

Ordinary Meeting of Council

to be held at the Hurstbridge Community Hub, 50 Graysharps Road, Hurstbridge
on Tuesday 28 May 2019 commencing at 7.30pm.

Agenda

Carl Cowie
Chief Executive Officer

Friday 24 May 2019

Distribution: Public

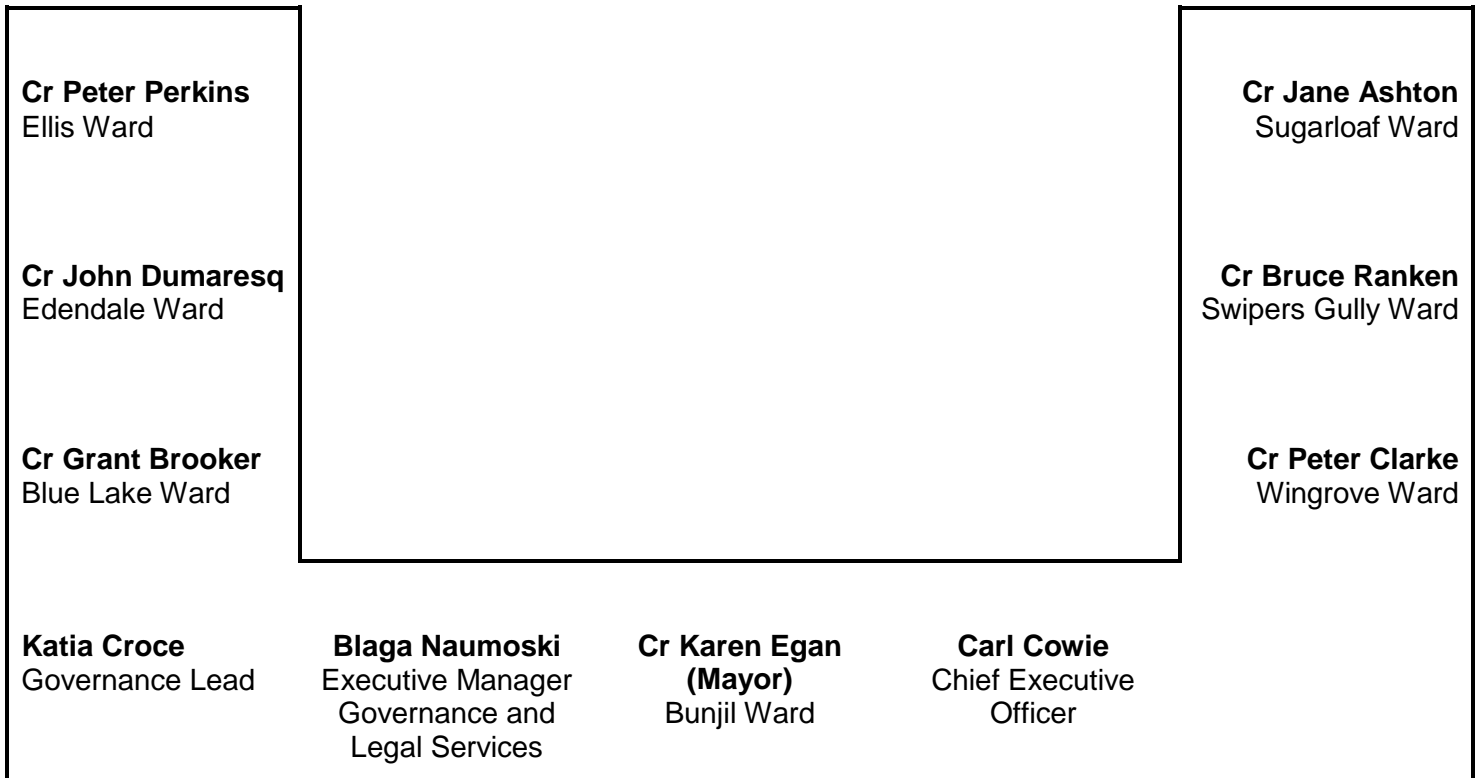
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Domin je ka

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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Nillumbik Shire Council

**Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held
Tuesday 28 May 2019 commencing at 7:30pm.**

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 noted.

5. Presentations

Flynn McMahon, Emma Rao and Imogen Nolan on behalf of EC Waves Swim Club receive a certificate of recognition for their achievements in the Open, Age and Multi-Class divisions at the 2019 Hancock Prospecting Australian Age Swimming Championships in Adelaide.

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 30 April 2019 and the Special Council Meeting held on Monday 20 May 2019.

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 30 April 2019 and the Special Council Meeting held on Monday 20 May 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.005/19 Advisory Committee Report

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance and Legal Services

Author: Alena Spry, 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:

- Positive Ageing Advisory Committee – 3 May 2019.

Attachments

1. Positive Ageing Advisory Committee minutes - 3 May 2019

Recommendation

That Council notes the Positive Ageing Advisory Committee meeting minutes held on 3 May 2019.

11. Reports of Special Committees

OCM.076/19 Committee report - Draft Budget 2019-2020 - consideration of submissions

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

**Author: Robert Malignaggi, Coordinator Business Services
Melika Sukunda, Manager Finance**

Summary

This report outlines submissions received from the public regarding the draft Budget 2019-2020 for Council consideration.

Council adopted the draft Budget 2019-2020 at the Ordinary Council Meeting on 26 March 2019 for the purpose of community consultation. The draft Budget was made available to the public for a period of 28 days. Three submissions were received.

The Future Nillumbik Committee considered the three submissions as well as verbal presentations from submitters at its meeting on 14 May 2019.

The following people addressed the Committee with respect to the draft Budget 2019-2020:

1. Nikki Waterfall (Diamond Creek parkrun)
2. Stephanie Germancheva (Wattle Glen Residents' Association / Friends of Watery Gully)

After considering the submissions and presentations, the Committee resolved that this report be presented to Council.

Recommendation

That Council:

1. Notes that three submissions on the draft Budget 2019-2020 were received, and the submissions were considered and submitters were provided with the opportunity to be heard by the Future Nillumbik Committee on 14 May 2019.
2. Considers the matters contained in the submissions and the Committee's report during finalisation of the Budget 2019-2020.

12. Officers' reports**OCM.064/19 Review of Injured Wildlife Euthanisation Service**

Distribution: Public**Manager: Jeremy Livingston, Acting Director Community and Planning****Author: Jonathan McNally, Manager Community Safety and Amenity****Summary**

An independent audit of Council's Injured Wildlife Euthanisation Service was carried out by Maddocks Lawyers and PPB Advisory (now part of Price Waterhouse Coopers) in July 2018. The audit specifically reviewed the past, present and future management of this service, and related management of firearms. The audit identified some important safety risks concerning the current delivery of the service.

At the Future Nillumbik Committee meeting in February 2019, the Committee determined that "*the Committee (acting under delegation from Council) receives a further report from officers no later than May 2019 meeting cycle regarding Council's Injured Wildlife Euthanisation Service addressing the options available and seek comment from community and other stakeholders*".

The purpose of this report is to present the findings from the Issues and Options Paper, and to make a recommendation to Council regarding the future of the service.

Recommendation**That Council:**

1. Endorses the recommendations of the Injured Wildlife Euthanisation Issues and Options Paper (**Attachment 1**) to continue the provision of the service on both public and private property.
2. Continues to review and implement the most appropriate service model for the delivery of the service.
3. Advocates to the State Government for funding and additional support in the management of injured wildlife within Nillumbik and for the delivery of an Injured Wildlife Euthanisation Service.

Attachments

1. Injured Wildlife Euthanisation Service - Issues & Options Paper

Background

1. The review of the Injured Wildlife Euthanisation Service has been carried out following the Future Nillumbik Committee on 12 February 2019 where the committee determined that "*the Committee (acting under delegation from Council) receives a further report from officers no later than May 2019 meeting cycle regarding Council's Injured Wildlife Euthanisation Service addressing the options available and seek comment from community and other stakeholders*". The Issues and Options Paper (**Attachment 1**) provides an analysis of the current and historical delivery of the service, benchmarking across the local government sector, and the options available to Council for the ongoing provision of the service in order to ensure it is carried out in a safe, effective and legally compliant manner.

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OCM.064/19 Review of Injured Wildlife Euthanisation Service

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2. The Injured Wildlife Euthanisation Service operated by Council forms part of the broader Community Safety and animal management service provided by the Community Safety department. The service currently attends to the euthanasia of injured wildlife on both public and private land, in accordance with the *Prevention of Cruelty to Animals Act 1968* (POCTA). In accordance with responsibilities established under the POCTA authorisation, wherever possible and when resourced to do so, qualified and accredited officers are obliged to minimise the suffering of injured animals where a recovery from injuries is unlikely. The service is also carried out in order to minimise the chance of injured wildlife creating a road hazard on public roads. Beyond the provision of this service, Council officers are not authorised to otherwise engage with or actively manage wildlife within the Shire, with these responsibilities sitting with the Department of Environment, Land, Water and Planning (DELWP).
 3. The management of injured wildlife on both rural and urban roads is an increasingly common issue across the whole of Victoria as wildlife populations increase, continued urban encroachment occurs and food sources are reduced through drought. The euthanisation of injured wildlife is generally carried out across Victoria by various organisations including Victoria Police, Parks Victoria, DELWP, various wildlife organisations (Wildlife Victoria, Help for Wildlife, Wildlife Rescue, Warriors 4 Wildlife, Aware Wildlife Rescue, etc.) and by a limited number of local councils.
 4. Injured wildlife euthanisation remains a discretionary service, as there is no statutory requirement for Council to be providing an Injured Wildlife Euthanisation Service (as opposed to the broader animal management service under the *Domestic Animals Management Act 1994*) and this is a non-core service offering.
 5. In May 2018, Council engaged Maddocks Lawyers and PPB Advisory (now part of Price Waterhouse Coopers) to undertake an independent audit and review of its past, present and future management of its wildlife euthanising service and related management of firearms.
 6. Council has delivered the service since 1994 (Local Government amalgamations) with licensed and accredited staff attending incidents of injured wildlife on both public and private property, humanely euthanising animals with the use of firearms. It is understood that a similar service was provided by the former Diamond Valley and Eltham Shire Councils. The service is provided 24 hours a day, seven days a week. Currently, Community Safety Officers attend to incidents within business hours and a contractor delivers the service outside of business hours.
 7. An independent audit and review of the service was commissioned due to concerns regarding the significant risks to the workplace health and safety of staff, contractor(s) and the broader community in relation to Council's delivery of the service, and to ensure it is carried out in a safe, effective and legally compliant manner.
 8. The audit report was presented to Council's Audit Committee on 13 August 2018, due to the Committee's risk management advisory role and expertise. At its meeting, the Audit Committee recommended that:

The wildlife euthanising services and related firearms management report was received and noted.

