

Ordinary Meeting of Council

to be held virtually
on Tuesday 26 May 2020 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Friday 22 May 2020

Distribution: Public

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Ordinary Council Meeting

Councillors

Cr Karen Egan (Mayor) – Bunjil Ward

Cr Jane Ashton – Sugarloaf Ward

Cr Grant Brooker – Blue Lake Ward

Cr Peter Clarke – Wingrove Ward

Cr John Dumaresq – Edendale Ward

Cr Peter Perkins – Ellis Ward

Cr Bruce Ranken – Swipers Gully Ward

Officers

Carl Cowie – Chief Executive Officer

Blaga Naumoski – Executive Manager Governance, Communications and Engagement

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held
Tuesday 26 May 2020 commencing at 7:00pm.**

1. Welcome by the Mayor

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

2. Reconciliation statement

The reconciliation statement to be read by the Mayor

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

3. Prayer

A prayer will be read.

4. Apologies

Recommendation

That the apologies be noted.

5. Presentations

6. Confirmation of minutes

Confirmation of minutes of the Ordinary Council Meeting held on Tuesday 28 April 2020.

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 28 April 2020 be confirmed.

7. Disclosure of conflicts of interest

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

8. Petitions

9. Questions from the gallery

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10. Reports of Advisory Committees

AC.005/20 Advisory Committee Report

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Alena Spry, Governance Officer

Summary

Council has a range of Advisory Committees which provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation. Although they do not make any formal decisions, they provide valuable advice to Council.

In accordance with Advisory Committee Terms of Reference, the minutes of meetings are presented to Council.

Attachments

1. Environment and Sustainability Advisory Committee minutes - 11 December 2019
2. Environment and Sustainability Advisory Committee minutes - 19 February 2020
3. Municipal Health and Wellbeing Plan Advisory Committee minutes - 30 April 2020

Recommendation

That Council notes the minutes of the following meetings:

- Environment and Sustainability Advisory Committee held on 11 December 2019;
- Environment and Sustainability Advisory Committee held on 19 February 2020; and
- Municipal Health and Wellbeing Plan Advisory Committee held on 30 April 2020.

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11. Reports of Special Committees

OCM.071/20 Committee report - Draft Budget 2020-2021 - consideration of submissions

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

This report outlines submissions received from the public regarding the draft Budget 2020-2021 for Council consideration.

Council adopted the draft Budget 2020-2021 at the Ordinary Council Meeting on 24 March 2020 for the purpose of community consultation. The draft Budget was made available to the public for a period of 28 days. Thirty-two submissions were received.

The Future Nillumbik Committee considered the submissions as well as verbal presentations from submitters at its meeting on 12 May 2020.

The following people addressed the Committee with respect to the draft Budget 2020-2021:

1. Katherine Copsey on behalf of Alliance for Gambling Reform
2. Kevin Myers on behalf of himself and Gweneth Myers
3. Zac Lombardo
4. Norman Williams (via CEO)
5. Mel Ellis (via CEO)

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

Recommendation

That Council:

1. Notes that 32 submissions on the draft Budget 2020-2021 were received, and the submissions were considered and submitters were provided with the opportunity to be heard by the Future Nillumbik Committee on 12 May 2020.
2. Considers the matters contained in the submissions and the Committee's report during finalisation of the Budget 2020-2021.

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12. Officers' reports

OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

This report recommends that Council formally adopts the Budget and declare the rates and charges for the 2020-2021 Financial Year.

Council commenced preparation of the 2020-2021 Budget in late 2019 in order that it could then be exhibited for public consultation, and adopted prior to 30 June 2020.

The draft Budget was exhibited and the community invited to comment on it. Written submissions were received and considered by a meeting of the Future Nillumbik Committee on 12 May 2020. A separate report from the Committee to Council regarding the submissions is included in this agenda.

Rates and charges for 2020-2021

The Budget has been prepared in compliance with the rate capping legislation introduced by the Victorian Government.

The draft Budget proposes a zero increase in rates per property which is 2.00 per cent below the rate cap.

Capital Works

The Budget proposes a number of significant capital works projects that have been identified through planning and community consultation.

A full list of capital works projects is included in the draft Budget document (**Attachment 2**).

Policy, planning and services initiatives

In addition to capital works, the Budget also includes resources for a range of initiatives regarding policy, planning and services.

Strategic Resource Plan

As part of the budget process, the Strategic Resource Plan has also been reviewed and updated. Council is required to adopt the Strategic Resource Plan by 30 June each year.

The Strategic Resource Plan shows that Council can maintain a balanced Budget within the rate cap, provided that the assumptions in the Plan are met.

Recommendation

That:

1. Council, having considered the submissions received, adopts the proposed Budget 2020-2021 (**Attachment 2**).
2. The Chief Executive Officer be authorised to give public notice of the decision to adopt the Budget, and to submit a copy of the adopted Budget to the Minister for Local Government.

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OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

3. The amount of rates and charges intended to be raised are:

- a) an amount of \$66.968 million (or such greater amount as is lawfully levied as a consequence of this recommendation being adopted) be declared as the amount which Council intends to raise by general rates and annual service charge (described later in this recommendation). The amount declared is calculated as follows:

General Rates	\$57,648,111
Annual Service Charge	\$9,319,519

4. General Rates

- a) That general rates be declared in respect of the 2020-2021 Financial Year.
 b) It be further declared that the general rates be raised by the application of differential rates.
 c) A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.

I. Farm Land

Any land which is 'farm land' within the meaning of section 2(1) of the *Valuation of Land Act 1960*.

II. Commercial/Industrial Land

Any land which is used or adapted to be used primarily for commercial or industrial purposes.

III. Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

Any land located in a General Residential / Activity Centre Zone / Neighbourhood Residential Zone, or in the Low Density Residential Zone (LDRZ) to which DPO4 applies, on which no habitable dwelling is erected.

IV. Other Land

Any land which is not:

- Farm Land
- Commercial/Industrial Land or
- Vacant Land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones.

- d) The quantum of rates payable in respect of each rateable land will be determined by multiplying the Capital Improved Value of such land (categorised by the characteristics described in paragraph 4(c) above) by the relevant rates indicated in the following table:

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Category	Rate in Dollar
Farm Land	0.002270 (or 0.2270 cents in the dollar of Capital Improved Value)
Commercial / Industrial Land	0.003091 (or 0.3091 cents in the dollar of Capital Improved Value)
Vacant land – General Residential / Activity Centre Zone / Neighbourhood Residential Zone and Specified Low Density Residential Zones	0.005339 (or 0.5339 cents in the dollar of Capital Improved Value)
General Rate / Other Land	0.002670 (or 0.2670 cents in the dollar of Capital Improved Value)

- e) It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that the:
 - I. respective objectives, uses and levels of each differential rate be those specified in Schedule A (**Attachment 1**).
 - II. respective types or classes of land which are subject to each differential rate be those defined in part 4(d) above.
- f) It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
- g) In accordance with section 4(4) of the *Cultural and Recreational Lands Act 1963*, the amount of rates payable in respect of each of the rateable lands to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.001030 (or 0.1030 cents in the dollar of Capital Improved Value).

5. Annual Service Charge

- a) An annual service charge be declared in respect of the 2020-2021 Financial Year.
- b) The annual service charge be declared for the collection and disposal of residential refuse and other waste.
- c) Except in the case of elderly persons units, the amount of the annual service charge so declared is dependent upon the option chosen by the owner of the land. The options are:

Option 1: \$419.56 per service in respect of the following three bins:

 - 120 litre green waste bin
 - 240 litre recycling bin
 - 120 litre landfill bin

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Option 2: \$335.65 per service in respect of the following three bins:

- 120 litre green waste bin
- 240 litre recycling bin
- 80 litre landfill bin

Option 3: \$587.38 per service in respect of the following four bins:

- 120 litre green waste bin
- 240 litre recycling bin
- 2 x 120 litre landfill bins

Option 4: \$461.52 per service in respect of the following four bins:

- 120 litre green waste bin
- 240 litre recycling bin
- 140 litre landfill bin

Option 5: \$755.21 per service in respect of the following four bins:

- 120 litre green waste bin
- 240 litre recycling bin
- 120 litre landfill bin – weekly collection

- d) The amount of the annual service charge so declared in respect of elderly persons units, being units occupied by elderly persons or persons with a disability where the applicable form of declaration has been received by Council, is \$104.89.
- e) For each rateable land or non-rateable land in respect of which an annual service charge may be levied, the annual service charge will apply irrespective of whether the owner or occupier of the land avails himself, herself or itself of the service.
- f) The annual service charge is not declared in respect of, and is not be levied on, any land on which no habitable dwelling is erected.

6. Rebates – Sustainable Agricultural Land

- a) It be recorded that subject to paragraph 4(c) of this recommendation, Council may grant a rebate to each owner (or, where applicable, occupier) of land which:
 - i) is not less than 30 hectares in area.
 - ii) is otherwise 'farm land' under section 2(1) of the *Valuation of Land Act 1960*.
- b) The rebate be granted to:
 - i) assist the proper development of the municipal district.

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- ii) preserve places within the municipal district which are of environmental interest.
 - iii) restore or maintain places of environmental importance within the municipal district.
 - iv) more generally achieve the objectives outlined in the Sustainable Agricultural Rebate (SAR) Guidelines.
- c) The grant of the rebate be:
- i) subject to the criteria detailed in the SAR Guidelines.
 - ii) set at a level based on the following two components:
 - Component A - a single fixed amount of \$100 per eligible property (or per single aggregate of 'continuous' properties, as defined in section 13 DC (6) of the *Valuation of Land Act 1960*).
 - Component B - \$15 per hectare of 'productive agricultural land' across each eligible property. The area of productive agricultural land is calculated for each property by subtracting the apparent area of bushland and domestic use from the total property area. Landowners will be given a single opportunity to challenge this area calculation, after which that figure will be set and documented within the relevant Property Management Plan. Any future change in bushland area will not change the set figure for productive agricultural land.
 - iii) subject to development of an approved Property Management Plan (PMP) for each eligible property. The development of a PMP will replace the need for an annual SAR application form, yet each Plan must satisfy the following conditions:
 - PMP Condition A - The PMP must be submitted for approval to the Environment Department of Council. The approval date for each ratified PMP will be noted and a copy of the document will be retained for Council records.
 - PMP Condition B - A separate PMP will be required for each property or aggregate of properties where the owner receives the \$100 fixed payment component of the SAR.
 - PMP Condition C - Landowners who have previously received the SAR must return their PMP by the date indicated in correspondence that has been sent to the recipient (further detail regarding this point can be obtained from the Sustainability and Environment Unit of Council).
 - PMP Condition D - All SAR applicants who have not previously received the SAR will require an approved PMP prior to being eligible for the rebate.
 - PMP Condition E - All PMPs will need to be revised by the owner and submitted for re-approval every four years (approximately).

