

Council Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 26 September 2023 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 21 September 2023

Distribution: Public

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Council Chamber Council Meeting seating plan

Cr Natalie Duffy Edendale Ward				Cr Peter Perkins Ellis Ward
Cr Karen Egan Bunjil Ward				Cr Frances Eyre Swipers Gully Ward
Cr Richard Stockman Blue Lake Ward				Cr Geoff Paine (Deputy Mayor) Wingrove Ward
Katia Croce Manager Governance and Property	Blaga Naumoski Director Governance Communications and Community Safety	Cr Ben Ramcharan (Mayor) Sugarloaf Ward	Carl Cowie Chief Executive Officer	

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Meeting of Nillumbik Shire Council to be held
Tuesday 26 September 2023 commencing at 7:00pm**

1. Welcome

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

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/Leave of Absence

To accept apologies from any Councillors not in attendance at the meeting.

Recommendation

That the apologies be noted.

6. Declarations of conflict of interest

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

7. Presentations

CONDOLENCE – Captain Chris Maries

8. Confirmation of Minutes

COM.001/23 Confirmation of Minutes Council Meeting held Tuesday
22 August 2023

Confirmation of the Minutes of the Council Meeting held on Tuesday 22 August 2023.

Recommendation

That Council confirms the Minutes of the Council Meeting held on Tuesday 22 August 2023 (**Attachment 1**).

Attachments

- 1  Confirmation of Minutes Council Meeting held Tuesday 22 August 2023

8. Confirmation of Minutes

**COM.001/23 Confirmation of Minutes Council Meeting held Tuesday
22 August 2023**

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9. Petitions

PT.002/23 Petition - More Lights Please

A petition containing **119** signatures from residents requesting installation of lighting in the Eltham Leisure Centre carpark.

The petition contained the following statement;

If you are concerned about the absence of lighting in the lowest section of the Eltham Leisure Centres' carpark which backs onto the cycling/pedestrian path and believe that Nillumbik Council should install some appropriate lighting please add your name to this petition. Many patrons have expressed concern about the safety aspect when darkness falls, this area is not illuminated and is waiting for an accident and /o r attack to occur.

We, the following, request that the appropriate Nillumbik Council install lighting to help improve the safety of those who the use area.

Recommendation

That Council:

1. Receives and notes the "More Lights Please" petition relating to lighting in the Eltham Leisure Centre carpark, in accordance with the Governance Rule - Meeting Procedure.
2. Refers this petition to the Chief Operating Officer for investigation and response.
3. Notes that officers will advise the petition organiser of the outcome.

10. Questions from the gallery

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11. Reports of Advisory Committees

AC.008/23 Advisory Committee Report - 26 September 2023

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

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. Inclusion and Access Advisory Committee Meeting 14 July 2023
2. Positive Ageing Advisory Committee 4 August 2023
3. Economic Development Advisory Committee 10 August 2023
4. Environment & Sustainability Advisory Committee 16 August 2023
5. Youth Council Formal Advisory Committee 4 September 2023.

Attachments

- 1  Advisory Committee Report 26 September 2023

Recommendation

That Council notes the Minutes of the Advisory Committee meetings reported (**Attachment 1**).

11. Reports of Advisory Committees

AC.008/23 Advisory Committee Report - 26 September 2023

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12. Officers' reports**CM.073/23 Quarterly Risk and Safety Report - June 2023**

Distribution: Public**Manager: Craig King, Acting Director Culture & 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 June 2023.

The report is presented in accordance with the *Local Government (Planning and Reporting) Regulations 2020*, which 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, which in this quarter occurred on 28 August 2023.

The full confidential Risk and Safety Report for June 2023 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 June 2023.
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 - June 2023 - *CONFIDENTIAL*

Discussion

1. Council's commitment to risk management is outlined in the Risk Management Policy, with the following objectives:
 - Ensure that all risks that could affect the achievement of Council's goals, strategies and actions are identified, assessed and treated to a commercially and professionally acceptable level of risk;
 - Integrate risk management into Council's decision making processes and embedding it into the organisational culture;
 - Ensure necessary resources are allocated in support of the Policy and supporting Risk Management Framework;
 - Maintain stakeholders' trust and due diligence;

12. Officers' reports

CM.073/23 Quarterly Risk and Safety Report - June 2023

-
- Align all risk practices across all systems and to promote and support a consistent corporate approach to risk that can be clearly understood; and
 - 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 communicates and describes the risk management principles and processes 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 June 2023 are as follows:
 - Council's insurances were placed for the 2023 / 2024 financial year;
 - A property claim was lodged to Council's insurer for damage to two pedestrian bridges;
 - Motor vehicle incidents have improved for third consecutive quarter;
 - OHS incidents are steady, however there has been a small increase in near miss reporting due to increased focus at the Recycling and recovery centre.

12. Officers' reports

CM.073/23 Quarterly Risk and Safety Report - June 2023

7. The following tables summarise recorded incidents by type for matters involving Council. Note that these table show all reported incidents, rather than all claims, as not every incident results in a claim being made.

Incidents by type	Jul – Sep 22	Oct – Dec 22	Jan-Mar 23	Apr – Jun 23	Total Jul – Jun 23	Last Year Jul – Jun 22
Property	3	6	5	4	18	25
Motor vehicle	11	13	13	6	43	38
Professional Indemnity	0	0	2	0	2	2
Public Liability	28	76	35	23	162	138
Occupational Health & Safety	20	30	25	20	95	89
Total incidents	62	125	80	53	320	292

8. The following table summarises all incidents by directorate.

Incidents by Directorate	Jul – Sep 22	Oct – Dec 22	Jan-Mar 23	Apr – Jun 23	Total Jul – Jun 23	Last Year Jul – Jun 22
Culture and Performance	0	4	0	5	9	2
Governance, Communications and Community Safety	1	1	1	2	5	3
Planning, Environment and Strategy	4	10	8	5	27	37
Communities	10	6	6	9	31	17
Operations	47	104	65	32	248	233
Total incidents	62	125	80	53	320	292

9. A high proportion of reported incidents during the June 2023 quarter are generated within the normal course of business in the Operations directorate (7%) and is an decrease of 4% from the March 2023 quarter.
10. Overall, incidents are consistent with the previous financial year; however note that significant rain and storm events were experienced during the December 2022 quarter. These were predominately public liability incidents.
11. All 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.073/23 Quarterly Risk and Safety Report - June 2023**

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. Overall, reported property incidents are lower when compared to the same period last year (18 in 2023 compared to 25 in 2022). Incidents resulted in minor damage to a building and reserve assets. All incidents were reported to the Police where appropriate.
16. 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.
17. There were 6 motor vehicle incidents during the June 2023 quarter and there were no motor vehicle insurance claims lodged with Council's insurer. The number of incidents has risen, however the dollar value of claims has fallen when compared to the previous year.
18. 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. One new professional indemnity incidents was reported to Council's insurer this quarter, and one possible claim noted.
19. Public liability incidents are reported where the third party is seeking compensation for personal injury, property damage and economic loss. Note that compensation claims are only paid where Council has been negligent or there is a clear legal liability. 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.

12. Officers' reports**CM.073/23 Quarterly Risk and Safety Report - June 2023**

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20. A total of 23 incidents were notified during the June 2023 quarter. Two incidents related to tree or tree root issues and eight related to vehicle damage, primarily caused by the road surface or road related infrastructure. (Note that the *Road Management Act 2004* threshold is currently \$1,460).
 21. Occupational Health and Safety incidents during the quarter (20) relate to safety matters reported as incidents, hazards and near misses. Typical incidents are cuts and lacerations, insect and animal bites, musculoskeletal injuries and slip trips and falls. These incidents are managed through the Occupational Health and Safety Management System.
 22. The overall occupational health and safety annual trend data for the year ending June 2023 incidents (95) was comparable to the same period ending June 2022 (89).
 23. 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

24. This summary, along with the confidential Risk and Safety Report, has been provided to meet the requirements of the *Local Government (Planning and Reporting) Regulations 2020* and consolidation of management reporting.
25. 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

26. This report directly supports the achievement of the following Council Plan 2021-2025 strategies:
 - 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.

Access, Equity and Inclusion

27. A Gender Impact Assessment has not been applied to this report.

Sustainability implications

28. 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.
29. Council's risk profile includes environmental risks and climate change, as a consequence of failure to adequately mitigate those risks.

Community engagement

30. Not applicable.

12. Officers' reports

CM.073/23 Quarterly Risk and Safety Report - June 2023

Innovation and continuous improvement

31. 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

32. Not applicable.

Budget implications

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

Relevant law

34. Not applicable.

Regional, state and national plans and policies

35. Not applicable.

Conflicts of interest

36. 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.074/23 Bushfire Mitigation (Fire Prevention) Works Program 2023-24**

Distribution: Public**Manager: Vince Lombardi, Chief Operating Officer****Author: Heath Gillett, Manager Operations Centre****Summary**

The annual Bushfire Mitigation Works Program is informed by the Municipal Fire Management Plan (MFMP) and includes planned work on roadside fuel management and in Council reserves to prepare for the Fire Danger Period.

Recommendation

That Council:

1. Notes the Bushfire Mitigation Works Program 2023-2024 (**Attachment 1**).
2. Publishes the Bushfire Mitigation Works Program 2023-2024 (**Attachment 1**) on Council's website.

Attachments

- 1  Fire Mitigation Works Program 2023-2024

Discussion

1. Section 43 of the Country Fire Authority Act 1958 (CFA Act) requires municipal councils to take all reasonable steps to prevent fire starting and spreading from land under their control.
2. To meet this requirement, Council provides and discusses the annual works program with the Municipal Fire Management Planning Committee (MFMP).
3. The MFMP is responsible for integrated planning at the municipal and local level and include representation from:
 - Council;
 - Country Fire Authority;
 - Department Energy, Environment and Climate Action;
 - Melbourne Water;
 - Department of Transport;
 - Fire Rescue Victoria;
 - Parks Victoria; and
 - Victoria Police.
4. Members of this committee work collaboratively, meet at appropriate intervals, share planning information and produce the Nillumbik Municipal Fire Management Plan.

12. Officers' reports**CM.074/23 Bushfire Mitigation (Fire Prevention) Works Program 2023-24**

5. The Bushfire Mitigation Works Program 2023-2024 is informed by the Municipal Fire Management Plan 2020-2023. The Plan has an agreed process for the identification of priority roads and treatments that need to be applied to these roads.

