

Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 18 April 2017 commencing at 7pm.

Agenda

Mark Stoermer
Chief Executive Officer

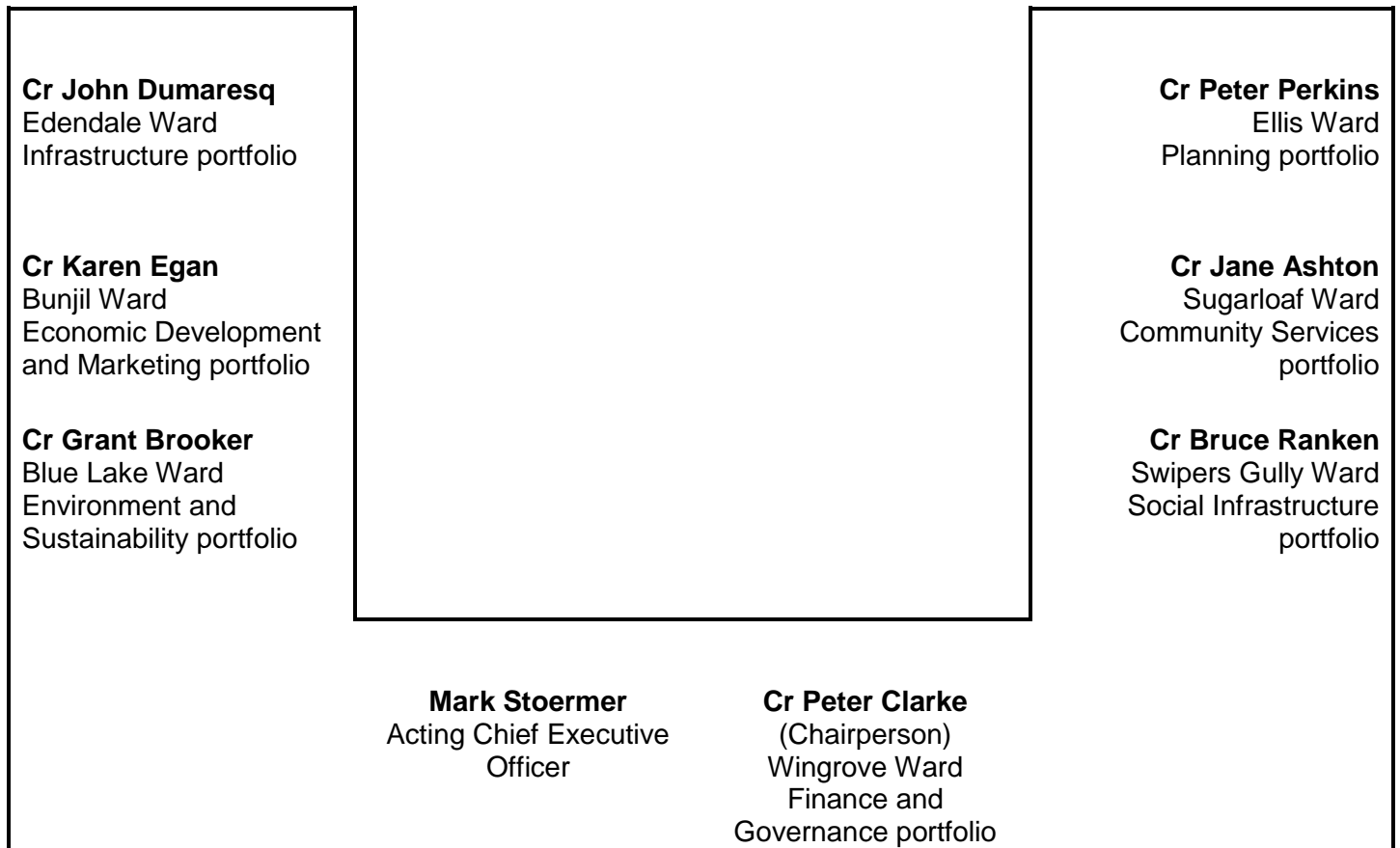
Tuesday 11 April 2017

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Wominje ka

Future Nillumbik Committee seating plan



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 an audio recording of this meeting will be made for the purpose of verifying the accuracy of the minutes.

Hearing of submissions from members of the public

The arrangements for members of the public to address a Special Committee meeting are defined in Council's Meeting Procedure Local Law. Council has recently established the Future Nillumbik Committee as a Special Committee. The Terms of Reference for this committee propose some changes to the arrangements for hearing of submissions. However these changes are not yet in effect, as they require a change to Council's Meeting Procedure Local Law. Until such a change is made, the existing arrangements will continue to apply, and any member of the public who has registered prior to 3pm on the day of the meeting is entitled to address the committee regarding a matter on the agenda.

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Future Nillumbik Committee Meeting to be held Tuesday 18 April 2017 commencing at 7pm.

1. Welcome and apologies

Welcome by the Chair

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

Apologies

Motion

That the apologies 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 14 March 2017.

Motion

That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 14 March 2017 be confirmed.

4. Policy and Services reports

FN.010/17 Use and development of the land for a dwelling, outbuilding (garage), associated earthworks and removal of native vegetation at 14 Barreenong Road, Cottles Bridge

Portfolio: Planning

Distribution: Public

Manager: Jeremy Livingston, Acting General Manager Environment and Planning

Author: Jonathan McNally, Acting Manager Planning and Health Services

Summary

Address of the land	14 Barreenong Road, Cottles Bridge
Ward	Bunjil
Site area	7,590 square metres
Proposal	Use and development of the land for a dwelling, outbuilding (garage), associated earthworks and removal of native vegetation
Application number	412/2016/05P
Date lodged	26 July 2016
Applicant	BT Walsh
Zoning	Rural Conservation Zone (Schedule 3)
Overlay(s)	Environmental Significance Overlay (Schedule 1) Bushfire Management Overlay
Reason for being reported	Called in by Ward Councillor
Number of objections	35
Key issues	<ul style="list-style-type: none"> • Consistency with use and development within policy framework and the purposes and design guidelines of the Rural Conservation Zone (Schedule 3) • Appropriate management of the bushfire risk • Extent of native vegetation removal and modification • Dwelling design
Recommendation	Issue a Notice of Decision to Refuse to Grant a Permit

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Recommendation

That the Committee (acting under delegation from Council) notes that the Councillor call in for this item to be determined by the Future Nillumbik Committee has been withdrawn, and under Council's Planning Delegation Protocol, refers this item back to Council officers to determine prior to the VCAT proceeding for this planning application.

Attachments

1. Subject site and surrounds
2. Plans 1 to 7

Report update

1. In accordance with Council's Planning Delegation protocol, this planning application was referred to the Future Nillumbik Committee Meeting of 14 March 2017 for a determination as a result of a call in by a Councillor. At the 14 March 2017 meeting, the Committee determined to defer consideration of this item to tonight's meeting.
2. The Councillor who referred the item to the Future Nillumbik Committee has advised in writing that they wish to withdraw the call in, and therefore refer the item back to Council officers to make a determination. For this to occur, the Committee must formally determine this action.
3. Since last month's meeting, Council has been advised that the permit applicant has lodged an application for review at the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the application within 60 statutory days. As such, this planning application will ultimately be determined by VCAT as the principal decision maker. This means that all registered objector parties, the permit applicant and Council can participate in the VCAT proceeding, which will be scheduled by VCAT in due course.
4. In addition, since the planning report was first published last month, an additional 33 written objections have been received. Despite the increased volume of written objections, the matters raised in these additional objections have previously been considered and have adequately been addressed in this assessment.

Subject site and surrounds

5. The key features of the subject land and surrounds are as follows:
 - The subject site is particularly described as Vol. 06646, Folio 176, Crown Allotment 16B Section B Parish of Greensborough. There are no encumbrances on title and no easements are shown on the Title Plan.