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The Committee advises to Council that, as the risks may not be adequately mitigated it is the advice of the Audit Committee that the Council should consider making alternative arrangements to deliver these services in the future.

Policy context

9. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Plan for the community's future needs for services and infrastructure.

Budget implications

10. The Issues and Options Paper has considered a number of options for the ongoing provision of the service. It is recommended that Council continue to provide the service on behalf of the community, however additional investigation needs to be carried out in order to determine the best model for the provision of this service.
11. The overall cost of this service will be determined through this process.

Consultation/communication

12. During the development of the Issues and Options Paper, officers have engaged broadly across the local government sector, with key partner organisations including Victoria Police, Wildlife Victoria and Help for Wildlife, and with supporting state government departments.
13. If Council is to adopt the officer recommendation and continue to provide the service, a communications package through social media and direct contact with key stakeholders will be carried out to ensure community awareness in relation to this service.

Issues/options

14. A number of key facts and observations (**Attachment 1**) have informed the options and recommendations for Council. These include:
- a) The Injured Wildlife Euthanisation Service is currently provided by Council staff during business hours and a contractor after-hours.
 - b) Over the past 5 calendar years, the service has seen an average of 393 service requests per year, with a peak of 477 in 2015 and a low of 258 in 2017. In the first three months of 2019, the service has responded to 349 requests. This represents a significant increase in the service to date this year, however animal related incidents generally follow a pattern with increased demand during summer and autumn and a reduced demand in winter and spring. However, it is likely that 2019 will see an increased number of service request in comparison to recent years. The volume of service requests in the first three months of 2019 represents 75% of one Community Safety Officer's time, which has had some implications on the delivery of the broader Community Safety service.
 - c) In 2018, 42% of service requests were completed during business hours, and 58% after-hours. In the first quarter of 2019, 67% of service requests were completed during business hours, and 33% after-hours.

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- d) 90% of service requests involve injured kangaroos, with smaller numbers associated with wallabies, wombats and deer.
 - e) The cost of providing the service in the 2018 calendar year was \$73,876. To date in 2019, the service has cost \$32,804. If the current rate of service requests continues, it is estimated the service may cost in excess of \$100,000. The unit cost for the service for each service request attended to is an average \$94 for Council staff and average \$200 for contractors.
 - f) Since Council received the PPB audit report, significant effort has been put into improving the management of the service, including new policies and procedures, improved management of firearms and a greater emphasis on staff training. Through the provision of ongoing training for staff, and continued development of safe work practices in partnership with Victoria Police, it is felt that the issues identified in the PPB audit can be adequately addressed in order to ensure a safe workplace for staff and contractors.
 - g) Officers have engaged intensively with local police, including participating in regular Community Safety Group meetings where the management of this service is monitored and discussed. Local police are keen to support this service, and attend to service requests with Council officers and contractors whenever support is requested.
 - h) Council surveyed all 79 Victorian local governments in relation to the provision of an Injured Wildlife Euthanisation Service. In all, 27 rural and semi-rural councils responded to the survey. 7 respondents (26%) do provide such a service. Of the 7 respondents, the following key measures were identified:
 - Average injured wildlife attended to was 16 per year
 - Only 2 other councils regularly attend to wildlife on private property
 - Only 3 provide the service after-hours, and only if there is a road hazard
 - Of respondents who attend private land, they do so only during business hours
 - Of respondents who provide a service, 42% require staff to attend 'two-up'.
 - i) WorkSafe advises that in order to ensure workplace safety for staff and contractors when using firearms in the course of duty, the safest method is to ensure staff operate 'two-up'. This would entail one officer using the firearms to attend to injured wildlife, while the second officer provides support. Alternatively, and at the very minimum, it is suggested that backup should always be available on request following a risk assessment carried out on site.
15. A number of options are open to Council in addressing the future of the Injured Wildlife Euthanisation Service. The review of options and the recommendations has taken into account how to ensure the service is carried out in a safe, effective and legally compliant manner.
16. Four options have been considered based on the information gathered throughout this review, and recommendations provided:
- a) Totally exiting the service – Not recommended

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- b) Pursuing a fully outsourced model – Worth Considering
 - c) Bringing the service completely in-house – Worth Considering
 - d) Broadly continuing to provide the service 'as-is' – Recommended
17. A fifth option has been an investigation into whether there are opportunities to vary the way in which the service is provided. These include:
- a) Limit the hours that the service of offered – Worth Considering
 - b) Cease or Limit the extent of the service on private property – Worth Considering
 - c) Utilise alternate methods such as bolt guns – Not recommended
18. An assessment of the various options is contained in the attached Issues and Options Paper (**Attachment 1**).

Pursuing a fully outsourced model

19. The use of contractors to provide the Injured Wildlife Euthanisation Service in a fully outsourced model would, with the exception of ceasing the service, represent the only option that fully addresses risk to staff in the provision of the service. If Council employees are no longer deployed to euthanise injured wildlife, then the risk associated with the use and management of firearms can be avoided. A fully outsourced service would require a detailed tender process to be undertaken, during which Council could assess the providers' ability to manage the risk to its staff or contractors.
20. A fully outsourced service would however represent a considerable financial burden on Council. The current contracted after-hours service has a unit cost of approximately \$200 for each service request to be completed. Based on a maximum 500 service requests per year, the cost of an outsourced Injured Wildlife Euthanisation Service would cost in the vicinity of \$100,000 per year. Although some of this cost would be offset by officer time no longer being utilised for this service, it would not be a true saving as officer time would be reoriented toward providing the broader Community Safety service. There is certainly some merit in considering this option for the service going forward.

Bringing the service completely in-house

21. If Council chooses the option to bring the service in-house both during business hours and after-hours, the service will require considerable additional investment to ensure that both this service and the broader Community Safety service can be provided in a safe, legally compliant, effective and responsive manner to the community.
22. The provision of this service was a key driver in the decision to cease the after-hours Community Safety / ranger service in 2017. At this time, contractors were engaged to separately provide the after-hours Injured Wildlife Euthanisation Service and after-hours domestic animal management service. It is intended to reintroduce the after-hours Community Safety service in the second half of 2019. However, at this stage, it is intended that the reintroduced service will be limited to domestic animal related matters.

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23. The use of staff operating outside of normal hours has a direct impact on the ability of staff to attend to duties during business hours. Of particular relevance are mandatory breaks between shifts and the amount of time an individual can remain "on call". It is likely that a full in-house Injured Wildlife Euthanisation Service would leave the broader Community Safety service under-resourced based on the current structure. Approximately 70% of after-hours service requests occur between 4am and 8:30am, which would mean that the after-hours staff member could not attend to normal duties for the remainder of the morning, leaving the broader service under-resourced. This impact is likely to be exacerbated if there is a need for staff to attend 'two-up' after-hours which would remove two staff from normal duties in this scenario.
24. As such, a full in-house service would require up to two additional Community Safety Officers in order to ensure no impact on the broader Community Safety service as a result of the reintroduction of the after-hours Injured Wildlife Euthanisation Service. Investment in the service at this scale would represent a permanent and ongoing cost to Council of up to \$188,000 per annum. For this reason, although the provision of the wildlife service in-house is worth consideration, it does represent a significant additional financial burden on Council.

Broadly continuing to provide the service 'as-is'

25. Officers recommend this model for the provision of the Injured Wildlife Euthanisation Service moving forward.
26. If Council chooses the option to continue the service 'as-is', the service is unlikely to require any immediate additional investment, however the need to resource the Community Safety service will be closely monitored to ensure that both this service and the broader Community Safety service can be provided in a safe, legally compliant, effective and responsive manner to the community.
27. Since mid-2017, Council has relied on a contractor to provide the after-hours service. Ongoing funding for the contractor year-on-year has not been provided, and would need to be incorporated permanently into the Community Safety operating budget. Based on averages over since 2017, this would represent \$60,000 per annum.
28. To date in 2019, the current service requires approximately 75% of one officer's time during business hours to attend to the Injured Wildlife Euthanisation Service. However the volume of animal-related incidents is somewhat cyclical and the volume is likely to drop off through the winter and spring seasons. As identified above, there is an intention to reintroduce the broader Community Safety after-hours service in the second half of 2019. However, the use of a contractor to provide the after-hours Injured Wildlife Euthanisation Service will limit the impact that the broader after-hours service has on an officer's ability to attend to work during normal business hours when also on call.
29. In supporting this option for the service, the community and partner organisations would see no net reduction in the level of the service.
30. It is felt that this option represents the most balanced approach to the provision of this service. It will allow flexibility in how the service is provided, and reduces the fixed additional costs to Council.

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Options to vary scope of service

31. Officers have assessed three options to vary the scope of the service, and have identified two as worthy of consideration and have rejected one option.
32. The after-hours contractor attends to 70% of service requests between 4am and 8:30am. This represents a relatively low risk option to reduce the extent of the after-hours service to focus primarily on the period between 4am and 8:30am, as well as the period during and immediately after dusk. Although this represents as an option worthy of consideration, further investigation as to how this concept might work is required, and it would be premature to recommend Council take this action at present.
33. 48% of service requests are located on private property. Benchmarking suggests that of the surveyed respondents, only 2 other councils provide an Injured Wildlife Euthanisation Service on private property, and both do so at considerably lower volumes to Nillumbik. Further, the service is the only service that Council provides on private property where it accepts responsibility on behalf of a landowner in this way, and this represents a significant liability for Council, particularly when officers attend to properties without the owner in attendance.
34. Animal Welfare Victoria (State Government) are the authority responsible for the implementation of the POCTA legislation. Animal Welfare Victoria have provided advice which indicates that the *Local Government Act 1989* and POCTA do not authorise officers to enter private property to carry out this service. As such, it is recommended that Council consider ceasing the provision of this service on private property. However, this option may lead to a considerable number of animals who continue to suffer as landowners would be responsible for engaging other organisations to provide this service on their land.