Related Council decisions

6. The Bushfire Mitigation Works Program 2022-2023 was noted by Council at its September 2022 Council Meeting.

Options

7. The Municipal Fire Management Plan informs Council as to where the most effective works can be carried out to mitigate bushfire risk.
8. The priority for works on Council reserves have also been developed using a risk based approach. This has considered possible ignition sources such as power lines, history of ignitions within the reserves, the ability for fire to spread from the reserve combined with the proximity of assets such as houses and schools, and the size of the reserve to give a relative rating of risk and priorities for works.
9. Qualitative and quantitative data (if available) is used to determine which roads are primary roads. Factors considered for determining primary roads include:
- Lack of alternative routes.
 - Location of vulnerable groups e.g. aged care facilities.
 - Number of roads feeding into the road.
 - Number of residents likely to be isolated.
 - Road being cited in Community Information Guides.
 - Access to Neighbourhood Safer Places - Bushfire Places of Last Resort (NSP-BPLR)
 - Roads listed in Local Response Plans (CFA).
10. A range of treatments will be applied where practical to primary and secondary roads as follows:
- Slashing
 - Box clearance
 - Proactive tree assessment
 - Woody weed removal.
11. Other treatments undertaken on roadsides include:
- Managing regrowth in the fire affected area.
 - In collaboration with local CFA brigades, undertaking planned burns to complement other vegetation management works.
12. NSP-BPLRs are identified buildings or spaces within the community that may afford some protection from radiant heat, the biggest killer during bushfire. They are a place of last resort in bushfire emergencies only.

12. Officers' reports**CM.074/23 Bushfire Mitigation (Fire Prevention) Works Program 2023-24**

13. Nillumbik's Electric Line Clearance Management Plan (ELCMP) addresses the Electricity Safety (Electric Line Clearance) Regulations 2020 requirements, and ensures programs for vegetation management to minimise fire risk are developed and implemented.
14. The ELCMP reflects a clear understanding of regional vegetation qualities, character and fire risk. Actions are based on sound and knowledgeable vegetation management practice to deliver outcomes that satisfy stakeholders, and fulfil principles of environmental management.
15. The area for which Council is responsible is predominantly undulating hills and well treed which includes the suburbs of Eltham, Eltham North, Research, Diamond Creek, Plenty and Greensborough, with a small number of streets in Wattle Glen.
16. Programmed works are undertaken annually from July through to before the commencement of the fire danger period.
17. Energy Safe Victoria (ESV) also conducts audits across the state on both Local Government and distribution business areas.
18. Council's ELCMP is communicated to the public via the Nillumbik website.

Council plans and policies

19. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We continue to meet Council's responsibilities for emergency management by working with the community and partner agencies, especially in relation to bushfire.
20. Municipal Fire Management Plan 2023-2026.

Sustainability implications

21. Council in line with the CFA Act must take all reasonable steps to prevent fire starting and spreading from land under their control.
22. The Nillumbik Municipal Fire Management Plan provides the mechanism to mitigate bushfire risk on public, private and Council land.

Community engagement

23. Community engagement is fundamental and continues to be fostered and integrated, largely supported through the Emergency Management Unit (Communities First program).

Innovation and continuous improvement

24. Council collaborate with the MFMP to monitor progress towards the completion of works listed as part of the action plan deliverables in the Municipal Fire Management Plan.

12. Officers' reports

CM.074/23 Bushfire Mitigation (Fire Prevention) Works Program 2023-24

Collaboration

25. The development of the Bushfire Mitigation Works Program 2023-2024 has been established through assessments conducted by officers and is based on feedback and the strategic intent provided through the MFMPC, stakeholders include;
- Victoria Police
 - Australian Red Cross
 - Country Fire Authority
 - Department of Health
 - Department of Families, Fairness and Housing
 - Victorian State Emergency Services
 - Fire Rescue Victoria
 - Agriculture Victoria
 - Ambulance Victoria.
26. The development of the Bushfire Mitigation Works Program 2023-2024 has taken a strategic and risk based approach to aligning the works planned with clear fire management objectives outlined in the Municipal Fire Management Plan.

Budget implications

27. Implementation of the Bushfire Mitigation Works Program is funded through operational budgets.

Relevant law

28. Country Fire Authority Act 1958
29. Electricity Safety (Electric Line Clearance) Regulations 2020
30. Emergency Management Act 2013

Regional, state and national plans and policies

31. Consideration is given to any relevant industry specific, regional, state or national plan, policies and research.

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.

12. Officers' reports**CM.075/23 Neighbourhood Safer Places - Annual Report****Distribution: Public****Manager: Blaga Naumoski, Director Governance, Communications and
Community Safety****Author: Elishia Jansz, Acting Manager Community Safety and Amenity****Summary**

This report is to note the status of Neighbourhood Safer Places - Bushfire Places of Last Resort (NSP-BPLR) within the Nillumbik Shire.

Annual audits have been completed for the existing seven (7) designated NSP-BPLR in Nillumbik. All NSP-BPLR are required to be assessed each year by the Country Fire Authority (CFA) and Council is required to record the outcome of these assessments.

All sites have been reassessed as being compliant and will maintain their status as designated NSP-BPLRs for the 2023/24 fire danger period. No additional NSP-BPLRs sites have been established for the 2023/2024 fire danger period.

Recommendation

That Council notes that as part of the annual review process, the Neighbourhood Safer Places - Bushfire Places of Last Resort (NSP-BPLRS) are located at:

- a) Diamond Hills Reserve Oval, Greensborough
- b) The Outdoor Performance Centre, Greensborough
- c) Diamond Creek Community Centre, Diamond Creek
- d) Yarrambat Park Golf Course Clubrooms, Yarrambat
- e) Hurstbridge Basketball Stadium, Hurstbridge
- f) Carpark between Arthur and Dudley Streets, Eltham
- g) Collendina Reserve, Greensborough

have been reassessed by the Country Fire Authority and have been found to meet the criteria for designation as a NSP-BPLR.

Attachments

Nil

Discussion

1. A number of initiatives have been put in place after the Black Saturday fires, one being the Neighbourhood Safer Places - Bushfire Places of Last Resort (NSP-BPLR).
2. In accordance with the *Country Fire Authority Act 1958*, Victorian Councils are to identify, designate, establish and maintain suitable sites as NSPs in their municipal districts. The CFA, in conjunction with Victoria Police and Council, conducts an annual assessment of each NSP to ensure compliance with the assessment guidelines.
3. Following the introduction of the NSP legislation, Nillumbik Shire Council has seven designated NSP-BPLRs within the Shire.

12. Officers' reports**CM.075/23 Neighbourhood Safer Places - Annual Report**

4. NSP-BPLRs are identified buildings or spaces within the community that may afford some protection from radiant heat, the biggest killer during bushfire. They are a place of last resort in bushfire emergencies only.
5. NSP-BPLRs are not intended to replace a personal bushfire survival plan. CFA advice concludes that everyone should have a written Bushfire Survival Plan. The CFA also advises that there is no guarantee that people will not be injured or killed by fire or radiant heat when travelling to, or sheltering at, a NSP-BPLRs.
6. NSP-BPLRs are assessed by council committees and formally designated by Council. They will also be assessed by CFA against standards in the NSP-BPLR - Assessment Guidelines.
7. Section 50 of the CFA Act requires that each designated NSP-BPLR is assessed each year before 31 August for compliance with the CFA criteria to determine if they are still suitable to be designated as such.
8. Nillumbik has seven sites designated as NSP-BPLRs. All sites within Nillumbik have been reassessed by the CFA on 18 July 2023 and have been found to still meet the criteria.

Related Council decisions

9. At the 27 September 2022 Council meeting Council resolved:

That Council:

Notes, that as part of the annual review process, the NSP-BPLRS are located at:

- a) *Diamond Hills Reserve Oval, Greensborough*
- b) *The Outdoor Performance Centre, Greensborough*
- c) *Diamond Creek Community Centre, Diamond Creek*
- d) *Yarrambat Park Golf Course Clubrooms, Yarrambat*
- e) *Hurstbridge Basketball Stadium, Hurstbridge*
- f) *Carpark between Arthur and Dudley Streets, Eltham*
- g) *Collendina Reserve, Greensborough*

have been reassessed by the Country Fire Authority and have been found to meet the criteria for designation as a NSP-BPLR.

Options

10. All NSP-BPLRs within Nillumbik have been reassessed. They have been found to comply with the assessment guidelines and will be available for use by the community for the 2023/2024 fire danger period.
11. It is recommended that Council notes the seven compliant NSP-BPLRs.

Council plans and policies

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

12. Officers' reports

CM.075/23 Neighbourhood Safer Places - Annual Report

- We continue to meet Council's responsibilities for emergency management by working with the community and partner agencies, especially in relation to bushfire.

Sustainability implications

13. In meeting the criteria for ongoing designation as an NSP some vegetation maintenance may be required around sites.
14. The social impacts of a designated NSP are minimal until use during an emergency.
15. In meeting the criteria for ongoing designation as an NSP no economic impacts are expected as a result.

Community engagement

16. Community engagement is fundamental and continues to be fostered and integrated, largely supported through the appointment of officers in the Emergency Management Unit (Communities First program).

Innovation and continuous improvement

17. Where possible innovation and continuous improvement is included.
18. Community education and information will need to provide consistent key messages to highlight the role of NSP-BPLRs. NSP-BPLRs are a place of last resort and do not replace the need for residents to have a bushfire survival plan. Travelling to an NSP-BPLRs may be dangerous because of traffic congestion, fire activity, heavy smoke, accidents or fallen trees blocking the route.

Collaboration

19. The CFA, Victoria Police, relevant land owners/managers and Nillumbik Shire Council staff were consulted during the NSP-BPLRs assessment process.

Budget implications

20. There will be minimal costs captured in Council's operational budget for installation and maintenance of signage at each location and periodic inspections to ensure that the sites comply with the assessment criteria.
21. All sites are subject to ongoing maintenance programs which are maintained within current operational budgets.

Relevant law

22. *Country Fire Authority Act 1958* – section 50J

Regional, state and national plans and policies

23. Consideration is given to any relevant industry specific, regional, state or national plan, policies and research.

Conflicts of interest

24. 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.075/23 Neighbourhood Safer Places - Annual Report

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12. Officers' reports**CM.076/23 Creative Infrastructure Framework**

Distribution: Public**Manager: Corrienne Nichols, Director Communities****Author: April Wilson, Acting Manager Community Partnerships****Summary**




The purpose of this report is to provide Councillors with the updated Draft Creative Infrastructure Framework (the draft Framework) (**Attachment 1**) and Community Engagement Plan (**Attachment 2**).

Recommendation

That Council:

1. Notes the Draft Creative Infrastructure Framework (**Attachment 1**) in preparation for community engagement.
2. Endorses the Community Engagement Plan (**Attachment 2**) and undertakes community consultation for 4 weeks, from 9 October to 3 November 2023.
3. Considers public submissions at a future Planning and Consultation Committee meeting.

Attachments

- 1  Draft Creative Infrastructure Framework
- 2  Community Engagement Plan
- 3  Creative Infrastructure Framework - Stakeholder Analysis

Discussion

1. The Draft Creative Infrastructure Framework (*the draft Framework*) (**Attachment 1**) has been developed in partnership with consultants, Hodyl & Co, to guide Council's decision making on the delivery and development of creative spaces across the municipality for the next ten years.
2. The ten year lifespan of the draft Framework is intended to align with long-term infrastructure development timelines.
3. The purpose of the draft Framework is to:
 - a) Identify critical gaps in creative infrastructure across the municipality.
 - b) Identify key opportunities to upgrade/re-purpose existing infrastructure.
 - c) Identify strategic opportunities to guide the development of new creative infrastructure.
 - d) Identify opportunities for enhanced governance and advocacy arrangements to support improved creative outcomes across the municipality.

