

## Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 14 August 2018 commencing at 7.30pm.

## Agenda

**Mark Stoermer**  
**Chief Executive Officer**

Thursday 9 August 2018

Distribution: Public

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*Wominje ka*

## Future Nillumbik Committee seating plan

**Cr John Dumaresq**  
Edendale Ward  
Infrastructure  
Portfolio

**Cr Karen Egan**  
Bunjil Ward  
Economic and  
Development  
Portfolio

**Cr Grant Brooker**  
Blue Lake Ward  
Environment and  
Sustainability  
Portfolio

**Cr Peter Perkins**  
Ellis Ward  
Planning Portfolio

**Cr Bruce Ranken**  
Swipers Gully Ward  
Social Infrastructure  
Portfolio

**Katia Croce**  
Governance Lead

**Blaga Naumoski**  
Executive Manager  
Governance

**Cr Peter Clarke  
(Mayor)**  
Wingrove Ward  
Finance and  
Governance  
Portfolio

**Mark Stoermer**  
Chief Executive  
Officer

Visitors in the gallery at Committee meetings are:

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

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**Contents**

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<b>1. Welcome and apologies</b>	<b>1</b>
<b>2. Disclosure of conflicts of interest</b>	<b>1</b>
<b>3. Confirmation of minutes</b>	<b>1</b>
<b>4. Officers' report</b>	<b>3</b>
<b>Infrastructure Portfolio</b>	
FN.025/18      Rodger Road Special Charge Scheme, Panton Hill	3
FN.026/18      Worns Lane Special Charge Scheme, Yarrambat	7
<b>5. Supplementary and urgent business</b>	<b>9</b>
<b>6. Confidential reports</b>	<b>9</b>

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**Nillumbik Shire Council**

**Agenda of the Future Nillumbik Committee Meeting to be held  
Tuesday 14 August 2018 commencing at 7.30pm**

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**1. Welcome and apologies**

**Welcome by the Chair**

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

**Apologies**

Cr Jane Ashton is on approved leave of absence.

**Recommendation**

**That** the leave of absence of Cr Jane Ashton be accepted.

**2. Disclosure of conflicts of interest**

Committee members should note that any disclosure of conflict of interest must be disclosed immediately before the item in which they have an interest.

**3. Confirmation of minutes**

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 17 July 2018.

**Recommendation**

**That** the minutes of the Future Nillumbik Committee Meeting held on Tuesday 17 July 2018 be confirmed.

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#### 4. Officers' report

**FN.025/18      Rodger Road Special Charge Scheme, Panton Hill**

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**Portfolio:      Infrastructure**

**Distribution:   Public**

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

**Author:        Patrick Wood, Coordinator Design**

#### **Summary**

At the Ordinary Council Meeting on 19 December 2017, Council resolved to declare a Special Charge Scheme to construct Rodger Road, Panton Hill.

The lowest price tendered to Council to construct Rodger Road was in excess the maximum amount that can be levied under the current declaration. Therefore, Council has repeated the statutory process of declaring the scheme, by giving notice of its intention to declare a special charge. Council's notice of its intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 4 July 2018.

A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has received five submissions and one objection (out of 18 property owners) to the scheme.

This report recommends that the Committee refers a decision regarding the formal declaration of the Rodger Road Special Charge Scheme, to the next Ordinary Meeting of Council on 28 August 2018.

#### **Recommendation**

**That** the Committee (acting under delegation from Council):

1. Notes that five (5) submissions and one (1) objection were received for this scheme.
2. Refers a decision regarding the formal declaration of the Rodger Road Special Charge Scheme, to the next Ordinary Meeting of Council on 28 August 2018.

#### **Attachments**

Nil

#### **Background**

1. On 24 March 2016, Council received a petition signed by property owners in Rodger Road, Panton Hill requesting that Council investigate road sealing between Bishops Road and Lawrence Road.
2. After conducting a survey and determining that 61.1 percent of property owners support road sealing, Council resolved on 13 September 2016 to proceed with the consultation process for the Rodger Road Special Charge Scheme, Panton Hill (Item OCM.152/16).
3. Following a consultation process carried out in line with Council's Special Rates and Charges Policy and Procedure, Council resolved on 19 December 2017 to declare the Special Charge Scheme (Item OCM.149/17).