Advocacy

35. The provision of an Injured Wildlife Euthanisation Service in the form and to the extent that Nillumbik provides for its community reflects the nature of the landscape within the Shire, and the ongoing conflict between appropriately managing the natural environment and the demands placed on the Shire by virtue of its location on the interface of metropolitan Melbourne.
36. As is evident by the benchmarking carried out, Nillumbik are leaders in responding to the impacts that population growth and increased traffic have on native wildlife, by providing a 24/7 service to humanely euthanise wildlife that are injured on our roads. The impact of human development on wildlife is not restricted to Nillumbik alone, and there is an opportunity to advocate to the State Government for an improved approach to the management of wildlife on the urban fringes of Melbourne, and to advocate for resources and support to be provided in the provision of this service.

Conclusion

37. Issues and options relating to the provision of the Injured Wildlife Euthanisation Service have been carefully considered by officers. It is clear that this service is an important part of the Community Safety service provided by Council, and exiting the service would present a poor outcome for the community, wildlife and partner

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OCM.064/19 Review of Injured Wildlife Euthanisation Service

organisations. Officers therefore recommend Council continue to provide this service for the community.

38. In providing an ongoing service to the community, a cost effective, safe, legally compliant and responsive service are key priorities. As such, officers recommend that Council continue to investigate the most appropriate method for the ongoing provision of this service in order to ensure it is provided in a cost effective, safe, legally compliant and responsive manner.

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OCM.065/19 North East Link Submission to the Environmental Effects Statement

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Joseph Emmanuel, Manager Infrastructure

Aaron Platkowski, Transport and Development Coordinator

Summary

The Environmental Effects Statement (EES) for North East Link Project (NELP) is on public exhibition from 10 April 2019 until 7 June 2019. The EES includes information on how the project could affect the environment during construction and operation and how any adverse impacts would be managed through Environmental Performance Requirements (EPRs).

EPRs set out the minimum environmental objectives and outcomes the project must achieve across its design, construction and operation phases – irrespective of the final design selected for the project.

Council undertook a program of community engagement in 2017, prior to the announcement of the chosen corridor, to ensure that Nillumbik residents are informed about the corridor options, to listen to the community's issues associated with corridor options and to advocate to the North East Link Authority on behalf of the Nillumbik community.

Based on the community feedback and a review of the EES, Council has prepared a submission in response to the EES. The submission highlights the positive and negative aspects of the EES, requests further consideration of various chapters within the EES, requests to modify and/or introduce additional EPRs and advocates for a range of complementary projects to ease congestion on local arterial roads and improve public transport for the benefit of the Nillumbik community.

This report seeks Council endorsement of Nillumbik Shire Council's EES submission.

Recommendation

That Council:

1. Endorses the Proposed Council EES submission to the North East Link Project (**Attachment 1**).
2. Instructs officers to continue to engage with the Nillumbik community to ensure that they are informed about the progress of the North East Link Project.
3. Instructs officers to continue to advocate to the State Government, the North East Link Project and VicRoads for:
 - a) Complementary projects to benefit the Nillumbik community.
 - b) Improvements to the existing road and public transport network to ease congestion and improve road safety.

Attachments

1. Proposed submission to the North East Link Environmental Effects Statement

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OCM.065/19 North East Link Submission to the Environmental Effects Statement

Background

1. The North East Link is a State run project committed to delivering the missing link between the M80 Ring Road and the Eastern Freeway.
2. The North East Link Authority (NELA), now known as North East Link Project (NELP) was established in December 2016 to deliver the project.
3. In mid-2017 four corridor options for the North East Link were released.
4. Following a process of community engagement, Council made a submission to the NELA in August 2017 in support of Corridor A. The submission included a list of projects that Council considered to complement the North East Link Project.
5. In November 2017, the State selected Corridor A as the route for North East Link.
6. In February 2018, the Minister for Planning, Richard Wynne declared that the works proposed as part of the North East Link required an Environmental Effects Statement (EES) including community consultation and an independent panel review to inform the Minister's assessments and decision making.
7. A Technical Reference Group (TRG) was then formed, consisting of key stakeholders including; councils, state authorities and technical experts to provide advice to the NELP in the development of the EES.
8. The TRG met 14 times concluding in late-2018.
9. The EES was released for public consultation on 10 April 2019, scheduled to close on 7 June 2019.
10. Council Officers have been preparing a response to the EES, herein known as the submission.

Policy context

11. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Advocate for improved public transport, traffic management and reduced road congestion.

Budget implications

12. All resources required to assist Council in responding to the North East Link have been managed within existing operational allocations.
13. The next phases in Council's response are not anticipated to require additional resourcing outside operational budgets.

Consultation/communication

14. During the 2017 community engagement, Council established a subscriber list for North East Link.
15. Council has informed community on the EES process through social media, the subscriber list and the Council website.
16. Councillors were briefed on the EES process and the (draft) submission on 22 March 2019 and 7 May 2019 respectively.

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OCM.065/19 North East Link Submission to the Environmental Effects Statement

17. Public displays are available and will remain so until 7 June 2019 within Nillumbik at Eltham Library (hard copy and electronic version on USB) and at the Diamond Valley Library (USB only).

Issues/options

18. The purpose of North East Link is to improve orbital connectivity, enable more efficient freight movement and reduce congestion in the north east.
19. Considerations of the EES include:
- a) There are no direct impacts anticipated for this project on Council.
 - b) Potential indirect impacts are identified as:
 - i) Traffic, noise and dust during construction.
 - ii) Loss of vegetation, estimated to be in excess of 20,000 trees within the route A corridor and approximately 4,000 within the Nillumbik Shire Council boundary.
 - iii) Loss of vegetation leading to biodiversity losses, including the migration path for the Swift Parrot which is a nationally listed threatened species.
 - iv) Increased traffic through construction and operation, including an increase of 10,000 trips per day during operation along Diamond Creek Road between the M80 Interchange and Yan Yean Road and other flow on effects.
 - v) Exposure to soil contamination through temporary stockpiling locations that may occur within Nillumbik Shire.
 - vi) Broad scale impacts associated with greenhouse gas emissions, waste generation, water and air quality.
 - c) General observations and issues identified by officers following a review of the EES include:
 - i) The scope of the project does not encompass the Plenty River through all chapters and has not adequately considered the potential impacts on the Plenty River and associated flora and fauna habitat.
 - ii) The urban design of the road and associated design needs to reflect the indigenous and historic values of the community the project is located in.
 - iii) Concerns with the process of assessing the value of trees in the replacement tree program.
 - iv) While new connections to shared users' paths is included in the project, further consideration needs to be given to impacted sporting clubs.
 - v) There are a number of facilities (outside of Nillumbik) directly impacted by the works including Marcellin College sports fields, the Freeway Golf Club and AK Line Reserve in Watsonia. Further consideration needs to be given to the increased patronage that may be experienced on Nillumbik facilities as a consequence.

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OCM.065/19 North East Link Submission to the Environmental Effects Statement

vi) The NELP should consider the impact of the project on several of Nillumbik's strategic documents including the Destination Management Plan.

d) Further information on the impacts and concerns and the proposed mitigating action are provided in Council's Proposed EES submission to the North East Link Project as shown in **Attachment 1**.

20. Advocacy and Complementary Projects:

a) Council's submission acknowledges and supports the intent of the project, however has identified a set of projects that are considered critical to the overall success of North East Link.

b) This set of projects is labelled as "complementary projects" and they will seek to maximise positive outcomes for the Nillumbik community.

c) The listed projects are considered essential to ensure impacts on the Nillumbik community, Nillumbik's environment and traffic, congestion and road safety are minimised.

d) The list of complementary projects are provided in Council's submission in **Attachment 1**.

Conclusion

21. North East Link is proposed to provide improved transport connections for the Nillumbik community.

22. Based on the information provided within the EES and feedback from the Nillumbik community, the chosen corridor (Corridor A) for North East Link is supported by Nillumbik Shire Council.

23. Council's submission requests further consideration of various chapters within the EES, and requests to modify and/or introduce additional EPRs.

24. The submission importantly includes a list of complementary projects considered to be essential in minimising impacts on Nillumbik's community and the environment and ensure a successful project is delivered for this and future generations.

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OCM.066/19 Practically Green Festival review

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Kirsten Reedy, Coordinator Environment

Summary

A review of the Practically Green Festival event has been completed.

The report found that the festival has successfully engaged the Nillumbik community in positive environmental behaviour change. However, over the last few years the cost of the festival has increased, external investment has decreased and the impact on the community based on the festival's environmental engagement objectives has reduced.

There is a range of opportunities for Council to invest in engaging the community in environment and sustainability and the report recommends Council explore this. This includes seeking expressions of interest from a suitable provider to deliver on the objectives of the Practically Green Festival at a reduced cost.

Recommendation

That Council:

1. Endorses the recommendations of the Practically Green Festival review to:
 - a) Seek expressions of interest from a suitable provider to continue to run the Practically Green Festival at a reduced cost to Council.
 - b) Redirect the balance of current Practically Green resources to provide a broader range of environmental engagement and education opportunities across priority environment and sustainability objectives.
2. Receives a further report on the outcome of the expression of interest process to deliver the Practically Green Festival.
3. Receives a further report on an expanded environmental education and engagement program.

Attachments

1. Practically Green Festival review summary

Background

1. Practically Green has been a component of Council's delivery of environmental education for eleven years aligned with the current ethos and direction of Edendale Farm and Council's Environmental Education Strategy 2012.
2. This report follows on from the "Practically Green Festival 2018 Update" report provided to Councillors as part of the 18 September 2018 Councillor Briefing.
3. Following the Briefing, Council engaged Captura Marketing to review the Practically Green Festival and provide options and recommendations for the future of the event. **Attachment 1** provides the key facts and options arising from the review.

