

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 21 June 2016 commencing at 7pm.

Agenda

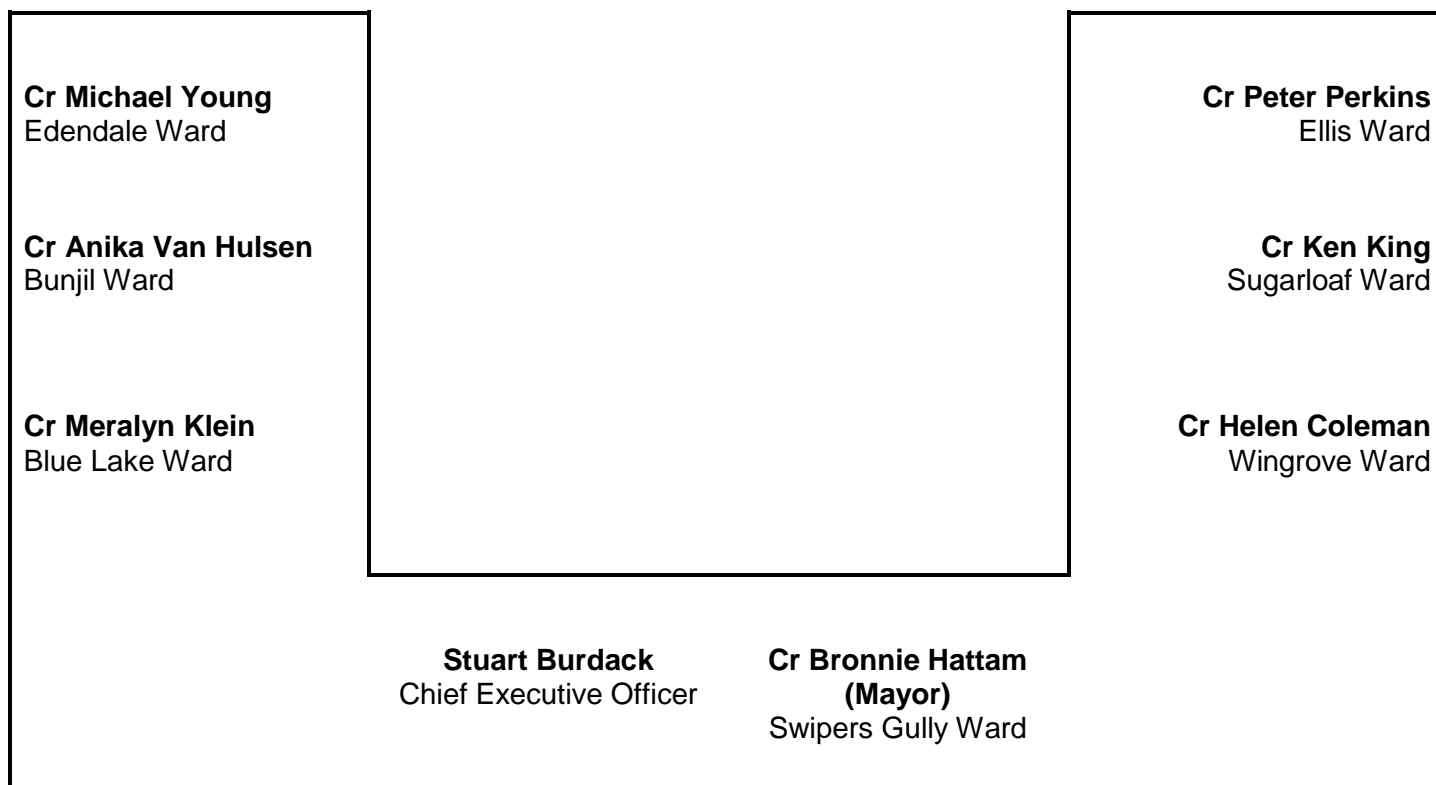
Stuart Burdack
Chief Executive Officer

Wednesday 15 June 2016

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

Domin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that an audio recording of this meeting will be made for the purpose of verifying the accuracy of the minutes. The recording will not be disclosed unless Council is compelled to do so by law or court order.

Nillumbik Shire Council

Contents

Welcome by the Mayor	1
1. Reconciliation statement	1
2. Prayer	1
3. Good governance pledge	1
4. Apologies	1
5. Presentations	1
6. Confirmation of minutes	2
7. Disclosure of conflicts of interest	2
8. Petitions	2
9. Questions from the gallery	2
10. Reports of Advisory Committees	3
AC.006/16 Advisory Committee Report	3
11. Reports of Special Committees	4
Policy and Services Committee	4
PS.017/16 Special Rate renewal for Eltham Town – hearing of submissions	4
PS.018/16 Special Charge renewal for Hurstbridge Village – hearing of submissions	6
12. Officers' reports	7
OCM.092/16 Declaration of a Special Charge for Hurstbridge Village	7
OCM.093/16 Declaration of a Special Rate for Eltham Town	15
OCM.094/16 Regulatory Impact Assessment on planning fees	26
OCM.095/16 Conversion of synthetic cricket pitches	32
OCM.096/16 Rehabilitation of the Diamond Street Bridge, Diamond Street, Eltham	40
OCM.097/16 Civic Drive Precinct Development - authorisation to sign and seal transfer of land documentation	44
OCM.098/16 Trade Services Tender	46
OCM.099/16 Cleaning of public toilets and barbeques	47
OCM.100/16 Provision of underground stormwater drainage cleaning and condition audits	48
OCM.101/16 Risk and Insurance Report	49
OCM.102/16 Environment and Planning Monthly Activity Report	53
OCM.103/16 Assemblies of Councillors	61
13. Notices of Motion	65

Ordinary Meeting of Council agenda

21 June 2016

14. Delegates' reports

66

15. Supplementary and urgent business

66

16. Confidential reports

66

Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 21 June 2016 commencing at 7pm.

Welcome by the Mayor

Members of the public are advised the meeting will be recorded for the purpose of verifying the accuracy of the minutes.

1. Reconciliation statement

The reconciliation statement to be read by the Mayor

Nillumbik Shire Council acknowledges the Wurundjeri as the traditional custodians of the land now known as the Shire of Nillumbik and values the significance of the Wurundjeri people's history as essential to the unique character of the Shire.

2. Prayer

A prayer will be read by Rev David Sullivan from St Matthew's Anglican Church, Pantan Hill.

3. Good governance pledge

As Councillors, we are mindful of our civic responsibilities and obligations. We pledge to take them seriously, and to carry them out with diligence and integrity.

We know the decisions we take will affect the people and environment of Nillumbik, now and in the future. We undertake, therefore, to make sound and principled decisions of lasting value, in a spirit of fairness and for the good of all.

We also pledge to serve the needs and wellbeing of the community and the environment, in an open and honest manner and to the best of our abilities.

4. Apologies

Motion

That the apologies be accepted.

5. Presentations

Cultural Achievement Award

Amy Radford (Ellis Ward) receives a \$200 Cultural Achievement Award as a contribution to further her study at the National Ballet Academy in Amsterdam.

Sporting grants

Molly Batchelor (Blue Lake Ward) receives a \$200 as a contribution for her selection to represent Australia at the 2016 Junior Pan Pacific Swimming Championships in Hawaii.

Brittany Reukers (Sugarloaf Ward) receives \$200 as a contribution for her selection to participate at the Global Dance and Cheer Games in Hawaii.

Campbell Hutton (Swipers Gully Ward) receives a \$200 as a contribution for his selection to participate in the IBA Boys International Baseball Championship in Japan.

Ned Hargreaves (Wingrove Ward) receives a \$200 as a contribution for his selection to IBA Boys International Baseball Championship in Japan.

6. Confirmation of minutes

Confirmation of minutes of the:

- Ordinary Council Meeting held on Tuesday 24 May 2016
- Special Council Meeting held on Tuesday 24 May 2016
- Special Council Meeting held on Tuesday 14 June 2016.

Motion

That the minutes of the following meetings be confirmed:

- **Ordinary Council Meeting held on Tuesday 24 May 2016**
- **Special Council Meeting held on Tuesday 24 May 2016**
- **Special Council Meeting held on Tuesday 14 June 2016**

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

Nil

9. Questions from the gallery

10. Reports of Advisory Committees

AC.006/16 Advisory Committee Report

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Tracey Classon, Personal Assistant to General Manager Corporate Services

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:

- Recreation Trails Advisory Committee Minutes held 21 April 2016
- Living & Learning Nillumbik Minutes held 27 April 2016
- Agricultural Advisory Committee Minutes held 12 May 2016.

Motion

That Council notes the following Advisory Committee minutes:

- 1. Recreation Trails Advisory Committee held 21 April 2016**
- 2. Living & Learning Nillumbik held 27 April 2016**
- 3. Agricultural Advisory Committee held 12 May 2016.**

Attachments

1. Recreation Trails Advisory Committee Minutes 21 April 2016
2. Living & Learning Nillumbik Minutes 27 April 2016
3. Agricultural Advisory Committee Minutes 12 May 2016

11. Reports of Special Committees

Policy and Services Committee

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

File: 75/40/019

Distribution: Public

Manager: Chad Griffiths, Manager Strategic and Economic Planning

Author: Darko Popovski, Coordinator Tourism and Business

Summary

This report outlines the consideration of submissions received from the public regarding the renewal and declaration of the Special Rate scheme for Eltham Town.

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

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

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

The Policy and Services Committee considered all submissions and objections to the declaration of the Special Rate scheme, as well as verbal presentations from submitters and the community at its meeting on 7 June 2016. It also received and noted the contents of the survey/ petition.

The following people addressed the Committee with respect to the renewal of the Special Rate scheme for Eltham Town:

1. Stephen Woolway
2. Fee Seivers
3. John Scopas
4. Andrew Shephard
5. Judy Apostola
6. Rachael O'Connor-Horan

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

11. Reports of Special Committees

Policy and Services Committee

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

Recommendation

That Council:

1. Notes that 12 submissions (plus a petition/survey) were received and considered by the Policy and Services Committee on 7 June 2016.
2. Considers the matters contained in the submissions and the Committee's report when determining the Special Rate scheme.

11. Reports of Special Committees

Policy and Services Committee

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

File: 15/70/033

Distribution: Public

Manager: Chad Griffiths, Manager Strategic and Economic Planning

Author: Darko Popovski, Coordinator Tourism and Business

Summary

This report outlines the consideration of a submission received regarding the renewal and declaration of the Special Charge scheme for Hurstbridge Village.

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

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

In response to the above public notice, Council has received one submission opposing the renewal of the Hurstbridge Village precinct Special Charge scheme. A report was prepared for the Policy and Services Committee on 7 June 2016 which considered the submission. The submitter was invited to attend the Committee meeting but did not.

After considering the submission, the Committee resolved that this report be presented to Council.

Recommendation

That Council:

1. **Notes that one submission was received and considered by the Policy and Services Committee on 7 June 2016.**
2. **Considers the matters contained in the submission and the Committee’s report when determining the Special Charge Scheme.**

12. Officers' reports

OCM.092/16 Declaration of a Special Charge for Hurstbridge Village

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

Summary

The purpose of this report is for Council to consider the matter of whether to declare, modify or abandon the Special Charge for Hurstbridge Village.

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

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

In response to the above notifications, Council has received one submission, and in accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989*, Council has considered all submissions and/or objections at a meeting of its Policy and Services Committee held on 7 June 2016.

Following their consideration of the submission, the Hurstbridge Traders Association (Association) has advised that it wishes to proceed with the renewal of the Special Charge in the form advertised.

Accordingly, this report recommends that Council declares the Special Charge for Hurstbridge Village for a further five year period.

Recommendation

That Council:

- 1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* (the Act), and otherwise according to law, hereby declares a Special Charge for Hurstbridge Village under section 163(1) of the Act for the purpose of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Hurstbridge Traders Association Inc., which funds, subject always to the approval, direction and control of Council, are to be used for the purpose of funding a part-time precinct marketing coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the**

12. Officers' reports

OCM.092/16 Declaration of a Special Charge for Hurstbridge Village

Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Hurstbridge Village precinct.

2. Gives notice to all owners and occupiers of properties included in the scheme and all persons who have lodged a submission and/ or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 1 July 2016, and the reasons for the decision.
3. Resolves that for the purposes of paragraph 2, the reasons for the decision of Council to declare the Special Rate are that:
 - There is a broad level of support for the Special Charge from property owners and occupiers.
 - Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the scheme area.
 - All persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/ or a maintenance or enhancement in the use, occupation and enjoyment of the properties.
 - The basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable.
4. Undertakes all statutory processes and procedures outlined within Attachment 1, including the authorisation of Council officers.
5. Notifies the Hurstbridge Traders Association of the above.

Attachments

1. Process and Procedure for Hurstbridge Village Special Charge Declaration
2. Notice of Intention to declare a Special Charge Scheme for Hurstbridge Village
3. Hurstbridge Special Rate Area Map 2016
4. Hurstbridge Special Charge Property List March 2016
5. Hurstbridge Special Charge Administrative Payment Agreement 2016

12. Officers' reports

OCM.092/16 Declaration of a Special Charge for Hurstbridge Village

Background

1. The current Hurstbridge Village Special Charge scheme expires on 30 June 2012. The Hurstbridge Traders Association has formally requested Council to renew the Special Charge scheme to be used to fund promotional, advertising, marketing, business development and other incidental expenses associated with maintaining and developing commerce and trade within the Hurstbridge Village.
2. The Association has determined the amount to be raised, the properties to which the scheme should be levied, and the principles that should be applied in raising the required funds.
3. The Special Charge is a flat charge of \$420 and will be assessed on the basis of ownership of rateable land used or zoned for retail, commercial, or professional purposes located in the scheme area.
4. The rate and scope of the Special Charge are based on an extensive consultation process by the Hurstbridge Traders Association that commenced in January 2016.

Policy context

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

Budget implications

6. There will be no impact on Council's budget. The funds collected through the Special Charge scheme are levied by Council and then used to reimburse the Hurstbridge Traders Association for its expenditure on advertising, promotion, management and business development expenses for the Hurstbridge Village precinct.
7. Council does not retain any of the Special Charge funds. Council covers the administration and management costs associated with the program from its existing operating budget.

Consultation/communication

8. In response to the formal notifications of the proposed Special Charge scheme, from 66 rateable properties/ businesses within the precinct, Council has received one objection.
9. In accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989*, Council has heard and considered the received submissions and objections at a meeting of its Policy and Services Committee that was held on 7 June 2016.

Response to issues raised by submitters

10. The objector states that the scheme has never delivered any benefit of any kind to their dental clinic and that their business is not enhanced in any way by advertising, passing trade or the association with the Hurstbridge Traders. The objector is seeking to be exempted from the scheme.