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Council's Environment Team will notify landholders when PMP revision is required and will allow ample time and assistance to facilitate this process.

7. Rebates – House construction on Vacant Residential Land
 - a) It be recorded that Council may also grant a rebate to each owner (or, where applicable, occupier) of land on which a habitable dwelling is erected during the course of the 2020-2021 Financial Year.
 - b) The rebate be granted to assist the proper development of the municipal district.
 - c) The rebate be granted:
 - i) if a dwelling is created on what has been Vacant Land – Residential and Specified Low Density Residential Zones.
 - ii) upon an occupancy permit being issued in respect of the dwelling.
 - d) The rebate be in an amount of 50 per cent of the general rates payable during the 12 months immediately preceding the date of the supplementary valuation made after the occupancy permit was issued.

8. Payment
 - a) In accordance with section 167 of the *Local Government Act 1989*, Council determines that rates and charges may be paid by four equal quarterly instalments due on:
 - 30 September 2020
 - 30 November 2020
 - 28 February 2021
 - 31 May 2021

9. Consequential further actions:
 - a) The Manager Finance be authorised to levy and recover the general rates and annual service charge in accordance with the *Local Government Act 1989*.
 - b) Pursuant to section 172(1) of the *Local Government Act 1989*, Council records that it will require the payment of interest on any amounts of rates and charges which have not been paid by the date specified under section 167 of the said Act for their payment.

10. Council writes to all those who have made a submission on the 2020-2021 Budget under section 223 of the *Local Government Act 1989* thanking them for their input and advising them of Council's decision and reasons for the decision.

Attachments

1. Schedule A
2. Budget 2020-2021

12. Officers' reports**OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges**

Background

1. Council is required by the *Local Government Act 1989* to prepare a Budget for each financial year.
2. Adoption of the Budget is an important policy decision by Council in terms of resource allocation for services and projects in the coming year.
3. The Budget has been prepared for the purposes of public exhibition in accordance with statutory requirements.

Policy context

4. This Budget has been developed in the context of the Council Plan 2017-2021. It is also developed in the context of the Strategic Resource Plan which demonstrates how the outcomes of the Council Plan can be resourced in a way which ensures Nillumbik's ongoing sustainability.
5. In developing the Budget, Council has also considered the key priorities emerging from the master-plans for Council's major recreation facilities and reserves, the structure plans for Nillumbik's activity centres, and other Council policies and strategies.

Budget implications

6. The costs of preparing the Budget, such as public notices, mail outs and community consultation sessions are funded from operating budget allocations.

Consultation/communication

7. Council adopted the draft Budget 2020-2021 at the Ordinary Council Meeting on 24 March 2020 for the purpose of community consultation. The draft Budget was made available to the public for a period of 28 days.
8. An advertisement was placed in *The Age* on the 26 March 2020 and on Council's website. Submissions in relation to the draft Budget have been sought from the public. Submissions were received and considered at the meeting of the Future Nillumbik Committee on 12 May 2020.
9. The draft Budget was made available on Council's website, at the Civic Centre and at the Eltham and Diamond Valley libraries.
10. At the meeting of the Future Nillumbik Committee on 12 May 2020, the Committee, acting under delegation from Council, received and considered the submissions on the draft Budget. The Committee has presented a report to Council on the submissions about the draft Budget 2020-2021 in accordance with sections 129 and 223 of the *Local Government Act 1989*.

Budget 2020-2021

11. This report is presented to enable Council to formally adopt the Budget and declare the rates and charges for the 2020-2021 Financial Year.
12. This report outlines the key elements of the Budget. Details are provided in the full Budget document (**Attachment 2**).

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OCM.072/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

Capital works

13. The draft Budget includes \$32.87 million of capital works projects, of which \$16.46 million will be externally funded by grants and contributions and \$1.153 million from borrowings. The balance will be funded by Council from rates and reserve funds.
14. A full list of capital works projects is included in the draft Budget document (**Attachment 2**).

Strategic projects and service improvements

15. The Budget provides resources for policy development, as well as policy implementation and service improvements. A full list is provided in the Budget document (**Attachment 2**).

Services (Operating Budget)

16. Recurrent operating budgets for Council services have been adjusted to reflect changes in unit costs, including inflationary impacts and contracted prices.

Rates, charges and other revenue

17. The Budget proposes a zero increase per property in rates and a 7.88 per cent increase to the standard Waste Management Charge.
18. The Waste Management Charge has accounted for the deferment of the increase to the landfill levy announced by the Victorian Premier and Treasurer.
19. Other fees and charges increases are reflective of cost increases, regulatory requirements and market considerations.

Differential rating

20. At present, Council levies a General Rate, a Farm Rate (15 per cent below the General Rate), a Commercial/Industrial Rate (16 per cent above the General Rate), a Vacant Land Rate (100 per cent above the General Rate) and a Cultural and Recreational Land Rate (61 per cent below the General Rate). The relativity of each differential rate is proposed to be maintained for 2020-2021.

Borrowings

21. The Budget proposes borrowings of \$1.153 million, the borrowings will be used to partly fund capital works projects.
22. The portion of capital works projects being funded include the Diamond Creek trail extension \$303,000, Hurstbridge Outdoor Netball \$350,000 and Greensborough Hockey Club pavilion redevelopment \$500,000.
23. Council is forecast to remain within the Auditor-General's low-risk (green light) range on the Indebtedness measure of financial sustainability.

Strategic Resource Plan

24. Council must adopt the Strategic Resource Plan not later than 30 June each year pursuant to section 126 of the *Local Government Act 1989*.
25. The Strategic Resource Plan is the financial plan which is required to enable Council to achieve its Council Plan goals over the coming years.

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26. The updated version of the Strategic Resource Plan is included in the Budget (**Attachment 2**). It incorporates the financial projections in expenditure and revenue which are based on a series of assumptions about the community's needs and how Council plans to continue to address these needs for services and infrastructure.
27. The Strategic Resource Plan incorporates the 2020-2021 Budget and projections for the next 10 years based on the assumptions.

Financial Sustainability Measures

28. These measures include all those used by the Auditor-General to assess financial sustainability for local government across Victoria.
29. The 2020-2021 Budget includes details of Council's projected performance over the next ten years, based on the Strategic Resource Plan.

Conclusion

30. Council has undertaken public consultation in accordance with its statutory obligations in the *Local Government Act 1989* in relation to the proposed Budget 2020-2021.
31. Having considered the Budget submissions, Council is now able to formally adopt the Budget 2020-2021 and resolve to declare the rates and charges. It can also adopt the differential rates applied to the classes of land which are listed in the recommendation.
32. Preparation of the annual Budget is a major decision for Council in allocating resources to services and projects for the coming year.
33. The Budget has been prepared with regard to the strategic context provided through the Council Plan and various individual policies, strategies and plans.
34. The Budget and the Strategic Resource Plan are recommended for Council approval.

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12. Officers' reports

OCM.073/20 Audit and Risk Committee meeting May 2020

Distribution: Public

Manager: Vince Lombardi, Chief Financial Officer

Author: Melika Sukunda, Finance Manager

Summary

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

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

The Audit and Risk Committee met on 11 May 2020. The minutes for the meeting are shown in **Attachment 1**.

Recommendation

That Council notes the minutes of the Audit and Risk Committee meeting held on 11 May 2020.

Attachments

1. 11 May 2020 Audit and Risk Committee Minutes

Background

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

Policy context

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

Budget implications

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

Consultation/communication

5. The Audit and Risk Committee meeting on 11 May 2020 was attended by the Committee members, the internal auditors from Pitcher Partners, the external auditors HLB Mann Judd, Chief Executive Officer as well as the Chief Financial Officer. Cr Peter Clarke and Cr Bruce Ranken are the Councillor representatives.

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OCM.073/20 Audit and Risk Committee meeting May 2020

Audit and Risk Committee minutes

6. The minutes of the Audit and Risk Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
7. The Audit and Risk Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.
8. Minutes of the Audit and Risk Committee held on the 11 May 2020 have not yet been adopted by the Committee, but will be presented at its next meeting.
9. The items considered by the Audit and Risk Committee were:
 - Disability and Inclusion Internal Audit, presented by Pitcher Partners
 - Council's Risk and Insurance report
 - Internal audit plan for the next financial year
 - Financial Hardship Policy
 - Draft Budget 2020-2021
 - Transformation at Nillumbik (T@N) update; and
 - March Quarter Financial Report.
10. The next Audit and Risk Committee meeting is scheduled to take place in August 2020.

Conclusion

11. The minutes of the Audit and Risk Committee meeting held on 11 May 2020 are presented to Council to ensure timely feedback and accurate information. This report is presented for noting by Council.

12. Officers' reports**OCM.074/20 Draft Nillumbik Housing Strategy**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Paul Fyffe, Senior Strategic Planner****Leigh Northwood, Strategic Planning Lead****Summary**

The Council Plan requires the preparation of a new Nillumbik Housing Strategy. The purpose of the Strategy is to establish a clear policy position influencing the location, type, form, diversity and scale of housing across the Shire, in line with existing neighbourhood character, and responding to community needs.

A draft Housing Strategy has now been prepared, which is provided as **Attachment 1**. This report recommends that Council endorses the draft for public consultation. The proposed consultation has been designed to adequately respond to restrictions and community sensitivities which will likely be present because of the ongoing COVID-19 situation.

Recommendation

That Council:

1. Endorses the draft Nillumbik Housing Strategy, provided as **Attachment 1**, for public consultation.
2. Requests a report to the August Future Nillumbik Committee Meeting which considers submissions to the draft Nillumbik Housing Strategy.

