

# Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 24 September 2019 commencing at 7:00pm.

## Agenda

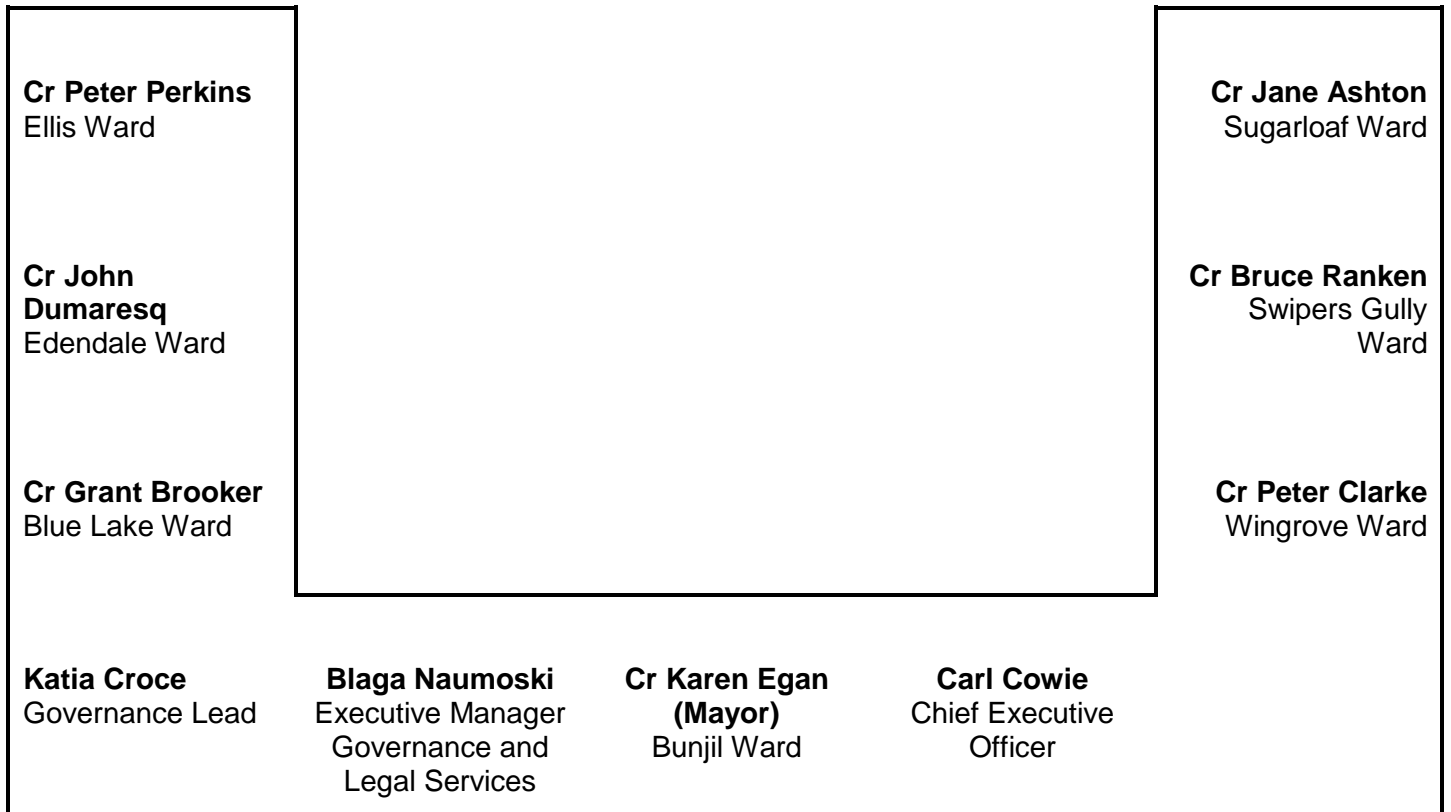
**Carl Cowie**  
**Chief Executive Officer**

Friday 20 September 2019

Distribution: Public

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# 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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### Contents

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<b>1.</b>	<b>Welcome by the Mayor</b>	<b>1</b>
<b>2.</b>	<b>Reconciliation statement</b>	<b>1</b>
<b>3.</b>	<b>Prayer</b>	<b>1</b>
<b>4.</b>	<b>Apologies</b>	<b>1</b>
<b>5.</b>	<b>Presentations</b>	<b>1</b>
<b>6.</b>	<b>Confirmation of minutes</b>	<b>1</b>
<b>7.</b>	<b>Disclosure of conflicts of interest</b>	<b>1</b>
<b>8.</b>	<b>Petitions</b>	<b>1</b>
<b>9.</b>	<b>Questions from the gallery</b>	<b>1</b>
<b>10.</b>	<b>Reports of Advisory Committees</b>	<b>3</b>
	AC.009/19 Advisory Committee Report	3
<b>11.</b>	<b>Reports of Special Committees</b>	<b>19</b>
<b>12.</b>	<b>Officers' reports</b>	<b>21</b>
	OCM.142/19 Audit and Risk Committee meeting August 2019	21
	OCM.143/19 Fireworks Local Law	35
	OCM.144/19 Bushfire Mitigation (Fire Prevention) Works Program 2019-2020	55
	OCM.145/19 2019/2020 Growing Suburbs Funding Applications	65
	OCM.146/19 Council's Submission to a State Government Discussion Paper: Better Apartments in Neighbourhoods	69
	OCM.147/19 Over the Counter Native Vegetation Offset Program	123
	OCM.148/19 Eltham Trader Parking Permit Scheme	143
	OCM.149/19 Assembly of Councillors	161
	OCM.150/19 Environment and Sustainability Advisory Committee and Panton Hill Bushland Reserves System User Group membership endorsement	173
	OCM.151/19 Diamond Creek Regional Playspace Tender Evaluation Report 1920-3	175
<b>13.</b>	<b>Notices of Motion</b>	<b>177</b>
<b>14.</b>	<b>Delegates' reports</b>	<b>177</b>
<b>15.</b>	<b>Supplementary and urgent business</b>	<b>177</b>
<b>16.</b>	<b>Confidential reports</b>	<b>177</b>
	OCM.152/19 Environment and Sustainability Advisory Committee and Panton Hill Bushland Reserves System User Group membership endorsement	177
	OCM.153/19 Diamond Creek Regional Playspace Tender Evaluation Report 1920-3	177

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**Nillumbik Shire Council**

**Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held  
Tuesday 24 September 2019 commencing at 7:00pm.**

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**1. Welcome by the Mayor**

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

**2. Reconciliation statement**

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

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

**3. Prayer**

A prayer will be read.

**4. Apologies**

**Recommendation**

That the apologies be noted.

**5. Presentations**

**6. Confirmation of minutes**

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 27 August 2019 and the Special Council Meeting held on Tuesday 10 September 2019.

**Recommendation**

That the minutes of the Ordinary Council Meeting held on Tuesday 27 August 2019 and the Special Council Meeting held on Tuesday 10 September 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**

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10. Reports of Advisory Committees

AC.009/19 Advisory Committee Report

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**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.

**Attachments**

1. Municipal Emergency Management Planning Committee minutes - 29 August 2019
2. Positive Ageing Advisory Committee minutes - 6 September 2019

**Recommendation**

**That** Council notes the minutes of the following meetings:

- Municipal Emergency Management Planning Committee held on 29 August 2019; and
- Positive Ageing Advisory Committee held on 6 September 2019.

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**11. Reports of Special Committees**

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12. Officers' reports

OCM.142/19 Audit and Risk Committee meeting August 2019

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**Distribution:** Public

**Manager:** Vince Lombardi, Chief Financial Officer

**Author:** Melika Sukunda, Manager Finance

**Summary**

In accordance with section 139 of the *Local Government Act 1989* and good governance principles, councils must have an Audit and Risk Committee.

As resolved at the 26 February 2019 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Ordinary Council Meeting.

The Audit and Risk Committee met on 12 August 2019. The minutes for the meeting are shown in **Attachment 1**.

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

1. The minutes of the Audit and Risk Committee meeting held on 12 August 2019.
2. The report from the Chair of the Audit and Risk Committee, John Watson, on the 2018-2019 activities of the Audit and Risk Committee.

**Attachments**

1. 12 August 2019 Audit and Risk Committee minutes
2. Audit and Risk Committee Chairperson's report

**Background**

1. As resolved at the 26 February 2019 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Ordinary Council Meeting.
2. The Audit and Risk Committee meets a minimum of four times per year and has the role to assist the coordination of relevant activities of management, internal audit and the external auditor to facilitate good governance, effectiveness and efficiency.

**Policy context**

3. This report directly supports the achievement of Council Plan 2017-2021 strategies:
  - Maintain good governance and effective leadership.

**Budget implications**

4. The costs associated with this matter are contained within Council's 2019-2020 Budget.

**Consultation/communication**

5. The Audit and Risk Committee meeting on 12 August 2019 was attended by the Committee members, the internal auditor from Pitcher Partners, the external auditors

**12. Officers' reports**

**OCM.142/19 Audit and Risk Committee meeting August 2019**

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from HLB Mann Judd as well as the Chief Executive Officer and Chief Financial Officer. Cr Peter Clarke and Cr Bruce Ranken are the Councillor representatives.