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- The subject site is a shallow triangular shaped parcel of land, located on the northern side of Barreenong Road, Cottles Bridge, approximately 145 metres from the intersection with Cottlesbridge-Strathewen Road. The site has the dimensions 235 metres by 152 metres by 118 metres, and an area of approximately 0.76 hectares (7,590 square metres).
- The site is largely covered by native vegetation, with the exception of two dams, and an existing cleared section of land all located in the north-eastern portion of the property. The site is currently unused and contains no buildings.
- Access to the site is gained via an existing crossover in the south-eastern corner of the property, which extends into an informal bare earth access track which extends in a northerly direction.
- The site is located mid-way up a moderate to steep slope facing north-west, which extends from a creek line in the adjacent property to the west. The land contains the steepest portions of the hillside, including some sections up to 15 degrees. Adjacent parcels of land have a more gentle topography.
- The land is part of a densely vegetated and ecologically well connected landscape, as it is connected to tracts of forested areas to the north, west, and south. In terms of classification of the vegetation, the submitted flora and fauna assessment identifies that the majority of the subject site falls within State Biosite 5257 Pittles Paddock – Cottles Bridge. This Biosite has been recognised as having State significance, and contains remnant vegetation of the Ecological Vegetation Class (EVC) 22 Grassy Dry Forest, and EVC 47 Valley Grassy Forest. 'Pittles Paddock' is also classified as having State fauna significance based on the rarity of fauna known to inhabit the site, and diversity of species recorded.
- As with the subject land, the surrounding properties are also zoned Rural Conservation Zone (Schedule 3) and contain similar steep topography, and features existing remnant vegetation. Notably, the subject site is one of the smallest in terms of area in the immediate locality, with land to the north-east and south-east being used as rural living areas with multi-hectare allotments containing bushland and grassland areas used for grazing. Further north and north-east are larger areas of contiguous bushland associated with Kinglake National Park.
- Adjoining the subject site to the east, 10 Barreenong Road, is developed with a single detached dwelling with outbuildings located to the north.
- The properties located on the opposite (southern) side of the road, at 5 and 25 Barreenong Road, are developed with single detached dwellings surrounded by domestic areas including in-ground swimming pools, with the balance of the sites covered in native vegetation.
- The land adjoining the subject site to the west forms part of a five lot subdivision at 142 Barreenong Road. Each of the five lots have an established domestic envelope for development, outbuildings and wastewater, with the balance of

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each lot set aside to protect the remnant bushland, to be managed under a Trust for Nature covenant.

- Barreenong Road is a through road constructed of gravel. It provides access and egress in two directions. The site is located near the intersection of Cottlesbridge-Strathewen Road and Mine Road/ Hildebrand Road.

Details of proposal

6. Refer to the attached plans.

7. Key features of the proposal include:

Dwelling and Garage/Shed

- Use and development of the land for a double storey three bedroom dwelling with a separate detached garage/ shed located to the south-west.
- The dwelling and garage/shed are to be located in the south-eastern section of the site, in close proximity to the Barreenong Road frontage.
- The lower ground floor plan of the dwelling features one bedroom, a master bedroom with walk in robe and ensuite, and laundry room.
- The ground floor plan features a bedroom, separate bathroom, and open plan kitchen, dining area, and lounge. Two balconies are proposed, with the smaller of the two adjoining the northern edge of the lounge room, and the second along the eastern edge of the lounge room/ dining area and extending over the entire lower ground floor area.
- The proposed dwelling has a modern architectural style with a simple 'cross' shaped layout extending in the direction of compass points, flat roof profile, and lengths of unbroken wall treated with fenestration and wall cladding. The dwelling will be constructed on a slab, and the northern section of the ground floor will be cantilevered in a northerly direction over the lower ground floor. It will be constructed of clay bricks, with vertical metal wall cladding, vertical rust panel cladding, and a flat roof profile in corrugated material with 'grey' tones. Balcony balustrades will be glass.
- The maximum height of the dwelling will be 6 metres, and owing to its position across the contours and the slope of the land, it will be below the adjacent road level and dominant tree height.
- The dwelling will be located in the south-eastern portion of the site, close to the Barreenong Road frontage, with the following setback distances from the closest boundaries:
 - South 11.1 metres
 - West 11.5 metres
- The separate double garage/shed will be located to the south-west of the proposed dwelling, and will be setback 10.8 metres from the southern boundary (Barreenong Road).

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- A new 3.5 metre wide crushed rock semi-circular driveway is proposed, which will enter the site via the existing crossover in the south-eastern corner, and extend across the southern face of the dwelling leading to the double garage/shed, before exiting at a new access point onto Barreenong Road. The driveway will have a maximum gradient of 1 in 8.
- As the subject site cannot provide the defensible space of Table 2 to Clause 52.47 (Planning for Bushfire) due to property size constraints, a private bushfire shelter in the form of a fire bunker is proposed. It will be located on the opposite side of the driveway (immediately to the south of the dwelling) setback 4.2 metres from the roadside reserve associated with the Barreenong Road frontage.
- A dedicated CFA fire fighting water tank, together with a domestic water tank, are proposed to be located to the west of the dwelling.
- A septic tank and effluent disposal field with an area of 560 square metres, to be located to the west of the dwelling.
- Connection is available to the power supply.
- There is no reticulated water available to the site.

Earthworks

- In terms of earthworks, the lower ground floor has been sited parallel with contour lines to minimise cut and fill. Nevertheless, it will be necessary to undertake 89 cubic metres of site cut to accommodate the lower ground floor. The ground floor will require 14.8 cubic metres of fill under its southern section, where the front entrance presents to the access driveway.
- The detached garage/shed is also sited along the contour lines to minimise cut and fill, and will require 15.3 cubic metres of site cut.
- The private bushfire shelter (in the form of a fire bunker) will require 10.9 cubic metres of site cut and the new driveway will require 61.3 cubic metres of site cut.
- All earthworks will be supported by either local stone or 'rust' panelling retaining walls.

Vegetation Removal

- Removal of a total of 0.384 hectares of remnant native vegetation identified as remnant patches, including:
 - Removal of 70 trees from both the construction and domestic zone, and the effluent area.
 - Removal of trees and vegetation associated with providing defensible space with a minimum depth of 40 metres, extending up to the north-western property boundary (maximum distance of 36 metres from the edge of the proposed dwelling) and a 5 metre canopy separation.

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- The Offset and Land Management Plan submitted with the application and prepared by Practical Ecology, proposes to provide an area to the west of the dwelling on the subject site in which vegetation and habitat will be managed purely for conservation purposes, in order to meet (in part) the Native Vegetation offset obligations. The offset management zone is proposed to encompass an area of approximately 0.14 hectares.

Planning history

8. No previous planning permits have been issued for the site. The subject site was established without the need for a planning permit, as there were historically two lots on one title, so the former owners had the lots separated.

Planning controls

Zoning

9. The subject land is zoned Rural Conservation Zone (Schedule 3) in accordance with the Nillumbik Planning Scheme. Under this zone (Clause 35.06), a permit is required for use, construct or carry out a building or works associated with the development of the land for a dwelling.

Overlays

10. The subject land is affected by the Bushfire Management Overlay. Under this overlay, (Clause 44.06), a permit is required to construct a dwelling, or construct or carry out works associated with accommodation.
11. The subject land is also affected by the Environmental Significance Overlay (Schedule 1). Under this overlay (Clause 42.01), a permit is required to construct a dwelling, or construct or carry out works, and also to remove, destroy or lop any vegetation including dead vegetation.

Particular provisions

12. Clause 52.06 (Car Parking) applies to the application. This clause seeks to ensure that before a new use commences, there is the provision of an appropriate number of car parking spaces; that car parking does not adversely affect the amenity of the locality; and that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use. In accordance with Table 1 Car Parking Requirement of Clause 52.06, a three bedroom dwelling must provide a minimum of two vehicle parking spaces.
13. Under the provisions of Clause 52.17 (Native Vegetation), a permit is required to remove, destroy or lop native vegetation on land which, together with all contiguous land in one ownership has an area greater than 0.4 hectares. The purpose of this provision is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.
14. Clause 52.47 (Planning for Bushfire) aims to ensure that development is only permitted if the risk to life, property and community infrastructure can be reduced to an acceptable level and to apply specify requirements for buildings, works and subdivision on land to which the Bushfire Management Overlay applies. If a planning

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permit is required pursuant to the Bushfire Management Overlay, all requirements of this clause must be met.

15. Clause 57 (Metropolitan Green Wedge Land) applies to all land outside an Urban Growth Boundary, and seeks to protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values. In accordance with the table of uses listed at Clause 57.01-1, the use of the land for the purposes of a dwelling is allowed if it is the only dwelling on the lot.
16. Clause 65 (Decision Guidelines) outlines general decision guidelines that must be considered when assessing an application. These guidelines include the purpose of the zone or other provision, the orderly planning of the area, and the effect on the amenity of the area.