Attachments

1. Draft Nillumbik Housing Strategy
2. High Resolution Change Area Map Eltham
3. High Resolution Change Area Map Diamond Creek & Greensborough
4. High Resolution Change Area Map - All Residential Areas within UGB

Background

1. State Planning Policy requires Council to have a Housing Strategy to plan for housing delivery in residential areas and townships. This planning policy document is particularly important to ensure Council's planning for housing maintains the Shire's unique and valued characteristics and liveability, whilst also responding to the State Government's requirements regarding:
 - Fairly contributing to Melbourne's expected housing growth;
 - Providing a diversity of housing options, including adequate affordable housing and housing for people with special needs, and responding to the needs of the Shire's ageing population; and

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OCM.074/20 Draft Nillumbik Housing Strategy

- Concentrating housing in close proximity of the Eltham and Diamond Creek Major Activity Centres, so that more people can live in close walking distance of shops, services, jobs and public transport.
2. The current Nillumbik Housing Strategy was adopted in 2001 and is now severely compromised by its age. Consequently, it is an action in the Council Plan to develop a new Nillumbik Housing Strategy.
 3. Development of the Housing Strategy is significantly advanced, with the following key steps having already been taken:
 - A consultant, Echelon Planning, is engaged to assist Council with the project.
 - A discussion paper was produced, which discussed emerging issues and options regarding housing in the Shire and posed a series of questions for discussion with the community.
 - Council conducted community consultation on the discussion paper in March 2020. The results of this consultation were considered by Council's Future Nillumbik Committee on 12 May 2020 and the feedback received has been considered in preparation of the draft Nillumbik Housing Strategy, which is provided as **Attachment 1**.

Policy context

4. This report directly supports the achievement of the Council Plan 2017-2021, particularly strategies 3.1 and 3.3 and the following priority actions:
 - Develop a shire-wide housing strategy to reflect consultation with residents and evidence on future population demographics while protecting Nillumbik's neighbourhood character and enhancing the Green Wedge (Action 3.1.4).
 - Facilitate intentional housing outcomes to support residents with a disability and their carers to continue living in Nillumbik (Action 3.3.2).
 - Investigate options for housing and retirement living to enable residents to age in place throughout the whole Shire (Action 3.3.3).
5. Additionally, the Nillumbik Health and Wellbeing Plan 2017-2021 commits Council to supporting equitable access to economic resources and to plan suitable housing for changing community needs.
6. Lastly, the Strategy can support an action in Goal 1 (Engaged connected communities) of the adopted Green Wedge Management Plan. The action being to, where possible, encourage housing diversity in the rural townships to enable ageing in place.

Budget implications

7. New initiatives and other funding has been allocated to the project in the 2019/2020 budget.

Consultation/communication

8. Preparation of the draft Nillumbik Housing Strategy has been assisted by the following consultation:
 - Consultation in 2016 for a 'Housing Issues and Options Paper'.

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OCM.074/20 Draft Nillumbik Housing Strategy

- Consultation in March 2020 for the Housing Strategy Discussion Paper.
9. As per the officer recommendation, this report proposes the draft Nillumbik Housing Strategy (**Attachment 1**) be placed on public consultation.
 10. It is proposed that the consultation will be conducted over four weeks from 1-29 June 2020 and that, given the current COVID-19 situation, it will be delivered as follows:
 - a) Council's Participate Nillumbik will provide a user-friendly platform for the community to access the draft strategy and background material, particularly high resolution plans, to provide feedback and to contact the relevant Council officers.
 - b) Council will advertise exhibition of the document through its website and social media platforms (with their being periodic reminders) and also through community newsletters.
 - c) Council will directly notify parties with a known or expected interest, including submitters to the Housing Strategy Discussion Paper, the local housing industry, local business associations and relevant Council advisory groups.
 - d) The community will be offered the opportunity to participate in on-line question and answer sessions, for up to 10 participants at a time, with Council officers. An-online booking service will be provided for these sessions with up to 20 sessions to be scheduled.
 - e) Community members without on-line access will still have the opportunity to engage with officers by phone, to post submissions and potentially (depending on restrictions and procedures) meet face to face with officers.
 11. The above suite of activities is considered to adequately respond to any barriers, sensitivities and restrictions which may be present during the consultation period because of the COVID-19 situation.

Issues/options

The draft Nillumbik Housing Strategy

12. The draft Nillumbik Housing Strategy principally comprises:
 - a) Discussion of the context for the Strategy, including policy requirements.
 - b) A summary of the feedback on the discussion paper.
 - c) Identification of Nillumbik's future housing needs in terms of number of dwellings, location of dwellings, types of dwellings and housing affordability and accessibility.
 - d) A 15 year housing vision for Nillumbik
 - e) A Housing Framework Plan. The plan:
 - (i) Proposes to apply 6 housing change areas in the Shire ranging from significant change to minimal change areas, with the recommended application of these categories shown in maps (discussed further below).
 - (ii) Provides a theoretical housing capacity for the Shire.
 - f) Policies and actions to implement the Strategy, particularly in relation to:

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- (i) housing for older residents
- (ii) affordable, accessible and inclusive housing
- (iii) housing design and sustainability
- (iv) planning provisions

Housing Change Areas

13. Of the contents of the draft Housing Strategy, it is likely the proposed Housing Change Areas will be of particular public interest and these, therefore, are now explained further. Refer to **Attachments 2, 3 and 4** for high resolution maps of the change areas – these are replications of those maps found in the draft Housing Strategy.
14. A key requirement of a Housing Strategy is to plan for the distribution of new housing in a municipality. In accordance with relevant State planning procedures, the draft Nillumbik Housing Strategy has developed housing change areas and further, the development and mapping of these areas has essentially been guided by the following considerations:
 - The greatest change should only be provided in areas with close access to services and particularly in major activity centres.
 - Changes should generally be minimised in areas that:
 - The planning scheme denotes as being of landscape, heritage or neighbourhood sensitivity by applying particular zones or overlays (e.g. the Neighbourhood Residential Zone); and/or
 - Have particular infrastructure limitations. For example, if there is not mains sewage or the local road capacity has limited capacity to absorb growth.
 - Where appropriate, some provision should be provided in the rural townships for additional housing to better offer members of the green wedge community the option of aging within their community. As mentioned above, this consideration is consistent with an action in Council's adopted Green Wedge Management Plan.
 - Nillumbik is only required by State Government targets to provide a low-rate of housing growth, which is consistent with the Shire's outer location, the local constraints (lack of residential land, the topography, risk of fire etc.) and that much of the Shire's housing has a distinctive lower-density, vegetated character.
15. Using this approach, the study has developed and mapped the following 6 housing change areas:
 - Substantial Change Area – only applied to urban land within the Eltham and Diamond Creek Major Activity Centres.
 - Incremental Change Area – applied primarily to the transition area from the Eltham and Diamond Creek Major Activity Centres to the surrounding residential area which is still in walking distance of the centres and public transport.
 - Limited Incremental Change Area – applied extensively to areas of Diamond Creek and through to Greensborough, but also to other parts of the Shire (e.g. parts of Eltham and Eltham North).

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- Limited Incremental Change Area (Rural 1) – applied only to that part of Hurstbridge which is in proximity to the township's key services.
 - Limited Incremental Change Area (Rural 2) – applied to the rural townships of St Andrews and Panton Hill.
 - Minimal Change Area – Applied extensively, particularly to residential areas in Eltham, Research, North Warrandyte and Yarrambat.
16. One clear pattern from the maps, is that significantly more application of incremental change (i.e. the incremental and limited incremental change areas) is proposed to Diamond Creek and Greensborough than in Eltham. This is primarily because a greater area of Eltham is affected by overlays and zones (e.g. the Neighbourhood Character Zone) that strategically support application of the minimal change category.
17. However, it should be noted that:
- Neither of the incremental change categories nominated for Diamond Creek and Greensborough (i.e. the Incremental Change Area and Limited Incremental Change Area) propose significant change.
 - Of the two, it is predominantly the Limited Incremental Change Area which the draft proposes to apply from Diamond Creek to Greensborough and this category plans for a lower level of change than the Incremental Change Area.
 - The Limited Incremental Change Area has a preferred outcome which is little different to the current situation, noting its preferred outcome is:
Predominantly detached dwellings with some dual occupancies, townhouses and villa units where these are consistent with neighbourhood character objectives.
18. The point being made is that the broad application of incremental change categories to Diamond Creek and Greensborough is not designed to provide significant change.
19. In relation to the Limited Incremental Change Area (Rural 2), which the draft proposes to apply to St Andrews and Panton Hill, this change category recognises that any actual move to incremental change is first dependent on mains sewage being available in the townships.
20. To optimise the extent to which the proposed application of the housing change categories can be tested with the community, the draft strategy includes enlarged maps that detail the proposed application within the street network. Therefore, the community will be able to provide Council with detailed feedback on this matter. All responses will be considered by Council, including any requests for changes to the mapping, or the specifications of the different housing change categories.

Next steps

21. The next scheduled steps for the draft Housing Strategy, including for considering submissions to the draft, are detailed as follows:
- June 2020: The draft Nillumbik Housing Strategy will be exhibited for four weeks.
 - 11 August 2020: Council's Future Nillumbik Committee will consider the public response to the draft Nillumbik Housing Strategy and potential changes to the document.

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OCM.074/20 Draft Nillumbik Housing Strategy

- 25 August 2020: Council will consider adopting the Nillumbik Housing Strategy, with consideration of any changes that respond to the community feedback.
22. If Council adopts the strategy, its implementation will principally require one or more planning scheme amendments. Any such amendments will be publicly exhibited.

Conclusion

23. A Nillumbik Housing Strategy will be an essential policy document to both meeting the municipality's housing needs and to protecting the distinctive character of housing in the Green Wedge Shire. Now that a draft strategy has been prepared, it is recommended that it be tested with the community for the purpose of improving the document.

12. Officers' reports**OCM.075/20 2020 Annual Community Survey**

Distribution: Public**Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance****Author: James Hartigan, Business Performance Analyst****Summary**

This report outlines the results of the 2020 Annual Community Survey which was conducted by Metropolis Research in March 2020. This ninth annual survey is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community. The survey also assists Council in meeting State Government performance reporting requirements by measuring community satisfaction in a number of areas covered by this survey.

The 2020 survey report findings were generally positive. Among the results, community satisfaction with Council's overall performance is rated at 6.69 out of 10, a slight decrease of 1.2% compared to the 6.77 result in 2019. Beyond this one statistic, the survey provides a rich amount of data and community sentiment.

Overall satisfaction in Council services and customer service achieved best ever results. Governance and leadership satisfaction improved for the third consecutive year. There are opportunities for improvement in planning processes, as well as some individual services within the infrastructure grouping.

With the level of data and information provided in this survey, Council officers will be able to analyse the results as they apply to individual service areas, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future service planning and making budgetary decisions.

Recommendation**That Council:**

1. Receives and notes the results of the 2020 Annual Community Survey (**Attachment 1**).
2. Makes the report's findings available to the public on Council's website.