**Audit and Risk Committee minutes**

6. The minutes of the Audit and Risk Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
7. The Audit and Risk Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.
8. Minutes of the Audit and Risk Committee held on the 12 August 2019 have not yet been adopted by the Committee, but will be presented at its next meeting.
9. The items considered by the Audit and Risk Committee were:
  - The Committee welcomed incoming internal auditors, Pitcher Partners;
  - Council's Risk and Insurance report;
  - The Digital Transformation Roadmap;
  - VAGO Fraud and Corruption Report;
  - The Staff and Councillor Gift Registers; and
  - The Annual Financial Report and Performance Statement and the closing report.
10. The next Audit and Risk Committee meeting is scheduled to take place in November 2019.

**Audit and Risk Committee Chairperson's report**

11. The Chair of the Audit and Risk Committee, John Watson, has provided his report on the 2018-2019 activities of the Committee (**Attachment 2**).
12. The report includes details regarding:
  - Internal audits undertaken;
  - External audit program;
  - Management reports considered; and
  - The 2019-2020 outlook.

**Conclusion**

13. The minutes of the Audit and Risk Committee meeting held on 12 August 2019 are presented to Council to ensure timely feedback and accurate information. This report is presented for noting by Council.
14. The Audit and Risk Committee Chairperson's report on the 2018-2019 activities of the Audit and Risk Committee is presented for noting.

12. Officers' reports

OCM.143/19 Fireworks Local Law

**Distribution: Public**

**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety**

**Author: Jonathan McNally, Manager Community Safety and Amenity**

**Summary**

In 2018, Council commenced investigations to create a local law either prohibiting or restricting the display of private fireworks shows within the Shire. The issue of private fireworks displays is of particular interest in rural areas following a display on private property in St Andrews which has resulted in considerable community interest, and a subsequent commitment from Council that it would undertake investigations in terms of regulating this type of activity. These investigations included considerable benchmarking of other councils, and seeking legal advice as to the nature of regulating such activity through a local law.

The process for making a local law is governed by Part 5 of the *Local Government Act 1989*. Council has the ability to make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.

Council endorsed the draft Fireworks Local Law and the draft Prohibition of Fireworks Local Law for public consultation at the 25 June 2019 Ordinary Council Meeting. The public consultation period was between 26 June 2019 and 7 August 2019. Council received 49 written submissions.

This report recommends that Council, having received written submissions, determines to adopt the Prohibition of Fireworks Local Law, subject to amendments detailed below.

<b>Recommendation</b>
-----------------------

**That Council:**

1. Adopts the Prohibition of Fireworks Local Law subject to the following amendments:
  - a) Section 5 (*Application of this local law*) of the draft local laws be amended to read:
 

*“This Local Law applies to:*

    - (a) *all land outside of the urban growth boundary within the Nillumbik Shire;*
    - and*
    - (b) *all land within the townships of St Andrews and Panton Hill within the Nillumbik Shire.”*
  - b) The map at schedule 1 to the draft local law amended to incorporate the townships of St Andrews and Panton Hill.
2. Instructs officers to implement a communications plan to inform the community of the Prohibition of Fireworks Local Law.

12. Officers' reports

OCM.143/19 Fireworks Local Law

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**Attachments**

1. Fireworks Local Law
2. Prohibition of Fireworks Local Law

**Background**

1. In January of 2017, 2018 and 2019, fireworks displays were conducted on a private property in St Andrews. On each of these occasions, the fireworks displays created community concern, due to the potential impact of fireworks in a rural and fire prone setting. Of particular concern were the potential impact fireworks can have on the safety of livestock and other domestic animals, on wildlife and the potential for a bushfire to be sparked from fireworks during the height of the summer bushfire season.
2. Following the fireworks displays in January 2019, there was a heightened expectation that Council investigate and introduce controls to restrict private fireworks displays.
3. Council's current adopted fireworks policy requires a permit for fireworks displays that are discharged from Council land, however this policy does not establish a need for a permit for displays discharged from private land.
4. At the 26 February 2019 Ordinary Council Meeting, Council determined to proceed with the development of a new Fireworks Local Law.
5. At the 25 June 2019 Ordinary Council Meeting, Council endorsed two draft fireworks local laws for public consultation. The purpose of the local laws is to provide options to introduce regulation into the display of fireworks of private property in the rural areas of the Shire.

***Fireworks Local Law (Attachment 1)***

6. This option introduces the requirement that any property in the rural areas of the Shire (outside of the Urban Growth Boundary) must apply for a permit to host a fireworks display subject to strict criteria and a notification period. No permits could be issued during set high fire danger periods. Specifically, the local law would:
  - Apply to all private property located outside of the Urban Growth Boundary (i.e. rural land).
  - Introduce a requirement that any fireworks display requires a permit issued by Council.
  - Prohibit the issue of permits for fireworks displays during the high fire danger period. The high fire danger period is defined as either the commencement of the declared fire danger period or 1 November (whichever is earlier) and the end of the declared fire danger period or 30 March (whichever is the later).
  - Set out strict information requirements for any permit application.
  - Set out strict assessment criteria.
  - Include requirements for the notification of the proposed event to nearby properties and in the local paper.
  - Set timeframes for the submission of a fireworks permit application.

12. Officers' reports

OCM.143/19 Fireworks Local Law

**Prohibition of Fireworks Local Law (Attachment 2)**

7. This option proposes that the display of fireworks from private property in the rural areas of the Shire is outright prohibited. Specifically, the local law would:
- Apply to all private property located outside of the Urban Growth Boundary (i.e. rural land).
  - Prohibit the display of fireworks from any private property outside of the Urban Growth Boundary at any time.

**Policy context**

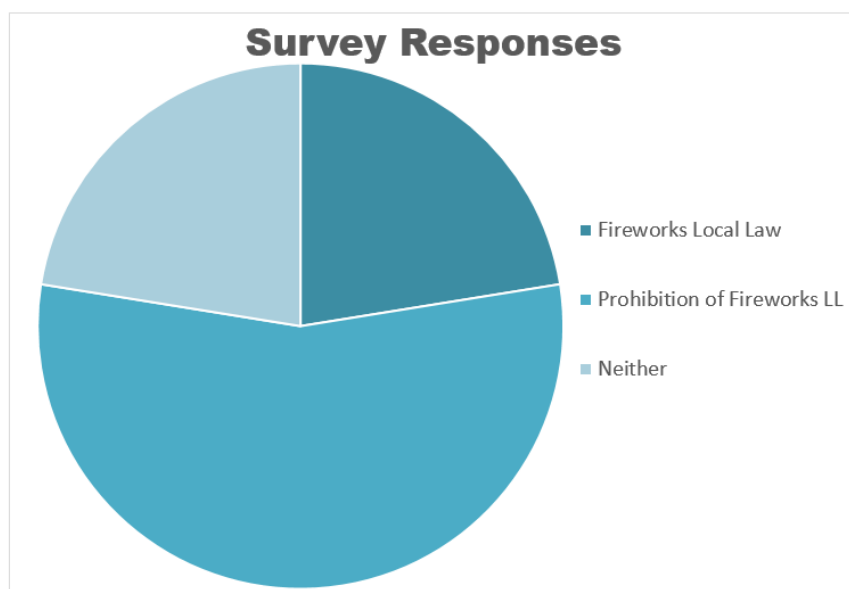
8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community.

**Budget implications**

9. Total budget for the development and implementation of a Fireworks Local Law is expected to be approximately \$12,000. This expenditure has been absorbed within the existing Community Safety operating budget, and has included legal expenses and the engagement of a consultant assisting in the development of the draft local laws and a Community Impact Statement.

**Consultation/communication**

10. The public consultation period was between 26 June 2019 and 7 August 2019. A total of 49 written submissions were received.
11. Key themes identified in the submissions received are as follows:
- 55% (27) of submitters supported the Prohibition of Fireworks Local Law;
  - 22.5% (11) of submitters supported the Fireworks Local Law; and
  - 22.5% (11) supported neither drafted local law.



12. Officers' reports

OCM.143/19 Fireworks Local Law

- 77% (38) of submissions were received anonymously.
  - 6% (3) of submissions support land owners rights to display fireworks. All three of these submissions were anonymous.
  - Of the 11 submissions that were not submitted anonymously, 18% (2) supported the Fireworks Local Law, 55% (6) supported the Prohibition of Fireworks Local Law, and 27% (3) supported neither. All three of the 'neither' submissions indicated the draft local laws did not go far enough in prohibiting fireworks. All of the 11 identifiable submitters supported some form of fireworks regulation, with 82% supporting some form of fireworks prohibition.
  - Of the 11 submitters who supported neither local law, three have made written submissions supporting land owner rights to have fireworks displays. A further six submitters have not supported either local law on the basis that they do not go far enough in controlling or prohibiting fireworks throughout the entire Shire. The final two submissions provided no comments in support of their position.
  - 16% (8) submitters have recommended that the local law should apply to the entire Shire, both rural and urban. Of these eight submitters, three have supported neither of the local laws as they do not go far enough.
  - One submitter has identified that the rural areas of the Shire in the map attached to each draft local law indicates that the local law would not apply to the townships of St Andrews and Panton Hill.
12. Several of the submissions suggest that Council advocate for fireworks controls to be escalated to the State Government for better state-wide controls.

