

# Planning and Consultation Committee Meeting

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 12 July 2022 commencing at 7:00pm.

## Agenda

**Carl Cowie**  
**Chief Executive Officer**

Thursday 7 July 2022

Distribution: Public

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone 9433 3111  
Facsimile 9433 3777  
Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)  
Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

# Council Chamber Planning and Consultation Committee Meeting seating plan

**Cr Natalie  
Duffy**  
Edendale Ward

**Cr Karen Egan**  
Bunjil Ward

**Cr Richard  
Stockman**  
Blue Lake Ward

Cr Peter Perkins  
**(Chairperson  
Planning Matters)**  
Ellis Ward

**Cr Ben Ramcharan**  
**(Deputy Mayor)**  
Sugarloaf Ward

**Cr Frances Eyre**  
**(Mayor)**  
Swipers Gully Ward

**Katia Croce**  
Governance  
Lead

**Sally Johnson**  
Acting Executive  
Manager  
Governance,  
Communications  
and Engagement

**Cr Geoff Paine**  
**(Chairperson  
Consultation Matters)**  
Wingrove Ward

**Carl Cowie**  
Chief Executive  
Officer

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**Nillumbik Shire Council**

**Agenda of the Planning and Consultation Committee Meeting to be held  
Tuesday 12 July 2022 commencing at 7:00pm.**

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**1. Welcome by the Chair**

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

**2. Acknowledgement of Country**

**The Acknowledgement of Country to be read by the Chairperson**

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. Apologies**

**Recommendation**

**That** the apologies be noted.

**4. Disclosure of conflicts of interest**

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

**5. Confirmation of Minutes**

**Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 June 2022**


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Confirmation of the minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 June 2022.

**Recommendation**

**That** the Committee (acting under delegation from Council) confirms the minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 June 2022. (**Attachment 1**).

**Attachments**

- 1  Minutes Planning and Consultation Committee Meeting held 14 June 2022

6. Officers' reports

PCC.024/22 Draft Arts and Culture Strategy 2022-26

**Item:** Consultation Matter

**Distribution:** Public

**Manager:** Narelle Hart, Acting Executive Manager Communities

**Author:** Nichole Johnson, Manager Community Partnerships

**Summary**

This report notes the public submissions received from the community regarding the draft Arts and Culture Strategy 2022-2026 (the Strategy) **(Attachment 1)**.

The draft Strategy sets out a four-year strategic commitment to guide Council in the support and development of arts and culture in Nillumbik Shire.

The draft Strategy has been informed by the Council Vision, Council Plan 2021-2025 and the What We Know: Arts and Culture Strategy 2022-2026 Community Consultation Summary Report **(Attachment 2)** along with additional arts and culture sector reports and data from State, National and International bodies.

The draft Strategy was released for the purposes of public consultation at the Council Meeting on 26 April 2022. It was exhibited from 1 May to the 22 May 2022 (3-week period) five formal submissions were received **(Attachment 3)**.

**Recommendation**

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

1. Acknowledges and notes the submissions received from community and organisations who provided feedback on the draft Strategy 2022-2026 **(Attachment 3)**.
2. Resolves that the confidential un-redacted public submissions on the draft Strategy 2022-2026 **(Attachment 4)** remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.
3. Acknowledges any presentations to the Committee.
4. Considers the matters contained in the submissions and this report during finalisation of the draft Strategy 2022-2026.
5. Requests a further report to be presented at the 27 September 2022 Council Meeting to adopt the final version of the Arts and Culture Strategy 2022-2026.
6. Thanks the submitters for providing Council with feedback on this important document.

**Attachments**

1 DRAFT Arts and Culture Strategy 2022-2026




2 What We Know: Arts and Culture Strategy 2022-26 Community Consultation Summary Report



6. Consultation Matters

PCC.024/22 Draft Arts and Culture Strategy 2022-26

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3 Public Submissions - 2022-26 Draft Arts and Culture Strategy  


