be confirmed.

**7. Disclosure of conflicts of interest**

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

- 8. Petitions**
- 9. Questions from the gallery**

10. Reports of Advisory Committees

AC.003/19 Advisory Committee Report

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**Distribution:** Public

**Manager:** Blaga Naumoski, Executive Manager Governance

**Author:** Emma Christensen, Governance Officer

**Summary**

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the minutes of meetings are presented to Council. This month, the following minutes are attached for information:

- Environment and Sustainability Advisory Committee – 14 November 2018; and
- Arts Advisory Committee – 3 December 2018.

**Attachments**

1. Environment and Sustainability Advisory Committee minutes - 14 November 2018
2. Arts Advisory Committee minutes - 3 December 2018

**Recommendation**

**That** Council notes the:

- Environment and Sustainability Advisory Committee meeting minutes held on 14 November 2018; and
- Arts Advisory Committee meeting minutes held on 3 December 2018.

**11. Reports of Special Committees**



**12. Officers' reports**

**OCM.030/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

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**Distribution: Public**

**Manager: Renae Ahern, Manager Planning Services**

**Author: Eloise Gabriele, Senior Statutory Planner**

**Summary**

This report is being presented to Council in response to the Committee resolution made at the Future Nillumbik Committee meeting on 12 March 2019. At this meeting, the Committee noted its intention to issue a Notice of Decision to Grant a Planning Permit for the use and development of a Country Fire Authority (CFA) Emergency Services Facility (Fire Station) at 109-115 Yan Yean Road, Plenty, broadly in accordance with the Committee report of 12 March 2019. A copy of the March Future Nillumbik Committee report is attached for reference (**Attachment 4**).

The Committee resolution also sought to defer final determination of conditions until a discussion of the conditions with the CFA as the applicant had occurred, including the potential to reinstate the existing CFA site to public parkland.

**Background**

The Officer recommendation in the report FN.006/19 heard at the Future Nillumbik Committee on 12 March 2019 has outlined a number of conditions, including conditions relating to amenity, which requests information and actions of the applicant to ensure that the proposed use of the building does not adversely impact on the amenity of surrounding land uses, including residential dwellings.

At the Future Nillumbik Committee on 12 March 2019, questions were asked by the Committee and directed to the applicant regarding the proposed planning permit conditions, in particular amenity conditions.

The intent of amenity conditions on a planning permit are to ensure that the proposed use and development of the land does not adversely impact the amenity of surrounding land uses, in particular sensitive land uses, such as residential dwellings. The proposal has a residential interface with residences located on Butlers Road and Howell Road. The proposed use of the land as an emergency services facility in this location has the potential to adversely impact on the amenity of surrounding land uses, including alarms and ventilation noise emerging from the Motor Room building, general noise from outdoor training activities and persons entering and leaving the facility. The application received 19 objections and objector's raised concerns regarding the use of the building and the associated amenity disturbance relating to vehicle noise, lighting, noise from training activities, alarms and disposal of chemicals and wastes.

The Committee resolution also raised consideration of reinstating the existing CFA site to public parkland. Following a discussion with the applicant, the CFA indicated that they intend to surrender the site to Council following completion of the new fire station, with the existing building to be either intact and in good order, or as a cleared site ready for another purpose. In the event that a planning permit is issued for the new CFA building, a decision around the existing facility can be explored through the Heads of Agreement.

12. Officers' reports

**OCM.030/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

**Assessment**

The CFA have provided written advice on 18 March 2019, which was followed by a discussion, regarding their preferred changes to the conditions in the Officer recommendation in the report FN.006/19.

The following table presents the Officer’s response and reasoning as to whether the conditions are recommended to remain on any permit issued or be amended in response to the applicant’s suggested changes.

*Table 1 – Response to the applicant’s (the CFA) suggested changes to conditions*

Condition	Officer response
<p>1. Before the development and use commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 9 April 2018 and 5 July 2018 and prepared by <i>Nicholas + Alexander Architects</i> but modified to show:</p> <p>c) Tree Management Plan in accordance with Condition 5.</p> <p>d) Tree Protection Zone fencing.</p>	<p>The applicant sought to combine condition 1 c) and d) requirements.</p> <p>Condition 1 c) requests the submission of a Tree Management Plan which outlines detailed tree protection measures and requirements including a Tree Protection Zone Access Plan. These measures can be more extensive than just the implementation of Tree protection Zone fencing, or they may provide measures for tree protection if it is not practical to install standard Tree Protection Zone fencing.</p> <p>Condition 1 d) requests the location of Tree Protection Zone fencing to be shown on a Site Plan.</p> <p>The two are separate plan requirements intended for all endorsed plans to demonstrate how trees will be protected throughout construction and where the location of Tree Protection Zone fencing will be located during construction.</p> <p>Officers recommend that these two condition requirements remain relevant as stand-alone conditions.</p>
<p>4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development hereby approved, the landscaping works shown on the endorsed plans must be carried out, completed and maintained thereafter to the satisfaction of the Responsible Authority.</p>	<p>The applicant sought a change to the timeframe for undertaking the landscaping works to 3 months following the completion of the development, instead of before the occupation of the development.</p> <p>Officers support this condition being amended and have considered this timeframe to be reasonable, because it allows for flexibility with seasonal conditions and is still in accordance with the intent of the condition.</p>

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<p>8. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone to the satisfaction of the Responsible Authority. The fencing associated with this Tree Protection Zone must meet the following requirements:</p> <p>b) Fencing</p> <p>All tree protection fencing required by this permit must be erected in accordance with the approved Tree Protection Zone.</p> <p>The Tree Protection Fencing must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence with 1.8 metre support posts (e.g. treated pine or similar) every 3-4 metres, including a top line of high visibility plastic hazard tape erected around the perimeter of the fence.</p> <p>d) Irrigation</p> <p>The area within the Tree Protection Zone and Tree Protection Fencing must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.</p>	<p>The applicant sought to remove the word 'visual' from Condition 8 b). This condition clearly articulates the expectation of the permit holder that the (temporary) tree protection fencing should form a visual and physical barrier. Officers recommend this condition remain unchanged.</p> <p>The applicant sought clarification regarding Condition 8 d). Officers recommend that the condition can be amended to include the timeframe 'during the construction period', however the intent of irrigation in this condition is for watering to occur within the tree protection zone and fencing and not in the area outside the tree protection zone and fencing.</p>
<p>12. Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.</p>	<p>The applicant noted that this condition should be deleted as it is replicated in Condition 9, paragraph 2. Officers note this and recommend Condition 12 to be deleted.</p>

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<p>16. Before use of the development approved by this permit starts, an Acoustic Assessment of the as-constructed development must be submitted to the Responsible Authority for approval. The assessment, prepared by a suitably qualified and professional acoustic engineer, must review the function and operation of the as-constructed development and any operational process or procedure manuals. The assessment must confirm that the development and associated processes and procedures provides the necessary acoustic treatments, and has operational processes and procedures in place to ensure that:</p> <ul style="list-style-type: none"> <li>a) The noise emissions from the operation of the development do not impact adversely on the reasonable amenity of any nearby property.</li> <li>b) The noise emissions from the operation of the development comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 with the exception of any audible intruder, emergency or safety alarms as outlined in Part III clause 9;</li> <li>c) All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) complies with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;</li> </ul>	<p>The applicant submits that there is no need or justification for a detailed acoustic management plan to be prepared, assessed and adhered to for the life of the facility. The applicant suggests a more generally worded noise control condition. The CFA still propose that noise emissions from fixed mechanical plant be required to comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No, N-1. (SEPP, N-1)</p> <p>Officers note that the purpose of noise control from Industry, Commerce and Trade is to protect beneficial uses. The proposal interfaces with residential dwellings and beneficial uses are considered to include domestic and recreational activities, in particular sleep in the night period. The nature of the activity occurring at the emergency services facility will result in noise being generated during the evening.</p> <p>In order to continue to protect the beneficial uses and amenity for nearby residential dwellings from those elements not covered by the SEPP N-1, an acoustic assessment will offer an opportunity to identify and reduce, remedy or provide alternative solutions for any potential nuisance complaints. For example, warning alarms on doors, use of visual alarms or lower frequency audible alarms.</p> <p>This use will generate noise from emergency and safety alarms located within the development, which are not assessed by SEPP N-1. As such, this condition is not intended to address or restrict the noise generated from any emergency vehicle sirens located on the fire appliances or during emergency call-out responses.</p>
<p>17. Any recommendations or requirements of the Acoustic Assessment must be implemented and thereafter maintained in accordance with the approved Acoustic Assessment to the satisfaction of the Responsible Authority.</p>	<p>For the above reasons, Conditions 16, 17 and 18 are recommended to remain unchanged.</p>

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<p>18. All noise emanating from the development must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.</p>	
<p>21. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:</p> <ul style="list-style-type: none"> <li>a) Transport of materials, good or commodities to or from the land;</li> <li>b) Appearance of any building, works or materials;</li> <li>c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;</li> <li>d) Presence of vermin.</li> </ul>	<p>Condition 21 is a general amenity condition intended to protect the amenity of the area and is recommended to be included as a condition on any permit issued.</p>
<p>22. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.</p>	<p>The applicant noted that this condition should be deleted as it is replicated in Condition 21 a), b), c) and d). Officers note this and recommend Condition 22 be deleted.</p>

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<p>25. Except with the prior written consent from the Responsible Authority, the Brigade meetings and training sessions at the fire station hereby permitted may only operate between the following hours:</p> <p>Monday between 7.30pm and 9.30pm</p> <p>Sunday between 9am and 11am</p>	<p>The applicant has sought to increase the days and hours so that meetings and training sessions could occur Monday to Sunday, 7.30am to 10pm. Whilst the applicant has described that these activities will occur infrequently, the applicant would prefer to have the flexibility for these activities to occur during any day between 7.30am to 10pm.</p> <p>As part of their planning application submission, the applicant indicated people attending training sessions and meetings on Monday evening and Sunday mornings only. In addition, the technical documents received with the planning application submission, including a Traffic Impact Assessment Report prepared by TTM Consulting Pty Ltd on 29 March 2018, also assessed car parking and traffic impacts associated with people attending training sessions and meetings on Monday evening and Sunday mornings only.</p> <p>The applicant's request to allow for meetings and training sessions to occur any day of the week between 7.30am and 10pm is a transformation of the proposal and does not accurately represent how the applicant described the operation of the emergency services facility throughout the course of the planning application.</p> <p>Furthermore, Officers have not received any amended technical documentation which demonstrates how the amenity of nearby dwellings will be impacted.</p> <p>If the applicant seeks to pursue the merits of this condition, then Officer's recommend the decision for this application be deferred to an upcoming Future Nillumbik Committee meeting, so that objectors have an opportunity to respond to the proposed changes.</p>
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**OCM.030/19 Development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal at 109-115 Yan Yean Road, Plenty**

