

Ordinary Meeting of Council

held at the Hurstbridge Community Hub, 50 Graysharps Road, Hurstbridge
on Tuesday 28 May 2019 commencing at 7:30pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 31 May 2019

Distribution: Public

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Domin je ka

Nillumbik Shire Council

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Ordinary Meeting of Council Minutes

28 May 2019

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 28 May 2019. The meeting commenced at 7:30pm.

Councillors present:

| | |
|------------------|---|
| Cr Karen Egan | Bunjil Ward (Mayor) |
| Cr Grant Brooker | Blue Lake Ward |
| Cr John Dumaresq | Edendale Ward |
| Cr Peter Perkins | Ellis Ward |
| Cr Jane Ashton | Sugarloaf Ward |
| Cr Bruce Ranken | Swipers Gully Ward |
| Cr Peter Clarke | Wingrove Ward (entered the meeting at 8:04pm) |

Officers in attendance:

| | |
|-------------------|--|
| Carl Cowie | Chief Executive Officer |
| Vince Lombardi | Chief Financial Officer |
| Jeremy Livingston | Acting Director Community and Planning |
| Hjalmar Philipp | Director Operations and Infrastructure |
| Blaga Naumoski | Executive Manager Governance and Legal Services |
| Mitch Grayson | Executive Manager Communications and Engagement |
| Kylie Lethbridge | Executive Manager Economic Development and Tourism |
| Kelly Reaburn | Head of Communications and Marketing |
| Joseph Emmanuel | Manager Infrastructure |
| Aaron Platkowski | Transport and Development Coordinator |
| Paul Usatov | Senior Project Manager |
| Joanne Massoud | Recreation and Open Space Planner |
| Katia Croce | Governance Lead |

1. Welcome by the Mayor

2. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Karen Egan.

3. Prayer

A prayer was read by Reverend Ros McDonald of Eltham Montmorency Uniting Church.

4. Apologies

Nil

5. Presentations

The Mayor, Cr Karen Egan made the following address:

Tonight we have a presentation to the EC Waves Swim Club, and I notice in the gallery we have a number of members and parents, and I am really delighted to welcome you all here tonight to receive a Certificate of Recognition. The Club actually had 11 swimmers from across three grades: Open, Age and Multi-Class swim at this year's Hancock Prospecting Australian Age Swimming Championships in Adelaide back in April.

There were some fantastic results. Out of 11 swimmers and 30 swims, 23 of those were personal bests, and I'm told that a highlight for those who attended was the way

each of the kids supported not only their swimmers, but all of the other Victorian swimmers as well.

Accepting the Certificate on behalf of the EC Waves Swim Club were:

- **Imogen Nolan** who was the EC Waves Swim Club's first Multi-Class swimmer. She swam a personal best in each event with some huge improvements in her times;
- **Flynn McMahon** who swam in the Open division and was the EC Waves Swim Club's first finalist ever; and
- **Emma Rao** who swam in the Age division winning a Bronze medal in the 13 year old 100 metre breaststroke final and was EC Waves Swim Club's first national medallist ever.

A photo was taken of Imogen, Flynn and Emma with the Mayor, Cr Karen Egan, who congratulated the Club once more on a fantastic result.

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

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.

CARRIED

7. Disclosure of conflicts of interest

Nil

8. Petitions

Nil

9. Questions from the gallery

Jim Connor asked Council:

In respect of Rescission Motion NOM.002/19, should it be decided to proceed with a Nillumbik Shire Council brand refresh will Councillors please first ensure there is appropriate community consultation undertaken and that any of the proposed design elements/colour combinations are required to be accessible for everyone, including any person who may experience low vision, vision impairment or colour vision deficits?

Response

I can't pre-empt the outcome of this particular item tonight Jim. However what I can say is that Council is taking all appropriate steps to ensure that the brand meets all relevant accessibility standards. Community consultation is not required given the changes are modest.

Ben Ramcharan asked Council:

The world is currently facing a climate crisis and unless we take immediate action, we could be heading towards a global catastrophe where ecosystems will be destroyed and populations will be displaced. Nillumbik will see many direct effects of this, including increased intensity and higher risk of bushfires in our Green Wedge. Council's Climate Change Action Plan The Shire of Nillumbik recognises that climate change is "one of the most serious challenges facing the world today and into the future". This is good but it is no longer enough.

Does Nillumbik Council have any plans to join over 550 councils across the world, including 20 in Australia, in declaring a climate emergency?

Response

Council deals with climate issues via our Environment and Sustainability Advisory Committee, of which Cr Ashton is the Chair. The issues that you raise will be passed on to this Committee for their consideration.

Sue Dyet asked Council:

1. The current Nillumbik Council branding has widespread recognition and acceptance within the broader Nillumbik community. It was developed with community consultation. Why would Council consider, without any community consultation whatsoever, spending perhaps over \$500,000 over future years to change all documentation, signs, uniforms etc, to just slightly alter artwork, when there are surely many more urgent community projects that would benefit from this expenditure?

Response

You're right in saying that the current branding has widespread recognition. That's why Council is NOT planning on making any significant changes to it, but rather enhancing the brand to ensure it meets all relevant accessibility standards.

Modest adjustments to branding helps ensure that it can be easily replicated in all of Council's material including printed, digital and embroidery without shying away from our existing brand.

Expenditure will only be based on renewal, operational budget permitting.