Relevant planning policies

17. State Planning Policies which are relevant to this application include:
 - Clause 11.04-6 Green Wedges
 - Clause 12.01 Biodiversity
 - Clause 12.04 Significant Environment and Landscapes
 - Clause 13.05 Bushfire
 - Clause 16.02-1 Rural residential development
18. The Local Planning Policies which are relevant to this application include:
 - Clause 21.05-1 Settlement and Housing
 - Clause 21.05-2 Rural Residential use
 - Clause 21.05-3 Environment, Conservation and Landscape
 - Clause 22.04 Siting and Design Policy for Buildings and Works in Non-Urban Areas
 - Clause 22.13 Wildfire Management Policy

Policy context

19. When considered as a whole, the strategic policy context discourages small-scale rural residential development. In particular, development which may have a detrimental impact on landscape and environmental values.
20. Within Melbourne's Green Wedge areas, strategic policies seek to protect environmental, landscape, and scenic values and the consolidation of new residential development within existing settlements.
21. Underpinning this is the Rural Conservation Zone, which is not a zone which encourages rural residential type development. There is no mention of residential development among the purposes of the Rural Conservation Zone. Indeed, the whole thrust of the Rural Conservation Zone provisions is focused on the protection and

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enhancement of environmental, ecological, and landscape attributes of the area. It emphasizes that any development must be consistent with sustainable land management practices. Under the zone, all land uses are subordinate to the environmental values of the land, and the minimum lot size is tailored to suit the environmental features and values of the land.

22. These issues were tested at the Victorian Civil and Administrative Tribunal (VCAT) in *Masten Bennett and Associates v Nillumbik SC [2010] VCAT 90* (relating to a property in Buttermans Track in St Andrews) where the Tribunal acknowledged that even though much of Nillumbik is within the Rural Conservation Zone (Schedule 3), this should not create an expectation that such land is suitable for rural residential land use. In its decision, the Tribunal determined that the provisions of the Rural Conservation Zone (Schedule 3) seek to restrict the numbers and presence of buildings in rural areas, as the preservation of landscape is the overarching objective.
23. Moreover, in both State and Local planning policy, priority is given to ensuring that any new development in areas affected by the Bushfire Management Overlay avoids bushfire risk to people and property, with the State policy giving more weight to the protection of human life.

Public consultation**Advertising**

24. The application has been advertised by way of the posting of notices to the owners and occupiers of neighbouring properties and the erection of a notice on-site.

Objections

- As a result of advertising, a total of 35 written objections have been received. These objections can be summarised as follows:
- The application seeks to construct a dwelling on a lot that is smaller than the minimum lot size of 8 hectares.
- Neighbourhood character – the proposed dwelling is contrary to the mudbrick dwellings typically found in the area.
- Traffic and associated dust pollution from the dirt roads will be exacerbated.
- Additional access points to Barreenong Road will be steep, and located on a blind bend in the road, which may be dangerous.
- The proposal does not have adequate car parking spaces.
- Loss of trees, vegetation and associated habitat in an ESO1, and the ongoing impact on fauna.
- Setbacks – the proposed dwelling is too close to the road, creating a negative visual impact.
- Bushfire impacts – high fuel load around the property and ability of fire truck to access the site.

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- Building logistics – building machinery and delivery trucks may cause erosion and impact on vegetation on the roadside.
- Impact on waterway of effluent disposal system.
- Loss of runoff and ability to fill farm dams associated with the development of the site.

Planning application conference

25. No planning application conference was held for this application, however the applicant has provided a written response to the concerns raised by the objectors, which was circulated to them.

Referrals

Internal

26. The application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Council Unit	Comments
Sustainability and Environment Unit	<p>The site is within the North East Regional Organisation of Councils (NEROC) Site 69 which is of State faunal and high habitat significance.</p> <p>The site is covered in remnant vegetation, mostly representing Grassy Dry Forest with some Valley Grassy Forest on the lower slopes. The site has a few large old trees, with most trees being relatively small. There are two dams on site which provide habitat for local frogs and provide water source for fauna.</p> <p>An offset plan has been provided as it has been determined that there may be scope to meet some of the offsetting requirements on site, however there is limited room available. Most offsetting will be achieved off-site by way of a third party.</p> <p>The proposal will result in the loss of 0.384 hectares of vegetation, which is more than 50% of the site. The loss of this vegetation is significant, as the vegetation is remnant and the subject site is part of a broader habitat corridor.</p> <p>While the proposal meets the requirements of Clause 52.17 (Native Vegetation) and the Environmental Significance Overlay (Schedule 1), it is difficult to support the loss of 0.384ha of native vegetation in an area considered to have high conservation value.</p>
Infrastructure Development Unit	No concerns identified, however requested conditions on any permit issued relating to drainage and crossover and driveway construction.

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External

27. The application was referred to the following statutory referral authority/authorities for advice on particular matters. The following is a summary of the relevant advice:

Authority	Comments
CFA	No objection subject to conditions on any permit issued.
Department of Environment, Land, Water and Planning (DELWP)	No objection subject to conditions on any permit issued.

Planning assessment

Introduction

28. The provision of a dwelling on this site presents a range of challenges. It is located outside the Urban Growth Boundary and as indicated by the inclusion within the Bushfire Management Overlay, it is subject to bushfire risk. The land contains habitat of very high conservation significance. In the face of these challenges, a proposal for use or development must present an overall benefit when considered as a whole.

29. The following have been identified as the key planning issues in relation to the assessment of this planning application:

- Consistency with use and development within the policy framework and the purposes and decision guidelines of the Rural Conservation Zone Schedule 3;
- Appropriate management of the bushfire risk;
- Extent of native vegetation removal and modification; and
- Dwelling design.

30. Assessment of these issues, together with a response to objections received, will be discussed in the remainder of this report.

Consistency with use and development within the policy framework and the purposes and decision guidelines of the Rural Conservation Zone (Schedule 3)

31. The State and Local planning policies provide guidance as to what is intended in this part of the Green Wedge. In accordance with the State planning policy, the subject site is located within Green Wedge land, which seeks to protect these areas from inappropriate development, protect areas of environmental, landscape and scenic values. The policies acknowledge that a balance must be struck in the interests of net community benefit and sustainable development.

32. Objectives for Green Wedge areas contained within Clause 11.04-7 (Green Wedges) of State planning policy promotes the protection of environmental, landscape and scenic values and the consolidation of new residential development within existing

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settlements. These objectives are reinforced through the provisions of Clause 57 (Metropolitan Green Wedge Land).

33. The emphasis in the Rural Conservation Zone is to conserve and permanently maintain, rather than to anticipate change. The provisions of the Rural Conservation Zone (Schedule 3) are clear that all land uses are subordinate to the environmental values of the land. The rural landscape in Nillumbik is highly valued, and rural residential land use must be considered in the context of whether residential land use will promote, manage and encourage the recognised values of the area. Rural residential land use is not an automatic entitlement. To this end, the Rural Conservation Zone (Schedule 3) adopts a minimum lot size of 8 hectares for development of land for the purposes of a dwelling. The subject site has an area of 0.76 hectares, which is substantially below the minimum lot size.
34. The VCAT decision *Beaton v Nillumbik SC* [2013] VCAT 2130 (relating to land in Buttermans Track, Christmas Hills) determined that there was no basis for an applicant to assume that because the land is already a small lot, that a dwelling is an acceptable use and should be permitted, subject to all other relevant planning considerations being satisfied. Caution must be applied when considering an application on an existing lot which is well below the minimum lot size for both use and development. This is primarily because restricting residential development in non-urban areas is paramount to maintaining the values of the Green Wedge.
35. These issues were discussed by VCAT in the decision *Weingartner v Nillumbik SC* [2016] VCAT 1359 (relating to land in Overbank Road, Eltham) where the Tribunal pointed out that the Rural Conservation Zone is one of the suite of rural zones, and it is not within the group of residential or rural residential zones. None of the six Rural Conservation Zone purposes make reference to residential or housing development, and all to a greater or lesser extent have an environmental and landscape focus.
36. In this decision, the Tribunal found that the key themes or directions that emerge from a review of the relevant planning policies, as well as zone and overlay controls, are that Green Wedge land is to be protected from use and development that would diminish its environmental, conservation, and landscape values, and residential development is to be contained within existing urban zones on land within the Urban Growth Boundary. Specifically, the Tribunal stated (at paragraph 28) that:
 - Development on small rural lots below the zone minimum is to be limited, unless exceptional circumstances exist.
 - Continued development of dwellings in green wedge areas undermines the values and characteristics of the green wedge/ non-urban areas.
 - Development of isolated small lots in rural zones for rural living or other incompatible uses is discouraged.
37. With regard to the subject application, allowing a dwelling on this site where the lot size of 0.76 hectares and is substantially less than the minimum allowed by the Rural Conservation Zone (Schedule 3), and is contrary to the State and Local planning

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policies which discourage residential development on small lots within the non-urban, green wedge areas.

