

Planning and Consultation Committee Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 11 June 2024 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 6 June 2024

Distribution: Public

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Council Chamber Planning and Consultation Committee Meeting seating plan

**Cr Natalie
Duffy**
Edendale Ward

Cr Karen Egan
Bunjil Ward
(Deputy Mayor)

**Cr Richard
Stockman**
Blue Lake Ward

Cr Ben Ramcharan
(Mayor)
Sugarloaf Ward

Cr Frances Eyre
Swipers Gully Ward

Cr Geoff Paine
Wingrove Ward

Katia Croce
Manager
Governance
and Property

Blaga Naumoski
Director
Governance,
Communications
and Community
Safety

Cr Peter Perkins
**(Chairperson
Planning Matters)**
Ellis 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 11 June 2024 commencing at 7:00pm.**

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 colonial 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/Leave of Absence

Committee to note any apologies by Councillors not in attendance and or considers requests for any leave of absence submitted.

4. Declarations of conflict of interest

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

5. Confirmation of Minutes


COM.001/24 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 May 2024

Confirmation of the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 May 2024.

Recommendation

That the Committee (acting under delegation from Council) confirms the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 May 2024 (**Attachment 1**).

Attachments

- 1  Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 14 May 2024

6. Officers' reports

PCC.009/24 Draft Urban Tree Canopy Strategy - Consultation Findings and Verbal Submission

Item: Planning Matter

Distribution: Public

Manager: Renae Ahern, Acting Director Planning, Environment and Strategy

Author: Leigh Northwood, Manager Strategic Planning and Environment

Summary

The draft Urban Tree Canopy Strategy 2024-2040 (draft Strategy) (**Attachment 1**) was on public exhibition from 28 March 2024 to 28 April 2024.

Community members are invited to provide verbal submissions on the draft Strategy at this Planning and Consultation Committee (PCC) meeting.

This report provides an overview of the community feedback received from 188 participants, noting feedback was generally very positive, and clearly our community are passionate about canopy vegetation and its retention.

A consultation findings summary report is provided in **Attachment 2** and copies of verbatim feedback are provided in **Attachments 3 and 4 (redacted)** and **Attachments 5 and 6 (un-redacted-confidential)**.

This written and verbal community feedback along with verbal submissions received at this Planning and Consultation Committee (PCC) meeting will inform the refinement of the draft Urban Tree Canopy Strategy. The revised draft of the Urban Tree Canopy Strategy will then be presented to the August Council meeting for consideration of endorsement.

Recommendation





That the Committee (acting under delegation from Council)

1. Acknowledges and considers the matters contained in the verbal and written submissions during finalisation of the Draft Urban Tree Canopy Strategy 2024-2040 (**Attachment 1**).
2. Makes the Nillumbik Draft Urban Tree Canopy Strategy 2024-2040 Consultation Findings Report (**Attachment 2**) available to the public on Council's Participate Nillumbik webpage.
3. Requests a further report to be presented at the August 2024 Council meeting in consideration of adoption of the final version of the Urban Tree Canopy Strategy 2024-2040.
4. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the Draft Urban Tree Canopy Strategy 2024-2040 consultation (at **Attachments 5 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. Thanks all respondents to this community engagement and expresses Council's gratitude for their contribution to this project.

6. Planning Matters

PCC.009/24 Draft Urban Tree Canopy Strategy - Consultation Findings and Verbal Submission

Attachments

- 1  Draft Nillumbik Urban Tree Canopy Strategy 2024-2040
- 2  Draft Nillumbik Urban Tree Canopy Strategy - Consultation Findings Report
- 3  Urban Tree Canopy Strategy Consultation Survey Results (redacted)
- 4  Urban Tree Canopy Strategy Consultation Written Submissions (redacted)
5. Urban Tree Canopy Strategy Consultation Survey Results (unredacted) - *CONFIDENTIAL*
6. Urban Tree Canopy Strategy Consultation Written Submissions (unredacted) - *CONFIDENTIAL*

Discussion

1. The draft Urban Tree Canopy Strategy (the Strategy) (**Attachment 1**) was on public exhibition from 28 March to 28 April 2024.
2. Feedback was received from 188 participants: 147 submissions were received (136 via the online Participate Nillumbik survey and 11 freeform submissions); 41 people participated in a drop-in session; and six people were involved in individual conversations. This feedback will help to inform refinement of the draft Urban Tree Canopy Strategy.
3. A summary of the feedback is provided in the Consultation Findings Report at **Attachment 2**.
4. The verbatim redacted survey response feedback is provided at **Attachment 3**, and the verbatim redacted written submissions are provided in **Attachment 4**. Un-redacted (confidential) submissions are provided in **Attachments 5** (survey) and **6** (written) respectively.
5. The proposed goals and targets within the draft Strategy are realistically aligned to Council’s areas of scope of influence and include:

6. Planning Matters

PCC.009/24 Draft Urban Tree Canopy Strategy - Consultation Findings and Verbal Submission

Goal 1 – That Nillumbik’s Urban Canopy is protected and enhanced

Target – No overall net loss of Nillumbik’s urban canopy. (Baseline - 39 percent urban canopy cover)

That through Council leadership, advocacy, use of planning regulations, improved data, a focus on proactive tree maintenance and other strategic canopy works, our urban canopy is supported. The objective is to maintain canopy cover at 39 percent (2021 baseline), noting that this may decrease significantly in locations where loss can occur as a result of bushfire mitigation action or natural disasters; and that it is a priority that it increase in locations where there is less than 25 percent canopy cover.

Goal 2 – That Nillumbik’s community values and cares for the Urban Canopy

Target – An increase in the planting of trees across all land tenures

That through education, planning regulations and support, that partner agencies, community and residents will increase the number of trees cared for, being planted and thriving. This includes Council providing support to volunteers, identifying new partners and encouraging all community members to be tree stewards.

Goal 3 – That a healthy Urban Canopy supports the wellbeing of Nillumbik’s Community

Target – An overall increase in canopy in areas with higher Urban Heat Island Effect (Minimum urban canopy cover of 25 percent in every suburb and township).

That through the strategic targeting of areas to renew and increase canopy and reduce urban heat island impacts, along with management of canopy across the whole of urban areas, that human health will be protected.

6. The community feedback has been generally very positive. The majority of survey respondents expressed support for the draft goals and targets, as depicted in Figure 1:

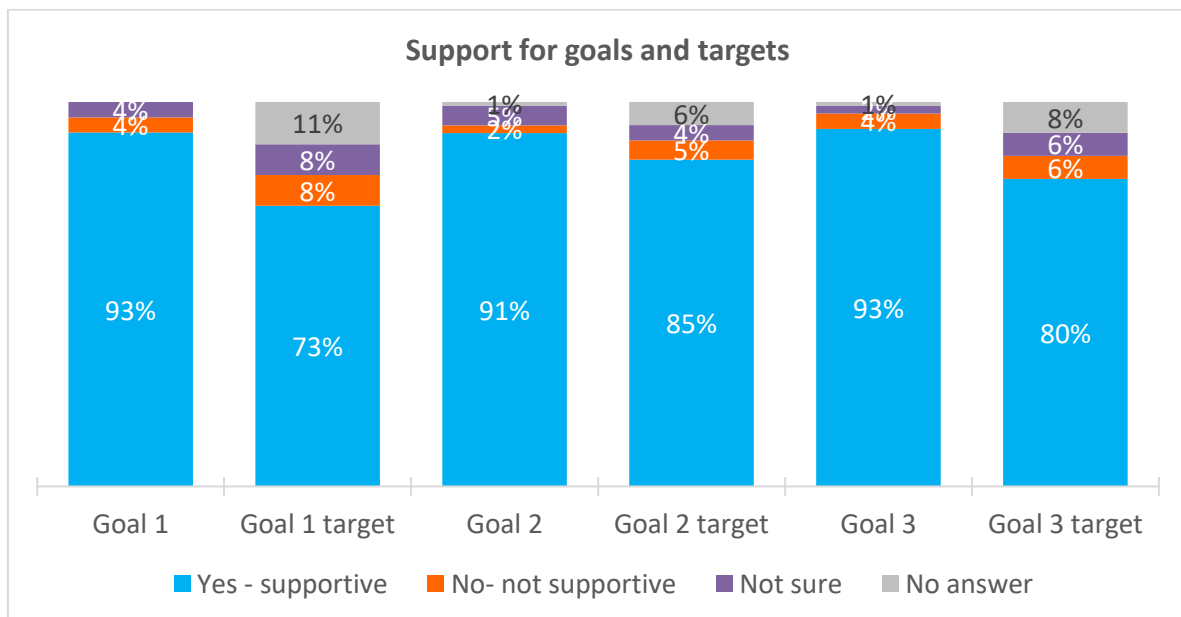


Figure 1: Support for goals and targets

6. Planning Matters

PCC.009/24 Draft Urban Tree Canopy Strategy - Consultation Findings and Verbal Submission