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4. Responding to the known needs of the community and the need for an evidence-led strategic approach for future Council investment, the draft Framework:
 - a) Draws on community feedback from the *“What We Know - Arts and Culture Strategy 2022-26”* community consultation report, a municipality-wide infrastructure audit, and mapping of arts activity, to identify gaps and community needs.
 - b) Identifies key strategic initiatives required to meet community needs, including opportunities to upgrade existing small to medium infrastructure, stand-alone development, as well as partnerships, agreements or incentives designed to enhance creative infrastructure.
 - c) Outlines required governance structures to guide the development of creative infrastructure.
5. The draft Framework will provide Council with options for consideration. It will explore both soft and hard infrastructure: the built spaces that are accessible, as well as the incentives, funding, partnerships and agreements required to make access to spaces sustainable, including:
 - a) Opportunities for the delivery of small to medium purpose-built arts spaces.
 - b) Opportunities to store and profile the Civic Art Collection in purpose-built arts exhibition spaces.
 - c) Options to increase the accessibility and usage of existing creative spaces.
 - d) Opportunities or strategies for integration of arts activities in new private developments.
 - e) Advocacy priorities to support the funding and delivery of future creative spaces.
 - f) Guidance on the governance of creative infrastructure planning.
6. The draft Framework was presented to Councillors for feedback at the Council Briefing on 29 August 2023. Please note the following amendments to the document **(Attachment 1)** based on Councillor feedback:
 - a) Page 1 - Updated Council name on cover.
 - b) Page 12 - Creative Infrastructure Framework scope added to the introduction.
 - c) Page 34 - Partnerships discussion expanded to include temporary/pop-up art at events (Partnerships strategic direction).

Related Council decisions

7. At the Council meeting on 29 October 2019, Council accepted the findings of the Regional Gallery Feasibility Study and resolved to:
 - a) Endorse continuation of a business case and masterplan for regional or municipal gallery at:
 - i) 895 Main Street, Eltham.
 - ii) Another Council owned facility/site.

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- b) Endorse in investigation of options of public/private partnerships (not specific to any particular site).
- 8. At the Council meeting on the 23 June 2020, Council resolved to:
 - a) Wait until the official announcement from the State Government regarding the preferred site for the Community Hospital before progressing the Regional / Municipal Gallery Business Case and Masterplan further.
- 9. At the Council Meeting on 23 August 2022, Council resolved to:
 - a) Defer the Business Case and Masterplan for a Regional or Municipal Gallery.
 - b) Endorse proceeding with smaller creative infrastructure development opportunities for Nillumbik Shire through the construction of a Creative Infrastructure Framework. This include identification of current facilities that could be developed into a Municipal Arts Centre.
- 10. At a Councillor Briefing on 4 April 2023, the approach and timeframes for the development of the Creative Infrastructure Framework was presented to Councillors outlining the following next steps:
 - a) Engage a consultant, and then commence internal staff engagement and development of the draft Framework.
 - b) Develop a community engagement plan to outline options and considerations for seeking community feedback on the draft Framework.
- 11. The draft Framework (**Attachment 1**) and Community Engagement Plan (**Attachment 2**) were presented to Councillors for feedback at Council Briefing on 29 August 2023.

Options

- 12. To endorse the Community Engagement Plan (**Attachment 2**) in preparation to commence community consultation on the draft Creative Infrastructure Framework (**Attachment 1**) in October 2023.

Council plans and policies

- 13. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - a) 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.
- 14. This report supports the Council Annual Action Plan 2022-2023, Place and Space:
 - a) Action 12: Implement the Arts and Culture Strategy 2022-2026.
 - b) Action 13: Continue to investigate suitable sites for a gallery, performance and exhibition spaces.
- 15. This report supports the Arts and Culture Strategy 2022-2026:
 - a) Goal 1: An Interconnected and Creative Community Build - an interconnected creative ecology through physical spaces for connection and creation.

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16. The report supports the Arts and Culture Strategy 2022 – 2026 Year 1 Action Plan:
- a) Provide safe, best practice art spaces in venues for performance, exhibition and creation through:
 - b) Complete a Nillumbik Creative Infrastructure Audit.
 - c) Seek endorsement by Council to identify smaller creative infrastructure development opportunities for Nillumbik Shire through the development of a Creative Infrastructure Framework.
17. This report supports the Nillumbik Economic Development Strategy 2020-2030:
- a) Objective 4: Enhance the visitor economy showcasing natural, recreational and cultural strengths.
 - b) Objective 4.1: Create and promote visitor attractions.

Access, Equity and Inclusion

18. A Gender Impact Assessment was undertaken prior to the development of the draft Framework, and has been reviewed and updated with consultants, Hodyl & Co, in the preparation of this strategic document.
19. The draft Framework aligns with Council's Access, Equity & Inclusion policy in the following ways:
- a) In developing this framework we will aim to improve the accessibility of creative spaces, and to ensure that they are developed in ways that welcoming, safe and inclusive of the needs of all community members.
 - b) We will engage with Wurundjeri Corporation and local First Nations creatives and artists to ensure that the development of creative spaces takes into consideration the cultural safety of First Nations people, and actively enhances First Nations artists' practices in Nillumbik Shire.

Sustainability implications

20. The draft Framework takes into consideration how creative infrastructure can be developed with due consideration to environmental factors, climate change adaptation and mitigation.
21. Economic and social sustainability will be a core consideration in the exploration of any opportunities for new or existing infrastructure upgrades, partnerships, agreements or incentives designed to enhance creative infrastructure.

Community engagement

22. The draft Framework (**Attachment 1**) has been informed by comprehensive community engagement undertaken through the development of the 2022-26 Arts & Culture Strategy.
23. In considering next steps for community engagement, a Creative Infrastructure Framework Stakeholder Analysis (**Attachment 3**) has been prepared, outlining key internal and external stakeholders.

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24. The Community Engagement Plan (**Attachment 2**) outlines the proposed approach to undertaking community consultation on the draft Framework (**Attachment 1**), including:
- a) Participate Nillumbik survey.
 - b) Targeted focus groups with key stakeholders as identified in the Stakeholder analysis (**Attachment 3**).
 - c) In depth consultation with the Arts & Culture Advisory Committee.
25. Community engagement is proposed to take place for 4 weeks, from 9 October to 3 November 2023.
26. The options and considerations outlined in the draft Framework (**Attachment 1**) will be the focus of the 4 week community engagement period.
27. Public submissions will be invited for Council to consider at a Planning and Consultation Committee meeting to be held on a future date (*date to be advised*).

Innovation and continuous improvement

28. This framework presents a new approach to the development of creative infrastructure for Nillumbik Shire Council, broadening the focus to evidence-led strategic approaches that can meet a wide range of needs in the community and be delivered over a ten year period, rather than focusing on a singular infrastructure plan.

Collaboration

29. The draft Framework (**attachment 1**) and Community Engagement Plan (**Attachment 2**) have been developed in partnership with Hodyl & Co. Hodyl & Co is a research and urban design consultancy focused on creating cities people love.
30. This interdisciplinary consultancy firm bring together expertise in urban design, strategic planning and social research to deliver independent design advice and urban policy recommendations.

Budget implications

31. All costs associated with the development and delivery of the Creative Infrastructure Framework (**Attachment 1**) have been accounted for in the Community Services operational budget across 2022-23 and 2023-24 financial years.

Relevant law

32. Not Applicable

Regional, state and national plans and policies

33. National Cultural Policy – “Revive: A place for every story, a story for every place” 2023-2027
34. Creative State 2025
35. Yarra Ranges Tourism Destination Management Plan (in development).

Conflicts of interest

36. 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.

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12. Officers' reports**CM.077/23 Response to Public Exhibition of Planning Scheme Amendment C149nill - Heritage Review**

Distribution: Public**Manager: Rosa Zouzoulas, Director Planning, Environment and Strategy****Author: Leigh Northwood, Manager Strategic Planning and Environment****Summary**

The purpose of this report is to seek Councils consideration of officer's recommendation that Council refer unresolved submissions Amendment C149nill to an independent Planning Panel for consideration.

The Amendment was placed on exhibition pursuant to the requirements of the *Planning and Environment Act 1987* (the Act), from 22 June 2023 to 03 August 2023. Council have received twenty-six (26) submissions in total. Three (3) of the submissions received were in support of the Amendment. Six (6) of the submissions received were in support of the Amendment with changes. Sixteen (16) object to the Amendment (noting 4 of these submissions relate to two individual properties). And, one (1) submission both supports and objects in principle.

Submitters were invited to attend the 12 September 2023 Planning and Consultation Committee Meeting (PCC) to speak to their submissions.

Where a submission raises an issue with regard to the proposed amendment that cannot be resolved, the Act sets out the process for the Amendment. In accordance with Section 22 of the Act, Council must consider all submissions received. Section 23 of the Act, requires that the Responsible Authority after considering submissions, must:

- a. change the Amendment in the manner requested (if deemed appropriate); and
- b. request the Minister for Planning convene an independent planning panel under Part 8 where any unresolved submission(s) will be referred; or
- c. abandon the amendment or part of the amendment.

It is noted officers have arranged for Council's heritage consultants to undertake further site inspections where property owners have permitted such, with regard to objecting submissions, and a number of recommendations have been made by the heritage consultants in regard to changes to the citations relevant to the properties, or in some cases removal of the property from the Amendment.

Officers recommend that Council refer unresolved submissions to an independent Planning Panel, asking the Minister for Planning to appoint the Panel in accordance with Part 8 of the Act. This will allow third party review of the Amendment and allow submitters to address the Panel.

Subject to the Panel hearing, a Panel report and recommendations will be given to Council, and at a future Council Briefing Council can consider the Panel's recommendations, and can still resolve to adopt, adopt with changes or abandon at a subsequent Council meeting prior to any request to the Minister to consider and approve the Amendment.

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It is noted officers, subject to Council's resolution, will seek to resolve those objections where heritage consultant recommendations would effectively resolve their objections. To enable submissions to not be referred to a future Panel, objectors need to formally remove their objections in writing.

Recommendation

That Council:

1. Notes the submissions to Amendment C149nill to the Nillumbik Planning Scheme (**Attachment 1**).
2. Requests the Minister for Transport and Planning appoint an independent planning panel to consider unresolved submissions to Amendment C149nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.
3. Requests that officers notify submitters to Amendment C149nill of the Committee's resolution and update Participate Nillumbik accordingly with next steps in the Amendment process.
4. Brings the C149nill Panel report as an outcome of the Panel Hearing (once available) to a future Council briefing for Council consideration.
5. Prepare a letter of advocacy to be sent to the Minister for Consumer Affairs and the Minister for Transport and Planning, in seeking that **proposed** zone/overlay changes be included on the Section 32, the 'vendor statement' as required under the *Sale of Land Act 1962* (VIC).

Attachments

1.  Redacted Combined Submissions to C149
2. Combined Submissions to C149 - *CONFIDENTIAL*

Discussion

1. Local Councils are responsible for protecting places with local heritage significance. Section 4 of the *Planning and Environment Act 1987* obliges Councils to use their planning schemes to conserve and enhance buildings, areas or other places of local heritage significance.
2. The Heritage Overlay (HO) is the planning tool used in Planning Schemes to protect places of heritage significance.
3. The HO sets out the permit requirements and guidelines that Council uses to make decisions about changes to buildings and structures in heritage places. It also includes a schedule that lists all the heritage places that have been identified as locally significant in Nillumbik.

