

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 30 November 2021 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 25 November 2021

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

Council Chamber seating

Cr Natalie Duffy
Edendale Ward

Cr Karen Egan
Bunjil Ward

**Cr Richard
Stockman**
Blue Lake Ward

Katia Croce
Governance Lead

Blaga Naumoski
Executive Manager
Governance,
Communications and
Engagement

Cr Frances Eyre
Swipers Gully
Ward
Mayor

Carl Cowie
Chief Executive
Officer

Cr Peter Perkins
Ellis Ward

**Cr Ben
Ramcharan**
Sugarloaf Ward
Deputy Mayor

Cr Geoff Paine
Wingrove Ward

Nillumbik Shire Council

Contents

1.	Welcome by the Mayor	1
2.	Acknowledgement of Country by the Mayor	1
3.	Good Governance Pledge	1
4.	Prayer	1
5.	Apologies	1
6.	Presentations	2
7.	Confirmation of minutes	2
8.	Disclosure of conflicts of interest	3
9.	Petitions	3
10.	Questions from the gallery	3
11.	Reports of Advisory Committees	5
AC.014/21	Advisory Committee Report - 30 November 2021	5
12.	Officers' reports	7
CM.132/21	Council Plan Quarterly Performance Report - 2021-2022 - Quarter 1	7
CM.161/21	Quarterly Risk and Safety Report - September 2021	11
CM.162/21	Nillumbik Domestic Animal Management Plan 2021-2025	17
CM.163/21	Land Management Incentive Program - Guidelines Review	23
CM.164/21	Nillumbik Placemaking Framework 2021	31
CM.165/21	Audit and Risk Committee Meeting November 2021	37
CM.166/21	Amendment C131nill (Regulating Earthworks in the Green Wedge)	39
CM.167/21	Recreation and Leisure Grants	47
CM.168/21	Informal Meetings of Councillors Records – 30 November 2021	51
CM.169/21	Melbourne Water Land Divestment – Committee of Management	55
13.	Notices of Motion	61
NOM.007/21	Advocacy for suitable BMX and off-road biking locations in the Shire	61
14.	Delegates' Reports	61
15.	Supplementary and urgent business	61
16.	Confidential reports	61
17.	Close of Meeting	61

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

Nillumbik Shire Council

Agenda of the Meeting of Nillumbik Shire Council to be held Tuesday 30 November 2021 commencing at 7:00pm

1. Welcome by the Mayor

Members of the public are advised the meeting will be livestreamed and recorded and the livestream and video recording will be made publicly available on YouTube and Council's website.

2. Acknowledgement of Country by the Mayor

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

3. Good Governance Pledge

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

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

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

4. Prayer

A prayer will be read.

5. Apologies

Recommendation

That the apologies be noted.

6. Presentations

Presentation to the Outgoing Mayor and Deputy Mayor for 2020/2021

Presentation to the Outgoing Mayor Cr Peter Perkins, and Deputy Mayor Cr Frances Eyre.

CFA Appreciation Award Presentation

Presentation to our local CFA Brigades is an opportunity to acknowledge and thank each local brigade for their ongoing commitment and support they provide to the community. The Mayor will present each brigade with a certificate of appreciation and a cheque as a gesture of Council's gratitude.

7. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 26 October 2021.

Recommendation

That the minutes of the Council Meeting held on Tuesday 26 October 2021 be confirmed (**Attachment 1**).

8. Disclosure of conflicts of interest

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

9. Petitions

Nil

10. Questions from the gallery

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

11. Reports of Advisory Committees

AC.014/21 Advisory Committee Report - 30 November 2021

Distribution: Public

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

Author: Janet Taylor, 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 following minutes of Advisory Committee meetings are attached (**Attachment 1**) and presented to Council for noting:

1. Environmental and Sustainability Advisory Committee Meeting held 18 August 2021;
2. Economic Development Advisory Committee Meeting held 30 September 2021;
3. Positive Ageing Advisory Committee Meeting held 1 October 2021;
4. Health and Wellbeing Advisory Committee Meeting held 14 October 2021;
5. Youth Council Advisory Committee Workshop held 11 October 2021; and
6. Panton Hill Bushland Reserve System User Group Advisory Committee Meeting held 21 October 2021.

Attachments

- 1  Advisory Committee Meeting Minutes reported 30 November 2021

Recommendation

That the minutes of the Advisory Committee meetings reported be noted (**Attachment 1**).

11. Reports of Advisory Committees

AC.014/21 Advisory Committee Report - 30 November 2021

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

12. Officers' reports

CM.132/21 Council Plan Quarterly Performance Report - 2021-2022 - Quarter 1

Distribution: Public

Manager: Jeremy Livingston, Executive Manager Business Transformation and Performance

Author: James Hartigan, Business Performance Analyst

Summary

The purpose of this report is to present the Council Plan Quarterly Performance Report (**Attachment 1**) for noting. These reporting updates are received by Council on a quarterly basis to demonstrate in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

The Council Plan Quarterly Performance Report provides the first update on delivery progress and performance of the 2021-2022 Annual Action Plan actions, which align to delivery of the first year of the Council Plan 2021-2025.

Of the 23 actions that are identified for quarterly reporting in the 2021-2022 Annual Action Plan, all actions are currently 'on track'.

The overall position reflected in the report suggests that Council has made a solid start in delivering on key actions of the Council Plan, and significant outcomes for the community.

All 54 actions identified in the Annual Action Plan 2021-2022 will have updates provided in the corresponding report for the fourth quarter. This will also be published in the Annual Report 2021-2022 when presented to the community in late 2022.

Recommendation

That Council receives the Council Plan Quarterly Performance Report (**Attachment 1**) for the first quarter of 2021-2022.

Attachments

1.  Quarter 1, 2021-2022 Council Plan Performance Report

Discussion

1. The Council Plan 2021-2025 was developed throughout 2021 and adopted by Council in October 2021. The Council Plan 2021-2025 has four high-level strategic themes:
 - Community and Connection – to encourage inclusion and participation to support health and wellbeing and ensure that all our residents have equitable access to services, programs, events and initiatives.
 - Place and Space – to protect, enhance, maintain, plan and design places and spaces that strengthen identity, reinforce character, improve accessibility, encourage social connection and enjoyment, support biodiversity and respect the environment.
 - Sustainable and Resilient – to manage and adapt to changing circumstances that affect our community to ensure it remains sustainable and resilient, both now and into the future.

12. Officers' reports**CM.132/21 Council Plan Quarterly Performance Report - 2021-2022 - Quarter 1**

- Responsible and Accountable – to facilitate the best possible outcomes for our community, by demonstrating strong leadership and working actively to achieve the community's objectives.
2. The Annual Action Plan 2021-2022, also adopted by Council in October 2021, contains 54 actions contributing to delivery of the Council Plan within the corresponding financial year. Of those 54 actions, 23 are identified for quarterly reporting, while the remainder of the actions will be subject to an update in the corresponding report in the final quarter of this financial year.
 3. Of the 23 actions that are identified for quarterly reporting in the 2021-2022 Annual Action Plan, all are currently 'on track'.
 4. Some of the highlights of activities and deliverables achieved during the reporting period (July to October 2021) include:
 - a) The Nillumbik Health and Wellbeing Plan 2021-2025 was adopted by Council at the October 2021 Council Meeting. In line with the legislative requirements, the plan was submitted to the Department of Health and is available on Council's website.
 - b) Following the establishment of a Youth Council earlier in 2021, the Youth Council have undertaken community engagement and developed a draft Youth Strategy. The draft Youth Strategy 2022-2026 was endorsed by Council in September for community consultation from 30 September to 21 October 2021 with submissions to be considered by Council at the November Planning and Consultation Committee Meeting.
 - c) Community consultation for the Municipal Planning Strategy was undertaken from 9 September to 21 October (originally programmed to finish on 7 October but extended due to COVID-19 lockdown restrictions). Divided into eleven different planning themes, a summary report and submissions is to be provided to Council in early December.
 - d) A community engagement process for the future site planning for the former Plenty CFA site was undertaken, with submissions to be considered by Council at the November Planning and Consultation Committee Meeting.
 - e) The draft Climate Action Plan was presented to the September Council Meeting and endorsed for a consultation period from 4 October to 7 November 2021.
 - f) A community consultation process for the Wattle Glen Public Realm Framework Plan was held from 12 July to 27 September 2021, including two virtual workshops with submissions to be considered by Council at the November Planning and Consultation Committee Meeting. Findings will be used to inform the preparation of a draft Public Realm Framework Plan.
 - g) Nillumbik's \$5 million Eltham Urban Congestion Fund project was endorsed by Council at the September Council Meeting. The project has undergone a number of modifications and improvements to address issues identified during community consultation (in which almost 900 contributions were received).
 - h) The majority of actions identified in the Pandemic Recovery Plan are underway and on track.

12. Officers' reports

CM.132/21 Council Plan Quarterly Performance Report - 2021-2022 - Quarter 1

- i) An initial round of community engagement for the development of a draft local law has been undertaken. A new General Local Law has been drafted, and is on track for exhibition in November 2021.
 - j) Practical completion of the Diamond Valley Sports and Fitness Centre was achieved in September. Works on Stage 2 of the Diamond Creek Trail also continue, with a practical completion date expected in January 2022.
5. The overall position as reflected in the report suggests that Council has made solid start in delivering on the key actions supporting the Council Plan.
6. Reporting updates will continue to be received by Council on a quarterly basis that demonstrate in a practicable and tangible way how the Council Plan 2021-2025 is being delivered to the community.

Related Council decisions

7. In concert with the adoption of the Council Plan 2021-2025, the Annual Action Plan 2021-2022 was developed and adopted at the October 2021 Council Meeting.

Council plans and policies

8. This report directly supports the achievement of Council Plan 2021-2025 strategy:
- We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

Sustainability implications

9. One of the four themes of the Council Plan includes sustainability, identifying it as a key focus area for Council across the duration of this Council Plan.

Community engagement

10. Through the Our People, Our Place, Our Future community engagement program that occurred in February and March 2021, feedback was received which helped inform the development of the Council Plan 2021-2025. The Council Plan was also developed and refined through a series of workshops with Councillors following the general election in November 2020.
11. The Council Plan was subject to a four-week public consultation process across July and August 2021, with refinements made following the receipt of submissions. The Council Plan was subsequently adopted by Council in October 2021.
12. The Annual Action Plan 2021-2022, reflecting the first year of delivery of the four-year Council Plan, was also adopted at the October 2021 Council Meeting.

Innovation and continuous improvement

13. Not applicable.

Collaboration

14. Not applicable.

12. Officers' reports

CM.132/21 Council Plan Quarterly Performance Report - 2021-2022 - Quarter 1

Budget implications

15. This report is part of Council's monitoring of the Council Plan 2021-2025. The resources for the monitoring and the preparation of this report are accommodated within existing operational budgets.

Relevant law

16. Not applicable.

Regional, state and national plans and policies

17. Not applicable.

Conflicts of interest

18. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports**CM.161/21 Quarterly Risk and Safety Report - September 2021**

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 ending September 2021.

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 Council's Audit and Risk Committee.

The full confidential Risk and Safety Report for September 2021 is attached to this report (**Attachment 1**) and provides detailed information for Council's consideration.

Recommendation

That Council:

1. Notes the summary of the confidential Risk and Safety Report (**Attachment 1**) for the quarter ending September 2021.
2. Resolves that the attached Risk and Safety Report (**Attachment 1**) remains confidential in accordance with section 3(1)(a) and (f) of the *Local Government Act 2020*.