12. Officers' reports

OCM.092/16 Declaration of a Special Charge for Hurstbridge Village

11. All businesses within the scheme area are involved in supplying goods and services on a commercial basis directly to the local community and will benefit from promotion of the Hurstbridge Village. Marketing and promotion of the precinct will encourage greater customer loyalty, reduce escape expenditure to other centres and create a multiplier effect that will enhance the long term viability of the precinct as a whole.
12. With regard to the special benefit, it is considered that all the properties used for commercial, retail or professional purposes in the proposed scheme and liable to pay the rate, will receive special benefit through increased economic activity as outlined in the public notice (Attachment 2).
13. Traders who contribute to the scheme are provided with ongoing opportunities to participate in decision-making on how the Special Charge funds are spent on marketing and promotional activities, through the sub-committees of the Association and through surveys regarding their priorities and preferences for marketing activities.

Boundaries of the Special Charge Scheme

14. The Hurstbridge Village Special Charge scheme will apply to businesses trading from properties located between 784–1022 (inclusive) and 783–1023 (inclusive) Heidelberg–Kinglake Road, properties located at 2-4 Parker Road and Greys Harps Road in Hurstbridge (Attachment 3 and 4).
15. It is expected that properties within the Special Charge scheme area will be added to or subtracted from the scheme as further redevelopments or other changes occur over the next five years. New properties within the Special Charge scheme area will be added if they change to retail, commercial or professional uses. Properties will be deleted if they change to residential use. Amendments to the schedule will occur from the date a supplementary valuation changing its Land Classification Code is returned.
16. With regard to the special benefit, it is considered that all the properties used for retail, commercial and professional purposes in the proposed scheme will receive special benefit through increased economic activity. There are no retail or commercial properties within the Special Charge scheme area, which should not be levied.

Basis of calculation

17. The Special Charge is a flat charge of \$420 and will be assessed on the basis of ownership of rateable land used or zoned for retail, commercial, or professional purposes located in the scheme area. The list of properties and the amount payable for each property is included as Attachment 4. It is not proposed to include residential properties for the purposes of the levy and businesses occupying more than one rateable property would attract the levy only once. Such businesses would need to apply in writing to request that the appropriate rebate be applied to ensure this.

12. Officers' reports

OCM.092/16 Declaration of a Special Charge for Hurstbridge Village

Objectives of proposed Special Charge Scheme

18. The expenditure of the Special Charge proceeds are intended to build on the successes over the last five years and continue to fulfil the following objectives:
- Retain and build upon the unique character and heritage of the Hurstbridge Village.
 - Attract increased business patronage from Hurstbridge and surrounding communities.
 - Promote Hurstbridge as a visitor destination to the wider Melbourne region and work collaboratively with Council's Economic Development and Tourism Team, Diamond Creek Association and Eltham Chamber of Commerce and Industry as well as the Nillumbik Tourism Association, to implement The Artisan Hills marketing plan that positions Nillumbik as a visitor destination.
 - Promote and enhance the independent nature of the business activity mix.
 - Maintain and strengthen the relationship with the local community.
 - Pursue initiatives that will further develop and enhance the village atmosphere of the precinct.
19. Council provides the proceeds of the Special Charge scheme to the Hurstbridge Traders Association. The current scheme is used for advertising, promotion, precinct management, business development, and other incidental expenses. The ongoing management of the scheme is governed by the Administrative Payment Agreement between Council and the Association.
20. A coordinated and collective approach is aimed at maintaining and improving the Hurstbridge Village precinct performance over time. This includes increasing patronage and expenditure, business attraction and investment. The Association also provides an effective communication, engagement and advocacy role for individual businesses in the precinct and for the village as a whole.
21. This is considered to be of benefit both directly and indirectly to all businesses and property owners located within the designated area and the wider community. It is considered that the value of properties included in the scheme, their desirability as a letting proposition, and their general image will be enhanced.

Rationale

22. Council can declare a Special Charge scheme under Section 163 of the *Local Government Act 1989* (the Act). In declaring a Special Charge, Council must consider:
- That the proposal relates to the performance of a function authorised by the Act.
 - That there will be a special benefit to the persons liable to pay the Special Charge.
 - That there is a proportional distribution of the charge amongst those persons liable to pay the Special Charge.

12. Officers' reports

OCM.092/16 Declaration of a Special Charge for Hurstbridge Village

- The total cost of the Special Charge scheme including the annual amount, which the Association has budgeted to spend on various marketing and other activities.

23. Special Charge schemes for marketing, management and business development are an important strategy for precincts such as Hurstbridge Village to revitalise and maintain ongoing viability. Council has worked closely with the Association on improving the Hurstbridge Village precinct in recent years. Council officers have worked with consecutive Association Committees of Management and sub-committees to develop annual business and marketing plans. Also, Council provides additional funding support for the Wattle Tree Festival.

Finance and resource implications

24. Administrative costs will be incurred in the renewal of the Special Charge scheme. If the Special Charge scheme is renewed, it is intended that Council will provide the Special Charge proceeds to the Hurstbridge Traders Association for expenditure on the marketing, management and business development of the Hurstbridge Village. A further formal Administrative Payment Agreement (Attachment 5) will be entered into between Council and the Association confirming that:

- The role of Hurstbridge Traders Association in expending the monies raised by the Special Charge scheme on behalf of Council is of an administrative nature only and at all times under the direction of Council.
- Council retains discretion on how proceeds of the Special Charge Scheme will be applied and distributed.
- Council will not forward any proceeds of the Special Charge to the Association until such an agreement is entered into.

25. The Association will continue to be required to prepare a Business and Marketing Plan and an Annual Budget for the Hurstbridge Village outlining how the Special Charge proceeds will be spent. A copy of the plan, calendar of annual activities and budget must be provided to Council for approval.

26. Following approval of the Business and Marketing Plan, Annual Budget and compliance with other conditions specified in the Payment Agreement, Council will provide the Association with the Special Charge proceeds in two instalments. A key aspect of this agreement is that the Hurstbridge Traders Association continues to be an incorporated entity and acts in accordance with the *Associations Incorporation Act 1981* and Amendments to the Act in 2014.

Legal and risk implications

27. The traders associations are required to enter into a formal Administrative Payment Agreement (driven by a Business Plan) with Council on the expenditure of Special Charge scheme proceeds. This subsequently negates many of the risks that might arise through the possible irresponsible expenditure of Special Charge.

- If the Association were to expend the Special Charge funds irresponsibly and not in accordance with their Marketing Plan, this may present a perceived risk for Council.

12. Officers' reports

OCM.092/16 Declaration of a Special Charge for Hurstbridge Village

- As identified above Council officers do not forward any proceeds of the Special Charge scheme to the Association until such an agreement is entered into.
- Upon receipt of financial reporting documentation bi-annually (Profit and Loss, Balance Sheet and Marketing Activity Report) the Special Charge scheme funds would be paid to the Hurstbridge Traders Association in two instalments.
- The role of Association in expending the monies raised by the Special Charge scheme on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council. Council retains discretion on how proceeds of the Special Charge Scheme will be applied and distributed. Section 154 of the *Local Government Act 1989* enables Council to discontinue the Special Charge scheme in this circumstance.
- A consideration of Council not adopting the Special Charge scheme for the Hurstbridge Village precinct is the expectation that complimentary marketing and promotional activities are required within a commercial centre. It may be suggested under this scenario that Council will be required to fund such activities through its economic development function. Marketing and promotions of Hurstbridge Village precinct is not currently funded through Council's existing budget.
- It is considered that localised trader associations which represent the interests of its members are best positioned to identify the commercial needs, and interests of its select trader groups, and best direct marketing charges to achieve their collective interest.

Timeline and communication

28. If the Special Charge scheme for Hurstbridge Village is renewed, notice of the Special Charge will be sent to affected property owners and businesses after the date of the Council meeting.
29. Property owners and businesses have 30 days to appeal to the Victorian Civil and Administrative Tribunal (VCAT) from the date of this notice.
30. Any appeals to the tribunal will postpone the renewal of the Special Charge scheme for the Hurstbridge Village until the scheduled hearing at VCAT.
31. If there are no valid appeals or any appeals are dismissed by VCAT, Council will commence collection of the Special Charge in 2016-2017 financial year.
32. Hurstbridge Traders Association will enter into a formal agreement with Council that confirms its role in expending the Special Charge funds in an administrative nature only and at all times under the direction of, and for Council. Payment of the Special Charge funds to the Association is conditional on entering into such an agreement.

Conclusion

33. The Hurstbridge Traders Association relies on appropriate funds to engage in cooperative marketing and promotion for the Hurstbridge Village and to raise the profile of the precinct and encourage residents to shop locally. The Special Charge scheme would enable the Association to contribute positively and in partnership with Council to the future promotion and development of the Hurstbridge Village.

12. Officers' reports

OCM.092/16 Declaration of a Special Charge for Hurstbridge Village

34. This report recommends that Council declares the Special Charge scheme for Hurstbridge Village for a further five year period.

12. Officers' reports**OCM.093/16 Declaration of a Special Rate for Eltham Town**

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

The purpose of this report is for Council to consider the matter of whether to declare, modify or abandon the Special Rate for Eltham Town.

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

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

In response to the above notifications, Council has received 12 submissions/objections, and in accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989*, Council has heard and considered all submissions and/ or objections at a meeting of its Policy and Services Committee that was held on 7 June 2016.

Following their consideration of the submissions, the Eltham Chamber of Commerce and Industry (Chamber) has advised that it wishes to proceed with the renewal of the Special Rate in the form advertised.

Accordingly, this report recommends that Council declares the Special Rate for Eltham Town centre for a further five year period.

Recommendation**That Council:**

- 1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* (the Act), and otherwise according to law, hereby declares a Special Rate for Eltham Town under section 163(1) of the Act for the purpose of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Eltham Chamber of Commerce and Industry Inc., which funds, subject always to the approval, direction and control of Council, are to be used for the purpose of funding a part-time centre marketing officer, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the Chamber,**

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Eltham Town centre.

2. Gives notice to all owners and occupiers of properties included in the scheme and all persons who have lodged a submission and/ or an objection in writing of the decision of Council to declare and levy the Special Rate commencing on 1 July 2016, and the reasons for the decision.
3. Resolves that for the purposes of paragraph 2, the reasons for the decision of Council to declare the Special Rate are that:
 - There is sufficient support for the Special Rate from the property owners and occupiers.
 - Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the scheme area.
 - All persons who are liable or required to pay the Special Rate and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/ or a maintenance or enhancement in the use, occupation and enjoyment of the properties.
 - The basis of distribution of the Special Rate amongst those persons who are liable or required to pay the Special Rate is considered to be fair and reasonable.
4. Undertakes all statutory processes and procedures outlined within Attachment 1, including the authorisation of Council officers.
5. Notifies the Eltham Chamber of Commerce and Industry of the above.

Attachments

1. Process and Procedure for Eltham Town Special Rate Scheme
2. Notice of Intention to declare a Special Rate Scheme for Eltham Town
3. Eltham Special Rate Scheme Area Map 2016
4. Eltham Special Rate Scheme Property List March 2016
5. Eltham Special Rate Administrative Payment Agreement 2016
6. Summary of Submissions

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

Background

1. The current Special Rate scheme expires on 30 June 2016. The Eltham Chamber of Commerce and Industry has formally requested Council to renew the Special Rate scheme to be used for the purposes of funding a centre marketing coordinator, promotional, advertising, marketing, business development and other incidental expenses associated with maintaining and developing commerce and trade in Eltham Town. This request was reported to Council at its Ordinary meeting held on 22 March 2016.
2. The Chamber has determined the amount to be raised, the properties to which the scheme should be levied, and the principles that should be applied in raising the required funds.
3. The Special Rate would be a proportional rate levied upon rateable properties within the Special Rate scheme area over a five year period. This would raise an amount of \$130,000 per annum.
4. The rate and the scope of the levy are based on a preliminary consultation process by the Eltham Chamber of Commerce and Industry that commenced in early February 2016.

Policy context

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

Budget implications

6. There will be no impact on Council's budget. The funds collected through the Special Rate scheme are levied by Council and then used to reimburse the Eltham Chamber of Commerce and Industry for its expenditure on advertising, promotion, management and business development expenses for the Eltham Town.
7. Council does not retain any of the Special Rate funds. Council covers the administration and management costs associated with the program from its existing operating budget.

Consultation/communication

8. In determining whether to support a renewal of the Special Rate, the Chamber conducted initial consultation with Eltham Town centre businesses which included the following:
 - An article about the Special Rate scheme proposal was published in the Chamber's newsletter and distributed to all traders.
 - A letter and email was sent to each business included in the Special Rate scheme seeking formal endorsement. The correspondence explained the details of the proposal as well as an outline of the Chamber's recent achievements.

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

- The Marketing Officer and the Chamber President together with other committee members visited most of the businesses in February 2016 to gauge the level of support and answer queries regarding the proposal. The initial feedback from this consultation was very positive. By the end of March 2016, the Committee received over 110 signed letters in support of the renewal.
9. Following the receipt of a written request from the Eltham Chamber of Commerce and Industry to renew the Special Rate scheme to fund the marketing and promotion of the Eltham Town, Council at its Ordinary meeting on 22 March 2016 resolved to give notice of its intention to declare a Special Rate scheme for that purpose.
 10. In accordance with the requirements of the *Local Government Act 1989* (the Act) formal notification of the proposed Special Rate scheme was undertaken, with a public notice published in the *Diamond Valley Leader* on 30 March 2016. Written notification was sent to the owners and occupiers of properties upon which the Special Rate would be levied Attachment 2.
 11. Copies of the proposed declaration of the Special Rate and a detailed plan of the scheme area were available for inspection during normal office hours at the Council offices in Greensborough for a period of at least 28 days after the date of the public notice, being until Monday, 25 April 2016. The Council Report with all attachments is also available on Council website.
 12. In response to the formal notifications of the proposed Special Rate scheme, from 175 rateable properties/businesses within the centre, Council has received 12 submissions and objections, two in support of the Special Rate and 10 opposing the renewal of the Eltham Town Special Rate.
 13. In accordance with sections 223(1)(b) and (c) of the *Local Government Act 1989*, Council has heard and considered the received submissions and objections at a meeting of its Policy and Services Committee that was held on 7 June 2016, at which the Committee heard submissions from the following people:
 - Stephen Woolway
 - Fee Sievers
 - John Scopas
 - Andrew Shephard
 - Judy Apostola
 - Rachael O'Connor-Horan

Boundaries of the Special Rate Scheme

14. The Eltham Town Special Rate scheme will apply to businesses trading from properties located in the core retail and business centre including Main Road, Dudley Street, Arthur Street, Pryor Street and Luck Street in Eltham (Attachments 3 and 4).

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

15. It is expected that properties within the Special Rate scheme area will be added to or subtracted from the scheme as further redevelopments or other changes occur over the next five years. New properties within the Special Rate scheme area will be added if they change to retail, commercial or professional uses. Properties will be deleted if they change to residential use. Amendments to the schedule will occur from the date a supplementary valuation changing its Land Classification Code is returned.