Attachments

1. 2020 Annual Community Survey - Report

Background

1. Council commissioned Metropolis Research to undertake the ninth Annual Community Survey in March 2020. This report outlines the key findings of the detailed survey report, and is presented to Council for noting.
2. The survey is designed to measure community satisfaction with a range of Council services, facilities and activities, and to measure community sentiment on key issues affecting the community. The survey also assists Council in meeting State Government

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performance reporting requirements by measuring community satisfaction in a number of areas covered by this survey.

3. Using the same methodology applied in previous surveys, the survey involved face-to-face interviews with 500 randomly selected residents from across five precincts of the Shire including:
 - Greensborough/Plenty;
 - Diamond Creek;
 - Eltham;
 - Eltham North; and
 - Rural townships including Hurstbridge, Kangaroo Ground and St Andrews.
4. Results are weighted so that each precinct contributes proportionally to the overall result. This ensures the results reflect the diversity of the entire Nillumbik community.
5. A sample size of 500 respondents across the overall population of Nillumbik is considered to give a true overall reflection of community satisfaction and sentiment through the survey's adoption of a 95% Confidence Interval (margin of error). This is a more accurate confidence interval than obtained in other satisfaction surveys of this nature, and ensures a highly robust, credible methodology for the survey.

Policy context

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

Budget implications

7. The cost of undertaking the 2020 Annual Community Survey is met within the existing operational budget.

Consultation/communication

8. The Annual Community Survey involved face-to-face interviews with 500 randomly selected residents from across five precincts in the Shire. The data collection methodology for this survey meets State Government reporting requirements.
9. Fieldwork was undertaken over three weekends in March 2020. To provide some community awareness of this fieldwork, Council placed posts on Council's Facebook page shortly before the surveys were conducted.

Overview of the survey results

10. The 2020 survey covered the following aspects:
 - Satisfaction with Council's overall performance;
 - Community issues, behaviours and attitudes on particular issues including traffic management, perceptions of public safety, waste services, tourism, consultation and engagement, and support services for children, youth and seniors, arts and social inclusion;
 - Satisfaction with planning and housing development;

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- Satisfaction with key aspects of governance and leadership;
- Customer service;
- Satisfaction with Council's communications tools and preferred methods of receiving information from Council;
- Importance and satisfaction ratings of a range of Council services and facilities; and
- Demographic profile of respondents.

11. The key findings of the survey are outlined as follows.

Overall Council satisfaction and performance

12. Satisfaction with Council's overall performance decreased 1.2% in this survey compared to the 2019 survey, from 6.77 to 6.69 out of 10. This score is categorised as 'good', and is very similar to both the corresponding metropolitan Melbourne (6.93) and the six northern region councils (6.91) averages.
13. The overall score of 6.69 remains higher than the long term average satisfaction level of 6.51 across all nine annual surveys undertaken, and is the third best result achieved since the annual survey began in 2011.
14. Respondents in Diamond Creek (7.07) and the Rural precinct (6.89) are more satisfied than the municipal average (6.69). Respondents from Eltham (6.22 out of 10) are somewhat more dissatisfied with Council's overall performance than the municipal average.
15. Respondents more satisfied with Council's performance than average tend to be younger respondents (adolescents and young adults), new residents and female residents of Nillumbik. Conversely, respondents less satisfied with Council's performance than average tend to be middle-aged and older adults, males, homeowners and long-term residents of Nillumbik.
16. Some 7.6% of respondents consider that Council's overall performance has improved in the last 12 months, compared to the 13.4% recorded in the 2019 survey.

Important issues for Nillumbik Council to address

17. The top five issues for Council to address, as identified by respondents, remain the same as in 2019, with only minor changes in order of percentage rating. They are:
 - Traffic management (22.0%; down 7.2% on 2019 – also the top issue in 2019);
 - Roads maintenance and repairs (16.8%; up 4% – third in 2019)
 - Bushfire management / prevention issues (15.6%; up 1.2% – second in 2019);
 - Rubbish and waste issues including garbage (11.2%; up 2.8% – fifth in 2019); and
 - Building, housing, planning and development (8.4%; down 4% - fourth in 2019).
18. Traffic management issues remain the significant concern for Nillumbik residents, with 22.0% of respondents identifying traffic management as an important issue. Traffic management was rated as 8.78 out of 10 in terms of importance, yet only 6.09 out of

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10 in terms of satisfaction (categorised as 'solid'). It is noted that respondents that identified traffic management issues were on average marginally, but not measurably, more satisfied with Council's overall performance than the municipal average (6.85 compared to 6.77). This strongly suggests that those respondents recognise that Council is not solely responsible for these issues and are not "marking Council down" because of them.

Safety in public areas

19. The perception of safety in the public areas of Nillumbik remains very high, which has been a consistent outcome historically in this survey. Safety during the day is rated at 8.93 out of 10 (rated 'excellent'), which is significantly higher than the metropolitan Melbourne and northern region averages of 8.25 and 8.17 respectively.
20. The perception of safety in the public areas of Nillumbik at night increased marginally from 7.72 to 7.98 in this survey (also rated 'excellent'), and is also significantly higher than the metropolitan Melbourne and northern region averages of 6.84 and 6.44 respectively.

Planning and housing development

21. Satisfaction of those involved in planning approvals processes (equating to only 4.4% of respondents) remains low, and decreased further in 2020. It is noted however that this is not unique to Nillumbik, as satisfaction is low across metropolitan Melbourne in relation to planning processes, regardless of the application outcome or whether the respondent was an applicant or an objector.
22. Satisfaction with planning outcomes such as quality and appearance of newly constructed developments, design of public spaces and protection of local heritage all increased and now are rated 'very good' (for appearance and quality of new developments and protection of local heritage) and 'excellent' (for design of public spaces). This result remains higher than the metropolitan Melbourne average.

Governance and leadership

23. Overall satisfaction with Council governance and leadership improved from 6.65 to 6.85 out of 10, an increase of 1.9%. This is categorised as 'good', which is the categorisation as per the 2019 result.
24. Satisfaction with community engagement and consultation continues to increase, up 3.6% from 2019 (6.53 to 6.77) and up 17.5% since the low point for this measure in 2017 (jumping from a categorisation of 'poor' to 'good'). This is the third annual consecutive increase for this measure.
25. Of the six aspects of governance and leadership compared to metropolitan Melbourne, only satisfaction with representation, lobbying and advocacy recorded a higher result.

Customer service and methods of communication

26. Satisfaction with Council's overall performance in customer service increased by 2.3% to 7.58 out of 10 (a categorisation of 'very good'). Of particular note, courtesy and friendliness and access to officer rated as 'excellent', and care and interest, provision of accurate information and speed and efficiency all rated as 'very good'.

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27. Less than a quarter of respondents (24.5%, down 12.6% per cent on the 2019 figure) contacted Council within the last year. The main means of contact by respondents were by telephone (59.8%, an increase of 3.3 % on 2019), visits in person (20.5%, an increase of 3.7%) and email and website both on 9.8%).
28. Some 49.2% (a decrease of 5.9 per cent) of respondents regularly receive and read *Nillumbik News*. Senior citizens are most likely to read the publication (77.5%).
29. The four most common methods by which respondents prefer to receive information or interact with Council remain direct mail / letterbox drop of information (43%, down 10.6% from 2019); email (35.4%, down 3%); Council's website (29.2%, down 5.6%) and *Nillumbik News* (25.6 per cent, down 15.8 per cent). The only method that showed an increase was SMS / text messaging (up 4.2% to 21.6%).
30. The survey asked respondents if they were aware of any tourist attractions in Nillumbik Shire. The four top tourist destinations that respondents were aware of when prompted were Sugarloaf Reservoir, Edendale Community Environment Farm, Plenty Gorge and Trails. Diamond Valley Mini Railway dropped from 76% to 8.6% which took it from first place in 2019 to last place (16th) this year – this is considered an outlier result.

Importance of Council's services and facilities

31. The survey requested respondents to rate the importance of 33 selected services and facilities. The average importance of these services and facilities was 8.70 out of 10. This result is up 1.4 per cent from 2019, however is comparable to the metropolitan Melbourne average of 8.78.
32. Services which rated 'higher than average importance' were fortnightly recycling collection (9.29), fortnightly garbage collection (9.24), weekly green waste collection (9.18), fire prevention works (9.15), maintenance and repair of local sealed roads (9.12), provision and maintenance of street lighting (9.04), footpath maintenance and repairs (9.03), drains maintenance and repairs (9.02), provision of maintenance of parks and gardens (9.02), local traffic management (9.03), litter collection in public areas (9.00), litter collection in public areas (8.94) and local traffic management (8.93).
33. The importance of 18 services and facilities increased in 2020, with 12 measures rated above the metropolitan Melbourne rating. The importance of 15 services or facilities declined in 2020 – including on and off road bike paths, which decreased by 0.6 per cent, the fifth consecutive decrease for this measure.

Satisfaction with Council's services and facilities

34. The average satisfaction with the same 33 Council services and facilities increased by 2.8 per cent to 7.60 out of 10. This satisfaction result is the best ever recorded in the nine annual surveys conducted since 2011. This result is categorised as 'very good', and is slightly higher than the metropolitan Melbourne average of 7.48.
35. Residents are most satisfied with their local library (8.52), services for children aged 0 to 5 years (8.41), weekly green waste collection (8.40), education and learning (8.27), sports ovals and facilities (8.26) fortnightly recycling collection (8.25), aquatic and leisure centres (8.20), environmental programs and activities (8.14) and fortnightly garbage collection (8.08).

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36. Services and facilities rated lower than average included provision and maintenance of street trees, maintenance and repairs of local sealed roads, grading of unsealed roads, drains maintenance and repairs, fire prevention works, local traffic management, street sweeping, public toilets and footpath maintenance and repairs.

Conclusion

37. The 2020 Annual Community Survey has provided Council with key information on the importance and satisfaction the community places on a broad range of Council services, facilities and activities delivered to the community. The survey has also identified key local issues that are considered important to the community.
38. With the level of data and information provided in this survey, Council officers will be able to analyse the results as they apply to individual service areas, and identify service improvement opportunities. The survey's findings can also be used by Council when undertaking future service planning and making budgetary decisions.
39. The survey's findings will be made available to the public on Council's website and will also be reported in the 2019-2020 Annual Report.