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OCM.066/19 Practically Green Festival review

4. The review of the Practically Green Festival summarised in **Attachment 1** investigated the following questions:
 - a) How well does the festival meet its stated objectives and the objectives of the Environmental Education Strategy?
 - b) What are the options to reposition the festival in relation to promoting environment and sustainability in Nillumbik, promoting environmentally sustainable businesses or businesses that help achieve environmental sustainability, and promoting Edendale Farm more broadly?
 - c) What are the options to deliver the festival including retaining as a Council event, seeking expressions of interest from community/not for profit/for profit organisations or discontinuing the festival?
 - d) What are the opportunity costs of the festival? Given a constrained resource, are there other ways to meet the objectives of the festival and the Environmental Education Strategy that provide greater reach and/or impact and therefore represent better value for the community?
5. The review has also taken into consideration Council's commitment to community environmental engagement encapsulated in the objectives of Council's Environmental Education Strategy 2012:
 - a) Develop, promote and deliver innovative and targeted environmental education programs.
 - b) Achieve community awareness of ecological sustainability and increase skills and knowledge to enable the community to live sustainably.
 - c) Implement a coordinated and integrated approach to environmental education program development and delivery across Council.
 - d) Foster strong relationships that encourage wide community participation and dialogue.
6. The review of the Practically Green Festival is also contributing to an internal review of Council's broader environment engagement program which is underway. This work will help prioritise and coordinate the actions of the different Council teams and officers. It will also support part of the implementation of the Green Wedge Management Plan.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Review and communicate Council's climate change strategies.

Budget implications

8. \$61,000 is allocated to the Practically Green Festival in the draft 2019-2020 Budget.
9. There is also additional resourcing provided by staff for the delivery of the festival on an annual basis that is considered as part of the review.
10. The impact to this budget allocation will be known once the outcome of this review process is confirmed and recommendations adopted.

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OCM.066/19 Practically Green Festival review

Consultation/communication

11. Visitor feedback collected during the Festival has been used to inform the review.
12. Members of the community based organising committee were consulted as part of the review.
13. Broader consultation to establish priorities for community engagement on environment and sustainability will be undertaken.

Issues/options

14. A number of key facts and observations (**Attachment 1**) have informed the options and recommendations for Council. These include:
 - a) The Practically Green Festival currently absorbs around 30% of the available budget for environmental programs (approximately \$200,000) as well as around 45-50 days of staff time to deliver the event.
 - b) The number of visitors to the festival in 2018 was 3000 continuing a downward trend. The overarching aim of the festival is to influence local residents to live more sustainably. Visitor surveys carried out during the festival show that the Practically Green Festival is estimated to influence the behaviour of around two per cent of Nillumbik Shire residents through the delivery of the one day festival event.
 - c) The engagement of businesses in the festival has continued to decline with only eleven commercial stall holders attending the 2018 festival. Sponsorship of the event has also declined with only one cash sponsorship received for the 2018 event which was a \$500 donation received from the Nillumbik Mudbrick Association. The number of not for profit exhibitors and food vendors has increased.
 - d) The cost to Council of the Practically Green Festival is estimated at \$66,733 for 2018 and has averaged \$61,883 over the past eleven years since the event has been in operation. These figures are made up of the net investment (income less operating costs) plus the other staff costs estimated to deliver the event. This equates to approximately \$20 per head compared with, for example, On the Hill Festival at Panton Hill with a cost of approximately \$4 per head or the Diamond Creek Town Fair at \$1.78 per head.
 - e) One of the main strategic influences on the Practically Green Festival is the Environmental Education Strategy 2012. Within that document there are 66 actions that are identified to be delivered. Two of those (three per cent) relate to the Practically Green Festival with one of those being to annually review the event. Additionally, the festival does not appear to deliver significant impact on the key objectives of the Environmental Education Strategy 2012.
 - f) A broad range of behaviours are suggested to have been influenced from the festival but it is not clear that the value of them can be attributed to the festival alone (e.g. not using plastic drinking straws). Importantly there is not currently a clear hierarchy of desired environment and sustainability outcomes and behaviours to align the festival with. That work is being undertaken at present and if Council see value in continuing the Practically Green Festival, alignment

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OCM.066/19 Practically Green Festival review

with these wider objectives should be undertaken to ensure the best outcomes are realised with the limited resources available.

15. A number of options are open to Council in addressing the future of the Practically Green Festival. The review of options and the recommendations has taken into account how to deliver on the objectives of the Practically Green Festival and the Environmental Education Strategy with greatest impact in the most cost effective way.
16. Four options have been considered based on the information gathered throughout this review and recommendations provided:
 - a) Option 1: Continue As Is – Not recommended
 - b) Option 2: Continue and Improve – Not recommended
 - c) Option 3: Stop and Reallocate – Recommended
 - d) Option 4: Partner with an external provider – Recommended

Option 3 Stop and Reallocate

17. If Councillors choose to redirect resources, there are a broad range of effective environmental engagement opportunities available that would greatly enhance the scale of environmental / resident / landholder engagement currently that is being undertaken.
18. These opportunities support the achievement of the Environmental Education Strategy as well as Council's other environment strategies such as the Climate Change Action Plan, the Invasive Species Action Plan, the Biodiversity Strategy and the Integrated Water Management Strategy.
19. **Attachment 1** provides description of other education and engagement opportunities. These and other opportunities are currently being refined as part of an internal environmental engagement review which has involved consultation with the Environment and Sustainability Advisory Committee and will include a community survey.
20. The engagement methods available may include:
 - a) **Leading by example, for example:**
 - i) Delivery of best practice biodiversity conservation in Council's bushland reserves.
 - ii) Installation of best practice water, waste and energy infrastructure in Council buildings.
 - b) **Educating and providing information, for example:**
 - i) Provision of up-to-date topic specific educational / information brochures e.g. rabbit control methods or weed species identification.
 - ii) Provision of a range of education and engagement opportunities about sustainable land management for smaller scale lifestyle properties or hobby farms, bush blocks and larger rural properties including training and site demonstrations, and provision of one-on-one on-site advice to help landholders manage their land.

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OCM.066/19 Practically Green Festival review

- iii) Delivery of Edendale's Education for Sustainability schools program to motivate students learning about the environment.
- iv) Provision of environmental and land management information at specific and non-specific events, for example, farmers markets, community festivals and events, land management expo etc. and the promotion of environmental and land management information events being hosted locally by others.

c) Facilitate and support, for example:

- i) Provision of financial incentives and rate rebates to help enable and encourage sustainable farming and land management.
- ii) Provision of diverse opportunities for suburban and Green Wedge environmental volunteering.
- iii) Provision of support for Friends Groups to protect and enhance local reserves.
- iv) Consideration of supporting the establishment of community driven programs such as Gardens for Wildlife.

d) Partner with the community and public land managers, for example:

- i) Work with Landcare to create a shared pathway to the conservation of our rural landscape and, in partnership, deliver ground-breaking projects such as the current acoustic forest monitoring project.
- ii) Facilitate ongoing partnerships with public land managers and the community that reduce the impact of invasive species across the landscape, without regard to land boundaries.

e) Network and Advocate, for example:

- i) Work with Clean Energy Nillumbik to lead the Shire towards a clean energy future.
- ii) Advocacy to State and Federal Governments to give landholders the power and support to control deer on private properties.

f) Celebrate and connect, for example:

- i) Celebrate and reward the efforts of environmental volunteers at an annual gathering.
- ii) Run activities that help Nillumbik residents develop a deeper and more meaningful connection with their natural environment.

Option 4 Partner with an external provider

21. In this option:

- a) an expression of interest would be undertaken for appropriately skilled and driven organisations to take over the event.
- b) Council would need to determine what level of support and resources to provide to support the event, which might include:

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- i) Marketing support
- ii) Financial incentive
- iii) Officer assistance
- iv) Venue

Conclusion

- 22. A review of the Practically Green Festival has been completed. The outcome is that while the festival has been a successful way to promote Council's environment and sustainability objectives in the past, interest from sponsors, exhibitors and visitors has been declining.
- 23. There is an opportunity now for Council to consider how to deliver the festival in the future and/or to reconsider resourcing for community education and engagement on environment and sustainability priorities.
- 24. This report recommends that Council seeks expressions of interest from a suitable provider to deliver the festival at a reduced cost and that the balance of the resources allocated to the Practically Green Festival are used to support an expanded environment and sustainability community engagement program.

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OCM.067/19 Environment and Sustainability Advisory Committee Renewal

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lisa Pittle, Manager Environment

Summary

The Environment and Sustainability Advisory Committee (ESAC) provides a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in relation to environment and sustainability matters affecting the Shire. Although the Committee does not make any formal decisions, they provide valuable advice to Council.

The term of the current Environment and Sustainability Advisory Committee is due to expire in September 2019. Endorsement is now sought for the revised Terms of Reference for the Committee as well as public exhibition and expressions of interest for membership nomination.

Recommendation

That Council:

1. Endorses the Terms of Reference for the Environment and Sustainability Advisory Committee for public exhibition in July 2019 seeking expressions of interest for membership nomination.
2. Instructs officers to report nominations to the Environment and Sustainability Advisory Committee to Council for endorsement.

Attachments

1. Draft Environment and Sustainability Advisory Committee Terms of Reference

Background

1. Council has a range of Advisory Committees which provide an opportunity for Council to consult, engage and communicate with key stakeholders through participation by Councillors and other community members on those Committees.
2. In March 2017, Council endorsed the formation of the Terms of Reference for the Environment and Sustainability Advisory Committee.
3. The Environment and Sustainability Advisory Committee commenced for a two year term in September 2017. The Committee has provided valuable advice on Council's environmental strategies and plans including:
 - a) Climate Change Action Plan 2015
 - b) Green Wedge Management Plan
 - c) Biodiversity Strategy
 - d) Invasive Species Action Plan
 - e) Integrated Water Management Strategy
 - f) Environmental Education Strategy 2012

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OCM.067/19 Environment and Sustainability Advisory Committee Renewal

4. The term of the current Committee is due to expire in September 2019.

Policy context

5. This report directly supports the achievement of Council Plan 2017-2021 strategies:
- Improve community trust through better communications and genuine engagement.
 - Review and communicate Council's climate change strategies.
 - Work with the local community to review and implement environmental policies to protect biodiversity and conserve natural resources.