Basis of calculation

16. The Special Rate will be assessed on the basis of ownership of rateable land used or zoned for retail, commercial, or professional purposes located in the scheme area.
17. The Eltham Town Special Rate scheme is capped at \$130,000 annually and it is distributed amongst 175 properties in a proportionate way using the property's Capital Improved Value (CIV) as calculation method. Changes in the actual dollar amounts payable by each property relate to changes (increases/decreases) in each property's CIV (ultimately the scheme will be calculated on the 2016 CIV when finalised).
18. The list of properties and the estimated amount payable for each property is included as Attachment 4. These amounts will change when the new 2016 valuations are completed.
19. At a basic conceptual level, properties/enterprises that enjoy a higher rate of return/turnover will typically have a higher CIV. The vast majority of the special rate continues to be paid by those high value/high turnover retail businesses.

Objectives of proposed Special Rate Scheme

20. The ECCI marketing objectives stated in the Draft Business Plan for the Special Rates scheme 2016-2021 are:
- Further develop the internal lines of communication to businesses in the centre.
 - Improved integration of all marketing communication activities to develop greater synergies.
 - Develop all advertising and promotional activities with the specific aim of generating foot traffic and encouraging expenditure in the centre.
 - Through creative advertising, develop a brand value that captures the uniqueness of Eltham's art and environmental culture and positions the retail centre for boutique shopping, including food and wine for customers in the surrounding markets.
 - Through integrated marketing communications, position the Eltham brand so as to differentiate the retail experience.
 - Create a series of interactive events that are consistent with the brand value that attract families during the week.

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

- Through the use of outdoor marketing, develop a visual link between the different retail and business services areas of the town to create the perception of a fluid rather than fractured centre.
 - Work collaboratively with Council's Economic Development and Tourism team, Diamond Creek and Hurstbridge Traders Associations as well as the Nillumbik Tourism Association, to implement The Artisan Hills marketing plan that positions Nillumbik as a visitor destination of which Eltham is the gateway.
21. Council provides the proceeds of the Special Rate scheme to the Eltham Chamber of Commerce and Industry. The current scheme is used for advertising, promotion, centre management, business development, and other incidental expenses. The ongoing management of the scheme is governed by the Administrative Payment Agreement between Council and the Chamber.
22. A coordinated and collective approach is aimed at maintaining and improving the Eltham Town centre performance over time. This includes increasing patronage and expenditure, business attraction and investment. The Chamber also provides an effective communication, engagement and advocacy role for individual businesses in the centre and for the town as a whole.
23. This is considered to be of benefit both directly and indirectly to all businesses and property owners located within the designated area and the wider community. It is considered that the value of properties included in the scheme, their desirability as a letting proposition, and their general image will be enhanced.

Rationale

24. Council can declare a Special Rate scheme under Section 163 of the *Local Government Act 1989*. In declaring a Special Rate, Council must consider:
- That the proposal relates to the performance of a function authorised by the Act.
 - That there will be a special benefit to the persons liable to pay the Special Rate.
 - That there is a proportional distribution of the rate amongst those persons liable to pay the Special Rate.
 - The total cost of the Special Rate scheme including the annual amount, which the Chamber has budgeted to spend on various marketing and other activities.
25. Special Rate schemes for marketing, management and business development are an important strategy for centres such as Eltham Town to revitalise and maintain ongoing viability. Council has worked closely with the Chamber on improving the Eltham Town centre in recent years. Council officers have worked with consecutive Chamber Committees of Management and sub-committees to develop annual business and marketing plans. Also, Council provides additional funding support for the Eltham Jazz Food and Wine Festival.

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

Finance and resource implications

26. Administrative costs will be incurred in the renewal of the Special Rate scheme. If the Special Rate scheme is renewed, it is intended that Council will provide the Special Rate proceeds to the Eltham Chamber of Commerce and Industry for expenditure on the marketing, management and business development of the Eltham Town. A further formal Administrative Payment Agreement (Attachment 5) will be entered into between Council and the Chamber confirming that:
- The role of Eltham Chamber of Commerce and Industry in expending the monies raised by the Special Rate scheme on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council.
 - Council retains discretion on how proceeds of the Special Charge Scheme will be applied and distributed.
 - Council will not forward any proceeds of the Special Rate to the Association until such an agreement is entered into.
27. The Chamber will continue to be required to prepare a Business and Marketing Plan and an Annual Budget for the Eltham Town centre outlining how the Special Rate proceeds will be spent. A copy of the plan, calendar of annual activities and budget must be provided to Council for approval.
28. Following approval of the Business and Marketing Plan, Annual Budget and compliance with other conditions specified in the Administrative Payment Agreement, Council will provide the Chamber with the Special Rate proceeds in two instalments. A key aspect of this agreement is that the Eltham Chamber of Commerce and Industry continues to be an incorporated entity and acts in accordance with the *Associations Incorporation Act 1981* and Amendments to the Act in 2014.

Legal and risk implications

29. The traders associations and the Chamber are required to enter into a formal Administrative Payment Agreement, driven by a Marketing Plan, with Council on the expenditure of Special Rate scheme proceeds. This subsequently negates many of the risks that might arise through the possible irresponsible expenditure of Special Rate.
- If the Chamber were to expend the Special Rate funds irresponsibly and not in accordance with their Marketing Plan, this may present a perceived risk for Council.
 - As identified above Council officers do not forward any proceeds of the Special Rate to the Association until such an agreement is entered into.
 - Upon receipt of financial reporting documentation bi-annually (Profit and Loss, Balance Sheet and Marketing Activity Report) the Special Rate funds would be paid to the Eltham Chamber of Commerce and Industry in two instalments.

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

- The role of the Chamber in expending the monies raised by the Special Rate scheme on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council. Council retains discretion on how proceeds of the Special Charge Scheme will be applied and distributed. Section 154 of the *Local Government Act 1989* enables Council to discontinue the Special Rate scheme in this circumstance.
- A consideration of Council not adopting the Special Rate scheme for the Eltham Town centre is the expectation that complimentary marketing and promotional activities are required within a commercial centre. It may be suggested under this scenario that Council will be required to fund such activities through its economic development function. Marketing and promotions of Eltham Town centre is not currently funded through Council's existing budget.
- It is considered that localised trader associations which represent the interests of its members are best positioned to identify the commercial needs, and interests of its select trader groups, and best direct marketing charges to achieve their collective interest.

Summary of submissions

30. Attachment 6 to this report outlines the submissions received in relation to the renewal of the Special Rate.
31. A separate survey/ petition has also been submitted to Council which asks whether the respondents to the petition '...believe(s) the Special Rates scheme, and the money which you pay accordingly in addition to your normal rates, delivers an overall benefit to Eltham and to your own business in particular?' Of the 80 signatories, four express support for the Special Rate and 76 oppose it. The 76 who oppose the renewal includes the 10 formal submissions above.
32. A distinction needs to be drawn between the submissions which Council has received and the objections which it has received. Any person can make a submission on the declaration of a Special Rate, regardless of whether they are liable or required to pay the special rate, and be heard by the Policy and Services Committee under sections 223(1)(b) and (c) of the Act. But for the purpose of the special rates and charges, sections 163B(4) and (5) of the *Local Government Act 1989* limits the ability to formally object as follows:
 - (4) Any person who will be required to pay the special rate or special charge to be imposed by the proposed declaration is entitled to exercise the right of objection conferred by this section.
 - (5) For the purposes of subsection (4), a person who is an occupier is entitled to exercise the right of objection conferred by this section if the person submits documentary evidence with the objection which shows that it is a condition of the lease under which the person is an occupier that the occupier is to pay the special rate or special charge.

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

33. Further, only one person/party can object from each rateable property liable to pay the special rate; i.e. there can be no 'double voting' by the owner and the tenant. In total, there are 175 properties liable to pay the special rate, and thus the maximum number of possible objections is 175, made by either the owner or the tenant (but not both).
34. With this distinction in mind, Council has received 10 written objections to the renewal of the Special Rate. Four of these objectors claim to own or represent 28 different properties. For six of these 28 properties, a matching objection has been received from the tenant. In addition to this 28 are three individual objections from tenants.
35. Thus the sum total of objections to the special rate (assuming all of the objectors are required to pay the Special Rate) is 31 out of 175, or 17.7 per cent of the total. A significant caveat on these figures is the lack of documentation provided by some objectors to demonstrate they are liable to pay the special rate, or that they indeed own the property, or represent the company that owns the property.
36. Similarly in relation to the petition, no evidence has been provided by the signatories that they are liable to pay the special rate or even that the person that has signed the petition is the applicable owner or operator of the property or the business. Coupled with not receiving a separate written submission clearly identifying the grounds of objections, clearly identifying the property and evidence that they pay the special rate, the petition should be treated as a submission under section 223 of the *Local Government Act 1989*, but not considered as formal objections under section 163B.
37. On the basis of the above, there is no impediment to Council proceeding with the declaration of the special rate, as the number of objections received from persons who will be required to pay the special rate is less (17.7 per cent) than the majority of 175 properties liable to pay the special rate.
38. Should Council wish to clarify the status and standing of those people who signed the petition/ survey, Council could elect to defer consideration of whether to declare the special rate for a period of two months. This would allow Council officers to write/ text each signatory to determine a) whether they wish to object to the special rate and b) for each person/business to demonstrate that they are liable to pay the special rate, as required under the *Local Government Act 1989*. Such objections would need to be made in writing and be supported by evidence (such as a lease agreement).
39. Another option available to Council would be to decline to support the declaration of the special rate. But this course of action would be contrary to the wishes of the Eltham Chamber of Commerce and Industry, and significantly impact on the marketing and promotional activities in support of the local businesses of Eltham Town.

Response to issues raised by submitters

40. Attachment 6 to this report contains a summary of the issues and concerns received from the submitters. In brief, the objectors state that their businesses (and the centre as a whole) have not received any benefit from the scheme. Several objectors raise concern with the renewal process, calculation method, transparency and providing a reliable public notice.

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

Special benefit

41. All businesses within the Eltham Special Rate Scheme are involved in supplying goods and services on a commercial basis directly to the local community and will benefit from promotion of the Eltham Town. Marketing and promotion of the centre will encourage greater customer loyalty, reduce escape expenditure to other centres and create a multiplier effect that will enhance the long term viability of the centre as a whole. With regard to the special benefit, it is considered that all the properties used for commercial, retail or professional purposes in the proposed scheme and liable to pay the rate, will receive special benefit through increased economic activity as outlined in the public notice (Attachment 2).

Calculation method

42. Paragraphs 16 to 19 above outline how the Special Rate is calculated with reference to the CIV for each property. At a basic conceptual level, properties/enterprises that enjoy a higher rate of return/ turnover will typically have a higher CIV. The vast majority of the special rate continues to be paid by those high value/high turnover retail businesses.

Renewal process and public notice

43. Council has followed the legislative process as outlined in this report and the public notice. The public notice specified the total cost of the scheme and determined the total amount of the Special Rate to be levied. The estimated 'special benefit' that will accrue to all businesses liable to pay the Special Rate is in a ratio of 1:1(or 100 per cent).
44. Paragraphs 8 to 13 of this report detail the extensive public notification that was undertaken as part of this process.

Transparency

45. The procedures for accountability of the Special Rate are outlined in paragraphs 26 to 29 above.
46. In short, the funds collected through the Special Rate scheme are levied by Council and then used to reimburse the Eltham Chamber of Commerce and Industry (ECCI) for its expenditure. Council does not retain any of the Special Rate funds. The ECCI prepare an annual budget and business plan which details how funds are to be expended. At the end of the financial year the ECCI reconcile their expenditure to Council. The ECCI is accountable to its membership in terms the setting of the budget and the programs that it delivers.

Timeline and Communication

47. If the Special Rate scheme for Eltham Town is renewed, notice of the Special Rate will be sent to affected property owners and businesses after the date of the Council meeting.
48. Property owners and businesses have 30 days to appeal to the Victorian Civil and Administrative Tribunal (VCAT) from the date of this notice.
49. Any appeals to the tribunal will postpone the renewal of the Special Rate scheme for the Eltham Town centre until the scheduled hearing at VCAT.

12. Officers' reports

OCM.093/16 Declaration of a Special Rate for Eltham Town

50. If there are no valid appeals or any appeals are dismissed by VCAT, Council will commence collection of the Special Rate in 2016-2017 financial year.
51. Eltham Chamber of Commerce and Industry will enter into a formal agreement with Council that confirms its role in expending the Special Rate funds in an administrative nature only and at all times under the direction of, and for Council. Payment of the Special Rate funds to the Chamber is conditional on entering into such an agreement.

Conclusion

52. The Eltham Chamber of Commerce and Industry relies on appropriate funds to engage in cooperative marketing and promotion for the Eltham Town centre and to raise the profile of the centre and encourage residents to shop locally. The Special Rate scheme would enable the Association to contribute positively and in partnership with Council to the future promotion and development of Eltham Town.
53. This report recommends that Council declares the Special Rate scheme for Eltham Town for a further five year period.

12. Officers' reports**OCM.094/16 Regulatory Impact Assessment on planning fees**

File: 40/04/000**Distribution:** Public**Manager:** Ransce Salan, General Manager Environment and Planning**Author:** Jeremy Livingston, Manager Planning and Health Services**Summary**

The State Government has released a Regulatory Impact Statement (RIS) in relation to new planning fees. These apply to planning applications, subdivisions and planning scheme amendments. A review of these fees is long overdue and warmly welcomed. Councils (and their communities) have been bearing a disproportionate cost burden for the delivery of planning services due to low and non-indexed planning fees set by State Government. Instead, planning services provided by councils should be recovered from those who directly benefit from these services.

Although it is not possible to know in advance what increased income generation the proposed fees will bring to the planning services in Nillumbik, the proposed fees will certainly assist Council in receiving greater cost recovery for its provision of planning services to the community. The proposed annual indexing of planning fees to CPI is appropriate, and is strongly supported.

Recommendation**That Council:**

- 1. Notes the receipt of the released Regulatory Impact Statement (Planning and Environment (Fees) Regulations 2016 and Subdivision (Fees) Regulations 2016.**
- 2. Submits a response broadly supporting the Regulatory Impact Statement, as outlined in paragraphs 8 to 19 of this report.**

Attachments

1. Summary of proposed fees
2. Summary of proposed fee changes

Background

1. Earlier this month, the State Government released a Regulatory Impact Statement (RIS) concerning the setting of new statutory fees for matters administered under the *Planning and Environment Act 1987* and *Subdivision Act 1988*.

12. Officers' reports**OCM.094/16 Regulatory Impact Assessment on planning fees**

2. A review of planning fees has long been called for by the MAV and local councils. The issue was last raised by the sector at the MAV's State Council in October 2015. In addition, at last year's October Ordinary Meeting, Council resolved to write to the Minister for Planning requesting:
 - that his recent commitment to reviewing planning application fees set by the *Planning and Environment Fee Regulations 2015* be commenced and completed urgently, to reduce the level of community/ratepayer subsidisation for Council to perform its duties as the responsible authority under the *Planning and Environment Act 1987*.
 - that any new planning fees introduced as a result of the review be subject to annual indexed increases (which is currently not the case).
3. The *Planning and Environment (Fees) Regulations* were set in 2000, and since that time there has been eight years in which fees have not been indexed. This results in a significant accumulated shortfall for councils. The lack of indexation has effectively created a transfer in the costs of planning from permit applicants to the wider community. Also, the existing planning fees have not been reviewed in light of changes in the legislation and processes followed by Council, such as the introduction of VicSmart planning application in 2014.
4. The Minister for Planning is seeking comment from all stakeholders on the proposed new planning fees in the circulated RIS (which if adopted will be gazetted as the new *Planning and Environment Fee Regulations 2016* and *Subdivision Fee Regulations 2016*).