12. Officers' reports**OCM.076/20 Year 1 performance - Domestic Wastewater Management Plan**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Jonathan McNally, Manager Community Safety and Amenity
Rodney Roberts, Domestic Wastewater Management Officer
Leah Farrell, Coordinator Environmental Health****Summary**

Under State Environment Protection Policy (SEPP) Waters, Council is required to develop and regularly review a Domestic Wastewater Management Plan (DWMP). This Plan outlines Council's program for managing septic tank systems across the Shire. The Plan has been developed in consultation with Yarra Valley Water (YVW), the community and other relevant stakeholders.

Adopted in June 2019, Council's DWMP is fully operational, and forms an integral part of the daily activities of Council's Environmental Health Services, in the management and delivery of related public health programs.

Recommendation

That Council notes this report detailing performance against the year 1 Domestic Wastewater Management Plan actions.

Attachments

1. DWMP action plan 2019-20 review

Background

1. A DWMP assists Council in aiming for best practice in the management of domestic wastewater. The aim of the Plan is to prevent environmental pollution at the source, and where this is not possible, to minimise the potential impacts on human health and the environment. The Plan is also useful in setting out Council's agenda for advocating the connection of townships and communities to the reticulated sewerage system.
2. Adopted in June 2019, the Domestic Wastewater Management Plan 2019-2023 outlined actions divided into 5 key strategy areas:
 - Information and data collection;
 - Education and awareness;
 - Sewer connection and Community Sewerage Program prioritisation;
 - Regulation and enforcement;
 - Collaboration and review.
3. Actions were identified for implementation across the four years of the plan.

Policy context

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
3.6.3 Advocate to Yarra Valley Water (YVW) for extension of the sewer network.

12. Officers' reports**OCM.076/20 Year 1 performance - Domestic Wastewater Management Plan**

Budget implications

5. The DWMP has been accommodated within the existing Environmental Health Services operational budget, and no additional funding is sought for the implementation of year 2 of the plan.

Consultation/communication

6. Throughout year 1 of the DWMP, Council has strengthened and increased engagement and communication with relevant external stakeholders such as Yarra Valley Water and the Environment Protection Authority Victoria.
7. Quarterly meetings with YVW have resulted in the consideration of additional community sewerage areas (ie: Plenty, Memorial Road Precinct) and collaboration for possible inclusion of sewerage connection on the Major Roads Victoria Yan Yean Road widening project.
8. The active engagement with YVW has garnered an offer of support and funding to the Shire to support ongoing wastewater programs, including creek/stream water sampling in St Andrews, a customer survey, increased community education and awareness programs, and administration resource sharing.
9. Nillumbik Shire Council has actively participated in the consultation process of the Environment Protection Act regulations review and has been nominated in a short list of Council's to support the Environment Protection Authority Victoria in the long running consultation process to ensure a satisfactory transition of the new domestic wastewater laws to be introduced by the pending Environment Protection Act 2020.

Issues/options

10. A detailed assessment of Council performance against the DWMP Action Plan is contained in **Attachment 1** of this report. Key highlights of Councils performance through year 1 include:
 - A program of electronic information dissemination of the DWMP to stakeholders was developed and in train just prior to the COVID 19 interruptions, which will be delivered this financial year.
 - Along with Infrastructure, Environmental Health is working in collaboration with YVW and Major Projects Victoria, to advocate for sewer provisions during the Yan Yean Road extension project in Yarrambat.
 - The in house development, testing and implementation of a comprehensive single database, including compatible mapping system was successfully completed and made functional in the field during October 2019.
 - YVW has endorsed and is actively seeking opportunities to partner with Council on the implementation of the DWMP. In particular linking Council in with sampling programs conducted by the Royal Melbourne Institute of Technology, and potentially Monash University to test for polluted groundwater discharging into the upper reaches of the Diamond Creek in St Andrews.
 - Following the long standing consultation process with Council, YVW's revised project schedule for the Eltham South sewerage project is in progress, with

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OCM.076/20 Year 1 performance - Domestic Wastewater Management Plan

anticipated construction of the main pipe work to be completed by the end of 2021.

- Council and Yarra Valley Water is exploring opportunities for cobranding of information, both electronically and hard copy this financial year.
- YVW has tabled an offer to provide administrative resources in the process and development of education and awareness programs.

Conclusion

11. That Council notes this report detailing performance against the year 1 Domestic Wastewater Management Plan actions.

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OCM.077/20 Year 2 & 3 performance - Domestic Animal Management Plan

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Jonathan McNally, Manager Community Safety and Amenity
 Bart Robertson, Senior Community Safety Officer
 Caroline Correa, Community Safety Coordinator

Summary

The Domestic Animal Management Plan was developed in line with section 68A of the *Domestic Animals Act 1994*. Council has a legislated responsibility under the Act to ensure compliance and delivery of animal management services related to community expectations around responsible pet ownership. This Plan continues to build on the foundation of work undertaken by Council through the development of its adopted Domestic Animal Management Plan 2017-2021 (DAMP).

The Plan provides Council with a strategic framework, policy direction and action plan for domestic animal management practices throughout the municipality over the lifetime of the plan and beyond. This report provides Council with an annual update of the DAMP, as required by the Act.

Recommendation

That Council notes the actions undertaken to complete Year Two and Three of the 2017-2021 Domestic Animal Management Plan.

Attachments

1. DAMP Action Plan - Year 2 & 3

Background

1. Council's Domestic Animal Management Plan, has been prepared in response to section 68A of the *Domestic Animals Act 1994* (DAA). The Plan runs for four years, with annual targets to be implemented over the Plan period, under the DAA, Council is required to report on each years' actions.
2. This report specifically addresses achievements completed through to the end of 2019. The plan must outline strategies, programs and services which Council intends to provide:
 - Promote microchipping and registration of pets
 - Help pet owners understand the benefits of pet registration
 - Ensure cats/dogs are microchipped & registered upon release from Pound
 - Develop strategies to enhance awareness of high re-homing rates of cats
 - Put in place a program to assist families at risk of Family Violence
 - Exploring potential benefits with pet tourism/visitation

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OCM.077/20 Year 2 & 3 performance - Domestic Animal Management Plan

3. In 2017, Council adopted its current four year Domestic Animal Management Plan to address the above issues.

Policy context

4. This report directly supports the achievement of Council Plan 2017-2021 action 3.4.1 *Review and implement the Domestic Animal Management Plan*. The plan itself was adopted in October 2017 and Council is progressively implementing the actions in the plan.

Budget implications

5. Budget for the implementation of the Plan is managed through current operating budgets for the Community Safety and Amenity area of Council. Registration of domestic animals provides funding for the provision of the domestic animal management service.

Consultation/communication

6. Ongoing engagement with community, agreement partners and external parties such as Save a Dog Scheme, Cat Protection Society, Animal Welfare, RSPCA, Dogs Victoria, DELWP and neighbouring councils.

DAMP Performance

7. The Plan is designed to balance community expectations around responsible pet ownership and includes strategies which Council intends to pursue with the community and neighbouring municipalities.
8. Key statistics in relation to animal management include:

Animal Registrations	2017-18	2018-19	2019-20
Cats	2499	2710	3100
Dogs	8677	9250	10510
Infringements issued	345	256	353
Customer Service requests			
Reported Dog attacks	45	58	72
Reported Dog rush	26	25	29
Reported Dog at large	444	284	207

9. In total there were 13 actions identified for year two and 8 actions identified for year three of the DAMP. Action 7 is not yet completed as Animal Welfare Victoria are in the process of working on a proposal to establish a centralised microchip database. Action 16 requires further consultation with the Cat Protection Society to develop programs in conjunction with Council to develop better strategies for the re-homing of cats.

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OCM.077/20 Year 2 & 3 performance - Domestic Animal Management Plan

10. Highlights of the Plan include:

- The introduction of a proactive program of Community Safety Officers attending to Off-Leash Parks and walking tracks to educate pet owners of responsible pet ownership. The patrols are conducted during business hours as well as evenings and weekends.
- The on-going support to pet owners from Banyule City Council and Nillumbik Shire Council who are facing a crisis and require short term assistance with the care of their pets. The service is available to families going through Family Violence, pet owners facing mental issues and/or homelessness and currently to anyone that due to COVID-19 and are not able to care for their pet/s.
- Community Safety Officers have reviewed the dog attack/rush process, to change focus to include providing proactive education. The project will include education around key dog attack messaging through media articles, mail and social media will be key factors in the process and officers to actively patrol high incident areas.
- In addition to conducting regular patrols of high incident areas, Community Safety Officers continue to engage with the community to awareness activities relating to reporting of dog attacks and dog rushes.

11. Council's use of social media to communicate key messages to the community includes the use of Facebook and Twitter to promote events, microchipping and general messaging around pet ownership. Notifications via social media and to all registered pet owners via SMS are sent when planned firework displays are held, as well as reminders for registration renewals and the Pet Expo.

12. The annual Nillumbik Pet Expo was held in October 2019. In total, the event was a significant success, with over 30 stall holders attending, and in excess of 3,500 patrons attending throughout the day. The pet expo forms a key component of the community engagement carried out by the Community Safety team, with the express intent to advocate for and encourage responsible pet ownership throughout the Shire. The pet expo cost the shire \$29,500 to host.

13. Council works closely with the Cat Protection Society and the Save-A-Dog-Scheme and will refer members of the public to their facilities to rehome animals over buying animals. All dogs over the age of three months must be registered prior to them been released from the pound, this a legal requirement under the DAA.

14. Key Pound statistics for the period from 1 July 2019 to date include:

Pound Statistics 2019-2020			
	Nillumbik	Banyule	Total
Impounded dogs	155	164	319
Impounded Cats	-	-	-
Released to owners	128	133	261

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OCM.077/20 Year 2 & 3 performance - Domestic Animal Management Plan

Pound Statistics 2019-2020			
Rehoused dogs	15	22	37
Released as declared dangerous dog	-	-	-
Welfare	2	10	12
Still in Pound		1	
Seized	13	6	19
PTS due to serious dog attack or aggression	10	6	16

Conclusion

15. As per 68A(3) of the *Domestic Animals Act 1994*, Council reports on its Domestic Animal Management Plan annually to provide an update on yearly actions and also to assess whether any amendments are necessary to ensure the Plan remains relevant and can be completed within the required timeframes. The annual review also forms part of the Service Delivery and Budget planning processes.
16. Council is well on track to achieve the objectives of the DAMP within the 4 year timeframe, and are continuing to seek opportunities to improve the outcomes for domestic animals within our community. In the final year of the plan 2021, Council will undertake a major review and prepare drafting the next Domestic Animal Management Plan for the 2021-2025 period.