Budget implications

6. Administrative support for ESAC is provided within Council's operating budget.

Consultation/communication

7. The draft revised Terms of Reference were presented to ESAC for consultation on 24 April 2019.

Issues/options

8. The revised Terms of Reference include:
- a) Further clarification of the scope for the Committee which will provide a basis for membership selection to ensure a diversity of subject matter expertise/interest. The scope includes:
 - i) Climate resilience
 - ii) Renewable energy
 - iii) Water conservation
 - iv) Biodiversity and the natural environment
 - v) Sustainable land management
 - vi) Recycling and waste management
 - vii) Environmental education and engagement
 - b) Increase in Committee membership from eight to twelve.
 - c) Increase in Committee term from two to three years.
 - d) Increase in the frequency of meetings from quarterly to bimonthly.
 - e) Clarification of the reporting procedure of the Committee.
9. Upon Council's endorsement, the Terms of Reference will be publicly exhibited in July 2019 seeking expressions of interest for nomination for membership.
10. Nominations will be reported to Council for endorsement in August 2019, and following endorsement, the new Committee will be formed and their responsibilities and meetings commence.

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OCM.067/19 Environment and Sustainability Advisory Committee Renewal

Conclusion

11. Officers recommend Council endorse the Terms of Reference of the Environment and Sustainability Advisory Committee and the public exhibition of the Terms of Reference in July 2019 and call for expressions of interest for nomination to the membership for the purpose of renewing Committee membership.

12. Officers' reports**OCM.068/19 Adoption of Budget 2019-2020, declaration of Rates and Charges**

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer****Author: Robert Malignaggi, Coordinator Business Services
Melika Sukunda, Manager Finance****Summary**

This report recommends that Council formally adopts the Budget and declare the rates and charges for the 2019-2020 Financial Year.

Council commenced preparation of the 2019-2020 Budget in late 2018 in order that it could then be exhibited for public consultation, and adopted prior to 30 June 2019.

The draft Budget was exhibited and the community invited to comment on it. Written submissions were received and considered by a meeting of the Future Nillumbik Committee on 14 May 2019. A separate report from the Committee to Council regarding the submissions is included in this agenda.

Rates and charges for 2019-2020

The Budget has been prepared in compliance with the rate capping legislation introduced by the Victorian Government.

The draft Budget proposes an increase in rates and charges of 2.25 per cent per property which is 0.25 per cent below the rate cap.

Capital Works

The Budget proposes a number of significant capital works projects that have been identified through planning and community consultation.

A full list of capital works projects is included in the draft Budget document (**Attachment 2**).

Policy, planning and services initiatives

In addition to capital works, the Budget also includes resources for a range of initiatives regarding policy, planning and services.

Strategic Resource Plan

As part of the budget process, the Strategic Resource Plan has also been reviewed and updated. Council is required to adopt the Strategic Resource Plan by 30 June each year.

The Strategic Resource Plan shows that Council can maintain a balanced Budget within the rate cap, provided that the assumptions in the Plan are met.

Recommendation

That:

1. Council, having considered the submissions received, adopts the proposed Budget 2019-2020 (**Attachment 2**).
2. The Chief Executive Officer be authorised to give public notice of the decision to adopt the Budget, and to submit a copy of the adopted Budget to the Minister for

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Local Government.

3. The amount of rates and charges intended to be raised are:

- a) an amount of \$65.846 million (or such greater amount as is lawfully levied as a consequence of this recommendation being adopted) be declared as the amount which Council intends to raise by general rates and annual service charge (described later in this recommendation). The amount declared is calculated as follows:

General Rates	\$57,248,015
Annual Service Charge	\$8,598,494

4. General Rates

- a) That general rates be declared in respect of the 2019-2020 Financial Year.
- b) It be further declared that the general rates be raised by the application of differential rates.
- c) A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.

I. Farm Land

Any land which is 'farm land' within the meaning of section 2(1) of the *Valuation of Land Act 1960*.

II. Commercial/Industrial Land

Any land which is used or adapted to be used primarily for commercial or industrial purposes.

III. Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

Any land located in a General Residential / Activity Centre Zone / Neighbourhood Residential Zone, or in the Low Density Residential Zone (LDRZ) to which DPO4 applies, on which no habitable dwelling is erected.

IV. Other Land

Any land which is not:

- Farm Land
- Commercial/Industrial Land or
- Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

- d) The quantum of rates payable in respect of each rateable land will be determined by multiplying the Capital Improved Value of such land (categorised by the characteristics described in paragraph 4(c) above) by the relevant rates indicated in the following table:

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Category	Rate in Dollar
Farm Land	0.002319 (or 0.2319 cents in the dollar of Capital Improved Value)
Commercial / Industrial Land	0.003158 (or 0.3158 cents in the dollar of Capital Improved Value)
Vacant land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones	0.005455 (or 0.5455 cents in the dollar of Capital Improved Value)
General Rate / Other Land	0.002728 (or 0.2728 cents in the dollar of Capital Improved Value)

- e) It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that the:
 - I. respective objectives, uses and levels of each differential rate be those specified in Schedule A (**Attachment 1**).
 - II. respective types or classes of land which are subject to each differential rate be those defined in part 4(d) above.
- f) It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
- g) In accordance with section 4(4) of the *Cultural and Recreational Lands Act 1963*, the amount of rates payable in respect of each of the rateable lands to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.001052 (or 0.1052 cents in the dollar of Capital Improved Value).

5. Annual Service Charge

- a) An annual service charge be declared in respect of the 2019-2020 Financial Year.
- b) The annual service charge be declared for the collection and disposal of residential refuse and other waste.
- c) Except in the case of elderly persons units, the amount of the annual service charge so declared is dependent upon the option chosen by the resident of the land. The options are:

Option 1: \$388.92 per service in respect of the following three bins:

- 120 litre organic waste bin
- 240 litre recyclables bin
- 120 litre 'other' waste bin

Option 2: \$354.02 per service in respect of the following three bins:

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- 120 litre organic waste bin
- 240 litre recyclables bin
- 80 litre 'other' waste bin

Option 3: \$544.22 per service in respect of the following four bins:

- 120 litre organic waste bin
- 240 litre recyclables bin
- 2 x 120 litre 'other' waste bins

- d) The amount of the annual service charge so declared in respect of elderly persons units, being units occupied by elderly persons or persons with a disability where the applicable form of declaration has been received by Council, is \$103.40.
- e) For each rateable land or non-rateable land in respect of which an annual service charge may be levied, the annual service charge will apply irrespective of whether the owner or occupier of the land avails himself, herself or itself of the service.
- f) The annual service charge is not declared in respect of, and is not be levied on, any land on which no habitable dwelling is erected.

6. Rebates – Sustainable Agricultural Land

- a) It be recorded that subject to paragraph 4(c) of this recommendation, Council may grant a rebate to each owner (or, where applicable, occupier) of land which:
 - i) is not less than 30 hectares in area.
 - ii) is otherwise 'farm land' under section 2(1) of the *Valuation of Land Act 1960*.
- b) The rebate be granted to:
 - i) assist the proper development of the municipal district.
 - ii) preserve places within the municipal district which are of environmental interest.
 - iii) restore or maintain places of environmental importance within the municipal district.
 - iv) more generally achieve the objectives outlined in the Sustainable Agricultural Rebate (SAR) Guidelines.
- c) The grant of the rebate be:
 - i) subject to the criteria detailed in the SAR Guidelines.
 - ii) set at a level based on the following two components:
 - Component A - a single fixed amount of \$100 per eligible property (or per single aggregate of 'continuous' properties, as defined in section 13 DC (6) of the *Valuation of Land Act 1960*).

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- Component B - \$15 per hectare of 'productive agricultural land' across each eligible property. The area of productive agricultural land is calculated for each property by subtracting the apparent area of bushland and domestic use from the total property area. Landowners will be given a single opportunity to challenge this area calculation, after which that figure will be set and documented within the relevant Property Management Plan. Any future change in bushland area will not change the set figure for productive agricultural land.
- iii) subject to development of an approved Property Management Plan (PMP) for each eligible property. The development of a PMP will replace the need for an annual SAR application form, yet each Plan must satisfy the following conditions:
- PMP Condition A - The PMP must be submitted for approval to the Sustainability and Environment Planning Unit of Council. The approval date for each ratified PMP will be noted and a copy of the document will be retained for Council records.
 - PMP Condition B - A separate PMP will be required for each property or aggregate of properties where the owner receives the \$100 fixed payment component of the SAR.
 - PMP Condition C - Landowners who have previously received the SAR must return their PMP by the date indicated in correspondence that has been sent to the recipient (further detail regarding this point can be obtained from the Sustainability and Environment Unit of Council).
 - PMP Condition D - All SAR applicants who have not previously received the SAR will require an approved PMP prior to being eligible for the rebate.
 - PMP Condition E - All PMPs will need to be revised by the owner and submitted for re-approval every four years (approximately). Council's Environment Team will notify landholders when PMP revision is required and will allow ample time and assistance to facilitate this process.

7. Rebates – House construction on Vacant Residential Land

- a) It be recorded that Council may also grant a rebate to each owner (or, where applicable, occupier) of land on which a habitable dwelling is erected during the course of the 2019-2020 Financial Year.
- b) The rebate be granted to assist the proper development of the municipal district.
- c) The rebate be granted:
 - i) if a dwelling is created on what has been Vacant Land – Residential and Specified Low Density Residential Zones.
 - ii) upon an occupancy permit being issued in respect of the dwelling.
- d) The rebate be in an amount of 50 per cent of the general rates payable during

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the 12 months immediately preceding the date of the supplementary valuation made after the occupancy permit was issued.

8. Payment

- a) In accordance with section 167 of the *Local Government Act 1989*, Council determines that rates and charges may be paid by four equal quarterly instalments due on:

30 September 2019

30 November 2019

28 February 2020

31 May 2020

9. Consequential further actions:

- a) The Manager Finance be authorised to levy and recover the general rates and annual service charge in accordance with the *Local Government Act 1989*.
- b) Pursuant to section 172(1) of the *Local Government Act 1989*, Council records that it will require the payment of interest on any amounts of rates and charges which have not been paid by the date specified under section 167 of the said Act for their payment.