**Issues/options**

13. Community concern around the display of private fireworks shows within the rural areas of the Shire has become a significant issue. Council currently has no role in the approval of fireworks displays held on private land within the Shire. Approval for fireworks is required from the Country Fire Authority (CFA) and the Victorian WorkCover Authority, both of which assess separate risks associated with fireworks displays. The Victorian WorkCover Authority issues permits to qualified pyrotechnic contractors that are licenced by that Authority to discharge fireworks based on satisfying the Occupational Health and Safety risks associated with fireworks displays. The WorkSafe permit process requires pyrotechnic contractors to be accredited and to hold their own public liability insurance.
14. The CFA is required to assess the fire risk associated with fireworks, which is of particular importance during the fire season. CFA permits are only required during the designated fire danger period, and such permits generally set in place conditions around the manner in which the fireworks are discharged, including access to water and siting requirements. Although the CFA can and does grant permits during the fire danger period, all such permits are not valid if a total fire ban day is declared. The CFA also has the power to grant permits for total fire ban days, however these can only be granted to community organisations, charitable organisations, fundraising organisations, statutory corporations, municipal councils, industrial operations or trade.



12. Officers' reports

OCM.143/19 Fireworks Local Law

15. Currently, neither of these authorities are required to assess the potential amenity or environmental impact from fireworks, or the social impact of fireworks in a bushfire prone area that is still recovering from a significant bushfire event. Neither authority requires notification of nearby landowners be provided by organisers should a fireworks display be conducted. The Nillumbik Amenity Local Law (adopted 26 November 2013) does not currently establish a requirement for a permit for fireworks displays on private property within the Shire.
16. The key aim of the draft local laws is to introduce regulation for the display of fireworks from private property in the rural areas of the Shire.

**Response to submissions**

17. Having received 49 submissions during the exhibition process, officers have considered the submissions in order to determine the most appropriate local law to meet the expectations of the community. Based on the overwhelming number of submissions that support the introduction of a fireworks prohibition (67% supported either the Prohibition of Fireworks Local Law or indicated a desire for prohibitions across the entire Shire), it is evident that the Prohibition of Fireworks Local Law should be adopted subject to some minor amendments.
18. One of the submissions received identified an issue regarding the application of the proposed Fireworks Local Law, in that the map attached to the draft local laws excluded the townships of St Andrews and Panton Hill which are both located within a rural setting. Officers have considered the intention of the draft local laws and have determined that fireworks displays launched within these townships will have an equal impact on rural amenity as displays launched from rural properties. As such, it is recommended that section 5 (*Application of this local law*) of the draft local laws be amended to read:

*This Local Law applies to:*

- (a) all land outside of the urban growth boundary within the Nillumbik Shire; and
- (b) all land within the townships of St Andrews and Panton Hill within the Nillumbik Shire.

19. Further, section 6 (*Definitions*) of the draft local laws should also be amended to include:

**“Township of Panton Hill”** means all land holdings located within the township of Panton Hill as defined in the Victorian Register of Geographic Names.

**“Township of St Andrews”** means all land located within the township of Queenstown as defined in the Victorian Register of Geographic Names.

20. Finally, the map at Schedule 1 of the draft local laws has also been amended to include the townships of St Andrews and Panton Hill into the areas where the local law applies.

**Conclusion**

21. Submissions received have been considered, and the final Fireworks Local Law and Prohibition of Fireworks Local Law have been amended accordingly to respond to submissions received.

**12. Officers' reports**

**OCM.143/19 Fireworks Local Law**

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22. After extensive review and consultation, officers recommend the adoption of the Prohibition of Fireworks Local Law. Officers recommend that the resolution of Council be communicated with the community.

12. Officers' reports

OCM.144/19 Bushfire Mitigation (Fire Prevention) Works Program 2019-2020

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**Distribution:** Internal use only

**Manager:** Blaga Naumoski, Executive Manager Governance and Legal Services

**Author:** Kim Halse, Emergency Management Lead

**Summary**

Council makes an annual allocation of funding towards works on Council owned and managed land to prepare for the Fire Danger Period. The annual Bushfire Mitigation (Fire Prevention) Works Program has been developed in consultation with the Municipal Fire Management Planning Committee and includes planned work on roadsides and in Council reserves. The planned works are well underway and are planned to be completed by the end of December 2019 depending on weather conditions.

All Neighbourhood Safer Places (Bushfire Places of Last Resort) are required to be assessed each year by the Country Fire Authority (CFA) and Council is required to record the outcome of these assessments. All sites have been reassessed as being compliant.

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

1. Notes the Bushfire Mitigation (Fire Prevention) Works Program 2019-2020 (**Attachment 1**).
2. Notes, that as part of the annual review process, the Neighbourhood Safer Places (Bushfire Places of Last Resort) located at:
  - a) Civic Drive, Greensborough, the outdoor performance area
  - b) Diamond Hills Oval, Plenty River Drive, Greensborough
  - c) Collendina Reserve, Greensborough
  - d) Diamond Creek Community Centre, Main Hurstbridge Road, Diamond Creek
  - e) Yarrambat Park, Yarrambat, golf course building
  - f) Circulatory Road, Eltham
  - g) Hurstbridge Basketball Stadium, Graysharps Road, Hurstbridge

have been reassessed by the Country Fire Authority and have been found to still meet the criteria for designation as a Neighbourhood Safer Place (Bushfire Place of Last Resort).

**Attachments**

1. Bushfire Mitigation (Fire Prevention) Works Program 2019-2020

**Background**

1. Section 43 of the *Country Fire Authority Act 1958* (CFA Act) requires municipal councils to take all reasonable steps to prevent fire starting and spreading from land under their control. To meet this requirement, Council works with the Municipal Fire Management Planning Committee to develop an annual Works Program.

**12. Officers' reports**

**OCM.144/19 Bushfire Mitigation (Fire Prevention) Works Program 2019-2020**

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2. The 2019-2020 Works Program will form part of the 2019-2022 Municipal Fire Management Plan (MFMP) that will be presented to Council at the 17 December 2019 Ordinary Council Meeting. The MFMP has an agreed process for the identification of priority roads and treatments that need to be applied to these roads.
3. Section 50 of the CFA Act requires municipal councils to undertake an annual review of all Neighbourhood Safer Places to determine if they are still suitable to be designated as such.

**Policy context**

4. This report directly supports the achievement of Council Plan 2017-2021 strategic objectives:
  - a) Engaged, connected communities; and
  - b) Safe and healthy environments.

**Budget implications**

5. Implementation of the Bushfire Mitigation (Fire Prevention) Works Program is funded through the operational budgets of Emergency Management, Open Space and the Environmental Works units.

**Consultation/communication**

6. The development of the Bushfire Mitigation (Fire Prevention) Works Program 2019-2020 has been established through assessments conducted by officers and is based on feedback and the strategic intent provided through the Municipal Fire Management Planning Committee.
7. The program is based on the MFMP and will be published on Council's website.
8. Updates on the status of the Bushfire Mitigation (Fire Prevention) Works Program will be provided to Councillors encouraging visibility of the program status.

**Issues/options**

9. The Municipal Fire Management Planning Committee is currently reviewing the MFMP. The MFMP informs Council as to where the most effective works can be carried out to mitigate bushfire risk.
10. The priority for works on Council reserves have also been developed using a risk based approach. This has considered possible ignition sources such as power lines, history of ignitions within the reserves, the ability for fire to spread from the reserve combined with the proximity of assets such as houses and schools, and the size of the reserve to give a relative rating of risk and priorities for works.
11. Qualitative and quantitative data (if available) is used to determine which roads are primary roads. Factors considered for determining primary roads include:
  - Lack of alternative routes
  - Location of vulnerable groups e.g. aged care facilities
  - Number of roads feeding into the road
  - Number of residents likely to be isolated

**12. Officers' reports**

**OCM.144/19 Bushfire Mitigation (Fire Prevention) Works Program 2019-2020**

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- Road being cited in Community Information Guides
  - Access to Neighbourhood Safer Places (Bushfire Places of Last Resort)
  - Roads listed in Local Response Plans (CFA)
12. Secondary roads that are less important and/or could provide alternative access and egress if a primary road fails will also be treated.
13. A range of treatments will be applied where practical to primary and secondary roads as follows:
- Slashing
  - Box clearance
  - Proactive tree assessment
  - Woody weed removal
14. Other treatments undertaken on roadsides include:
- Managing regrowth in the fire affected area
  - In collaboration with local CFA brigades, undertaking planned burns to complement other vegetation management works.
15. Numerous other initiatives have been put in place after the Black Saturday fires, one being the Neighbourhood Safer Places (Bushfire Place of Last Resort) (NSPs).
16. NSPs are identified buildings or spaces within the community that may afford some protection from radiant heat, the biggest killer during bushfire. They are a place of last resort in bushfire emergencies only.
17. NSPs are assessed by council committees and formally designated by Council. They will also be assessed by CFA against standards in the NSP Assessment Guideline.
18. The CFA Act requires that each designated NSP is assessed each year before 31 August for compliance with the CFA criteria.
19. Nillumbik has seven sites designated as NSPs. All sites within Nillumbik have been reassessed have been deemed to continue to comply.