**4. Officers' Report****FN.025/18 Rodger Road Special Charge Scheme, Panton Hill**

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4. The final estimated cost of the project, based on the rates tendered to Council has increased approximately 16 percent from the declared amount. This increase has been due to significant increases in material and labour costs in the civil construction market, in conjunction with a high demand for civil construction contractors. In accordance with *section 166 (3) of the Local Government Act 1989* (the Act), Council cannot vary the declared amount by more than 10 percent, without declaring the scheme again.
5. Council again resolved its intention to declare the Rodger Road Special Charge Scheme (to reflect the final estimated cost) on 26 June 2018 (Item OCM.095/18). Property owners were notified of the resolution via public notice in the *Diamond Valley Leader* newspaper on 4 July 2018. A letter and notice of the proposal was sent to all property owners with a liability to the scheme.

**Policy context**

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

**Budget implications**

7. Council has incorporated costs for administering and designing the scheme in the current services budget. The other scheme development costs incurred (including survey, title searches and planning costs) will be recovered if the scheme proceeds and the charge is levied.
8. Council will have a liability of \$56,488.17 for the Council property at 105 Rodger Road, known as Bunjil Reserve, that is included as part of the scheme. This cost has been allocated within the 2018-2019 Capital Works Program.
9. Council has agreed to include an alternative alignment for a section of Nillumbik's regional trail network. Any works associated with this alternative alignment will need to be funded by Council.

**Consultation/communication**

10. Consultation was carried out in accordance with the Council's Special Rates and Charges Policy and Procedure. Information sessions for all residents and meetings with task group members, to finalise design details for the street, were held. All affected property owners have been advised of Council's intention to declare the scheme and their rights to make submissions or objections to this.

**Issues/options**

11. Both the public notice and the letter sent to property owners of intention to declare a scheme outlined the rights of any person to make a submission under Section 223 or an objection under section 163B of the Act, in relation to this Special Charge Scheme. Submissions and objections were to be made in writing by 1 August 2018.
12. Correspondence representing five (5) submissions and one (1) objection was received by Council. A copy of the submissions and objection has been separately circulated to all Councillors. Issues raised in the submissions and objection are summarised below, including an officer's response:



4. Officers' Report

FN.025/18 Rodger Road Special Charge Scheme, Pantan Hill

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- Strongly in favour of the proposed sealing of Rodger Road, Pantan Hill (from three separate property owners):

**Officer comment:** Noted

- The scheme should have been put to a second vote from the residents.

**Officer comment:** Throughout the consultation phase of the scheme, the overall preference of the Task Group has been to proceed with construction as soon as possible. Support for the scheme has also been reflected in submissions received.

If property owners are not supportive of the scheme, they have an opportunity to object to the scheme. In accordance with the Act, Council is unable to declare a special charge, if it receives objections from the majority of property owners included in the scheme, which did not occur in this case (refer point 13).

- If Gathercole Lane can be removed from the scheme, the other property owners should also have this option.

**Officer comment:** Gathercole Lane was removed from the scheme because:

- It was not requested as part of the original petition; and
- It was not required to be included, under Council's Special Charge Scheme Policy (previous and current versions).

However, the Special Charge Scheme Policy (previous and current versions) does not allow individual properties (that gain direct access to the road to be constructed) to be excluded from a scheme.

- Why does the scheme include the section of road between Bishop Road and Lawrence Road (as opposed to ending at Gathercole Lane or Alma Road)? Why wasn't Lawrence Road included?

**Officer comment:** The scheme extents of Bishop Road and Lawrence Road were selected, as all the property owners who signed the initial petition were between these two intersections.

- How does Council justify the interest rate applied to repayments? The 1 percent surcharge should not be required as billing is computerised.

**Officer comment:** The interest rate charged on repayments is equivalent to the rate charged to Council to borrow funds for the project. The 1 percent surcharge reflects the resources required to administer the payments over a 10 year period and is the maximum amount that can be charged, under the Act.

- How did Council arrive at the new liability figures?

**Officer comment:** The new estimated project cost is based on the rates submitted to Council during the recent tender, plus additional contingency.

4. Officers' Report

FN.025/18 Rodger Road Special Charge Scheme, Panton Hill

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- The proposed off road trail should be aligned on the north-east side of Rodger Road. If Council is intending for the off-road trail to cross the road at the halfway point, several factors will need to be considered.

**Officer comment:** In the report to Council on 19 December 2017, it was noted that *'officers are currently assessing the options for the realignment of the trail. A decision on the preferred alignment will then be made and then any necessary preparations carried out'*.

There planning application (for clearing and pruning of vegetation) for the shared trail is currently in progress. Council officers are evaluating its preferred alignment with respect to:

- achieving the required design outcomes;
- minimising environmental impact; and
- minimising cost.