4. Unredacted Public Submissions Report - Draft Arts and Culture Strategy 2022-2026  
 - *CONFIDENTIAL*

**Discussion**

1. At a Future Nillumbik Committee on 9 March 2021 Council endorsed the Community Engagement Plan: Arts and Culture Strategy 2022-2026: *Artbeat—a pulse check for Arts and Culture in Nillumbik Shire*. This plan focused on putting community first in the development of Council’s next Arts and Culture Strategy.
2. Community consultation for the new strategy was undertaken between December 2020 and July 2021, and included a comprehensive range of digital and in-person engagements.
3. 2216 voices were heard from all corners of Nillumbik through participation in the community consultations, these contributed to the creation of the *What We Know: Arts and Culture Strategy 2022-26 Community Consultation Summary Report* (Summary Report) (**Attachment 2**).
4. The Summary Report combines 16 consultation summary documents and identifies and explores overall key themes. The report details what Council has learnt through the consultation process and what community wants from its arts and culture service.
5. Key findings from the Summary Report were presented at a Councillor Briefing on 9 November 2021 and made publically available.
6. The Draft Arts and Culture Strategy 2022-2026 has been co-designed with the Cultural Development Network and informed by the Council Vision, Council Plan 2021-2025, the previous Arts and Culture Plan 2018-2022 and the Summary Report.
7. The Draft Strategy considers external arts and culture strategies, policies and reports from relevant Local, State and Federal Arts and Culture institutions.
8. Other Council plans, strategies and policies have been considered in the development of the Draft Strategy.
9. The vision for the Strategy is to be a planning tool that provides Council with a clear set of priorities for the enrichment of arts and culture facilities and programs across the Shire over the next four years.
10. The Draft Strategy (**Attachment 1**) identifies the following four goals:
  - a) **Goal 1: An Interconnected Creative Community**
  - b) **Goal 2: A Visible and Supported Creative Community**
  - c) **Goal 3: A Diverse and Resilient Creative Community**
  - d) **Goal 4: A Distinctively Nillumbik Creative Community**
11. An updated Strategy (incorporating community feedback) and Year 1 Action Plan will be presented to Council for adoption at the Council Meeting scheduled for 27 September 2022.



6. Consultation Matters

PCC.024/22 Draft Arts and Culture Strategy 2022-26

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**Submissions**

12. The Participate Nillumbik public submission page for the draft Strategy was viewed 163 times during the public exhibition phase by 110 different visitors, 68.18% of whom were first time visitors to the site. The draft Strategy document was downloaded 32 times.
13. At the close of the public consultation period, five formal submissions were received on the draft Strategy (**Attachment 3**).
14. All submissions demonstrated support from community on the draft Strategy and the four goals identified.
15. Submitters have been invited to attend this meeting of the Planning and Consultation Committee to speak to their submissions.
16. All five submissions have been noted and recommended changes to the draft Strategy are outlined in **Attachment 3**.

**Related Council decisions**

17. On 9 March 2021 the Future Nillumbik Committee endorsed the Community Engagement Plan for the Arts and Culture Strategy 2022-2026: Artbeat—a pulse check for Arts and Culture in Nillumbik Shire.
18. On 26 April 2022 the Draft Arts and Culture Strategy 2002-2026 (**Attachment 1**) was presented to the Council endorsement to proceed to public exhibition for community feedback prior to finalisation and endorsement.

**Options**

19. Council officers have reviewed the public consultation submissions (**Attachment 3**) on the draft Strategy, assessing the feedback against the goals and objectives of the Strategy, and in line with the Summary Report (**Attachment 2**).
20. Recommended changes to be made as a result of the public consultation have been included in the table in **Attachment 3** for consideration.
21. Following the Committee’s consideration of submissions and recommended changes to the draft strategy (**Attachment 3**), the final Strategy will be presented at the 27 September 2022 Council Meeting for adoption.

**Council plans and policies**

22. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We celebrate and prioritise the protection of our heritage, arts and culture, places and spaces by focusing on the diversity of experiences that have shaped our shared history.
  - We recognise and celebrate our community’s significant contributions to art and culture

**Sustainability implications**

23. Arts and culture responds to and celebrates the natural environment and can create awareness of the need to protect it. It also explores climate change and creates awareness of issues related to it.

**6. Consultation Matters**

**PCC.024/22 Draft Arts and Culture Strategy 2022-26**

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**Community engagement**

24. Community Engagement was undertaken in line with the Community Engagement Plan for the 2022-26 Arts and Culture Strategy 2022 -2026: *Artbeat—a pulse check for Arts and Culture in Nillumbik Shire*.
25. The Community Engagement Plan incorporated (alongside more conventional engagement methodology) a range of cultural devices, including the use of street performers, installations and interactive art activities to encourage community conversations around culture. The purpose of these non-conventional approaches was to ensure that the Arts and Culture Strategy 2022-2026 represented a wide array of community, not just those who identify as members of the local arts community.

**Innovation and continuous improvement**

26. The Arts and Culture Strategy 2022-2026 is informed by detailed analysis on the impacts of the Arts and Culture Plan 2018-2022 and key findings from the Summary Report.
27. The Cultural Development Network's Framework for Cultural Development Planning and Evaluation has been incorporated into the Draft Strategy.

**Collaboration**

28. Collaboration was undertaken across the organisation, with community members, community groups, local artists and artist groups, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, and the Cultural Development Network.