2. The number of community activities, markets etc that Nillumbik Council used to support/fund appears to be diminishing despite residents wanting more as expressed in the Eltham Major Activity Centre Review last year. It seems that after review of the Sustainability Green Festival, normally held at Edendale, it is the latest to lose Council support. When is the recently concluded review of Edendale to be a publicly available document?

Response

I am pleased to inform you Sue that Council support of festivals and events has not decreased, in fact it has increased. Last financial year Council allocated an additional \$30,000 to the \$255,000 fund and tonight's budget proposes an additional uplift of another \$110,000 which means more activities and events will be funded.

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 significantly declined. There is a range of opportunities for Council to invest in engaging the community in environment and sustainability issues, and the Practically Green Festival is only one of these. Council is trying to get best value for money for ratepayers and residents and is therefore rightly looking at options for the festival.

The Edendale review has not concluded and will be made public by Council at a future date.

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.

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| Council Resolution |
|---------------------------|

MOVED: Cr Grant Brooker

SECONDED: Cr Jane Ashton

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

CARRIED

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

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.

CARRIED

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.

12. Officers' reports

OCM.064/19 Review of Injured Wildlife Euthanisation Service

Motion

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

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.
4. **Instructs officers to develop and implement a Communications Plan in relation to the delivery of the service.**

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

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.
4. Instructs officers to develop and implement a Communications Plan in relation to the delivery of the service.

CARRIED

12. Officers' reports

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Perkins

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.

CARRIED UNANIMOUSLY

12. Officers' reports

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

Cr Peter Clarke entered the meeting during discussions of the above item at 8:04pm.

12. Officers' reports

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 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.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Peter Clarke

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.

CARRIED

Aaron Platkowski, Transport and Development Coordinator left the meeting during discussions of the above item at 8:16pm.

12. Officers' reports

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.

Council Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Grant Brooker

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.

CARRIED

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.

| |
|---------------------------|
| Council Resolution |
|---------------------------|

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That:

1. Council, having considered the submissions received, adopts the proposed Budget 2019-2020 (**Attachment 2**).

12. Officers' reports

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

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 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

12. Officers' reports

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

indicated in the following table:

| 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

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

- 120 litre 'other' waste bin

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

- 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:

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

- 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*).
 - 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.

12. Officers' reports

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

- 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 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.

CARRIED

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.

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| Council Resolution |
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MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Perkins

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

CARRIED

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.

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| Council Resolution |
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MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

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.

CARRIED

Joseph Emmanuel, Manager Infrastructure and Joanne Massoud, Recreation and Open Space Planner left the meeting during discussions of the above item at 9.15pm.

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.

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Jane Ashton

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**).

CARRIED

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.

Motion

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

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 **focusing on Option A as detailed in the report excluding the selling of the vacant land by tender or auction.**

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

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 focusing on Option A as detailed in the report excluding the selling of the vacant land by tender or auction.

CARRIED

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.

Council Resolution

**MOVED: Cr Bruce Ranken
SECONDED: Cr John Dumaresq**

That Council notes this report.

CARRIED

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

**MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken**

That Council:

1. Enters into a Contract with Bourke Air Pty Ltd for the Eltham Library Heating, Ventilation and Air Conditioning Replacement works, for the amount of \$499,680 (exclusive of GST).
2. Authorises the Director Operations and Infrastructure to finalise and execute the contract documentation.
3. Advises all tenderers accordingly.

12. Officers' reports

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

4. Makes public the Council resolution but the Tender Evaluation and Report remain confidential.

CARRIED

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Grant Brooker

That Council notes this report.

CARRIED

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That Council:

1. Resolves to accept the tender submission and enter into a contract for the Provision of Temporary Labour Hire – Neutral Vendor Managed Services with Comensura.
2. Enters into an initial contract term **commencing 1 July 2019 and concludes 31 October 2021.**

12. Officers' reports

OCM.074/19 RFT 1819-32 Provision of Temporary Labour Hire - Neutral Vendor Managed Services

3. Authorises the Chief Executive Officer to finalise and execute the contract documentation.
4. Delegates the powers and authorisation to the Chief Executive Officer to review and approve the options to extend the contract term for a maximum of two further years.
5. Makes public the decision regarding this contract but the tender evaluation remain confidential.

CARRIED

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.

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Council notes this report.

CARRIED

The confidential report relating to this item was heard in a closed meeting and Council resolved to make the following resolution public:

Council Resolution

MOVED: Cr Peter Clarke
SECONDED: Cr Bruce Ranken

That Council:

1. Notes the summary of the confidential Risk and Insurance Report for the quarter ending March 2019.
2. Resolves that the Report remains confidential in accordance with sections 77 and 89(2) of the *Local Government Act 1989*.
3. Resolves to make the resolution of Council public.

CARRIED

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:

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Grant Brooker

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

THE MOTION WAS PUT TO THE VOTE AND LOST.

Cr Peter Perkins called for a division

For: Cr Peter Perkins, Cr John Dumaresq and Cr Grant Brooker

Against: Cr Bruce Ranken, Cr Jane Ashton, Cr Karen Egan and Cr Peter Clarke

The Mayor, Cr Karen Egan declared the Motion Lost.

14. Delegates' reports

Nil

15. Supplementary and urgent business

Nil

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.

Council Resolution

MOVED: Cr Bruce Ranken

SECONDED: Cr Jane Ashton

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.

CARRIED

The meeting closed to the public at 9:35pm.

The meeting re-opened at 9:44pm.

Close of Meeting

The meeting closed at 9:44pm.

Confirmed: _____

Cr Karen Egan, Mayor