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OCM.078/20 Vegetation Clearance Advocacy (Bushfire Protection Exemptions) - Nillumbik Shire

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

Council were presented with a briefing on 21 April 2020 which outlined an advocacy position for consideration to be put to the Minister for Planning (the Minister), in regard to the need for review of bushfire protection provisions that exempt vegetation clearance for the need for a planning permit within the Nillumbik Planning Scheme.

Councillors and the community have acknowledged the impacts that exemptions to clear vegetation are having (anecdotally) on neighbourhood character. Known as the 10/30 and 10/50 rules – these 'rules' allow vegetation removal to occur without the need for a planning permit. There is ongoing concern that these exemptions are having a detrimental impact on local vegetation, biodiversity and neighbourhood character on the Nillumbik Shire.

It is recommended that Council do not advocate to make a specific change to the current provisions, rather that Council support a *review of the impacts* of current exemptions for clearance of vegetation.

Recommendation

That Council endorses and submits the attached advocacy (**Attachment 1**) to the Minister for Planning.

Attachments

1. Nillumbik Shire Advocacy Submission to Minister for Planning - Vegetation Clearance Exemptions for Bushfire

Background

1. The 10/30 and 10/50 rules are planning permit exemptions specified in Clause 52.12-1: Bushfire Protection Exemptions of the Victoria Planning Provisions. The rules allow landowners to remove vegetation as-of-right so residents can make their properties safer in the event of a bushfire. The rules were introduced following the 2009 ('Black Saturday') Victorian Bushfires Royal Commission and only apply to buildings used for accommodation that were constructed or approved before 10 September 2009.
2. The 10/30 rule allows residents to clear any vegetation within 10 metres of a residential building and any vegetation (except trees) within 30 metres of a residential building. The 10/50 rule allows landowners to clear any vegetation within 10 metres of a residential building plus any vegetation (except trees) within 50 metres. An additional exemption – the 'fence line exemption' – allows removal of any vegetation either side of a fence for a combined width of four metres.
3. The level of bushfire risk assigned to BPA locations is lower than that of BMO areas. The BPA triggers specific construction requirements via the building permit process,

12. Officers' reports**OCM.078/20 Vegetation Clearance Advocacy (Bushfire Protection Exemptions) - Nillumbik Shire**

aimed at improving bushfire protection for residential buildings. It is important to note that the BPA does not address vegetation removal and was not intended to identify locations where as-of-right vegetation removal should occur.

4. It is important to note that the exemptions apply to both BPA and BMO and do not require landowners to remove vegetation, rather the exemptions give landowners the legal right to remove vegetation should they wish to do so.
5. As well as allowing landowners to remove vegetation without a planning permit, the exemptions also override any existing planning provisions that otherwise require the retention of vegetation including Clause 52.17 Native Vegetation where *'a permit is required to remove, destroy or lop native vegetation, including dead native vegetation'*.
6. Importantly without the vegetation clearance exemptions in place, Clause 52.17 would apply, that is, if the exemptions are not in place, and native vegetation is proposed to be removed, it would require a planning permit for such pursuant to Clause 52.17 (subject to the table of exemptions at clause 52.17-7 and any schedules to the clause).
7. It is also important to note that if a landowner elects to remove vegetation under the exemptions, the landowner is not required to demonstrate that they are in fact removing vegetation for the purposes of bushfire protection.

Policy context

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Prepare and develop an improved and holistic approach to strategic planning.

Budget implications

9. There are no known budget implications at this point in time.

Issues/options

10. Recent preparation of Council's Green Wedge Management Plan, and structure plans for the both Eltham and Diamond Creek Major Activity Centres (MAC's), has highlighted the community's concern about the loss of vegetation and associated impact on the valued character of particularly Nillumbik's urban areas. Part of this concern (which is shared by Council officers) is the trend in property owners and developers taking advantage of the exemptions to maximise developable yield as opposed to mitigate genuine bushfire risk. This is also apparent in application of the exemptions to maximise views or other development outcomes that may be impeded by the location of existing trees.
11. Anecdotally the cumulative impact of (at times) substantive vegetation removal from individual properties poses a significant threat to the highly valued 'treed' character of Nillumbik Shire's activity centres as well as the integrity of Nillumbik Shire's biodiversity, including native flora and fauna.
12. The value of vegetation, both as a defining element of township character and key component of Nillumbik's biodiversity and the associated need for its protection and enhancement is specifically recognised by the many policies and provisions of the Nillumbik Planning Scheme and adopted strategies. Council's adopted Biodiversity Strategy 2012 identifies that residential development and *'subdivision of existing*

12. Officers' reports**OCM.078/20 Vegetation Clearance Advocacy (Bushfire Protection Exemptions) - Nillumbik Shire**

residential blocks is a key threat to biodiversity'. Similarly vegetation loss impacts are also compounded by the impacts of climate change, and in the context of Nillumbik Shire, DELWP's own research in the area of tree canopy coverage demonstrates the importance the Shire has in providing substantial tree coverage for the northern region of Metropolitan Melbourne, where Nillumbik has the highest tree canopy cover by local government area of any local government area in Metropolitan Melbourne.

Budget implications

13. This is an advocacy position only and is not anticipated to have any budgetary implications.

Conclusion

14. It is recommended through this submission letter to the Minister that Council do not advocate to make a specific change to the current provisions, rather that Council support a *review of the impacts* of current exemptions for clearance of vegetation to manage the threat of bushfire on particularly urban areas including Major Activity Centres, with consideration by the Minister of the most suitable changes (if any) to provisions to prevent vegetation loss within urban areas only.
15. Officers caution that any proposed review of vegetation clearance exemptions should be supported only in the Shire's urban areas, and a further detailed review would be required to identify evidence of impacts, and any subsequent proposal to amend bushfire protection measures should be premised on prioritising life-safety over all other considerations with a detailed investigation into the implications for bushfire threat.

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OCM.079/20 State Government Yan Yean Road Stage 2 Upgrade Project

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lawrence Seyers, Lead Transport Planner

Ayman William, Coordinator Transport and Development

Summary

This report provides an update on the State Government's Yan Yean Road Stage 2 Project, particularly to advise and consider recent community consultation, expected timelines to Environment Effects Statement in August 2020 (including Council caretaker conventions) and potential impacts on the Yarrambat Park (including golf course and archery club).

Recommendation

That Council:

1. Notes the community consultation completed for the State Government's Yan Yean Road Stage 2 Project.
2. Notes the expected public exhibition of an Environmental Effects Statement process in August 2020 will be approaching Council caretaker period.
3. Notes its support of the Yan Yean Road Stage 2 project notwithstanding Council's concerns which will be formally tabled as part of the Environmental Effects Statement submission.
4. Authorises the Chief Executive Officer to prepare and lodge a submission to the Environmental Effects Statement process on behalf of Council.

Attachments

Nil

Background

1. On 1 May 2020 Major Road Projects Victoria (MRPV) launched community consultation on design options for the duplication of Yan Yean Road Stage 2 that seek to avoid and minimise the project's environmental impacts.
2. Stage 2 includes 5.5 kms of duplication between Kurrak Road and Doctors Gully Road introducing a range of safety treatments comprising barriers and eight proposed intersection improvements.
3. The project aims to ease congestion along the Yan Yean Road corridor, improve road safety and provide a new shared path along the full length.
4. The project intent aligns with Council's strategy, 3.10 from its Plan to *advocate for improved public transport, traffic management and reduced road congestion*.
5. Due to the COVID-19 restrictions, MRPV sought public feedback on the design options online, including two webinars. Letters were also sent to properties in the vicinity of the proposed works. Feedback was sought until 24 May 2020 and will be used to progress

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OCM.079/20 State Government Yan Yean Road Stage 2 Upgrade Project

the design for public exhibition of an Environmental Effects Statement (EES) process in August 2020.

6. On 5 May 2020 MRPV provided Nillumbik Shire Councillors an update on the project. There are several transport elements that were open to public consultation:
 - Bridge Inn Road intersection, with design options to avoid significant River Red Gums on the corner of Doctors Gully and Yan Yean roads.
 - Jorgensen Avenue intersection, with design options to install a roundabout at this location or traffic lights.
 - A new Youngs Road roundabout to improve access for horse floats and larger vehicles to Yarrambat Park and the Yarrambat Pony Club.
 - Yan Yean Road between Laurie Street and Bannons Lane widened to create a median to protect trees along this section of the road and also the need to provide safe property access.
7. Nillumbik Shire Council officers attend regular Technical Reference Group meetings with MRPV and the City of Whittlesea, and whilst bound by Confidentiality Deeds, they have had the opportunity to discuss Council's position on a range of matters during this process.

Policy context

8. 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

9. There are no proposed budget implications for Council as part of the EES review and submission process.

Consultation/communication

10. Further public consultation will be undertaken when the EES documentation, and associated Planning Scheme Amendment (PSA) is released in August.
11. The EES process will be seeking public comments in close proximity to the commencement of caretaker period on 22 September 2020.

Issues/options

12. Council officers have kept a log of issues which have been raised directly with MRPV. These are the key aspects that Council will need to consider in response to the EES and PSA. The issues broadly relate to:
 - a) Traffic and transport impacts on accessibility and road safety.
 - b) Environmental impacts particularly on the Swift Parrot and Matted Flax Lilly, both species listed as rare or threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
 - c) Vegetation impacts and more specifically on the two River Red Gums at the intersection with Doctors Gully Road and Yan Yean Road at the projects northern boundary.

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OCM.079/20 State Government Yan Yean Road Stage 2 Upgrade Project

- d) Amenity and urban design outcomes.
 - e) Land acquisition impacts on Yarrambat Park, particularly the safe operation of the Diamond Valley Archery Club and the Yarrambat Golf Club following acquisition of land and widening of the road, making it closer to the facility.
13. Council officers continue to meet with MRPV on a regular basis to discuss the project and the abovementioned issues. These meetings will continue over the coming months leading up to the EES release in August 2020.
 14. Council will be required to prepare and lodge a submission to the Environmental Effects Statement process in August 2020.
 15. Timing of Council's review of the EES, given the imminent caretaker period will likely present challenges for Council to properly consider the range of issues at hand and resolve a submission.
 16. It is for this reason that Council is asked to authorise the Chief Executive Officer to prepare and lodge a submission to the Environmental Effects Statement process prior to the end of the submission period on behalf of Council.