**Budget implications**

29. The strategies stated within the draft Strategy, will be resourced through existing operational budget. Where gaps exist in resources or new opportunities for initiatives are presented, additional budget or grant funding opportunities may be sought.

**Relevant law**

30. The *Local Government Act 2020*.

**Regional, state and national plans and policies**

31. Creative State 2025, Creative Victoria
32. Corporate Plan 2021-2025, The Australia Council for the Arts

**Conflicts of interest**

33. 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.

6. Officers' reports

PCC.025/22 Draft Access, Equity and Inclusion Policy - submissions

**Item:** Consultation Matter

**Distribution:** Public

**Manager:** Narelle Hart, Acting Executive Manager Communities

**Author:** Nichole Johnson, Manager Community Partnerships

**Summary**

The Draft Access, Equity and Inclusion Policy (the Policy) (**Attachment 1**) outlines Councils commitment to accessible, equitable and inclusive practice across all council activities.

This report notes the public submissions and outcomes of community engagement for the Draft Policy (**Attachment 2 and 3**).

Council adopted the Draft Policy for the purposes of public consultation at the Council Meeting on 22 March 2022. It was exhibited from 23 March – 24 April 2022 and received seven formal submissions. Submissions received via Participate Nillumbik, including officer recommendations to each of the submissions can be found in **Attachment 2**.

The Draft Access, Equity and Inclusion Policy - Engagement Summary Report (**Attachment 4**) provides a comprehensive summary of the engagement process, feedback and key themes.

A draft updated Policy (**Attachment 5**) includes proposed officer recommendations. The final policy including feedback received from community and Council at the Planning and Consultation Committee will be presented to Council for adoption at the Council Meeting scheduled for 26 July 2022.

<b>Recommendation</b>
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**That** the Committee (acting under delegation from Council):




1. Acknowledges and notes the submissions received on the Draft Policy (**Attachment 2**) and the Draft Access, Equity and Inclusion Policy - Engagement Summary Report (**Attachment 4**) for the Draft Access, Equity and Inclusion Policy.
2. Resolves that the confidential un-redacted public submissions on the draft Policy (**Attachment 3**) remains confidential in accordance with section 3(1)(f) of the *Local Government Act 2020*.
3. Acknowledges any presentations to the Committee.
4. Considers the matters contained in the submissions and this report during finalisation of the Access, Equity and Inclusion Policy.
5. Requests a further report to be presented at the 26 July 2022 Council Meeting to adopt the final version of the Access, Equity and Inclusion Policy.
6. Thanks the submitters for providing Council with feedback on this important document.
7. Notes the draft updated Policy (**Attachment 5**) that will be presented to Council for adoption at the Council Meeting scheduled for 26 July 2022.

6. Consultation Matters

PCC.025/22 Draft Access, Equity and Inclusion Policy - submissions

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**Attachments**

- 1  Draft Access, Equity and Inclusion Policy - March 2022
- 2  Draft Access, Equity and Inclusion Policy Submissions and officer recommendations - Redacted
3. Draft Access, Equity and Inclusion Policy Submissions and officer recommendations - Unredacted - *CONFIDENTIAL*
- 4  Draft Access Equity and Inclusion Policy Engagement Summary Report
- 5  Updated Draft Access, Equity and Inclusion Policy

**Discussion**

1. The purpose of this report is to share the outcomes of the community engagement of the Draft Access, Equity and Inclusion Policy (draft Policy) **Attachment 1**.
2. The Draft and Updated Policy (**Attachments 1 and 5**) outlines Councils commitment to accessible, equitable and inclusive practice across all council activities. The Draft Policy includes:
  - an Inclusion statement (to be used in Council publications alongside an Acknowledgement of Country and demonstrate our policy commitment)
  - purpose, context and principles (leadership, community, equity, intersectionality, human rights and social justice)
  - our policy commitments
  - details on how the policy will be applied and implemented.
3. Council adopted the draft Policy at the Council Meeting on 22 March 2022 for the purposes of public consultation. The draft Policy was exhibited for four weeks from 23 March – 24 April 2022.
4. A draft updated Policy which includes proposed officer recommendations is included in **Attachment 5**.
5. The final policy including feedback received from community and Council at the Planning and Consultation Committee will be presented to Council for adoption at the Council Meeting scheduled for 26 July 2022.

**Related Council decisions**

6. The Council Plan was adopted at the Council Meeting on 26 October 2021. The Council Plan 2021-2025 includes a commitment to develop an Access Equity and Inclusion Policy as a priority action for Council within the Community and Connection – Equity and Inclusion theme.