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4. Before a heritage place can be included in the HO it needs to be assessed by Council as locally significant. The assessment process generally includes:
 - engaging a qualified heritage consultant to prepare a heritage study;
 - identifying and recommending heritage protection for a particular local place in the heritage study;
 - providing a statement of significance for the place which identifies 'what' is important, 'why' it is important and 'how' it is significant;
 - following the principles and processes set out in the *Burra Charter* to carry out a heritage assessment;
 - assessing the recommended local places using the Heritage Council of Victoria's criteria for inclusion; and
 - preparation of the citation based on the Planning Practice Note 1 (PPN1) format requirements (the formal guidance from the Department of Environment, Land, Water and Planning outlining specific matters/structure a citation must use).
5. Heritage Consultants GML (formerly Context) were engaged by Council in early 2021 to undertake Stage A of the Nillumbik Shire Heritage Review, identifying twenty-one (21) heritage places and creating citations for each heritage place. The report and citations being adopted at the 29 June 2021 Council Meeting. During the process of Heritage Review Stage A, a number of new properties were identified to be added to the list for heritage review including the Diamond Creek Church and Eltham War Memorial Complex.
6. Heritage Consultants Trethowan Architects were engaged by Council to undertake Stage B of the Nillumbik Shire Heritage Review in late 2021, identifying forty-five (45) heritage places and creating citations for each heritage place.
7. The report, citations and Thematic Environmental History (updated) were adopted at the 26 July 2022 Council Meeting.
8. Council resolved at the same July 2022 Council meeting to seek formal authorisation from the Minister for Planning under section 8A of the Act to prepare and exhibit an amendment to apply the HO to all properties in Stage A and B Heritage Reviews (interim and permanent).
9. Refer below to formal exhibition and notification of the Amendment pursuant to the *Planning and Environment Act 1987*.
10. In preparation of both heritage reviews, Council officers sent out letters to all property owners and occupiers of the places that were to be assessed that asked if they would be willing to allow a site visit where they had the chance to meet the consultants, ask them any questions or confirm any heritage information about their property. Physical on-site inspection was limited due to the challenges in obtaining consent for access from some residents which is not unusual in preparation of such studies given perceptions of what a heritage overlay may entail.

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11. Since close of formal notification in progressing the amendment, officers have engaged with property owners to arrange (with owners consent) to carry out further site inspections by Council's heritage consultant. This process continued through until after submitters presented at the PCC. The intent is to resolve as many submissions as possible and limit those submissions that would need to be referred to a future independent Planning Panel to consider particularly objections. This is intended to minimise time and cost to submitters who would be required to be referred through the formal Panel process subject to Council resolving to convene such and to ensure an efficient use of Council resources.
 12. Notification of Council's resolution to request Authorisation was sent on 28 September 2022 in the form of a courtesy letter to owners and occupiers of affected properties.
 13. Amendment C148nill was requested to the Minister for Planning (the Minister) by Council on 7 October 2022 to ask the Minister to utilise his powers of intervention under Section 20(4) of the *Planning and Environment Act 1987* (the Act) to implement interim controls to modify the schedule to the Heritage Overlay by inserting the heritage places. Around the same time Council sought authorisation from the Minister to undertake an amendment process for Amendment C149nill pursuant to Section 8A of the Act to prepare and exhibit a permanent control to achieve the same outcome, requested to the Minister for Transport and Planning (the Minister) by Council on 9 November 2022.
 14. Formal notification was received from DELWP on 18 November 2022 requesting further information and review of the amendment.
 15. Formal approval and gazettal of Amendment C148nill (interim) by the Minister was made on 28 April 2023, somewhat delayed by the State government election cycle and its impacts on the machinery of government, outside of Council's control.
 16. On 1 May 2023 Council received formal Authorisation from the Minister to prepare and exhibit Amendment C149nill (to apply the Heritage Overlay on a permanent basis).

Notification of Amendment

17. Pursuant to the statutory requirements of the Act Section 19:
 - a) letters were sent to owners and occupiers on 19 June 2023, notifying them of the interim heritage overlay (C148nill) and the exhibition of C149nill (permanent Heritage Overlay);
 - b) affected authorities and Prescribed Ministers were notified on 19 June 2023; and
 - c) advertisements in the Government Gazette and The Age were advertised on 22 and 23 June 2023 respectively.
18. Council's Participate webpage for the Amendment was made live on 15 June 2023 to provide exhibition information and receive submissions online. All followers of the page were notified and a news bulletin posted at the commencement of formal exhibition, 22 June 2023.
19. Surrounding Councils, local historical societies and heritage groups were also notified by email and mail as a courtesy on 19 June 2023.

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Issue of transparency with regard to sale of properties

20. During hearing from submitters who registered to speak to their submissions at the PCC of the 12 September 2023, concerns were raised in regard to the transparency of the process of applying the Heritage Overlay, as noted, a requirement of the Act being that Council's must consider heritage.
21. Council has followed the notification requirements of the Act with regard to the Amendment including formal notification requirements.
22. Council has also prepared associated resources to assist existing and potential property owners in understanding heritage planning, encouraging contact with Council to confirm interim heritage controls, and also providing information with regard to what the heritage overlay will mean for a property if applied (e.g. will I be able to subdivide, renovate or extend my property):
<https://www.nillumbik.vic.gov.au/Develop/Planning-for-Nillumbiks-future/Heritage-planning>
23. In addition, Council also provides a dedicated Participate Nillumbik page for the Amendment that allows people to register to follow the Amendment and be updated on it, and includes all the citations (by township) and Amendment process and stages:
<https://participate.nillumbik.vic.gov.au/amendment-c149>
24. However a key matter is when properties are bought and sold during the process of heritage reviews and then amendments to apply the heritage overlay, noting the process of heritage reviews before they are adopted as amendments to the planning scheme, often are prepared over years (rather than months). Planning scheme amendments also are progressed usually over years, noting Council must adhere to timeframes prescribed within the Act, however Council do not have control of timeframes associated with State government decision making.
25. The Section 32 is a mandatory document that discloses information with regard to land being sold in a property transaction. The *Sale of Land Act 1962* requires the Section 32 statement to contain specific information about the property's title, encumbrances, and other relevant matters, but it does not require information about proposed future changes e.g. planning scheme amendments that may change zoning of the property) or overlays. It is only once a planning scheme amendment has been formally Gazetted by the relevant Minister and accordingly, the relevant planning scheme is formally updated that new zone/overlay information is included into the Section 32. Also known as a Vendor's Statement, the term 'Section 32' is derived from the correlating section under the *Sale of Land Act 1962* (VIC).
26. The Section 32 mandatory process cannot be changed by local governments because it is established by State legislation. Council does not have the authority to alter or override State legislation.

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27. With regard to proposed controls – Council's are in a difficult position where they are limited to public notification of the preparation of strategic work to inform a future amendment, and also notification of the amendment itself once endorsed by Council. And although as detailed above, Council's provide additional resources through their communications channels (website for example).
28. Where property exchanges hands during that period, unless a potential buyer contacts council with regard to the property, that potential buyer will only be guided in their decision by what the Section 32 identifies, and what real estate agents / owners choose to disclose to that potential buyer. E.g. a heritage amendment is proposed for the property, the property is proposed to be rezoned, or another form of control is proposed – but not yet formally changed within the relevant planning scheme.
29. Given Council may only advocate to the relevant Minister being the Minister for Consumer Affairs, for changes to what Section 32's disclose, it is recommended that Council advocate to the Minister for Consumer Affairs and also the Minister for Transport and Planning, with regard to **proposed** zone/overlay changes, particularly the Heritage Overlay be included on the Section 32.

Exhibition

30. The Amendment was on exhibition from 22 June to 3 August 2023.
31. During this period a number of customers (over 60) contacted Council for further information and to discuss the exhibition of the amendment, including a walk in customer who preferred to interact in person and provide a written submission, and the Diamond Valley Railway (DVR) where officers at the request of DVR, met with the DVR and the Ward Councillor to discuss their concerns.

Submissions

32. Due to statutory timeframes Council must consider all submissions within 40 business days of close of formal notification (3 August 2023) pursuant to the Act.
33. To note officers also allowed a period for late submissions in an attempt to as much as possible accommodate affected parties.
34. Council received twenty-six (26) submissions to date.
35. Three (3) of the submissions received were in support of the Amendment. Six (6) of the submissions received were in support of the Amendment with changes. Sixteen (16) object to the Amendment (noting two of these submissions relate to one property). And one (1) submission both supports and objects in principle.
36. A further late objecting submission was received on the 12 September 2023 with regard to 200 Ryans Road, Eltham North. Officers will seek permission to have heritage consultants undertake a site visit to this property with the owner's permission to consider the objection and as per below, submit their updated recommendation.
37. All submitters were invited to the PCC meeting on 12 September 2023 and a number have presented a verbal addition to their submissions.

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CM.077/23 Response to Public Exhibition of Planning Scheme Amendment C149nill - Heritage ReviewInspections & Recommendations

38. Immediately upon the close of the formal notification period, officers re-engaged Council's heritage consultants to undertake further site inspections where property owners allowed such, with regard to objecting submissions.
39. Site visits were arranged with agreement with property owners, and as a result a number of recommendations have been made by the heritage consultants. These recommendations form the basis for those properties that can or cannot be resolved. It noted that not all property owners agreed to a further inspection and therefore no further site inspection of those properties has been made.
40. The heritage consultants through that review have identified the following recommendations:

Submission No:	Address	Consultant Recommendation	Further information
1 & 19	2 Hillmartin Road / Lane, Diamond Creek	Remove from Amendment	Close inspection on a site visit with the owners on 5/9/23 indicates that while the form is traditional, much of the fabric of the house is new. The house no longer meets a local threshold of significance in terms of intactness and integrity to the original.
4	162 Murray Road , Diamond Creek	Remove from Amendment	The house no longer meets a threshold of significance in terms of intactness and integrity. Outbuildings were also inspected and no notable and original outbuildings are extant.
6	191 Cherry Tree Road, Hurstbridge	Remove from Amendment	Remove 191 Cherry Tree Road, Hurstbridge, from the proposed heritage overlay. Explore other options for recognising the place's historical value. Options may include the archival recording and interpretation.
13	144 Progress Road, Eltham North	Remove from Amendment	Remove 144 Progress Road, Eltham North, from the proposed heritage overlay.
24	23 Glen Park Road, Eltham North	Remove from Amendment	Remove 23 Glen Park Road, Eltham North, from the proposed heritage overlay. Explore other options for recognising the place's historical value. Options may include the archival recording and interpretation.
3	130 Laughing Waters Road, Eltham	Retain in Amendment with changes as per submission	The building is a former artist residence. Agree that allowing prohibited uses may support the adaptive reuse of redundant buildings.
12	145 River Avenue, Plenty	Retain in Amendment with changes	House remains substantially intact and continues to compare well against comparable weatherboard former farming properties. Ongoing maintenance and use issues on site. Permitting prohibited uses can in some cases assist with maintenance or adaptive reuse of buildings.