7. Of the 13 objectives of the draft Strategy:
 - a. 11 received 90% support or greater
 - b. one received 86% support and one received 84% (with most of the remaining respondents selecting 'not sure' or providing no answer).
8. The top three recommendations that emerged from the survey submissions were that:
 - a. Canopy coverage should be increased, not just maintained (i.e. the minimum and overall canopy cover targets should be higher – and associated action prioritised);
 - b. More education should be provided on what to plant and the benefits; and
 - c. Stronger penalties are needed for illegal clearing.
9. Tensions between tree canopy and bushfire were highlighted in several of the written submissions in particular.
10. When asked for ideas on what might help encourage community action to enhance tree canopy, the main suggestions were:
 - a. Provide financial incentives to encourage landowners to plant more trees, such as free tube stock and/or seedlings, Edendale nursery vouchers, rebates for tree planting, free mulch and grants for revegetation or significant tree maintenance.
 - b. Provide education to the community on the benefits of trees and what to plant.
11. The detailed feedback received will be considered over the coming weeks. Officers will prepare recommendations on updates on the basis of the written feedback (and the feedback that is yet to be received via the verbal submission process).

Related Council decisions

12. Action 16 of Council's Annual Action Plan 2023-2024 is to *“Complete and adopt the new Biodiversity Strategy, including investigation into measures to establish and enhance the urban tree canopy and protect wildlife”*.
13. On 26 March 2024, Councillors endorsed the draft Urban Tree Canopy Strategy for the purpose of community engagement, which commenced on 28 March 2024 and concluded on 28 April 2024.
14. Council resolution NOM.003/22 Nillumbik Urban Tree Strategy on the 25/10/2022:

That Council:

 1. *Notes that Nillumbik Shire Council is a Green Wedge Shire set up to provide “Lungs for Melbourne”.*
 2. *Notes and appreciates that the recently adopted Nillumbik Climate Action Plan supports the council plan action to “investigate measures to enhance Nillumbik’s urban tree canopy”.*
 3. *Requests that this is considered alongside the review of the Biodiversity Strategy*

6. Planning Matters

PCC.009/24 Draft Urban Tree Canopy Strategy - Consultation Findings and Verbal Submission

4. *Requests that the following matters are explored and considered as part of the process:*
 1. *Creation of a Nillumbik Urban Forest Strategy to set the actions we will take as a Council to increase tree canopy in the urban areas of Nillumbik*
 2. *Creation of a Significant Tree Register*
 3. *Annual reporting of street tree & park plantings*
5. *Considers work done by other local Councils who already have adopted an Urban Tree Strategy such as Whitehorse, Banyule, Moonee Valley and others.*

Options

15. Consider the submissions received to inform the refinement of the draft Urban Tree Strategy 2024-2034.
16. Consider (in context of submissions and the views within) the cost and resourcing implications of implementation, particularly:
 - a. data collection to inform management of canopy trees; and
 - b. managing existing trees on land owned/managed by Council in our urban areas (e.g. roadsides, townships, open space), and that existing budget allocation does not allow us to adequately care for the tree canopy we currently have in our urban areas in Nillumbik.

Council plans and policies

17. 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.*
18. The draft Urban Tree Canopy Strategy also has regard to the:
 - Council Plan Action ‘*Review Council’s tree management policy and supporting guidelines*’, noting the draft Strategy will be the strategic document and the tree management policy and guidelines are operational.
 - Proposed Draft Biodiversity Strategy.
 - Adopted Neighbourhood Character Strategy 2023.

Access, Equity and Inclusion

19. A Gender Impact Assessment (GIA) has been applied to this project.
20. The community engagement process was designed to be accessible to, and collect feedback from, diverse community representation – including provision of day time and evening feedback opportunities, and in-person and on-line feedback opportunities.
21. The gender of survey respondents was female (61%), male (35%), prefer not to say (3%) and self-described (1%).

6. Planning Matters

PCC.009/24 Draft Urban Tree Canopy Strategy - Consultation Findings and Verbal Submission

Sustainability implications

- 22. The Urban Tree Canopy Strategy will provide strategic direction for Council to support positive social and environmental outcomes.
- 23. It considers the impacts of climate change.
- 24. The Department of Energy, Environment and Climate Action’s Environmental-Economic Account for Greater Melbourne quantifies the significant economic benefits of addressing the urban heat island effect and thus improving productivity and reducing mortality. A conservative analysis of the cost-benefit ratio suggests that for every dollar spent on urban greening in Melbourne, around \$4 in benefits are derived (Source: Living Melbourne, Priority urban greening analysis, June 2023).