10. Council writes to all those who have made a submission on the 2019-2020 Budget under section 223 of the *Local Government Act 1989* thanking them for their input and advising them of Council's decision and reasons for the decision.

Attachments

1. Schedule A
2. 2019-2020 Budget

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 Budget has been prepared for the purposes of public exhibition in accordance with statutory requirements.

Policy context

4. This Budget has been developed in the context of the Council Plan 2017-2021. It is also developed in the context of the Strategic Resource Plan which demonstrates how the outcomes of the Council Plan can be resourced in a way which ensures Nillumbik's ongoing sustainability.
5. In developing the Budget, Council has also considered the key priorities emerging from the master-plans for Council's major recreation facilities and reserves, the

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structure plans for Nillumbik's activity centres, and other Council policies and strategies.

Budget implications

6. The costs of preparing the Budget, such as public notices, mail outs and community consultation sessions are funded from operating budget allocations.

Consultation/communication

7. Council adopted the draft Budget 2019-2020 at the Ordinary Council Meeting on 26 March 2019 for the purpose of community consultation. The draft Budget was made available to the public for a period of 28 days.
8. An advertisement was placed in *The Age* on the 28 March 2019 and on Council's website. Submissions in relation to the draft Budget have been sought from the public. Submissions were received and considered at the meeting of the Future Nillumbik Committee on 14 May 2019.
9. The draft Budget was made available on Council's website, at the Civic Centre and at the Eltham and Diamond Valley libraries.
10. At the meeting of the Future Nillumbik Committee on 14 May 2019, the Committee, acting under delegation from Council, received and considered the submissions on the draft Budget. The Committee has presented a report to Council on the submissions about the draft Budget 2019-2020 in accordance with sections 129 and 223 of the *Local Government Act 1989*.

Budget 2019-2020

11. This report is presented to enable Council to formally adopt the Budget and declare the rates and charges for the 2019-2020 Financial Year.
12. This report outlines the key elements of the Budget. Details are provided in the full Budget document (**Attachment 2**).

Capital works

13. The draft Budget includes \$30.329 million of capital works projects, of which \$15.345 million will be externally funded by grants and contributions. The balance will be funded by Council from rates, contributions and reserve funds.
14. A full list of capital works projects is included in the draft Budget document (**Attachment 2**).

Strategic projects and service improvements

15. The Budget provides resources for policy development, as well as policy implementation and service improvements. A full list is provided in the Budget document (**Attachment 2**).

Services (Operating Budget)

16. Recurrent operating budgets for Council services have been adjusted to reflect changes in unit costs, including inflationary impacts and contracted prices.

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OCM.068/19 Adoption of Budget 2019-2020, declaration of Rates and Charges

Rates, charges and other revenue

- 17. The Budget proposes an increase of 2.25 per cent per property in rates and a 2.25 per cent increase to the Waste Management Charge.
- 18. Other fees and charges increases are reflective of cost increases, regulatory requirements and market considerations.

Differential rating

- 19. At present, Council levies a General Rate, a Farm Rate (15 per cent below the General Rate), a Commercial/Industrial Rate (16 per cent above the General Rate), a Vacant Land Rate (100 per cent above the General Rate) and a Cultural and Recreational Land Rate (61 per cent below the General Rate). The relativity of each differential rate is proposed to be maintained for 2019-2020.

Borrowing

- 20. There is no borrowing proposed for new capital projects in the 2019-2020 Budget.
- 21. Council is forecast to remain within the Auditor-General's low-risk (green light) range on the Indebtedness measure of financial sustainability.

Strategic Resource Plan

- 22. Council must adopt the Strategic Resource Plan not later than 30 June each year pursuant to section 126 of the *Local Government Act 1989*.
- 23. The Strategic Resource Plan is the financial plan which is required to enable Council to achieve its Council Plan goals over the coming years.
- 24. The updated version of the Strategic Resource Plan is included in the Budget (**Attachment 2**). It incorporates the financial projections in expenditure and revenue which are based on a series of assumptions about the community's needs and how Council plans to continue to address these needs for services and infrastructure.
- 25. The Strategic Resource Plan incorporates the 2019-2020 Budget and projections for the next 10 years based on the assumptions.

Financial Sustainability Measures

- 26. These measures include all those used by the Auditor-General to assess financial sustainability for local government across Victoria.
- 27. The 2019-2020 Budget includes details of Council's projected performance over the next ten years, based on the Strategic Resource Plan.

Conclusion

- 28. Council has undertaken public consultation in accordance with its statutory obligations in the *Local Government Act 1989* in relation to the proposed Budget 2019-2020.
- 29. Having considered the Budget submissions, Council is now able to formally adopt the Budget 2019-2020 and resolve to declare the rates and charges. It can also adopt the differential rates applied to the classes of land which are listed in the recommendation.

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OCM.068/19 Adoption of Budget 2019-2020, declaration of Rates and Charges

30. Preparation of the annual Budget is a major decision for Council in allocating resources to services and projects for the coming year.
31. The Budget has been prepared with regard to the strategic context provided through the Council Plan and various individual policies, strategies and plans.
32. The Budget and the Strategic Resource Plan are recommended for Council approval.

12. Officers' reports

OCM.069/19 Sport and Recreation Victoria Grant Programs 2020/2021

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Joanne Massoud, Recreation and Open Space Planner

Summary

This report outlines proposed applications to the State Government 2020-2021 Female Friendly Facilities Fund (FFFF) and Community Sports Infrastructure Fund (CSIF) administered by Sport and Recreation Victoria (SRV).

The projects proposed for submission reflect club input and are consistent with Council strategies which seek to improve sporting and recreation participation outcomes within the Shire.

The report seeks Council endorsement for the submission of seven applications in total; two in the category of *Minor Facilities* and one in *Local Planning* under CSIF, and four applications under FFFF.

The total proposed project value is \$1,255,000, comprising \$733,000 State Government grant funding request, \$71,000 from sporting clubs and \$451,000 from Council.

Recommendation

That Council:

1. Endorses the following funding applications to the Community Sports Infrastructure Fund:
 - a) Minor Facilities category
 - i) AE Cracknell Reserve (Panton Hill) irrigation upgrade
 - ii) Coventry Oval (Diamond Creek) floodlight upgrade
 - b) Local Planning category
 - i) Leisure Facilities Plan
2. Endorses the following funding applications to the Female Friendly Facilities Fund:
 - a) Diamond Creek Bowls Club irrigation installation
 - b) Diamond Creek Tennis Club floodlight upgrade
 - c) Eltham North Adventure Playground Oval irrigation upgrade
 - d) Graysharps Road Precinct netball court construction

Attachments

1. 2020-2021 Funding Categories and Information
2. Funding options

12. Officers' reports

OCM.069/19 Sport and Recreation Victoria Grant Programs 2020/2021

Background

1. Every year the Victorian State Government through Sport and Recreation Victoria (SRV) receive applications to the Community Sport Infrastructure Fund (CSIF) and Female Friendly Facilities Fund (FFFF).
2. The 2020-2021 applications are anticipated to open in June/July 2019 following the confirmation of the annual State budget in May. No formal dates for these programs have been released. Closing dates are typically 4-6 weeks after the programs open.
3. The funds support the planning and build of new and improved existing sports and recreation facilities. The fund aims to encourage increased participation including target populations such as females and juniors, as well as better planning of facilities incorporating innovation, environmental sustainability and universal design outcomes. **Attachment 1** outlines the grant programs, their respective categories and application details.
4. Council has secured \$6.64 million from SRV over the last five years including most recently Eltham Lower Park pavilion development, Susan Street pavilion redevelopment, Marngrook Oval floodlight upgrade and Eltham Central floodlight upgrade.

Policy context

5. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

Budget implications

6. Planning and concept design work to support grant submissions can be accommodated in current operating budgets.
7. Council's potential contribution to the recommended projects can be met by:
 - a. Re-prioritising capital in 2020-2021 that is currently allocated to lower priority recreation projects (\$500,000); and
 - b. Using its annual allocation of \$75,000 for sportsground lighting upgrades and renewal in the indicative capital works program.

Consultation/communication

8. Sports clubs and recreation providers were invited to contact Council officers to discuss their proposed project and submit an Expression of Interest (EOI) to Council between 11 February 2019 and 1 March 2019 for consideration.

Issues/options

9. Proposed projects are assessed against:
 - a. SRV eligibility guidelines and selection criteria
 - b. Asset condition information generated by external auditors
 - c. The capital potentially available for re-allocation in the 5 year capital works program (a total of \$575,000)

12. Officers' reports

OCM.069/19 Sport and Recreation Victoria Grant Programs 2020/2021

- d. Council's sports floodlighting and recreation strategies
10. Six EOIs were received from clubs with three being eligible based on the SRV criteria
 - a. Eligible EOIs:
 - i) Diamond Creek Baseball Club – Installation of irrigation system to the outfield at Campbell Street Reserve, Diamond Creek
 - ii) Diamond Creek Bowls Club – Installation of irrigation system to synthetic two bowling green
 - iii) Diamond Creek Tennis Club – Upgrade of tennis court lighting to two courts
 - b. Ineligible EOIs
 - i) Eltham Cricket Club – Cricket net maintenance at Eltham Central Park
 - ii) Kangaroo Ground Tennis Club – Outdoor seating area
 - iii) St Andrews Tennis Club – BBQ installation
11. In addition to those proposals submitted by clubs, officers identified the following seven projects that are eligible for funding, based on Council strategy, audits and forward commitments:
 - AE Cracknell Reserve, Panton Hill – Replacement of sub surface irrigation with a pop up irrigation system
 - Coventry Oval, Diamond Creek – Sportsground floodlighting upgrade
 - Eltham North Adventure Playground Oval – Replacement of sub surface irrigation with a pop up irrigation system
 - Graysharps Road Precinct – Development of 2 outdoor netball courts with floodlighting
 - Hurstbridge Bowling Club – Female friendly facilities upgrade
 - Leisure Facilities Plan – Assessment and planning for the future of all leisure facilities within the Shire
 - Susan Street Reserve Oval – Oval redevelopment
12. Two options could be supported based on a potential council contribution of up to \$575,000 in FY 2020/2021, the detail of which is contained in **Attachment 2**.
 - a. Option 1 – supports the five projects that satisfy all SRV funding criteria
 - b. Option 2 – supports the five projects that satisfy all SRV funding criteria plus two additional projects that can be supported within the proposed Council contribution (Diamond Creek Bowls Club and Eltham North Adventure Oval Irrigation Upgrade). This option is the current recommendation.
13. All applications are contingent on the total project cost and financial contributions being consistent with the agreed amounts detailed in **Attachment 2**.
14. Proposed club contributions toward the projects total \$71,000.