**6. Consultation Matters**

**PCC.025/22 Draft Access, Equity and Inclusion Policy - submissions**

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7. The Draft Policy was endorsed for public consultation at the Council Meeting on 22 March 2022.

**Options**

8. The Planning and Consultation Committee notes the submissions and officer recommendations in **Attachment 2** and the Draft Access, Equity and Inclusion Policy - Engagement Summary Report in **Attachment 4**.
9. Recommended changes to be made as a result of the public consultation have been included in the table in **Attachment 2** for consideration.
10. Following the Committee's consideration of submissions and recommended changes to the draft strategy (**Attachment 2**), the final Policy will be presented at the 26 July 2022 Council Meeting for adoption.

**Council plans and policies**

11. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We champion equity, diversity, access and inclusion for people of all abilities, ages, cultural identities, gender identities, geographic locations, religions, sexualities, and socio-economic backgrounds.

**Sustainability implications**

12. The climate change impacts on the wellbeing and vulnerability of our community were considered in the development of the Policy.

**Community engagement**

13. The Draft Policy was developed in accordance with Council's Community Engagement Policy.
14. The Policy draws on significant community engagement undertaken throughout 2021 for the Our People, Our Place Our Future consultation. How this consultation informed the Policy is outlined in the Draft Access, Equity and Inclusion Policy - Engagement Summary Report (**Attachment 4**).
15. From 23 March – 24 April 2022 the public were invited to provide feedback on the draft Policy.
16. Targeted engagement with service providers, partners, advisory committees, community groups and staff have informed the engagement summary. Details of engagement activities and findings are included in **Attachment 4**.
17. Seven submissions were received through the public exhibition process. Submissions demonstrated support for the Policy, priority groups identified and commitments.
18. The submissions received via Participate Nillumbik, including an officer recommendation to each of the submissions can be found in **Attachment 2**. Officers have outlined recommended changes to the Policy for Council consideration.
19. Submitters have been invited to attend this meeting of the Planning and Consultation Committee to speak to their submissions.

**6. Consultation Matters**

**PCC.025/22 Draft Access, Equity and Inclusion Policy - submissions**

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20. The Draft Access, Equity and Inclusion Policy - Engagement Summary Report (**Attachment 4**) provides a comprehensive summary of the engagement process (which reached 129 participants), feedback and key themes. Recommended changes are summarised on page 5 of the report.

**Innovation and continuous improvement**

21. Implementation of this Policy will rely on innovation and continuous improvement. In particular, Council leadership and commitment to allocate resources is required to ensure policy commitments are met.

**Collaboration**

22. Collaboration with community and partners will be required to ensure the successful implementation of the Policy.

**Budget implications**

23. Operational budget is available for the development of the Policy and to deliver training for staff Councillors and volunteers.
24. When implementing the Policy, processes and systems will be established to ensure draft access, equity and inclusion requirements are considered in budget forecasting.

**Relevant law**

25. *Local Government Act 2020*
26. *Gender Equality Act 2020*
27. *Public Health and Wellbeing Act 2008*
28. *Charter of Human Rights and Responsibilities Act 2006*
29. *Disability Act 2006*
30. *Climate Change Act 2017.*

**Regional, state and national plans and policies**

31. Not applicable.

**Conflicts of interest**

32. 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.

6. Officers' reports

PCC.026/22 Intention to lease land to LMS Energy P/L for Solar Farm

**Item:** Consultation Matter

**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Natalie Campion, Coordinator Property

**Summary**

In accordance with Section 115 of the *Local Government Act 2020* (the Act), Nillumbik Shire Council gave notice on 27 May 2022 that it proposes to enter into a lease with LMS Energy Pty Ltd ACN 059 428 474 (LMS) in respect of part of the vacant Council-owned land located at 290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty, known as part of the former Plenty landfill site (Land).

The lease is proposed to be granted on the following terms and conditions:

- **Term of Lease:** an initial term of 25 years with one further term of 5 years.
- **Rent Amount:** \$2,000 plus GST per annum, to be increased by CPI annually
- **Permitted use:** Operating a solar farm.
- **Premises:** on the commencement date of the lease, the premises shall be that part of the Land shown outlined red on the plan shown in **Attachment 1**.

In order for Council to make a decision to proceed (or otherwise) with a new lease agreement, all submissions will be considered in accordance with Section 115 of the Act and Council's community engagement policy.

In response to publicly advertising its intention to enter into a lease agreement with LMS, Council received 5 submissions as shown in **Attachment 2**.

The next step is a decision on the lease at a future Council Meeting.