Community engagement

- 25. Engagement to inform the draft Urban Tree Canopy Strategy development has included:
 - a. Benchmarking and various discussions with other local government areas across Metro Melbourne and regional Victoria in regard to their Urban Forest and Tree Canopy Strategies;
 - b. Discussions with Council’s Environment and Sustainability Advisory Committee and Youth Council;
 - c. Discussions with representatives of Wurundjeri Woi-wurrung;
 - d. Consideration of feedback that relates to urban tree canopy matters collected via alternate consultations undertaken by Council over the past several years (including via Biodiversity Strategy, Neighbourhood Character, Local Laws and Climate Action consultations);
 - e. A four week public exhibition / consultation period, from 28 March to 28 April 2024. Findings and demographic data are summarised in **Attachment 2**:
 - i. Opportunities for involvement were promoted via Participate Nillumbik, Nillumbik News, Council e-newsletters, a media release, social media, a video, direct emails, and posters, postcards and outdoor corflute signs that were distributed across urban locations in the Shire.
 - ii. The Participate Nillumbik project page received 835 visitors and 143 downloads of the draft Urban Tree Canopy Strategy.
 - iii. Submissions on the draft Strategy were invited via online survey or written submission. A total of 147 submissions were received, including 136 survey responses and 11 freeform written submissions.
 - iv. A proposed evening online workshop session was cancelled due to very limited registrations, however for those who did register, it was replaced by individual conversations.
 - v. Four in-person drop-in sessions were held (41 participants) across a mixture of weekend and week days, at Edendale Community Environment Farm, Hurstbridge Hub, Diamond Valley Library and Eltham Library.

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PCC.009/24 Draft Urban Tree Canopy Strategy - Consultation Findings and Verbal Submission

- f. Verbal submissions will be heard at the June 2024 Planning and Consultation Committee (PCC) meeting.

Innovation and continuous improvement

- 26. The Draft Urban Tree Canopy Strategy is being developed with continuous improvement as a guiding principle.

Collaboration

- 27. Partnerships and collaboration will play an integral role in the implementation of the Strategy.

Budget considerations

- 28. The draft Urban Tree Canopy Strategy is a high-level strategic document and does not make specific budget commitments.
- 29. There are no budget implications for the current 2023/24 financial year, however implementation of the Strategy is not budgeted for in the draft 2024/25 budget.
- 30. The cost of implementing the Strategy and its associated Tree Management Guidelines will need to be considered. In particular if the Strategy is adopted, there will be a need to review future budget allocations to:
 - a) Collect data and input it into an asset-based tree inventory;
 - b) Proactively maintain existing trees on Council land, to reduce the need for them to be removed due to poor health, noting:
 - i) It costs an average of \$5,500 to remove each tree.
 - ii) Maintenance works are considerably less expensive, and seek to retain the tree and its mature canopy which takes many years to regrow.
 - c) Develop and implement a Tree Renewal and Planting Plan;
 - d) Increase the numbers of trees planted on Council land. Each additional tree will cost approximately \$400 to plant and maintain during its two-year establishment period.
- 31. The future aspirational actions outlined within the Draft Urban Tree Canopy Strategy are currently not funded and their implementation will be dependent on future funding being available.

Relevant law

- 32. *Planning and Environment Act 1987*

Regional, state and national plans and policies

- 33. Living Melbourne: Our Metropolitan Urban Forest (2019)
- 34. Plan Melbourne 2017 - 2050

Conflicts of interest

- 35. 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. Planning Matters

PCC.009/24 Draft Urban Tree Canopy Strategy - Consultation Findings and Verbal Submission

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6. Officers' reports

PCC.010/24 Draft Leasing and Licensing Policy

Item: Consultation Matter

Distribution: Public

Manager: Blaga Naumoski, Director Governance, Communications and Community Safety

Author: Natalie Campion, Coordinator Property

Summary

At its Council Meeting on 26 March 2024, Council endorsed the draft Leasing and Licensing Policy (**Attachment 1**) for the purpose of community exhibition and community consultation process to seek the views of the Nillumbik community and relevant stakeholders with respect to the draft Policy.

The draft Leasing and Licensing Policy was exhibited and open for community consultation for the period 4 April to 25 April 2024.