Attachments

1. Risk and Safety Report September 2021 - *CONFIDENTIAL*

Discussion

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;

12. Officers' reports

CM.161/21 Quarterly Risk and Safety Report - September 2021

- 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".
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. This Risk and Safety report broadly reports on:
 - Risk management;
 - Business continuity;
 - (Anti) Fraud and corruption control;
 - Insurance premiums;
 - Incident management and insurance claims;
 - Occupational Health and Safety;
 - Other data; and
 - Strategic risk summary report.
 5. 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 31000:2018 Risk Management.
 6. Highlights from the Risk and Safety Report for the quarter ending September 2021 are as follows.
 7. Major Incident – COVID-19 pandemic
 - Council continues to observe all directives issued by the Victorian Chief Health Officer in response to the COVID-19 State of Emergency; and
 - As restrictions change, the focus of the Risk and Safety team has been to provide advice, support and assistance to transition the organisation through COVID-19 lockdowns.
 8. A process has commenced to review the current set of strategic risks.

12. Officers' reports

CM.161/21 Quarterly Risk and Safety Report - September 2021

9. The following tables 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	Oct - Dec 20	Jan - Mar 21	Apr – Jun 21	Jul – Sept 21	Total Oct - Sept 21	Last Year Oct - Sept 20
Property	22	4	16	9	51	74
Motor vehicle	7	12	11	7	37	62
Professional Indemnity	2	0	0	0	2	4
Public Liability	48	41	46	40	175	260
Occupational Health and Safety	20	23	26	18	87	78
Total all incidents	99	80	99	74	352	478

10. The following table summarises all incidents by Directorate.

Incidents by Directorate	Oct - Dec 20	Jan - Mar 21	Apr – Jun 21	Jul – Sept 21	Total Oct - Sept 21	Last Year Oct - Sept 20
Corporate Services	1	0	2	0	3	6
Communications, Governance and Engagement	2	0	3	1	6	1
Planning and Community Safety	4	17	13	5	39	30
Community Services	5	5	4	4	18	21
Operations and Infrastructure	87	58	77	64	286	420
Total all incidents	99	80	99	74	352	478

11. A high proportion of reported incidents during the year ending September 2021 are generated within the normal course of operations in the Operations and Infrastructure Directorate (87%). 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.

12. Officers' reports

CM.161/21 Quarterly Risk and Safety Report - September 2021

12. 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.
13. Road, footpath, drainage and roadside related risks are mitigated through the:
 - Road Management Plan;
 - Road Asset Management Plans; and
 - Proactive and reactive maintenance programs.
14. Property incidents typically reported are property theft, break-ins, storm damage 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.
15. There were nine reports of property theft, break-ins, storm damage and vandalism noted during the September 2021 quarter including vandalism damage to turf at the St Andrews Recreation Reserve Oval and damage to the synthetic surface at the Eltham North soccer pitch.
16. Overall, reported property incidents were lower when compared to the same period last year. All incidents are reported to the Police where appropriate.
17. 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.
18. There were seven motor vehicle incidents during the September 2021 quarter which resulted in no motor vehicle insurance claim lodged with Council's insurer.
19. The number of motor vehicle incidents during the September 2021 quarter shows a substantial improvement which has been attributed to lesser usage of the pool car fleet during the last COVID-19 lockdown and fewer minor truck related incidents.
20. Professional indemnity relates to incidents and claims for alleged negligence or breach of duty arising from an act, error or omission in the performance of Council services. No new professional indemnity incidents were reported.
21. Public liability incidents are reported 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.
22. This quarter, 10 trip and fall incidents were reported at various locations.

12. Officers' reports

CM.161/21 Quarterly Risk and Safety Report - September 2021

23. Eight incidents related to vehicle damage, primarily these are tyre or body work damage caused by the road surface or road related infrastructure. (Note that the *Road Management Act 2004* threshold is currently \$1,400).
24. There were two flooding and 14 tree damage incidents causing property damage, primarily attributed to rainfall and wind related events.
25. Occupational Health and Safety incidents relate to safety matters reported as incidents, hazards and near misses. Typical incidents relate to cuts and lacerations, insect and animal bites, 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.
26. The overall occupational health and safety annual trend data for the year ending September 2021 for incidents was higher compared to the same period ending September 2020.
27. The increase is attributed to traffic management incidents reported by school crossing supervisors, which is part of a program to identify school crossings that require safety improvement.
28. Incident costs, including under excess claim costs and insurance excesses, are managed within existing budgets. Where appropriate, insurance claims were made, repairs undertaken and matters reported to the Police.

Related Council decisions

29. This summary, along with the confidential Risk and Safety Report, has been provided to meet the requirements of the Local Government Performance Reporting Framework (LGPRF) and consolidation of management reporting.
30. Ongoing reporting to Council on risk and safety matters is presented quarterly following each meeting of Council's Audit and Risk Committee.

Council plans and policies

31. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We act in the best interests of our community.
 - We are forward-thinking, data-driven and evidence-led in our decision making, always looking to identify new opportunities.
 - We make Council's programs, services, processes and information equitable, assessable and inclusive.

Sustainability implications

32. Trend data from this report is used to inform management processes for the mitigation of risks associated with property, motor vehicle, professional indemnity, public liability and safety as they relate to Council's strategic and operational risks.
33. Council's risk profile includes environmental risks and climate change as a consequence of failure to adequately mitigate those risks.

Community engagement

34. Not applicable.

12. Officers' reports

CM.161/21 Quarterly Risk and Safety Report - September 2021

Innovation and continuous improvement

35. Trend data from this report is used to inform management processes and gap analysis to identify continuous improvement opportunities associated with property, motor vehicle, professional indemnity, public liability and occupational health and safety.

Collaboration

36. Not applicable.

Budget implications

37. This report is part of Council's monitoring of the Council Plan 2021-2025 and Budget.
38. The resources for managing and reporting are accommodated within existing operational budgets.

Relevant law

39. Not applicable.

Regional, state and national plans and policies

40. Not applicable.

Conflicts of interest

41. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.162/21 Nillumbik Domestic Animal Management Plan 2021-2025

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Heath Gillett, Manager Recreation and Leisure

Jonathan McNally, Manager Community Safety and Amenity

Caroline Correa, Community Safety Coordinator

Summary

The purpose of this report is to:

- Present the final draft of Domestic Animal Management Plan (DAMP) (**Attachment 1**) following the Planning and Consultation Committee meeting and review of all community member submissions.
- Seek adoption of the DAMP for the period 2021-2025.

In accordance with the *Domestic Animals Act 1994 (the Act)* all Victorian Councils must develop and adopt a DAMP every four years. Council's current DAMP expires on 03 December 2021. The DAMP 2021-2025 has been developed in line with section 68A of the Act. Council has a legislated responsibility under the Act to ensure compliance and delivery of animal management services in line with community expectations around responsible pet ownership.

Consultation, review and development of the DAMP has required extensive community consultation which was conducted in May - June 2021 resulting in 523 surveys being completed and September 2021 resulting in 38 submissions being received. Engagement for the DAMP has focused on the core areas of animal management, including:

- Animal Welfare
- Responsible Pet Ownership
- Local Laws
- Education.

The Act requires Council to notify the secretary for the Department of Environment, Land, Water and Planning by 04 December 2021 that it has developed and adopted a DAMP for the next four year period.

Recommendation

That Council adopts the Domestic Animal Management Plan 2021-2025 (**Attachment 1**).

Attachments

1.  Nillumbik Shire Council Domestic Animal Management Plan 2021-2025

12. Officers' reports**CM.162/21 Nillumbik Domestic Animal Management Plan 2021-2025**

Discussion

1. The *Domestic Animals Act 1994* (section 68A) requires all Victorian councils to prepare a Plan every four-years, and to adopt this within specified time frame. The DAMP will reflect the expectations of the Nillumbik Community's vision for the next four years.
2. The DAMP identifies ten themes that must be responded to in order to ensure consistency across the state of Victoria:
 - Training of authorised officers
 - Programs to promote and encourage responsible ownership and compliance with legislation
 - Programs to address over-population rates and high euthanasian rates
 - Registration and identification
 - Nuisance
 - Dog attack
 - Dangerous, menacing and restricted breed dogs
 - Domestic animal business
 - Other matters
 - Annual review of plan and annual reporting.
3. Each theme in the DAMP, has an objective, a set of strategies and strategic indicators.
4. Implementation of the DAMP is proposed via annual action plans. These action plans will detail the specific activities committed for delivery each year. These actions will meet the set objectives and strategies of the adopted Plan across the four years. This approach is considered appropriate and responsible given the current COVID-19 pandemic, and allows Council to be agile in delivering on objectives and strategies throughout the life the DAMP. An annual report will be presented to Council and the community at the end of each financial year at an Ordinary Council Meeting.
5. In April 2021 Chatterbox were commissioned to undertake community engagement on behalf of Council to inform the development of the DAMP 2021-2025. Community engagement was conducted during May and June 2021 resulting in 523 completed surveys. During the engagement, participants were asked a series of questions across a range of issues relating to domestic animals.
6. In August 2021 a second round of community consultation was under taken on the draft DAMP for 28 days via Participate Nillumbik. A total of 38 submissions were received.
7. On 12 October 2021 during the Planning and Consultation Committee meeting six submitters spoke to their submissions received during the second round of community consultation.
8. Information and community feedback gathered throughout the engagement process has been analysed to develop an up-dated and final Domestic Animal Management Plan.

12. Officers' reports

CM.162/21 Nillumbik Domestic Animal Management Plan 2021-2025

Related Council decisions

9. On 28 October, 2014, Council resolved to adopt an order under s26 of the Act which made the following orders:
- 1) *Dogs must be under effective control of a person by means of a chain cord or leash no longer than three metres:*
 - a. *In all public parks and reserves except where designated by signs in areas listed in section (4).*
 - b. *Within five metres of a shared use path.*
 - c. *On all streets, roads, public car parks and footpaths.*
 - 2) *Dogs and cats are not permitted whether restrained or otherwise:*
 - a. *Within five metres of any children's playground or public barbeque.*
 - b. *In environmentally sensitive areas where designated by signs (i.e. in the parks listed below).*
 - c. *In schools, kindergartens and childcare centres unless with the prior permission of the Principal or Director.*
 - 3) *Cats are required to be securely confined between the hours of 7.30 pm and 6 am.*
 - 4) *Dogs are permitted off-leash but must be under effective control whether restrained or otherwise in the following parks and reserves (as designated by signs):*
 - a. *Eltham Lower Park, Eltham (Melway 21H11)*
 - b. *Griffith Park, Eltham (Melway 21J11)*
 - c. *Plenty River Drive Reserve, Greensborough (Melway 11B8)*
 - d. *Eltham East Linear Reserve north of Diosma Road, Eltham (Melway 22E4)*
 - e. *Falkiner Street Park, Eltham (Barrack Bushland) (Melway 21H9)*
 - f. *Susan Street, Eltham (Melway 21H6)*
 - g. *Gumtree Reserve, Research (Melway 22F5)*
 - h. *Woodridge Linear Park, Eltham (Melway 22B5)*
 - i. *Fergusons Paddock, Hurstbridge (Melway 185K7). South side of path only. Dogs are prohibited from entering the wetlands areas as signposted*
 - j. *Nillumbik Park, Diamond Creek (Melway 12A5). Dogs are prohibited from entering sporting oval and wetlands*
 - k. *Diamond Creek Reserve, Diamond Creek (Melway 11K7): dogs prohibited from entering wetlands areas where signposted and sporting oval (except at Council approved events).*
 - 5) *As a guide for implementation, a dog shall be deemed to be under the effective control of its owner if:*
 - a. *It will return to its owner upon command*
 - b. *The owner retains a clear and unobstructed view of the dog*
 - c. *It does not bother or worry other people or animals*
 - d. *It stays within 50 metres of its owner.*

12. Officers' reports

CM.162/21 Nillumbik Domestic Animal Management Plan 2021-2025

- 6) *Dogs and cats are not permitted, whether restrained or otherwise, to enter the following public places in the following parks and reserves (as designated by signs):*
- a. *Diamond Creek Reserve, Diamond Creek (Melway 11K7): dogs prohibited from entering wetlands areas*
 - b. *Sweeneys Flats, Eltham (Melway 22B10) – Parks Victoria land*
 - c. *Professors Hill Reserve, North Warrandyte (Melway 23C7)*
 - d. *Chase Reserve, Research (Melway 23D5)*
 - e. *Blue Tongue Bend Reserve, North Warrandyte (Melway 23J6)*
 - f. *Temple Ridge and Bailey Gully Reserve, Wattle Glen (Melway 185J11)*
 - g. *Reserve, Watsons Creek (Melway 272D5)*
 - h. *Marngrook oval, Diamond Creek*
 - i. *Coventry oval, Diamond Creek*
 - j. *All sporting ovals in Hurstbridge.*
- 7) *Council may exempt any of the provisions of this Order at any time.*
10. The draft DAMP was endorsed and released for public consultation after the 25 August 2021 Council Meeting for a period of 28 days.