<p>26. Except with the prior written consent from the Responsible Authority, the number of persons present on the property at any one time during training sessions and Brigade meetings must not exceed 25, to the satisfaction of the Responsible Authority.</p>	<p>The applicant has sought to increase the number of persons allowed during training sessions and Brigade meetings to 50 persons. This increase in persons is to accommodate the number of persons which attend Group management meetings and full Brigade meetings, on a small number of occasions each year. The applicant identified that any overspill parking will be available in the rear service yard during these events and on-street parking demand will not be generated.</p> <p>However, Officers note that the rear service yard should not be used for overspill parking as in the event of an emergency, the fire appliances will be unlikely to efficiently enter the motor room building.</p> <p>As part of their planning application submission, the applicant indicated that a maximum of 25 people would be in attendance at these events. Accordingly, the Traffic Impact Assessment Report prepared by TTM Consulting Pty Ltd on 29 March 2018, considered traffic generation and impacts based on an average of 23 people attending training sessions and meetings on Mondays and on average 8 people attending training and equipment checks on Sundays.</p> <p>It is noted that objectors raised concerns around car parking availability and traffic impacts. Furthermore, Officers have not received any amended technical documentation which demonstrates how the amenity of nearby dwellings will be impacted.</p> <p>If the applicant seeks to pursue the merits of this condition, then Officer's recommend that the decision be deferred to an upcoming Future Nillumbik Committee meeting, so that objectors have an opportunity to respond to the proposed changes.</p>
<p>27. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.</p>	<p>The applicant requested the deletion of Condition 27. This condition is a standard amenity condition intended to protect the amenity of the area by managing building materials and colours. Condition 27 is recommended to be included as a condition on any permit issued.</p>

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<p>37. The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority.</p> <p>The development hereby permitted, including new paved areas, must be drained so as to prevent the uncontrolled discharge of storm water from the subject site across any road or footpath or onto any adjoining land. Storm water must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of storm water.</p>	<p>The applicant requested the deletion of the last sentence of this condition which would remove reference to ensuring that the amenity of adjacent and nearby land is not lost by reason of stormwater discharge.</p> <p>Condition 37 ensures that a drainage system within the site is designed to requirements to the satisfaction of the Responsible Authority, including ensuring that stormwater must not cause any nuisance to nearby land. This condition is considered reasonable and is recommended to remain unchanged. This is a standard permit condition placed on any new development planning permit.</p>
<p>40. Air-conditioning and other plant and equipment installed on the subject building(s) shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.</p>	<p>The applicant requested the amendment of this condition to remove the requirement for the equipment to be positioned and baffled.</p> <p>Condition 40 intends to protect the amenity of others with respect to the positioning and baffling of air conditioning and plant equipment installed on the site. This condition is considered reasonable to remain unchanged in order to protect the amenity of nearby sensitive land uses.</p>
<p>41. Unless with the prior written consent of the Responsible Authority, the commercial waste collection must not occur outside the following hours to the satisfaction of the Responsible Authority:</p> <p>a) For one collection per week, between 6.30am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays</p> <p>b) For two or more collections per week, between 7am – 8pm Monday to Saturday and between 9am – 8pm Sundays and public holidays</p>	<p>Condition 41 and 43 relate to the commercial waste collection days and times and maintaining a suitable area for waste collection. The applicant has detailed that they are yet to establish whether they will utilise the Council's waste management services or engage in a private contract service for the collection of waste from the fire station facility.</p> <p>Officers recommend these conditions be replaced with a requirement that a Waste Management Plan be submitted in the event that a planning permit is issued. This plan will detail collection days, times, method of collection i.e.</p>



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<p>43. The premises must provide and maintain a suitable area for the storage and cleaning of rubbish receptacles, as shown on the endorsed plans. The waste storage area must be appropriately located and of sufficient size to contain all refuse bins used on the premises, to the satisfaction of the Responsible Authority.</p>	<p>private or Council waste collection and include access to the site, method, and odour control.</p>
<p>44. Mechanical ventilation systems must be positioned so as not to cause a noise or environmental nuisance to adjoining properties, to the satisfaction of the Responsible Authority.</p>	<p>Condition 44 intends to protect the amenity of others with respect to the positioning of mechanical ventilation systems (which can be considered differently to air conditioning and plant equipment) installed on the site. This condition is considered reasonable and recommended to remain unchanged in order to protect the amenity of nearby sensitive land uses.</p>

**Conclusion**

In considering the above responses, the following Recommendation presents the conditions to be recommended in a Notice of Decision to Grant a Permit to the land located at 109-115 Yan Yean Road, Plenty, for the development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal.

**Recommendation**

**That** the Council issue a Notice of Decision to Grant a Permit to the land located at 109-115 Yan Yean Road, Plenty, for the development and use of the land as an Emergency Services Facility (CFA fire station), demolition of an outbuilding (toilet block) and associated vegetation removal, in accordance with the submitted plans and subject to the following conditions:

1. Before the development and use commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 9 April 2018 and 5 July 2018 and prepared by *Nicholas + Alexander Architects* but modified to show:
  - a) Amend Elevation Plans to delete Zinalume corrugated roof sheeting and replace with a muted and non-reflective roof material.
  - b) Trees numbered in accordance with the Treelogic Arboriculture Assessment and Report.
  - c) Tree Management Plan in accordance with Condition 5.
  - d) Tree Protection Zone Fencing.

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- e) Amend Site Plan to show the siting of the Plenty Church on the subject site.
  - f) Deletion of the eastern boundary 1.8 metre high fence, between the rock retaining wall and Memorial Drive.
  - g) The location of any entry bore pits both within the subject land and on the Road Reserves, sited so as to not impact on retained and existing vegetation.
  - h) The location of all trenched services within the subject land and on the Road Reserves, sited so as to not impact on retained and existing vegetation.
  - i) The location of any services (including drainage, water, electricity, gas and telephone) within the Tree Protection Zone of trees on the subject land and on the Road Reserve to be installed by directional boring with the top of the bore to be a minimum depth of 600mm.
  - j) The provision of bicycle facilities to accommodate at least 4 bicycle parking spaces, in order to satisfy Clause 52.34 (Bicycle Facilities).
  - k) The Waste Management Plan required by Condition 39.
  - l) An amended Landscape Plan generally in accordance with the plans received on 9 April 2018 and prepared by John Patrick Landscape Architects Pty Ltd showing:
    - i. The landscape plan amended to ensure that it complies with the CFA document Landscaping for Bushfire, Garden Design and Plant selection.
    - ii. Supplementary landscaping both on the remaining areas of Plenty Heritage Park and on the adjacent roadside verges, to provide additional screening of the development.
2. The development and use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
  3. The tree removal as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
  4. Unless with the prior written consent of the Responsible Authority, within 3 months of the completion of the development hereby approved, the landscaping works shown on the endorsed plans must be carried out, completed and maintained thereafter to the satisfaction of the Responsible Authority.
  5. Before the development commences (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), three copies of a site and tree specific Tree Management and Tree Protection Zone Access Plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plan must be generally in accordance with the plans received on 9 April 2018 and 5 July 2018 and the Treelogic Arboriculture Assessment and Report dated 13 June 2018 but modified to show:
    - a) Site Plan outlining trees to be removed and trees to be retained.

12. Officers' reports

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- b) Trees numbered in accordance with the Treelogic Arboriculture Assessment and Report.
  - c) Exact location and measurements of the Tree Protection Zone and associated tree protection fencing for all trees shown on the plans to be retained.
  - d) The ground level treatment within the Tree Protection Zone areas.
  - e) Location of all proposed trenched and bored services for the site.
  - f) The location and depth of excavations within the specified Tree Protection Zones.
  - g) The procedure that will be adhered to when excavating within the specified Tree Protection Zones.
  - h) The inspection and maintenance regime that will be complied with to maintain the Tree Protection Zones and tree health during the course of construction.
  - i) The reporting regime (to Council) that will be implemented during construction.
  - j) The current contact details for the person responsible for implementing the above actions must be included in the Tree Management and Tree Protection Zone Access Plan.
6. The approved Tree Management and Tree Protection Zone Access Plan must be carried out and completed to the satisfaction of the Responsible Authority.
7. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- a) Tree protection zones for any tree to be retained on the site, and any tree on any adjoining property or road reserve;
  - b) Measures to protect vegetation as required by any other condition of this permit;
  - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
  - d) Where access to the site for construction vehicle traffic will occur;
  - e) The location of car parking for the tradespersons working on the site;
  - f) The location of any temporary buildings or yards;
  - g) The location for storage of materials being delivered to the site;
  - h) Measures to control stormwater, erosion and sediment, and sediment laden water runoff including the design details of structures;
  - i) Details of how any hazardous materials are to be managed and removed from the site;
  - j) Measures to protect Council's assets (drainage, footpaths, crossovers, reserves and roadways);
  - k) Construction and delivery times;

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- l) Measures to address noise impacts associated with machinery, equipment, radios, voice etc;
- m) Dust control and mitigation measures to prevent airborne dust leaving the site;
- n) Measures to ensure no dust, dirt, mud or spoil are deposited on any adjoining property or road;
- o) Details of how any material or spoil deposited on the roads is to be removed;
- p) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
- q) The location of trenching works, boring, and pits associated with the provision of services.
- r) Measures designed to ensure the orderly management of the construction site, including complaint procedures and contact details in the event of a received complaint relating directly to construction works.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

8. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone to the satisfaction of the Responsible Authority. The fencing associated with this Tree Protection Zone and the area within the Tree Protection Fencing must meet the following requirements:

a) Extent

The tree protection fencing is to be provided to the extent of the identified Tree Protection Zone.

If works are shown on any endorsed plan of this permit within the confines of the calculated Tree Protection Zone, then the Tree Protection Fencing must be taken in to only the minimum amount necessary to allow the works to be completed.

b) Fencing

All tree protection fencing required by this permit must be erected in accordance with the approved Tree Protection Zone.

The Tree Protection Fencing must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence with 1.8 metre support posts (e.g. treated pine or similar) every 3-4 metres, including a top line of high visibility plastic hazard tape erected around the perimeter of the fence.

c) Signage

Fixed signs are to be provided on all visible sides of the Tree Protection Fencing clearly stating "Tree Protection Zone – No Entry", to the satisfaction of the

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Responsible Authority.

d) Irrigation

During the construction period, the area within the Tree Protection Zone and Tree Protection Fencing must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

e) Provision of Services

All services (including water, electricity, gas and telephone) should be installed underground, and located outside of any Tree Protection Zone, wherever practically possible. If underground services are to be routed within an established Tree Protection Zone, they must be installed by directional boring with the top of the bore to be a minimum depth of 600mm below the existing grade, to the satisfaction of the Responsible Authority.

Bore pits must be located outside of the Tree Protection Zone or manually excavated without damage to roots, to the satisfaction of the Responsible Authority.

f) Access to Tree Protection Zone

Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

9. Prior to the commencement of the approved works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the erected tree protection fences must be inspected and approved by the Responsible Authority.

Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.

10. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:

- a) Materials or equipment stored within the zone;
- b) Servicing and refuelling of equipment and vehicles;
- c) Storage of fuel, oil dumps or chemicals;
- d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
- e) Open cut trenching or excavation works (whether or not for laying of services);
- f) Changes to the soil grade level;
- g) Temporary buildings and works; and
- h) Unauthorised entry by any person, vehicle or machinery.