Policy context

5. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will advocate about issues affecting the Nillumbik Shire, supported by informed and clearly articulated policy positions.

Budget implications

6. The adoption of the proposed planning fees as set out in the circulated Regulatory Impact Statement will have a favourable budget outcome for the Statutory Planning Team in terms of receiving greater income, and therefore better cost recovery for the delivery of this statutory service. Historically, Nillumbik has recovered less than 20 per cent of its service cost due to low planning fees set by the State Government. As the planning fees have not benefited from CPI increases since 2009, this figure dropped to 16.5 per cent for the 2015-2016 financial year.

Consultation/communication

7. In recent years, Council has supported the Municipal Association of Victoria's (MAV) sector advocacy to the State Government for a widespread review of planning fees in order to achieve better cost recovery for the planning services that Council is required to provide under the *Planning and Environment Act 1987*.

12. Officers' reports

OCM.094/16 Regulatory Impact Assessment on planning fees

Information about new planning fees

8. The RIS identifies the following guiding principles to inform the setting of the new planning fees:
 - Fees charged should support Victoria's planning objectives;
 - Fees should be set to encourage the optimal use of the planning and subdivision functions of councils
 - Fees should not over-recover costs and should be based on efficient costs
 - Fees should be equitable
 - Fees should be simple to understand and administer
9. The MAV believes that it is critical that fees are set appropriately so that:
 - An efficient and effective planning service can be provided. This includes the provision of appropriate resources, systems and improvement activities. Fee income has become even more important to councils in a rate-capped environment;
 - Those that directly benefit from a planning decision pay the full costs of that decision (although exceptions to this general rule are acknowledged)
 - There is an incentive to submit high quality planning permit applications or amendment proposals that are well resolved that reduce the need for rework during the process
10. It is State Government policy that costs of planning services should be recovered from those who directly benefit from the services. Although, the State Government has identified that in most cases the actual cost to councils for providing planning services was significantly higher than the current fees, it has also been recognised that it is difficult to aggregate fees across all councils and across different types of fees. This is because each municipality has different types and volumes of planning requests. As such, Council will need to monitor for the first 12 months that the new fees are in operation as to the extent of increased income generation derived from these new fees.
11. The RIS states that it is estimated that current planning fees only recover about 20-30 per cent of the actual costs to councils. Historically, Nillumbik has recovered less than 20 per cent of its service cost due to low planning fees set by the State Government. As the planning fees have not benefited from CPI increases since 2009, this figure dropped to 16.5 per cent for the 2015-2016 financial year.
12. The proposed changes to the prescribed fees will directly affect any person making an application for a planning permit or an application for other planning or subdivision matters. The increases are significant in some cases, however the State Government considers they remain reasonable in relation to the benefit ultimately obtained by the person making the application.
13. The proposed new fees are aimed at recovering a greater percentage of costs from those making planning requests. A summary of the new fees (and their corresponding increases) are outlined in Attachments 1 and 2.

12. Officers' reports

OCM.094/16 Regulatory Impact Assessment on planning fees

14. Importantly, the new fees will be converted to fee units and be subject to annual indexation according to the value of fee units set by the Treasurer under the *Monetary Units Act 2004*. The proposed fees will expire in 2026, at which time there will be new Fee Regulations prepared.

Assessment of the proposed new fees

15. Across the board, the proposed increase in fees are substantial. However, it is anticipated that the proposed fees will still not fully recover the cost of Council providing its mandatory planning services.
16. An analysis of the RIS identifies the following outcomes which are supported:
- Continuance of the existing practice of scaling development fees depending on the cost of the development proposed.
 - Overall, significant fee increases to most classes of planning applications, including increasing the fees for amendments to existing permits and amendment fees to applications following public notice of an application.
 - Introduction of a new fee (initially to be set at \$188) for buildings and works concerning a single dwelling valued at less than \$10,000 (currently no fee applies).
 - Additional development value bands to deliver a higher level of cost recovery from the single dwelling over \$250,000 and other development categories with a construction value of over \$2 million. These classes of development have been identified by the State Government as more complex applications that should derive greater cost recovery for Council based on the time and resourcing to support the processing and assessment of these proposals.
 - The proposed fees for subdivisions is supported. The proposed fees for applications for subdivision permits introduce a fee based on the number of lots to be created. In formulating the proposed fees, some councils suggested to State Government to propose a fee for 100 lot increments, which is what is proposed under the RIS. Given that Nillumbik generally only experiences subdivisions of a small number of lots, on some occasions the proposed subdivision fees may well provide a full cost recovery for Council.
 - New fees for VicSmart planning applications, which are set at a lower fee value reflective of their 'fast-track'/streamlined processing.
 - Introduction of a statutory fee (initially to be set at \$620) for requests to amend or end Section 173 Agreements. However, the MAV correctly identifies that a fee value of \$1,000 would be more appropriate given that these matters require legal review.
 - Increase in the amendment fee to planning applications after public notice, but before decision, as this will more accurately reflect officer time attributed to changed proposals.
 - Increase in the amendment fee to an existing planning permit application. Currently, no fee applies in some situations.

12. Officers' reports

OCM.094/16 Regulatory Impact Assessment on planning fees

- The fees associated with considering engineering plans, preparing engineering plans and supervision of works (all related to subdivision proposals) will continue to satisfactorily recover Council's costs with respect to the resource required to support these activities.
 - The proposed fee for Council-initiated planning scheme amendments (to be initially set at \$906) is supported, and is commensurate with current fees.
17. Having assessed the proposed fees, officers have identified the following suggested improvements:
- The proposed fees seek to increase the amendment fee to planning applications after public notice, but before decision, which will be 40 per cent of the fee applicable to the original permit class, plus the difference in fees if the amendment moves the application into a different class. This required calculation appears to work against one of the key guiding principles outlined in the RIS, being "fees should be simple to understand and administer". It is recommended that this proposed fee be replaced with a flat fee. Although proponents can clarify fees with Council, fees should equally be simple and understandable to enable 'mum and dad' proponents to self-identify and calculate. In turn, this also places an unnecessary administrative burden on councils.
 - Similarly to the previous dot point, the proposed fees seek to increase the fee for amendments to existing permits, to be calculated at 75 per cent of the fee applicable to the original permit class, plus the difference in fees if the amendment moves the permit into a different class. This proposed fee is more problematic, as either the proponent or Council needs to identify what the original planning application fee was (which changes from time to time, and will become more fluid with CPI increases introduced). Sometimes Council is requested to amend permits issued one or two decades ago, making the proposed fee calculation even more challenging. Again, this does not support the principle of simple and easy to understand fees, and this recommended complicated fee calculation should be replaced with a flat fee amount so to not unnecessary burden both proponents and councils of this complexity.
 - The proposed fees seek to introduce a scaling of fees for private-initiated planning scheme amendments paid to the responsible authority to consider submissions. The proposed fees will be escalated from up to 10 submissions (\$18,010), up to 20 submissions (\$32,215) and 20 plus submissions (\$41,792). Whilst the notion of a scaling system is supported to better reflect the resourcing required for Council to consider these submissions, there is concern that the scaling model (based only on submission numbers) may be too simplistic, and may be inequitable for more minor changes to the planning scheme which attract a larger number of submissions.
 - Certification and Statement of Compliance fees for subdivisions should be rolled into one fee to again avoid unnecessary administrative burden. Once a proponent has chosen to proceed with a subdivision proposal, both approvals are required to complete the subdivision.

12. Officers' reports

OCM.094/16 Regulatory Impact Assessment on planning fees

Conclusion

18. The release of the Regulatory Impact Statement on planning fees is most welcomed, given that the last holistic review of planning fees was undertaken over 16 years ago. Although it is not possible to know in advance what increased income generation the proposed fees will bring to the planning services in Nillumbik, the proposed fees will certainly assist Council in receiving greater cost recovery for its provision of its planning services.
19. The lack of indexation has effectively created an unacceptable imbalance in transferring the costs of planning services from permit applicants to broader ratepayers. The proposed annual indexing of planning fees to CPI is appropriate, and is strongly supported. The absence of indexation for many years has resulted in a significant accumulated shortfall for local councils.

12. Officers' reports**OCM.095/16 Conversion of synthetic cricket pitches**

Distribution: Public**Manager: Pauline Gordon, General Manager Community and Leisure****Author: Naomi Paton, Manager Leisure and Social Infrastructure
Joanne Massoud, Leisure Services Development Officer****Summary**

All cricket grounds in Nillumbik have a synthetic covered cricket pitch, known as an all season pitch. Cricket Victoria (CV), the peak body for cricket, has indicated they no longer support the all season pitch which has a long, 16mm pile. Their preference is for Council to convert to a short, 9mm pile pitch. The rationale is that the short pile pitch has a more predictable and lower bounce, better promoting skill development and contributing to improved player safety.

Neighbouring councils have commenced the roll-out of short pile pitch conversions. Nillumbik-based cricket clubs and the Diamond Valley Cricket Association (DVCA) are calling on Council to consider changing current practice and move towards the short pile synthetic cricket pitch.

The funding of cricket pitch installations is shared between Council and tenant cricket club/s- Council funds 50 per cent of costs at home venues and 80 per cent at secondary venues for both the concrete base and synthetic cover. Clubs fund the difference.

Currently the installation of an all season synthetic surface over a concrete slab is \$11,500 per ground.

The short pile synthetic surface over a concrete slab costs up to \$24,000 per pitch, of which up to \$12,000 funds the required infrastructure enabling winter season use of the ground.

Nillumbik has a total of 23 pitches requiring conversion. Converting all to the short pile synthetic pitch and replacing concrete slabs (it is recommended Council takes full financial responsibility for the provision/renewal of the concrete slab – considered core infrastructure for cricket) totals up to \$552,000 shared between Council \$245,600 and clubs \$306,400. Council currently allocates \$5,000 per annum towards cricket pitch installation.

In addition, Council's current operating contribution towards synthetic cricket pitches is \$8,500 per annum (\$500 per ground) to spread and remove rubber infill for winter use (applies to 17 grounds only). It is estimated that the annual operating costs to maintain the short pile pitches will be approximately \$20,400, an increase to Council of \$11,900 per annum in its operating budget (71 per cent increase).

Future Council funding and club preparedness including financial contribution will guide the timing of the proposed implementation program.

Implementation criteria will inform the development of a prioritised program of pitch conversions in partnership with CV and DVCA and be presented to Council for further consideration.

12. Officers' reports**OCM.095/16 Conversion of Synthetic Cricket Pitches**

Recommendation**That Council:**

- 1. Notes that Cricket Victoria's preferred synthetic pitch is a short pile, moving from the current longer pile all seasons synthetic pitch.**
- 2. Endorses the short pile synthetic cricket pitch as the preferred surface for all synthetic cricket grounds in the Shire of Nillumbik.**
- 3. Prepares a prioritised implementation program in partnership with Cricket Victoria and the Diamond Valley Cricket Association for Council's consideration to inform future budget allocations.**

Attachments

1. Synthetic cricket pitch principles

Background

1. There are 23 cricket grounds with a synthetic cricket pitch across the Shire of Nillumbik. Cricket grounds are used by sports clubs, schools and the wider community in the summer season. The alternate winter sport played on these grounds is typically soccer or Australian football.
2. Grounds have an all season synthetic cricket pitch consisting of a long, 16mm pile synthetic grass laid over a concrete base. In the winter season rubber granules are spread over the pitch to provide a cushioned surface suitable for other sports. Prior to the commencement of the summer season the granules are removed.
3. All season pitches were introduced by sports surface suppliers in the mid-2000's, then with support of peak cricket bodies, as a cost effective ground management strategy requiring little maintenance. At the time, the majority of councils and cricket associations across Melbourne's north/north-east favoured the surface.
4. Prior to the introduction of the all season pitch, shorter pile (9mm) synthetic surface pitches were used. As the shorter pile did not provide adequate cushioning over the concrete base for winter sport use, the pitches were covered with protective sheeting, then with soil and grass seed was spread. Grass generally struggled to grow and there was, at best, sparse turf cover over the most trafficked area of the ground. This generally resulted in an uneven and unstable surface impacting on winter users, and additional sportsground maintenance costs to Council.
5. Since the installation of all seasons pitches, there has been changing opinion in the preferred surface. Clubs and associations have expressed concerns over the playability of the longer pile surface. In response, Cricket Victoria (CV) commissioned Victoria University to analyse the performance of all season pitches. The independent research concluded that the all season pitch has a less predictable and higher bounce than the shorter pile synthetic, and there is greater variation in pace. By comparison, the shorter pile was assessed to better promote skill development and assist safety.

12. Officers' reports

OCM.095/16 Conversion of Synthetic Cricket Pitches

6. The DVCA covers the local government areas of Nillumbik, Whittlesea and Banyule with competition played across 76 grounds.
7. All grounds in the DVCA competition have had all season cricket pitches up until the 2014-2015 summer season. Whittlesea and Banyule councils have since commenced implementation programs to convert pitches to the sport's preferred shorter pile, and all new grounds in Whittlesea's growth area incorporate the short pile synthetic.
8. Council's current redevelopment of sportsgrounds at Wattle Glen War Memorial Reserve and Plenty War Memorial Park includes the installation of new cricket pitches. In addition, Research-Eltham Collegians Cricket Club secured a Federal Government grant contributing to the proposed 2016-2017 Club-Council funded pitch replacement at Research Park. Clubs at all three grounds are seeking Council support to install the sport's preferred short pile surface in readiness for the 2016-2017 summer cricket season.
9. This report recommends to Council planning principles and guidelines to deliver synthetic cricket pitches to the sport's preferred short pile synthetic surface.

Policy context

10. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy
11. Council's commitment to delivering community sporting infrastructure is highlighted in the Recreation Strategy 2011-2019. The Strategy's strategic directions emphasises:
 - Equity in resource distribution to ensure fairness for all sections of the community
 - Increased access to facilities, and ensuring facilities meet community needs, are financially viable and provide for ongoing asset sustainability and renewal.
12. The provision of additional facilities outside Council's minimum standard as detailed in the Capital Works Funding Policy for Community Based Sports Facilities (2003) are to be fully met by the club. The sport's preferred surface results in a significant increase in club contributions.

Budget implications

13. The conversion of pitches to short pile can be delivered consistent with the user-pays principle, which forms part of Council's adopted Financial Sustainability Plan (2013). Council will need to consider this proposal in light of Council's financial constraints in a rate-capping environment, and implement conversions on an as-needs basis.
14. Club contributions totalling up to \$306,400 (55 per cent of total costs) provide an alternative funding source for infrastructure above Council's core provision, noting Council's core provision increases from \$177,100 to \$245,600.
15. The 71 per cent increase to Council in recurrent costs totalling \$20,400 per annum for pitch maintenance delivers the sport's preferred surface and associated player development and player safety outcomes.