Appropriate management of the bushfire risk

38. The subject site is characterised by remnant forest and woodland vegetation, which is broken up by grassy open spaces. The topography must also be considered as the subject site contains the steepest slopes of the local area, with some sections as much as 15 degrees.
39. The bushfire hazard landscape assessment, which provides information on the bushfire hazard more than 150 metres away, has identified that the surrounding landscape is generally undulating topography dominated by grazing, horticulture and sections of bushland.
40. To the west and north-west there is bushland on the adjoining properties, while the area to the north-east and south-east is a rural living area with multi-hectare allotments consisting of bushland and grassland areas used for grazing.
41. Historically, the surrounding area has been subject to significant bushfire events. The nearby areas to the north suffered from very high intensity fire during Black Saturday in 2009 with catastrophic consequences for the local communities. While the subject site itself does not have record of bushfire, it is apparent that the land is subject to significant bushfire risk.
42. According to the submitted Bushfire Management Statement, prepared by Practical Ecology and submitted with the application, the landscape around the subject site is best placed within landscape type three. While there are substantial fuel loads in close proximity to the site, which could result in neighbourhood scale destruction as residents reside in close proximity to the fragments of forest, the broader landscape, in particular to the north and west is predominantly grassland.
39. In accordance with the Bushfire Management Statement submitted in December 2016, the dwelling will have a minimum bushfire attack level of BAL-40. A defendable space to a distance of 40 metres, or the property boundary, is specified. In addition, the dwelling cannot be occupied until a private bushfire shelter is constructed on the same land as the dwelling.
43. Defendable space (a distance of 40 metres or to the property boundary) is proposed, where vegetation will be modified and managed in accordance with requirements, including that the canopy of trees must be separated by at least 5 metres. The application has been referred to the CFA for comment who have advised that the Bushfire Management Statement (as submitted in December 2016) is satisfactory and should be endorsed to form part of any permit issued.
44. Maintenance of the defendable space in the manner required by the CFA is central to the implementation of bushfire protection measures. These measures include clearance of vegetation and continuous management of the land. It is apparent that the proposal is close to the limit of what would be supported, given the necessity to create defendable space to the property boundary, install a fire bunker, and construct the dwelling to a BAL-40.

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45. Although there are mitigating circumstances in relation to the subject site, such as CFA support for the proposal, and the relatively open grazing land to the north and west which would indicate that bushfire risk can be reduced to a suitable level, there remains concern over the inability to meet the defensible space requirements within the property boundary, and a reliance on vegetation management on the adjoining privately held properties.
46. Accordingly, it is considered appropriate to apply the precautionary principle when assessing the risk to life, property and community infrastructure from bushfire, and not support this application.

Extent of native vegetation removal and modification

47. The Environmental Significance Overlay (Schedule 1) has been applied to the subject site and surrounding area, and has been applied to sites of faunal and habitat significance.
48. Environmental objectives to be achieved make specific reference to protecting and enhancing sites of faunal and habitat significance, and regional and strategic habitat links identified in Beardsell's 1997 Sites of Faunal and Habitat Significance in North East Melbourne. It is also identified as being part of a strategic habitat link.
49. In addition, the report prepared by Practical Ecology and submitted with the application identifies two habitat zones. Habitat Zone 1 comprises 0.11 hectares of Valley Grassy Forest (EVC47). Habitat Zone 2 occupies the majority of the site, having an area of 0.55 hectares, and comprises Grassy Dry Forest (EVC22).
50. The Grassy Dry Forest (EVC22) is classified as being of "least concern". No threatened flora was found on site in the surveys undertaken. As such, assessment becomes a question of the impact of the proposal on the site's role as a habitat link, and its connectivity with the surrounding landscape.
51. A thin strip of Woodland occurs on the adjoining side of Barreenong Road to the north of the property. Woodland also occurs on the eastern side of Barreenong Road and extends into the adjacent property.
52. The Municipal Strategic Statement (MSS) identifies that long term protection of native species and ecosystems requires large areas of high quality native vegetation interconnected by a network of habitat corridors. The objectives of the Environmental Significance Overlay seek to maintain these habitat links.
53. Construction of a dwelling, garage, driveway, associated earthworks and 560 square metre effluent envelope, together with the provision of defensible space for bushfire management purposes requires the removal of 0.384 hectares of native vegetation.
54. The submitted Practical Ecology report identifies that a total of 70 trees will be removed. In order to offset this, 0.14 hectares of the site will be set aside as the Offset Management Zone, where vegetation and habitat will be managed purely for conservation purposes.
55. Although the loss of vegetation on the subject site would be regrettable, it is evident from the submitted plans and vegetation assessment, and from the support provided

4. Officers' reports

FN.010/17 Use and development of the land for a dwelling, outbuilding (garage), associated earthworks and removal of native vegetation at 14 Barreenong Road, Cottles Bridge

by DELWP that the loss of vegetation can be adequately offset both on and off the subject site. Further, it is expected that the remaining vegetation on site will be improved should the land be resided on.

56. An ecological assessment requires the avoidance and minimisation of vegetation loss in the first instance. Given the extent of vegetation cover on this site, it would be difficult to avoid any vegetation loss. In order to reduce the extent of vegetation loss the proposal will use the existing crossover and access, assisting in minimising vegetation loss. Furthermore, the applicant has nominated to retain trees within the effluent disposal field, which has been counted as a total loss of vegetation. Overall, it is accepted that a net gain outcome could be achieved albeit that a portion of this offset would need to be provided on off-site.

Dwelling design

57. The location and design of buildings is important in influencing the landscape of rural areas, and Clause 22.04 (Siting and Design of Buildings and Works in Non-Urban Areas) pertains to the siting and design of dwellings. The proposed dwelling contains a high degree of architectural merit, and has sought to embrace elements such as siting, design and materials selection at the outset.
58. The dwelling and driveway, being located down below the level of Barreenong Road, will not create a dominant feature in the landscape in the view of anyone travelling along the street.
59. While the siting will involve a certain amount of cut and fill, with retaining walls to be built along the southern edge of the new driveway, and also adjacent to the lower ground floor of the proposed dwelling, these features create a limited degree of formality in the landscape. This is because the dwelling has been sited parallel with the contours of the land, and therefore requires reduced extent of earthworks.
60. The dwelling design has sought to minimise adverse impacts associated with its height and colours through the use of a flat roof profile, and materials and colour palette featuring clay brick, grey render, and glass balustrade.
61. The positive attributes of the architectural design of the dwelling and its siting on the land, nevertheless, do not outweigh the provisions of the planning scheme, and on balance the proposal does not produce an acceptable planning outcome.

Response to objections received

62. The written objections have raised a number of concerns with respect to the proposed development. Issues regarding construction of a dwelling on a lot smaller than the minimum lot size, loss of trees, vegetation and associated habitat, bushfire impacts have been discussed in earlier sections of this assessment. A response to those issues not previously discussed and addressed is included below:

Neighbourhood character – the proposed dwelling is contrary to the mudbrick dwellings typically found in the area

63. In terms of dwelling design, it is not considered necessary to replicate the style of the mudbrick dwellings typically found in the area. Planning policies seek to ensure that

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dwelling design is sited having regard to the characteristics and topography of the land, and seeks to utilise muted tones and colours within the palette associated with the dwelling to ensure it blends within the natural environment:

Traffic and associated dust pollution from the dirt roads will be exacerbated

64. The addition of vehicles associated with one dwelling to existing traffic movements on Barreenong Road will be unlikely to cause significant levels of dust pollution;

Additional access points to Barreenong Road will be steep, and located on a blind bend in the road, which may be dangerous

65. Council's Infrastructure Development Unit has reviewed the proposal and has not raised any issues associated with the location or gradient of the proposed access points to Barreenong Road:

The proposal does not have adequate car parking spaces

66. In accordance with Clause 52.06 (Car Parking), before a new use commences (such as use of the land for the purposes of a dwelling) the requisite number of car parking spaces in accordance with Table 1 must be provided. Given that the proposal is for a three bedroom dwelling, a minimum of two car parking spaces must be provided. A separate double garage is included as part of the proposal, and therefore the requirements of this clause have been met:

Setbacks – the proposed dwelling is too close to the road, creating a negative visual impact

67. The proposed dwelling is setback a minimum of 11 metres from the road, and owing to the topography of the site, will sit below the level of the road. It has also been designed with a flat roof, and so is unlikely to cause a visual impact:

Building logistics – building machinery and delivery trucks may cause erosion and impact on vegetation on the roadside

68. Building logistics are a matter for the relevant builder and/or building surveyor to consider:

Impact on waterway of effluent disposal system

69. The proposed effluent disposal system has been designed to adequately treat and contain wastewater from the proposed development, and it will therefore not impact upon the waterway:

Loss of runoff and ability to fill farm dams associated with the development of the site

70. While there will be some impact and reduction in runoff associated with the development of the site, it is unlikely to prohibit the farm dams from receiving runoff from the balance of the site outside the domestic zone.