**Conclusion**

20. The development of the Bushfire Mitigation (Fire Prevention) Works Program 2019-2020 has taken a strategic and risk based approach to aligning the works planned with clear fire management objectives. This has included continued input at the local level from the CFA and the Municipal Fire Management Planning Committee. It is recommended that Council endorses the program.
21. The program is on track to be delivered by December 2019.
22. A review of the Neighbourhood Safer Places (Bushfire Places of Last Resort) has also been conducted with all sites remaining compliant.

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12. Officers' reports

OCM.145/19 2019/2020 Growing Suburbs Funding Applications

**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Heath Gillett, Manager Recreation and Leisure

**Summary**

The State Government has announced the 2019/2020 Growing Suburbs Fund (GSF). This report provides details of proposed projects, financial implications and recommends projects in priority order.

It is recommended officers prepare and submit applications for Growing Suburbs Fund, in the following priority order:

1. Hurstbridge Masterplan implementation
2. Diamond Creek synthetic soccer pitch, running track and pavilion
3. Three additional tennis courts at Eltham Tennis Club
4. Connectivity in Eltham

Officers have engaged with internal departments, community groups, sporting governing bodies and community members to shape project proposals. Feedback has been obtained from State Government representatives.

All projects have strategic links to the Council Plan and Strategies. Securing State funding will enable Council to bring forward the delivery of much needed community infrastructure.

<b>Recommendation</b>
-----------------------

**That** Council submits grant applications in the following priority order to the 2019/2020 Growing Suburbs Fund:

- a) Hurstbridge Masterplan implementation
- b) Diamond Creek synthetic soccer pitch, running track and pavilion
- c) Three additional tennis courts at Eltham Tennis Club
- d) Connectivity in Eltham.

**Attachments**

Nil

**Background**

1. The 2017-2021 Council Plan identifies strategies and priority actions to address the growing gap in community infrastructure in response to current and emerging needs. Council has progressed the planning and delivery of some priorities, in many cases with the assistance of State Government funding. Additional funds through non rate sources are needed to deliver remaining commitments.
2. The GSF program seeks to accelerate the delivery of critical community infrastructure that has a direct benefit to the communities. The maximum funding Council can secure is \$10 million of the \$50 million available. Metropolitan Melbourne's ten interface councils are eligible to apply for projects incorporating the following categories:

**12. Officers' reports**

**OCM.145/19 2019/2020 Growing Suburbs Funding Applications**

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- Community health, wellbeing and social interaction
  - Early education, and learning and training
  - Sport, recreation, and leisure facilities that support multi-use purpose
  - Environmental and climate change resilience
  - Place-making, civic amenity, and community connecting.
3. All projects must commence construction no later than June 2021 and be completed within three years of commencement.
4. Based on the current capital budget and workplan, Nillumbik has limited capital availability to support GSF submissions.

**Policy context**

5. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.

**Budget implications**

6. Preparation of GSF applications can be accommodated in the current financial year's operational budget.

**Consultation/communication**

7. Community feedback on the Council Plan 2017-2021 and annual budget has informed Council's capital works program which includes community infrastructure priorities.
8. The community has been involved through various engagement activities in planning the scope of projects recommended for application.
9. Officers have met with State Government grant program representatives to discuss the suitability of all projects.

**Issues/options**

10. The following projects have been identified by officers that meet the GSF funding criteria.

***Hurstbridge Masterplan implementation***

11. The township of Hurstbridge is currently lacking a true hub or gathering place. The community infrastructure of the township is currently fragmented and disjointed. The masterplan for the Graysharps Road site focuses on creating a focal point for the community for passive recreation activities, sport, education and gatherings. The suite of projects in the GSF submission delivers on that plan, creating a cohesive, functional and beautiful space for the Hurstbridge and broader communities. The scope of works includes:
- Multi-use / netball hard courts with LED lights
  - Natural amphitheatre for various community events and activities including outdoor cinema, theatre and music performances, community picnics, festivals and food truck events



12. Officers' reports

**OCM.145/19 2019/2020 Growing Suburbs Funding Applications**

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- Landscaping projects, including park furniture and seating
- Traffic, parking and access improvements across the precinct to improve safety, flow and accessibility of both open space and sporting facilities
- A community bike workshop and storage locker to support sustainable transport Arts and heritage projects – recognition of Hurst graves on the site, and a community art project
- Horse hitching area to allow for the loading / unloading of horses
- Public toilet with small shelter and storage space.

12. The total project estimate is \$2,500,000 which includes \$500,000 contribution from Council.

***Diamond Creek synthetic soccer pitch, running track and pavilion***

13. The project will be constructed on Department of Education land and deliver Diamond Creek its first soccer pitch. The synthetic pitch will provide large benefit to note only the sporting community, including disability access but also the Diamond Valley College, in particular its talented sports program. The scope of works includes:

- 50m x 90m multipurpose synthetic soccer pitch including for junior touch football and two mini soccer field (35m x 50m line markings)
- Four training standard floodlights
- Athletics track
- Modular female friendly change room facility
- Fencing, landscaping and seating
- Electrical upgrades

14. The total project estimate is \$3,610,000. No contribution from Council is proposed.

***Three additional tennis courts at Eltham Tennis Club***

15. Currently Eltham Tennis Club have to hire additional courts from local schools and schools in surrounding municipalities at considerable cost to cater for junior teams playing in competitions. The new courts would also provide a suitable court surface to look at expanding the club program to include wheelchair tennis. There are currently no netball courts or futsal facilities in Eltham and this project would provide the opportunity to have multi line marking on court surfaces suitable for netball, small sided soccer and other recreation and community activities.

- The project will deliver three hard court acrylic surface
- Multi-line marked tennis courts which also enable shared use with netball and futsal
- New capacity to deliver wheel chair tennis programs
- Standard floodlights for all courts
- Capacity to hold regional events

**12. Officers' reports**

**OCM.145/19 2019/2020 Growing Suburbs Funding Applications**

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- Additional car parking

16. The total project estimate is \$1,410,000. No contribution from Council is proposed.

***Pedestrian and Cyclist Connectivity***

17. Continuous accessible paths of travel are critical to enable all users, including people with disabilities, to safely negotiate and link to their destinations. Connectivity is enhanced where all users do not experience barriers, user conflicts or lack of clear wayfinding assistance or information provision. There are significant opportunities to improve connectivity and accessibility outcomes, particularly around the existing sections of the Diamond Creek Trail. Nillumbik has small annually recurring budgets to deliver a long list of proposed minor projects to improve trails, connect missing links, upgrade footpaths and enhance signage across the Shire.

18. The total project estimate is \$600,000. It is proposed to use recurring capital budgets allocated to programmed projects for footpaths, local links, trails and signage as Council's contribution to this submission. Therefore no additional contribution outside "business as usual" is proposed.

**Conclusion**

19. The report is seeking Council endorsement for funding applications to the State Government's 2019-2020 Growing Suburbs Fund to assist Council in advancing the delivery of community infrastructure.

20. Officers and Councillors, in partnership with the community, will continue to advocate strongly for financial assistance to deliver major infrastructure projects that responds to community needs.

## 12. Officers' reports

### OCM.146/19 Council's Submission to a State Government Discussion Paper: Better Apartments in Neighbourhoods

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**Distribution:** Public

**Manager:** Rosa Zouzoulas, Executive Manager Planning and Community Safety

**Author:** Paul Fyffe, Senior Strategic Planner

Fae Ballingall, Acting Strategic Planning Lead

#### Summary

This report presents Council's submission to the State Government's discussion paper "Better Apartments in Neighbourhoods".

The State Government is developing changes to the planning rules for apartment developments, with a focus on the relationship between new apartment developments and the amenity of existing neighbourhoods.

A discussion paper has been prepared for the project which explores five policy aims for new apartment developments, including the need for greater landscaping and green space, high quality building facades, protection from wind impact, contributing to attractive and engaging streets and finally better managed construction impacts. The discussion paper makes recommendations in relation to each of these areas.

A draft submission (**Attachment 1**) has been prepared. It gives strong support to the intent and recommendations outlined in the discussion paper, and also highlights potential issues or opportunities to further strengthen the existing standards.

#### Recommendation

**That** Council endorses and submits the draft submission (**Attachment 1**) to the State Government's discussion paper "Better Apartments in Neighbourhoods" by 27 September 2019.

#### Attachments

1. Draft Submission to Better Apartments in Neighbourhoods Discussion Paper
2. Better Apartments in Neighbourhoods Discussion Paper

#### Background

1. The State Government is considering changes to the planning rules for apartment developments, with a focus on the relationship between new apartment developments and the amenity of existing neighbourhoods.
2. These changes will build on the *Better Apartments Design Standards* in the Victoria Planning Provisions, which were introduced by the State Government in 2017 to improve the internal design of new apartments and make them more liveable and sustainable.
3. A discussion paper (**Attachment 2**) has been prepared which proposes some changes to the *Better Apartments Design Standards* and the *Apartment Design Guidelines for Victoria*.

12. Officers' reports

OCM.146/19 Council's Submission to a State Government Discussion Paper: Better Apartments in Neighbourhoods

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**Policy context**

4. 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.