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11. Before buildings and works (including demolition) start the permit holder must advise the Responsible Authority (a minimum of two weeks beforehand) that commencement of works is imminent and that the required tree protection fences have been erected and that the site is available for inspection by the Responsible Authority to verify compliance with condition 8.

12. Native Vegetation Offsets

Offset Requirement

To offset the removal of 0.439 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017)* as specified below:

General Offset

A general offset of 0.175 general habitat units:

- Located within the Port Phillip & Westernport Catchment Management Authority boundary or Shire of Nillumbik municipal district
- With a minimum strategic biodiversity score of at least 0.488

Large trees

- The offset(s) secured must provide protection of at least 1 large tree.

The offset provided must be to the satisfaction of the Responsible Authority.

13. Offset evidence and timing

Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of Council. The evidence is one or both of the following:

- An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
- Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

14. Monitoring and reporting for onsite offset implementation

In the event that a security agreement is entered into as per Condition 13 (i) the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of the Responsible Authority.

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15. Before use of the development approved by this permit starts, an Acoustic Assessment of the as-constructed development must be submitted to the Responsible Authority for approval. The assessment, prepared by a suitably qualified and professional acoustic engineer, must review the function and operation of the as-constructed development and any operational process or procedure manuals. The assessment must confirm that that the development and associated processes and procedures provides the necessary acoustic treatments, and has operational processes and procedures in place to ensure that:
  - a) The noise emissions from the operation of the development do not impact adversely on the reasonable amenity of any nearby property.
  - b) Except during an emergency response call-out, the noise emissions from the operation of the development comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 with the exception of any audible intruder, emergency or safety alarms as outlined in Part III clause 9;
  - c) All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) complies with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;
16. Any recommendations or requirements of the Acoustic Assessment must be implemented and thereafter maintained in accordance with the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
17. Except during an emergency response call-out, all noise emanating from the development must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
18. No external sound amplification equipment or loudspeakers are to be used on the land.
19. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.
20. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, good or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin.

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21. External lighting sources and their intensity, location and containment, for purposes of safety and security, must be of a type that will not adversely affect the amenity of the neighbouring land or the locality due to unreasonable illuminance, glare or spill, to the satisfaction of the Responsible Authority.
22. All outdoor lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
23. Except with the prior written consent from the Responsible Authority, the Brigade meetings and training sessions at the fire station hereby permitted may only operate between the following hours:  
 Monday between 7.30pm and 10pm  
 Sunday between 9am and 12pm
24. Except with the prior written consent from the Responsible Authority, the number of persons present on the property at any one time during training sessions and Brigade meetings must not exceed 25, to the satisfaction of the Responsible Authority.
25. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.
26. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
27. Vehicular access and egress to the site from the roadway must be by way of a vehicle crossings, as shown on the submitted plans, constructed to the requirements of the Responsible Authority, to suit the proposed driveways and the vehicles that will use the crossings. The Responsible Authority must approve the location, design and construction of the crossings. Any unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an *Infrastructure Works permit*.  
  
 The width of the driveways at the property boundary must match the width of the vehicle crossings.
28. Truck egress, carpark access and the car parking area must be constructed and formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plans. Car parking must be line-marked or provided with some other adequate means of showing the car parking spaces. All must be drained and constructed in concrete, asphalt or similar surface and maintained to the satisfaction of the Responsible Authority.
29. A linear drainage grate must be provided across the full width of the truck egress at the property boundary. Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway at the property boundary in Memorial Drive Road where it meets road reserve and connected to the internal drainage



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system/on-site detention device. Storm water from the surface of the truck egress, carpark access and the car parking area must be directed, via an underground drain, to an on-site detention device, to the satisfaction of the Responsible Authority.

30. Storm water from the roof of the proposed buildings must be directed to a holding tank with a minimum storage capacity of 5000 litres. Water in the holding tank may be used for one or more of the following purposes: toilet flushing; property irrigation; vehicle washing and any other purpose approved by the Responsible Authority.

The overflow from the tank must be directed, via an underground drain, to an on-site detention device.

31. An on-site storm water detention device must be provided as part of this development. The device shall be located and designed by a qualified engineer and plans submitted to the Responsible Authority for approval.

The engineer designing the on-site storm water detention device must obtain TC and TSO figures from Council. The permissible site discharge must be restricted to a pre development flow rate for a 1 in 5 year average recurrence interval (ARI) event and detained for a 1 in 10 year ARI event.

The overflow from the on-site detention system must be directed to the nominated point of storm water discharge.

Any connection to Council's drainage infrastructure within road reserves or drainage easements must be carried out under Council supervision and an *Infrastructure Works* permit.

32. The on-site storm water detention device must be constructed, at no cost to Council, as per approved plans and Council's specification.

Construction of the on-site storm water detention system must be carried out under Council supervision and under an *Infrastructure Works permit*.

33. The nominated point of stormwater discharge is outside of the development site and requires the construction of drainage works outside the boundaries of the site. Such drainage works must be designed by a qualified engineer and plans and computations submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Plans must detail underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's "Subdivisional Design and Construction Standards" and "Drainage Design Guidelines".

34. Stormwater drainage works are to be constructed, at no cost to Council, and must be carried out under Council supervision, in accordance with the approved plans and Council's specifications and must be carried out under Council supervision and an *Infrastructure Works* permit.

35. The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority.

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The development hereby permitted, including new paved areas, must be drained so as to prevent the uncontrolled discharge of storm water from the subject site across any road or footpath or onto any adjoining land. Storm water must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of storm water.

36. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during construction works.

In this regard, sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority.

37. Prior to the commencement of the development hereby permitted, the owner shall enter into and comply with an agreement with Yarra Valley Water for the provision of sewerage.

38. Air-conditioning and other plant and equipment installed on the subject building(s) shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.

39. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must specify:

- a) Whether the development will be serviced by private waste collection or Council waste collection.
- b) The details and location of bin storage and bin collection areas.
- c) The details and location of bin storage and bin collection points by a private waste contractor (if not a Council collection).
- d) Access route and method of access for the vehicles collecting waste.
- e) Details and location of bin storage areas.
- f) Odour control from bin storage areas.

40. The Waste Management Plan endorsed as a part of this permit must be implemented and complied with as all times to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur unless with the further written approval of the Responsible Authority.

41. Unless with the prior written consent of the Responsible Authority, deliveries to the facility hereby approved must not occur outside the following hours:

- a) Between 7am – 10pm Monday to Saturday and between 9am – 10pm Sundays and public holidays

42. Mechanical ventilation systems must be positioned so as not to cause a noise or environmental nuisance to adjoining properties, to the satisfaction of the Responsible Authority.

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43. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within 2 years of the date of this permit.
- b) The development is not completed within 4 years of the date of this permit.
- c) The use is not commenced within 2 years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

**Council Notes**

During the course of the approved construction work, including tree removal, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.

Failure to undertake the vegetation removal in accordance with this permit will result in the issuing of Planning Infringement Notices to the landowner, occupant (if this is a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$806 for the land owner and occupant, and \$1612 for any company which may be undertaking the tree removal works.

Failure to undertake the requisite tree protection fencing in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this is a different person), and the person or company undertaking the works on-site. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$806 for the land owner and occupant, and \$1612 for any company which may be undertaking works on-site.

All retaining walls, in excess of one metre high, must be designed by a structural engineer.

**Attachments**

- 1. Site and surrounds
- 2. Aerial map
- 3. Plans
- 4. Future Nillumbik Committee report 12 March 2019 - FN.006/19

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OCM.031/19 Green Wedge Management Plan update

**Distribution:** Public

**Manager:** Matt Kelleher, Director Services and Planning

**Author:** Nichole Johnson, Coordinator Major Projects  
Naomi Paton, Manager Integrated Strategy

**Summary**

In December 2018, Council endorsed revised timelines to prepare the draft Green Wedge Management Plan (GWMP) for consideration by March 2019 for the purposes of wider community engagement. It is proposed that the draft GWMP now be considered at the June 2019 Ordinary Council Meeting, allowing for feedback on the draft Bushfire Mitigation Strategy to be received by Council prior to finalising the draft GWMP.

**Recommendation**

**That** Council endorses the revised timeline to prepare the draft Green Wedge Management Plan for consideration by June 2019 for the purposes of wider engagement.

**Attachments**

1. Green Wedge Management Plan revised timelines

**Background**

1. In October 2018, Council resolved to progress the preparation of the Bushfire Mitigation Strategy (BMS) with an officer report scheduled to be presented to the April 2019 Ordinary Council Meeting. It is proposed by officers the revised draft BMS be released for further community consultation in May, with submissions considered at the June 2019 Future Nillumbik Committee. Feedback on the draft BMS could also inform the preparation of the draft GWMP.
2. In December 2018, Council endorsed the responses to the GWMP Community Panel recommendations and requested Officers commence writing the draft GWMP. Officers have since commenced preparation of a new draft GWMP. Council also endorsed revised timelines to prepare the Draft GWMP for consideration by March 2019.

**Policy context**

3. The review of the Green Wedge Management Plan addresses the Council Plan Actions including:
  - 1.1 Improve community trust through better community connections and genuine engagement.
  - 3.1.2 Review the impacts of the Green Wedge Management Plan on those living in the landscape.
  - 3.1.3 Clarify the planning scheme to enhance opportunities for agricultural enterprises and tourism to prosper in appropriate ways in rural areas of Nillumbik.

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**OCM.031/19 Green Wedge Management Plan update**

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4.1 Encourage investment and development within the Shire to increase economic development and broaden the rate base while at the same time preserving the Green Wedge.

5.1.1 Ensure that Council policies and processes support good governance.

5.2.1 Advocate on important policy issues that affect the Nillumbik community.

**Budget implications**

4. There are no budget implications relevant to this report.

**Consultation/communication**

5. Former GWMP Community Panel members have been made aware of the revised timelines.

6. Panel members and the wider community will be informed of Council's decision.

**Issues/options**

7. Preparation of the draft GWMP will also be informed by further work and community feedback in preparing the BMS as per the updated timeframes (**Attachment 1**).

**Conclusion**

8. It is proposed that the draft GWMP is considered at an Ordinary Council Meeting in June 2019 to allow for feedback on the revised draft BMS to be received.

**12. Officers' reports****OCM.032/19 Rezoning 14 parcels of Council Owned Land to Public Park and Recreation Zone**

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**Distribution: Public****Manager: Matt Kelleher, Director Services and Planning****Author: Julie Paget, Strategic Planner****Anthony Calthorpe, Strategic Planning Coordinator****Summary**

Through previous decisions, Council has resolved to rezone 14 parcels of Council owned land to the Public Park and Recreation Zone (PPRZ). To rezone land, Council is required to amend the Nillumbik Planning Scheme.

The reason and purpose of the rezoning is to formally confirm the status of the land parcels as public open space, providing clarity about the future intent for the land.

The 14 parcels to rezone comprise land as follows:

- **Hurstbridge Open Space Precinct Plan** – the lot known as Lot 1, 44 Graysharps Road, Hurstbridge (1 land parcel);
- **2018 proposed land sales** – a residual 12 properties in total need rezoning (12 land parcels); and
- **The Civic Drive Master Plan** – the open space/park areas shown on the Master Plan (1 land parcel).