Conclusion

71. The application seeks to use the site for the purposes of a dwelling, and undertake buildings and works associated with the construction of a dwelling, garage, and

4. Officers' reports**FN.010/17 Use and development of the land for a dwelling, outbuilding (garage), associated earthworks and removal of native vegetation at 14 Barreenong Road, Cottles Bridge**

driveway, including removal of vegetation and earthworks. The application was advertised and 35 written objections were received. The key planning issues to consider relate to response to State and Local planning policy, extent of vegetation removal, bushfire management and dwelling design.

72. Despite the support of authorities dealing with bushfire and native vegetation, consideration must be given to Clause 10.04 (Integrated Decision Making) of the planning scheme which requires decision makers to endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
73. On balance, the proposal fails to adequately respond to the policy expectations of the Rural Conservation Zone. While the granting of a planning permit for a dwelling would benefit the landowners, in the context of the relevant planning policy considerations and the broader community there would be a cost. State and Local planning policies consistently discourage residential development on small lots on non-urban land within the Green Wedge.
74. In light of the above planning assessment, the application warrants refusal, as reflected in the officer recommendation.

4. Officers' reports**FN.011/17 Amended Road Management Plan for Consultation**

Portfolio: Infrastructure**Distribution: Public****Manager: Conal Creedon, General Manager Infrastructure Services****Author: Lisa Pittle, Manager Infrastructure Maintenance****Joseph Emmanuel, Coordinator Road and Drainage Maintenance****Summary**

The *Road Management Act 2004 (RMA)* grants power to a road authority (Council) to make a Road Management Plan (Plan). The Plan establishes the management system and standards for the exercise of the authority's road management function.

Nillumbik Shire Council is responsible for the management of approximately 760 kilometres of road and 310 kilometres of footpaths.

The Plan details how often Council inspects its road and footpaths for defects, what Council defines as a defect and how long it will take to rectify that defect. The Plan also establishes how Council will respond to hazards on roads and footpaths lodged by the community.

In accordance with section 301(3) of the *Road Management (General) Regulations 2005*, Council is required to have prepared and approve a review of its Plan within the period of six months after each general election or by the next 30 June, whichever is the later.

Council publicly advertised its intention to amend the Plan in November 2016 inviting submissions with respect to the Plan. Five submissions were received and considered at Council's Future Nillumbik Committee meeting on 7 February 2017.

A review of the 2013 version of the Plan has been undertaken with an assessment of Council's performance relating to the existing Plan, consideration of internal stakeholder recommendations, legal advice from Council's solicitors, guidance material set by the Municipal Association of Victoria (MAV), community input and a benchmarking exercise with five other Councils. The review process has led to the preparation of the draft amended Plan.

The purpose of this report is to present to Council the draft amended Plan recommended for adoption for the purpose of consultation.

The draft amended Plan takes into consideration the affordability, available resources and management of risks and has determined levels of service that meet the community's reasonable expectations of day to day maintenance.

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

- 1. Endorses the Draft Amended Road Management Plan 2017, as detailed in Attachment 2 for the purpose of consultation.**
- 2. Receives a further report following the consultation period.**

4. Officers' reports**FN.011/17 Amended Road Management Plan for Consultation**

Attachments

1. Draft Road Management Plan Amendment Directory
2. Draft Amended Road Management Plan 2017

Background

1. This report presents Councillors with the draft amended Road Management Plan 2017 (Plan) prior to commencing public consultation. The report outlines the process for the review of the 2013 Road Management Plan (2013 Plan), the proposed amendments, the reasons for the amendments and any change to service levels. The report also outlines the proposed consultation process.
2. Attachments 1 and 2 respectively provide Councillors with the proposed amendments to the 2013 Plan and the draft amended Plan for the purpose of consultation.
3. Nillumbik Shire Council is responsible for the management of approximately 760 kilometres of road and 310 kilometres of footpaths.
4. The *Road Management Act 2004* (RMA) empowers Council to make a Road Management Plan (Plan). The purpose of the Plan is to establish the management system and standards for the exercise of the authority's road management function.
5. In accordance with section 301(3) of the Road Management (General) Regulations 2005, Council is required to have prepared and approve a review of its Plan within the period of six months after each general election or by the next 30 June, whichever is the later. Nillumbik prepared the first Plan in 2005 which has been reviewed by successive Councils in 2009 and 2013 and is now required to be reviewed in 2017.
6. The Road Management Plan (Plan) is a key component of the risk management approach for the management of road based assets. It provides details of how often Council inspects its road and footpaths for defects, what Council defines as a defect and how long it will take to rectify that defect. It also establishes how Council will respond to hazards on roads and footpaths lodged by the community.
7. The Plan, in conjunction with Council's Asset Management System, is central to a policy defence for Public Liability claims relating to road related assets. The standards set in the Plan must be at a reasonable level in order to manage risk and they must be achievable given Council's resources in order to provide a policy defence.
8. Council publicly advertised its intention to amend the Plan, which was adopted in 2013, in November 2016 inviting submissions with respect to the Plan. Five submissions were received and considered at Council's Future Nillumbik Committee meeting on 7 February 2017.
9. A review of the 2013 version of the Plan has been undertaken with an assessment of Council's performance relating to the existing Plan, consideration of internal stakeholder recommendations, legal advice from Council's solicitors, guidance material set by the Municipal Association of Victoria (MAV), community input and a benchmarking exercise with five other councils. The review process has led to the preparation of the draft amended Plan.

4. Officers' reports**FN.011/17 Amended Road Management Plan for Consultation**

10. The draft amended Plan takes into consideration the affordability, available resources and management of risks and has determined levels of service that meet the community's reasonable expectations of day to day maintenance.

Policy context

11. The review of the Road Management Plan contributes significantly to the following Council objectives:
- 1.1.5 – Provide a safe network of roads and footpaths
 - 2.1.17 – Develop and maintain our road and footpath network
12. The review of the Plan satisfies the requirements of section 301(3) of the *Road Management (General) Regulations 2005*,
13. The Plan has been reviewed to satisfy the requirements of Section 208A of the *Local Government Act 1989* relating to Best Value Principals.

Budget implications

14. The 2016–2017 budget allocated for operational maintenance of road and footpath and related assets was \$4,624,217. All works undertaken (including emergency after hours response) are within the allocated budget.

Consultation/communication

15. To commence the formal review process and in accordance with section 54(5) of the RMA a public notice was placed in *The Age* and *Diamond Valley Leader* on 16 November advising of Council's intention to conduct a review of the Plan. Following advertising period five submissions were received.
16. Council considered the submissions at its Future Nillumbik Committee Meeting on 14 February 2017.
17. The submissions received referred to matters which fall outside the scope of the Plan and therefore did not trigger a need for amendment. The matters raised were addressed, for the most part, by raising service requests for reactive works.
18. The RMA requires that the next stage of consultation will involve a public notice advising of Council's intention to amend the Plan. The purpose of this report is for Council to consider and endorse the plan in Attachment 2 for the purposes of consultation.
19. It is proposed that consultation will commence on Monday 24 April 2017 for a period of 28 days. In accordance with the Road Management Act, a public notice will be placed in the *Diamond Valley Leader* and *Victorian Government Gazette* to advertise Council's intention to amend the Plan.
20. The consultation period will also be communicated on social media and Council's website.
21. The consultation will be focused on providing clear and simple messages of how the Plan affects the community and the importance of their input. Communication about the consultation period will advise community members that the Plan is being reviewed, outline the purpose of the Plan, where to access the Plan and invite people to make submissions.

4. Officers' reports

FN.011/17 Amended Road Management Plan for Consultation

22. A 'Have your say' page will be set up on the website with an online form where community members are able to upload their submission. Submissions can also be sent via post or delivered to Customer Service.
23. Council will consider the submissions at its June Future Nillumbik meeting and the final Plan will be presented for adoption at the June Ordinary Council meeting.