12. Officers' reports

OCM.095/16 Conversion of Synthetic Cricket Pitches

16. Funding cricket pitches is shared between Council and the club/s at a funding ratio of:
- a) Home ground- 50 per cent club:50 per cent Council
 - b) Secondary ground- 20 per cent club: 80 per cent Council
 - c) Ground sharing involving two or more clubs- 10 per cent per club:difference Council

All seasons pitches - current

17. The capital cost to install an all season pitch is \$11,500, consisting of the concrete base at a cost of \$8,000, which has a typical life of 40 years, and synthetic pitch at \$3,500. The life of the synthetic pitch is approximately seven years.
18. Council allocates \$5,000 per annum for the installation or renewal of synthetic cricket pitches. This is matched by the cricket club at the ratio detailed in paragraph 16. Subject to other renewal priorities, Council's annual sportsground renewal budget of \$180,000 contributes to pitch renewal works where there is a funding shortfall.
19. Council's operating budget includes an allocation of \$500 per ground to spread and remove the rubber granules on pitches where winter use is scheduled. This currently totals \$8,500 where 17 of the 23 grounds are allocated for winter use.

Short pile pitches

20. Installing a short pile synthetic pitch will cost up to \$24,000. This includes the replacement of the concrete base, synthetic pitch at a slightly increased cost of \$4,000 and the necessary winter-season cover and associated storage spindle, cage and rack (up to \$12,000) enabling winter season use of the ground.
21. The annual maintenance cost to install and remove the covers is \$1,200 per ground, a difference of \$700 on current costs. The annual maintenance costs will total \$20,400 based on 17 of the 23 cricket grounds accommodating a winter tenant.
22. Only minor additional costs are incurred to convert the synthetic pitches in cricket practice facilities attributed to the short pile synthetic. These can be upgraded at the time of asset renewal.
23. The capital cost comparison between the all seasons pitch and cricket's preferred short pile are presented in paragraph 24.
24. The installation of an all season synthetic pitch is up to \$11,500 compared to up to \$24,000 for a short pile synthetic pitch.

12. Officers' reports

OCM.095/16 Conversion of Synthetic Cricket Pitches

Capital item	All season pitch			Short pile		
	Total cost \$	Funding- current (assuming home ground)		Total cost \$	Funding- proposed (assuming home ground)	
		Council \$	Club \$		Council \$	Club \$
Slab (inc demolition)	8,000	4,000	4,000	8,000	8,000	0
<i>(If slab retained, removal of synthetic only)</i>	1,500	750	750	1,500	750	750
Synthetic pitch cover	3,500	1,750	1,750	4,000	2,000	2,000
<i>Winter-season protection</i>						
Cover	NA	NA	NA	4,000	0	4,000
Spindle Bar	NA	NA	NA	2,000	0	2,000
Storage (inc rack \$2,000)	NA	NA	NA	6,000	0	6,000
Total	11,500	5,750	5,750	24,000	10,000	14,000
	5,000	2,500	2,500	17,500	2,750	14,750

25. It is recommended Council takes full responsibility for the concrete slab, considered core infrastructure to enable cricket to be played. The condition of the concrete slab can only be accurately assessed by removing the synthetic pitch cover, the process of which can damage the concrete surface.
26. As the preferred short pile pitch requires additional infrastructure to ensure the ground is suitable for use by winter season sport, clubs will be responsible for funding these items as per current policy. This will be up to \$12,000 based on storage options.
27. The short pile synthetic pitch also incurs additional renewal costs associated with the replacement of the winter-season cover which has an estimated 10-year life. The life of the cricket pitch synthetic grass averages 7 years irrespective of short or long pile. Again, it is proposed clubs fully meet the renewal costs of the winter-season cover, and share the replacement of the synthetic pitch cover as per current ratios. Cricket clubs have indicated a willingness to contribute to renewal costs through an annual levy applied to their sportsground usage fees and charges.
28. To complete the upgrade of all 23 cricket pitches within the Shire to the short pile synthetic, the total cost will be up to \$552,000 noting six grounds are not currently utilised by winter-season sports whereby the winter season covers and associated costs (\$12,000 per ground) are not incurred. Based on current ratios for home and secondary venues detailed in paragraph 16, the cost to Council will be \$245,600 and clubs \$306,400.

12. Officers' reports

OCM.095/16 Conversion of Synthetic Cricket Pitches

29. Council would need to refer at least \$11,200 per annum to future capital budgets for Council's contribution towards one short pile cricket pitch at secondary ground where Council funds 80 per cent of costs. This is an increase of \$6,200 on the current allocation (noting there is an existing shortfall). If the pitch is a home venue, Council contributions will be up to \$10,000. Further additional Council funds would increase the rate in which the program is implemented, providing clubs contribute matching funding.
30. Conversion of pitches to the preferred short pile surface will be undertaken on an 'as-needs' basis. Whilst there is currently a significant financial shortfall to deliver short pile synthetic cricket pitches across the Shire, grants from CV to assist with implementation are likely (subject to funding guidelines). In addition, clubs could consider taking out a loan to assist with initial capital costs- in such instances clubs are likely to approach Council with a request to provide a loan guarantee.

Consultation/communication

31. Cricket Victoria is advocating councils, cricket associations and clubs move towards short pile surfaces across all synthetic cricket pitch grounds.
32. Council officers progressed consultation with cricket stakeholders on the sport's preferred synthetic surface in April 2016, building on discussions involving CV, DVCA and Banyule and Whittlesea councils in recent years.
33. Representatives from seven Nillumbik-based clubs, CV and the DVCA attended a synthetic cricket pitch forum held by Council on 2 May 2016. The purpose of the forum was to obtain feedback from clubs and the DVCA on their preferred level of cricket pitch provision, and financial options.
34. Club feedback was consistent with CV's position, confirming with officers the short pile synthetic is the preferred surface amongst clubs. Reinforcing the Victoria University findings, forum attendees highlighted the consistency of ball bounce and player safety, especially for juniors, as being the main benefits of the short pile surface. Clubs advocated for consistency in pitch surface across the DVCA competition, and called on CV to assist with funding. The DVCA indicated grounds with the short pile surface would be preferred when scheduling finals matches.
35. Clubs and the DVCA highlighted the importance of retaining members in the DVCA competition, expressing concern that players will move to other associations where the short pile surface is common, potentially lowering the standard of the DVCA competition. Participants agreed that the short pile synthetic pitch is important in the attraction and retention of players, and to strengthen the participation pathways for players being promoted to and returning from the higher standard, state-wide Premier cricket competition.

12. Officers' reports

OCM.095/16 Conversion of Synthetic Cricket Pitches

36. Forum participants acknowledged the costs involved to install and maintain the short pile synthetic pitch - in particular ensuring grounds are suitable for winter season users, the cost to provide storage of the winter season covers when not in use, reduction in the life of a cricket ball due to wear and tear from the shorter pile, and the need to upgrade the synthetic surface in cricket practice nets. Clubs expressed concerns in their ability to fund the costs of the winter season pitch covers totalling \$12,000 per ground which is necessary to protect the higher quality pitch. Grant applications from clubs to Cricket Victoria for financial assistance would be encouraged and supported.

Issues/options

37. Consultation to date has informed the development of proposed principles and criteria to convert synthetic cricket pitches to the short pile surface and therefore provide a higher level of service.
38. The proposed principles of synthetic cricket pitch provision are detailed in Attachment 1.
39. The proposed criteria guiding the implementation program are:
- a) Condition of existing synthetic pitch and concrete base, including compliance to Cricket Australia cricket pitch dimensions.
 - b) Venue is the club's home or secondary ground.
 - c) Sportsground renewal or upgrade works programmed in Council's forward commitments.
 - d) Ability for the club to contribute to works, and likely timing of funds.
 - e) Utilisation levels, including use by juniors and females.
 - f) Sportsground hierarchy.
40. The principles and criteria will inform the development of a prioritised implementation program for the purposes of further consultation with Cricket Victoria, DVCA and cricket clubs prior to Council's consideration.
41. The implementation program will be reviewed annually at the time of preparing the annual bulk allocations program for consideration in the preparation of Council's annual budget. The program review will take into account changes in pitch condition, utilisation levels and club capacity to contribute required matched funding.
42. Cricket Victoria is undertaking an audit of all cricket grounds across Victoria. Officers anticipate the audit results will be available in coming weeks and will be used to assess current pitch condition to guide the development of the implementation program.
43. Subject to the Council decision on the proposed higher service level, officers will recommence discussions with tenants of Plenty War Memorial Park, Wattle Glen War Memorial Reserve and Research Park to progress the pitch conversions at these grounds and required club contributions in anticipation of installation prior to the commencement of the 2016-2017 summer season.

12. Officers' reports

OCM.095/16 Conversion of Synthetic Cricket Pitches

Conclusion

44. Cricket supports the introduction of short pile synthetic cricket pitches across the Shire of Nillumbik, reflecting Cricket Victoria's edict preferencing the surface over the all season pitch.
45. The short pile synthetic cricket pitch is a higher level of service, and the majority of additional costs, capital and renewal, is to be met by cricket clubs.
46. The guiding principles and criteria will inform the development of an implementation program, reviewed annually at the time of Council's preparation of the annual budget.
47. Implementation will be influenced by Council's financial capability to contribute to core infrastructure identified as the slab and up to 80 per cent of the synthetic pitch.

12. Officers' reports

OCM.096/16 Rehabilitation of the Diamond Street Bridge, Diamond Street, Eltham

Distribution: Public

Manager: Lisa Pittle, Acting General Manager Infrastructure Services

Author: Mathew Deayton, Manager Infrastructure Development

Summary

An audit of all Council bridges and culverts in 2015 identified that the Diamond Street Bridge, Eltham was in poor condition and needed to be repaired urgently or else it would need to be closed.

A temporary repair was undertaken late last year, however this needed to be followed up with a permanent repair within the next 18 months.

Wood Research and Development (WRD) was engaged to undertake a detailed assessment of the existing bridge and also prepare concept plans for upgrade works. These plans include two options:-

- Option 1 – Rehabilitate existing bridge
- Option 2 – Rehabilitate existing bridge and widen to two lanes.

Council has received numerous complaints over the years regarding traffic congestion near Catholic Ladies College (CLC) during the morning drop off and afternoon pick up times. A major cause of this is the restriction of the one lane bridge and the queuing that results from people waiting to cross. If the bridge was widened to two lanes this would greatly enhance traffic flow during these times.

Recommendation

That Council endorses Option 2, to rehabilitate the existing bridge in Diamond Street, Eltham and widen it to two lanes.

Attachments

1. Diamond Street Bridge Design Option 1 and 2

Background

1. At Council's OCM on 25 August 2015 a report was presented outlining additional funding under the Roads to Recovery Funding Program. As part of that report it was highlighted that a recent audit identified that a number of piers on the Diamond Street Bridge, Eltham were severely deteriorated and were at a point where they needed to be replaced urgently.
2. To undertake these works would be a major job which may include lengthy closure of the bridge to remove the piers and replace them. A temporary repair was undertaken which didn't require closure of the bridge however this needs to be followed up with a permanent repair within the next 18 months.

12. Officers' reports

OCM.096/16 Rehabilitation of the Diamond Street Bridge, Diamond Street, Eltham

3. Since that report, further investigation has been undertaken into various options which include removal of the bridge and replacing it with a new steel and concrete structure, repair of the existing bridge or undertake major rehabilitation of the existing bridge to extend its life.
4. Wood Research and Development (WRD) was engaged to undertake a detailed assessment of the existing bridge and also to prepare concept plans for upgrade works. This company has had extensive experience throughout Australia, Canada and the USA in restoring timber bridges in conjunction with Timber Restoration Systems Pty Ltd (TRS), to extend their life by up to 75 years. Their techniques result in minimal closure of the bridge during the works and significant cost savings over total replacement of the bridge with a steel and concrete structure.
5. The report confirmed the earlier report that major works were required fairly soon or the bridge would need to be closed. They also indicated that to repair the existing bridge and extend its life would be possibly in the order of 70 per cent cheaper than replacing it with a new steel and concrete structure.
6. WRD in conjunction with their sister company TRS undertook design of the works to rehabilitate the bridge.

Policy context

7. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will responsibly manage our existing assets to maximise the life of the Shire's important community and civic infrastructure.

Budget implications

8. As reported to the OCM on 25 August, the Federal Government announced additional funding as part of the Roads to Recovery Program. In Council's 2016-2017 Capital Works Budget, \$1,000,000 has been allocated to Bridge Rehabilitation of which \$950,000 is coming from the Roads to Recovery program.
9. At this stage the estimates for Option 1 is \$448,713 while Option 2 is \$815,498.
10. Both options can be accommodated within the allocated budget.

Consultation/communication

11. Council has received numerous complaints over the years regarding traffic congestion near CLC during the morning drop off and afternoon pick up times.
12. Early notification of the proposed upgrade and standard will be provided to residents in the surrounding streets following this decision by Council.
13. Prior to these works commencing surrounding properties will be letter dropped, Variable Message Sign (VMS) boards will be displayed at least 2 weeks prior to the works commencing and details will be displayed on Council's website and Facebook page.

12. Officers' reports

OCM.096/16 Rehabilitation of the Diamond Street Bridge, Diamond Street, Eltham

Issues/options

14. The Diamond Street Bridge is currently a one lane bridge which at times causes significant delays during peak school times. WRD indicated that they could extend the bridge to two lanes using the existing substructure with some upgrade works. They were instructed to prepare two options (Attachment 1):
- Option 1 – Rehabilitate the existing bridge
 - Option 2 – Rehabilitate the existing bridge and widen to two lanes.
15. Either option will only result in a minor closure of the bridge, approximately two weeks, all other works can occur while the bridge is in use. It is anticipated that the works could be carried out during December 2016 to January 2017.

Option 1 Rehabilitate the existing bridge

16. This option maintains the existing footprint and the single lane structure. A major cause of concern with the existing bridge is the restriction of the one lane bridge and the queuing that results with people waiting to cross.
17. If the bridge is rehabilitated only to the current width this could create a demand on a future Council to upgrade to the standards and expectations of the day. This would be possible but at a considerably greater cost than if incorporated into the currently planned works.

Option 2 Rehabilitate the existing bridge and widen to two lanes

18. This option retains the existing bridge structure, utilises the current walkway to achieve two lanes and adds a new cantilevered walkway.
19. Widening the bridge to two lanes would greatly improve traffic flow during peak times. It would also bring the bridge to the same capacity and standard as the adjoining road network and other entry points to this area of Eltham.
20. Council traffic engineers have analysed recent traffic data for Diamond Street, Silver Street and Ryans Road over the last 10 years and there has been very little growth in traffic on these roads. If the bridge was widened to two lanes there is no reason why this would encourage more people to move through the area it would only resolve traffic issues that currently exist around the bridge itself which affect local residents.
21. The audit of the bridge in 2015 leaves no option for Council other than to carry out rehabilitation work to strengthen the bridge and extend its life. The availability of Roads to Recovery funding to cover the greater portion of the cost of rehabilitation eases the burden on Council. The requirement to rehabilitate the bridge also provides an opportunity to upgrade it. The work that is to be carried out will extend the life of the bridge and it would be unlikely that further work would be required for many years, typically 30–50 years.
22. The next step is for the consultant to develop a tender specification. It is intended that the works would be publicly tendered in August with a possible Council acceptance of a tender in November with works anticipated to commence in December 2016.