This report provides a summary of the feedback received from the community and stakeholders during the exhibition period in relation to the draft Leasing and Licensing Policy.

One submission was received via Participate Nillumbik and one submission via email after submissions had closed, both are contained in **Attachments 2 and 3**.

Officers will review further the draft Leasing and Licensing Policy taking into account the written submissions and any verbal submissions before presenting the Leasing and Licensing Policy for endorsement at the Council Meeting on 30 July 2024.

Submitters have been invited to attend this meeting of the Planning and Consultation Committee to speak to their submission.

Recommendation




That the Committee (acting under delegation from Council)

1. Acknowledges and notes the submissions received on the draft Leasing and Licensing Policy (**Attachment 2 and Attachment 3**).
2. Considers the feedback contained in the submissions (**Attachment 2 and Attachment 3**) and any presentations made to the Committee during the finalisation of the Leasing and Licensing Policy.
3. Receives a report at the 30 July 2024 Council Meeting to consider endorsing the Leasing and Licensing Policy.
4. Resolves the confidential un-redacted copy of the written submissions to the draft Leasing and Licensing Policy (**Attachment 3**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
5. Thanks all respondents to this community engagement and expresses Council's gratitude for their contribution to this policy.

6. Consultation Matters

PCC.010/24 Draft Leasing and Licensing Policy

Attachments

1.  Draft Leasing and Licensing Policy
2.  Submissions - redacted
3. Submissions - unredacted - *CONFIDENTIAL*
4.  Amended Draft Leasing and Licensing Policy

Discussion

1. The draft Leasing and Licensing Policy (**Policy**) proposes no changes to Council's existing practice or fee structure for tenants. The intent in updating the Policy is to ensure its currency and formalise Council's current practices.
2. The Policy in **Attachment 1** formalises Council's current practice, which includes:
 - agreed objectives & principles for leasing and licensing;
 - types of tenure and relevant policy and legislation;
 - tenant categories which determine the fee structure and obligations;
 - consistent terms and conditions of agreements;
 - expression of interest process for vacant Council assets;
 - set eligibility criteria for tenants;
 - formalise a Council position in relation to community tenants refusing to sign agreements (but continue to occupy Council assets); and
 - clarify responsibilities for Council and tenants including maintenance, risk and insurance.
3. This draft Policy ensures Council's ongoing support to Not for Profit organisations across the Shire that provide valuable services to the Nillumbik community.
4. The draft Policy was developed through a process of:
 - a. Reviewing relevant Council policies and plans, along with legislative requirements;
 - b. Discussions with Council's external valuer;
 - c. Benchmarking with other similar Council's leasing and licensing policies and guidelines and Department of Energy, Environment and Climate Action (DEECA) guidelines;
 - d. Internal consultation especially with those areas who hold relationships with existing tenants; and
 - e. Community engagement seeking feedback from the community on the draft policy.

6. Consultation Matters

PCC.010/24 Draft Leasing and Licensing Policy

5. Council's Audit and Risk Committee reviewed the draft Leasing and Licensing Policy and approved the draft Policy for community consultation.

Related Council decisions

6. Council at its Meeting held on 29 October 2013 adopted Guiding Principles as the basis for the development of uniform policy relating to the community use of Council assets.
7. These guiding principles focused only on community tenants not Council's entire leasing and licensing portfolio and are outdated.
8. Following benchmarking with a number of Council's Leasing and Licensing Policies, new high-level objectives have been included in the draft Policy in **Attachment 1**.
9. At its Council Meeting on 26 March 2024, Council endorsed the draft Policy (**Attachment 1**) for the purpose of community exhibition and community consultation process to seek the views of the Nillumbik community and relevant stakeholders with respect to the draft Policy.

Options

10. The Planning and Consultation Committee notes the written submissions and any verbal submissions.
11. Officers reviewed the draft Policy after receiving the written submissions, specifically the requirements around Clause 10. Insurance and Clause 18. Related legislation and regulations. Minor amendments have been made to the draft Policy (**Attachment 4**) shown in red.
12. Officers will review the draft Policy further taking into account any verbal submissions before presenting the Leasing and Licensing Policy for endorsement at the Council Meeting on 30 July 2024.

Council plans and policies

13. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We act in the best interests of our community.
 - We continue to exercise sustainable and responsible financial management.
 - We maintain good governance and transparency, clearly defining and communicating the role of Councillors and Council.