Issues/options

24. The RMA requires Council to review its Road Management Plan and the review is required to be undertaken by the 30 June 2017.
25. The purpose of the review is to check whether the Plan is achieving its purpose which is to demonstrate that Council is maintaining roads and footpaths so that they are safe for people to use, within the resources available.
26. This is the fourth review of Council's Road Management Plan and there is now significant experience, understanding and data associated with the implementation of the Plan
27. Following the introduction of the Road Management Plan process in 2005, Council undertook the first condition audits of its road and footpath network measured against the standard set at the time. This gave rise to a significant number of defects which have been managed over time. With each iteration of the Plan, Council can review its compliance and resourcing to ensure that the thresholds that are set for audits, intervention levels and response times are reasonable and achievable.
28. In order to review the Road Management Plan 2013 (2013 Plan), the following actions have been undertaken:
 - an initial community consultation process which has not resulted in amendments to the Plan
 - an internal review of performance against the 2013 Plan including consideration of Public Liability claims. This is summarised in paragraphs 30-36 below.
 - a benchmarking exercise with five neighbouring municipalities (Banyule, Darebin, Manningham, Murrindindi and Whittlesea). Comparing service levels with other municipalities assists in establishing what may be a reasonable standard for an inspection frequency, a defect intervention level or a response time.
 - consideration of MAV guidance material which provides detailed information on what a Road Management Plan should contain and assists councils when reviewing their Plan to identify areas that require particular attention.
 - a legal review of the 2013 Plan by Macquarie Local Government Lawyers with all recommendations incorporated into the proposed amended Plan.
29. The review process has recommended various administrative and substantive amendments as detailed within Attachment 1 and summarised in this report.

Operational performance against the 2013 Plan

30. A review of Public Liability claims in relation to road and footpath defects provides an understanding of whether Council is experiencing change in the volume of claims

4. Officers' reports**FN.011/17 Amended Road Management Plan for Consultation**

relating to the condition of roads and footpaths. The number of claims that Council receives has remained low and the value of compensation remains very low.

31. Operational performance has been reviewed to understand whether Council is:
 - Meeting inspection frequencies
 - Repairing defects within the advertised response times
32. In terms of inspections, the internal review found that Council has adequate staffing resources to meet its statutory inspection duty for roads, paths and road related infrastructure subject to this Plan.
33. The analysis of operational performance shows a positive improvement in response times frames for repairing defects, predominantly due to the implementation of various proactive works program over the past four years in the areas of concrete footpath maintenance, linemarking renewal, signage maintenance and unsealed road maintenance.
34. In the areas of unsealed road grading, shoulder maintenance and asphalt repairs the response time for reactive defect repair is not being met. This has resulted in minor adjustments to intervention levels or response times detailed in Attachment 1. The proposed amendments are based on the benchmarking exercise and enable Council to meet timeframes within current resourcing and maintain a reasonable level of service.
35. The Roads and Drainage Maintenance team will continue to develop and implement further proactive works programs with respect to sealed roads and asphalt paths. It will also continue to review and implement changes to existing programs to look for areas of efficiency gains and test against best value principles set out in Section 208A of the Local Government Act 1989.

Amendments to the 2013 Plan

36. The list of proposed amendments to the 2013 Plan, the reason for the amendments and the budget or risk outcome is provided in Attachment 1.
37. These amendments to the 2013 Plan have been incorporated into the draft amended Road Management Plan 2017 which is provided as Attachment 2.
38. The substantive amendments to the Plan are technical in nature and are designed to align Council's services levels with on ground performance and within the benchmark range to reduce Council's RMA related Public Liability claims exposure.

Amendments to main document

39. There are a number of administrative amendments to the whole document including
 - Updating the document and tables to comply with accessibility standards
 - Updating references to document versions
 - Updating references to legislation
40. Advice from Council's solicitors resulted in adding assets that are road related and excluding assets that are not road related:
 - Bridges and road culverts are proposed to be included

4. Officers' reports**FN.011/17 Amended Road Management Plan for Consultation**

- Underground drainage and roadside vegetation are removed as they are not road related assets for the purposes of the RMA. Council has levels of service relating to underground drainage which are included within Council's 2016 Drainage Asset Management Plan. Levels of service relating to roadside vegetation are detailed within Council's Tree Management Guidelines 2015.
41. On the advice of Council's lawyers the amended Plan has removed any referenced road management 'policies' that exist outside the Plan. Further to this, a review of these policies will be undertaken following the adoption of the Plan to ensure there are no inconsistencies in the defined levels of service.
42. The levels of service with respect to hazards reported from members of the community have been clarified. This relates to requests or information from the public about a road and footpath hazards and how the service levels and response times are documented.

Amendments to Appendix 2 Programmed inspection requirements

43. There are minor amendments in the inspection table which are a result of:
- Ongoing reduction in the rate of defects observed during inspections
 - Reducing condition audits where they are superfluous
 - Clarifying footpath related defects

Amendments to Appendix 3 Typical Defect Intervention Levels and Response Times

44. There are a number of amendments to defect intervention levels and response times for road types. In general the purpose of these amendments is to ensure that the stated level of service aligns with on ground service delivery. The current level of service delivery is considered to be satisfactory as the rate of Public Liability claims is low and the value of claims is very low. The amendments are considered to be reasonable as they fall within the benchmark councils' range.

Conclusion

45. The substantive amendments to the Plan are those that change the stated level of service in relation to asset type, inspection frequency, defect intervention level and response time for defect repair. The review process has determined that relatively minor amendments will align the stated level of service with Council's current performance and available resources. These amendments are considered to be reasonable as they fall within the range of service levels of the five benchmark councils. The amendments ensure that Council meets the legal threshold which the Plan represents to reduce its Public Liability claims exposure.
46. The amended Plan takes into consideration the affordability, available resources and management of risks and has determined within the supporting documents levels of service that meet the community's reasonable expectations of day to day maintenance and ongoing asset function.
47. The draft amended Plan satisfies the requirements of the RMA.
48. It is recommended that Council adopt the draft amended Plan for the purpose of consultation.

4. Officers' reports**FN.012/17 Bus shelters****Portfolio: Infrastructure****Distribution: Public****Manager: Conal Creedon, General Manager Infrastructure Services****Author: Jonathan Risby, Coordinator Transport and Development****Summary**

Council has historically been responsible for the provision of bus shelters throughout the Shire.

Discussion has been held with Public Transport Victoria (PTV) regarding entering into a Memorandum of Understanding (MOU) to be included in their current contract for the provision and maintenance of bus shelters on public bus routes through metropolitan Melbourne. They have indicated that Council can enter into a MOU to participate in the current contract.

Typically, Councils that have signed up to the MOU have around 14 shelters installed annually. These shelters are maintained by PTV's contractor which is currently Adshel.

It is recommended that Council endorses the signing of a MOU with PTV.

Recommendation

That the Committee (acting under delegation from Council) endorses the signing of a Memorandum of Understanding with Public Transport Victoria for the provision and maintenance of new bus shelters along public bus routes in the shire.

Attachments

1. Photo of Adshel Metro Shelter

Background

1. Council has historically been responsible for the provision of bus shelters throughout the Shire and been responsible for maintenance of these shelters.
2. Discussions have been held with PTV regarding entering into a MOU to be included in their current contract for the provision and maintenance of bus shelters on public bus routes through metropolitan Melbourne. They have indicated that Council can enter into a MOU between the two parties.

Policy context

3. This report directly supports the achievement of Council Plan 2013-2017 strategies:
 - We will advocate to the State Government for improvements to public transport and main roads in the Shire to improve access and amenity for local residents.

4. Officers' reports

FN.012/17 Bus shelters

Budget implications

4. Council will need to continue to maintain existing shelters along public bus routes until they are replaced with new PTV shelters. The installation of any new bus shelters along non-public bus routes, such as school bus routes, would still need to be funded by Council.
5. Council's draft budget for 2017/2018 (and subsequent years) includes \$94,000 for new and replacement shelters. It is expected this could be reduced by \$50,000 per annum if Council agrees to the memorandum of understanding, with the balance retained for the maintenance of Council shelters and the provision of shelters on non-public routes.

Consultation/communication

6. Officers have consulted with PTV on the conditions and application of the current contract for the provision of bus shelters.
7. Prior to the installation of new shelters, consultation is undertaken with abutting land owners and occupiers.

Issues/options

8. PTV has appointed a contractor to provide, install and maintain bus shelters within metropolitan Melbourne. The current contract is awarded to Adshel who install their Metro shelter (photo attached).
9. Each year PTV would request a priority list of bus shelter locations for consideration. The locations are then reviewed by the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) and the contractor to ensure there are no issues with the proposed locations. All new installations will be compliant with the Disability Discrimination Act (DDA).
10. It is expected that Council undertakes any required consultation regarding the locations identified for the provision of shelters.
11. Typically, Councils that have signed up to the MOU have around 14 shelters installed annually. After installation these shelters are considered to be owned by PTV and are maintained by them.
12. As part of the MOU, Council agrees to grant PTV the right to advertise on all bus shelters owner by PTV. Prior to advertising occurring on a shelter, a permit is required from Council. There are some zones in the planning scheme where advertising would be prohibited.
13. Council would still need to maintain the existing 67 bus shelters on public bus routes and install and maintain bus shelters on non-public bus routes.