The first step required to rezone land is to apply the Minister for Planning (the Minister) for 'authorisation' to prepare and publicly exhibit a Planning Scheme Amendment (PSA). To support the application to the Minister, a formal resolution of Council is required confirming its intent to seek authorisation to amend the Planning Scheme.

Each of the properties subject to this proposed amendment have been identified as either serving or being capable of serving a public open space function and are not currently zoned for this purpose. For the purposes of efficiency, all of the 14 parcels can be combined into a single PSA, proposed to be known as 'Amendment C117'.

Extensive community consultation has occurred for each of the properties under their respective projects and it is considered that the rezoning is already anticipated by the public. Formal exhibition of any draft PSA will provide the public further opportunities to make submissions.

**Recommendation****That Council:**

1. Confirms its intent to rezone the 14 parcels of land identified in **Attachment 1** to Public Park and Recreation Zone through the amendment to the Nillumbik Planning Scheme proposed Amendment C117.
2. Instructs officers to formally request authorisation from the Minister for Planning to prepare and exhibit Amendment C117 to the Nillumbik Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

12. Officers' reports

**OCM.032/19 Rezoning 14 parcels of Council Owned Land to Public Park and Recreation Zone**

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**Attachments**

1. Property Details for Draft Amendment C117
2. Civic Drive open space Plan of Subdivision for rezoning to PPRZ

**Background**

1. Council has requested officers to rezone 14 parcels of Council owned land to Public Park and Recreation Zone (PPRZ). This requires a Planning Scheme Amendment (PSA). Amendment C117 will comprise three land components detailed below.

Lot 1, 44 Graysharps Road, Hurstbridge

2. Council resolved at the 22 November 2016 Ordinary Council Meeting to undertake a planning scheme amendment to rezone Lot 1, 44 Graysharps Road, Hurstbridge from Township Zone to PPRZ. This will support the implementation of the open space master plan which was adopted by Council at the 18 December 2018 Ordinary Council Meeting. This now confirms the appropriateness of progressing the rezoning. Preparation of the Master Plan has been the subject of significant public engagement.
3. This parcel is currently zoned as Township Zone and is subject to a Development Plan Overlay Schedule 7 (DPO 7) and a Design and Development Overlay Schedule 5 (DDO 5) which will need to be removed because they will become redundant.

Land Sale Properties

4. Council resolved at the 1 May 2018 Ordinary Council Meeting to rezone 12 properties to PPRZ (refer to properties listed in **Attachment 1**). This resolution followed consideration of each parcel proposed for sale and community feedback which overwhelmingly favoured retaining parcels in public ownership as local open space.

Open Space at Civic Drive, Greensborough

5. At the 24 May 2016 Ordinary Council Meeting, Council resolved to rezone Council owned land at 32-34 Civic Drive, Greensborough associated with the Civic Drive Community Facilities Masterplan to PPRZ.
6. Council noted at the 28 August 2018 Ordinary Council Meeting the intention to progress the rezoning in combination with the other 13 lots referred to in **Attachment 1**.
7. Land associated with the Council offices, the library and a portion of the nominated open space are on the same title and as such subdivision is required. This enables the Council offices and library to remain zoned as Public Use Zone 6 (Local Government) and the open space component to be rezoned as PPRZ. The subdivision process is underway to create title boundaries for rezoning purposes as per **Attachment 2**, with proposed Lot 2 to be rezoned PPRZ and Lot 1 remaining PUZ 6.

**Policy context**

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:

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**OCM.032/19 Rezoning 14 parcels of Council Owned Land to Public Park and Recreation Zone**

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- Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

**Budget implications**

9. The costs associated with processing Planning Scheme Amendments are prescribed by the Department of Environment, Land, Water and Planning. Government fees and officer time are met through the operating budget. Should any unforeseen circumstances arise, such as a need for legal representation, expert technical reports, this may have budget implications. These will be reported to Council should circumstances require.

**Consultation/communication**

10. As noted earlier in the body of this report, the rezoning of each parcel is already anticipated by the community, following the range of associated Council resolutions relating to each parcel. Each parcel has already been the subject of community consultation and feedback considered by Council.
11. Nonetheless, Council will formally exhibit the draft amendment (subject to Ministerial authorisation) and this will provide the community with further opportunities to make submissions and, if necessary, a Planning Panel will be appointed to hear any submissions. Future exhibition will generally comprise the following:
- Appropriate notification to affected property owners and occupiers and prescribed government authorities.
  - Notice in the Diamond Valley Leader and Government Gazette.
  - Notification on Council's website.
  - Following public exhibition, a report will be prepared for Council regarding any submissions received.

**Issues/options**

12. The underlying zones currently applying to the properties do not prevent the land being used for open space, however the associated Council resolutions referred to in this report have made it clear that a deliberate rezoning to the PPRZ would provide greater clarity to the public about the intent for the land to be used for open space purposes.
13. The alternative is to retain the land parcels in their current zone. It should be noted that the Minister for Planning could ask Council to consider alternative zones or to leave the current zoning in place for any or all of the land parcels.
14. The Minister for Planning will consider the request (for authorisation) and either find it has sufficient merit and approve it, or approve it with conditions or refuse it (if it were found to be misguided). A Ministerial Authorisation with conditions may require further work to be undertaken or additional issues that Council might have to consider. Any Ministerial conditions or requests requiring a Council decision (except administrative ones) will be further reported to Council.



**12. Officers' reports**

**OCM.032/19 Rezoning 14 parcels of Council Owned Land to Public Park and Recreation Zone**

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**Conclusion**

15. Draft Planning Scheme Amendment C117 proposes to rezone 14 Council owned properties to the Public Park and Recreation Zone to confirm their status as open space. This is considered to be a reasonable outcome to provide clarity as well as the correct outcome from a planning scheme perspective.
16. It is recommended that Council resolves to progress draft PSA by seeking authorisation from the Minister for Planning to prepare and exhibit the Planning Scheme Amendment C117 under Section 8A of the *Planning and Environment Act 1987* (as amended).

12. Officers' reports

OCM.033/19 Draft Budget 2019-2020

**Distribution: Public**

**Manager: Vince Lombardi, Executive Manager Finance**

**Author: Robert Malignaggi, Management Accounting Coordinator  
Melika Sukunda, Financial Accounting Coordinator**

**Summary**

This report presents the draft Budget for 2019-2020 for Council approval prior to exhibition for public consultation. The Budget provides resources for the ongoing delivery of Council services to the community, and for the development and maintenance of infrastructure throughout the shire.

Rates and charges

- The draft Budget proposes a 2.25 increase to the rate in dollar.
- An increase of 2.25 to the waste management charge.

Capital Works

- A range of major capital works projects have been identified through planning and community consultation. The draft Budget also provides significant resources to maintain and develop existing infrastructure.

Strategic Resource Plan

- In conjunction with the Council Plan, the Strategic Resource Plan has also been prepared for the next ten financial years.

<b>Recommendation</b>
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**That Council:**

1. Adopts the draft 2019-2020 Budget for the purposes of section 127 of the *Local Government Act 1989*.
2. Authorises the Chief Executive Officer to give public notice in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at a Council meeting proposed to be held at 7:30 pm on 25 June 2019, the 2019-2020 Budget (**Attachment 1**) presented to this meeting.
3. Notes that any person who makes a written submission in relation to the draft 2019-2020 Budget and requests to be heard in support of the written submission, be heard at the Future Nillumbik Committee meeting to be held in the Council Chamber, Civic Centre, at 7:30 pm on 14 May 2019.
4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the *Local Government Act 1989*.

**Attachments**

1. 2019-2020 Draft Budget

**12. Officers' reports**

**OCM.033/19 Draft Budget 2019-2020**

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**Background**

1. Council is required by the *Local Government Act 1989* to prepare a Budget for each financial year.
2. Adoption of the Budget is an important policy decision by Council in terms of resource allocation for services and projects in the coming year.
3. The draft Budget has been prepared for the purposes of public exhibition in accordance with statutory requirements.

**Policy context**

4. This draft Budget has been developed in parallel with the Council Plan.
5. In developing the draft Budget, Council has also considered the key priorities emerging from the master-plans for Council's major recreation facilities and reserves, the structure plans for Nillumbik's activity centres, and other Council policies and strategies.

**Budget implications**

6. The costs of preparing and exhibiting the Budget, such as public notices, are funded from operating budget allocations.

**Consultation/communication**

7. Following Council's adoption of the draft Budget 2019-2020, Public notice will be provided, that allows the community the opportunity to lodge submissions. Public exhibition will be for 28 days, and the draft Budget will be available for inspection at the Civic Centre and on Council's website.
8. Public submissions in relation to the draft Budget will be considered at the Future Nillumbik Committee meeting on 14 May 2019.
9. Following the consideration of any submissions reviewed, the Budget will then be presented for adoption at the Council Meeting on 25 June 2019, whereby Council is then required to formally adopt the final Budget for 2019-2020.

**Draft Budget 2018-2019**

10. The major features of the draft Budget are summarised below. Details are provided within the Budget document.

**Property rates and charges**

11. The draft Budget for 2019-2020 proposes a 2.25 per cent increase in property rates, this is 0.25 per cent below the maximum allowable set by the Minister under the Fair Go Rates System.
12. The waste management charge is proposed to be increased by 2.25 per cent.
13. No changes are proposed to the existing differential rates.

**Other fees and charges revenue**

14. Other fees and charges have been adjusted to reflect cost increases, regulatory requirements and market considerations. Details are provided in the draft Budget.

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**OCM.033/19 Draft Budget 2019-2020**

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**Operating expenditure**

15. Recurrent operating budgets for Council services have been budgeted to reflect changes in unit costs, including inflationary impacts and contract prices.

**Major initiatives**

16. The draft Budget provides resources through major initiatives for policy development, as well as policy implementation and service improvements.
17. A full list of major initiatives is provided in the draft Budget document.

**Capital works**

18. The draft Budget includes \$30.328 million of capital works projects, of which \$11.156 million will be funded by external grants.
19. A full list of capital works projects is included in the draft Budget document.

**Loan Borrowings**

20. There is no new loan borrowing proposed for 2019-2020.
21. The Strategic Resource Plan also forecasts that there will be no new loan borrowings over the next ten years.

**Strategic Resource Plan**

22. The Strategic Resource Plan has been developed in conjunction with the Council Plan. A copy of the Strategic Resource Plan is included with the draft 2019-2020 Budget.
23. The Strategic Resource Plan provides a ten year forecast of Council's finances, using projections of expenditure and revenue which are based on a series of assumptions about Council's services and infrastructure. This information is then used to assess Council's long-term financial sustainability.

**Conclusion**

24. Preparation of the annual Budget is a major decision for Council in allocating resources to services and projects for the coming year.
25. The draft Budget has been prepared with regard to the strategic context provided through the Council Plan.
26. It is recommended that Council adopt the draft Budget for 2019-2020 for the purpose of public consultation.