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Submission No:	Address	Consultant Recommendation	Further information
15	183 Yan Yean Road, Plenty	Retain in Amendment with changes	The addition is to the rear and does not detract from or overwhelm the other principal elevations. The original house is still evident and retains its historical identity forward of the addition.
21	920 Yan Yean Road Doreen	Retain in Amendment with changes	It is considered that the place meets the threshold of local significance as an Interwar corner shop with attached residence and as an historic centre of Doreen. Updates may be made to the citation to include the new images and to address gaps in the history and description.
23	906 Arthurs Creek Road, Arthurs Creek	Retain in Amendment with changes	As the stables are no longer extant, the Schedule can be amended accordingly.
5 & 2	61/61A York Street, Eltham	Retain in Amendment with changes	Revise the citation and statement of significance for 61 York Street, Eltham, to include correct information. Revise the proposed heritage overlay curtilage to protect the upper portion of the land to the north of the shared driveway and the pottery building.
9	10 Diosma Road, Eltham	Retain in Amendment with changes	Revise the citation and statement of significance for 10 Diosma Road, Eltham, to include correct information. Revise the proposed heritage overlay curtilage.
17	16 Warringah Crescent, Eltham	Retain in Amendment with changes	Revise the proposed heritage overlay curtilage to cover 16 Warringah Crescent (9/ PS58605) only
22	570–576 Main Road, Eltham	Retain in Amendment with changes	Update the statement of significance to add Criterion G. Clarify the elements that contribute to the significance of the site. Remove rolling stock from the list under the <i>What is significant</i> .
7	Arthurs Creek Cemetery, Cemetery Road, Arthurs Creek	Retain in Amendment	It is not unusual for HO to apply to cemeteries on a local level.
14	32-36 Perversi Avenue, Diamond Creek	Retain in Amendment	The substance of the house's significance is not contested as a period home designed by the architect FW Thomas for the Perversi family. The house appears substantially intact to its original design.
16	52 Kurrak Road, Yarrambat	Retain in Amendment	Enough original fabric and the original form and details are extant to enable restoration and replacement of fabric where necessary.
20	17 Koornong Cres, North Warrandyte	Retain in Amendment	The additions and alterations were acknowledged in the citation, and it is considered that these are sympathetic and have not detracted from or overwhelmed the original house, which is still extant and distinguishable.

41. It is noted that submitters have been contacted to update them as to updated heritage consultant recommendations, and officers, based on these updated recommendations have sought to resolve those objections where heritage consultant recommendations can effectively resolve their objections. This will ensure submitters aren't unnecessarily involved in the Panel process.

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42. To enable submissions to not be referred to a future Panel, objectors need to formally remove their objections in writing and have been advised of such.

Related Council decisions

43. 29 June 2021 - Council Meeting, Council resolved that it:
- a) *Adopts the Final Draft Citations for Stage A of the Nillumbik Heritage Review.*
 - b) *Adopts the Priority Lists for Stage B of the Nillumbik Heritage Review.*
 - c) *Publishes the Final Draft Citations for Stage A of the Nillumbik Heritage Review.*
44. At its meeting of the 26th July 2022, Council resolved that it:
- a) *Adopts the final version of the Statements of Significance and Citations for Stage B (Attachment 3) of the Nillumbik Heritage Review; and*
 - b) *Adopts the Nillumbik Shire Thematic Environmental History, as updated (Attachment 4) and post WW2 addendum to the Thematic Environmental History (Attachment 5); and*
 - c) *Requests the Minister for Planning, to exercise powers under Section 20(4) of the Planning and Environment Act 1987 to prepare and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to places (as recommended in Heritage Review Stage A and B) on an interim basis; and*
 - d) *Request the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, to authorise the preparation and exhibition of an amendment to the Nillumbik Shire Planning Scheme to apply the Heritage Overlay to places (as recommended in Heritage Review Stage A and B) on a permanent basis; and*
 - e) *Publishes the final version of the Statements of Significance and Citations for Stage B (Attachment 3) of the Nillumbik Heritage Review on Council's website; and*
 - f) *Publishes the Nillumbik Shire Thematic Environmental History (as updated), (Attachment 4) and the Post WW2 addendum (Attachment 5) on Council's Website; and*
 - g) *Notifies the owners of places identified for application of the Heritage Overlay as per the recommendations of Stage A and Stage B Heritage Reviews of Council's resolution and next steps.*

Options

45. After consideration of the Amendment and submissions, in accordance with Section 23 of the Act, Council must resolve to:
- a) *Adopt the Amendment with changes and request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received for Amendment C149nill in accordance with Section 23(1)(b) of the Planning and Environment Act 1987; or*

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- b) Adopt the Amendment without changes and request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received for Amendment C149nill in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*; or
 - c) Abandon the Amendment.
46. It is noted Council will be presented with the Panel's report subject to the Panel Hearing, and will at that time have the opportunity to once again consider abandonment of Amendment at that time.
47. Officers recommend option a) to adopt the Amendment with changes as recommended by Council's heritage consultants which include some removals and some alterations to citations including amendments to the recommended curtilage of the Heritage Overlay.

Council plans and policies

48. 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.

Access, Equity and Inclusion

49. The preparation and exhibition of the Amendment is a statutory requirement and function of Council pursuant to the Planning and Environment Act 1987. It applies to affected parties. In meeting relevant objectives of Council's Access, Equity and Inclusion Policy, and being in accordance with the requirements of the Planning and Environment Act 1987, Amendment C149nill, through consideration and exhibition has been notified to allow for barriers to accessing relevant material to be as effectively removed as is practicable, this includes through the provision of content on Participate Nillumbik, and making officers available to meet and discuss what are quite technical matters and processes with interested parties.

Sustainability implications

50. The conservation of Nillumbik's heritage places play an important role in the strengthening of both personal and community identity. This work aids in the social sustainability of Nillumbik's various communities.

Community engagement

51. Refer above to formal exhibition and notification pursuant to the *Planning and Environment Act 1987*. Officers have undertaken consultation in accordance with the Act and as outlined at point 53 below, above and beyond the requirements of the Act.
52. In preparation of both heritage reviews, Council officers sent out letters to all property owners and occupiers of the places that were to be assessed that asked if they would be willing to allow a site visit where they had the chance to meet the consultants, ask them any questions or confirm any heritage information about their property. Physical on-site inspection was limited due to the challenges in obtaining consent for access

12. Officers' reports**CM.077/23 Response to Public Exhibition of Planning Scheme Amendment C149nill - Heritage Review**

from some residents which is not unusual in preparation of such studies given perceptions of what a heritage overlay may entail.

53. As part of progressing the amendment, officers engaged with property owners (with owners consent) to carry out further site inspections by Council's heritage consultant. The intent was to resolve as many submissions as possible and limit those submissions that would need to be referred to a future independent Planning Panel to consider particular objections. This is to ensure an efficient use of Council resources, and minimise time and cost to submitters who would otherwise be required to be referred through the formal Panel process subject to Council resolving to convene such.

Innovation and continuous improvement

54. Approval of Amendment C149nill would improve Council's ability to manage, preserve and protect the historical and cultural assets of the Shire through the Nillumbik Planning Scheme.

Collaboration

55. Council officers have been proactively liaising with Heritage Victoria and the Department of Planning and Transport to prepare amendment material to the department's satisfaction.

Budget implications

56. Costs associated with the amendment to apply the heritage overlay are attributed to the 23/24 financial year strategic planning amendments budget, which includes associated amendment costs, particularly expert witness (consultant) input and appearance at Panel.

Relevant law

57. Local Councils are responsible for protecting places with local heritage significance as required by the *Planning and Environment Act 1987*. Section 4 of the Act obliges Councils to use their planning schemes to conserve and enhance buildings, areas or other places of local heritage significance and the current planning scheme amendment responds to this requirement as well as following the planning scheme amendment process outlined in the Act.

Regional, state and national plans and policies

58. Plan Melbourne (2017-2050) Outcome 4.

Policy 4.4.1 Recognise the value of heritage when managing growth and change.

With all three levels of government sharing responsibility for protecting Melbourne's post settlement cultural heritage, decision-making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices.

Conflicts of interest

59. 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.

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**CM.077/23 Response to Public Exhibition of Planning Scheme Amendment
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12. Officers' reports**CM.078/23 Renewal of Yarra Ranges Tourism Partnership Agreement**

Distribution: Public**Manager: Rosa Zouzoulas, Director Planning, Environment and Strategy****Author: Tania Treasure, Economic Development & Tourism Lead****Summary**

The purpose of this report is to provide Councillors with the annual update of Council's partnership agreement with Yarra Ranges Tourism (YRT) and to seek support for the renewal of a 3-year agreement with YRT.

The YRT partnership is important to support the promotion of local businesses that service our visitor economy. The partnership offers our businesses access to regional scale marketing and resources that Council would not be able to offer to businesses without substantive costs over and above the costs of the partnership. The report recommends that Council recognise and commit to an ongoing 3 year agreement with YRT working collaboratively to support our visitor economy.

Recommendation

That Council:

1. Recognises the value of the Yarra Ranges Tourism Partnership and its benefit to the local visitor economy.
2. Commits to a new 3-year partnership agreement with Yarra Ranges Tourism to remain at \$70,000 for year one with an increase each year based on the Consumer Price Index - All Groups Melbourne.

Attachments

- 1  Yarra Ranges Tourism Annual Activities Report - Year 3

Discussion

1. Yarra Ranges Tourism (YRT) is the official regional tourism organisation for the Yarra Valley and Dandenong Ranges region, which includes Nillumbik Shire Council, as recognised by State Government and Visit Victoria.
2. Council has had a 3-year partnership agreement with YRT since 2020. At its 25 August 2020 Council Meeting, Council resolved to commit to a 3 year funding agreement, this agreement finished this year.
3. Council's annual financial contribution for the 2020-2023 agreement was \$70,000 per annum. The priority focus areas included:
 - a) Visitor services and information delivery in and outside the region including digital and print format.
 - b) Development of specific "trails" promoting local visitor experiences and associated businesses in the Nillumbik Shire.