Options

11. N/A

Council plans and policies

12. This report directly supports the achievement of Council Plan the 2021-2025 strategy:
- We seek to enhance community safety, public health, amenity and the environment through improved planning and community engagement, prioritising fair and transparent approaches to managing compliance and enforcement.

Sustainability implications

13. The DAMP demonstrates Council's approach to ensure effective animal management and responsible pet ownership, are carried out in accountable manner that protects animal welfare, promotes education, responsible pet ownership and ways to reduce domestic animal impact on the environment, including Council controlled land and residential properties.

Community engagement

14. In April 2021 Chatterbox was commissioned to undertake community engagement on the development of the draft DAMP. A total of 523 surveys were received which helped inform the development of the draft Domestic Animal Management Plan.
15. The second round of community consultation was conducted in August 2021 for 28 days on Participate Nillumbik. The community and stakeholders were invited to provide feedback on the draft DAMP. At the end of the public consultation period, 38 submissions were received for the draft DAMP.

12. Officers' reports

CM.162/21 Nillumbik Domestic Animal Management Plan 2021-2025

16. The key themes voiced in the submissions received, included:
- A review of Councils section 26 orders relating to off leash areas and cat control
 - Dog owners to be penalised for failing to pick up excrement after their dogs
 - Additional enforcement by authorised officers of breaches of the *Domestic Animal Act* 1994 and Local Laws
 - Increase of general services – park and street patrols
 - Increase off leash parks and open spaces for dogs to be exercise
 - Education about responsible pet ownership
 - Continue to provide assistance to venerable community members by caring for their animals free of charge and liaising with services such as VicPol, RSPCA, Animal Shelters and Veterinaries and Animal Welfare
 - Need for a DAMP to integrate welfare actions to help domestic violence victims
 - Investigate the installation of dog excrement bag dispenses at local parks and walking trails
17. On Tuesday 12 October 2021 submitters were invited to attend the meeting of the Planning and Consultation Committee. Six submitters spoke about their submissions at the meeting.
18. The key themes voiced at the meeting of the Planning and Consultation committee were:
- Opposing implementation of 24 hour cat curfew
 - Opposing exclusion of dog on sporting ovals and supportive of increasing number of off leash areas within Nillumbik Shire Council
 - Expanding actions relating to family violence
19. All 37 submissions from the second round of community consultation and six submissions from the PCC meeting have been reviewed and have informed changes made to the DAMP.

Innovation and continuous improvement

20. Due to the COVID-19 pandemic new ways of connecting with the community were implemented, such as advertising the draft DAMP with QR codes to allow direct access to Participate Nillumbik and through social media.

Collaboration

21. Partnerships and collaboration play an integral role in the implementation of the DAMP. Council will continue to work with other levels of government, relevant agencies and the community in order to achieve the strategies within the DAMP.

Budget implications

22. Implementation of the DAMP has been considered for the 2022-2023 budget. A fund allocation of \$15,000 from the cancelled 2021 Pet Expo has been re-allocated to the implementation of new initiatives in the first year actions of the DAMP.

12. Officers' reports

CM.162/21 Nillumbik Domestic Animal Management Plan 2021-2025

Relevant law

23. Pursuant to Section 68A of the *Domestic Animals Act 1994* every Council in Victoria is required to produce a DAMP Plan which is renewed every four years.
24. In addition, Nillumbik Shire Council's Amenity Local Law 2013 holds provisions which are relevant to this DAMP process, including:
 - Section 23 - Collection and disposal of dog excrement
 - Section 24 - Keeping of animals – secure confinement
 - Section 26 - Dogs prohibited in markets.

Regional, state and national plans and policies

25. Not applicable

Conflicts of interest

26. Officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.163/21 Land Management Incentive Program - Guidelines Review

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Julia Franco, Biodiversity Officer
Kirsten Reedy, Coordinator Environment
Lisa Pittle, Manager Environment
Stephanie Orive, Land Management Officer

Summary

This report provides the recommendations of a review of Council's Land Management Incentive Program (LMIP) Guidelines.

The proposed updated guidelines are presented in **Attachment 1** and an overview of the current program, and of the review findings is presented in **Attachment 2**.

Recommendation

That Council:

1. Endorses the revised Land Management Incentive Program Guidelines 2021, (**Attachment 1**).
2. Notes that the revised Land Management Incentive Program Guidelines will come into effect on 1 December 2021.

Attachments

1. Attachment 1 - Updated Land Management Incentive Program Guidelines
2. Attachment 2 - Land Management Incentive Scheme review fact sheet

Discussion

1. An update to Council's Land Management Incentive Program (LMIP) Guidelines is proposed. A copy of the revised guidelines is presented in **Attachment 1**.
2. The LMIP program offers incentive grants to landowners for sustainable land management activities that have positive ecological outcomes, support threatened species conservation, and/or support improved and sustainable land management outcomes.
3. The LMIP program is a key component of Council's environmental and agricultural advisory and extension service, which has a priority focus on encouraging and supporting the adoption and enhancement of best practice land management. As such it is a key *Green Wedge Management Plan* action (A2.10).
4. The program was initially established in 1996 and called the Community Weed Control Program. It was subsequently modified and renamed in 2011 as the Land Management Incentive Program. The current LMIP Guidelines have not substantially altered since they were adopted in 2011.

12. Officers' reports

CM.163/21 Land Management Incentive Program - Guidelines Review

-
5. Officers also provide a free land management advice service to anyone in the community. Officers triage enquiries and encourage landowners with eligible projects to apply for an LMIP grant:
 - a. In 2020/21, out of 223 general land management enquiries, 33 resulted in projects that were funded via LMIP. Under the new guidelines, more may have been eligible.
 - b. Whilst not all projects meet the guidelines for funding, the education and advice service – including tailored on-site property management advice, is available to all Nillumbik landholders.
 6. **Attachment 2** provides an overview of the current LMIP operation and its achievements; and details on the review findings and recommended changes, which are also summarised below.
 7. Some changes to the eligibility criteria and funding allocation in the LMIP guidelines are proposed, along with the provision of more details within the guidelines on existing eligible activities.
 8. The recommended changes seek to maximise positive outcomes and are based on the experience of officers; community enquiry data; emerging conservation, invasive species and climate change issues and trends; state government policy and priorities; benchmarking against other Council program and feedback from the Environment and Sustainability Advisory Committee.
 9. Based on this, the LMIP eligibility criteria and funding categories have been updated to include the ability to:
 - a. Respond to new land management and environmental trends and threats
 - b. Provide greater equity and accessibility for landowners and renters
 - c. Provide more clarity in terms of what is eligible to be funded and how eligibility decisions are made
 - d. Provide more flexibility to incentivise very high biodiversity value projects.
 10. The key changes to the guidelines are:
 - a. More explicit eligibility criteria for:
 - i. Deer management
 - ii. Cultural burning
 - iii. Works for threatened species conservation
 - iv. Weed control
 - v. Revegetation and indigenous seed collection
 - vi. Rabbit and fox management
 - vii. Environment and land management education and training activities
 - viii. Biodiversity and exclusion fencing
 - b. The addition of sustainable agriculture and pasture improvement enhancements as being eligible activities.

12. Officers' reports**CM.163/21 Land Management Incentive Program - Guidelines Review**

- c. Reducing the scope of LMIP to fund projects that reduce tree canopy, e.g. Radiata Pine removal.
 - d. Greater flexibility on 1:1 funding for low income residents
 - e. Requirement for photographic before and after evidence of works
 - f. A new General Conditions statement that data on the invasive species or biodiversity that are targeted via the LMIP grant may be submitted by Council officers to the Victorian Biodiversity Atlas.
 - g. Reducing the maximum Community grant from \$15,000 to \$10,000 to enable funding of more individual property projects.
11. There have been no changes to the criteria for eligible applicants or eligible properties.
 12. Implementation of the updated guidelines will take place in the context of the current broader review of Council's grants programs which primarily relates to grant administration and oversight of decision making; and will commence immediately following endorsement.
 13. The LMIP program will continue to be open year round, commencing 1 July of each financial year, until the grant pool has been expended.
 14. LMIP currently has a total recurrent funding pool of \$60,000 per annum.
 15. Each grant application will be assessed by a minimum of two officers.
 16. Grants will be awarded based on the following categories:
 - a. **Category A.** High environment and very high community benefit: 100% Council LMIP contribution, up to \$2,000 (single property) or up to \$10,000 (community-scale initiative).
 - b. **Category B.** High environment and community benefit: 50% Council LMIP contribution, up to \$2,000 (single property) or up to \$10,000 (community-scale initiative).
 - c. **Category C.** Medium environment and community benefit: 50% Council LMIP contribution, up to \$500.
 - d. **Category D.** Low environment and community benefit. Ineligible.
 17. Where Council provides funding on a dollar for dollar basis (i.e. 50% funding), the applicant must contribute in-kind labour and/or funds or materials equivalent to the grant amount.
 18. Repeat funding is available where necessary for up to three years for the same issue. Typically, after three years of repeated works, the scale of the issue is much more manageable for the landowner.
 19. All grants will need to be acquitted by the applicant via SmartyGrants.

Related Council decisions

20. The current guidelines for the Land Management Incentive Program were endorsed by Council in July 2011 at a Policy and Services meeting.

12. Officers' reports

CM.163/21 Land Management Incentive Program - Guidelines Review

Options

21. It is recommended that the revised LMIP Guidelines be endorsed; and that Council continue to operate the LMIP grant program as an incentive to encourage and support land to be managed land sustainably.

Council plans and policies

22. This report directly supports the achievement of Council Plan 2021-2025 strategy:
- Services and programs
23. Relevant key actions within the Green Wedge Management Plan include Action A2.10: "Assist our community in acting to protect biodiversity and the natural environment, and promote community and landholder stewardship values by:
- Providing incentives for private landholders to implement sustainable land management practices and conserve biodiversity via our Land Management Incentive Scheme, Sustainable Agriculture Rebate and Trust for Nature covenanted land rebate.
 - Implementing initiatives that increase awareness and activate care for priority local species.
 - Providing an advisory service for land management.
 - Supporting Landcare, Friends and other community groups to protect biodiversity on private and public land, including assistance in applying for grants.
 - Delivering targeted environment and sustainability education opportunities and experiences."
24. Relevant actions within Council's Biodiversity Strategy 2012 include:
- WT8 - Implement the Land Management Incentive Program to promote sustainable land management.
 - WT13 - Monitor community participation in programs under the Land Management Incentive Program to ensure they are reaching target areas for biodiversity.