Conclusion

17. The Yan Yean Road Stage 2 project is proceeding with community consultation that will lead into the public exhibition of an Environmental Effects Statement process in August 2020. This will be approaching Council caretaker period and a formal authorisation is required to ensure Council is in a position to properly prepare and lodge a submission to the Environmental Effects Statement process on behalf of Council.

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12. Officers' reports**OCM.080/20 State Government Upgrade to Fitzsimons Lane, Foote Street, Porter Street, Main Road and Leane Drive****Distribution: Public****Manager: Hjalmar Philipp, Director Operations and Infrastructure****Author: Lawrence Seyers, Lead Transport Planner****Ayman William, Coordinator Transport and Development****Summary**

This report provides an update on the State Government's Fitzsimons Lane Upgrade Project (the upgrade project), particularly to advise and consider how the State Government has responded to concerns Council raised in August and October 2019.

Recently, on 22 December 2019, the Minister for Planning approved Amendment GC119, which allows use and development of the upgrade project, subject to conditions.

On approving the amendment, the Minister has indicated that Major Road Projects Victoria (MRPV), should reduce the footprint of the reference design.

Council was advised by the Minister for Major Transport Infrastructure on 30 January 2020 that the revised reference design was being prepared and subsequently, MRPV made these plans available to Council and the public on 26 February 2020.

The revised reference design reduces the footprint of the proposed intersection from 11 to eight lanes to respond to Council's and the community concerns regarding the width of the original proposal, the associated vegetation removal and the impacts on the character of the Eltham Gateway.

Council has been provided with limited information on the revised design and will need to rely on consultation during the detailed design phase to advocate for further refinement.

Furthermore, the conditions on the planning approval applied by the Minister for Planning fall short of those requested by Council in its resolutions in August and October 2019, particularly that requesting for improved consultation with Council and the community.

Recommendation**That Council:**

1. Notes the Fitzsimons Lane Upgrade Project has been provided planning approval, subject to conditions, by the Victorian Government.
2. Authorises the Mayor to formally write to Major Road Projects Victoria (MRPV), with copies to the Minister for Major Transport Infrastructure, Minister for Roads and MP for Eltham requesting a meeting to discuss the establishment of a community and stakeholder advisory committee to guide the project through the detailed design and delivery stages.

Attachments

Nil

12. Officers' reports**OCM.080/20 State Government Upgrade to Fitzsimons Lane, Foote Street, Porter Street, Main Road and Leane Drive**

Background

1. Prior to the last election, the State Government announced a package of road upgrades along the Fitzsimons Lane corridor, including in Eltham an upgrade to the intersection of Main Road and Fitzsimons Lane and the intersection of Main Road and Leane Drive. The upgrades are being managed by the State Government authority Major Road Projects Victoria (MRPV).
2. The Fitzsimons Lane intersection is a significant congestion location on the Shire's southern boundary and Council has consistently supported an appropriate upgrade to the intersection. However, Council is also very aware that the Fitzsimons intersection is the start of a key gateway into the Shire, the Eltham Gateway, and that this gateway is of significant aesthetic, historic, environmental and economic value to the community. Council has taken the view that an upgrade to the intersection should aim to both alleviate congestion and respect the values of the Eltham Gateway.
3. In July 2019, MRPV requested the Minister for Planning prepare, approve and adopt Amendment GC119 pursuant to Section 20(4) of the *Planning and Environment Act 1987* (the Act). The Amendment proposed to provide MRPV with planning approval for the project, subject to certain conditions.
4. A Section 20(4) Amendment, commonly known as a Ministerial amendment, sets no requirement for public exhibition of the amendment, or for formal consideration of any feedback received, including to set no requirement for an independent Planning Panel to consider feedback.
5. On 13 August 2019 Council resolved to write to the MRPV, the Minister of Roads, the Minister of Planning and the Member of the Legislative Assembly for Eltham, Vicki Ward, advising that Council rejects the use of a 20(4) process under the Act to grant planning approval for the proposed upgrade to the intersection of Fitzsimons Lane and Main Road.
6. On 15 October 2019, Council resolved to affirm its opposition to the use of a 20(4) process and in addition, to request that the State Government include conditions within the proposed incorporated document that will improve the design of the proposed upgrade to the Fitzsimons intersection and which will also improve the level of input Council and the community have into the project. For example, that a condition be inserted into the incorporated document that requires the establishment of community and stakeholder advisory committees, including representation by Council officers.
7. Despite Council's resolution and subsequent correspondence from the Mayor to the State Government, the Minister for Planning approved Amendment GC119 on 22 December 2019 under Section 20(4) of the Act and the amendment was gazetted on 16 January 2020.
8. The Minister's approval does come with conditions which are additional to those initially proposed by MRPV. For example:
 - The Minister's stated "Reasons for Decision to Exercise Power of Intervention" indicates that MRPV is required to reduce the reference design.
 - The incorporated document, gazetted as part of Amendment GC119, requires an urban design and landscaping statement to be prepared in consultation with

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OCM.080/20 State Government Upgrade to Fitzsimons Lane, Foote Street, Porter Street, Main Road and Leane Drive

Banyule City Council, Manningham City Council, Nillumbik Shire Council and the project's Urban Design Advisory Panel and to the satisfaction of the Minister for Planning.

9. While these additional conditions reflect and require some consultation, they fall short of the level of consultation sought by Council as there is no requirement in the incorporated document for a community and stakeholder advisory committee to assist the project.
10. Without requirements such as this, there is no clear process or mechanism provided for the design of the urban design and landscaping statement (mentioned above), or for the community to have input, other than by advocating to the State Government indirectly through Council.

Policy context

11. 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

12. There are no budget implications.

Consultation/communication

13. Refer to all other sections of this report for discussion of this matter.

Issues/options

14. On 26 February 2020 MRPV released revised reference designs to Council and the community that has reduced the proposed intersection footprint from 11 to eight lanes wide in response to Council and community concerns. Other changes include:
 - Two right turn lanes (previously triple right turn lanes) from Main Road westbound into Main Road;
 - Retain a U-turn facility on Fitzsimons Lane / Main Road intersection;
 - Retain a triple left turn from Fitzsimons Lane into Main Road;
 - Introduction of on-road bicycle facilities for the dominant bicycle movements;
 - Removal of each priority bus lane, a decision supported by the Department of Transport;
 - Approximately 150 trees saved along the corridor as a result of new retaining walls;
 - Approximately 50-60 trees saved as a result of the reduction in footprint of the intersection; and
 - Proposed layout for Leane Drive intersection remains unchanged.
15. Council officers consider the revised plans to be an improvement on the original plans on the basis of the proposed width of the road and associated reduction in vegetation removal. The proposed revised reference design process has considered changes

12. Officers' reports**OCM.080/20 State Government Upgrade to Fitzsimons Lane, Foote Street, Porter Street, Main Road and Leane Drive**

requested by Council including a reduction of the proposed footprint and retaining the value of the Eltham Gateway. However it is worth noting that additional information is required to fully assess the revised intersection arrangement, which council officers do not have. MRPV have advised the revised designs are aligned with the Northern Roads Upgrade Package intersection performance measures.

16. Further, the revised reference plans shared with Council and community mean the potential for key landscaping improvements will not be fully understood until the detailed design phase. Once the detailed design are completed, Council will have the opportunity to comment and provide feedback on further refinements to the project.
17. Council officers have requested a full set of the revised functional layout drawings of the proposed works and a drawing that shows the original reference design (11 lanes) overlaid to the revised reference design (showing the reduced footprint of eight lanes).
18. The overlaid reference designs and artist illustrations of the revised reference design have been provided to Council, however the revised reference functional layout drawings are yet to be received.
19. Council officers have directly advocated to MRPV to establish a community and stakeholder advisory committee to assist the project, including representation by Council officers. MRPV has not yet responded with any commitment that it will establish a community and stakeholder advisory committee to inform the next steps of the detailed design and ongoing construction processes.
20. A position regarding the delivery schedule for the package of works is yet to be determined. However Council officers have been advised that over the next few months MRPV will have more certainty around the delivery of projects including the Leane Drive intersection upgrade. Officers have reinforced the importance of the Leane Drive intersection upgrade being delivered early in the works package.

Conclusion

21. This report recommends Council continue to advocate to the State Government for the establishment of a community and stakeholder advisory committee, including representation by Council officers, to guide the project through the detailed design and delivery stages. Such a collaborative outcome will better enable Council and the community to ensure potential issues are adequately considered and addressed.

12. Officers' reports

OCM.081/20 Assembly of Councillors

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Author: Alena Spry, Governance Officer

Summary

In accordance with section 80A(2) of the *Local Government Act 1989*, Council is required to report as soon as practicable to an Ordinary Council Meeting a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 28 April 2020.

An assembly of Councillors record was kept for:

- Councillor Briefing – 21 April 2020;
- Living & Learning Nillumbik Advisory Committee – 22 April 2020;
- Councillor Briefing and Pre-meeting to Ordinary Council Meeting – 28 April 2020;
- Municipal Health and Wellbeing Plan Advisory Committee – 30 April 2020;
- Positive Ageing Advisory Committee – 1 May 2020;
- Councillor Briefing – 5 May 2020;
- Environment and Sustainability Advisory Committee – 6 May 2020; and
- Pre-meeting to Future Nillumbik Committee – 12 May 2020.

Recommendation

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the assemblies of Councillors held on 21 April 2020, 22 April 2020, 28 April 2020, 30 April 2020, 1 May 2020, 5 May 2020, 6 May 2020 and 12 May 2020 (**Attachment 1**).

Attachments

1. Assembly of Councillors reported 26 May 2020

Background

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

Policy context

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

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OCM.081/20 Assembly of Councillors

Budget implications

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

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
6. A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Council Meeting a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 28 April 2020.

Conclusion

9. It is recommended that Council receives the records of recent assemblies of Councillors as contained in this report, fulfilling section 80A(2) of the *Local Government Act 1989*.

12. Officers' reports

OCM.082/20 Proposed Contract of Sale for the sale of Council land to the CFA

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Natalie Campion, Coordinator Property
Jonathon Miller, Manager Property and Facilities Maintenance**

Summary

This report is an overview of a separate confidential report concerning the Contract of Sale between Council and the Country Fire Authority (CFA), for land to facilitate construction of the new Plenty Fire Station.

At the 29 May 2018 Ordinary Council Meeting, Council resolved to enter into a Heads of Agreement (HoA) with the CFA. The HoA recorded the respective intentions and expectations in regards to the proposed sale. The land to be sold to the CFA forms a part of Plenty Memorial Park, located at 109-115 Yan Yean Road, Plenty.