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CM.078/23 **Renewal of Yarra Ranges Tourism Partnership Agreement**

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- c) Dedicated marketing campaigns and access to opportunities offered by Visit Victoria.
 - d) Public relations activities to promote Nillumbik as a destination and its visitor experiences.
 - e) Assistance in accessing other resources not previously available to Nillumbik, e.g. Government funding, through advocacy and or auspicing.
 - f) Assistance with events and product development.
 - g) Support in the development of market research activities and inclusion in any regional research.
 - h) Access to industry networking and development programs.
4. YRT provides Council with an annual update of activities that form the partnership agreement. The Yarra Ranges Tourism Activity Report for year 3 (**Attachment 1**) provides a detailed response for the last year of the agreement. Key highlights as presented in the report from year 3 include:
- a. Thirty Nillumbik businesses partnered with YRT in the 2022-23 financial year, six of these businesses joined YRT for the first time. Twelve Nillumbik business partners are listed on the Yarra Valley and Dandenong Ranges Official Visitor Map and all business partners are promoted through the visityarra valley website. The visityarra valley website had over 2 million views during the 2022-23 financial year.
 - b. Major enhancements were undertaken to Nillumbik location based webpages improving imagery of partners and natural attractions in the region. Sixty-three Nillumbik related webpages were updated, resulting in 67,000 page views.
 - c. Dedicated trail maps continue to be available online to provide inspiration to visitors to explore the region. There are dedicated trail maps for Secrets near St Andrews and a Month of Sunday's in Nillumbik with Nillumbik locations also featured in the Top Picnic Spots in the Yarra Valley, Top Views Yarra Valley, Yarra Valley Golf Trail, Top Family Experiences and Art Lives Here Trail maps.
 - d. Social media activity continues to be a positive focus with high levels of engagement. Nillumbik specific engagement includes Kid Tested Adventures in Nillumbik (8,200 reach), 5 Places You Must Visit in St Andrews (23,900 reach), Shaws Road Winery (7,400 reach), Edendale Community Farm (4,000 reach) and Forging Ahead (6,200 reach).
 - e. The Yarra Valley Digital Visitor Information Kiosk network continues to be maintained at Eltham Town Square, Hurstbridge, Diamond Creek Trail and Diamond Creek Regional Playspace to promote business partners and key Council assets.
 - f. A key role Yarra Ranges Tourism plays to support businesses in the visitor economy is through business training and networking. In April 2023, YRT hosted an industry-networking event at Massaros. Fifty-three people attended the event that included discussion on the DMP, visitor numbers and a business showcase from the host venue owner Vanessa Massarotti. Digital Mentoring sessions were provided to YRT partnership members with eleven businesses participating.

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5. In addition to the above YRT are developing the regions first ever Destination Management Plan (DMP), Workforce Plan and Local Area Plans (LAP). One of the Local Area Plans - Western Yarra Valley, specifically covers Nillumbik Shire. These strategic documents will provide guidance and advocacy for Yarra Ranges Tourism, local government partners, community and industry stakeholders to collaborate to address industry challenges in developing a sustainable visitor economy. Shire Officers have represented Council on the DMP steering committee. Nillumbik Shire contributed \$20k with the total value of the project reported as \$345k.
6. Draft DMP documents are due to be released for final industry and community feedback and consultation in the coming weeks (at the time of writing the report). Council will be provided with documents upon their release.
7. While it is difficult to quantify the total dollar figure generated from the partnership, the significant value received by Yarra Ranges Tourism is outlined in their annual activities report (Attachment 1) for year 3. This equated to \$219,900 for the 2022/23 financial year.
8. It is proposed the new 3-year partnership agreement with YRT to remain at \$70,000 for year one with an annual CPI increase (All Groups Melbourne) in years 2 and 3. Annual priority areas that have been identified for a focus of the 2023-2026 agreement are outlined below and will be refined each year with YRT based on current opportunities and industry needs:
 - a) Maintenance of four Digital Visitor Information Kiosks at Diamond Creek x 2, Eltham and Hurstbridge;
 - b) Explore the opportunity to install a 5th Digital Visitor Information Kiosk at St Andrews;
 - c) Representation of Nillumbik visitor experiences at trade shows and expos;
 - d) Development of 2 additional key marketing strategies focused on identified personas for Nillumbik;
 - e) Support in accessing regional tourism infrastructure funds and grants through advocacy and/or auspicing to assist with product development and event delivery;
 - f) Proactive regular contact with Nillumbik businesses to promote the partnership opportunities;
 - g) 4 public relations activities to promote Nillumbik as a destination incorporating influencer families, blogs, itineraries or trails. These activities are to be planned together;
 - h) Ongoing promotion of Nillumbik tourism assets that are consumer facing on YRT's Instagram and Facebook platforms;
 - i) Advocacy to government and tourism industry for investment in product development and industry development for the region as identified in the DMP and the Nillumbik (Western Yarra Valley) Local Area Plan.
 - j) Deliver a minimum of 1 tourism industry networking event held within the Nillumbik Shire. Nillumbik Shire Council to support the promotion of the event;
 - k) Partnering on small business workshops that support the tourism sector;

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- l) Ongoing Visit Nillumbik website refresh in line with the new YRT platform;
 - m) Comprehensive coverage in the annual official touring map;
 - n) Continued representation on the DMP and Events Strategy steering committees, Marketing sub-committee and any other subsequent and relevant working groups;
 - o) Delivery of 1 x 2 night/3 day family experience or the equivalent of and relevant promotion (these activities to be planned together);
 - p) Complimentary access to 1 place at all YRT training sessions;
 - q) Complimentary attendance for 2, and trade table at YRT annual summit; and
 - r) Formal quarterly meetings between YRT and Nillumbik Shire Council representatives.
9. The State Government's Visitor Economy Recovery and Reform Plan supports the transition of the existing network of Regional Tourism Boards into a new network of Visitor Economy Partnerships (VEPs). The 3-year partnership agreement will have allowances for Council to end the agreement at each anniversary date, should the transition to a VEP have implications with our agreement with YRT.
10. Officers will continue to update Councillor's on the development of the VEP's as they progress. In the meantime it is important we continue to partner with Yarra Ranges Tourism to ensure we are working together to support our Visitor Economy.

Related Council decisions

11. At an Ordinary Council Meeting on 25 August 2020 a resolution was passed that Council:
- *Recognises the value of the annual Yarra Ranges Tourism Partnership and it's a benefit to the local tourism industry;*
 - *Commits to a 3-year agreement with Yarra Ranges tourism based on the current annual cost.*

Options

12. It is important Council continue our partnership arrangement with YRT to support our Visitor Economy to continue to rebound from the previous and current challenging times, and to ensure tourism growth is managed, while also taking advantage of future opportunities. Continuing the partnership with YRT will ensure Nillumbik Council's involvement to influence development of and support the tourism industry in our region.
13. The ongoing partnership will continue to provide the foundation to work together to implement the DMP, Workforce Plan and LAP potentially providing opportunities for infrastructure and product development advocacy, which will ensure sustainable management of the expected growth in visitors to the region.

Council plans and policies

14. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We promote Nillumbik's unique offerings; supporting a vibrant local economy and encouraging tourism.

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15. In addition, the report addresses Objective 4 of the Nillumbik Economic Development Strategy 2020-2030, Enhance the visitor economy showcasing natural, recreational and cultural strengths.

Access, Equity and Inclusion

16. The YRT partnership initiatives including the DMP, considers accessibility, equity and inclusion elements within the strategies. Examples include public transport, improving attraction and event accessibility, development of indigenous tourism product, and consultation with indigenous communities around general tourism product and infrastructure development. These are examples of how access, equity and inclusion considerations will be addressed with due consideration on future tourism related initiatives.
17. One of the KPIs of the agreement is to partner on the delivery of business workshops with Accessible Tourism informally flagged as a potential workshop topic.

Sustainability implications

18. The ongoing partnership with YRT and the subsequent involvement with the implementation of the DMP strategies are focused on delivering sustainable tourism development that improves the quality of living for residents and protects the natural and cultural assets for future generations.

Community engagement

19. Informal conversations have been held with a few visitor economy businesses and the Nillumbik Tourism and Business association. Feedback has been extremely positive to continue the partnership with YRT. Businesses have expressed benefits of the partnership with networking, professional development, gaining knowledge of industry trends and marketing through state wide opportunities via Visit Victoria. Feedback also included the importance of the partnership with YRT in regards to the DMP being critical to developing Nillumbik's share of the tourism market.

Innovation and continuous improvement

20. The business community will see the renewal of the YRT partnership as a way that Council is supporting tourism in the region.
21. With tourism visitation to the Nillumbik region is expected to grow over the next 10 years, the YRT partnership will assist with innovative ideas and strategies to support sustainable development of the visitor economy, delivering a positive visitor experience whilst upholding good quality of living for residents and the wider community.

Collaboration

22. Council's partnership with YRT is a demonstration of a collaborative approach to support our visitor economy.

Budget implications

23. The new 3-year renewal proposes that Council's financial contribution to the YRT partnership remain at \$70,000 per annum, with CPI increases for year 2 and 3.

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CM.078/23 Renewal of Yarra Ranges Tourism Partnership Agreement

24. Given this is a partnership approach to supporting our visitor economy businesses, officer time has also been a contributing factor to the generation of the results achieved and will continue to be a non-monetary commitment to the partnership and managed within the demands of other team responsibilities.

Relevant law

25. Not applicable.

Regional, state and national plans and policies

26. Partnership with YRT provides Nillumbik Shire Council with an advocacy connection through to the State Government body Visit Victoria.
27. Experience Victoria 2023 is the State Government's roadmap for government, businesses and leaders of Victoria's tourism sector to work collaboratively to plan for tourism growth and help investors buy into the visitor economy.
28. The Visitor Economy Recovery and Reform Plan outlines the Victorian Government commitment to support the sector to recover from the COVID pandemic. This document also incorporates the findings from the Regional Tourism Review including the formation of Visitor Economy Partnerships.
29. Future regional Plans yet to be completed will help support Council's partnership with YRT. These include the DMP, Workforce Plan and the Western Yarra Valley (Nillumbik) LAP and the yet to commence Yarra Ranges Tourism Event Strategy.

Conflicts of interest

30. 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.079/23 Onsite Wastewater Management Plan 2024-2029**

Distribution: Public**Manager: Rosa Zouzoulas, Director Planning, Environment and Strategy****Author: Renae Ahern, Manager Planning Services****Summary**

The Obligations for Managers of Land or Infrastructure (water) (OMLI) set by the EPA require Councils to develop an Onsite Wastewater Management Plan (OWMP) every five years in consultation with the community and local water authority.

This Onsite Wastewater Management Plan outlines Council's program for managing onsite wastewater management systems, commonly known as septic systems across the Shire for the next 5 years. The Plan has been developed in consultation with Yarra Valley Water (YVW), the community and other relevant stakeholders.

The Onsite Wastewater Management Plan 2024-2029 is now ready for adoption

Recommendation

That Council:

1. Endorses the Onsite Wastewater Management Plan 2024-2029 (**Attachment 1**).
2. Instructs officers to commence implementation of the Plan.

Attachments

- 1 . Onsite Wastewater Management Plan 2024-2029

Discussion

1. Council's existing Domestic Wastewater Management Plan 2019-2023 was adopted in 2019 and covers the period 2019-2023. Since the adoption of the existing Domestic Wastewater Management Plan, there have been a number of changes in legislation relating to onsite wastewater management in Victoria.
2. Primarily, the Environment Protection Act 2017 and the Environment Protection Regulations 2021 have been adopted and implemented. The State Environment Protection Policy (SEPP) Waters, the state-wide policy designed to ensure the ongoing protection of surface waters, and which required Council to develop a Domestic Wastewater Management Plan, has been repealed and will be replaced with an Obligations for Managers of Land or Infrastructure (water) (OMLI).
3. The Obligations for Managers of Land or Infrastructure (water) (OMLI) requires Council as the responsible authority to ensure onsite wastewater is treated and managed so that these systems retain sewage within a property's boundaries, and to ensure that wastewater does not pose a risk to the community and environment.
4. The Obligations for Managers of Land or Infrastructure (water) (OMLI) requires Council to develop an Onsite Wastewater Management Plan in conjunction with the local water authority and community.