Sustainability implications

25. The LMIP seeks to promote sustainable land management and biodiversity conservation and increase community capacity to help deliver these objectives.

Community engagement

26. The existing and proposed LMIP guidelines were presented to Council's Environment and Sustainability Advisory Committee (ESAC) on the 28 April 2021 with an invitation to comment on the proposed inclusions to the program by 14 May 2021.
27. ESAC provided support for the proposed changes to the guidelines.
28. There was some discussion around social equity and low income earners and whether greater LMIP financial assistance should be provided in such instances. No consensus was reached.

12. Officers' reports

CM.163/21 Land Management Incentive Program - Guidelines Review

29. Wider community consultation on changes to the LMIP guidelines has not been undertaken.

Innovation and continuous improvement

30. The guidelines have been reviewed to improve the effectiveness of the LMIP for the environment and the community. This will achieve better land management outcomes on private land.
31. The Our People, Our Places, Our Future surveys identified the preservation of the Green Wedge as the top issue for open space and sustainability. By updating the guidelines to the LMIP we are better positioned to support the community to deliver best practice land management outcomes for the Green Wedge.

Collaboration

32. Council officers ensure projects funded under the LMIP work in collaboration with Parks Victoria to deliver cross-boundary land management works, and with Melbourne Water's land management, Stream Frontage Program and capital works programs to deliver cross-boundary land management benefits.
33. LMIP projects are also funded when they work in collaboration with Council's Environmental Works and Open Space teams to deliver collaborative, tenure-blind landscape scale projects which have benefit for private land, roadsides and Council's land. This works particularly well with controlling pest animals such as rabbits and undertaking cross-tenure weed control.
34. Landscape scale land management is considered best practice, particularly for plant and animal threats that easily move across the landscape. Therefore, LMIP projects undertaken on private property adjacent to Council assets or in conjunction with other neighbours are given priority.
35. In some instances, the LMIP program also functions collaboratively with neighbouring local governments to deliver land management education to the community.

Budget implications

36. There are no budget implications for 2021/22.
37. LMIP has a recurrent grant-pool budget of \$60,000. The current allocated budget for LMIP has not changed since 2011.

Relevant law

38. The actions supported by the LMIP are consistent with requirements of all land managers under Federal and State legislation.
39. The LMIP is a tool which supports Council and private landowners to comply with the following legislative requirements.
- a. Environment, Protection and Biodiversity Conservation Act 1999 (EPBC Act)
 - b. Flora and Fauna Guarantee Act 1988 (FFG Act)
 - c. Catchment and Land Protection Act 1994 (CALP Act)
 - d. Climate Change Act 2017

12. Officers' reports**CM.163/21 Land Management Incentive Program - Guidelines Review**

40. The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the Act as matters of national environmental significance.
41. In particular, the EPBC Act includes provisions to protect native species and ecosystems as well as identify processes that threaten all levels of biodiversity. There are a number of EPBC Act listed species that occur on private land across the Shire. The LMIP aims to promote the survival of these species by supporting private landowners or community groups to achieve the objectives of the Act.
42. One of the key objectives of the FFG Act is that public authorities, including local government, must mitigate the impacts of potentially threatening processes to address the important underlying causes of biodiversity decline.
43. The FFG Act also states that any programs must support collaboration between government, the community and partner agencies. In addition, a public authority, in the proper exercising of their functions, must give proper consideration to any instrument made under the FFG Act, including the Biodiversity Strategy, action statements, critical habitat determinations and management plans.
44. The LMIP gives private landowners or community groups an incentive to encourage and enable flora and fauna to be conserved across the Shire, which is consistent with the objectives of the FFG Act. It also enables that best practice biodiversity and land management outcomes are achieved across more of the Shire.
45. The CALP Act outlines landowner's responsibilities which state that a landowner must take all reasonable steps to:
 - a. avoid causing or contributing to land degradation which causes or may cause damage to land of another land owner
 - b. conserve soil
 - c. protect water resources
 - d. eradicate regionally prohibited weeds
 - e. prevent the growth and spread of regionally controlled weeds, and
 - f. prevent the spread of, and as far as possible, eradicate established pest animals.
46. The CALP Act establishes processes to encourage and support participation of land holders. It identifies that incentives for better land management is a tool that can be used in catchment management.
47. The policy objectives of the Climate Change Act include managing the State's natural resources, ecosystems and biodiversity to promote their resilience. Again, the LMIP aims to help achieve this through promoting and incentivising best practice land and biodiversity management across the Shire.

12. Officers' reports**CM.163/21 Land Management Incentive Program - Guidelines Review**

Regional, state and national plans and policies

48. The LMIP program supports the implementation of the State Government's Biodiversity Strategy, Biodiversity 2037. As specified in the FFG Act, local government is required to give proper consideration to this Strategy in exercising their functions. Biodiversity 2037 specifically outlines, as a priority, that maintaining and increasing landholder participation in biodiversity protection requires the provision of financial incentives and other market mechanisms that offer alternative management options suited to different landholder groups, motivations and biodiversity outcomes.
49. NaturePrint is a suite of evidence-based decision-support products and tools designed by DELWP to help land managers make choices about what actions to take across a landscape, and in which places, to protect Victoria's environment and plan for the future. NaturePrint helps inform choices such as where to protect habitat, or what are the most beneficial actions for threatened species. Council Officer's use NaturePrint to help guide decision making to benefit biodiversity, which has flow-on benefits for the community.
50. The LMIP gives private landowners an incentive which enables threatened flora and fauna on private land to be conserved. This grant can assist private landowners with implementing Recovery Plans for federally listed flora and fauna species, Action Statements for State listed threatened species and allows landowners to address Action Statements for key ecological threats including deer, rabbits and foxes.
51. The Victorian Traditional Owner Cultural Fire Strategy 2018 outlines the aspirations of Traditional Owners to practise cultural burning and ensure knowledge about fire is sustained through generations. An objective of the strategy is to improve the management of private land through the application of collaborative management to heal country and build resilience in people and landscapes. Through the changes to the LMIP guidelines, there will be an opportunity to engage and support private landowners who wish to work with Traditional Owners to implement Cultural Burning on their land.
52. The Victorian Deer Control Strategy 2020 was developed to provide a clear and coordinated approach to deer control in Victoria. It outlines how decisions will be made to determine where deer control can be most effective in protecting the most important values and where to set deer control priorities. The Victorian Government will establish partnerships with Local Government to develop and implement regional plans. With deer control more explicitly covered in the LMIP program, Council will take into consideration the priorities outlined in the Victorian Deer Control Strategy in assessing applications for such works.
53. In 2019-20, Nillumbik Council officers participated in the development of the Eastern Region Pest Animal Strategy 2020-2030 which focuses on deer, feral cats, foxes, Indian Mynas and rabbits and how local government and other partners can work collaboratively to tackle these problems that transcend local government boundaries. This strategy assists officers to target LMIP funding to respond to pest animal trends at a landscape level.

12. Officers' reports

CM.163/21 Land Management Incentive Program - Guidelines Review

54. Agriculture 2030 is a Federal Government initiative to drive agricultural productivity and sustainability. Within the strategy, a variety of environmental initiatives and programs are in place to support the agricultural sector to respond to climate change and protect environmental assets on farms such as an Australian Farm Biodiversity Certification Scheme and a National Soil Strategy. Such matters can be supported through LMIP.

Conflicts of interest

55. All officers involved in the preparation of this plan have made a declaration that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports**CM.164/21 Nillumbik Placemaking Framework 2021****Distribution: Public****Manager: Corrienne Nichols, Executive Manager Communities****Author: Nichole Johnson, Manager Community Partnerships****Summary**

The purpose of this report is seek Council endorsement of the Nillumbik Placemaking Framework 2021 (the Framework). The Framework (**Attachment 1**) has been designed to support Councillors, Council staff, community members, traders, stakeholders, contractors and consultants to plan and deliver placemaking projects.

Recommendation

That Council adopts the Nillumbik Placemaking Framework 2021 (**Attachment 1**).

Attachments

- 1  Nillumbik Placemaking Framework 2021

Discussion

1. Placemaking is a collaborative process that is proven to facilitate social capital impact and economic vitality while enhancing local place outcomes on the ground. Placemaking strengthens the connection between people and the places they share by creating quality public spaces that contribute to people's physical, social, emotional, ecological, spiritual and economic health. It puts community-based participation at its centre and capitalises on the local community's assets, aspirations and potential.
2. Over the last 10 years, local government areas across Australia are realising the benefits a placemaking approach can bring to community engagement and capacity building. More recently Councils across the country are rapidly building their internal placemaking capacity in response to Covid19, to build social and economic resilience.
3. In 2019, two Place Activation Officers (1.6 EFT) were employed into the Youth, Community and Place Unit to support community led initiatives that enhance the activation of public places and spaces and work within placemaking principles. These positions work closely in collaboration with Council Officers, communities, organisations and government to support the delivery of strategic placemaking objectives that align to the Council Plan and other Council Policies and Strategies.
4. Achieving alignment on definitions of placemaking, and roles/responsibilities of work areas, is a critical step in successfully mobilising internal placemaking culture, ensuring the integration of placemaking practice into project methodology outcomes, and maximising shared outcomes on the ground for the benefits of local places and communities.

12. Officers' reports

CM.164/21 Nillumbik Placemaking Framework 2021

5. The following methodology has been adopted to build organisational understanding of Placemaking and to support the facilitation of placemaking work across Council and the community:
 - Placemaking training for Council staff, to develop common understanding & knowledge
 - Staff workshops to define placemaking and map future actions for our organisation
 - Community engagement to gather feedback on community led placemaking and activation aspirations as well as with Traders and businesses, to gather their aspirations for placemaking
 - Developing a Placemaking Framework that defines placemaking, founding principles, roles and responsibilities
 - Establishing an internal working group to embed the Placemaking Framework across the organisation and continue ongoing capacity building and learning.
6. As a first step in this work, Valli Morphett, Director of Design Jam was engaged to support Council on this journey, which included capacity building training for staff and the development of a Placemaking Framework.

Related Council decisions

7. Not applicable.

Options

8. The Framework (**Attachment 1**) has been designed to support Councillors, Council staff, community members, traders, stakeholders, contractors and consultants to plan and deliver placemaking projects.
9. The purpose of the Framework is to:
 - Establish a shared understanding of placemaking
 - Outline a set of guiding principles that underpin Nillumbik Shires approach to placemaking and place based projects
 - Build the organisation's confidence and capacity to deliver placemaking outcomes
 - Facilitate enhanced relationships with the community.
10. In the development of the Framework, an Internal Placemaking Capacity Building program was delivered in order to develop common understanding & knowledge and map future actions for our organisation.
11. The internal Capacity building session, which was offered for up to 60 key staff in the organisation and Councillors, covered:
 - Placemaking across the spectrum, building foundation knowledge
 - Government-led placemaking, supporting resilient places by unlocking social & economic capital
 - Tactical urbanism projects 101, introducing a tactical roadmap process and case study examples

12. Officers' reports**CM.164/21 Nillumbik Placemaking Framework 2021**

- Covid safe adaptation of events & activations
 - Q&A session
 - Workshopping to define placemaking for Nillumbik
 - Action planning, identifying prioritised placemaking ideas, hotspot locations and key partners/stakeholders.
12. Following the training, an internal working group was established with key stakeholders in order to build on the feedback gathered throughout the training and which developed a Placemaking Framework for Nillumbik that includes:
- Placemaking definitions and benefits
 - Guiding principles
 - Project types
 - Council's role & commitment to placemaking
 - Links to resources and more information.
13. The working group set five key principles that will guide the way for Placemaking at Nillumbik into the future. These are (further details on these principles can be found in **Attachment 1** - page 4):
- Strategic Vision
 - Engaging
 - Creative
 - Inclusive.
 - Fun.
14. The Framework also sets out a Placemaking Spectrum as a tool to provide placemaking project planning guidance for both staff, stakeholders and community this talks through the various roles and commitments of Council to Placemaking delivered within the community, from 'Provider' to 'Facilitator' or 'Enabler'.