The purpose of this report is for Council to consider the Contract of Sale for part of the land at 109-115 Yan Yean Road, and the Deed of Surrender of Lease for the existing Plenty Fire Station site.

The associated confidential report contains a recommendation that the decision to execute the contract with the CFA be made public, but financial details concerning the negotiations and the final sale price be kept confidential.

Recommendation

That Council notes this report.

Attachments

Nil

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OCM.083/20 Quarterly Risk and Safety Report

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: Craig Commene, Risk and Safety Lead

Summary

This report provides a summary of Council’s Risk and Safety Report for the quarter ended March 2020.

The report is presented in accordance with the Local Government Performance Reporting Framework (LGPRF). This reporting framework requires the presentation of a report to Council at least every six months, detailing the strategic risks, operational risks, the consequences and likelihood of occurrence, and risk mitigation strategies.

Risk and Safety reporting to Council is tabled each quarter following consideration by the Audit and Risk Committee.

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

Recommendation

That Council notes this report.

Attachments

Nil

Background

1. Council’s commitment to risk management is outlined in the Risk Management Policy adopted in June 2018, with the following objectives:
 - Ensure that all risks that could affect the achievement of our Council’s goals, strategies and actions are identified, assessed and treated to a commercially, professionally and politically acceptable level of risk;
 - Integrate risk management into decision making processes and embed it into the organisation culture to help make informed choices for the benefit of Council and our stakeholders;
 - Ensure that necessary resources are allocated in support of the policy outcomes;
 - Maintain stakeholders trust and due diligence;
 - Align all risk management practices across the organisation and to promote and support a consistent corporate approach to risk management that can be clearly understood and applied by everyone and provide a basis for higher standards of accountability; and
 - To ensure that risk management is seen as the responsibility of all staff, i.e.: “Risk Management is everyone’s business”.

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OCM.083/20 Quarterly Risk and Safety Report

2. In addition to the Risk Management Policy, Council's Risk Management Framework 2018 communicates and describes the risk management structure and procedures that are used to identify, analyse, evaluate, treat, monitor and communicate key risks, including management reporting.
3. The context of the Risk Management Policy and Framework takes into account that local government presents a distinct risk character and profile that needs to be taken into account when considering risk management. Many assets and services are available 24 hours a day seven days a week in an unsupervised way, some are managed or provided by volunteers or committees of management or are managed by contractors, others are regulated by compliance legislation.
4. Prior to the introduction of the Local Government Performance Reporting Framework (LGPRF), risk reporting was referred to Council's Audit and Risk Committee and the information included for consideration by Council through the adoption of the Audit and Risk Committee's minutes.
5. Commencing 1 July 2014, the State Government introduced the LGPRF. This framework requires the presentation of risk reporting processes to Council at least every six months on strategic risks to Council operations.
6. The Risk and Safety report is a result of consolidation of these management reports, which broadly reports on:
 - Risk management;
 - Business continuity;
 - Fraud;
 - Insurance premiums;
 - Incident management and insurance claims;
 - Occupational Health and Safety;
 - Other data; and
 - Strategic risk summary report.

Policy context

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

Budget implications

8. The costs for managing and reporting are covered by Council's operating budget.

Consultation/communication

9. The Quarterly Risk and Safety Report was considered by the Audit and Risk Committee on 11 May 2020.

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OCM.083/20 Quarterly Risk and Safety Report

Issues/options

10. The Quarterly Risk and Safety Report has been prepared in accordance with Council's Risk Management Policy and Framework and is consistent with the Australian Standard AS/NZS 31000:2009 Risk Management.
11. Highlights from the Quarterly Risk and Safety Report for the March 2020 quarter are:
- Major Incident - COVID-19
 - Following declaration of a state of emergency by the Victorian Government on 16 March 2020, Council activated its Municipal Emergency Management Plan Pandemic Sub Plan and Business Continuity plans;
 - Council is observing all directives issued by the Victorian Chief Health Officer (VCHO);
 - Service delivery and work practices have been modified to incorporate safe levels of social distancing in accordance with the current pandemic stage. This is primarily being achieved through technology and working from home; and
 - Council's Operations Centre is open, conducting a modified business as usual service delivery for waste, roads and parks. Modified work procedures are in place to observe VCHO directives.
 - Data capture of reported incidents now recognises occupational health and safety incidents, hazards and near misses reported through Council's incident reporting system. There were 21 incidents of this nature included in this report and data from previous periods has been updated to provide consistency of information.
 - The following table summarises recorded incidents by type for matters involving Council. It should be noted that this table shows all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type (excluding OHS incidents)	Apr - Jun 19	Jul - Sep 19	Oct - Dec 19	Jan - Mar 20	Total Apr - Mar 20	Last Year Apr - Mar 19	Year to date trend
Property	9	6	18	17	50	25	▲
Motor vehicle	27	15	15	24	81	92	▼
Professional Indemnity	6	0	1	0	7	9	▼
Public Liability	28	47	53	100	228	96	▲
Occupational Health and Safety	19	19	21	21	80	95	▼

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OCM.083/20 Quarterly Risk and Safety Report

Incidents by type (excluding OHS incidents)	Apr - Jun 19	Jul - Sep 19	Oct - Dec 19	Jan - Mar 20	Total Apr - Mar 20	Last Year Apr - Mar 19	Year to date trend
Total all incidents	89	87	108	162	446	317	▲

- A high proportion of reported incidents during the March 2020 quarter are generated within the normal course of operations in the Operations and Infrastructure Directorate (83 per cent). These incidents relate to major classes of asset or maintenance type incidents for Council buildings, recreational facilities, playgrounds, trees, drainage, footpath, road damage and major plant.
- Tree related risks are mitigated through the:
 - Tree Management Policy;
 - Reactive tree maintenance program;
 - Proactive electric power line clearance program;
 - Proactive box clearance program;
 - Proactive inspections of high risk trees; and
 - Meeting the objectives of the Municipal Emergency Management Plan and Municipal Fire Management Plan.
- Road, footpath, drainage and roadside related risks are mitigated through the:
 - Road Management Plan;
 - Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.
- Property incidents typically are reported break-ins, vandalism and accidental damage to Council buildings or fixed equipment such as in playgrounds and recreational facilities. Risks are mitigated through maintenance programs and insurance.
 - Nine property theft, break-ins and vandalism were reported during the March 2020 quarter including vandalism to a playground and three bus shelters. This vandalism has since been repaired and damages reported to the police; and
 - Two Council buildings were repaired following water damage in January 2020. Insurance claims were lodged for water damage at the Shire Offices and Eltham Lower Park pavilion.
- Motor vehicle incidents include accidental damage involving Council’s light and heavy fleet, including incidents caused by third parties. Risks are mitigated through maintenance, education and insurance.

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OCM.083/20 Quarterly Risk and Safety Report

- One insurance claim was made during March 2020, where a Council Grader used for unsealed road maintenance was stolen from an overnight storage area in North Warrandyte. Police were notified and a review of overnight storage practices, locations and security is in progress.
- Professional indemnity relates to claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services. There were no incidents during the quarter.
- Public liability incidents are reported to Council where the third party is seeking compensation for personal injury, property damage and economic loss. These claims are managed by an external claims manager or Council's insurer. Typical incidents primarily relate to vehicle road damage, property damage, tree related or trip and fall incidents.
 - Four trip and fall incidents were reported at various locations;
 - Four incidents related to vehicle damage, primarily these are tyre or body work damage caused by the road surface (pot holes) or road related infrastructure. Note that the *Road Management Act 2004* threshold is currently \$1460;
 - Five tree root incidents related to blocked pipes and other property damage, managed through customer service requests, no claims were lodged; and
 - 43 flooding and 29 tree damage incidents causing property damage were reported during the March 2020 quarter. These incidents were related to wind and rain fall experienced during the quarter. Bureau of Meteorology historic data showed that there were four days where wind gusts exceeded 50kph and four further days where rainfall exceed 52 mm (2 inches). Flooding incidents relate to the volume of water exceeding the capacity of the drainage system.
- Occupational Health and Safety incidents relates to safety matters reported as incidents, hazards and near misses.
 - Typical incidents relate to cuts and lacerations, musculoskeletal injuries and slip trips and falls. These incidents are managed by Council's Risk and Safety Team through the Occupational Health and Safety Management System.
- The annual trend data for year ending March 2020 was higher compared to the same period ending March 2019. This increase is attributed to weather related events and it is not unusual for the number of incidents to vary from period to period.

12. Incident costs including under excess claim costs and insurance excesses are managed within existing budgets.

Conclusion

13. This summary, along with the confidential Risk and Safety Report March 2020 quarter, have been provided to meet the requirements of the Local Government Performance Reporting Framework (LGPRF) and consolidation of management reporting.

12. Officers' reports

OCM.083/20 Quarterly Risk and Safety Report

14. Ongoing reporting to Council is presented quarterly following each meeting of the Audit and Risk Committee.

12. Officers' reports

OCM.088/20 Whittingham Circuit Update

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Jonathon Miller, Manager Property and Facilities Maintenance

Summary

This report is an overview of a separate confidential report informing Councillors on the status of the sale of the 14 parcels of land located at 13-26 Whittingham Circuit, Greensborough (as part of the Civic Drive Residential Development Project).

Recommendation

That Council notes this report.

Attachments

Nil

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12. Officers' reports

OCM.084/20 Chief Executive Officer Employment Matters Committee Mid-Year Review

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance, Communications and Engagement

Summary

This report is an overview of a separate confidential report to consider the Chief Executive Officer's (CEO's) performance plan 2019/2020.

Recommendation

That Council notes this report.

Attachments

Nil

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

Pursuant to section 66(2) of the *Local Government Act 2020*, the meeting of the Council be closed to members of the public for the consideration of the following confidential items:

OCM.085/20 Proposed Contract of Sale for the sale of Council land to the CFA

This item is confidential because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released pursuant to section 3(1)(a) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

OCM.086/20 Quarterly Risk and Safety Report

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage pursuant to section 3(1)(g)(ii) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

OCM.089/20 Whittingham Circuit Update

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage pursuant to section 3(1)(g)(ii) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

OCM.087/20 Chief Executive Officer Employment Matters Committee Mid-Year Review

This item is confidential because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs pursuant to section 3(1)(f) of the *Local Government Act 2020*. This ground is applied because it is information that, if publicly released at the time, is likely to be inappropriately detrimental to the Council or any person (natural or corporate).

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

Recommendation

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider confidential items.