**Recommendation**

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



1. In accordance with section 115 of the *Local Government Act 2020* (the Act), receives and notes the contents of public submissions received in response to the proposed lease agreement for LMS Energy Pty Ltd ACN 059 428 474 (LMS) in respect of part of the vacant Council-owned land located at 290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty, known as part of the former Plenty landfill site (Land).
2. Presents a report to a future Council Meeting regarding the consideration of submissions in accordance with section 115 of the Act.
3. Resolves that the confidential un-redacted public submissions on the lease proposal (**Attachment 3**) remains confidential in accordance with section 3(1)(f) of the *Local Government Act 2020*.

6. Consultation Matters

PCC.026/22 Intention to lease land to LMS Energy P/L for Solar Farm

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**Attachments**

1.  Lease Plan - Solar Farm
2.  Submissions received on lease proposal
3. Submissions received on lease proposal - Unredacted - *CONFIDENTIAL*

**Discussion**

1. On 15 September 2020, following Council's Request for Tender, Council sought market offers to develop a Solar Farm at the former Plenty landfill site (290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty). Council, through resolution, appointed LMS Energy P/L to deliver the design, construction, maintenance and operation of the Solar Farm.
2. The Request for Tender specifications, seeking market offers to develop a Solar Farm at the Land, specified that Developers competitively bid to:
  - Provide all required financing, community consultation, design, permits, approvals, construction, commissioning, ownership, maintenance, facility management and land management responsibilities and associated costs for the proposed Solar Farm at the site.
  - Deliver value for money reliable electricity supply services, and from other sources when the solar farm does not generate sufficient electricity, through a long term PPA and REFA in collaboration with a licensed electricity retailer.
  - Supply approximately 2,000MWh from the solar farm to meet Council's annual electricity consumption requirements comprised of corporate facilities and street lighting.
  - Deliver value for money LGCs (large-scale generation certificate) from the solar farm through the PPA in collaboration with a licensed retailer.
  - Lease or licence the use of the land for a period of up to twenty (25) years with a five (5) year extension option. Council would always remain the owner of the land. At the end of the twenty-five (25) year (plus five (5) year extension option) asset life cycle of the Solar Farm, the developer is required to remove all Solar Farm assets and associated infrastructure and manage according to best practice materials management of the day, and making good the land to the same condition as it was on commencement of the contract.
  - Develop a Solar Farm with technology that does not compromise, damage or penetrate the landfill capping.
3. The contracts that form the arrangement with LMS include:
  - a) Early Contractor Involvement (ECI)



**6. Consultation Matters**

**PCC.026/22 Intention to lease land to LMS Energy P/L for Solar Farm**

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- b) Engineering, Procurement, Construction and Management (EPCM)
  - c) Power Purchase Agreement (PPA), and
  - d) Retail Electricity Firming Agreement (REFA).
4. The ECI phase is nearing completion and has included community consultation, planning and grid connection approvals. The project is anticipated to progress to EPCM phase, subject to satisfactory completion of ECI. This will see the commencement of construction works onsite by LMS.
  5. The lease with LMS is proposed to commence on the date of 'practical completion' of the Solar Farm on the Land.
  6. A long term lease agreement of 25 years with a further 5 year option is required between Council and LMS for the following reasons:
    - Large investment by LMS to construct the solar farm on Council's land;
    - LMS will be responsible for all ongoing operational and maintenance repairs and costs of the solar farm;
    - Aligns with the other contract documents for LMS to deliver the design, construction, maintenance and operation of the solar farm; and
    - The solar farm assets and associated infrastructure have an expected asset life of approximately 25-30 years.
  7. As the proposed lease agreement term is longer than 10 years, Section 115 of the Act requires that Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposed lease agreement, outlining the key terms and conditions of the long term lease agreement and seek any feedback.
  8. The rental amount is informed by a market assessment which in turn is influenced by the limited use of the site (being a former landfill).
  9. The costs of developing the solar farm at the site including, design, construction, ongoing operational, management and maintenance fees, and costs and charges are the responsibility of LMS under the terms of the contract. The lease agreement aligns with these requirements.
  10. Council is expected to save \$1.1 million over the 15 year term of the PPA for its electrical energy consumption through the solar farm when compared to BAU.
  11. This report relates to the public consultation undertaken by Council in order for it to consider entering into new lease agreement with LMS in respect of part of the vacant Council-owned land located at 290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty, known as part of the Plenty landfill site (Land) to operate a Solar Farm.

**6. Consultation Matters**

**PCC.026/22 Intention to lease land to LMS Energy P/L for Solar Farm**

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**Related Council decisions**

12. At the 15 September 2020 Council Meeting, Council awarded Contract 1920-72 for the development of a solar farm at the former Plenty Landfill site at 290 Yan Yean Road Plenty to LMS Energy and authorised the Director Operations and Infrastructure (DOI) to negotiate, finalise, and execute the contract documentation for all stages of the proposed solar farm development.