Council plans and policies

15. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We promote place making and shaping and advocate for the continuation and enhancement of local character.
16. This report also aligns to and responds to emerging themes across Council's key Strategic documents including:
- Community Vision – Nillumbik 2040: Theme 'Place' - Nillumbik's places and spaces make an important contribution to health, wellbeing, culture, the environment, biodiversity and economic success.'
 - Municipal Public Health and Wellbeing Plan 2021-25 - Place-based approach: 'Different places and communities within Nillumbik are unique, and play an important role in shaping health and wellbeing. Place-based approaches are collaborative in nature, and seek to create sustainable change by delivering local solutions to local issues and problems'.

12. Officers' reports

CM.164/21 Nillumbik Placemaking Framework 2021

Sustainability implications

17. Not applicable.

Community engagement

18. Extensive community engagement was conducted through the Our People, Our Place, Our Future community engagement program that occurred in early 2021. Over 2000 participants from our community engaged with Council through the survey responses, community pop-ups, online and in-person workshops and written submissions which supports increased investment into Placemaking across Nillumbik.
19. Nillumbik Place Shaper program was a pilot program established in 2020/21 to give local community the resources and skills to implement their own community projects to help respond to the impacts of COVID-19. Place Shapers identified that people must be at the centre of shaping thriving places and therefore used a placemaking approach to support the delivery of projects to improve a public space. A total of 18 participants took part in the program and as a result 9 community-led placemaking projects which are currently being developed with the support of Council staff.
20. Evaluation of the pilot Place Shaper program gathered from both staff and participating community members, highlighted a need to establish a Placemaking framework that could help to create a streamlined process for community and Council that can support community-led placemaking and create more collaborative outcomes for the Nillumbik community.

Innovation and continuous improvement

21. Placemaking is a process that empowers local communities and stakeholders to shape their own places, solve local problems, help neighbours and colleagues and lead the change they want to see.
22. Community development, arts, cultural development, urban design, events, activation and economic development are among the many important components of placemaking, but it is people who are central to placemaking because it is people who bring places to life.
23. Resilient Melbourne recognises that people are at the heart of all cities, and offers new ways to address the chronic stresses and acute shocks we are likely to experience in a globalised society.
24. Benefits of Placemaking for Nillumbik in terms of innovation and continuous improvement are that Placemaking:
 - Builds civic pride and social responsibility
 - Creates happier, healthier and more connected citizens
 - Unlocks volunteerism, partnerships and co-contribution of resources
 - Stimulates local economies and supports economic resilience
 - Attracts visitation, entrepreneurs and investment
 - Celebrates sense of belonging and identity.

12. Officers' reports**CM.164/21 Nillumbik Placemaking Framework 2021**

Collaboration

25. The Framework is built upon the feedback of over 50 staff who participated in the two-day capacity building training in May 2021 and was developed by a key working group with representatives from Communities, Arts & Culture, Events, Recreation & Leisure, Infrastructure, Economic Development and Strategic and Social Planning.
26. Following endorsement of the Framework, an internal Community of Practice will be established with key internal Placemaking 'champions' to support the role out of the Framework across Council and community and support the organisation to achieve its Placemaking objectives.
27. The Community of Practice will support the role out of relevant tools and resources to support staff, stakeholders and community to deliver Placemaking initiatives across the municipality. They will also be responsible for establishing the necessary processes that align to the Framework objectives.
28. Pilot projects will be used to test the Framework and support the establishment of case studies and learning to inform future processes, tools and resources.

Budget implications

29. In order to successfully embed Placemaking at Nillumbik and maximise shared outcomes on the ground for communities, it is proposed that this be dealt with through the Major Initiatives budget process for the 2022/23 financial year.

Relevant law

30. Not applicable.

Regional, state and national plans and policies

31. Resilient Melbourne: Melbourne's first resilience strategy recognises that people are at the heart of all cities, and offers new ways to address the chronic stresses and acute shocks we are likely to experience in a globalised society. Placemaking, is identified as a key supporting action to "*reduce our exposure to future shocks and stresses.*"
32. Plan Melbourne 2017-2050: Melbourne's long-term planning strategy identifies that neighbourhoods will be central to the sustainability of social, economic and environmental benefits of future generations of Victorians. Placemaking is recognised as a key approach to strengthen community participation in city planning.
33. Municipal Association of Victoria: The Future of Local Government Conference, 2017 Declaration identifies that the state of the nation and the health of our society depends on community-driven action in the neighbourhood. Placemaking is recognised as a process local governments can lead to explore a new governance model which draws on the strength and resourcefulness of each community and place. Through placemaking, local governments can facilitate new forms of community-centred, bottom-up governance that inspire the confidence and active participation of citizens.

Conflicts of interest

34. All Officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.164/21 Nillumbik Placemaking Framework 2021

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

12. Officers' reports**CM.165/21 Audit and Risk Committee Meeting November 2021**

Distribution: Public**Manager: Vince Lombardi, Chief Financial Officer****Author: Melika Sukunda, Finance Manager****Summary**

In accordance with section 53 of the *Local Government Act 2020* and good governance principles, councils must have an Audit and Risk Committee.

As resolved at the 23 June 2020 Ordinary Council Meeting, the minutes of an Audit and Risk Committee meeting are to be reported and presented to a subsequent Council Meeting.

The Audit and Risk Committee met on 10 November 2021. 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 10 November 2021 **Attachment 1**.

Attachments

- 1  10 November 2021 Audit and Risk Committee Meeting Minutes

Discussion

1. The minutes of the Audit and Risk Committee (ARC) are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
2. Minutes of the ARC held on the 10 November 2021 have not yet been adopted by the Committee, but will be presented at its next meeting.
3. The items considered by the ARC were:
 - Annual Procurement Report;
 - Councillor and Staff Gift Registers;
 - Fraud control action plan 2021 to 2023 – update 2021;
 - Emergency Management internal audit report; and
 - Complaints handling policy and report.
4. The next ARC meeting is scheduled to take place on Monday 14 February 2022.

Related Council decisions

5. As resolved at the 23 June 2020 Ordinary Council Meeting, the minutes of an ARC meeting are to be reported and presented to a subsequent Council Meeting.

12. Officers' reports

CM.165/21 Audit and Risk Committee Meeting November 2021

Options

6. The ARC's function is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating good and ethical governance.
7. The ARC meets four times a year. The Internal Auditor, CEO and Chief Financial Officer attend all Audit and Risk Committee meetings. Other management representatives attend as required to present reports. The external auditors attend in May and August each year to present the Audit Plan and independent audit report.

Council plans and policies

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

Sustainability implications

9. The ARC 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.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

Collaboration

12. The ARC meeting on 10 November 2021 was attended by the Committee members, the internal auditor from Pitcher Partners, as well as the CEO and CFO. Mayor Cr Peter Perkins and Deputy Mayor Cr Frances Eyre as the councillor representatives.

Budget implications

13. The associated costs are contained within Council's 2020-2021 Budget.

Relevant law

14. *Local Government Act 2020, section 53* Council must establish an Audit and Risk Committee.

Regional, state and national plans and policies

15. Not applicable.

Conflicts of interest

16. No officer involved in the preparation of this report has declared a conflict of interest.

12. Officers' reports**CM.166/21 Amendment C131nill (Regulating Earthworks in the Green Wedge)**

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

Amendment C131nill to the Nillumbik Planning Scheme, seeks to amend the schedule(s) to the Green Wedge Zone and Rural Conservation Zone to require a planning permit trigger for earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill.

The amendment is intended to assist Council to manage large earthworks and the placement of fill within the Green Wedge and Rural Conservation Zones, by allowing Council to assess and mitigate future risks and fill activities that have the potential to create significant environmental and amenity impacts in the Shire.

C131nill was placed on exhibition pursuant to the requirements of the *Planning and Environment Act 1987* (the Act), from 22 April to 3 June 2021. Council received ten (10) submissions in total and those submitters were invited to attend the July 2021 Planning & Consultative Committee Meeting (PCC) to speak to their submissions.

At its meeting of 27 July 2021, Council resolved to request the Minister for Planning appoint an independent planning panel to consider amendment C131nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987* to consider submissions raised in regard to the amendment.

The Panel Hearing was conducted on 30 September 2021 with Council recently receiving the Panel Report, noting the report is very supportive of Council with the Panel concluding that the amendment:

- is supported by, and implements, the Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes;
- will achieve net community benefit and sustainable development; and
- is well founded and strategically justified and should proceed.

The Panel recommendation is that amendment C131nill be adopted as exhibited without changes.

Officers have given notice of the availability of the Panel Report to all submitters to the amendment.

The officer recommendation is that Council resolve to adopt the Amendment and submit it to the Minister for approval and gazettal. This recommendation is based on the clear finding of the Panel that the amendment is strategically justified, and the recommendation that Council should adopt the Amendment as exhibited.

12. Officers' reports**CM.166/21 Amendment C131nill (Regulating Earthworks in the Green Wedge)**

Recommendation

That Council:

1. Notes the recommendation of the Planning Panel that Amendment C131nill to the Nillumbik Planning Scheme be adopted as exhibited.
2. Adopts Amendment C131nill to the Nillumbik Planning Scheme as exhibited and then submits it to the Minister for Planning for approval and gazettal.
3. Notifies submitters to the Amendment of Council's resolution on 30 November 2021 regarding Amendment C131nill and updates Participate Nillumbik accordingly.

Attachments

- 1  C131nill Explanatory Report (Exhibited)
- 2  C131nill Instruction Sheet (Exhibited)
- 3  C131nill Panel Report

Discussion

1. There is currently no one provision in Planning Schemes to regulate the deposit of clean fill on land particularly in the peri-urban areas of Melbourne. Earthworks are currently unregulated in areas that are not subject to environmental specific planning controls (e.g. the Environmental Significance Overlay) and have a range of potentially negative environmental, amenity and landscape impacts.
2. Amendment C131 amends the schedule to the Green Wedge Zone and the Rural Conservation Zone (Schedules 1 to 5) to require a planning permit trigger for earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill on land within those specified zones.
3. The amendment will assist Council to manage large earthworks and the placement of fill within the Green Wedge and Rural Conservation Zones allowing Council to assess and mitigate the future risks and fill activities which are having significant environmental and amenity impacts in the Shire.

Exhibition

4. The amendment was on exhibition from 22 April 2021 to 3 June 2021.
5. Council received ten (10) submissions with eight (8) of the submissions received being in support of the amendment and two (2) submissions opposing to the amendment.
6. The supporting submissions generally encourage Council's efforts to regulate earthworks in the Green Wedge with two of them requesting that the threshold of 100 cubic metres be reduced.
7. Key themes that derive from the ten (10) submissions received by Council include:
 - the appropriateness of the proposed volume of fill that will trigger a planning permit; and
 - the environmental, safety and amenity impact of earthworks.

12. Officers' reports

CM.166/21 Amendment C131nill (Regulating Earthworks in the Green Wedge)Panel Hearing

8. At its meeting of 27 July 2021, Council resolved to request the Minister for Planning appoint an independent planning panel to consider amendment C131nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987* to consider submissions raised in regard to the amendment.
9. The Panel Hearing was conducted on 30 September 2021 with Council officers and submitters attending the hearing.