12. Officers' reports

OCM.096/16 Rehabilitation of the Diamond Street Bridge, Diamond Street, Eltham

Conclusion

23. The Diamond Street Bridge requires urgent upgrade works to remain open. The current structure can either be upgraded and remain a single lane bridge or it can be extended to two lanes with additional works. Both options would result in the bridge appearance not changing dramatically from its existing.
24. To achieve better traffic flow and improve local amenity it is recommended that Option 2 is approved for construction.

12. Officers' reports**OCM.097/16 Civic Drive Precinct Development - authorisation to sign and seal transfer of land documentation**

Distribution: Public**Manager: Lisa Pittle, Acting General Manager Infrastructure Services****Author: Jon Miller, Manager Assets and Property****Summary**

Council is currently constructing a 26 lot residential subdivision and development to the western part of the Council owned land located at 14-32 Civic Drive, Greensborough.

Construction works commenced in January 2016 and are expected to be completed in August 2016. Sale of the 26 residential lots that comprise the subdivision is programmed to commence shortly after.

Whilst Council has previously endorsed the sale of the land that comprises the 26 lot subdivision, this report seeks Council's endorsement to authorise the signing and sealing of documents that will allow for the transfer of ownership from Council to the new owners, once individual lots have been sold.

Recommendation

That Council authorises transfer of land documents relating to the sale of the 26 parcels of land within the Civic Drive Precinct residential subdivision to be sealed.

Attachments

Nil

Background

1. At the Ordinary Meeting of Council held on 20 December 2011, Council adopted (with some modifications) the draft Concept Development Plan (the Plan) for the land located at 14-32 Civic Drive, Greensborough. The Plan depicts a residential subdivision to the western part of the site and an upgrade of existing community facilities to the eastern part of the site.
2. At the 20 December 2011 meeting, Council also resolved to complete the relevant public consultation process required in order to consider the sale of the land associated with the planned residential subdivision. Having completed that process, and considered public submissions at its 15 May 2012 Policy and Service Meeting, Council formally resolved to sell the land at the subsequent Ordinary Meeting of Council, held on 29 May 2012.
3. Since 29 May 2012, Council has completed the process of obtaining a Planning Permit for the residential subdivision, completed subdivision civil and services design and completed a Master Plan for the upgrade of the existing community facilities.
4. Civil and services works commenced on the residential subdivision in January 2016 and are programmed to be completed in August 2016.

12. Officers' reports

OCM.097/16 Civic Drive Precinct Development - authorisation to sign and seal transfer of land documentation

5. It is intended that a sales and marketing program will commence shortly after subdivisional works have been completed.
6. Barry Plant Real Estate has been appointed to act on behalf of Council in the matter of marketing and sale of the 26 lots.
7. Upon settlement on the sale of the individual lots, ownership of the land will need to be transferred from Council to the purchasers. In order to complete this administrative process, a 'section 45' form from the *Sale of Land Act 1962*, must be signed and sealed by Council and the purchaser.

Policy context

8. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will undertake long-term financial planning to ensure our budget decisions are responsible and sustainable.

Budget implications

9. At the Ordinary Meeting of Council held on 29 May 2012, it was resolved that funds raised from the sale of the land would be allocated to the Major Projects Reserve.

Consultation/communication

10. Sale of the land was subject to a public consultation process through October 2011, as required under section 189 of the *Local Government Act 1989*.
11. Public Submissions on the matter were considered by Council at its 15 May 2012 Policy and Services Meeting.

Conclusion

12. It is anticipated that civil and services works associated with the residential subdivision on the Council owned land located at 14-32 Civic Drive, Greensborough will be completed in August 2016.
13. Sale of the 26 lots is programmed to commence shortly after completion of the subdivisional works.
14. Council has previously endorsed the sale of the land, and is now required to complete the administrative process that will allow for the transfer of ownership documentation for the 26 lots to be signed and sealed.

12. Officers' reports

OCM.098/16 Trade Services Tender

File: 1516-74

Distribution: Public

Manager: Lisa Pittle, Acting General Manager Infrastructure Services

Author: Lisa Pittle, Acting General Manager Infrastructure Services

Summary

Council conducts various capital works, reactive and proactive maintenance, essential services testing, scheduled servicing, installation and emergency out of hours works that are required to maintain and improve its building assets.

To complete these works, Council staff engage contractors from a panel of trade service providers including carpentry, electrical, plumbing, painting, mechanical and glazing services. The contract that appointed the current panel expired in February 2016, and was extended to 30 June 2016 whilst a tender process was conducted to appoint a new panel of contractors.

A separate confidential report outlines the categories of trade services sought, the tender process, and seeks Council's endorsement to appoint a panel of contractors that can be engaged as work needs arise on Council's building assets, for a period of three years, with a further two years at Council's discretion.

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/s.

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.099/16 Cleaning of public toilets and barbeques

File: 1516-47

Distribution: Public

Manager: Lisa Pittle, Acting General Manager Infrastructure Services

Author: Jon Miller, Manager Assets and Property

Summary

Council either owns or has cleaning responsibility for 30 public toilets and 32 public barbeques that are located in reserves or activity centres throughout the Shire.

Residents and the public in general expect a high standard of maintenance and cleanliness to be maintained in both categories of these public services.

A tender has now been developed and advertised for cleaning public toilets and barbeques. The proposed contract is for an initial term of three years, with an option to extend for one further term of two years, exercisable entirely at Council's discretion.

The Tender Evaluation Panel has assessed all submissions received in response to Council's publicly advertised Request for Tender and recommends the awarding of a contract for the initial three year contract term.

A separate confidential report outlines the cleaning services sought, the tender and evaluation process, and seeks Council's endorsement to appoint a contractor to be engaged for cleaning of Council's public toilets and barbeques

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

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.100/16 Provision of underground stormwater drainage cleaning and condition audits

File: 1516-42

Distribution: Public

Manager: Lisa Pittle, Acting General Manager Infrastructure Services

**Author: Kalpesh Jajpura , Road and Drain Maintenance Coordinator
Nadine Sinclair, Coordinator Asset**

Summary

Council is responsible for maintenance and renewal of a network of underground drainage pipes and pits to manage stormwater flows. Council conducts various reactive and proactive maintenance programs, condition audits (including CCTV works) and emergency out of hours works that are required to maintain and improve Council stormwater pits and drain pipes within road reserves, on Council property and in drainage easements on private property.

To complete these works, Council staff engage contractors from a panel of service providers. The contract that appointed the current panel expired in November 2015 and subsequently extended while a tender process was conducted to appoint a new panel of contractors.

A separate confidential report outlines the pit and drain cleaning services sought, the tender process, and seeks Council’s endorsement to appoint a number of tenderers to a panel of contractors that can be engaged for cleaning of Council stormwater pits and drains as well as reporting on the condition of pits and drains under this contract, for a period of three years, with a possible extension of a further two years.

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/s.

Recommendation

That Council:

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

Attachments

Nil

12. Officers' reports

OCM.101/16 Risk and Insurance Report

File: 25/50/018

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Craig Commene, Risk Advisor
Vince Lombardi, Manager Finance

Summary

This report provides a summary of Council's Risk and Insurance Report for the quarter ending March 2016.

The report is presented in accordance with the Local Government Performance Reporting Framework 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 Committee.

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

Recommendation

That Council:

- 1. Notes this summary of the Risk and Insurance Report for the quarter ending March 2016.**
- 2. Confirms that the confidential Risk and Insurance Report for the March quarter 2016 is to remain confidential in accordance with sections 77 and 89(2)(h) of the *Local Government Act 1989*.**

Attachments

Nil

Background

- Council's commitment to risk management is outlined in the Risk Management Policy adopted by Council on 16 December 2014, with the following objectives:
 - Promote and support a consistent corporate approach to risk management.
 - Ensure that all risks that could affect the achievement of our Council's goals, strategies and actions are identified, assessed and treated to a commercially and politically acceptable level of risk.

12. Officers' reports

OCM.101/16 Risk and Insurance Report

- To manage risks to an acceptance level in the low/medium risk range as far as practicable.
 - Integrate risk management into decision making process and embed risk into the organisation culture to help make informed choices to ensure resources and operational capabilities are identified and deployed responsibly and effectively for the benefit of Council and our stakeholders.
 - To ensure that risk management is seen as the responsibility of all staff, that is, 'Risk Management is everyone's business'.
 - Provide a basis for higher standards of accountability.
2. In addition to the risk management policy, Council's Risk Management Framework communicates and describes the risk management structure and procedures that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
 3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24/7 in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
 4. Prior to the introduction of the Local Government Performance Reporting Framework, risk reporting was referred to Councils' Internal Audit Committee and the information included for consideration by Council through the adoption of the Audit Committee's minutes.
 5. Commencing 1 July 2014, the State Government introduced the Local Government Performance Reporting Framework. This framework requires the presentation of risk reporting processes to Council at least every six months on strategic risks to Council operations.
 6. The Risk and Insurance report is a result of consolidation of these management reports, which broadly reports on:
 - Risk Management
 - Insurance premiums
 - Claims and Incident Management
 - Safety Health and Wellbeing
 - Statistical reports relating to strategic risks and accident and injury data.

Policy context

7. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will meet our legal responsibilities and manage our risks.

Budget implications

8. The costs for managing and reporting are covered by the operating budget for the Corporate Services Department.

12. Officers' reports

OCM.101/16 Risk and Insurance Report

Consultation/communication

9. The Risk and Insurance Report was considered by the General Management Team on 5 May 2016 and the Audit Committee on 16 May 2016.

Issues/options

10. The Risk and Insurance report has been prepared in accordance with Council's risk management framework and is consistent with industry standards, using the Australian Standard AS/NZS 31000:2009 Risk Management.

11. Highlights from the report are:

- Council Risk status reporting – 80 per cent of all risk control actions have been completed and 20 per cent are on target to be completed in accordance with their time lines.
- The annual insurance renewal process has commenced. A S186 tender recently closed for 2016-2017 motor vehicle and property insurance. Council's broker is seeking competitive quotations for the remaining classes of insurance including public liability and professional indemnity and a new policy for cyber insurance. Information from these processes is due in June 2016. Premium costs are managed within existing budgets and at this time there are no cost implications for Council to consider.
- A tender was advertised for the provision of insurance brokerage services commencing for the 2016-2017 insurance year. Three submissions were received and the successful tenderer was Jardine Lloyd Thompson Pty Ltd.
- Council's safety system (SafetyMAP) was audited in February 2016 and no major non-conformances were identified.
- The following table summarises recorded incidents by type for matters involving Council.

Incidents by type	Apr - Jun 2015	Jul - Sep 2015	Oct - Dec 2015	Jan - Mar 2016	Total year to Mar 2016	Total year to Mar 2015	Year to year trend
Property	5	3	13	7	28	31	▼
Motor vehicle	21	35	35	33	124	112	▲
Professional Indemnity	0	1	0	1	2	3	▼
Public Liability	17	25	27	29	98	89	▲
Occupational Health and Safety	21	21	25	17	74	45	▲
Total all incidents	64	85	100	87	326	280	▲

12. Officers' reports

OCM.101/16 Risk and Insurance Report

- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds.
 - One incident occurred at the Hurstbridge Wetlands, where a large number of plants were uprooted and wooden stakes and plastic protectors removed. No injuries occurred and the vandalism was reported to the police. The incident and associated issues was managed by Council's Environmental Works Team.
- Motor vehicle incidents include accidental damage involving Council's light and heavy fleet, including incidents caused by third parties.
 - One major incident occurred with a Council grader struck by lightning. No injuries occurred and a claim was lodged with Council's insurer.
- Public liability relates to incidents reported to Council where the third party is seeking compensation. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, tree related and trip and fall incidents.
- Occupational Health and Safety data includes proactive hazard reporting.
- Annual trend data for year ending March 2016 highlights a 15 per cent increase in reported incidents over the same period for 2015. This increase is attributed to a re-launch of Council's OHS incident reporting system in mid-2016.
- Incident costs including under excess claim costs and insurance excesses are managed within existing budgets.

Conclusion

12. This summary, along with the Confidential Risk and Insurance Report, have been provided to meet the requirements of the Local Government Performance Reporting Framework and consolidation of management reporting.
13. Ongoing reporting to Council will be presented quarterly following each meeting of the Audit Committee.

12. Officers' reports

OCM.102/16 Environment and Planning Monthly Activity Report

File: 45/25/007

Distribution: Public

Manager: Ransce Salan, General Manager Environment and Planning

Author: Chad Griffiths, Manager Strategic and Economic Planning
Jeremy Livingston, Manager Planning and Health Services
Phil Lovelace, Manager Regulatory Services
Pat Vaughan, Sustainability and Environment Executive Officer

Summary

This report provides a status update on planning, regulatory and policy activities in Council's Environment and Planning Department for the month of May 2016.

Recommendation

That Council receives the Environment and Planning Department Activity Report for May 2016 and notes the following items:

1. **Sixty-eight per cent of planning applications were determined within 60 statutory days.**
2. **One VCAT decision was handed down during May, relating to 29 Raglan Road, Research.**

Attachments

1. Information on statutory planning matters and subdivisions
2. Information on approved Building Dispensations
3. Information on Planning Scheme Amendments

Background

1. Council's Environment and Planning Department consists of the Planning and Health Services Unit; Regulatory Services Unit; Strategic and Economic Planning Unit; and Sustainability and Environment Team. The following report consolidates and documents the key activities for each of these service units for the month of May 2016. A summary of the key activities within each of these service units follows.

Policy context

2. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will promote appropriate development in the right locations to increase the diversity of housing options for Nillumbik residents.