**Issues/options**

5. Council officers have prepared a draft submission (**Attachment 1**).
6. The discussion paper explores five policy aims for new apartment developments, including the need for:
- **Green space** in common areas of buildings, which preferably include trees to provide shade and landscaping that softens the street.
  - **High quality building facades** made from robust, durable and attractive materials that complement surrounding buildings and provide visual interest.
  - **Protection from wind impacts** on surrounding streets and open space, so the spaces are comfortable to use and likely to be used more often.
  - **Attractive, engaging streets** that enhance the amenity, safety and walkability of the neighbourhood.
  - **Better managed construction impacts** on existing neighbourhoods.
7. Council's submission gives strong support to the above policy aims. However, it raises several issues that should be considered by the State Government when drafting the new standards. These include:
- Concern over delegating control of construction impacts to planning. Construction impacts are already carefully managed under other legislation and is a specialised task that planners are not necessarily appropriately skilled to undertake.
  - Having a clearer rationale in the landscape standard for both the minimum tree requirements and deep soil area requirements necessary to support landscaping, particularly canopy trees. Whilst the general intent to have landscaping and tree canopy in apartment developments, local nuances must be given due weight, thereby allowing additional tree planting to be required. Furthermore, the discussion paper raises the option of alternative responses. Council officers consider this option to have the potential to act as a cost saver and yield increaser for the developer with the potential to create unreasonable long term cost impacts on future owners and occupiers - which is undesirable. The draft submission advocates for this measure to be reconsidered and more prescriptive to eliminate it from being vague and for more information to be specified in relation to these alternative responses to avoid poor outcomes.
  - The appearance, durability, cost and maintenance of external building materials, including non-combustible cladding. The draft submission seeks to highlight the need to be responsive to the environment and the local context in which the

12. Officers' reports

**OCM.146/19 Council's Submission to a State Government Discussion Paper: Better Apartments in Neighbourhoods**

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development sits and ensure appropriate colours and materials are employed to make a positive contribution to the landscape.

**Conclusion**

8. The closing date for submissions is 27 September 2019.
9. The State Government has identified that further changes to the *Better Apartments Design Standards* and the *Apartment Design Guidelines for Victoria* in relation to building setbacks, will be released late 2019, with more consultation to follow.

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12. Officers' reports

OCM.147/19 Over the Counter Native Vegetation Offset Program

**Distribution: Public**

**Manager: Hjalmar Philipp, Director Operations and Infrastructure**

**Author: Lisa Pittle, Manager Environment  
Kirsten Reedy, Coordinator Environment  
Julia Franco, Biodiversity Officer**

**Summary**

1. The purpose of this report is to provide Councillors with information about:
  - a. The Victorian native vegetation offset legislation and system.
  - b. Council's native vegetation offset site in North Warrandyte (Chase Reserve – see **Attachment 1**) and its associated over the counter native vegetation offset program.
  - c. The requirement to review the price for offsets at Chase Reserve, how it has been calculated, and what the associated proposed new prices are. (See **Attachment 2**).
2. In 2017, the Nillumbik over the counter native vegetation offset program was the subject of an internal audit conducted by Crowe Horwath Pty Ltd. The outcome was that the current controls in place over the program are generally adequate. The audit identified some opportunities to reduce identified weaknesses and exposures which have been implemented.
3. In December 2017, the State Government guidelines governing native vegetation removal and associated offsets were revised. The new *Guidelines for the removal, destruction or lopping native vegetation* replaced the previous *Permitted clearing of native vegetation – biodiversity assessment guidelines*.
4. This, together with a shift in market pricing, necessitated a review of Council's offset credit pricing. A new price has been calculated and Council endorsement is sought.
5. In the interim no quotes can be issued to those seeking to purchase their offset credits at the Chase Reserve offset site.

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

1. Endorses the sale price (per General Habitat Unit (GHU) and per Species Habitat Unit (SHU)) for the Chase Reserve offset credits.
2. Notes that the price has been adjusted to provide consistency with market rates as well as ensuring that cost recovery and management requirements are met.

**Attachments**

1. Review of the Nillumbik over the counter native vegetation offset program
2. Chase Reserve North Warrandyte map

**12. Officers' reports****OCM.147/19 Over the Counter Native Vegetation Offset Program**

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**Background**

1. Native vegetation is protected under a range of policies and legal mechanisms in Victoria, including the Victoria Planning Provisions. Anyone wishing to remove native vegetation from their property must first obtain a planning permit to remove, destroy or lop it, unless they are exempt.
2. Exemptions exist, for example, for:
  - a. Maintaining defensible space around dwellings that were constructed prior to 10 September 2009 (“10/30” and “10/50” rule)
  - b. Maintaining an existing fence constructed prior to 10 September 2009
  - c. Road safety works undertaken by Council
  - d. Some maintenance works undertaken by service authorities (e.g. SP AusNet)
  - e. Some fire protection works undertaken by Council, including planned burning, fuel breaks and access tracks.
3. The relevant triggers in the planning permit that are specific to native vegetation include Clause 52.17 (Native Vegetation), Clause 42.01 (Environmental Significance Overlay) and Clause 42.03 (Significant Landscape Overlay).
4. Clause 52.17 requires that there is “no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
5. This is achieved by:
  - a. Avoiding the removal, destruction or lopping of native vegetation;
  - b. Minimising impacts from the removal, destruction or lopping of native vegetation that cannot be avoided; and
  - c. Providing an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.”
6. The offset is delivered by protecting and managing native vegetation at an offset site. It compensates for biodiversity losses arising from native vegetation removal.
7. The offset must be secured by the permit holder (i.e. the landowner who has obtained the planning permit to remove, destroy or lop the vegetation) before the native vegetation is removed.
8. All offset sites must meet strict eligibility requirements which are specified in the State Government *Guidelines for the removal, destruction or lopping of native vegetation*, and incorporated within the Nillumbik Planning Scheme. Once established they must be registered with the Department of Environment, Land, Water and Planning (DELWP) on the Native Vegetation Offset Register.
9. The offset site can be a first party offset site (i.e. on land owned by the permit holder) or on a third party offset site (i.e. on land owned by another party, whereby the permit holder can buy native vegetation credits from other landowners to meet their offset requirements).
10. Depending on the type, quality/value and extent of vegetation that is being removed, the planning permit will specify exactly how many Habitat Units (HUs) the landowner



12. Officers' reports

OCM.147/19 Over the Counter Native Vegetation Offset Program

is required to secure. It will specify whether they require General Habitat Units (GHUs) and/or Species Habitat Units (SHUs) (which specify the species that are required to be offset) and/or large trees. It will also specify a minimum strategic biodiversity value score that needs to be met.

11. DELWP has established a simple process (over-the-counter mechanism) to facilitate permit holders purchasing their offsets directly (as HUs and large trees) from third party sites where this is their best or only option.

Council's offset program

12. Nillumbik Shire Council owns and manages Chase Reserve in North Warrandyte as a third party offset site and operates an associated over the counter offset program.
13. It is 10.15 hectares in size and comprises 2.513 GHUs, of which 2.192 GHUs with 7 large trees, and 10 categories of SHUs (Table 5, **Attachment 2**) are remaining.
14. The Chase Reserve offset program is currently in Year 4 of its operation with each year starting on 19 October.
15. Landowners within the Port Phillip and Westernport catchment (which includes Nillumbik) who have been granted a permit to remove native vegetation are able to purchase their offset credits (HUs) from the Chase Reserve native vegetation offset program, or may choose to purchase their offset from any other offset provider in the marketplace.
16. DELWP maintains a Native Vegetation Offset Register which lists all of the third party offset sites that have availability in the marketplace. This includes a number of other Local Government Authorities (including Yarra Ranges Shire, Baw Baw Shire and Bass Coast Shire Councils) as well as private providers.
17. Chase Reserve was established as Council's first offset site in 2015 to enable Council to trade offset credits to support private landowner and state government permit applications and to offset native vegetation removal associated with Council operations and associated permit applications.
18. This decision to establish a Council offset site was informed by a detailed scoping and cost analysis / business case which was endorsed by Council on 24 February 2015, with Chase Reserve selected as the first offset site. An initial offset credit price was adopted for Chase Reserve as part of Council's budget.
19. An associated landowner agreement was executed by DELWP on 19 October 2015. The landowner agreement is registered on Chase Reserve's title. This binds Council and any future landholders to the completion of a ten-year intensive management plan and to maintenance commitments in perpetuity.
20. In 2017, the Nillumbik over the counter native vegetation offset program was the subject of an internal audit conducted by Crowe Horwath Pty Ltd. The outcome was that the current controls in place over the program maintained by Council are generally adequate. The audit identified some opportunities to reduce identified weaknesses and exposures which have been implemented.

12. Officers' reports

OCM.147/19 Over the Counter Native Vegetation Offset Program

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Chase Reserve Native Vegetation Pricing and Trades

21. Since the commencement of the sale of native vegetation credits:
  - a. 92 quotes have been prepared for applicants seeking offsets, of which 27 have been quotes to meet Council's own offset requirements.
  - b. 21 sales/credit trades have been made, including 8 to meet Council's own offset requirements.
  - c. The grand total income made to date from the sale of Chase Reserve offset credits is \$65,192.09 (ex GST).
  - d. There were no sales/credit trades in 2018/2019.
  - e. In general, Nillumbik's pricing has been higher than most others in the market place.
22. All income generated through the sale of credits is carried forward each year and can only fund management works on Chase Reserve, as stipulated in the landowner agreement. It covers administration costs, establishment costs and ongoing management and maintenance costs. It cannot fund works on the reserve outside of the offset site or works associated with fire prevention as this is outside of the scope of the agreement.
23. The dollar amount that will be realised from trading the remaining available HUs and large trees on the site is variable as the pricing is reviewed periodically. However any adjustment in price will always take into account the requirement to cover management costs, reflecting what is required on site and adjustments to the percentage contingency, in-perpetuity management and Consumer Price Index.
24. The estimated cost of administration, set up, management and ongoing perpetuity of Chase Reserve as an offset site is \$311,000.