Issued raised at Panel Hearing

10. Council officers concurred with submitters on the issue of the unregulated activity of fill dumping having impacts on community and amenity which has, as demonstrated through recent VCAT examples (for Nillumbik) resulted in the damage of roads and other infrastructure, which Council and inevitably its ratepayers have had to fund to repair. Council officers also noted that the Shire's proximity to the Northern Region Growth Corridor exacerbates the issue for Council as it is an 'easy drive' for fill operators. Similarly given the fragmented nature of the Nillumbik Green Wedge and the relative lack of soil condition and capacity for agricultural uses, the lure of making money for accepting fill for some landowners is heightened as demonstrated in recent VCAT cases.
11. Council officers agreed with submitters comments around a lack of State leadership and clear guidance in all planning schemes around illegal fill dumping, and highlighted that Council has written and advocated to the Minister for Planning for such. It was also noted that Council had provided a submission to the recent DELWP *Planning for Melbourne's Green Wedge* consultation along with many other Councils' and the MAV, calling for a State-wide provision which should include among other matters a land use definition clarification in regard to the significant issue of illegal fill dumping.
12. Council officers noted illegal fill dumping is a current and costly issue for the Shire historically and right now, and that amendment C131nill given the lack of State leadership on this matter will assist Council to manage large earthworks and the placement of fill within the Green Wedge allowing Council to assess and mitigate the future risks and fill activities through requiring a planning permit application for such.
13. Council officers also agreed with submitters commentary in regard to administering the current provision in regard to the permit requirement for '*earthworks which change the rate of flow or the discharge point of water across a property boundary*'. This lacks clarity and is difficult for council officers to administer as identified in Councils Part A submission. Council officers noted amendment C131 removes this ambiguity and creates certainty.
14. A Submitter spoke to (abandoned) amendment C81 in 2016 which proposed to apply the Significant Landscape Overlay (SLO) across a significant area of the Nillumbik Green Wedge as an appropriate way to manage earthworks in the Green Wedge and that the threshold proposed of 100m³ by amendment C131nill was not low enough. Council noted the intent of amendment C81 was in regard to facilitating effective and efficient environmental and landscape protection across identified areas within the Green Wedge backed through rigorous strategic justification as to the subject land that was included in the amendment. However the application of the overlay proposed by

12. Officers' reports**CM.166/21 Amendment C131nill (Regulating Earthworks in the Green Wedge)**

that amendment would not have covered all Green Wedge areas within Nillumbik – particularly those areas in closer proximity the Northern Growth Corridor where amendment C131nill proposes application across all Green Wedge and Rural Conservation Zones within Nillumbik. Similarly use of an overlay to regulate illegal fill dumping is not considered proper use of planning tools where a specific provision or, as proposed by amendment C131nill a requirement in the schedule to the zone is considered appropriate.

15. In regard to smaller fill activities (that is under the 100m³ threshold proposed) it was noted as outlined by Council officers in both its Part A and B submissions the proposed threshold of 100m³ is tested (as demonstrated in the example of Hume City Council who have effectively administered the provision in their scheme over the past 7 years), has not resulted in a significant increase in planning permit applications, has decreased enforcement costs for illegal fill dumping and should reasonably meet the needs for legitimate agricultural uses in application of farm management for the vast majority of landholders in Nillumbik's Green Wedge, without the unnecessary burden of applying for a planning permit.
16. Council reiterated the intention of the amendment is to assist Council to manage large earthworks and the placement of fill within the Green Wedge allowing Council to assess and mitigate the future risks and the many environmental and amenity impacts associated with fill activities through requiring a planning permit application for such. Each application may then be assessed on its merits and consequently Council can require suitable inputs to decision making in meeting the relevant Decision Guidelines to the zone to obtain a permit (for example a geotechnical report, soil report, traffic management and site management plans).
17. A submitter raised issues in evidence around specific requirements for evidence of composition of soil being required as part of a planning application (particularly exchangeable sodium percentage greater than 6%). Council officers noted that for various types of planning applications, officers regularly require inputs to decision making and may also seek peer review by suitably qualified professionals of such. The point is that in a permit being required, Council have the ability to request inputs in assessment. Where it is an unregulated activity Council cannot require such inputs. Requiring further information to a planning permit application is a process facilitated through the Planning and Environment Act in the processing of planning application.
18. A submitter in evidence noted the issue of managing sodic soil issues through the planning scheme and associated strategies is very difficult and nothing in their view has been developed that effectively deals with this given its complexity and the required technical analysis and advice. And Council officers contended the strategic justification for, and administering of a threshold (e.g. 6%) would be both strategically complex and expensive and of a regional-scale. The same submitter identified that Growth Councils Whittlesea and Hume for example find it difficult to deal with issue of sodic soils. Council officers noted these councils are growth councils with significant resources available to them and are challenged by the issue. Council offices noted that Nillumbik Shire is not a growth council and has very limited resources available to it in dealing with such issues.

12. Officers' reports

CM.166/21 Amendment C131nill (Regulating Earthworks in the Green Wedge)

-
19. Council note the recent release by DELWP of [Land Use Framework Plans for Melbourne](#) including the draft Land Use Framework Plan for the Northern Region which is open for public consultation and submissions until late October. Council officers noted these plans (particularly the Northern Regional Landuse Framework plan) identifies significant growth – but does not identify the issue of fill or sodic soils. In its submission to this consultation Council has raised the issue of illegal soil dumping and the fact that the regional plans are silent on the impacts of the proposed growth. This is in the view of Council officers, an effective place for such matters as sodic soils to be considered and planned for.
20. That said, Council, should the amendment be approved and inserted into the scheme should (as it does with other types of applications) as part of its pre application service, provide some formal guide / fact sheet or similar to applicants in regard to the issue of fill in the context of the Shire (and impacts of imported fill), and managing its impacts including identifying the issue of sodic soils and erosion in educating applicants on the issue. This could be prepared in associated with suitable technical advice. This would be subject to budget allocation. However using this guidance, to for example argue at VCAT where council might refuse an application based on for example a higher sodic soil composition than identified in the factsheet/guideline would be in Councils view, a challenge.
21. Council officers also noted that Council also undertakes a Green Wedge land owner 'conversations' program as part of an education series for landowners. This has been undertaken both online and in person on a number of issues relevant to the Shire and the Green Wedge. Council could also seek to introduce education in this area through this channel of information.

Panel observations and recommendations in regard to submissions and evidence

22. The Panel chair noted that Council *is commended for its proactive approach to the identified earthwork issues* and that the amendment *will enable Council to assess proposed larger scale earthworks to ensure acceptable environmental outcomes and alignment with planning policy and provisions.*
23. The Panel in its report concludes that C131nill:
- is supported by, and implements, the Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes;
 - will achieve net community benefit and sustainable development; and
 - is well founded and strategically justified and should proceed.
24. In regard to the proposed permit trigger threshold of 100 cubic metres the Panel concluded it is appropriate and justified and should include fertiliser in its measure. The Panel also noted that in regard to the submission requesting transitional provisions, that there is no justified reason to include transitional provisions for the proposed permit triggers.

12. Officers' reports**CM.166/21 Amendment C131nill (Regulating Earthworks in the Green Wedge)**

25. In regard to submitter evidence and submission identifying that there should be a requirement for requiring soil analysis (or similar) to demonstrate sodic soil composition (of less than 6%), the Panel noted that *the Green Wedge Zone and Rural Conservation Zone enable their schedules to require a permit for earthworks but do not allow them to include provisions such as application requirements*. And as per Council officers identification during the Panel Hearing, *that there would be benefit in Council having an advisory note which informs green wedge property owners and tenants and prospective permit applicants about earthwork related objectives and guidance*.
26. In regard to submissions around contamination the Panel noted that *environmental matters such as soil contamination should be regulated through existing legislation and enforced by the Environment Protection Authority*, and agreed with Council officers that *a permit application proposing larger scale earthworks should be assessed on its own merits to determine whether its composition will result in unacceptable outcomes*.
27. In regard to submissions that Council should increase enforcement action and associated fines, the Panel noted that *enforcement and associated fines are outside the earthworks permit application process and therefore outside the scope of the amendment*.
28. The Panel has recommended that the Nillumbik Planning Scheme amendment C131nill be adopted as exhibited (refer **Attachments 1 and 2** for exhibited Explanatory Report and Instruction Sheet respectively).

Related Council decisions

29. At its meeting of 27 July 2021 Council Meeting, Council resolved to:
- Notes the submissions to amendment C131 to the Nillumbik Planning Scheme.*
 - Request the Minister for Planning appoint an independent planning panel to consider amendment C131 pursuant to Section 23(1)(b) of the Planning and Environment Act 1987.*
 - Requests that Officers notify submitters to the proposed amendment C131 of the Committee's resolution.*
 - Requests that Officers provide an update on Participate Nillumbik in regard to next stages for amendment C131.*

Options

30. Officers note the Panel recommendation that amendment C131nill be adopted as exhibited - that is without changes.
31. The statutory amendment process requires Council to formally consider the Panel Report and to make a decision to adopt or abandon the Amendment within 40 business days of having received the Panel report. If Council adopts the Amendment, it also needs to request the Minister for Planning approve and gazette the adopted Amendment. The Amendment would be complete at gazettal. In other words, gazettal of the Amendment will insert the proposed control into the scheme.

12. Officers' reports

CM.166/21 Amendment C131nill (Regulating Earthworks in the Green Wedge)

32. The officer recommendation is that Council resolve to adopt the Amendment and submit it to the Minister for approval and gazettal. This recommendation is based on the clear finding of the Panel that the amendment is strategically justified, and the recommendation that Council should adopt the Amendment as exhibited.

Council plans and policies

33. This report directly supports the achievement of the Council Plan 2021-2025 strategy:

- We effectively uphold the planning scheme, including fill dumping and unauthorised removal of vegetation.

Sustainability implications

34. The amendment will provide a basis for addressing the potential environmental, amenity and landscape impacts of earthworks and the importation of fill within Nillumbik's Green Wedge.

Community engagement

35. Pursuant to the Act, amendment C131 was publicly exhibited from 22 April 2021 to 3 June 2021, with the subsequent Panel Hearing enabling submitters to elaborate on any objections.

Innovation and continuous improvement

36. Approval of amendment C131 would improve Council's ability to manage the impacts of illegal clean fill dumping on the Green Wedge through the Nillumbik Planning Scheme.

Collaboration

37. Council officers have been proactively liaising with the Department of Environment, Land, Water and Planning (DELWP) to prepare amendment material to the department's satisfaction.

38. Council officers have also liaised with Hume City Council in exploring their experience of the same control which has been operational within their Scheme for the past 7 years, to gain an understanding of the effectiveness of the 100m³ threshold and any attributable increases in permit applications and compliance cases with Hume officers identifying that:

- e) the 100 cubic metre metric has been successful and effective as a trigger generally attracting permits for significantly larger scale earthworks;
- f) enables small agricultural works without the need for a planning permit;
- g) requires a permit for larger earthworks which need to be assessed to understand potential impact and implement appropriate measures; and
- h) has not resulted in a significant number of applications.

12. Officers' reports**CM.166/21 Amendment C131nill (Regulating Earthworks in the Green Wedge)**

Budget implications

39. Planning scheme amendment budget allocation 20/21 and 21/22 financial years.
40. Should the amendment be approved by the Minister and implemented into the scheme, it is considered that significant cost imposts will be reduced upon Council where the trigger will allow for effective management of earthworks related applications in the Green Wedge, and result in reduction of compliance cases, and where compliance cases do arise, the ability to effectively prosecute given a legitimate trigger in the scheme will allow for such.