**Options**

13. In order for Council to make a decision to proceed (or otherwise) with a new lease agreement, all submissions will be considered in accordance with Section 115 of the Act and Council's community engagement policy.

**Council plans and policies**

14. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We favour sustainable and innovative investment; focussing on renewable energy initiatives.
  - [If you require more one strategy reference – please cut and paste the additional strategy from the [Council Plan 2021-2025](#) – otherwise please delete this line]

**Sustainability implications**

- The solar farm is capable of offsetting 100% of Council's emissions all electricity consuming buildings, infrastructure and assets occupied and under the direct control of Nillumbik Shire Council.
- The solar farm development project would not conflict with any other objectives to reduce Council's energy consumption and greenhouse gas emissions, for example through continued improved building efficiency, or installation of 'behind the meter' solar on Council buildings.

**Community engagement**

15. In order to consider the proposed lease agreement with LMS for a 25 year term with a 5 year further term option, Council has undertaken a public consultation process in accordance with section 115 of the Act and Council's Community Engagement Policy.
16. The community engagement process commenced 27 May 2022 for a 3 week period and closed on Sunday 19 June 2022.
17. Community engagement process included the following:
- a) Update on *Participate Nillumbik* website, including formal submission form
  - b) Public Notice on Nillumbik website inviting either written submissions or online submissions via Participate Nillumbik
  - c) Public Notice placed in the Herald Sun on Friday 27 May 2022
  - d) Letters to nearby residents of the Plenty Landfill site

**6. Consultation Matters**

**PCC.026/22 Intention to lease land to LMS Energy P/L for Solar Farm**

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- e) Signage at Operations Centre – Public Notice
  - f) Solar Farm project page on Nillumbik Council website
  - g) Email to people on ‘Stay informed list - Solar Farm’ from previous community engagement processes on ‘Participate Nillumbik – Proposed Solar Farm lease’.
  - h) Posts on Council social media pages
18. The Participate Nillumbik – Solar Farm lease proposal webpage received 135 views over the 3 week period.
19. In response to the community engagement process, a total of 5 formal submissions were received via Participate Nillumbik online submission form and are now required to be considered by Council prior to making a decision to enter into the lease with LMS.
20. Council did not receive any written submissions.
21. Of the 5 submissions received, 3 submitters did not support the proposed key lease terms and conditions, not the overall principal of the lease. The main concerns raised were the 25 year lease term, the proposed rental amount of \$2,000 per annum with annual CPI increases, and further detail on the solar farm.

**Innovation and continuous improvement**

22. LMS has committed to a collaborative approach with Council during the contract term to implement value added benefits, innovation, improved technology, and future opportunities.
23. The items currently being explored include:
- a) Future potential for battery storage
  - b) Preferential discounted rates for EV charging facilities for the community, Council employees, and Council’s fleet of light and heavy vehicles
  - c) Potential for passive educational and recreational facilities to be safely co-located and developed alongside the solar farm.

**Collaboration**

24. Not applicable

**Budget implications**

25. Council’s cost to implement a lease agreement with LMS is covered in current operating expenditure.

**Relevant law**

26. In accordance with Section 115 of the *Local Government Act 2020* (the Act), Nillumbik Shire Council gave notice and is considering submissions on the lease proposal.
27. LMS have applied to the DEWLP for a planning permit under the *Planning and Environment Act 1987* to use and develop the former Plenty landfill site for a Solar Facility.

**Regional, state and national plans and policies**

28. Not applicable

**6. Consultation Matters**

**PCC.026/22 Intention to lease land to LMS Energy P/L for Solar Farm**

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**Conflicts of interest**

29. 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.

6. Officers' reports

PCC.027/22 Concept Plan for Eltham Gateway Open Space

**Item:** Consultation Matter

**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Rowena Cairns, Open Space Project Officer

**Summary**



This report seeks Council endorsement to commence community engagement on a concept plan to revitalise the southern entrance to the Shire on Main Road, Eltham.

**Recommendation**

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

1. Notes Major Roads Projects Victoria (MRPV) are contributing funding to revitalise underutilised public land along Main Road Eltham, between Falkiner Street and the Diamond Creek Bridge to recreate a southern gateway to Nillumbik as part of a legacy initiative following the State Government Fitzsimons Lane Upgrade (known as the Eltham Gateway Concept).
2. Supports a collaboration with MRPV to deliver the Eltham Gateway Concept.
3. Endorses the Eltham Gateway Concept Plan (**Attachment 1**) and broader Masterplan (**Attachment 2**) for the purposes of receiving community feedback for exhibition on Participate Nillumbik commencing from 13 July 2022 for a period of 3 weeks.
4. Notes that the full Masterplan (**Attachment 2**) contains elements that are not currently funded and completion is contingent on future funding sources.
5. Considers public submissions at the Planning and Consultation Committee meeting to be held on 9 August 2022.
6. Requests the Director Operations and Infrastructure to work with the relevant landowners (Melbourne Water, Department of Transport and Department of Environment, Land, Water and Planning) to seek approval for the delivery of the concept on their land.
7. Requests the Mayor to write to MRPV to thank them for their funding and support for this community outcome.