Use of Council's in-house offset program to meet Council offset requirements

25. As noted in paragraph 26, despite providing 27 quotes to meet Council offset requirements, Council's in-house offset program was only utilised on 8 occasions.
26. This was because cheaper offset solutions were able to be sourced from alternative providers in the marketplace.
27. There is currently no policy in place directing that Council offset requirements should be met via Council's offset program (as a first party offset) where availability exists, or that they be met via alternative Nillumbik offset programs (as third party offsets) where availability exists.

Requests for offset credit quotations recently received and anticipated

28. Two requests for quotations to purchase large numbers of offset credits were received in July 2019:
  - a. 9.128 GHUs with 275 large trees and various SHUs – on behalf of Major Road Projects Victoria to help meet their offset requirements for several road projects being constructed in the region via the Suburban Roads Upgrade Program which includes the Fitzsimons Lane intersection upgrade. A quote has not been provided as the pricing review was underway.

**12. Officers' reports**

**OCM.147/19 Over the Counter Native Vegetation Offset Program**

- b. 1.651 SHUs for Little Pink Spider Orchid and 2.102 SHUs for Melbourne Yellow Gum – via a trader for an unspecified large scale project which is currently at the planning stage. This organisation will re-approach Council for a quote when the Chase Reserve over the counter offset credit trading resumes.
29. An additional 29 requests for offset credit quotations are pending this review.
30. It is anticipated that:
- a. A request for a quotation to purchase a large number of offset credits associated with the Yan Yean Stage 2 road project will be received.
  - b. Council's in-house open space team will be seeking a quote to bulk purchase offset credits.
  - c. Council's in-house infrastructure and engineering teams will continue to seek quotations for offset credits.
  - d. Requests for offset credit quotations for HUs from private landowners within Nillumbik Shire and the Port Phillip and Westernport catchment region will continue to be received.
31. Chase Reserve does not have the capacity to meet this level of demand should all quotations be accepted.
32. If Chase Reserve reaches capacity, the Business Case endorsed on 24 August 2015 provides a list of additional Council owned reserves that could be utilised and managed by Council as new native vegetation offset sites. Alternative options may also be suitable for consideration.

Current re-calculation and re-pricing of Chase Reserve native vegetation credits

- 33. In December 2017, the earlier referenced *Guidelines for the removal, destruction or lopping of native vegetation* replaced the previous *Permitted clearing of native vegetation – Biodiversity assessment guidelines*.
- 34. This has required a transition of credits from Biodiversity Equivalence Units (BEUs) to HUs in line with the changes to the Permitted Clearing Regulations and has resulted in a shift in market pricing.
- 35. Council officers have completed the calculations to transition the Chase Reserve offset credit system from BEUs to HUs, as required by DELWP.
- 36. Council officers have also completed an assessment of what these new HUs could be priced at, and have considered management costs plus a consideration of achieving competitive neutrality when setting the proposed new prices.

**Policy context**

- 37. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Work with the local community to review and implement environmental policies to protect biodiversity and conserve natural resources.

**Budget implications**

- 38. Council has an ongoing requirement to manage Chase Reserve in accordance with the management actions outlined in the landowner agreement and in perpetuity

12. Officers' reports

OCM.147/19 Over the Counter Native Vegetation Offset Program

beyond the 10 year intensive management period. Regardless of the value of offset credit sales, management is required to be undertaken each year in accordance with the agreement.

39. Council's offset prices need to cover these costs and also be in line with market prices in order to secure sales.
40. Council has been advised that cheaper offsets are available elsewhere in the Port Phillip and Westernport Catchment. The average offset credit price in the catchment is \$122,753 per HU. Council's credit price is currently at the upper end of the market price at \$230,677 per HU (ex GST). As a result, a high proportion of offsets for vegetation being lost in Nillumbik is currently going to other locations.
41. A review of Council's offset credit price per HU has been undertaken.
42. The underlying assumptions of Council's costing model are correct and still relevant. However, in reviewing the pricing structure some amendments to the calculation of the baseline cost have been identified which will enable our pricing to be altered to be more consistent with market rates, while still ensuring that cost recovery and management requirements are met. Full details are provided in **Attachment 2**.
43. Total Chase Reserve expenditure to date has been \$101,737 (ex GST) and total income to date has been \$65,192.09 (ex GST). Estimated management costs for the next 6 years of intensive management is an average of \$13,731 per year (Table 4, **Attachment 2**). Management costs in subsequent years will be lower. The proposed revised offset price will enable these costs to be met.

**Consultation/communication**

44. Advice regarding the required change in BEUs to HUs has been received from DELWP.

**Issues/options**

45. Nillumbik's over the counter native vegetation offset program has been placed on hold during the review of the credit price.
46. **Attachment 2** provides a report on the operation of the Nillumbik over the counter native vegetation offset program and the pricing review.
47. Based on the review, it is recommended that the Chase Reserve over the counter native vegetation offset prices be adjusted downwards as follows:
  - a. \$141,885 (ex GST) per GHU. This price is based on an adjusted management cost which reflects what is required on site, and adjustments to the percentage contingency, in-perpetuity management and Consumer Price Index.
  - b. \$147,000 (ex GST) per SHU. This single price is an average of the calculated price for the different SHUs.
48. More broadly, Council officers can promote the opportunity for Nillumbik landowners to establish native vegetation offsets on their own property. This will increase the opportunity for offsets to be located in Nillumbik and provide an economic benefit for landowners with bush blocks containing significant native vegetation.

**12. Officers' reports**

**OCM.147/19 Over the Counter Native Vegetation Offset Program**

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**Conclusion**

49. Officers recommend that Council notes the adjustment to the sale price (per General Habitat Unit and per Species Habitat Unit) for Chase Reserve offset credits and notes that the price has been adjusted to provide consistency with market rates as well as ensuring that cost recovery and management requirements are met.

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12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

**Distribution: Public**

**Manager: Hjalmar Philipp, Director Operations and Infrastructure**

**Author: Ayman William, Transport Coordinator  
Joseph Emmanuel, Manager Infrastructure**

**Summary**

Council has received significant feedback from trader permit holders within the Eltham CBD precinct regarding limited availability of trader carparking spaces in the Circulatory Road and Dudley Street carparks.

There are a total of 149 businesses in the Eltham CBD precinct with a total supply of 141 car parking spaces in the Circulatory Road and Dudley Street carparks. As of 20 October 2017 a total of 543 trader permits had been issued to the varying businesses for the exclusive use of these spaces.

At the 1 May 2018 Ordinary Council Meeting (OCM), Council resolved to endorse a proposed scheme for the purpose of consultation.

Council officers have considered the feedback and assessed available data, including the parking study completed in April 2018 and historic data relating to issued permits and presented an officer recommendation to Council at the 27 August 2019 OCM.

At the August 2019 OCM, Council resolved an alternative motion with respect to the Eltham Trader Parking Permit Scheme for the purpose of additional consultation with the Eltham Chamber of Commerce and Industry (ECCI).

The ECCI have considered and responded to the alternative motion and this report considers ECCI's response and provides a recommendation.

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

- 1) Endorses the following Eltham Trader Parking Permit Scheme (Scheme) for the Circulatory Road and Dudley Street carparks in the Eltham CBD precinct:
  - a) \$100 per permit for all permits
  - b) No cap is applied per business
  - c) No cap is applied to the total permits available; and
  - d) Businesses at 6-20 Luck Street, 19 Arthur Street and 906 Main Road, Eltham are ineligible for permits.
- 2) Instructs officers to:
  - a) Implement the Scheme no later than 2 December 2019
  - b) Commence negotiations with traders operating from business addresses 6-20 Luck Street, 19 Arthur Street and 906 Main Road, Eltham to create private trader parking permit schemes to allow trader parking within the respective parking areas for these sites

12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

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- c) Advise all existing permit holders of the new Scheme and that permits will no longer be valid at the commencement of the new Scheme; and
  - d) Advise all traders in the Eltham CBD precinct of the new Scheme.
- 3) Reviews the Circulatory Road, Dudley Street and private trader parking permit schemes, including consideration of available technology options and requests officers to report to Council prior to December 2020.
  - 4) Implements a technology solution to cater for the casual workforce at the earliest convenience.
  - 5) Delegates the decision to consider altering the hours of operation of the trader parking area to Monday to Friday, 9am to 3pm to the Director of Operations and Infrastructure.