12. Officers' reports**CM.079/23 Onsite Wastewater Management Plan 2024-2029**

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5. The Obligations for Managers of Land or Infrastructure (water) (OMLI) obliges Council to identify and assess the risk of harm to human health and the environment associated with existing and future onsite wastewater management systems within its municipal district. When developing the plan, Council must take into account management of systems within Special Water Supply Catchment Areas (SWSCAs) within the municipality.
 6. Domestic Wastewater Management Plans are to be reviewed and updated at intervals of no more than 5 years and Council must publish a report on implementation of the Onsite Wastewater Management Plan on its website.
 7. Nillumbik Shire has been able to achieve many successes with the existing Domestic Wastewater Management Plan, in particular the extension of the reticulated sewer network within the Shire. Engagement with Yarra Valley Water has provided a positive outcome from the 2021 Prioritisation Process, where Yarra Valley Water review and prioritise the Community Sewerage Program areas for connection in the 2023-2028 Price Submission.
 8. Yarra Valley Water have provided some preliminary projected connection data to Nillumbik for the Draft Onsite Wastewater Management Plan, which may be subject to change in the future (i.e. dates and numbers of properties may change). The number of Nillumbik properties on the Community Sewerage Program, however has increased from 372 to 512. The majority of the Nillumbik areas are in the top 10 Priority Areas list, with design and planning for sewer infrastructure to be in 2026-2029 for some areas instead of initially projected 2023-2032.
 9. The Draft Onsite Wastewater Management Plan 2024-2029 incorporates the new legislative changes and sets out a plan to commence the required risk management assessment of onsite wastewater management across the Shire, along with continued engagement with Yarra Valley Water to assist with the future sewer connection programs.

Related Council decisions

10. At the Council Meeting on the 26 April 2023, a resolution was carried unanimously:
 1. *Endorsing the Draft Onsite Wastewater Management Plan for public consultation from 30 April to 28 May 2023,*
 2. *Inviting written submissions regarding the Draft Onsite Wastewater Management Plan by 28 May 2023; and*
 3. *Considers public submissions at a future Planning and Consultation Committee meeting.*

Council plans and policies

11. This report directly supports the achievement of the Council Plan 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.

12. Officers' reports**CM.079/23 Onsite Wastewater Management Plan 2024-2029**

Access, Equity and Inclusion

12. The Onsite Wastewater Management Plan is intended to raise awareness of Council's activities in relation to onsite wastewater management across the Shire, including advocating for equitable sewer provision and providing improved environmental outcomes for all residents and visitors to the Shire.

Sustainability implications

13. Effective management of onsite wastewater management systems is directly aligned with Council's various environmental strategies, and is key to reducing the risk to human health and the environment.
14. Council officers are aware of the economic impact of installing, upgrading, monitoring and maintenance of onsite wastewater management systems and will provide education tools and assistance to owners and occupiers with onsite wastewater systems.
15. Installation approvals will consider the long term environmental sustainability of systems where reticulated sewer will not be a future option. Council's ongoing advocacy program for the provision of reticulated sewer throughout all the townships within Nillumbik achieves sustainability outcomes.

Community engagement

16. Following the 25 April 2023 Ordinary Council Meeting, the Draft Onsite Wastewater Management Plan 2024-2029 was made available for public consultation for four weeks, closing on the 28 May 2023. One submission was received.
17. Community engagement was achieved through the following:
- A survey was conducted by Council of the Community Sewerage Program areas within the Shire, including St Andrews, Panton Hill, Yarrambat, Hurstbridge, Plenty, Diamond Creek and Wattle Glen, in 2021;
 - Participate Nillumbik – a four week period from 30 April to 28 May 2023, promoted on Council's social media pages; and
 - Correspondence sent to plumbing contractors who have submitted applications with Council for onsite wastewater system installations to Council within the last 24 months, advising of the consultation.

As with all engagement, submitters were invited to present their submissions at the Planning and Consultation Committee Meeting post consultation.

Innovation and continuous improvement

18. The draft Onsite Wastewater Management Plan includes an Action Plan outlining five Focus Areas, with strategies to achieve improvements in data maintenance, public education and awareness, and to commence an evidence based risk management assessment and program in line with the Department of Environment, Energy and Climate Action (DEECA) guidance documents.

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CM.079/23 Onsite Wastewater Management Plan 2024-2029

Collaboration

19. Council's Environmental Health team will continue to build on the successful collaborating relationships established with Yarra Valley Water, Melbourne Water, RMIT, Environment Protection Authority, DEECA and the Municipal Association of Victoria (MAV), and with the community and internal stakeholders throughout the life of the new plan.

Budget implications

20. Implementation of the Onsite Wastewater Management Plan will be accommodated within the existing Environmental Health Services operational budget, and will be supported by any future funding opportunities from MAV (recently awarded a \$20,000 grant to assist with record cleansing), DEECA and Melbourne Water, who has previously assisted with a grant to fund a water sampling regimeText.

Relevant law

21. *Environment Protection Act 2017*
22. Environment Protection Regulations 2021

Regional, state and national plans and policies

23. Code of Practice – Onsite wastewater management, EPA Publication 891.4.
24. Regulating onsite wastewater management: local government toolkit, EPA Publication 1974.
25. Onsite wastewater management plans: risk assessment guidance, DWELP 2022.

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.

12. Officers' reports**CM.080/23 2 Bell Street Eltham - Urban Farm Consideration****Distribution: Public****Manager: Rosa Zouzoulas, Director Planning, Environment and Strategy****Author: Rosa Zouzoulas, Director Planning, Environment and Strategy****Summary**

Local Food Connect has received a Department of Energy, Environment and Climate Action grant (Suburban Grants Program) to operate a proposed urban farm on Council-managed land at 2 Bell Street, Eltham, known as Fabbro Fields.

Local Food Connect's aim is that Fabbro Fields becomes a financially viable not-for-profit urban agriculture centre. There are a number of approvals required before Local Food Connect can operate including obtaining a lease from Council to use the land, obtaining consent from the land manager to apply for a planning permit application and obtaining planning permit approval.

To inform Council's decision as to whether to consider providing written consent to apply for a planning permit and whether to consider undertaking the lease process to LFC, separate engagement was undertaken by Council to seek community feedback to inform the potential use of Council managed land. Engagement was conducted over a three week period between 29 June 2023 and 20 July 2023. 53.96% of the community that voted, voted yes to an urban farm, whilst 46.04% voted no to an urban farm.

This report recommends that Council:



- do not support the proposal of an urban farm at 2 Bell Street Eltham; and
- do not provide written consent to LFC to make a planning permit application.

Recommendation

That Council:

1. do not support the proposal of an urban farm at 2 Bell Street Eltham; and
2. do not provide written consent to LFC to make a planning permit application.

Attachments

- 1  Local Food Connect Living Local - Suburban Grant Program Application
- 2  Bell Street, Eltham - Masterplan

Background

1. In early 2010, the State Government purchased the 4.87 hectare property at 2 Bell Street, Eltham (the land), formerly a farm and market, for 'conservation, recreation, leisure and tourism purposes pursuant to section 5(1) of the *Crown (Reserves) Act 1978*' and appointed Nillumbik Shire Council as the Committee of Management in August 2011. This followed a community-led campaign to buy the land for public use.
2. Between 2012 and 2013 Council worked in partnership with the community to determine a use for the land and develop a masterplan for the site.

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CM.080/23 2 Bell Street Eltham - Urban Farm Consideration

3. The Bell Street Masterplan was adopted at the 27 August 2013 Ordinary Council Meeting and was scheduled for review in June 2017. Two hundred (200) local residents were involved in developing the Bell Street Masterplan. The officer report states, *"Council and the community have worked together to develop the draft Bell Street Masterplan. Its implementation will also be a shared responsibility. Council will focus on site remediation and core infrastructure such as pathways. The community can focus on activating the site, with advice and guidance from Council."* The Masterplan nominates a series of uses for the site, such as a pedestrian pathway, unstructured recreational space, riparian zone, and an area of vegetable garden and a netball and basketball court area.
4. In 2014, following community consultation, the land was officially supported by Council to be renamed 'Fabbro Fields' to 'commemorate the long history and active farming involvement of the Fabbro family on the extensive tracts of farmland along the western side of the Diamond Creek in Eltham'.
5. During the latter part of 2018, the then Nillumbik Shire Council Director of Business and Strategy was approached by Local Food Connect (LFC) to discuss the possibility of using the land for a Community Supported Agriculture (CSA) pursuit. LFC requested Council support to undertake a feasibility study exploring the land (or 'Fabbro Fields') for this CSA endeavour. This proposal was given support by the Director on the 18 October 2018. Council also encouraged LFC to consider other land parcels in the Shire in the context of a feasibility study (**Attachment 1**).
6. LFC is a local community group established some 10 years ago with the purpose of increasing appreciation of the importance of Nillumbik's local food system and to strengthen the community's ability to produce food locally (home grown or commercially).
7. In September 2020, LFC submitted the 'An Urban Farm for Nillumbik' Discussion Paper to Council exploring urban farming options on the Edendale site. A feasible option between Council and LFC on the Edendale site has not been achieved or agreed to.
8. ~~LFC has received a Department of Energy, Environment and Climate Action (DEECA) grant (Suburban Grants Program) to operate a proposed urban farm on the land, known as Fabbro Fields.~~

At its Council meeting on **24 October 2023** Council resolved to make the following correction to item 8.

8. Local Food Connect has received a Department of Jobs, Skills, Industry and Regions (DJSIR) grant to operate a proposed urban farm on the land, known as Fabbro Fields.
9. In order for LFC to progress with their proposal they must first:
 - a) Seek written consent from Council to apply for a planning permit application.
 - b) Lodge a planning permit application and undertake the statutory planning application process which will consider the proposed use and development of the land for an urban farm and associated buildings and works. It should be noted that in providing written consent to LFC to apply for a planning permit does not guarantee a planning permit. Officers will assess the application in accordance with the Planning and Environment Act and make a decision at the end of the statutory process based on the merits of the application.

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- c) Apply to the Minister to seek Approval in Principle to lease the land before applying to Council to enter into a lease arrangement to use the land for an urban farm and undertake the statutory process in accordance with the Leasing Policy for *Victorian Crown Land 2023*.

Discussion

- 10. Council is the Land Manager (Committee of Management) for the land. DEECA is the Land Owner.
- 11. The land is currently used as open space and adjoins the Diamond Creek Trail and the Diamond Creek to its west. The Eltham High School is located east of the land opposite the site.
- 12. Officers have been advised that LFC's aim is that Fabbro Fields become a financially viable not-for-profit urban agriculture centre that is established and managed by the community for the community.
- 13. In addition to the use of the land, LFC is seeking to develop the land by modifying/redeveloping the existing shed, introducing garden beds, amenities, fencing, car parking and associated facilities.
- 14. The land is zoned Public Park and Recreation Zone (PPRZ) and is affected by the Environmental Significance Overlay Schedules 1 and 4, and the Land Subject to Inundation Overlay.
- 15. An application will be required pursuant to:
 - Clause 36.02 (zone) Use of the land for Horticulture and retail and associated buildings and works within the Public Park and Recreation Zone.
 - Clause 44.04 Buildings and works within the Land Subject to Inundation Overlay.
 - Clause 42.01 buildings and works within the Environmental Significance Overlay (Schedules 1 and 4).
- 16. Melbourne Water as the relevant flood plain authority will be a statutory referral authority should a planning permit application be lodged. Their views on the use and development of the land that is subject to inundation will be sought during the planning permit application process.
- 17. As defined in the Nillumbik planning scheme, an application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally to the application for permit being made and to the proposed use or development.
- 18. Prior to Council as Land Manager providing written consent to LFC to apply for a planning permit to use and develop the land, Council must also consider if it would agree and provide a lease/licence to LFC for the proposed use and development.