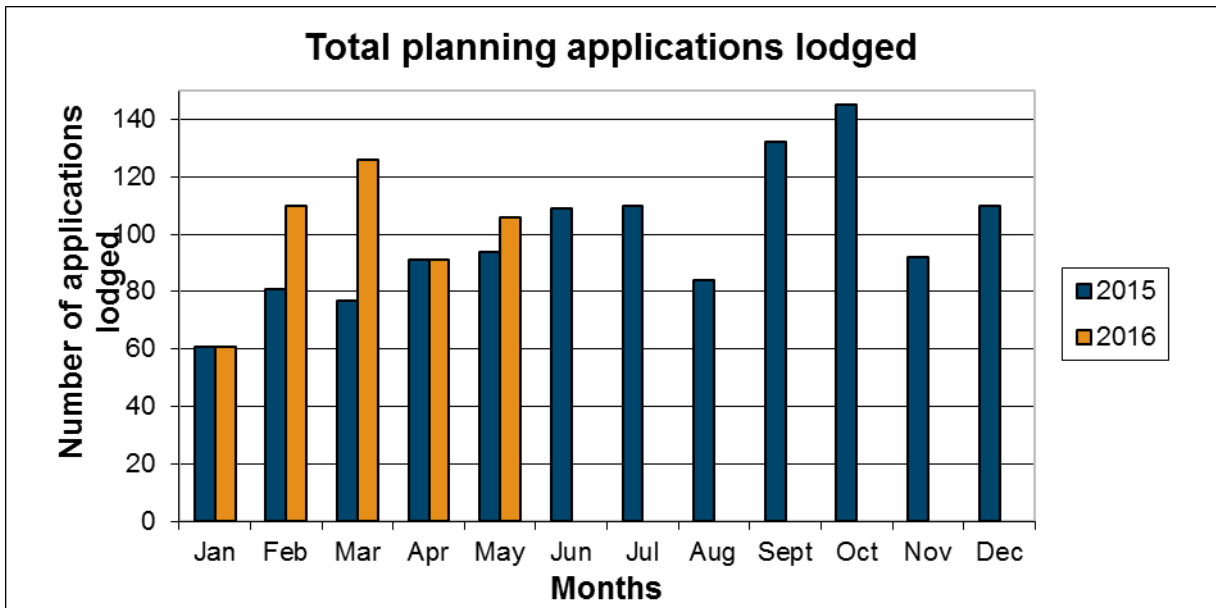
12. Officers' reports

OCM.102/16 Environment and Planning Monthly Activity Report

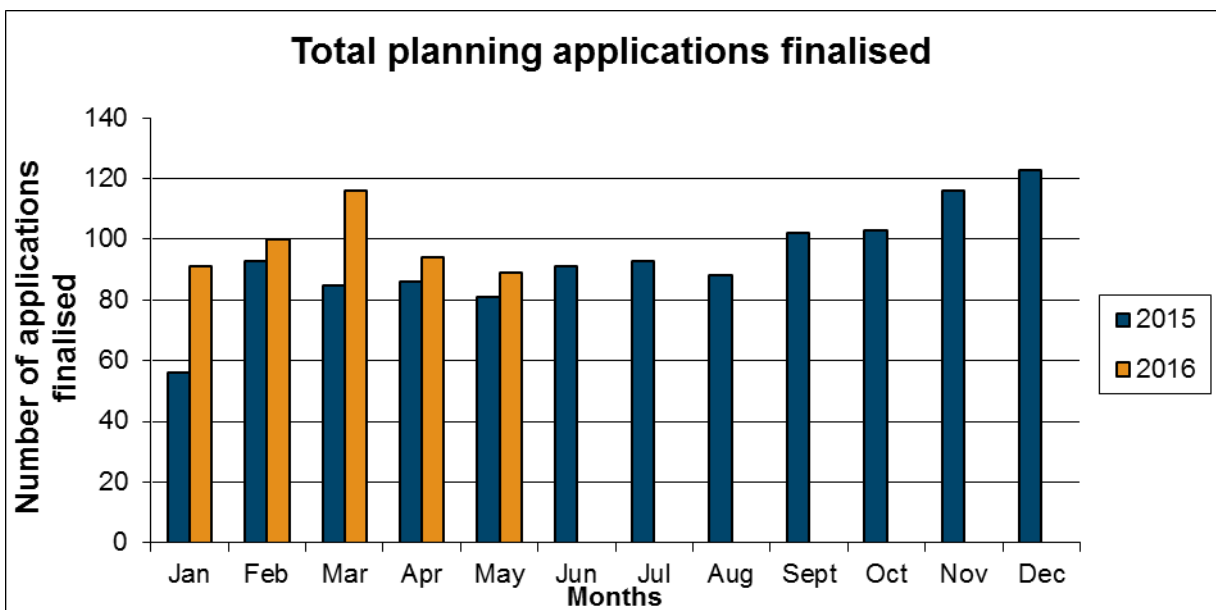
Planning and Health Services Unit

Planning applications lodged and finalised

- Applications lodged include new planning applications; requests for amendments; plans required by permit conditions and miscellaneous consents (under Section 173 Agreements). A total of 106 new applications were lodged in May 2016.



- The applications finalised total includes those applications that have been both withdrawn and those for which no permit were required. A total of 89 applications were finalised in May.



12. Officers' reports

OCM.102/16 Environment and Planning Monthly Activity Report

5. A breakdown of the determined planning applications is as follows:

Application type:	Percentage determined
Residential development (new dwellings or additions)	38%
Multi-dwelling development	21%
Subdivision	14%
Miscellaneous consent under Section 173 Agreement	14%
Non-residential building and works	6%
VicSmart	4%
Use	1%

6. Council has received 92 year to date more planning application than for the same period in 2015:

Year	31 May 2015	31 May 2016
Year to date	403	495

7. At the end of May, 354 planning applications remain outstanding, 71 more than for the same period last year:

Year	31 May 2015	31 May 2016
Outstanding applications	283	354

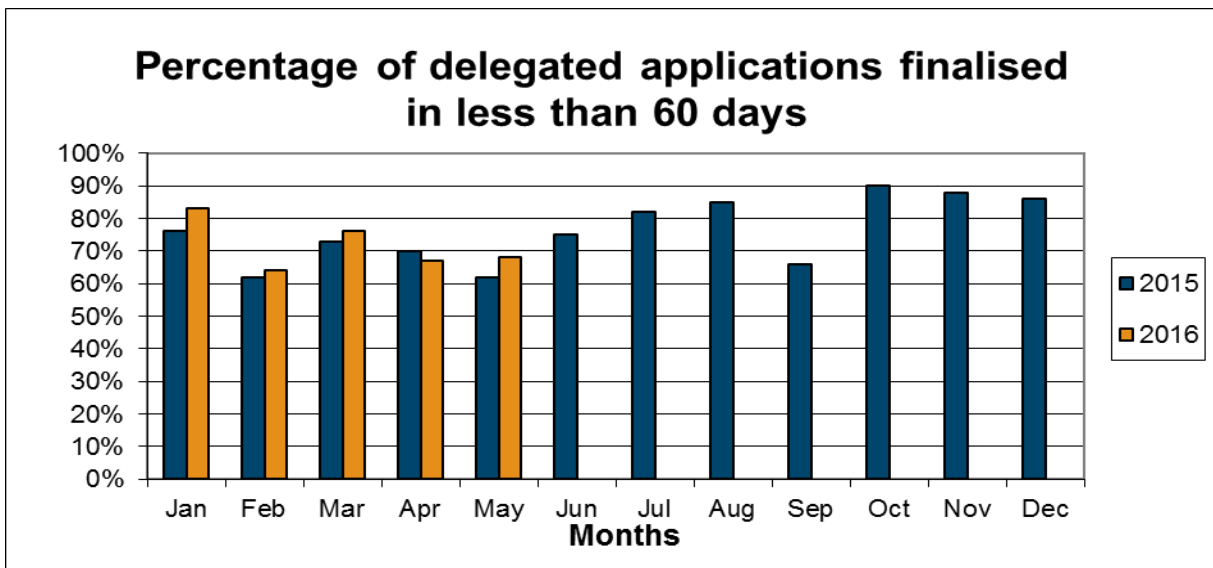
Planning applications decision timelines

8. In May, 68 per cent of planning applications were decided within 60 statutory days. As has been evident in recent months, decision timeframes have increased as a result of a larger workload, (92 more planning applications received compared to the same time last year). The Statutory Planning Team is implementing a number of initiatives, a combination of additional resourcing and streamlining systems, in an attempt to process and reduce this unexpected additional workload.

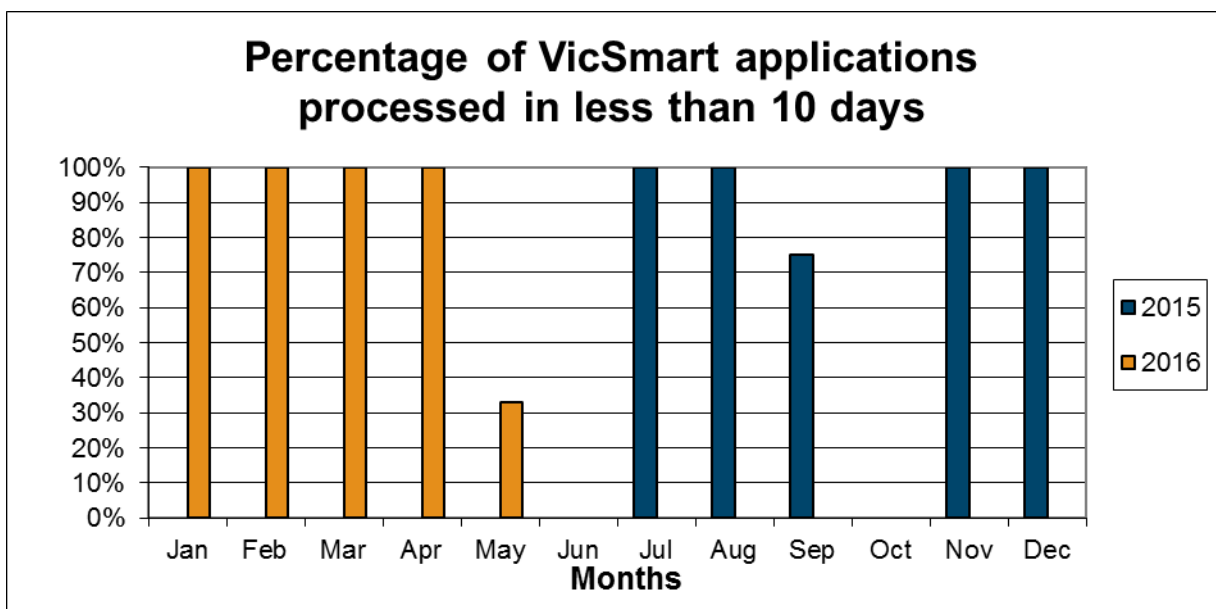
9. The following graph outlines the statutory timelines for all planning decisions, with the exception of 'VicSmart' planning applications.

12. Officers' reports

OCM.102/16 Environment and Planning Monthly Activity Report



10. VicSmart planning decision process specifies 10 business days as the statutory time frame when applications meet criteria set by the State Government. Three applications were submitted during May: one application was refused within ten days; one application was determined that no permit was required after more information was provided by the resident at 14 days; the final application was determined in ten days, however the resident sought clarification around suitable fence options before the permit was issued at 13 days. In total, 33 per cent VicSmart planning applications were decided in May.



Victorian Civil and Administrative Tribunal (VCAT) decisions

11. A total of nine planning matters are currently before VCAT. One VCAT decision was handed down May 2016.

12. Officers' reports

OCM.102/16 Environment and Planning Monthly Activity Report

29 Raglan Road, Research – Construction of a second dwelling (Council refusal, VCAT approval – consent orders)

12. The application sought the construction of a second (additional) dwelling on the land, which is zoned General Residential. The application did not attract any objections; however Council refused the application on grounds relating to insufficient setbacks, unreasonable visual bulk, insufficient space for meaningful landscaping, inadequate car parking facilities, unreasonable impacts on neighbouring property trees, and poor solar access to private open space for the proposed dwelling.
13. Given that there were no written objections to the application, and the permit applicant had circulated amend plans in an attempt to respond to the issues set out in the refusal notice, Council was able to enter into and sign a consent order ('on the papers'). These amended plans showed satisfactory changes including a reduced built form (by increasing the cut of the garage and reducing subfloor areas), increased setbacks of the development, allowing the retention of another tree on site, amended car parking facilities, reducing the driveway area to incorporate more landscaping, and a revised landscape plan. Since the VCAT proceeding, the adjoining neighbour had chosen to remove the potentially affected trees (non-native) on the adjoining property (authorised under the planning scheme), and therefore this was no longer an issue. Accordingly, VCAT ordered the issue of a planning permit based on the submitted consent orders.

Food and Health premises inspections

14. A total of 56 inspections of registered Food and Health Premises were conducted during May. These included 48 mandatory Food Act inspections, which included 18 Follow Up inspections to re-assess issues identified in previous visits. The remaining six were Public Health and Wellbeing Act inspections and two new premise inspections.
15. Thirty nine planning referrals were received by the Environmental Health team during May; four are outstanding for comment as they are waiting for additional information or were received with less than ten working days to respond in accordance with internal protocols.

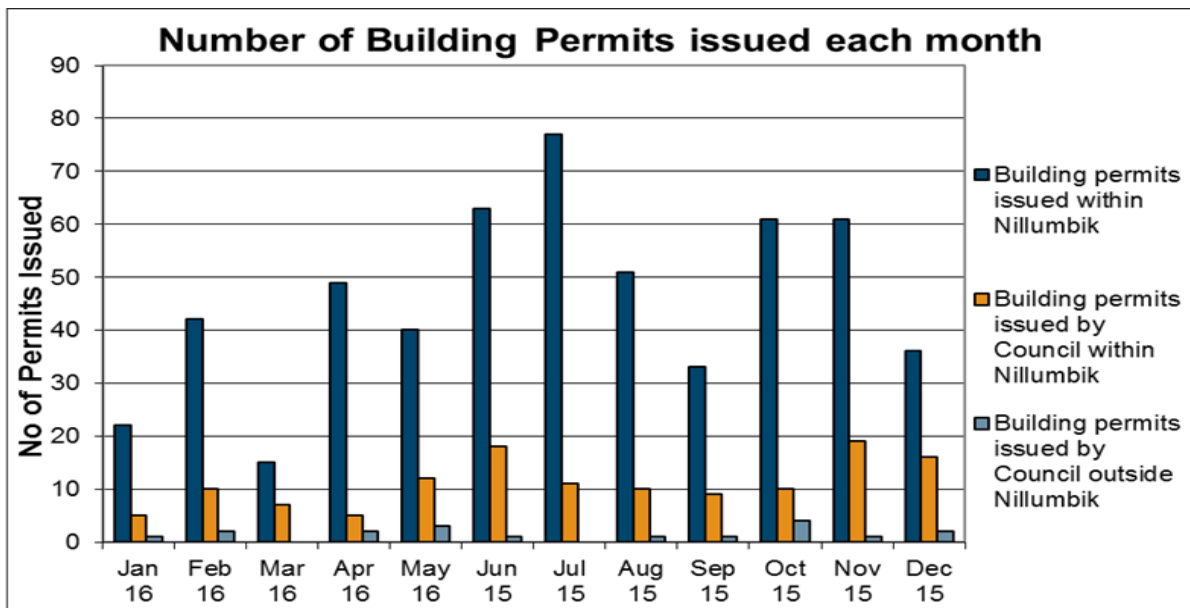
Regulatory Services Unit

Building permits issued

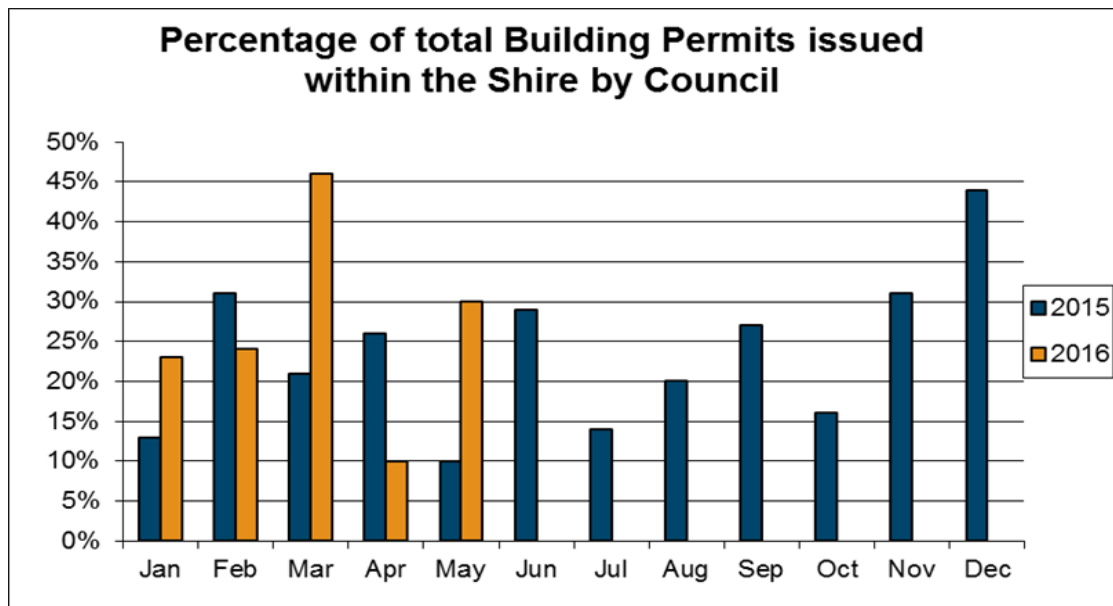
16. The following graph shows the total number of building approvals issued within the Shire of Nillumbik and the number issued by Council's Building Team. The third component of the graph shows the number of building approvals Council's Building Team has issued outside the Shire of Nillumbik.