**12. Officers' reports****OCM.034/19 2019 Annual Community Survey**

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**Distribution: Public****Manager: Jeremy Livingston, Executive Manager Organisational Performance****Author: James Hartigan, Business Performance Analyst****Summary**

This report outlines the results of the 2019 Annual Community Survey which was conducted on Council's behalf by Metropolis Research in January 2019. The survey results attached to this report will be made available to the public on Council's website and reported in the 2018-2019 Nillumbik Shire Council Annual Report (to be released in October 2019).

This eighth annual survey is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community. The survey also assists Council in meeting State Government performance reporting requirements by measuring community satisfaction in a number of areas covered by this survey.

The 2019 survey report findings were generally positive. Among the results, community satisfaction with Council's overall performance is rated at 6.77 out of 10, a substantial increase of 4.8 per cent compared to the 6.46 result in 2018. This is also the second highest satisfaction rating since the survey's inception in 2011 (the peak being 6.90 in 2015).

This overall performance rating compares very similarly to satisfaction levels of other councils, with northern region councils and metropolitan Melbourne councils rating an average of 6.58 and 6.74 respectively. This level of performance is categorised by Metropolis Research as 'good', an increase on the 'solid' rating for Nillumbik from 2018.

With the level of data and information provided in this survey, Council officers will be able to analyse the results as they apply to individual service areas, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future service planning and making budgetary decisions.

**Recommendation****That Council:**

1. Receives and notes the results of the 2019 Annual Community Survey.
2. Makes the report's findings available to the public on Council's website.

**Attachments**

1. 2019 Community Survey Report

**Background**

1. In November 2018, Council commissioned Metropolis Research to undertake the eighth Annual Community Survey. Using the same methodology applied in previous surveys, the survey involved face-to-face interviews with 500 randomly selected residents from across five precincts of the Shire including Greensborough/Plenty,

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**OCM.034/19 2019 Annual Community Survey**

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Diamond Creek, Eltham, and rural townships including Hurstbridge, Kangaroo Ground and St Andrews.

**Policy context**

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:

- Maintain good governance and effective leadership.

**Budget implications**

3. The cost of undertaking the 2019 Annual Community Survey is met within existing operational budgets.

**Consultation/communication**

4. The Annual Community Survey involved face-to-face interviews with 500 randomly selected residents from across five precincts in the Shire. The data collection methodology for this survey meets State Government reporting requirements.

5. Fieldwork was undertaken over three weekends in January 2019, with Council placing posts about the conducting of survey on Council's Facebook page to provide some community awareness.

**Overview of the survey results**

6. The eighth Annual Community Survey has been designed to provide Council with a wide range of information covering community satisfaction, sentiment and involvement. The survey is also a strong measure of Council's performance across all of its core service areas, facilities and activities.

7. The 2019 survey covered the following aspects:

- Satisfaction with Council's overall performance
- Satisfaction with key aspects of governance and leadership
- Community issues, behaviours and attitudes on particular issues including traffic management, perceptions of public safety, waste services, tourism, consultation and engagement, and support services for children, youth and seniors, arts and social inclusion
- Satisfaction with planning and housing development
- Satisfaction with Council's communications tools and preferred methods of receiving information from Council
- Customer service
- Importance and satisfaction ratings of a range of Council services and facilities
- Demographic profile of respondents

8. The key findings of the survey are outlined as follows:

**Overall Council performance**

9. Satisfaction with Council's overall performance increased 4.8 per cent in this survey compared to the 2018 survey, from 6.46 to 6.77 out of 10. This score is categorised as 'good', and is very similar to both the corresponding metropolitan Melbourne

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OCM.034/19 2019 Annual Community Survey

(6.74) and the six northern region councils (6.58) averages. This improvement also corresponds with the same level of improvement from between the 2017 and 2018 surveys (6.15 to 6.46).

10. Respondents in Diamond Creek (7.19), the rural precinct (7.05) and Eltham North (6.88) are more satisfied than the municipal average, with satisfaction in the rural area increasing by 11.9 per cent in this survey.
11. Respondents from Eltham (a 6.20 out of 10 rating) are somewhat more dissatisfied with Council's overall performance than the municipal average, with an 8 per cent decrease in satisfaction recorded. Eltham went from the highest satisfaction level to the lowest satisfaction level in 2019. Meanwhile, 10 per cent of respondents considered that Council's performance has deteriorated, strongly influenced by the decreased satisfaction level.
12. Respondents more satisfied with Council's performance than average tend to be younger respondents, rental households and newer residents of Nillumbik. Conversely, respondents less satisfied with Council's performance than average tend to be middle-aged and older adults, homeowners and long-term residents of Nillumbik.
13. 13.4 per cent of respondents consider that Council's overall performance has improved in the last 12 months, up slightly on the 12.5 per cent recorded in the 2018 survey. This is the best result ever recorded for this measure.

Governance and leadership

14. Consistent with the increased satisfaction with Council's overall performance, satisfaction with the six aspects of governance and leadership improved from 6.40 to 6.65 out of 10, an increase of 3.9 per cent. This is categorised as 'good', up on the 2017 result of 'solid'.
15. Satisfaction with responsiveness to local community needs, representation, lobbying and advocacy and community consultation and engagement all recorded higher results than the metropolitan Melbourne average.

Important issues for Nillumbik Council to address

16. The top five issues for Council to address, as identified by respondents, are:
  - Traffic management (29.2 per cent)
  - Bushfire management / prevention (14.4 per cent)
  - Roads maintenance and repairs (12.8 per cent)
  - Building, housing, planning and development (12.4 per cent)
  - Rubbish and waste including garbage (8.4 per cent).
17. Traffic management issues remain a significant concern for Nillumbik residents, with 29.2 per cent of respondents identifying traffic management as an important issue. Traffic management was rated as 8.78 out of 10 in terms of importance, yet only 6.09 out of 10 in terms of satisfaction. It is noted that respondents that identified traffic management issues were on average marginally, but not measurably, more satisfied with Council's overall performance than the municipal average (6.85 compared to 6.77). This strongly suggests that the respondents identifying traffic management

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issues as being one of the top three issues to address in the municipality recognise that Council is not solely responsible for these issues and are not “marking Council down” because of them.

Safety in public areas

18. The perception of safety in the public areas of Nillumbik remains high, which has been a consistent outcome in this survey. Safety during the day is rated at 8.94 out of 10, which is significantly higher than the metropolitan Melbourne and northern region averages of 8.15 and 8.18 respectively.
19. The perception of safety in the public areas of Nillumbik at night increased marginally from 7.69 to 7.72 in this survey, and is also significantly higher than the metropolitan Melbourne and northern region averages of 6.76 and 6.95 respectively.

Planning and housing development

20. Satisfaction of those involved in planning approvals processes (equating to only 5.4 per cent of respondents) remains low, and decreased further in 2018, although it is noted that this is not unique to Nillumbik, as satisfaction is low across metropolitan Melbourne.
21. Satisfaction with planning outcomes such as quality and appearance of newly constructed developments, design of public spaces and protection of local heritage all increased and now are rated either ‘very good’ or ‘good’. This result remains higher than the metropolitan Melbourne average.

Customer service and methods of communication

22. Satisfaction with Council’s overall performance in customer service increased marginally (by 2.3 per cent) to 7.41 out of 10 in the 2019 survey. Of particular note, courtesy and friendliness and choice of method to access services rated as ‘excellent’, and access to relevant officer/area and provision of accurate information rated as ‘very good’.
23. A little more than a third of respondents (37.1 per cent, down 8.8 per cent on the 2018 figure) contacted Council within the last year. The main forms of contact were by telephone (56.5 per cent, down 6.6 per cent on 2018), visits in person (16.8 per cent) and email (10.9 per cent).
24. 55.1 per cent of respondents regularly receive and read *Nillumbik News*.
25. The four most common methods by which respondents prefer to receive information or interact with Council remain direct mail / letterbox drop of information (53.6 per cent, down 5.7 per cent from 2018); *Nillumbik News* (41.4 per cent, up 5.3 per cent); email (38.4 per cent, down 1.1 per cent); and Council’s website (34.8 per cent). There were also significant increases in social media (up 7.4 per cent to 25.0 per cent) and SMS / text messaging (up 15.0 per cent to 17.4 per cent) in 2018.

Importance of Council’s services and facilities

26. The survey requested respondents to rate the importance of 33 selected services and facilities. The average importance of these services and facilities was 8.58 out of 10. This result is marginally lower than the metropolitan Melbourne average of 8.72.



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27. Fortnightly recycling collection (9.45) and fortnightly garbage collection (9.35); weekly green waste collection (9.23), fire prevention works (9.07), services for seniors (8.92), local library (8.91), services for children aged 0 to 5 (8.87), hard rubbish collection (8.86) and drains maintenance and repairs (8.85) all rate 'higher than average importance'.
28. The importance of 28 services and facilities increased in 2019, with seven of these increasing notably in this survey: parking enforcement, Nillumbik News, Council website, street sweeping, footpath maintenance and repairs, animal management, and arts and cultural events, programs and activities.
29. The importance of only one service or facility declined in 2019 – on and off road bike paths, which decreased by 0.4 per cent, the fourth consecutive decrease for this measure.

Satisfaction with Council's services and facilities

30. The average satisfaction with the same 33 Council services and facilities increased by 1.1 per cent in this survey to a rating of 7.39 out of 10. This is categorised as 'very good', the same result as last year. This result is slightly lower than the metropolitan Melbourne average of 7.43.
31. Residents are most satisfied with their local library, services for children aged 0 to 5 years, weekly green waste collection, fortnightly recycling collection, environmental programs and activities, aquatic and leisure centres, services for seniors, sports ovals and arts and culture events, programs and activities.
32. Services and facilities rated lower than average included litter collection in public areas, public toilets, parking enforcement, street sweeping, provision and maintenance of street trees, footpath maintenance and repairs, maintenance and repairs of local sealed roads, drains maintenance and repairs, local traffic management and the grading of unsealed roads.

**Conclusion**

33. The 2019 Annual Community Survey has provided Council with key information on the importance and satisfaction the community places on a broad range of Council services, facilities and activities delivered to the community. The survey has also identified key local issues that are considered important to the community.
34. With the level of data and information provided in this survey, Council officers will be able to analyse the results as they apply to individual service areas, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future service planning and making budgetary decisions.
35. The survey's findings will be made available to the public on Council's website and will be reported in the 2018-2019 Annual Report.

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**OCM.035/19 Metropolitan Waste and Resource Recovery Group (MWRRG)  
Collaborative Procurement for Landfill Services**

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**Distribution: Public**

**Manager: Hjalmar Philipp, Director Sustainability and Place**

**Author: Lisa Pittle, Manager Environment**

**Mikael Ooi, Waste Management Coordinator**

**Summary**

The Metropolitan Waste and Resource Recovery Group (MWRRG) are initiating a process to re-tender landfill services for participating councils to ensure continuity of putrescible waste disposal and are seeking Nillumbik Shire Council's participation in the procurement process via a signed Memorandum of Understanding.

**Recommendation**

**That Council:**

1. Resolves to participate with the Metropolitan Waste and Resource Recovery Group in procurement of a new landfill services contract through a Memorandum of Understanding.
2. Delegates signing of a Memorandum of Understanding between Nillumbik Shire Council and the Metropolitan Waste and Resource Recovery Group to the Director Sustainability and Place.

