

Special Meeting of Council

held virtually on Tuesday 9 June 2020 commencing at 6:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 12 June 2020

Distribution: Public

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

Nillumbik Shire Council

Contents

1. Welcome by the Mayor	1
2. Reconciliation statement	1
3. Apologies	1
4. Disclosure of conflicts of interest	1
5. Officers' reports	2
OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges	2
6. Confidential reports	15

Nillumbik Shire Council

**Minutes of the Special Meeting of Nillumbik Shire Council held
Tuesday 9 June 2020. The meeting commenced at 6:03pm.**

Councillors present:

Cr Karen Egan	Bunjil Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward
Cr Peter Clarke	Wingrove Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Eddie Cheng	Manager Information Technology
Stephanie Ives	Information Technology Project Officer
Robert Malignaggi	Business Services Lead
Katia Croce	Governance Lead

1. Welcome by the Mayor

2. Reconciliation statement

The reconciliation statement was read by the Mayor, Cr Karen Egan.

3. Apologies

Nil

4. Disclosure of conflicts of interest

Nil

5. Officers' reports

OCM.090/20 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.
3. The amount of rates and charges intended to be raised are:

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

- 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:

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

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

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

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.

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

- 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).

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

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.

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

Motion

MOVED: Cr Bruce Ranken

SECONDED: Cr Peter Clarke

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.
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:

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

- 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:

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.

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

- 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
- 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

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

- 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.
 - 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.

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

- 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). 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

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration 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.

THE MOTION WAS PUT TO THE VOTE AND LOST.

Cr Bruce Ranken called for a division

For: Cr Bruce Ranken, Cr Karen Egan and Cr Peter Clarke

Against: Cr Peter Perkins, Cr Jane Ashton, Cr John Dumaresq and Cr Grant Brooker

The Mayor, Cr Karen Egan declared the Motion Lost.

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That the Budget considerations be deferred until the State and Federal Budgets have been handed down.

With leave of the Chair, Carl Cowie, Chief Executive Officer advised the meeting that the time period Council have been given by the Stage Government to finalise the budget is the end of August whereas State and Federal Budgets are in October.

In light of the advice given above by Carl Cowie, Chief Executive Officer, Cr Peter Clarke amended his motion as follows:

Motion

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That the matter of the Budget be deferred for consideration at the June Ordinary Council Meeting.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr Peter Clarke

SECONDED: Cr Bruce Ranken

That the matter of the Budget be deferred for consideration at the June Ordinary Council meeting.

CARRIED

5. Officers' reports

OCM.090/20 Adoption of Budget 2020-2021, declaration of Rates and Charges

Blaga Naumoski, Executive Manager Governance, Communications and Engagement temporarily left the meeting during discussion of the above item at 6:14pm and returned at 6:15pm.

Carl Cowie, Chief Executive Officer temporarily left the meeting during discussion of the above item at 6:36pm and returned at 6:37pm.

6. Confidential reports

Nil

The meeting closed at 6:43pm.

Confirmed: _____
Cr Karen Egan, Mayor