12. Officers' reports

OCM.102/16 Environment and Planning Monthly Activity Report



17. The following graph illustrates the percentage of building permits issued within the municipality. Permits issued by Council’s Building Team during May were 30 per cent of the overall total.

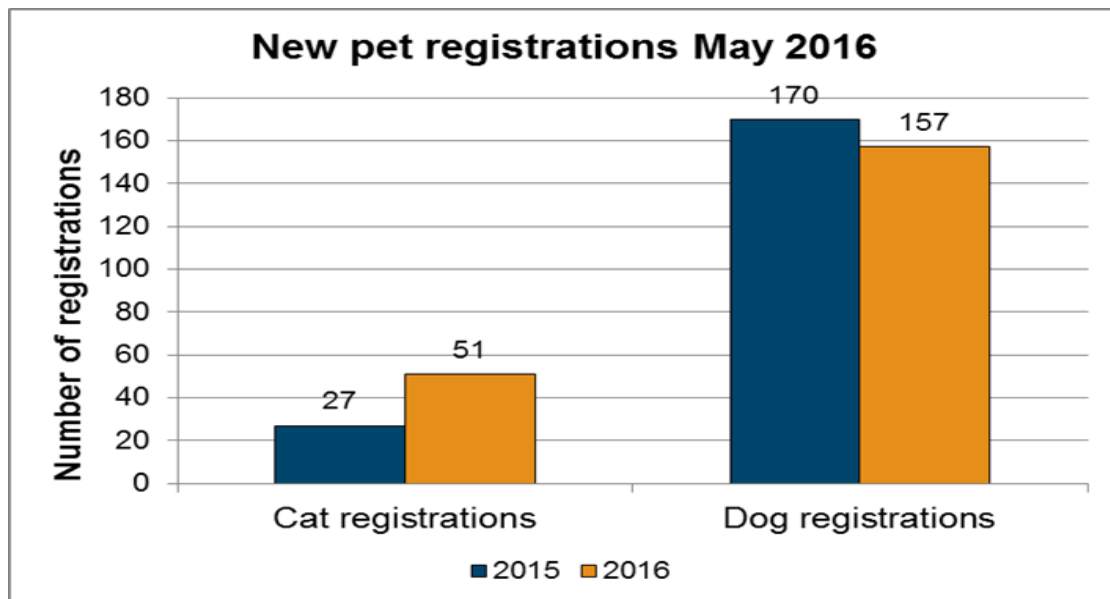


Animal management

18. The following graph illustrates the number of new dogs and cats registered during May.

12. Officers' reports

OCM.102/16 Environment and Planning Monthly Activity Report

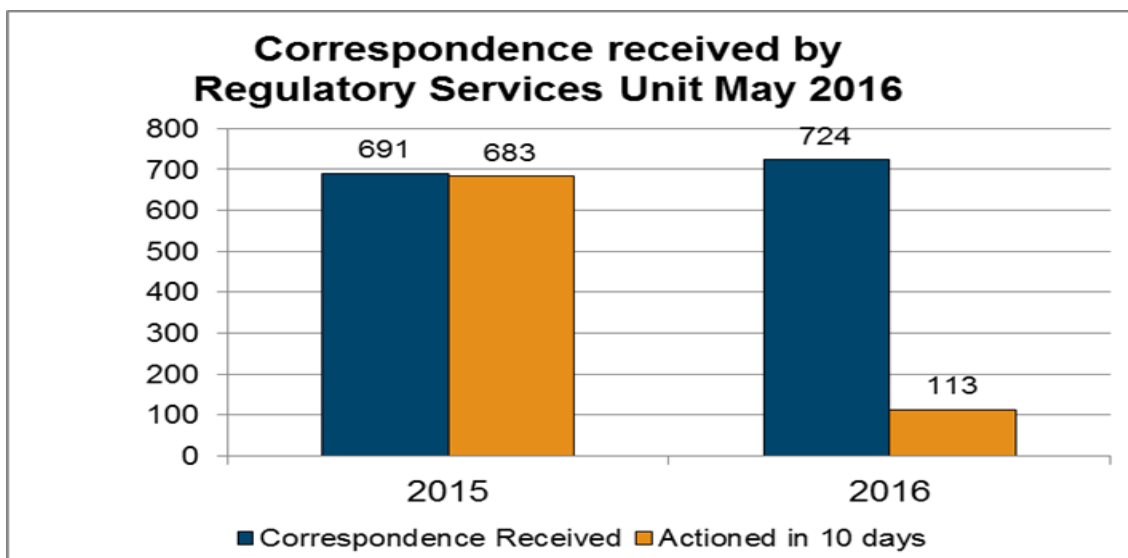


19. The following table illustrates the number of dogs impounded during May.

	2015	2016
Impounded dogs	19	25
Released dogs to owners	17	22
Rehoused dogs	1	3
Other	1	0

Correspondence

20. The following graph illustrates the number of correspondence received by the Regulatory Services Unit for May. This includes building and local law permit applications, submissions and infringement notice appeals.



12. Officers' reports

OCM.102/16 Environment and Planning Monthly Activity Report

Strategic Planning Unit

21. Amendment C81 'Landscape character provisions for the Green Wedge' was submitted to the Minister for Planning for approval on 30 May 2016.

Sustainability and Environment Team

22. The grant funding for the successful Nillumbik Conservation Corridors Program is almost expended, but the program will be maintained at a lower level by an officer working one day per week rather than the current three.
23. A meeting was held with DELWP about their funding of a peri-urban weed management program that would provide \$4 million over four years to the 16 municipal areas involved.
24. Officers contributed to a Climate Change Adaptation for Local Government Workshop.

Conclusion

25. It is recommended that Council receives and notes the Environment and Planning Department Activity Report for May 2015.

12. Officers' reports

OCM.103/16 Assemblies of Councillors

File: 10/30/002
Distribution: Public
Manager: Andrew Port, General Manager Corporate Services
Author: Naomi Ellis, Corporate Planner

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 24 May 2016.

Recommendation

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following assemblies of Councillors:

1	Date of assembly	19 May 2016	
	Matters considered	CEO Employment Matters Committee	
	Councillors present	Cr Bronnie Hattam Cr Helen Coleman	Cr Ken King Cr Peter Perkins
	Staff present	Des Bethke (consultant)	
	Conflict of interest	None declared	
2	Date of assembly	20 May 2016	
	Matters considered	Memorials Advisory Committee	
	Councillors present	Cr Meralyn Klein	
	Staff present	Adrian Cully	Michelle Zemancheff
	Conflict of interest	None declared	
3	Date of assembly	24 May 2016	
	Matters considered	Pre-meeting for Ordinary Council Meeting and Special Council Meeting	
	Councillors present	Cr Bronnie Hattam Cr Michael Young Cr Meralyn Klein Cr Ken King	Cr Peter Perkins Cr Helen Coleman Cr Anika Van Hulsen
	Staff present	Stuart Burdack Andrew Port	Naomi Paton Nadine Wooldridge

12. Officers' reports

OCM.103/16 Assemblies of Councillors

		Conal Creedon Ransce Salan Pauline Gordon Allison Watt Wayne Trull Chad Griffiths	Lisa Pittle Michelle De Pasquale Joanne Massoud Mathew Deayton Hannah Burns Jon Miller
	Conflict of interest	Cr Peter Perkins declared a direct interest in agenda items OCM.086/16 and OCM.090/16 'Tender report 1516-69 Reynolds Road-Orme Street Road Sealing Works' as he lives on one of the affected roads.	

4	Date of assembly	30 May 2016	
	Matters considered	Eltham Activity Centre Forum	
	Councillors present	Cr Michael Young	
	Staff present	Paul Fyffe	Chad Griffiths
	Conflict of interest	None declared	

5	Date of assembly	31 May 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Planning briefing • Eltham Precincts 3 and 4 Plan • Proposed heritage amendment • NDIS provider update • Resilient Melbourne Strategy 	
	Councillors present	Cr Bronnie Hattam Cr Michael Young Cr Anika Van Hulsen	Cr Ken King Cr Meralyn Klein
	Staff present	Stuart Burdack Andrew Port Conal Creedon Ransce Salan Pauline Gordon Jeremy Livingston Renaeh Ahern	Chad Griffiths Ben Pollard Paul Fyffe Gabrielle Castellan Fiona Stevens Rachel Deans Adrian Cully
	Conflict of interest	None declared	

6	Date of assembly	7 June 2016	
	Matters considered	Pre-meeting for Policy and Services Committee and Planning Committee	
	Councillors present	Cr Anika Van Hulsen	Cr Meralyn Klein

12. Officers' reports

OCM.103/16 Assemblies of Councillors

		Cr Bronnie Hattam Cr Ken King	Cr Michael Young Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Conal Creedon Ransce Salan Pauline Gordon Chad Griffiths	Jeremy Livingston Robert Malignaggi Naomi Paton Lisa Pittle Mathew Deayton
	Conflict of interest	None declared	

7	Date of assembly	8 June 2016	
	Matters considered	Green Wedge Management Plan Implementation Advisory Committee	
	Councillors present	Cr Ken King Cr Bronnie Hattam	Cr Anika Van Hulsen
	Staff present	Jackie Donkin	
	Conflict of interest	None declared	

8	Date of assembly	14 June 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Yarrambat Park Golf Course Strategic Review • Synthetic cricket pitches conversion • Planning Fees Regulatory Impact Statement • Nillumbik Thematic Environmental History • Economic Development Strategy update • Finance policies • Pre-meeting for Special Council Meeting 	
	Councillors present	Cr Bronnie Hattam Cr Ken King Cr Anika Van Hulsen	Cr Meralyn Klein Cr Helen Coleman Cr Michael Young
	Staff present	Stuart Burdack Andrew Port Pauline Gordon Ransce Salan Lisa Pittle Jeremy Livingston	Naomi Paton Jackie Donkin Darko Popovski Robert Malignaggi Melika Sukunda
	Conflict of interest	None declared	

Attachments

Nil

12. Officers' reports

OCM.103/16 Assemblies of Councillors

Background

1. Amendments to the *Local Government Act 1989* (the Act) in October 2010 require records of assemblies of Councillors to be reported to an Ordinary Meeting of Council and recorded in the minutes of that meeting.

Policy context

2. This report directly supports the achievement of Council Plan 2013-2017 strategy 'we will meet our legal responsibilities and manage our risks'.

Budget implications

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

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 24 May 2016.

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*.

13. Notices of Motion

NOM.009/16

Cr Meralyn Klein advised of her intention to move a Notice of Motion. Due to its confidential subject matter, it will be considered as part of the Confidential Reports section.

NOM.010/16

Cr Meralyn Klein advised of her intention to move the following:

Motion

That Council:

1. **Notes a motion to rescind the decision to Adopt Amendment C81 to the Nillumbik Planning Scheme made on 24 May 2016 has been disallowed for the agenda for the Ordinary Council Meeting of 21 June 2016 by the CEO stating it would be ‘invalid under the *Planning and Environment Act 1987*.’**
2. **Notes an urgent motion put by the CEO and a Council resolution on 7 June at the Policy and Services meeting, ‘that a notice or rescission cannot be validly considered by Council’.**
3. **Writes to the Minister for Planning to apologise for any miscommunication and advises that, a rescission motion was raised in accordance with the *Local Government Act 1989* and requests that the Minister defers any decision on Planning Amendment C81 until such time the rescission motion has been dealt with as per the *Local Government Act 1989*.**
4. **Following the Council resolution of the notice of rescission Council writes the Minister of Planning advising him of the outcome of the rescission motion.**

NOM.011/16

Cr Helen Coleman advised of her intention to move the following:

Motion

That:

1. **A report be prepared for Council’s consideration on alternative options for controlling the use of motorised toy vehicles on private property through Council’s Amenity Local law.**
2. **The report addresses:**
 - **Options for prohibition of motorised toy vehicle usage in defined areas**
 - **Alternative standards that may be applicable for controlling noise emissions**

- The pros and cons of changing Council’s existing delegations to designate Council as the determining authority under Council’s Amenity Local Law and associated Guidelines in order to meet the objectives of the Local Law, in particular, to provide for the fair and reasonable use and enjoyment of private land in a uniformed and fair manner.

14. Delegates' reports

15. Supplementary and urgent business

16. Confidential reports

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

Motion

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

Report No.	Title	Reason for confidentiality
NOM.009/16	Notice of Motion	f) legal advice
OCM.104/16	Tender - Trade Services	d) contractual matters
OCM.105/16	Confidential tender report - Cleaning of public toilets and barbeques	d) contractual matters
OCM.106/16	Provision of underground stormwater drainage cleaning and condition audits	d) contractual matters
OCM.107/16	Confidential attachment to the Risk and Insurance Report	h) any other matter which the Council or special committee considers would prejudice the Council or any person
OCM.108/16	Contract Report 1516-56 - Supply and installation of solar photovoltaic system at the Civic Centre	d) contractual matters