Access, Equity and Inclusion

14. A Gender Impact Assessment has been completed on the draft Leasing and Licensing Policy and the recommendations have been incorporated into the draft Policy where appropriate, lease and licence templates and Leasing and Licensing Procedures including First Nations acknowledgements, simple use of language, gender inclusive facilities and language, accessibility to facilities and no discrimination by Council or Tenants.

6. Consultation Matters

PCC.010/24 Draft Leasing and Licensing Policy

Sustainability implications

15. The draft Policy ensures Council exercises sustainable and responsible financial management of Council assets leased and licensed; and efficient use of Council facilities that supports a diverse range of community groups to provide benefit for the Nillumbik community.
16. If requested under the standard lease conditions, the lessee in conjunction with Council's Environmental Works and/or Climate and Sustainability Units, will prepare and implement an environmental management plan (EMP) for the Premises that encompasses energy conservation, emissions reduction, water conservation, waste management, biodiversity enhancement measures and where appropriate, a ground re-instatement plan, as the Council reasonably requires.

Community engagement

17. Consultation took the form of a survey on Council's Participate Nillumbik site <https://participate.nillumbik.vic.gov.au>.
18. The consultation was promoted through:
 - a) An email to targeted audience – 707 received the email with 59.5% (421 recipients) opening the email;
 - b) a series of posts on Council's Facebook site;
 - c) Email to all current Tenants (stakeholders);
 - d) an offer to obtain a hard copy of the survey upon request.
19. The Participate Nillumbik site was open for community engagement from 4 April to 25 April 2024.
20. On conclusion of the process, only two responses were received, although the Participate Nillumbik website received 150 views and 98 individual visitors to the site. A redacted copy of the submissions is included in **Attachment 2**.
21. Submitters have been invited to attend this meeting of the Planning and Consultation Committee to speak to their submissions.
22. Whilst Council did seek community feedback on the Policy, there are limited changes that can be made to sections of the Policy due to the legislative and statutory obligations nature of the content.
23. The two submissions overall supported the Policy, however one submission raised concerns about their capacity as a not for profit organisation and requirements for their organisation and similar organisations to insure the building assets and contents.
24. In response to the submission which raised concerns about a 'not for profit' organisation paying for insurance, the draft Leasing and Licensing Policy was reviewed and the following amendments have been made to Clause 10. Insurance in the draft Policy shown in red in **Attachment 4**:
 - a) Instead of requiring all Tenants to hold at least \$20million public liability insurance, this requirement has been amended to 'Public liability insurance for a value determined by Council'.

6. Consultation Matters

PCC.010/24 Draft Leasing and Licensing Policy

- b) To reflect Council's current practice, which is to cover building insurance for some fixed assets on the Property owned by 'not for profit' organisations the Building Insurance clause has been amended to 'All tenants are required to hold Building Insurance, where the tenant has constructed the building or other infrastructure on Council land, unless agreed otherwise with Council.
- c) The contents insurance clause has not been amended as Council cannot cover third parties contents on the Property.

Innovation and continuous improvement

- 25. A Leasing and Licensing Policy will assist Council with delivering an equitable, transparent process for leasing and licensing of Council owned and managed properties.
- 26. Property officers have collaborated with Communications officers over the past 12 months to create webpages with information and forms for external applicants to submit request to lease/licence council land.
- 27. The Leasing and Licensing Policy can be reviewed in five years or as legislation requires or Council determines a need has arisen.

Collaboration

- 28. Internal consultation on the draft Policy has occurred and all feedback has been considered and incorporated where necessary in the draft Policy.
- 29. Council Officers collaborate and work regularly with DEECA Program Managers to ensure compliance with Crown land leasing and licensing.

Budget implications

- 30. The total rental income that is derived from all community and commercial leases and licence arrangements is approximately \$350,531 per annum excluding GST.
- 31. The income derived from leasing and licensing assist with ongoing maintenance of Council facilities for community use.
- 32. All costs associated with the adoption and implementation of a Leasing and Licensing Policy have been accounted for within Council's operational budget.

Relevant law

- 33. Local government leasing and licensing property transactions need to comply with the *Local Government Act 2020*, *Crown Land (Reserves) Act 1978*, *Retail Leases Act 2003* and *Residential Tenancies Act 1997*.
- 34. In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- 35. It is considered that the subject matter does not raise any human rights issues.

Regional, state and national plans and policies

- 36. Council should have regard to the *Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land* revised August 2009, which is considered to extend to cover leasing.

6. Consultation Matters

PCC.010/24 Draft Leasing and Licensing Policy

Conflicts of interest

37. 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.

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