13. The objection received represents 5.5 percent of the 18 property owners who will be liable to the pay the special charge. This is below the majority (greater than 50 percent), that is required to prevent Council from being able to declare the scheme under section 163B (6) of the Act.

**Conclusion**

14. Council has commenced its statutory obligations in relation to the Rodger Road Special Charge Scheme, particularly to afford any affected person the opportunity to have their objections or submissions heard by Council. Five submissions and one objection (out of 18 property owners) were received by Council.

**4. Officers' report****FN.026/18 Worns Lane Special Charge Scheme, Yarrambat**

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**Portfolio: Infrastructure****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Patrick Wood, Coordinator Design****Summary**

At the Ordinary Council Meeting on 19 December 2017, Council resolved to declare a Special Charge Scheme to construct Worn Lane, Yarrambat.

The lowest price tendered to Council to construct Worns Lane was in excess of the maximum amount that can be levied under the current declaration. Therefore, Council has repeated the statutory process of declaring the scheme, by giving notice of its intention to declare a special charge. Council's notice of its intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 4 July 2018.

A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has received no submissions or objections to the scheme.

This report recommends that the Committee refers a decision regarding the formal declaration of the Worns Lane Special Charge Scheme, to the next Ordinary Meeting of Council on 28 August 2018.

**Recommendation****That the Committee (acting under delegation from Council):**

- 1. Notes that no submissions or objections were received for this scheme.**
- 2. Refers a decision regarding the formal declaration of the Worns Lane Special Charge Scheme, to the next Ordinary Meeting of Council on 28 August 2018.**

**Attachments**

Nil

**Background**

- On 19 Feb 2016, Council received a petition signed by property owners in Worns Lane, Yarrambat requesting that Council investigate road sealing between Latrobe Road and Licola Street.
- After conducting a survey and determining that 63.6 percent of property owners support road sealing, Council resolved on 26 July 2016 to proceed with the consultation process for the Worns Lane Special Charge Scheme, Yarrambat (Item OCM.122/16).
- Following a consultation process carried out in line with Council's Special Rates and Charges Policy and Procedure, Council resolved on 19 December 2017 to declare the Special Charge Scheme (Item OCM.150/17).

#### 4. Officers' Report

##### FN.026/18 Worns Lane Special Charge Scheme, Yarrambat

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4. The final estimated cost of the project, based on the rates tendered to Council has increased approximately 25 percent from the declared amount. This increase has been due to significant increases in material and labour costs in the civil construction market in conjunction with a high demand for civil construction contractors. In accordance with *section 166 (3) of the Local Government Act 1989 (the Act)*, Council cannot vary the declared amount by more than 10 percent, without declaring the scheme again.
5. Council again resolved its intention to declare the Worns Lane Special Charge Scheme (to reflect the final estimated cost) on 26 June 2018 (Item OCM.096/18). Property owners were notified of the resolution via public notice in the *Diamond Valley Leader* newspaper on 4 July 2018. A letter and notice of the proposal was sent to all property owners with a liability to the scheme.

#### Policy context

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

#### Budget implications

7. Council has incorporated costs for administering and designing the scheme in the current services budget. The other scheme development costs incurred (including survey, title searches and planning costs) will be recovered if the scheme proceeds and the charge is levied.

#### Consultation/communication

8. Consultation was carried out in accordance with the Council's Special Rates and Charges Policy and Procedure. Information sessions for all residents and meetings with task group members, to finalise design details for the street, were held. All affected property owners have been advised of Council's intention to declare the scheme and their rights to make submissions or objections to this.

#### Issues/options

9. Council resolved its intention to declare the Worns Lane Special Charge Scheme on 26 June 2018 (Item OCM.095/18). Property owners were notified of the resolution via public notice in the *Diamond Valley Leader* newspaper on 4 July 2018. A letter and notice of the proposal was sent to all property owners with a liability to the scheme.
10. Both the public notice and the letter sent to property owners of intention to declare a scheme outlined the rights of any person to make a submission under Section 223 or an objection under section 163B of the the Act, in relation to this Special Charge Scheme. Submissions and objections were to be made in writing by 1 August 2018.
11. No submissions or objections were received by Council.

#### Conclusion

12. Council has commenced its statutory obligations in relation to the Worns Lane Special Charge Scheme, particularly to afford any affected person the opportunity to have their objections or submissions heard by Council. No submissions or objections were received by Council.

**Future Nillumbik Committee Agenda**

**14 August 2018**

- 5. Supplementary and urgent business**
- 6. Confidential reports**