12. Officers' reports

OCM.069/19 Sport and Recreation Victoria Grant Programs 2020/2021

15. Council will be required to undertake planning and concept design of all supported projects prior to the applications being submitted.
16. The following categories will not have any applications submissions given there are no identified projects that are considered eligible:
 - Better Pools
 - Major Facilities
 - Small Aquatic Projects
 - Regional Planning

Conclusion

17. The project proposals outlined in this report are consistent with Council's strategies for the provision of improved sporting facilities within the Nillumbik Shire. The projects provide clear community benefit and increased opportunities for participation.
18. The proposed project proposals will provide up to \$1,255,000 towards improved community sport and recreation infrastructure with a cost to Council of \$451,000, as well as club contributions of \$71,000.

12. Officers' reports

OCM.070/19 Rockliffe Street Special Charge Scheme, Eltham

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Matthew Theuma, Engineer

Summary

On 23 October 2018, Council received a petition signed by property owners in Rockliffe Street, Eltham requesting that Council investigate road sealing.

On 14 November 2018, an initial questionnaire was sent to property owners of Rockliffe Street to ascertain the level of support for Council to investigate the sealing of Rockliffe Street, via a Special Charge Scheme.

The initial questionnaire indicated that 17 of 27 (63.0 per cent) property owners supported further investigation into a scheme. On 6 March 2019, an information session was held for all interested property owners.

Following the information session, a formal questionnaire was sent to all property owners on 25 March 2019. The results indicated that 18 of 27 (66.7 per cent) property owners supported the development of a scheme.

Given that the level of support is above 60 per cent, it is recommended that the development process proceeds and Council invites affected property owners for nominations to join the task group and provide comments for consideration within the design process.

Recommendation

That Council:

1. Proceeds with the development of a Special Charge Scheme for the sealing of Rockliffe Street, Eltham, with a combination of both the urban and rural standards of construction.
2. Invites affected property owners for nominations to join the task group and to provide comments for consideration within the design process.

Attachments

1. Rockliffe Street Special Charge Scheme Area
2. Apportionment to affected properties
3. Guidelines for Apportionment of Costs for Road Construction

Background

1. On 23 October 2018, Council received a petition signed by property owners in Rockliffe Street, Eltham requesting that Council investigate road sealing.
2. Council has previously investigated a scheme in 2003, resulting in 46 per cent support. This resulted in the abandonment of further investigations into a Special Charge Scheme in 2003.

12. Officers' reports

OCM.070/19 Rockliffe Street Special Charge Scheme, Eltham

Policy context

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that the provision of community infrastructure responds to community needs.

Budget implications

4. All costs associated with the investigation of the scheme are accommodated within existing operational budgets.
5. The survey costs incurred have also been accommodated within existing operational budgets however will be recovered if the scheme proceeds and the charge is levied.

Consultation/communication

6. The properties included within the scheme can be viewed in **Attachment 1**.
7. Consultation has been carried out in line with Council's *Special Charge Schemes for Roads and Drainage Works Policy and Guidelines*. This has involved:
- An initial questionnaire being sent to property owners on 14 November 2018 to establish the level of support for further investigation into sealing Rockliffe Street, Eltham. The results are shown in Table 1 below.

	Support for further investigation		Total
	Yes	No	
Votes	17	10	27
Percentage	63.0%	37.0%	100%

Table 1 – Results from initial questionnaire

- An information session being held for all interested property owners on 6 March 2019, to discuss a construction proposal, cost apportionment and the special charge process. 19 of the 27 properties were represented at this information session.
- A formal questionnaire being sent to property owners on 6 March 2019 to establish the level of support for the development of a scheme for the sealing Rockliffe Street, Eltham. The results are shown in Table 2 below.

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OCM.070/19 Rockliffe Street Special Charge Scheme, Eltham

	Support for the development of a scheme		Total
	Yes	No	
Votes	18	9*	27
Percentage	66.7%	33.3%	100%

Table 2 – Results from formal questionnaire

*One vote was received in support of sealing, with conditions. As these conditions may not be able to be met, the response has been treated as a 'no'.

8. Progress on the development of the Special Charge Scheme is typically reported to Council at three points in the process:
- Advise Council of the level of support for sealing and recommend proceeding or abandoning (this report).
 - At the completion of the design, when Council is required to commence the statutory process by notifying residents and publicly advertising its intention to declare the special charge.
 - Via a Future Nillumbik Committee report to consider any objections or submissions on Council's intention to declare the Special Charge. At this time the Future Nillumbik Committee may recommend that Council decide to formally declare, amend or abandon the Special Charge Scheme.

Issues/options

9. The level of support established for a Special Charge Scheme for Rockliffe Street (refer to Table 2) is above the 60 per cent requirement for the scheme to proceed.
10. Property owners were given the opportunity to include comments in their questionnaire responses. A summary of the comments received is listed below:
- a) Cost:
 - i) Estimated liability is high and would rather spend money on more important things.
 - ii) More information is required regarding repayment options.
 - b) Traffic Management:
 - i) Traffic management treatments are required to control speed.
 - ii) Concerns with the impacts of speeding vehicles on pedestrians, cyclists and dog walkers if the road is sealed. Consultation is also required with these groups.
 - iii) Maintain exit only at Pitt Street/Rockliffe Street intersection.
 - iv) Council should pay for traffic treatments as part of the Local Area Traffic Management Policy.
 - v) Speed limit to be reduced.

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OCM.070/19 Rockliffe Street Special Charge Scheme, Eltham

- c) Dust:
 - i) Concerns with health from dust.
 - ii) Dust is caused by 'rat run' traffic.
 - d) Road:
 - i) Like the unique rural nature of the street.
 - ii) Loss of trees is regrettable and should be presented for replacement and offset planting.
 - iii) Road is currently slippery for bike riders and walkers.
 - iv) Rockliffe Street needs to be sealed as soon as possible.
 - v) Do not support the road being sealed.
 - vi) Not in favour of a spray sealed surface.
 - vii) Maintain rural aspects of the street as much as possible.
 - viii) Request for a footpath to be constructed at the same time as the road and at Council's cost.
 - ix) Planning and construction for street parking.
 - e) Apportionment:
 - i) Concerns with the cost apportionment method as it has changed since 2003.
 - ii) Concerns with the apportionment method as it does not adequately represent specific circumstances of the property.
 - f) Drainage:
 - i) Remedial action is required for drainage concerns in Rockliffe Street and View Hill Crescent.
 - ii) Drainage needs to be incorporated in works.
 - iii) Mud from Right of Way needs to be resolved.
11. Indicative costs for the properties involved in the proposed special charge scheme for Rockliffe Street are outlined in **Attachment 2**.
 12. The apportionment of costs for the scheme is based on 75 per cent of the total cost being distributed on the basis of benefit and the remaining 25 per cent on the basis of frontage. A more detailed explanation of the apportionment can be found in **Attachment 3**.
 13. The proposal for Rockliffe Street is a combination of both the urban and rural standards of construction with an asphalt surface. This standard is considered appropriate as the size of properties present challenges in the onsite management of stormwater. The proposal will control and manage stormwater to a responsible level.

12. Officers' reports

OCM.070/19 Rockliffe Street Special Charge Scheme, Eltham

Conclusion

14. The results of the questionnaire of property owners in Rockliffe Street demonstrates majority support for the sealing of the road via a Special Charge Scheme, with a combination of both the urban and rural standards of construction.
15. Based on this support, it is recommended that the development process proceeds and that Council invites affected property owners for nominations to join the task group and provide comments for consideration within the design process.

12. Officers' reports

OCM.071/19 Assembly of Councillors

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance and Legal Services

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 30 April 2019.

An Assembly of Councillors record was kept for:

- Pre-meeting to Ordinary Council Meeting – 30 April 2019;
- Living and Learning Nillumbik Advisory Committee – 1 May 2019;
- Positive Ageing Advisory Committee – 3 May 2019;
- Councillor Briefing Session – 7 May 2019; and
- Councillor Briefing Session and Pre-meeting to Future Nillumbik Committee – 14 May 2019.

Recommendation

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the Assemblies of Councillors held on 30 April 2019, 1 May 2019, 3 May 2019, 7 May 2019 and 14 May 2019 (**Attachment 1**).

Attachments

1. Assembly of Councillors reported 28 May 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.

Consultation/communication

4. None required.

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OCM.071/19 Assembly of Councillors

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 30 April 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.072/19 Request for Proposal for 895 and 903-907 Main Road Eltham

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Paul Usatov, Senior Project Manager

Summary

1. This report refers the contractual detail associated with the Request for Proposal (RFP) for Council land at 895 and 903-907 Main Road Eltham to the confidential section of the Ordinary Council Meeting on 28 May 2019.
2. At the August 2018 Ordinary Council Meeting, Council resolved to commence the Expression of Interest (EOI) and RPF process to test the market feasibility of the proposed project to revitalise the site.
3. Council received fourteen (14) EOIs from the development industry when it first started the process in September 2018. Of those, five (5) were selected to proceed to the RFP stage.
4. An external evaluation panel with expertise in finance, risk, property development, and architecture was appointed to assist with the EOI and RFP process.
5. At the 26 February 2019 Ordinary Council Meeting requested officers to prepare a report on the outcome of the process by May 2019.
6. The market feasibility of the proposed project was tested against Council's objectives. The current market conditions, fall in property prices across the state, tighter monetary lending requirements and distance from the CBD, all contributed to a viable development proposal not being realised and negotiations with the development industry have concluded.
7. The Council Plan 2017-2021 commits to developing a visionary plan for Precincts 3 and 4 in the Eltham Activity Centre, including the former Eltham Shire Offices site at 895 Main Road, Eltham, and transport modal interchange.
8. Challenges also remain with the buildings located at 903-907 Main Road, including the Senior Citizens Centre and War Memorial buildings, in that they no longer meet contemporary service needs or standards. These community facilities have a limited remaining useful life and will require significant investment within the next ten (10) years.
9. Council will need to consider how these services could be accommodated in the future.
10. There are a number of options available for Council's consideration, including:
 - a. Exploring opportunities for the precincts as they arise, that align with activity centre planning, for example:
 - Engaging with the State Government in relation to the potential for the future Eltham Community Hospital development
 - Using the vacant land at 895 Main Road Eltham for a regional art gallery concept
 - Improving the railway station infrastructure and precinct.