**Attachments**

1.  Eltham Gateway Concept Plan
2.  Eltham Gateway Concept Plan Expanded Scope (Masterplan)

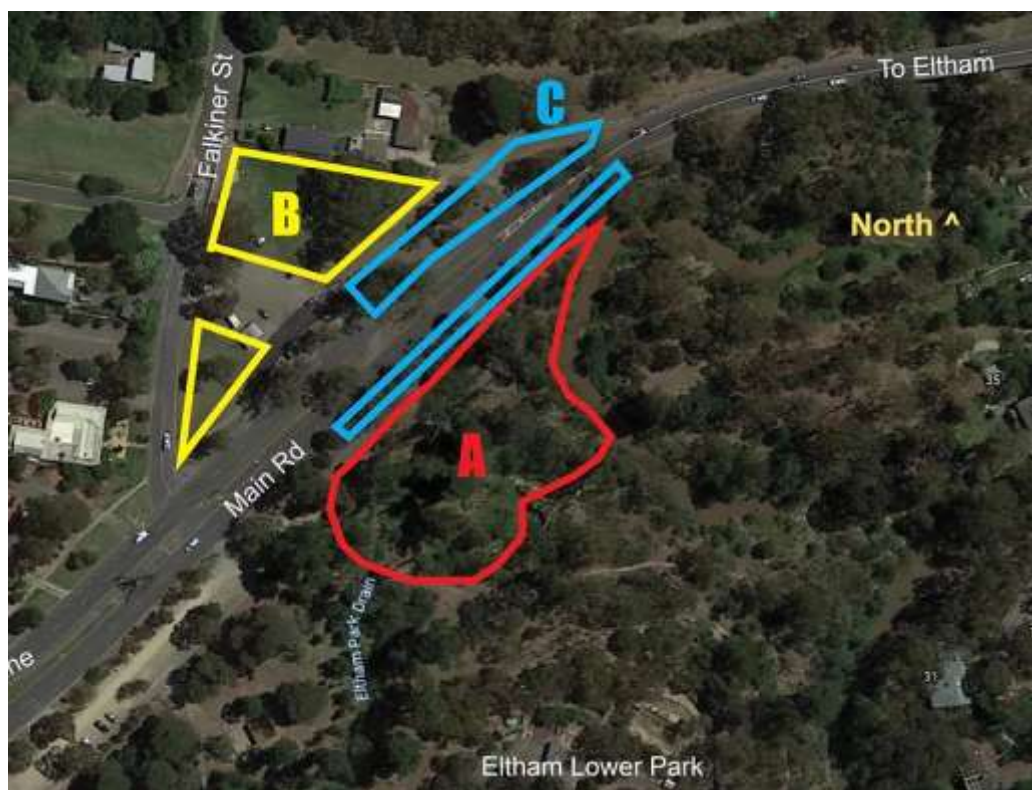
**Discussion**

1. MRPV and Nillumbik Shire Council (NSC) are working in partnership, together with community members and the local Member of Parliament, to collaborate on a new type of legacy initiative.

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2. Following the State Government upgrade of Fitzsimons Lane intersection. A local community group, the Southern Gateway Renewal Group (SGRG), are seeking the following objectives in the design of the legacy initiative:
  - a. Create a 'sense of arrival' at Eltham and the Green Wedge Shire of Nillumbik, and encourage slower, safer speeds within Eltham;
  - b. Reclaim and revegetate the underutilised roadside land areas for public open space;
  - c. Acknowledge the original owners of the land; and
  - d. Express the character and history of the area.
3. The area to be improved with consideration of these objectives is the land along Main Road between Falkiner Street, Eltham, and the Diamond Creek Bridge, including the parcels of land next to the florist at 573 Main Road, Eltham. This includes areas: “A”, “B-North”, “B-South”, “C-North” and “C-South” shown in the map below (taken from <http://www.southerngatewayrenewal.org>). Together these green spaces represent more than 2000 square meters of invaluable green open space.