Relevant law

41. The Amendment is being conducted in full accordance with the relevant legislation, which is the *Planning and Environment Act 1987*.

Regional, state and national plans and policies

42. The amendment is consistent with State policy **Clause 11.01-1R Green wedges – Metropolitan Melbourne** where the objective of this clause is to protect the green wedges of Metropolitan Melbourne from inappropriate development.
43. The amendment is also consistent with State policy **Clause 12 Environmental and Landscape Values** where in seeking to control the impacts of fill in rural areas, the Amendment advances the objectives of this policy where Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.
44. The amendment is particularly aligned to the objectives of State policy **Clause 13 Environmental Risks and Amenity**, with particular regard that Planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts. With the green wedge covering 91 percent of the Shire, land filling is an environmental, health and safety issue. This type of activity is largely unregulated and can have negative impacts to the environment, landscape and amenity of the green wedge areas.

Conflicts of interest

45. Officers preparing this report have no conflict of interest in relation to its subject content and recommendations.

12. Officers' reports

CM.167/21 Recreation and Leisure Grants

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Rebecca Burton, Coordinator Recreation and Leisure Planning
April Wilson, Sports and Recreation Development Officer

Summary

Recreation and leisure grant opportunities currently open are:

- Round 2 of the 2021-22 Country Football Netball Program; and
- 2021-22 Local Sports Infrastructure Fund through Sports and Recreation Victoria.

This paper presents the projects proposed to be submitted to these grants, based on consideration of:

- Suitability against criteria and alignment with state government and Council strategies;
- Third party assessments of recreation and leisure assets;
- Club contribution; and
- Maturity of design and planning ("shovel readiness").

Recommendation

That Council:

1. Endorses and requests officers to make a submission to Round 2 of the Country Football and Netball Program for the Ben Frilay Oval Lighting Upgrade, with a Council contribution of up to \$150,000.
2. Endorses and requests officers to make the following submissions to the Local Sports Infrastructure Fund administered by Sports Recreation Victoria:
 - a) Eltham North Synthetic Pitch Lighting Upgrade, with no Council contribution;
 - b) Eltham Skate Park Lighting, with a Council contribution of up to \$120,000; and
 - c) Bridge Street Oval full surface reconstruction with a Council contribution of up to \$320,000.

Attachments

1  2021-22 Country Netball Football Program Guidelines

2  2021-22 Local Sports Infrastructure Fund Guidelines

Discussion

1. Recreation and Leisure grant opportunities currently open are:
 - Round 2 of the 2021-22 Country Football Netball Program; and
 - 2021-22 Local Sports Infrastructure Fund through Sports and Recreation Victoria.

12. Officers' reports

CM.167/21 Recreation and Leisure Grants

2. The Country and Football Netball Program is administered by the Department of Jobs, Precincts and Regions to provide a funding program to assist regional football and netball clubs, associations and umpiring organisations to upgrade and develop facilities in rural, regional and outer metropolitan locations. The guidelines for the program are in **Attachment 1**.
3. Council was successful in the first round of application to this program and received funding of \$150,000 contribution funding for Coventry Oval Sports Ground Lighting Upgrade. This project is to be completed by 30 June 2022 as per funding agreement.
4. The second round of applications opened on 1 October 2021 and close on 1 December 2021.
5. A lighting upgrade at Ben Frilay Oval in Hurstbridge has been identified as the priority project, with an estimated project cost of \$300,000. This project requires a contribution from Council of \$120,000 under the funding guidelines.
6. The 2021-22 Local Sports Infrastructure Fund is a state-wide competitive Victorian Government program that provides a range of grant opportunities across five funding streams. The program guidelines are in **Attachment 2**.
7. Applications are now open for this grant and close on 7 February 2022. Successful applications will be announced in May/June 2022.
8. It is a requirement that all successful applications commence construction within 6 months of signing a funding agreement.
9. An overview of funding streams, application limitations, funding split and proposed projects is provided in the following table:

Funding Stream (Proposed project)	No. of applications	Maximum total grant amount per applicant
Indoor stadiums/Aquatic Facilities	Only 1 per LGA	Up to \$2M
Female Friendly Facilities (Bridge Street Oval Full Surface Reconstruction)	Unlimited	Up to \$800K SRV - \$480K NSC - \$320K
Community Sports Lighting (Eltham Nth Synthetic Pitch Lighting Upgrade)	Unlimited	Up to \$250K SRV - \$150K Club - \$100K
Community Facilities (Eltham Skate Park – Lighting Upgrade)	Unlimited	Up to \$250,000 SRV – \$180K NSC - \$120K
Planning (none)	Only 1 per Municipal or Regional per LGA	\$30,000 (MUN) \$50,000 (REG)

12. Officers' reports

CM.167/21 Recreation and Leisure Grants

Related Council decisions

10. N/A

Options

11. At Council briefing on 9 November 2021, officers presented possible projects for consideration. The recommendations made in this paper are informed by:
- Suitability against criteria and alignment with state government and Council strategies;
 - Third party assessments of recreation and leisure assets, including sportsground surfaces, sportsground lighting, playgrounds, and most recently trails;
 - Club contribution;
 - Maturity of design and planning (“shovel readiness”).

Council plans and policies

12. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We facilitate participation in sports, leisure and recreational activities.

Sustainability implications

13. The lighting upgrade projects propose LED lights, which are up to 80% more efficient than traditional lighting. LED lights use less energy, reduce the demand from power plants and decrease greenhouse gas emissions.
14. A full surface reconstruction upgrade to the Bridge Street oval will significantly impact the safety and maintenance of the ground; reducing the amount of water required and reactive maintenance.

Community engagement

15. Where community consultation is required for any of the identified projects, this will be undertaken in line with the Community Engagement Policy.

Innovation and continuous improvement

16. If the grant submissions are successful, this will continue to provide an opportunity to improve health and wellbeing in Nillumbik through increased physical activity, which is identified in the Municipal Health and Wellbeing Plan.

Collaboration

17. Conversations and collaboration has been undertaken with sporting clubs, SRV and internal officers to determine suitability and eligibility for application submissions.
18. Conversations have also occurred with SRV in relation to the Eltham North Synthetic Pitch Lighting Upgrade about the suitability for this grant.

Budget implications

19. Council’s contribution to the 2021-22 Country Football Netball Program and 2021-2022 Local Sports Infrastructure Fund will be taken from approved borrowings in the 2021/2022 budget, where \$2 million was set aside to enable Council to respond to potential Government grant funding opportunities.

12. Officers' reports

CM.167/21 Recreation and Leisure Grants

20. The proposed grant submissions and contributions outlined in this paper would fully commit the budgeted borrowings.

Relevant law

21. N/A

Regional, state and national plans and policies

22. Sport and Recreation Victoria – *Active Victoria*
23. VicHealth – *Physical Activity Strategy 2019-2023*
24. Nillumbik Shire Council Recreation and Leisure Strategy

Conflicts of interest

25. All officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report

12. Officers' reports

CM.168/21 Informal Meetings of Councillors Records – 30 November 2021

Distribution: Public

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

Author: Janet Taylor, Governance Officer

Summary

In accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, adopted on 25 August 2020, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meetings of Councillors held.

This report lists Informal Meetings of Councillors records submitted since the matter was last reported to Council on 26 October 2021.

An Informal Meetings of Councillors Record was kept for the following meetings (**Attachment 1**):

1. Informal Meeting of Councillors – Health & Wellbeing Advisory Committee Meeting held 14 October 2021.
2. Informal Meeting of Councillors Record – Councillor Briefing held 19 October 2021.
3. Informal Meeting of Councillors – Panton Hill Bushland Reserve System User Group Advisory Committee Meeting held 21 October 2021.
4. Informal Meeting of Councillors – Access and Inclusion Advisory Committee Meeting held 29 October 2021.
5. Informal Meeting of Councillors – Kangaroo Ground War Memorial Park Governance Project Meeting held 3 November 2021.
6. Informal Meeting of Councillors Record – Positive Ageing Advisory Committee 5 November 2021.
7. Informal Meeting of Councillors Record – Councillor Briefing held 9 November 2021.
8. Informal Meeting of Councillors – Pre-meet PCC Meeting 16 November 2021.

Officer Recommendation

That Council, in accordance with *Item 19 of Council's Governance Rule – Meeting Procedure*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

Attachments

1. Informal Meeting of Councillors Record reported 30 November 2021

Discussion

1. *Item 19 of Council's Governance Rule – Meeting Procedure*, requires records of Informal Meetings of Councillors be reported to a Council Meeting and recorded in the minutes of that meeting.

12. Officers' reports

CM.168/21 Informal Meetings of Councillors Records – 30 November 2021

Related Council decisions

2. Not applicable.

Options

3. An Informal Meetings of Councillors is defined in *Item 19 of the Governance Rule – Meeting Procedure*. 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:
- Planned or scheduled meeting that includes at least half the Councillors and at least one Council officer. These meetings do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - 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.
4. A record must be kept of any Informal Meeting 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.
5. In accordance with *Item 19 of the Governance Rule – Meeting Procedure*, Council is required to report as soon as practicable to a Council Meeting, a record of any Informal Meetings of Councillors held.
6. The recommendation contains the list of Informal Meetings of Councillors records submitted since the matter was last reported to Council as the last Council Meeting.

Conclusion

7. It is recommended that Council receives the records of recent records of Informal Meetings of Councillors as contained in this report, fulfilling *Item 19 of the Governance Rule – Meeting Procedure*.

Council plans and policies

8. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We maintain good governance and transparency; clearly defining and communicating the role of Councillors and Council.

Sustainability implications

9. None required.

Community engagement

10. Not applicable.

Innovation and continuous improvement

11. Not applicable.

12. Officers' reports

CM.168/21 Informal Meetings of Councillors Records – 30 November 2021

Collaboration

12. None required.

Budget implications

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

Relevant law

14. *Local Government Act 2020.*

Regional, state and national plans and policies

15. None applicable.

Conflicts of interest

16. All officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

12. Officers' reports

CM.168/21 Informal Meetings of Councillors Records – 30 November 2021

12. Officers' reports**CM.169/21 Melbourne Water Land Divestment – Committee of Management**

Distribution: Public**Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Summary**

Melbourne Water proposes an amendment to the Nillumbik Planning Scheme in divestment of its land. The purpose of the proposed amendment is to apply alternative zoning - predominantly the Rural Conservation Zone Schedules 3 and 4 (RCZ) to land within the amendment area, to allow for the sale of this land. The amendment also proposes re-alignment of some parcel boundaries, the creation of new lots and the introduction of an incorporated document to guide development and subdivision in this area.

At its 27 April 2021 Council Meeting, Council resolved as follows:

That Council:

- 1. Does not support the proposed amendment to the Nillumbik Planning Scheme by Melbourne Water to facilitate the divestment of its land at Christmas Hills in its current form for the reasons identified in this report.*
- 2. Authorises the Mayor to write to the Minister for Planning and local MPs requesting that the Christmas Hills Tennis Courts be retained by Melbourne Water or gifted to Council in order to protect it as a valuable community asset.*
- 3. Directs officers to work with councillors and the Christmas Hills community to prepare a submission to the future Government Land Planning Service Advisory Committee process in consideration of the proposed amendment.*

Melbourne Water have advised that DELWP have provided confirmation that pursuant to the requirements of the applicable assessment criteria under the Strategic Crown Land Assessment Policy and Guidelines (SCLAPG), that the Christmas Hills Tennis Courts in isolation won't meet the required criteria to allow transfer to the Crown. Melbourne Water have further advised they are prepared to request of DELWP that they consider a broader parcel including the Tennis Courts, as opposed to just the current lease area of the Tennis Courts for assessment against the SCLA in trying to meet the SCLA criteria. DELWP have advised that they agree to consider the broader parcel.