Conclusion

14. It is considered that this proposed arrangement provides a good outcome for the Shire and will improve the amenity for bus users by increasing the number of public bus stops with shelters and removing some of the maintenance burden from Council.
15. It is recommended that Council endorses the signing of a MOU with PTV.

4. Officers' reports

FN.013/17 Supply and transport of bulk bins for the Recycling and Recovery Centre - Contract 1617-24

Portfolio: Infrastructure

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Lisa Pittle, Manager Infrastructure Maintenance

Summary

This report considers awarding a contract for Supply and Transport of bulk bins from Nillumbik Shire Council's Recycling and Recovery Centre (RRC). Presently Council has a contract with Citywide Service Solutions that concludes on 16 May 2017.

The purpose of this request for quotation is to formalise bulk haulage arrangements for the RRC for the next three years with no option for extension. The requested services include the supply of 33 cubic metre and 16 metre bins bulk bins for hard waste, green waste, cardboard with scrap metal as an option at Council's discretion and regular transport of the bulk material to a disposal or processing facility.

The tender evaluation panel has assessed all submissions and a separate confidential report outlines the evaluation and recommendations to award the contract.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the anticipated value of this contract exceeds financial limits and a Council resolution is required to accept the recommendation to award and use this contract.

Recommendation

That the Committee (acting under delegation from Council):

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

Attachments

Nil

4. Officers' reports

**FN.014/17 Eltham North Reserve Pavilion Upgrade - Architectural Services
Tender**

Portfolio: Social Infrastructure

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Steven Blight, Coordinator Construction

Summary

This report considers the awarding of the contract for the Architectural Services for the Eltham North Reserve Pavilion Upgrade project.

The service will involve the development of the Council endorsed concept plans for new cricket and soccer facilities and improvements to the existing scout and community hall.

The concept plans will be developed, in consultation with all stakeholders, to full detailed design plans, specification and tender documentation for the appointment of a builder to undertake construction of the new facilities.

The Tender Evaluation panel has assessed all submissions and a separate confidential report outlines their evaluation in recommending the awarding of the contract for the Eltham North Reserve Pavilion Upgrade Architectural Services.

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 the Committee (acting under delegation from Council):

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

Attachments

Nil

4. Officers' reports

FN.015/17 2017 Annual Community Survey

Portfolio: Finance and Governance

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Allison Watt, Manager Governance and Communications

Summary

This report outlines the results of the 2017 Annual Community Survey which was conducted on Council's behalf by Metropolis Research in January 2017.

This sixth annual survey is designed to measure community satisfaction with a range of Council services and facilities and to measure community sentiment on a range of additional concerns in the community.

Among its findings, the survey found that Nillumbik residents are most satisfied with their local library, environmental programs and facilities, weekly green waste collection, services for children aged 0-5 years and education and learning.

They are least satisfied with traffic management, parking enforcement, drains maintenance and repairs, footpath maintenance and repairs and street sweeping.

Community satisfaction with Council's overall performance is rated at 6.15 out of 10, a decline of eight per cent from the 6.69 result in 2016. This level of satisfaction is categorised as 'solid', a decline on the previous categorisation of 'good'.

Respondents from the rural precinct (5.40) were measurably and significantly less satisfied than the municipal average and satisfaction declined 23 per cent from 7.02 out of 10.

Metropolis Research noted that a decline in satisfaction with Council's overall performance has also been observed across metropolitan Melbourne, with the Melbourne metropolitan average satisfaction declining six per cent from 6.81 to 6.40. The average across northern region councils is 5.97. There may be a range of reasons for this including the impact of local council elections on the communities' perception of councils and their performance.

The survey results will be made publicly available on Council's website and reported in the 2016-2017 Annual Report. Some results are performance measures required by the State Government and will be made available on the Know Your Council website.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Receives and notes the results of the 2017 Annual Community Survey.**
- 2. Makes the report's findings publicly available on Council's website and in the Annual Report.**

Attachments

1. 2017 Annual Community Survey

4. Officers' reports**FN.015/17 2017 Annual Community Survey**

Background

1. In November 2016, Council commissioned Metropolis Research to undertake the sixth Annual Community Survey.
2. Using the same methodology applied in previous surveys in November/December 2011, January 2013, January/February 2014, November/December 2015 and January 2016, the survey involved face-to-face interviews with 500 randomly selected residents from across five precincts of the Shire including Greensborough, Diamond Creek, Eltham, Eltham North and rural townships.
3. The survey is designed to measure community satisfaction with a range of Council services and facilities and to measure community sentiment on a range of additional concerns in the community.
4. Among its findings, the survey found that Nillumbik residents are most satisfied with their local library (8.53 out of 10), environmental programs and facilities (8.20), weekly green waste collection (8.14), services for children aged 0-5 years (7.98) and education and learning (7.97).
5. They are least satisfied with traffic management (6.10), parking enforcement (6.12), drains maintenance and repairs (6.22), footpath maintenance and repairs (6.39) and street sweeping (6.40).
6. Community satisfaction with Council's overall performance is rated at 6.15 out of 10, a decrease of eight per cent on the 6.69 result in 2016. This level of performance remains categorised as 'good'.
7. The average satisfaction with the five aspects of governance and leadership (excluding environment) is 6 out of 10, a decline of 10.7 per cent on the 6.72 recorded in 2016. Satisfaction with all aspects of governance decreased measurably and significantly.
8. The average satisfaction with the 30 services and facilities included in the 2017 survey declined 0.8 per cent, down from 7.24 to 7.17.
9. Traffic management; Council rates; building, housing, planning and development; roads maintenance and repairs and bushfire management and prevention are the top five issues that respondents want Council to address in the next 12 months.

Policy context

10. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will involve the community in our decision-making through public participation and representation and we will keep them informed through frequent and effective communication.

Budget implications

11. The cost of undertaking the 2017 Annual Community Survey was met within existing operational budgets.

4. Officers' reports**FN.015/17 2017 Annual Community Survey**

Consultation/communication

12. The Annual Community Survey involved face-to-face interviews with 500 randomly selected residents from across five precincts of the Shire including Greensborough, Diamond Creek, Eltham, Eltham North and rural townships.
13. A total of 2,570 households were approached by Metropolis Research to participate in the 2017 Annual Community Survey. Of these, 1,239 were unattended at the time, 829 chose not to participate and 502 completed surveys. This is a response rate of 37.7 per cent which is similar to previous years.

Issues/options

14. The Annual Community Survey has been designed to provide Council with a wide range of information covering community satisfaction, sentiment and involvement.
15. The 2017 survey comprised the following:
 - Satisfaction with Council's overall performance and aspects of governance
 - The importance of and satisfaction with a broad range of council services and facilities
 - Satisfaction with aspects of traffic and parking
 - Satisfaction with Council's communications tools
 - Satisfaction with Customer Service
 - Issues of importance for Council to address
 - Satisfaction with planning and housing development
 - Demographic profile of respondents
16. The 2017 survey also included a set of questions related to the health and wellbeing of the Nillumbik community. These questions were included to inform the development of the Health and Wellbeing Plan and the results have been report to Council separately.
17. Survey results were provided using a set of precincts derived from localities within the Shire which are:
 - Greensborough (Greensborough and Plenty)
 - Diamond Creek
 - Eltham (Eltham Central, Eltham South, Eltham East)
 - Eltham North (Eltham North and Edendale)
 - Rural (Hurstbridge, Kangaroo Ground, North Warrandyte, Research, Wattle Glen, St Andrews, Rural East and Rural Northwest)
18. The survey found that the Nillumbik community considered Council's performance across all areas of responsibility or overall performance to be 'solid' at 6.15 out of 10. This is an eight per cent decrease on the 2016 result of 6.69.
19. Younger respondents, new Nillumbik residents, two-parent families with young children (aged under five years), and mortgagee and rental household respondents

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tended to be more satisfied with Council's overall performance. Older adults, long-term Nillumbik residents and home owners are less satisfied.