**Attachments**

1. Landfill contract procurement timetable

**Background**

1. The Metropolitan Waste and Resource Recovery Group (MWRRG) is empowered to facilitate collaborative procurement under the provisions of section 50 of the *Environment Protection Act 1970*. Nillumbik Council's participation in collaborative procurement of waste services facilitated by MWRRG is exempt from the tendering provisions of section 186 of the *Local Government Act 1989*.
2. Following a procurement process in 2009, MWRRG commenced a contract in 2011 for landfill services on behalf of metropolitan councils.
3. Nillumbik Shire Council is a participant in the MWRRG Landfill Cluster Contract, C2009/1 – Provision of landfill facilities and services to receive and dispose of waste from participating councils, and delivers approximately 7,500 tonnes of putrescible waste to Hanson landfill.
4. Currently, 26 out of the 31 metropolitan councils are also parties to this contract. Through these 26 councils, a total of approximately 850,000 tonnes of putrescible waste is delivered under this contract per year to the five landfill sites.
5. An initial four-year contract term was awarded to the five major putrescible landfill sites across Melbourne for the Landfill Cluster Contract, C2009/1. The sites are:
  - a) Werribee Landfill operated by City of Wyndham

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Collaborative Procurement for Landfill Services**

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- b) Melbourne Regional Landfill located in Ravenhall and operated by Cleanaway Pty Ltd
  - c) Wollert Landfill operated by Hanson Landfill
  - d) Hallam Road Hampton Park Resource Recovery Park operated by Suez Australia and New Zealand
  - e) Clayton South Resource Recovery Centre operated by Cleanaway Pty Ltd
6. The initial contract term was 4 years with three (3), two (2) year extension options. All optional contract terms have been exercised and this contract will expire on 31 March 2021.

**Policy context**

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Provide waste management service that meet the needs of our community.

**Budget implications**

8. The current landfill cost per tonne charged by Hanson is \$110.09 (ex GST) for FY 2018/2019. This price per tonne disposal has two components:
- a) EPA levy of \$64.30 per tonne and
  - b) Disposal cost of \$45.79 per tonne
9. It is anticipated that the disposal cost component will rise significantly in the new contract.
10. Over a longer term, the State Government will be increasing the EPA levy to enable alternative waste treatment (AWT) technology to become a viable alternative to landfill.

**Issues/options**

11. MWRRG is initiating a process to re-tender the landfill services for participating councils to ensure continuity of putrescible waste disposal.
12. The term of the new landfill contract is relatively short as alternative waste treatment (AWT) technology is becoming a viable option for diversion of putrescible waste from landfill.

**Objectives of the new landfill contract**

13. The overall aim of this new landfill contract is to enable metropolitan councils to access landfill services for putrescible waste disposal and provide continuity and certainty to councils after the expiry of the current landfill contract post 31 March 2021.
14. Objectives for this landfill services procurement process are:
- Provide a transitional contract arrangement for putrescible waste disposal for councils until AWT processing facilities are in place
  - Achieve competitive pricing for an aggregate of 850,000 tonnes from 26 councils

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**OCM.035/19 Metropolitan Waste and Resource Recovery Group (MWRRG)  
Collaborative Procurement for Landfill Services**

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- Ensure reduced tendering cost for councils
- Ensure landfill price consistency in metropolitan Melbourne
- Facilitate flexibility for councils to utilise other landfills
- Provide flexible contract terms to align with the potential introduction of AWT processing facilities

**Delivery models**

15. MWRRG has two models for the new contract:

- Cluster model – this model is based on councils agreeing to be part of a geographic cluster to aggregate waste volumes on either a guaranteed or a non-guaranteed basis. The market is then invited to submit tender prices based on the scheduled rates for the volume of material landfilled in that cluster over a 12-month period.
- Panel contract model – instead of nominating for a council cluster, tenderers are invited to nominate prices for various volume threshold. These tendered rates will be available for councils to select a provider that has sufficient capacity to deal with that council's needs.

16. These models allow council to assess to multiple landfill sites and enter into contract arrangements with the current tri-partite arrangement - participation agreement, direct deed and service deed - as the legal instruments to facilitate efficient contract management.

**Contract duration**

17. The current landfill contract has been based on a contract term of 10 years. This has been favourable to Council because the rise and fall is based on CPI inclusive of labour, fuel, transport and materials.

18. At this stage, an AWT facility is not expected to come on-line until 2025. Therefore, the initial new contract term will be for four (4) years with a two (2) optional extension periods of two (2) years. The optional two year extensions are to facilitate any delay in AWT infrastructure provision.

19. In view of cost risk exposure by landfill operators for a long term contract and emerging AWT processing facility post 2025, the appropriate contract term for the new landfill contract is considered to be four (4) years with two (2), two (2) year options.

**Scheduled rate pricing adjustment**

20. Over the last ten years, there have been significant changes to the management of putrescible waste and environmental standards for landfill operators.

21. Landfill operators have been exposed to risk and increasing costs due to higher environmental standards imposed by the EPA. This increasing cost is not being covered by the rise and fall of the current contract.

22. Rise and fall for this new contract enables prices to be adjusted over the initial four-year term (2021-2025).

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**OCM.035/19 Metropolitan Waste and Resource Recovery Group (MWRRG)  
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23. At the end of the initial four year term, tenderers have the opportunity to resubmit a revised pricing schedule in the two (2), two (2) year optional extensions.
24. Council will have an option to either agree to a price reset, or not exercise the option to extend the contract and commence a new tendering process.

**Timelines**

25. In order to ensure business continuity for metropolitan councils, MWRRG has developed a time-table for the tendering of new landfill contract for metropolitan councils. See **Attachment 1** for the procurement timetable.
26. It is anticipated that the new landfill contract will commence in 1 April 2021.

**Options for Nillumbik Council**

27. The Shire of Nillumbik generates approximately 7,500 tonnes of putrescible waste per years. This tonnage is small in comparison to other metropolitan councils.
28. This quantum makes it difficult for stand-alone alternatives (such as small scale waste to energy) to be viable.
29. It is expected that the new tender with an aggregate of 850,000 tonnes will facilitate a better price for Nillumbik.
30. Therefore, for Nillumbik, the MWRRG collective landfill contract will ensure that
  - Scheduled rates are competitive
  - There is certainty on landfilling cost
  - There is business continuity for Nillumbik to continue disposing putrescible waste
  - Nillumbik is prepared to transition landfilling of putrescible waste to an processing facility post 2026
31. As a potential party to this new contract, MWRRG requires that Nillumbik sign a Memorandum of Understanding (MOU). This demonstrates Council's commitment to the procurement process for potential tenderers.
32. Nevertheless, this is not a final contract decision and alternative options for Nillumbik can still be investigated and pursued in the meantime.

**Conclusion**

33. Signing an MOU between Council and MWRRG would enable Nillumbik to transition the current landfill contract which expires on 31 March 2021 to the new landfill contract.
34. This will ensure the continuity of general waste collection service in the community.
35. This MOU will set a platform for a financial certainty in the disposal cost of general waste disposal.

**12. Officers' reports****OCM.036/19 Domestic Wastewater Management Plan**

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**Distribution: Public****Manager: Matt Kelleher, Director Services and Planning****Author: Leah Farrell, Coordinator Environmental Health Services  
Jonathan McNally, Manager Community Safety and Amenity****Summary**

Under State Environment Protection Policy (SEPP) Waters, Nillumbik Shire Council is required to develop and regularly review a Domestic Wastewater Management Plan. This plan outlines Councils program for managing septic tank systems across the shire. The SEPP requires that the Domestic Wastewater Management Plan be subject to a consultation process to ensure the needs of all stakeholders are considered prior to Council endorsing the plan.

The Draft Domestic Wastewater Management Plan 2019 has been developed and is now ready to be released for consultation.

**Recommendation**

**That** Council adopts the draft Domestic Wastewater Management Plan 2019 (**Attachment 1**) and releases the plan for public consultation to enable the Nillumbik community and other external stakeholders to provide feedback to the draft Plan.

**Attachments**

1. DRAFT Domestic Wastewater Management Plan 2019
2. BACKGROUND PAPER Nillumbik Domestic Wastewater Management Plan 2019

**Background**

1. Council's existing Domestic Wastewater Management Plan (DWMP) was adopted in 2015 and covers the period 2015-2018. Since the adoption of the existing DWMP there have been a number of changes in guidance relating to domestic wastewater management that change the way treatment and disposal systems are designed, installed and maintained.
2. State Environment Protection Policy (SEPP) Waters is a state wide policy designed to ensure the ongoing protection of surface waters across the State and reduce impacts on surface water environments. Clause 28 of the SEPP – Waters, requires Council as the Responsible Authority to ensure domestic wastewater is treated and managed so that these systems retain sewage within a properties boundaries and do not pose a risk to the community.
3. The key legislation, guidelines and standards that Council Officers assess domestic wastewater against are:
  - EPA Code of Practice – Onsite Wastewater Management (2016)
  - Australian Standard 1547:2012 On-site domestic wastewater management, and
  - EPA/MAV Land Capability Assessment Framework

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OCM.036/19 Domestic Wastewater Management Plan

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4. Councils have the primary responsibility for land use planning decisions where they can ensure that allotment sizes are appropriate for onsite wastewater management systems where a reticulated sewer is not available. The SEPP requires councils, in line with the requirements of the Victorian Planning Provisions, to ensure that reticulated sewerage or an alternative system approved by the relevant water corporation, has been provided for at the time of subdivision or development applications.
  5. This is important in particular where sites are not capable of containing wastewater within the property boundary. If a sewer or community scheme is not available, then each lot must be able to contain wastewater within the property boundary, via an approved treatment system. If it cannot be demonstrated that wastewater can be contained and reticulated sewer is not available, then a lot must not be subdivided.
  6. Clause 29, of the SEPP requires Council to develop a Domestic Wastewater Management Plan (DWMP) in conjunction with the local water authority and community.
  7. The newly adopted SEPP in November 2018 stipulates that DWMPs are to:
    - Identify public health and environmental risks associated with the onsite domestic wastewater management systems; and
    - Set out strategies to minimise those risks.
  8. A DWMP assists Council in aiming for best practice in the management of domestic wastewater. The aim of the plan is to prevent environmental pollution at the source, and where this is not possible to minimise the potential impacts on human health and the environment. The plan is also useful in setting out Council's agenda for advocating the connection of townships and communities to the reticulated sewerage system.
  9. DWMPs are a mechanism to demonstrate that councils have identified and are managing the risks posed to rivers and creeks from failing onsite domestic wastewater management systems.
  10. There are approximately 5,900 wastewater systems in operation across Nillumbik Shire. With limited new development occurring within the Shire in unsewered areas, the number of applications for new septic tank systems has been reducing annually, although this decline has generally been offset by an increase in the number of applications related to altering systems due to property renovation or dwelling replacement.
  11. Changes to current practice in the wastewater industry have resulted in the introduction of new treatment and disposal options for domestic wastewater management, stronger separation distances between effluent and sensitive areas such as buildings, allotment boundaries, services and surface waters (for example dams, waterways and wetlands).
  12. The SEPP requires the DWMP to be reviewed and updated at intervals of no more than five years and an internal audit to assess and report progress is to be conducted every three years and published to Council's website.