12. Officers' reports

OCM.072/19 Request for Proposal for 895 and 903-907 Main Road Eltham

- b. Returning to a market testing process, perhaps in the future when market conditions improve.
- c. Selling the vacant land under Council ownership.

Recommendation

That Council:

- 1. Notes that the Request for Proposal process and negotiations with developers for 895 and 903-907 Main Road Eltham have ceased.
- 2. Requests a briefing from Officers regarding future opportunities within Precincts 3 and 4.

Attachments

Nil

12. Officers' reports

OCM.073/19 Eltham Library Building Heating, Ventilation and Air Conditioning System Replacement

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Michael Ioannides, Building Maintenance Officer
Jonathon Miller, Manager Assets and Property**

Summary

A recent condition audit of the Heating, Ventilation and Air Conditioning (HVAC) system servicing the Eltham Library Building identified that key mechanical components are close to the end of their serviceable life and their replacement is a high priority.

This report is an overview of a separate confidential report recommending the awarding of a contract for works for the replacement of major mechanical components of the HVAC system and associated minor building works.

The Tender Evaluation Panel has assessed submissions. This report outlines their evaluation and recommendation to award the contract.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the forecast total value of this contract exceeds its specified financial limit 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.074/19 RFT 1819-32 Provision of Temporary Labour Hire - Neutral Vendor Managed Services

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Sally Pickett, Senior Human Resources Lead

Lance Clark, Senior Procurement Specialist

Summary

This report is an overview of a separate confidential report that considers the awarding of the contract for the Provision of Temporary Labour Hire – Neutral Vendor Managed Services.

The contract and tender process was undertaken as part of a collaborative Northern Region Council procurement project.

The contract arrangement will commence on 1 July 2019 with an initial contract end date of 31 October 2021 with two x one-year extension options at the discretion of Council.

The Tender Evaluation Panel 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.075/19 Risk and Insurance Report March Quarter 2019

Distribution: Public

Manager: Jeremy Livingston, Acting Director Community and Planning

Author: Craig Commane, Risk Advisor

Summary

This report provides a summary of Council’s Risk and Insurance Report for the quarter ending March 2019.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF) that commenced on 1 July 2014. This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and insurance reporting to Council will be tabled each quarter following consideration by the Audit and Risk Committee.

A separate report in this agenda provides detailed information for Council consideration. It is recommended that this detailed report remain confidential as it includes information which may prejudice the Council or another person.

Recommendation

That Council notes this report.

Attachments

Nil

Background

1. Council’s commitment to risk management is outlined in the Risk Management Policy adopted in June 2018, with the following objectives:
 - Ensure that all risks that could affect the achievement of our Council’s goals, strategies and actions are identified, assessed and treated to a commercially, professionally and politically acceptable level of risk;
 - Integrate risk management into decision making processes and embed it into the organisation culture to help make informed choices for the benefit of Council and our stakeholders;
 - Ensure that necessary resources are allocated in support of the policy outcomes;
 - Maintain stakeholders trust and due diligence;
 - Align all risk management practices across the organisation and to promote and support a consistent corporate approach to risk management that can be clearly understood and applied by everyone and provide a basis for higher standards of accountability; and
 - To ensure that risk management is seen as the responsibility of all staff, i.e.: “Risk Management is everyone’s business”.

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OCM.075/19 Risk and Insurance Report March Quarter 2019

2. In addition to the Risk Management Policy, Council's Risk Management Framework 2018 communicates and describes the risk management structure and procedures that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
4. Prior to the introduction of the Local Government Performance Reporting Framework (LGPRF), risk reporting was referred to Councils' Audit and Risk Committee and the information included for consideration by Council through the adoption of the Audit and Risk Committee's minutes.
5. Commencing 1 July 2014, the State Government introduced the LGPRF. This framework requires the presentation of risk reporting processes to Council at least every six months on strategic risks to Council operations.
6. The Risk and Insurance report is a result of consolidation of these management reports, which broadly reports on:
 - Risk management;
 - Business continuity;
 - Insurance;
 - Incident management and insurance claims;
 - Safety, health and wellbeing;
 - Other data; and
 - Strategic risk summary report.

Policy context

7. 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

8. The costs for managing and reporting are covered by Council's operating budget.

Consultation/communication

9. The Risk and Insurance Report was considered by the Audit and Risk Committee on 27 May 2019.

Issues/options

10. The Risk and Insurance Report has been prepared in accordance with Council's Risk Management Policy and Framework and is consistent with the Australian Standard AS/NZS 31000:2009 Risk Management.

12. Officers' reports

OCM.075/19 Risk and Insurance Report March Quarter 2019

11. Workshops for the development of Council's operational risks progressed during the March 2019 quarter and 31 of 78 were complete. The focus has been to address operational safety risks incorporating the development of a hazard register, which enabled several similar risks to be combined.
12. The remaining 47 operational risks have been drafted but not yet consulted with internal stakeholders across Council. Following consultation, next steps include integration into Council systems and processes.
13. An operational risk is a risk that is external or internal that may impact the current business strategy to provide services to the community.
14. Highlights from the March 2019 Risk and Insurance Report are:
 - Annual work programs for risk and business continuity in 2019/2020;
 - Completion of a competitive public tender process for insurance brokerage services which resulted in Jardine Lloyd Thompson being re-appointed for a 3 year period; and
 - The following table summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type (excluding OHS incidents)	Apr - Jun 18	Jul - Sep 18	Oct - Dec 18	Jan - Mar 19	Total Apr - Mar 19	Last Year Apr - Mar 18	Year to date trend
Property	9	4	3	9	25	30	▼
Motor vehicle	34	17	21	20	92	132	▼
Professional Indemnity	2	1	3	3	9	2	▲
Public Liability	24	22	16	34	96	134	▼
Total all incidents	69	44	43	66	222	298	▼

- A high proportion of reported incidents during the March 2019 quarter are generated within the normal course of operations of the Operations and Infrastructure Directorate, 79 per cent. These incidents relate to major classes of asset or maintenance type incidents for Council buildings, recreational facilities, playgrounds, trees, drainage, footpath, road damage and major plant.
- Tree related risks are mitigated through the:
 - Tree Management Policy;
 - Reactive tree maintenance program;

12. Officers' reports

OCM.075/19 Risk and Insurance Report March Quarter 2019

- Proactive electric power line clearance program;
- Proactive box clearance program;
- Proactive inspections of high risk trees; and
- Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
- Road, footpath, drainage and roadside related risks are mitigated through the:
 - Road Management Plan;
 - Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.
- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds and recreational facilities. Risks are mitigated through maintenance programs and insurance.
- Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties. Risks are mitigated through maintenance, education and insurance.
 - Water tanker travelling along Bannons Lane towards the Council Operations Centre was struck by a third party who crossed the centre line travelling in the opposite direction. Council's insurer considered the damages, resulted in the vehicle being written off. A replacement has not yet been advertised; and
 - Statistical analysis of motor vehicle incidents over the past 12 months shows a good reduction in light fleet incident numbers (cars and utilities) which is attributed to the current improvement program. There was a smaller reduction in plant fleet incident numbers (trucks and heavy vehicles), however that part of the improvement program is not as mature with policy and training requirements yet to be implemented.
- Professional indemnity relates to claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services.
- Public liability incidents are reported to Council where the third party is seeking compensation for personal injury, property damage and economic loss. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
 - Eight trip and fall incidents were reported at various locations;
 - Six incidents related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. Note that the *Road Management Act 2004* threshold is currently \$1400;

12. Officers' reports

OCM.075/19 Risk and Insurance Report March Quarter 2019

- 12 incidents related to trees were reported, six related to damage to fences and two related to damage to vehicles. All claims were referred to Council's claims manager for assessment; and
 - Eight miscellaneous incidents were noted.
 - The annual trend data for year ending March 2019 was lower compared to the same period ending March 2018. The decrease is attributed to fewer weather related events and it is not unusual for the number of incidents to vary from period to period.
15. Incident costs including under excess claim costs and insurance excesses are managed within existing budgets.

Conclusion

16. This summary, along with the confidential Risk and Insurance Report March 2019, have been provided to meet the requirements of the Local Government Performance Reporting Framework (LGPRF) and consolidation of management reporting.
17. Ongoing reporting to Council is presented quarterly following each meeting of the Audit and Risk Committee.

13. Notices of Motion

NOM.002/19 – Notice of Rescission

Cr Peter Perkins, Cr Grant Brooker and Cr John Dumaresq advised of their intention to rescind Council resolution made on 30 April 2019 as follows:

Recommendation

That Council rescind, the Council resolution made on 30 April 2019 that refers to item “OCM.052/19 Nillumbik Shire Council brand refresh”.

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.077/19 Request for Proposal for 895 and 903-907 Main Road Eltham

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

OCM.078/19 Eltham Library Building Heating, Ventilation and Air Conditioning System Replacement

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

OCM.079/19 RFT 1819-32 Provision of Temporary Labour Hire – Neutral Vendor Managed Services

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

OCM.080/19 Risk and Insurance Report March Quarter 2019

This item is designated confidential because it is any other matter which the Council considers would prejudice the Council or any person pursuant to section 89(2)(h) of the Act.

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

Recommendation

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.