20. Overall satisfaction with Nillumbik Shire Council is somewhat lower than the 2016 metropolitan Melbourne average of 6.40 but marginally higher than the northern region councils' average of 5.97.
21. The reasons for the decline in satisfaction with Council's overall performance appear to relate to the following:
 - The impact of local government elections on the community's view of Council due to increased resident attention to local politics and candidates in the lead up to the election.
 - The impact of the C101 environmental overlay particularly in the rural precinct where satisfaction declined 23 per cent
 - Satisfaction with aspects of governance and leadership declined by an average of more than 10 per cent stemming from dissatisfaction around issues such as C101
 - A range of other issues appear to have had a negative influence on overall satisfaction including council rates, road maintenance and repairs, building, housing, planning and development and potentially some concern around bushfire management and prevention
22. There was a significant (average 10.7 per cent) decline in satisfaction with the six aspects of governance and leadership, including making decisions in the interests of the community (5.74), community consultation and engagement (5.76), maintaining trust and confidence (5.78), representation, lobbying and advocacy (5.87), responsiveness to local community needs (5.97) and meeting environmental responsibilities (6.88).
23. Satisfaction with consultation and engagement, which is one of the State Government's performance measures reported on the *Know Your Council* website, decreased from the 6.62 recorded in 2016 and is categorised as 'poor'.
24. Satisfaction with the maintenance and repair of sealed local roads, which is another performance reporting measure, is 6.53, almost identical to the 2016 results of 6.52.
25. The average importance of the 30 Council services and facilities included in the survey is 8.40 out of 10, a small decline on the 8.73 recorded in 2016.
26. Residents' satisfaction with the 30 Council services and facilities included in the survey declined by just 0.8 per cent in 2017, down from 7.24 to 7.18 and remains categorised as 'good'.
27. Residents are most satisfied with their local library (8.53 out of 10), environmental programs and facilities (8.20), weekly green waste collection (8.14), services for children aged 0-5 years (7.98) and education and learning (7.97).
28. They are least satisfied with traffic management (6.10), parking enforcement (6.12), drains maintenance and repairs (6.22), footpath maintenance and repairs (6.39) and street sweeping (6.40).

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29. The average satisfaction with 12 services and facilities increased in 2017, most notably fortnightly recycling (3.9 per cent) and environmental programs and facilities (3 per cent).
30. Satisfaction with 18 of the 30 services and facilities declined somewhat in 2017 although most of the declines were not statistically significant. Declines in satisfaction include drains maintenance and repairs (down 8.3 per cent), hard rubbish collection (down 7.3 per cent), parking enforcement (down 4.6 per cent) and public toilets (4.6 per cent).
31. In 2017, there was some change to the structure of the planning satisfaction section of the survey. In the past, all respondents had been asked to rate their satisfaction with a list of aspects that included the planning process as well as planning and development outcomes.
32. This year, only respondents that were directly involved in the planning process (as an applicant, objector or other) were asked to rate their satisfaction with four aspects of the planning approvals process, while all respondents were then asked to rate their satisfaction with three aspects relating to planning and development outcomes.
33. Based on the small sample of 37 respondents who have had direct involvement in the planning process, satisfaction with the four aspects of the planning approvals process remained stable.
34. Satisfaction with the appearance and quality of newly-constructed developments in the local areas increased measurably and significantly in 2017 increasing 6.4 per cent from 6.27 to 6.67 and is categorised as 'good'.
35. The average satisfaction with the seven aspects of customer service declined six per cent in 2017 from 7.24 to 6.81. Satisfaction can be summarised as 'very good' for courtesy and friendliness (7.46) and general reception (7.37); 'good' for the provision of accurate information (6.89), care and interest in enquiry (6.89), access to relevant officer/area (6.67) and speedy and efficiency of service (6.62); and 'poor' for being kept informed about the status of the enquiry (5.78).
36. Satisfaction with the volume of traffic on local streets declined 5.3 per cent from 6.08 to 5.76 and is now categorised as 'poor'. Satisfaction with the volume of traffic on main roads declined 15.4 per cent from 5.35 to 4.53 and is now categorised as 'extremely poor'.
37. Traffic management continues to be the top issue that respondents want Council to address, being identified by 27.1 per cent of respondents, up on the 23.1 per cent identified in 2016. The other top issues are Council rates (16.7 per cent), building, planning, housing and development (15.1 per cent); roads maintenance and repairs (14.5 per cent) and bushfire management/prevention (13.9 per cent).
38. The perception of safety in the public areas of Nillumbik remains very high, with very little variation from the results recorded in recent years. This indicates that safety-related issues are not a significant concern for the vast majority of respondents in the Shire.
39. In 2017, a little more than half (56.7 per cent) of respondents reported that their household regularly receives and reads the Nillumbik News, Council's quarterly publication, the second consecutive increase since the 47.2 per cent recorded in

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2015. There was a small increase in the proportion of respondents who have visited Council's website at least infrequently up from 32.7 per cent in 2016 to 39.3 per cent in 2017.

Conclusion

40. The 2017 Annual Community Survey has provided Council with key information on the importance the community places on a broad range of Council services and facilities. The survey also measures community satisfaction with these services and facilities as well as identifying the issues facing the Shire.
41. The 2017 Annual Community Survey findings will be made publicly available on Council's website and will be reported in the 2016-2017 Annual Report which must be prepared and presented to the Minister for Local Government by 30 September this year.

4. Officers' reports**FN.016/17 Procurement Policy Annual Review and Loan Guarantee Policy**

Portfolio: Finance and Governance**Distribution: Public****Manager: Andrew Port, General Manager Corporate Services****Author: Vince Lombardi, Manager Finance****Melika Sukunda, Financial Accountant****Lance Clarke, Senior Procurement Specialist****Summary**

The *Local Government Act 1989* requires Council to annually review its Procurement Policy (the policy). An annual review of the policy has been undertaken and a revised Procurement Policy is presented for Council approval. The Audit Committee considered the revisions at its meeting in February 2017.

The Procurement Policy applies to all procurement and contracting activities at Council and is binding upon Council officers, contractors and consultants whilst engaged by and/or representing Council. This report sets out the revisions and seeks Council approval of the reviewed policy.

The Loan Guarantee Policy addresses circumstances where Council is requested to act as guarantor for a loan taken out by a community organisation. This policy has also been considered by the Audit Committee.

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

- 1. Adopts the Procurement Policy**
- 2. Makes the Procurement Policy available for public inspection at the Civic Office and on Council's website.**
- 3. Adopts the Loan Guarantee Policy.**

Attachments

1. Procurement Policy
2. Loan Guarantee Policy

Background

1. The *Local Government Act 1989* (the Act) requires Council to prepare and approve a Procurement Policy, and at least once in each financial year to review the policy. The Act defines a Procurement Policy to mean the principles, processes and procedures that will apply to the purchases of goods, services and works by the Council.

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2. The Loan Guarantee policy has been developed to provide guidance in assessing applications made for Council to act as guarantor for loans by local organisations.

Policy context

3. This report directly supports the achievement of Council Plan 2013-2017 strategies:
 - We will ensure our services are efficient and deliver good value for money for our residents and we will invest in training and technology to enhance productivity.

Budget implications

4. The review of the policies has no direct budget implications.

Consultation/communication

5. Both policy documents have been presented to the Audit Committee for review and comment.
6. Consultation regarding the review has taken place with staff who are engaged in procurement activities and loan guarantee requests.

Issues/options

7. Council last adopted the Procurement Policy in February 2016. The annual review for 2017-2018 has been undertaken in accordance with the Act and has taken into account feedback by officers with procurement responsibilities.
8. The revised Procurement Policy is provided as Attachment 1 and will replace the current policy.
9. The policy will apply to all procurement and contracting activities of Council.
10. The policy aims to ensure that procurement activities are undertaken in a consistent and appropriate manner by Council adopting best practice principles, and provides guidance for:
 - Achieving value for money objectives.
 - Ensuring public money has been spent in the best interests of the community.
 - Generating support for the local economy and the wider community.
11. The Loan Guarantee Policy has been developed to formalise existing procedures.
12. In order to fund capital works, local community organisations sometimes seek to borrow funds from financial institutions which require the loan to be secured by a guarantee from Council.
13. The policy provides officers with guidance as to a minimum list of required information and an application form required for proposed submissions.
14. Under the policy, a loan guarantee can only be approved by Council resolution.

Conclusion

15. The Procurement Policy and the Loan Guarantee Policy are presented to Council for formal approval.

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

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

Motion

That the Committee 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
FN.017/17	Supply and Transport of Bulk Bins for the Recycling and Recovery Centre 1617-24	(d) contractual matters
FN.018/17	Tender Report - Contract 1617-57 Eltham North Reserve Pavilion Upgrade - Architectural Services	(d) contractual matters