4. The parkland either side of Main Road and beside Diamond Creek, is part of an MRPV commitment to revitalise underutilised open space, creating a renewed sense of arrival as people enter Eltham and the broader Nillumbik Shire Council area.
5. In December 2021, Vicki Ward MP initiated a community survey seeking feedback on preferences for revitalising this space.
6. A stakeholder group for this project has been established, consisting of members representing Nillumbik Council, MRPV, SGRG, Vicki Ward MP.

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7. A Masterplan for the site(s) has been developed that is set in the landscape. It considers community input received to date, offering a subtle *softscape* suitable to the area. The masterplan is envisaged as a multistage project, to be commenced with available funding from MRPV and Council. The currently funded proposed work is shown in **Attachment 1**. This is proposed to be delivered in 2022 and includes:
  - a. Landscaping upgrades with indigenous planting
  - b. Pathways and seating
  - c. Artwork
  - d. Removal of weeds and understorey
  - e. Hazardous tree removal
8. The full Masterplan is shown in **Attachment 2**, which includes an expanded scope of civil infrastructure, in particular a pathway loop, viewing platform and fence along Main Road. These elements will require funding through other sources.
9. Community feedback on both the funded concept (**Attachment 1**) and expanded scope (**Attachment 2**) is sought
10. **Area A** is intended to be the main focus of the landscaping works. It opens up a previously unused and weeded area, into a landscape with a one-way pathway wide enough for all access, constructed of gravel and boardwalks. A new sheoak forest is proposed, providing privacy to the meeting circle. As it continues, the pathway provides a quiet place to wander, and within is a narrower, spiral pathway, set in a new indigenous, edible garden, a tribute to the traditional owners of the land. The wider pathway breaks off in the east, and leads to a proposed viewing platform overlooking the Diamond Creek. Timber from the removed pine trees will create new life, it will be re-used in boardwalks, fencing, and stepping stones.
11. **Area B – North** plans to complement the existing landscape and flat-topped grassed area with subtle embankment landscaping, and in the background, a cluster of trees with black trunks. This will provide a visual of “avenue” planting leading in to Eltham. **Area B – South** is similar to the eye, with low lying indigenous planting planned, and clusters of trees in the background.
12. **Area C – North** plans to host an art piece, with complementary landscaping completed subsequently. Low, indigenous planting is planned in Area C – North, along with clusters of trees with white trunks, again to enhance the visual of “avenue” planting leading in to Eltham. **Area C – South** will retain existing trees and complement these with clusters of low-lying indigenous plants. The art piece will be subject to a tender process that will seek to complement the natural environment and reflect indigenous themes.
13. In conjunction and aligned with this concept, Nillumbik has hazardous tree management and replanting work planned to be undertaken within Eltham Lower Park (ELP). As part of the wider ELP hazardous tree removal program, removal of dead and dying trees in Areas A, B and C that are a risk to public activity in this area is required prior to the proposed revitalisation works being undertaken. These trees are at end of life and revegetation of these areas is important for the creation of a new legacy for future generations.

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**Related Council decisions**

14. On 26 October 2021, Council resolved through a Notice of Motion That Council helps *facilitate discussions with Major Roads Projects Victoria (MRPV) and the “New Gateway Project” Group in order to further explore opportunities for revitalisation of underutilised public land at the Eltham Gateway area, including areas beyond the MRPV footprint, to recreate the altered southern gateway to Nillumbik.*

**Options**

15. To seek community feedback on the concept plan.

**Council plans and policies**

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We carefully protect, plan, maintain and improve open spaces, streetscapes and places to ensure that they are safe, accessible and enjoyable.

**Sustainability implications**

17. The proposed concept plan proposes an indigenous plant palette. Re-use of timber from hazardous tree removal is also proposed.

**Community engagement**

18. Should the draft Concept Plan be endorsed by Council, it will be exhibited on Participate Nillumbik for community awareness and for feedback for 3 weeks commencing 13 July 2022.
19. Exhibition of the draft Concept Plan on Participate Nillumbik will be supported by a communications plan that includes media releases and social media posts.
20. Following exhibition, the August 2022 Planning and Consultation Committee meeting will consider any verbal submissions to the draft Concept Plan.

**Innovation and continuous improvement**

21. Not applicable.

**Collaboration**

22. There has been collaboration between Major Road Projects Victoria, Nillumbik Shire Council and local community group, Southern Gateway Renewal Group, to inform the design for consultation.

**Budget implications**

23. Council contribution to the project has been budgeted in the current financial year.

**Relevant law**

24. Not applicable.

**Regional, state and national plans and policies**

25. Not applicable.



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**Conflicts of interest**

26. No officers involved in the preparation of this report have a conflict of interest.

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- 7. Supplementary and urgent business**
- 8. Confidential reports**
- 9. Close of Meeting**