In order to progress Melbourne Water's planning of their land in Christmas Hills, and to allow DELWP to undertake the assessment under the Strategic Crown Land Assessment Policy and Guidelines criteria for Council to become Committee of Management, they seek Council's formal confirmation as to its appetite to become Committee of Management (CoM) for the wider parcel should DELWP permit divestment to the Crown.

On 14 May 2021, Council wrote to Melbourne Water and DELWP acknowledging and supporting the MG Car Club as a valued community use, and historical use of the land. The letter advised that Council would be interested in becoming the Committee of Management once the land is transferred to the Crown. At the time of writing this report, DELWP advised that they now require a formal resolution and new formal letter requesting that Council become the Committee of Management for the Rob Roy hillclimb Land.

12. Officers' reports

CM.169/21 Melbourne Water Land Divestment – Committee of Management

Recommendation

That Council:

1. Agrees in principle to becoming Committee of Management for the land identified in Map 1 (**Attachment 1**) to facilitate assessment by DELWP through the Strategic Crown Land Assessment process, noting this agreement is contingent on confirmation by Melbourne Water that no undersized lots (less than 8 hectares) are proposed by Melbourne Water in the final proposed lot configuration in this area of 40 Simpson Road, Christmas Hills for private sale as part of the future divestment of its land;
2. Requests the current parking and effluent areas supporting the Christmas Hills Hall (**Attachment 2**) be included in the land that Council is seeking to become the Committee of Management for and include that land in the area put forward to DELWP for consideration through the Strategic Crown Land Assessment process or identify alternate arrangements with respect to this additional area for ongoing management and maintenance of the Christmas Hills Hall; and
3. Requests the Chief Executive Officer provide a letter of support addressing point 1, and identify in such letter, Council's preference for rezoning of the land to Public Use Zone Schedule 6 to reflect the future use of the area for local government use.
4. Formally resolves to provide their support in becoming the Committee of Management for the Crown Land parcels outlined below (Rob Roy hillclimb), upon DELWP consideration and approval and write to DELWP formally advising of its resolution:
 - Crown Allotment: 46b SPI: 46~B\PP3437
Address: 10 Rob Roy Street, Smiths Gully 3760
 - Crown Allotment: 47b SPI: 47~B\PP3437
Address: 375 Clintons Road, Smiths Gully 3760
5. Requests the Chief Executive Officer provide a letter of support in becoming the Committee of Management for the land identified in point 4 above and send to DELWP.

Attachments

1.  Area for Council to be considered for Committee of Management
2.  Additional area for Council to be considered to become Committee of Management

12. Officers' reports**CM.169/21 Melbourne Water Land Divestment – Committee of Management**

Discussion

1. Officers met with representatives from DELWP and Melbourne Water on Wednesday 11 November 2021, and discussed and confirmed Nillumbik Shire Council's interest in becoming the Land Manager (Committee of Management) for a few parcels of land within the Christmas Hills divestment area, known as Sections of 40 Simpson Road, Christmas Hills to support and nurture, community recreation, heritage and conservation initiatives.
2. Council officers identified that a key outcome that Council was seeking was for no undersized lots to be created through this process. Council's proposed area was discussed inclusive of the historic Christmas Hills Post Office and Tennis Courts, with DELWP identifying a broader area would be required for consideration through the Strategic Crown Land Assessment (SCLA) process and would in their view need to align to existing title boundaries.
3. An option was put forward by DELWP that would meet Council's desire to become Committee of Management (CoM) for the Tennis Courts and Post Office and in their view retain existing title boundaries and be suitable for consideration through the SCLA process and includes:
 1. Lot 1 & 2 TP382274 - 40 Simpson Road, Christmas Hills
 2. Lot 1 TP516578 - 1524 Eltham - Yarra Glen Road, Christmas Hills
 3. Lot 3 LP27152 - 40 Simpson Road, Christmas Hills
4. Please refer to **Attachment 1** for clarification of the area proposed:
 - Map 1 – Nillumbik Shire Council - COM Support Region (Historic Post Office and Tennis Courts) (Parcel Map)
5. This proposed area also would result in no undersized lots, with officers identifying the resulting land area that would be made available for private sale, must meet the minimum 8ha's required by the Rural Conservation Zone (RCZ). Please note in attachment 1 that the area proposed for divestment to DELWP with Council as CoM is that marked in Green. Lots 1, 2 and 3 are existing private lots. Lot X would be the resulting land available for private sale which is over 16ha in size. Melbourne Water are yet to decide whether the lot would be identified to be sold as one lot or two, they have advised they would need to undertake feasibility in regard to potential capacity for a dwelling subject topography and bushfire considerations. They have advised they will advise Council of the outcomes of further investigation. Notwithstanding this, they have advised that no undersized lots would be created in this arrangement.

Zoning

6. The current zoning for the identified parcels that Council would become CoM for is Public Use Zone (PUZ) Schedule 1. This zoning is specifically in relation to use of the land for 'utility services' and reflects the lands historic allocation for a future reservoir by Melbourne Water.
7. DELWP have advised that any change of zoning may have implications in regard to timing of any divestment with Council becoming CoM.

12. Officers' reports**CM.169/21 Melbourne Water Land Divestment – Committee of Management**

8. DELWP are seeking for clarification, however it is understood that to change the schedule to the zone to reflect the future use as Council as land manager to Public Use Zone Schedule 6 (Local Government) would mean the Advisory Committee process would need to be finalised, facilitating all rezonings proposed as part of that process including these parcels.
9. DELWP advised if Council was prepared to keep the current PUZ1 (utility services) zoning, then subject to approval through the SCLA process, divestment to DELWP and therefore Council becoming land manager could occur much sooner. Officers note that although a change to the schedule (to identify the area for local government use) would not change much of the current planning context for Council – that is the PUZ1 allows for the same outcomes as PUZ6 – the zone does require for use that *'the use must be for the purpose described in the table to Clause 36.01-6* – that is for local government use. If for example Council in the future decided to facilitate more community uses on this parcel, then the PUZ6 would be the appropriate schedule to facilitate this, whereas PUZ1 (for utility service) is not consistent with future use by Council. It is recommended that Council require the land be rezoned to PUZ6 to reflect the future use by local government and any future uses that Council may plan for with regard to the site and to also remove and future requirement for an amendment to correct the zoning to allow Council to use and manage the site into the future.

Land Divestment Update:

10. Melbourne Water have provided an update to the Advisory Committee Process for the divestment at Christmas Hills noting that notification should now occur in February 2022, with the hearing occurring 6 weeks later in April/May. Further updates will be provided, as these dates are contingent on Ministerial advice and there could be an option where the Minister delays the hearing until after the election, but advice at this point are those dates outlined above.

Rob Roy Hillclimb

11. On 14 May 2021, Council wrote to Melbourne Water and DELWP acknowledging and supporting the MG Car Club as a valued community use, and historical use of the land. The letter advised that Council would be interested in becoming the Committee of Management once the land is transferred to the Crown. At the time of writing this report, DELWP advised that they now require a formal resolution and new formal letter requesting that Council become the Committee of Management for the Rob Roy hillclimb land.

Next Steps:

12. DELWP have requested that the council CEO provide an initial support letter to become CoM for the above parcels, if the land is vested back with DELWP. This initial support letter in their view, should help to progress the SCLA assessment by the required timings. Subject to this letter of support, DELWP have advised they will have the internal assessment team conduct the Strategic Crown Land Assessment for the revised region identified above.
13. DELWP have advised that the SCLA assessment will be completed by end of January 2022 and will advise internally, that it's completion would aid with the upcoming Advisory Committee Hearing/ discussions/media releases, occurring (subject to Minister confirmation) in February 2022.

12. Officers' reports

CM.169/21 Melbourne Water Land Divestment – Committee of Management

Related Council decisions

14. At its 27 April 2021 Council Meeting, Council resolved as follows:

That Council:

1. *Does not support the proposed amendment to the Nillumbik Planning Scheme by Melbourne Water to facilitate the divestment of its land at Christmas Hills in its current form for the reasons identified in this report;*
2. *Authorises the Mayor to write to the Minister for Planning and local MPs requesting that the Christmas Hills Tennis Courts be retained by Melbourne Water or gifted to Council in order to protect it as a valuable community asset.*
3. *Directs officers to work with councillors and the Christmas Hills community to prepare a submission to the future Government Land Planning Service Advisory Committee process in consideration of the proposed amendment.*

Options

15. Two options exist for Council:

- Resolve as per the recommendation and request that Council be considered to become Committee of Management for the land in **Attachment 1** and the additional area as shown in **Attachment 2**
- Resolve not to request that Council become the Committee of Management for the land identified in **Attachment 1** and the additional area as shown in **Attachment 2**.

Council plans and policies

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:

- We value, appreciate and enjoy our Green Wedge Shire, including our rural areas and leafy urban areas, which we work hard to protect and enhance.

Sustainability implications

17. Not applicable

Community engagement

18. The divestment of Watsons' Creek Storage Reservoir was introduced as a project to the community back in 2017.

19. Melbourne Water's consultants have identified that this early community engagement and consultation, including a community information session on 18 October 2017, informed preparation of the master plan for the area (which informs the proposed amendment).

20. It is noted that the Advisory Committee process run by Government Land Planning Service (GLPS) will be undertaking the amendment and public exhibition will be undertaken as part of the amendment process.

21. Council officers are seeking to engage with the Christmas Hills community as part of preparation of a submission to the GLPS Advisory Committee process.

12. Officers' reports

CM.169/21 Melbourne Water Land Divestment – Committee of Management

Innovation and continuous improvement

22. Not applicable.

Collaboration

23. Relevant council officers have met with Melbourne Water on a number of occasions over the last 4 years in regard to this proposed amendment, with past sitting Councillors having also been out to site with Melbourne Water in the early stages of the proposed amendment. Strategic planning, statutory planning and property and facilities maintenance have provided advice in regard to this proposed amendment.

Budget implications

24. There will be costs associated with Council becoming Committee of Management for the land identified. These costs are associated with providing ongoing management of the land, the tennis courts and the former post office building. The building status of the former post office building is unknown and will require heritage consultant advice and restoration works to bring this building to current day accessibility standards.

Relevant law

25. The *Planning & Environment Act 1987*.

Regional, state and national plans and policies

- Victorian Government Landholding Policy and Guidelines (VGLP 2017).
- Victorian Government Land Transactions Policy and Guidelines (VGLTP 2016).
- Strategic Crown Land Assessment Policy and Guidelines (SCLAP 2016).

Conflicts of interest

26. All officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

13. Notices of Motion

NOM.007/21 Advocacy for suitable BMX and off-road biking locations in the Shire

Cr Peter Perkins advised of his intention to move the following motion:

Motion

That Council:

1. Requests officers to:
 - a. Continue to work with the land holder VicTrack and various responsible agencies such as Melbourne Water and Metro Trains to find solutions to mitigate and manage the risks on the land alongside the Hurstbridge Rail Line and Diamond Creek, near the Diamond Creek linear reserve.
 - b. Commence consultation with the community for BMX and off-roading opportunities in the area near the Diamond Creek trail on Allendale Road.
 - c. Commence investigation into BMX and off-road biking opportunities across the Shire and provide progress updates to Council throughout 2022.
2. Seeks funding from relevant state agencies and advocates to all levels of government to identify funding opportunities to develop BMX and off-road biking locations in the Shire.

14. Delegates' Reports

15. Supplementary and urgent business

16. Confidential reports

17. Close of Meeting