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OCM.036/19 Domestic Wastewater Management Plan

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13. The current review of the DWMP involved analysis of the implementation of the previous DWMP 2015-2018, the authorising environment and legislative changes, community engagement and current and future drivers in the onsite domestic wastewater management space.

14. Key recommendations of the DWMP 2019 review are divided into 5 key strategy action areas:

**Information and Data Collection**

- Collation and auditing of all current and historic WTS information into a single information management system to identify information gaps, provide status reports, improve risk assessment data and accuracy of information on WTS currently operating within the Shire.
- Enhancing GPS Mapping Application technology to assist with information gathering and recording.

**Education and Awareness**

- Implementation of wastewater education and information strategies for WTS owners in Nillumbik to achieve increased awareness of their responsibilities and improved WTS maintenance management practices.

**Sewer Connection and CSP prioritisation**

- Continued advocacy and promotion of sewer connection via participation in YVW's Community Sewerage Program (CSP) and increased collaboration and partnership with YVW.
- Continued partnerships with other Councils and peak associations to advocate to the State Government to accelerate, resource and maximise the CSP.

**Regulation and Enforcement**

- Investigation into the provision of an automated reporting application to manage Council's statutory duty to monitor and regulate compliance with the WTS maintenance reporting requirements and assist residents with their maintenance obligations.
- Developing a targeted monitoring and compliance program, including auditing and sampling activities to identify and assess the high risk WTS areas within the Shire.
- Investigation into the provision of specific Local Laws relating to current WTS legislative requirements.
- Enhanced cross collaboration across Council to ensure land development pressures are addressed appropriately, recognising the real constraints associated with land-based factors and sewer provision.
- A regulatory approach that applies the principle of "natural justice" when bringing old (legacy) WTS up to current standards. This approach will apply:
  - risk-based assessment to identify the high-risk legacy WTS within the Shire



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OCM.036/19 Domestic Wastewater Management Plan

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- logical, fair and explained upgrade triggers consistent with legislative requirements
- a phased, transitional approach to upgrade requirements, recognising the significant costs involved for Nillumbik residents.

**Collaboration and Review**

- Review of all wastewater operational policies and procedures to ensure that they are current and address all the relevant legislation; including legislative change and reform.
  - A comprehensive and formal DWMP review and auditing cycle that complies with the *SEPP (Waters)* requirements, and annual internal review and assessment of the DWMP Action Plan progress.
  - Strengthening Council's internal stakeholder relationships, capacity, resources and processes to provide an integrated approach to wastewater management and regulation.
  - Advocacy for improvements to the legislative framework pertaining to on-site domestic wastewater and reticulated sewerage provision and participation in reform opportunities.
15. The strategies are designed to improve the wastewater management across the Shire, as;
- Improving wastewater information and data capabilities enables Council to provide accurate risk data, to be utilised at the next YVW CSP reprioritisation program in 2021 and increasing the opportunities to successfully advocate to YVW for extension of the sewer network.
  - Improving and strengthening education programs geared towards maintenance of systems reduces the incidence of failing systems and the financial burden on property owners for upgrading systems to ensure compliance.
  - Developing and implementing a reporting and monitoring program will also assist with reducing the incidence of failing systems, reducing both public health and environmental risks associated with failing wastewater systems.
  - Maintaining strong relationships with State and Local agencies will provide opportunities to contribute to the creation of improved legislative frameworks for regulation of wastewater system management.

**Policy context**

16. The DWMP directly supports the achievement of the following Council Plan 2017-2021 strategy 3.6.3 Advocate to Yarra Valley Water for extension of the sewer network.
17. The DWMP is also a companion document to Council's Integrated Water Management Strategy, which deals with water related matters more broadly.

**12. Officers' reports**

**OCM.036/19 Domestic Wastewater Management Plan**

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**Budget implications**

18. There are no costs beyond the normal operational budget associated with the release of the Draft DWMP for comment.

**Consultation/communication**

19. Consultation with community members has begun with community drop-in sessions conducted in November 2018 at Hurstbridge, Yarrambat, Panton Hill and St Andrews.
20. A separate session was held for plumbers, drainers and pump-out specialists in February 2019.

**Issues/options**

21. The Draft DWMP will need to be released to external stakeholders for comment including the following organisations:
- Yarra Valley Water
  - Melbourne Water
  - Port Phillip and Westernport Catchment Management Authority
22. Upon Council approval, the Draft DWMP will also be generally released for public comment. The period for feedback will be four weeks following adoption of the draft DWMP. Following the consultation period a final DWMP will be presented to Council for adoption.
23. The consultation on the strategy will be promoted through Council's website, social media (Facebook and Twitter) and direct engagement with environmental groups including relevant friends groups/associations throughout the shire.

**Conclusion**

24. The DWMP has been reviewed and the draft plan requires public consultation in order to enable the Nillumbik community and external stakeholders to provide input to the Plan prior to final adoption by Council for the 2019-2023 period. The draft DWMP has been prepared and is ready for Council to adopt for public consultation.

12. Officers' reports

OCM.037/19 Nillumbik Customer First - Council's Customer Experience Strategy

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**Distribution:** Public

**Manager:** Matt Kelleher, Director Services and Planning

**Author:** Craig King, Customer Experience Lead

**Summary**

Nillumbik Customer First is Council's first customer experience strategy and defines the strategic direction of Council's customer focus for our community over the next 4 years.

**Recommendation**

**That** Council adopts the Nillumbik Customer First Strategy 2019-2022 (**Attachment 1**) as Council's customer experience strategy.

**Attachments**

1. Nillumbik Customer First - Our Customer Experience Strategy for 2019-2022

**Background**

1. As a service based organisation, providing an outstanding customer experience and effective service delivery is Council's core business and is our reason for being. As an organisation we exist to support and service our community, focusing on delivering value for our residents.
2. Improving our customer experience is one of our top priorities and Council's first Customer Experience Strategy 'Nillumbik Customer First' demonstrates how Council will transform customer service across the whole organisation for the community's benefit.
3. The strategy is a critical document in setting strategic goals and commitments, charting the journey to drive organisational change to support Council in delivering an outstanding customer experience to our community every time they interact with us.
4. This drive will become stronger as our community demands more from us and we need to find and deliver efficiencies and better ways of servicing the community to support their needs. As the expectations customers have of Council continue to change, simultaneous with the wider community, we need to listen and adapt the way we interact with our customers to ensure the experiences we deliver are positive, solutions-focused, easy, empathetic, accessible and add value.
5. Providing an outstanding customer experience helps Council achieve its vision of Nillumbik being Australia's most liveable Shire, with services being easy to use and ensuring we will be customer focused at all times in an environment where all customers will be treated with care and respect.
6. Focusing on improvements that make engaging with Council more reliable, easy and consistent, makes the delivery of our services more cost effective and increase the trust and confidence our community has in Council. Delivering a great customer experience is underpinned by building a customer first culture – where we continuously seek to improve and innovate – and generate tangible improvements and outcomes for our customers right across the organisation.

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**OCM.037/19 Nillumbik Customer First - Council's Customer Experience Strategy**

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7. Given the broad and diverse range of services we provide at the different life stages and milestones of our customers, here at Nillumbik Customer Experience (CX) can be defined as the ongoing interaction between Council and our customers throughout the duration of our relationship. Positive customer experience now extends beyond traditional customer/provider transactions, such as lodging a request, applying for a planning permit or paying rates. It is about the entire experience customers have with Council, including the staff member they interacted with, how the service is offered and delivered, the appearance and feeling of their neighbourhood or even the surrounding elements – such as the website’s ease of use or how the customer navigates within the environment where the experience is offered.
8. This new strategy guides the transformation of our service delivery to be focused on the customer experience, meeting customer needs through digital innovation, service redesign and a ‘Customer First’ service model in line with the Council Plan Action that reinforce a customer centric ambition.

**Policy context**

9. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure seamless service delivery and an open and responsive approach to our customers.

**Budget implications**

10. Funding is allocated in the FY2018-2019 budget to commence implementation of key action items for the first year of the strategy. There is budget allocated in the draft budget for FY2019-2020 for implementation of key actions to continue. Budget to address key digital and technology transformations will require consideration in future year’s budgets and will require further consideration as business cases are developed.

**Consultation/communication**

11. The strategy has been comprehensively informed through a number of internal and external research and feedback, helping identify and drive the focus of the strategy and key actions. Work has commenced in these areas to address some fundamental goals to help begin the transformation to drive change for our customer experience.
12. Sources of information and findings that have informed the direction of the strategy include:
  - 2018 and 2019 Community Satisfaction Surveys (Metropolis Research)
  - 2018 CMT External Customer Service Survey (CSBA) (The 2019 survey is underway)
  - 2018 Internal Staff Customer Centricity Survey (CSBA)
  - Internal Working Group, Staff workshops and feedback
  - Community Engagement focus group (February 2019)
  - Customer data and feedback from our systems and complaint processes.

**12. Officers' reports****OCM.037/19 Nillumbik Customer First - Council's Customer Experience Strategy**

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**Issues/options**

13. Essential to the success of the strategy is ensuring everyone across the organisation has a stake in this journey, and shaping leadership and culture is the key driver in transforming the experience of our customers.
14. Adopting this strategy gives a clear line of sight on Council's long term customer aspirations, with a clear vision, goals and a commitment to customers on our behaviours and values through four customer commitments, better informed policy and decision making and a comprehensive list of actions to get to our aspirational goals. This is driven by the strategy's proposed strategic framework which is structured below:

***Vision***

Our vision reflects our aspirations to drive a customer centric culture here at Nillumbik:

*'Nillumbik's services are easy to use and we will ensure they will be customer focused at all times in an environment where all customers will be treated with care and respect.'*

***Customer Commitments***

As part of developing Nillumbik Customer First, we've collected feedback from our customers and our staff about what's most important to them. Our passion and ambition for delivering outstanding customer experience and feedback has culminated in four key commitments Council will aim to achieve for customers. These four commitments will align our efforts, our thinking and our aspirations to deliver a great experience for our customers, internal and external, every day. They are:

- **Empathetic** We listen to our customers, understand their needs and concerns and we put ourselves in their shoes
- **Consistent** Our customers are provided with accurate information and consistent experiences across Council and all its customer channels, by knowledgeable and supportive staff
- **Effective** We understand our key customer journeys, we design and deliver our services to deliver quality outcomes and reduce duplication and repetition
- **Simple** All customer processes, documentation, information and contact channels are easy to follow, are seamless and require as little time and effort from the customer.