**Attachments**

1. May 2018 Scheme
2. 27 August 2019 Ordinary Council Meeting Report - Officer Recommended Scheme
3. 27 August 2019 Ordinary Council Meeting Report - Alternative Resolution - August 2019 Scheme
4. Eltham Trader Parking Permit Scheme Review Feedback Summary
5. Eltham Chamber of Commerce and Industry Survey Results

**Background**

1. Council has received significant feedback from traders within the Eltham CBD precinct, regarding limited availability of parking spaces in the Circulatory Road and Dudley Street carparks, for permit holders. As a result, Council decided to review the existing permit scheme.
2. There are 149 business in the special rate area of Eltham and a current supply of 141 permit parking spaces in the Circulatory Road and Dudley Street carparks.
3. As at 20 October 2017, there were 543 valid trader permits.
4. Under the previous system, the permit price was set at \$21 per year with no caps applied.
5. At the 1 May 2018 Ordinary Council Meeting (OCM), Council resolved to endorse the proposed changes to the Eltham Trader Parking Permit Scheme for the purposes of consultation and requested officers to report back to Council on the outcome.
6. The scheme which was approved for consultation, included a fee of \$250 per permit per year with a cap of two per business and a total pool of 141 permits. This scheme shall be referred to as the *May 2018 Scheme* for the purposes of this report. Refer to **Attachment 1** for further details of the *May 2018 Scheme*.
7. A report with a recommendation was considered at the 27 August 2019 OCM. This scheme shall be referred to as the *Officer Recommended Scheme* for the purposes of



12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

this report. Refer to **Attachment 2** for further details of the *Officer Recommended Scheme*.

8. At the 27 August 2019 OCM an alternative motion to the *Officer Recommended Scheme* was carried enabling Council to defer its decision on a modified Eltham Trader Parking Permit Scheme to allow consultation with the ECCI.
9. The alternative Eltham Trader Parking Permit Scheme proposed a reduced cost for individual permits, the implementation of a technology solution and a review of the traders parking area hours. This scheme shall be referred to as the *August 2019 Scheme* for the purposes of this report. Refer to **Attachment 3** for further details of the *August 2019 Scheme*.

**Policy context**

10. This report directly supports the achievement of Council Plan 2017-2021 strategies:
  - Improve the appearance of public spaces.
  - Ensure the responsible and efficient management of Council's financial resources.
  - Plan for the community's future needs for services and infrastructure.

**Budget implications**

11. All costs associated with reviewing the Eltham Trader Parking Permit Scheme have been managed within existing operational budgets.
12. All costs associated with managing and implementing the *August 2019 Scheme* are anticipated to be covered by income generated by permit purchases.

**Consultation**

13. Consultation with traders on the *May 2018 Scheme* commenced in July 2018.
14. Of the 36 formal responses received, 35 opposed the proposal and one is uninterpretable. Officers also received multiple phone calls regarding the proposal. The following are the main themes of concern raised during the consultation process with the proposed *May 2018 Scheme*:
  - a) The fee increase (\$250) is too high
  - b) Businesses have more than two employees
  - c) Staff may be displaced into customer and residential parking
  - d) Public transport is not a viable option for many staff
  - e) Failing to see that there is a problem with the current scheme as trader parking is available; and
  - f) Alternative unrestricted parking within the CBD are considered inadequate due to distance from the shops and poor lighting.
15. A summary of the consultation responses can be seen in **Attachment 4**.
16. The ECCI completed their own survey. Results of this survey can be seen in **Attachment 5**.

12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

17. As part of the first round of consultation, ECCI suggested an alternative scheme which consisted of the following:
  - a) A fee of between \$60 to \$80
  - b) Tightening the criteria for issuing permits including a higher level of evidence that the applicant is a business owner or an employee of a business
  - c) The number of permits any individual can hold should be restricted to one
  - d) That permits should link to the registration number of one vehicles; and
  - e) That the scheme is a trial for 12 months.
18. Further consultation was undertaken with the ECCI on the *August 2019 Scheme*.
19. ECCI provided a response to the *August 2019 Scheme* on 12 September 2019 suggesting that they would support the following:
  - a) A fee structure consisting of \$60 for the first year, \$90 for the second year and \$120 for the third year
  - b) Postpone implementation by one month (i.e. end of November 2019); and
  - c) Allow for a 30 day grace period where warnings are issued instead of fines.

**Issues/options**

20. The following objectives have been applied to guide the development of a suitable scheme:
  - a) Functions as 'user pays' – The scheme seeks to recover all administrative costs associated with managing the scheme and operational costs associated with maintaining the carparks.
  - b) Practicable, equitable and fair to all traders and businesses – The scheme seeks to consider historic data in understanding the demand for permits and analyse the availability of businesses to accommodate trader parking onsite.
  - c) Provides for an effective use of the allocated spaces – The scheme seeks to balance supply and demand to create an efficient use of the carparks.
21. Officers have considered a number of options, including both the proposal received from the ECCI and the *August 2019 Scheme*.
22. As the supply is set the options considered are largely focused on managing demand, guided by the scheme objectives. Therefore, the following three variables were considered in each option to appropriately address demand:
  - a) Costs of the permit
  - b) Applying a cap per business
  - c) Applying a cap to the total number of permits available within the scheme

**Trader Parking Utilisation**

23. A car parking survey was completed for the Eltham CBD which included the Circulatory Road and Dudley Street traders parking areas.

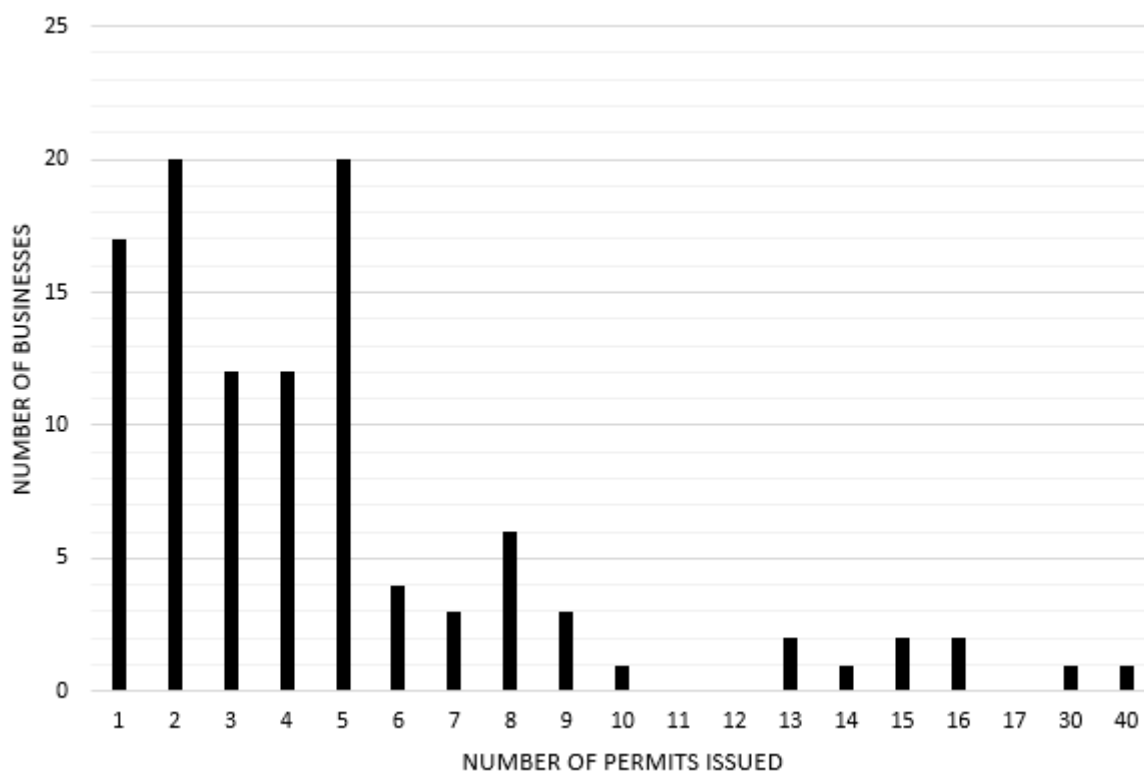
12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

- 24. The results of the survey revealed the trader carparks reached peak capacity (close to 100 per cent full) between 12:00 and 3:00 pm on a typical weekday.
- 25. This somewhat validates the original claim that permit holders were finding it difficult to find parking in the trader carparks.

**Demand Profile for Permits**

- 26. Historic data over the last 10 years has been used to determine demand profiles for permits. A typical annual sample was taken to better understand demand.
- 27. **Chart 1** below represents the demand profile of this typical sample in terms of the total number of business who hold 'x' number of permits.



**Chart 1: Permit demand profile**

- 28. The majority (76 per cent) of businesses, held five or less permits.
- 29. Additionally, 26 business who had a need for over five permits, held over 50 per cent of the total number of permits issued.
- 30. 65 per cent of business held three or more permits. Therefore, applying a cap of two permits per business is likely to affect this large majority.
- 31. In this sample, 543 total permits were issued which resulted in a ratio of 3.8:1 for permits issued to parking spaces available.
- 32. At this ratio, the parking is at its peak for three hours of the day.
- 33. Applying an overall cap of 141 permits would create a ratio of 1:1 for permits issued to parking spaces available. There is limited evidence to support that this would result in an improved utilisation of the car parking area.