***Goals***

The strategy's goals have been drawn from key findings based on internal and external research that tell us what we need to do and what actions we require out of these goals to drive the changes we want for a customer centric culture here at Nillumbik

- Customer Focused Culture and Leadership
- Improved Reporting and Measurement
- Increased Customer Intelligence

12. Officers' reports

OCM.037/19 Nillumbik Customer First - Council's Customer Experience Strategy

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- Modern and effective customer channels and tools
- Ongoing Continuous Business Improvement and Innovation

**Conclusion**

15. Whilst this document informs the business internally about our direction and commitment to our customer experience for the foreseeable future, the strategy's adoption by Council provides alignment to all its existing work, as well as future projects. It adds weight to driving organisational transformation, as it clearly demonstrates a strong, committed and organisationally connected approach to customers.
16. It supports embedding specific customer centric behaviours for business planning, including leadership and measurement of customer experience performance, which links to staff behaviours and personal performance plans. It is also an important tool to demonstrate Council's commitment to its community to delivering an outstanding customer experience and our intent to continue to improve and change the way we work to be a more effective and efficient provider of services.
17. Some adjustments to the strategy have been made to account for additional areas we believe require strong organisational focus. These include:
  - Staff as Organisational Ambassadors – ensuring staff across the organisation operating at the civic centre, in our multiple facilities or in the field present a positive and accessible image for our customers.
  - Recognising and rewarding outstanding service to customers – reinforcing the commitments through our values and behaviours, along with recognising and reward staff who go the extra mile for our customers.
  - One stop shop – Investigating ways to cut through the complexity of multiple areas of regulation via a streamlined processes, customer information or concierge services for business or major investment projects.
18. The key actions for 2019 that would follow adoption of the strategy include:
  - Development of a clear Customer Focus and Policy, including continued work on our Key Performance Indicator (KPI) framework
  - Expansion of our Quality Benchmarking through our Mystery Shopping program
  - The continuation and development of our "Customer First" training package to further enhance and develop officer skills
  - The development and update of our Customer Complaint Handling Policy
  - Development options for both our technology architecture and digital review
  - Strong leadership drive on embedding our customer commitments into everything we do.
19. It is recommended that Council adopt the Nillumbik Customer First as Council's customer experience strategy and that implementation of the strategy in accordance with the listed actions commence immediately.

**12. Officers' reports****OCM.038/19 Motions for the National General Assembly of Local Government 2019**

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**Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Blaga Naumoski, Executive Manager Governance****Summary**

Three motions have been prepared for the Australian Local Government Association (ALGA), National General Assembly to be held on 16-19 June 2019 in Canberra. This will be the 25<sup>th</sup> NGA and will focus on the future of local government and local communities.

The NGA is an opportunity for individual councils to identify matters of national relevance to the sector, influence the future direction of our council and our community and to submit notices of motion to seek support at the NGA for these matters to be considered by NGA as national policy.

This report informs Council and seeks endorsement of three proposed motions to put forward to the NGA.

**Recommendation**

**That** Council resolves to adopt and lodge the following three motions to the Australian Local Government Association, National General Assembly to be held in Canberra on 16-19 June 2019:

1. 'That this National General Assembly call on the Australian Government to provide direct funding to assist local governments to address the risks around energy prices, energy security and climate change through the development of renewable energy facilities that support local community outcomes.'
2. 'That this National General Assembly call on the Australian Government to take a lead in supporting and potentially establishing a domestic recycling industry to address the current market failure.'
3. 'That this National General Assembly call on the Australian Government to secure, further Mobile Black Spot funding to increase the safety, well-being and liveability of regional and rural communities.'

**Attachments**

1. Motions for Australian Local Government Association National General Assembly

**Background**

1. The National General Assembly allows local governments from around Australia to meet and discuss sector-wide issues.
2. The National General Assembly debates and moves motions from the sector which are then prosecuted by NA at the Coalition of Australian Governments (COAG) and through relevant ministerial meetings.
3. The Council has identified the following critical areas local government needs to consider now and into the future:

12. Officers' reports

OCM.038/19 Motions for the National General Assembly of Local Government 2019

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- a) Mobile Blackspot – Secure further Mobile Black Spot funding to increase the safety, well-being and liveability of regional and rural communities.
  - b) Waste Management – Drive federal government to play a role in increasing the stability of the domestic recycling industry so that an uninterrupted service is provided to ratepayers at a price that is more competitive than landfilling
  - c) Renewable Energy – Funding to address the risks around energy prices, energy security and climate change through the development of renewable energy facilities that support local community outcomes.
4. Council recognises these matters of national relevance to the sector that will influence the future direction of our council and our community.
  5. The Mayor will be representing Council at the National General Assembly and it is appropriate that the motions be moved on behalf of Council for the following reasons:

***Mobile Blackspot***

- Poor mobile phone coverage in regional and rural areas potentially put people's lives at risk during the devastating bushfires.
- Communication should be a necessity, particularly for those living, working and travelling in regional and remote Australia.

***Waste Management***

- Without support Councils will need to pay more to recycle and will pass these costs onto residents in the community who will feel the impact.
- Local governments, particularly those that are resource constrained, require significant levels of external funding to address the market failure.

***Renewable Energy***

- Significant efforts are required across Australia to reduce greenhouse gas emissions in line with keeping global warming to less than two degrees Celsius.
  - Local governments, particularly those that are resource constrained, require significant levels of external funding to achieve these reductions by upgrading existing building stock, generating and consuming renewable energy, replacing petrol driven fleet and assisting the community to undertake similar actions in homes and businesses.
  - Given that the climate has already begun to change, providing upgraded facilities that cope with extreme weather conditions without imposing a significant burden on energy networks is critical to keeping communities safe and healthy as well as contributing to lower infrastructure costs.
6. Motions submitted will be reviewed by the ALGA Board's National General Assembly sub-committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the National General Assembly Business Papers. When reviewing motions, the sub-committee considers the importance and relevance of the issue to local government.



**12. Officers' reports**

**OCM.038/19 Motions for the National General Assembly of Local Government 2019**

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**Policy context**

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- We will lead the Local Government sector in energy-efficient practices to reduce our carbon footprint.

**Budget implications**

8. There are no budget implications associated with submitting a notice of motion.

**Conclusion**

9. The economic, social and environmental prosperity of Australia is dependent on stable, competitively priced, supply of low emission energy. The implementation of actions by Local Government to mitigate and adapt to the impacts of climate change requires considerable funding and it is appropriate that the federal government provide the funding support proposed by this motion to the ALGA National General Assembly.
10. The message from material recycling facilities following the impact of China's National Sword Policy is that they are no longer profitable at new commodity prices and existing gate fees. It is imperative that the federal government play a key role in increasing the stability of the domestic recycling industry so that an uninterrupted service is provided to ratepayers at a price that is more competitive than landfilling.
11. The lack of mobile phone coverage severely impacts business, industry, health services, education and other government services and requires serious consideration and commitment to close the inequity in communication services between metropolitan and rural communities. It is critical that the federal government provide further funding to support this motion to the ALGA National General Assembly.

12. Officers' reports

OCM.039/19 Assembly of Councillors

**Distribution:** Public

**Manager:** Blaga Naumoski, Executive Manager Governance

**Author:** Alena Spry, Governance Officer

**Summary**

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 26 February 2019.

An Assembly of Councillors record was kept for:

- Pre-meeting to Ordinary Council Meeting – 26 February 2019;
- Living and Learning Nillumbik Advisory Committee – 27 February 2019;
- Inclusion Advisory Committee – 28 February 2019;
- Recreation Trails Advisory Committee – 28 February 2019;
- Councillor Briefing Session – 5 March 2019;
- Environment and Sustainability Advisory Committee – 6 March 2019; and
- Councillor Briefing Session and Pre-meeting to Future Nillumbik Committee – 12 March 2019.

<b>Recommendation</b>
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**That** Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 26 February 2019, 27 February 2019, 28 February 2019, 28 February 2019, 5 March 2019, 6 March 2019 and 12 March 2019 (**Attachment 1**).

**Attachments**

1. Assembly of Councillors reported 26 March 2019

**Background**

1. The *Local Government Act 1989* (the Act) requires records of assemblies of Councillors be reported to an Ordinary Meeting of Council and recorded in the minutes of that meeting.

**Policy context**

2. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure that Council meets its legal responsibilities and manages its risks.

**Budget implications**

3. This is a routine reporting item, the resources for which are contained in Council's current operating budget.

12. Officers' reports

OCM.039/19 Assembly of Councillors

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**Consultation/communication**

4. None required.

**Issues/options**

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
  - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 26 February 2019.

**Conclusion**

9. It is recommended that Council receives the records of recent assemblies of Councillors as contained in this report, fulfilling section 80A(2) of the *Local Government Act 1989*.

12. Officers' reports

OCM.040/19 North Eltham Wanderers Cricket Club Loan Guarantee Request

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Sustainability and Place

**Author:** Joanne Massoud, Recreation and Open Space Planner  
Vince Lombardi, Executive Manager Finance

**Summary**

The confidential report associated with this report recommends making public the decision to endorse North Eltham Wanderers Cricket Club's request to obtain a loan guarantee for a portion of their contribution to the Eltham North Reserve Pavilion, but the particulars of this request to remain confidential.

**Recommendation**

**That** Council notes this report.

**Attachments**

Nil

12. Officers' reports

OCM.042/19 Contract 1819-45 Kangaroo Ground Landfill Rehabilitation - Provision of Project Manager

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Sustainability and Place

**Author:** Enrique Gutierrez, Manager Capital Works

Lance Clark, Senior Procurement Specialist

**Summary**

This report is an overview of a separate confidential report considering the awarding of the contract for the provision of project management services for the Kangaroo Ground Landfill Capping and Rehabilitation project.

The Tender Evaluation Panel (TEP) has agreed to the results of the evaluation and recommendation to award the contract.

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.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

**Recommendation**

**That** Council notes this report.

**Attachments**

Nil

**12. Officers' reports**

**OCM.043/19 Contract 1718-144 Booked or Scheduled, Hard or Green Waste Collection Service**

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**Distribution: Public**

**Manager: Hjalmar Philipp, Director Sustainability and Place**

**Author: Lisa Pittle, Manager Environment**

**Mikael Ooi, Waste Management Coordinator**

**Summary**

This report is an overview of a separate confidential report to provide Council with hard or green waste collection services, replacing a previous contract which expires in July 2019.

Awarding this tender will support Council in continuing to offer residents the existing hard waste collection service of one booked hard waste collection of two cubic metres per tenement per year. The contract also provides a range of discretionary options for additional booked collections, collection of green waste and a scheduled shire-wide collection.

The contract term is for an initial period of five (5) years with further options of two additional twelve (12) month terms.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the anticipated value of this contract exceeds the financial limits and a Council resolution is required to accept the recommendation to use this contract.

The confidential report associated with this contract contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

**Recommendation**

**That** Council notes this report.

**Attachments**

Nil

- 13. Notices of Motion
- 14. Delegates' reports
- 15. Supplementary and urgent business
- 16. Confidential reports

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

**OCM.044/19 North Eltham Wanderers Cricket Club Loan Guarantee Request**

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act, and a matter affecting the security of Council property pursuant to section 89(2)(g) of the Act.

**OCM.046/19 Contract 1819-45 Kangaroo Ground Landfill Rehabilitation - Provision of Project Manager**

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

**OCM.047/19 Contract 1718-144 Booked or Scheduled, Hard or Green Waste Collection Service**

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

**OCM.048/19 Contractual matter**

This item is designated confidential because it is a personnel matter pursuant to section 89(2)(a) of the Act.

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

<b>Recommendation</b>
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**That** in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.