## 12. Officers' reports

## OCM.148/19 Eltham Trader Parking Permit Scheme

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**Fee Analysis**

34. A benchmarking exercise was undertaken with neighbouring councils to determine the cost of trader permits.
35. The benchmarking exercise revealed that most councils implement a two-tier fee structure, with costs of the first permit(s) ranging between \$28 and \$300, and subsequent permit cost ranging between \$68 and \$248. The average fee for the first permit(s) is \$130.
36. The *May 2018 Scheme* fee of \$250 per permit is within the benchmarked range and is considered reasonable.
37. A range of pricing options have been considered based on a demand profile of between 260 and 360 permits. At this demand profile range it was found that the scheme could achieve the objective of 'user pays' by applying fees less than \$250.
38. Officers considered the demand profile range of 260 and 360 to be reasonable when considering the typical sample demand was 543 (when permits cost \$21) and that an increase of between \$100 and \$250 per permit is likely to result in less permits being issued.
39. The *Officer Recommended Scheme* fees of \$100 for the first five permits and \$200 for every permit thereafter also fits within the benchmarked range.
40. Furthermore the *August 2019 Scheme* fee of \$100 for all permits also fits within the benchmarked range and is considered reasonable.
41. At the demand profile range of 260 and 360 permits issued, the *Officer Recommended Scheme* is considered to have a higher probability of achieving cost neutrality when compared to the *August 2019 Scheme*.
42. The staged fee increase suggested by the ECCI is considered unlikely to enable cost recovery in the first two years and therefore does not achieve the desired objective to function as 'user pays'.

**Equitable**

43. The *May 2018 Scheme* proposal was to exclude businesses at 16-20 Luck Street, 19 Arthur Street and 906 Main Road, Eltham.
44. These business areas have substantial private onsite carparks as follows:
  - a) 6-20 Luck Street – 170 spaces
  - b) 19 Arthur Street – 293 spaces
  - c) 906 Main Road – 331 spaces
45. There are traders within these business areas that, within the typical sample taken, held parking permits for the Circulatory Road and Dudley Street carparks. **Table 1** below provides a summary of this.

12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

**Table 1: Quantity of permits issued for large business areas**

Business	Number of permits To Circulatory Rd / Dudley Street car parks
Large Supermarket 1	15
Large Supermarket 2	2
Large Supermarket 3	3
Other businesses within 19 Arthur Street, 6-20 Luck Street and 906 Main Road	75
<b>Total</b>	<b>95</b>

- 46. The parking study undertaken in April 2018 indicated that there is sufficient car parking capacity within these sites to accommodate their own trader parking.
- 47. A summary of peak supply and demand for these large business areas taken from the parking study is shown in **Table 2**.

**Table 2: Peak supply & demand for large business areas**

Site	Supply	Peak Demand
6-20 Luck Street	170	149
19 Arthur Street	293	180
906 Main Road	331	267

- 48. Based on the historic permit demand, current parking supply and peak parking demand, it is reasonable to propose that these sites can accommodate trader parking for these business areas within the respective carparking for these sites.
- 49. Council currently administers the permits for the private carpark at 19 Arthur Street and could similarly administer the permits for the other two sites.
- 50. This would enable traders from these large business areas to gain access to a trader parking area providing them reasonable, fair and equitable access to trader parking.
- 51. Furthermore, the implementation of separate schemes for these three sites would reduce the overall demand for the Circulatory Road and Dudley Street trader carparks by approximately 100 permits.
- 52. This would result in reduced competition for trader parking spaces in the Circulatory Road and Dudley Street carparks and allow for better utilisation of parking spaces within the private carparks.
- 53. The *Officer Recommended Scheme* included a tiered fee structure of \$100 for the first five permits and \$200 for each permit thereafter.
- 54. This was based on the knowledge that businesses purchase permits on behalf of their staff. Further consultation with traders and the ECCI has revealed that permits are mostly purchased by individuals.

12. Officers' reports

OCM.148/19 Eltham Trader Parking Permit Scheme

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55. Based on this, a universal fee proposed in the *August 2019 Scheme* is also considered suitable as it ensures individuals that work for business that attract a larger number of employees are not worse off by a tiered fee structure.

**Technology Use**

56. In their submission, the ECCI suggested that any new scheme should link a permit to the number plate of a single vehicle.
57. Council does not currently have the software or hardware to implement this request. Nevertheless, further investigation is proposed in order to determine the feasibility of introducing this to any future trader parking schemes for the Eltham CBD precinct to the Eltham Trader Parking Permit Scheme review.
58. The *August 2019 Scheme* requires the implementation of a suitable technology solution for the casual workforce at the earliest convenience. This can occur following further investigation into the appropriate solution.

**Implementation**

59. The ECCI have requested a grace period be applied for one month post implementation to allow permit holders to adjust to the new system.
60. An adjustment period is standard practice at Nillumbik Shire Council with the implementation of any new (non-safety related) parking restriction.
61. Furthermore, appropriate time is required to manage the Scheme's implementation including, procurement of permits, communications and systems adjustments.
62. It is anticipated that the scheme will go live no later than 2 December 2019, based on September endorsement by Council.

**Conclusion**

63. The intention of this Scheme is to provide permit holders better access to trader permit parking spaces. The *May 2018 Scheme* sought to do this by managing demand through an increased fee (\$250 per permit), applying a cap per business (of two permits) and applying an overall cap (of 141) on the permits available within the scheme.
64. Following consultation with traders, officers have developed the *Officer Recommended Scheme*. Council resolved at the 27 August 2019 OCM to consult on an alternative scheme (the *August 2019 Scheme*).
65. The *August 2019 Scheme* is consistent with the scheme objectives of cost recovery, equity and efficiency, noting that that additional research and analysis is needed to implement a technology solution for the casual workforce.
66. The ECCI staged fee proposal does not meet the cost recovery objective in the first two years of operation.

12. Officers' reports

OCM.149/19 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 Council Meeting 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 27 August 2019.

An Assembly of Councillors record was kept for:

- Councillor Briefing – 20 August 2019;
- Environment and Sustainability Advisory Committee – 21 August 2019;
- Recreation Trails Advisory Committee – 22 August 2019;
- Municipal Emergency Management Planning Committee – 29 August 2019;
- Councillor Briefing – 3 September 2019;
- Positive Ageing Advisory Committee – 6 September 2019; and
- Arts Advisory Committee – 9 September 2019.

<b>Recommendation</b>
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**That** Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the assemblies of Councillors held on 20 August 2019, 21 August 2019, 22 August 2019, 29 August 2019, 3 September 2019, 6 September 2019 and 9 September 2019 (**Attachment 1**).

**Attachments**

1. Assembly of Councillors reported 24 September 2019

**Background**

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

**Policy context**

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

**Budget implications**

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

**12. Officers' reports**

**OCM.149/19 Assembly of Councillors**

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**Consultation/communication**

4. None required.

**Issues/options**

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
  - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Council Meeting 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 27 August 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.150/19 Environment and Sustainability Advisory Committee and Panton Hill Bushland Reserves System User Group membership endorsement**

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**Distribution: Public**

**Manager: Hjalmar Philipp, Director Operations and Infrastructure**

**Author: Lisa Pittle, Manager Environment  
Kirsten Reedy, Coordinator 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 initiatives, policies and strategies concerning climate resilience, renewable energy, water, biodiversity and the natural environment, sustainable land management, recycling and waste management, and environmental education and engagement.

The Panton Hill Bushland Reserves System User Group (PHBRSUG) Advisory Committee provides a formal mechanism for Council to consult with the various user groups of these bushland reserves, to encourage an understanding, appreciation, enjoyment and care by the community and the reserve users of the significant natural features, biodiversity, social, educational, recreational and historical values of the Panton Hill bushland reserves.

On 25 June 2019, Council endorsed the revised Terms of Reference for both advisory committees and approved the issue of a public invitation seeking community representatives to nominate to join one or both of the committees.

Nominees for both advisory committees have been sought and received.

Council endorsement of 14 members for ESAC and 9 members for PHBRSUG is now recommended in order to form the advisory committees.

This will require the Terms of Reference of ESAC to be amended to allow for an increase in the maximum number of committee members by an additional two members (i.e. 14 committee members); and the Terms of Reference of PHBRSUG to be amended to allow for one additional committee member (i.e. 9 committee members).

A separate confidential report contains a recommendation to make public the appointment of committee members, but to keep candidate evaluation details confidential and to publicly acknowledge the submissions received and thank each nominee for their expression of interest.

**Recommendation**

**That** Council notes this report.

**Attachments**

Nil

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12. Officers' reports

OCM.151/19 Diamond Creek Regional Playspace Tender Evaluation Report 1920-3

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Paul Usatov, Senior Project Manager

**Summary**

This report is an overview of a separate confidential report recommending the awarding Contract 1920-3 for the design and construction of the Diamond Creek Regional Playspace (DCRP).

The contract's objective is the delivery of the design and construction of the playground component of DCRP, located in the Diamond Creek Linear Reserve. The project includes other components such as the integration of the refurbished W Class Historic Tram Café and the upgrade of the Bowling Club carpark.

The Tender Evaluation Panel has assessed all submissions.

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.

A separate confidential report contains a recommendation to make public the decision regarding this contract but the evaluation remain confidential.

**Recommendation**

**That** Council notes this report.

**Attachments**

Nil

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

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

**OCM.152/19 Environment and Sustainability Advisory Committee and Panton Hill Bushland Reserves System User Group membership endorsement**

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.

**OCM.153/19 Diamond Creek Regional Playspace Tender Evaluation Report 1920-3**

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