12. Officers' reports

CM.080/23 2 Bell Street Eltham - Urban Farm Consideration

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19. As this land is Crown Land, when deciding whether Council should enter onto a lease, it will be required to adhere to 3 principles as outlined in the Leasing Policy for Victorian Crown Land 2023 when leasing Crown land. These principles are to:
- provide benefits to the public through leasing including Traditional Owner rights;
 - ensure consistency and transparency in leasing; and
 - manage leased Crown land in an environmentally sustainable manner.
20. To ensure consistency and transparency in leasing processes, and to adhere to legislative requirements, a two-stage process applies to the granting of leases. First, all lease proposals require the Approval in Principle (AIP) of the Minister to lease before a land manager agrees or commits to lease Crown land.
21. Second, all leases require the Minister's approval of the terms and conditions of the lease which must align with the permitted purpose and conform to government policy and statutory requirements.
22. Generally, a competitive selection process will apply to the leasing of Crown land, although in special circumstances direct negotiations will be permitted.
23. LFC has not provided to Council details with respect to a potential lease/licence. Further information pertaining to area of the land LFC wish to lease, use details, development details, indemnity, etc are unknown at the time of writing this report.
24. Further to the zone and overlay details outlined above, Council's Open Space Strategy is relevant to ascertain the broader future use of the land. As mentioned above, the land adjoins the Diamond Creek to the west. The land also adjoins the Wingrove Park Public Recreation Reserve to its south, the Eltham Leisure Centre and Susan Street Oval to its north. Accordingly the land forms part of a north-south linear green spine through Eltham that provides for a range of public open spaces accessible to the community.
25. It is understood the land currently performs a public open space reserve function that is used by the public for recreational purposes in addition to its use as overflow training areas for sporting groups. The Open Space Strategy identifies this north-south spine as key open space for public purposes. The Open Space Strategy is a key document for Council and is identified as a key action in the Council Plan for renewal. Work to develop and adopt a new Open Space Strategy is to be commenced following the completion of the Neighbourhood Character, Housing and Biodiversity Strategies currently in progress. In the absence of this detailed strategic work, officers recommend against decisions to key open spaces and linkages in the Shire.
26. As mentioned above, a masterplan was developed and adopted by Council in August 2013 (**Attachment 2**). The masterplan was developed following a community consultation process. The masterplan identified the potential for a community garden as part of the mix of uses for the land. Specifically the masterplan identifies the scale, format and governance as key matters to be determined. Moreover, the potential community garden as identified in the adopted masterplan in contrast to other public open space use accounts for 2.5 per cent of the land. I note that the masterplan when adopted included provisions for its review 4 years after its adoption. To date the review has not occurred.

12. Officers' reports**CM.080/23 2 Bell Street Eltham - Urban Farm Consideration**

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27. In the absence of detail pertaining to the proposed use and development of the land from LFC, and on the basis of discussions with officers, it is understood the proposed use and development of the land will constitute a far greater percentage of the land than that envisaged by the masterplan. It is also understood the governance arrangements of the proposed use will differ from the small community garden to a not-for-profit urban farm with a greater footprint on the land. At the time of writing this report, officers continue to not have any information from LFC that provides detail pertaining to the proposal on the subject land.
28. While in principle the concept of the urban farm aligns with the original masterplan developed by Council in 2013, the proposed size, scale, layout and governance differences, as gathered through discussions with LFC, are substantially different than originally considered.
29. In light of the aforementioned differences in master-planning for the land, the absence of any detail pertaining to the proposed development from LFC and the work yet to be undertaken to develop and adopt an Open Space Strategy that will inform Council's decisions with respect to the use and development of invaluable open space in the future, officers recommend that LFC be advised that Council are not in a position to consider any lease/licencing proposals for this open space, and as the land manager, do not provide written consent to LFC to make an application to potentially use and develop the subject land.

Related Council decisions

30. Council resolved at its 27 June 2023 Council Meeting as follows:

That Council:

1. *Endorses the commencement of a community consultation process as outlined in Proposed Community Engagement Next Steps (Attachment 1) to seek the views of the Nillumbik community with respect to the potential use of land at 2 Bell Street Eltham for the purpose of an urban farm.*
2. *Following the conclusion of the community engagement period, hears from submitters at the Planning and Consultation Committee meeting on 8 August 2023 with respect to the potential use of land at 2 Bell Street Eltham for the purpose of an urban farm.*

31. Council resolved at its 8 August 2023 Planning and Consultation Committee meeting as follows:

That the Committee (acting under delegation from Council):

1. *Notes the public responses, as outlined in this report and its attachments, to the public engagement of the 2 Bell St Eltham community consultation.*
2. *Resolves that the confidential un-redacted copies of written feedback and survey responses to the public engagement of the 2 Bell St Eltham community consultation (at Attachments 2 and 4) remain confidential on the grounds specified in the definition of confidential information in Section 3(1)(f) of the Local Government Act 2020.*

12. Officers' reports

CM.080/23 2 Bell Street Eltham - Urban Farm Consideration

3. *Writes to all respondents to the public engagement to express Council's gratitude for their contribution and to advise them of the Committee's resolution and the next steps in the project on the updated Participate Nillumbik page.*
4. *Notes officers will bring a report to the Council meeting on 26 September 2023, to seek Council's resolution and respond to Local Food Connect.*

Options

32. Council has the following options:

- a) Resolve in accordance with the officer recommendation on the basis outlined above.
- b) Resolve to provide written consent as the land manager to LFC and allow the statutory planning permit application process to be undertaken. Further, and concurrently, enter into discussions with LFC to consider a potential lease/licence for part of the land at 2 Bell Street Eltham. Discussion provided earlier in this report has identified that no detailed information has been provided to Council and in the absence of any detailed strategic work being undertaken by Council, officers do not recommend this option be pursued.
- c) Resolve to further consult with LFC to better obtain the detail pertaining to the proposed urban farm and development before deciding whether to provide written consent to make an application and to enter into lease/licencing considerations. It is noted that officers considerations as outlined in this report regarding the absence of strategic work to inform future decisions will remain of particular concern and will not be undertaken or addressed through further consultation with LFC and their proposal. For these reasons option c is not recommended.

Council plans and policies

33. 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.

Access, Equity and Inclusion

34. Not applicable

Sustainability implications

35. Not applicable

Community engagement

36. The Bell Street Masterplan was adopted at the 27 August 2013 Ordinary Council Meeting and was scheduled for review in June 2017. Two hundred (200) local residents were involved in developing the Bell Street Masterplan.

12. Officers' reports**CM.080/23 2 Bell Street Eltham - Urban Farm Consideration**

37. Resultant from Council's resolution of 27 June 2023, community engagement was conducted over a three week period between 29 June and 20 July 2023. The community were invited to indicate whether or not they are supportive of the site being used for the purpose of an urban farm via a survey on Council's Participate Nillumbik Website. Over 1000 responses were received with 53.96% voting in favour of an urban farm and 46.04% voting no to an urban farm.
38. Council at its PCC meeting on 8 August 2023 heard from submitters to the engagement.

Innovation and continuous improvement

39. Not applicable

Collaboration

40. At the request of LFC in 2021, officers provided high-level advice on the information required for Council to decide on the proposal.
41. Officers have sought the advice of the DEECA to ascertain the appropriate approvals and processes required from the State Government relevant to the proposed use and development.

Budget implications

42. Costs associated with this project have been met within operational expenditure.

Relevant law

43. Section 115 of the *Local Government Act 2020*, states that a Council must include any proposal to lease land in a financial year in the budget, where the lease is—
- (a) or one year or more and—
 - (i) the rent for any period of the lease is \$100 000 or more a year; or
 - (ii) the current market rental value of the land is \$100 000 or more a year; or
 - (b) for 10 years or more.
44. If a Council proposes to lease land that is subject the points above and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.
45. The *Crown Land Reserves Act 1978* (the Crown Land Act) enables reservation of land for a range of public purposes, stipulates how reserved land must be dealt with and prescribes some governance arrangements for committees of management appointed to manage reserved land.
46. The leasing provisions in the Crown Land Act are used to authorise a wide range of leases for commercial and non-commercial purposes on reserved Crown land.
47. Section 17D of the Crown Land Act provides that trustees or committees of management with the approval in writing of the Minister may enter into an Agreement to Lease for a lease to be issued under Section 17D(1).

12. Officers' reports

CM.080/23 2 Bell Street Eltham - Urban Farm Consideration

48. The *Planning and Environment Act 1987* establishes a framework for planning the use, development and protection of land in Victoria. Crown land tenants need to comply with relevant local planning schemes and obtain any required planning permits associated with the use of leased premises.

Regional, state and national plans and policies

49. Leasing Policy for Vic Crown Land 2023 provides a consistent framework for the leasing of Crown land by formalising 'Crown Land Leasing Principles' at a State-wide level.
50. The *Crown Land Leasing Guidelines 2012* outlines the process for Council as land manager, and ministerial assessment and approval process. The guidelines state that decisions to lease need to consider social, economic and environmental outcomes that may result from a lease proposal.

Conflicts of interest

51. 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.081/23 Communications Strategy 2022-2025 Annual Action Plan Update**

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and
Community Safety****Author: Tracey Varley, Manager Communications and Engagement****Summary**

The Communications Strategy 2022-2025 (**Strategy**) (**Attachment 1**) was adopted by Council on 26 July 2022 as a priority action of the Council Plan 2021-2025.

The primary aim of this strategy is to enhance the connection between Nillumbik's residents and the information they seek regarding Council programs, services, and decisions.

The Strategy outlines an Action Plan with 36 priority actions of which 23 priority actions were included in the Year 1 Action Plan. The Year 2 Action plan comprises a total of 26 priority actions, including the continuation of 15 ongoing actions from Year 1, as well as the introduction of 11 new actions.




The purpose of this report is to present to Council an annual report on the Year 1 Action Plan (**Attachment 2**) of the Strategy and present the Year 2 Action Plan for endorsement (**Attachment 3**).

Recommendation

That Council:

1. Notes the Communications Strategy 2022-2025 Year 1 Action Plan Report; and
2. Endorses the Communications Strategy 2022-2025 Year 2 Action Plan.

Attachments

- 1  Communications Strategy 2022-2025
- 2  Communications Strategy 2022-2025 Year 1 Action Plan - Outcomes Report
- 3  Communications Strategy 2022-2025 Year 2 Action Plan

Discussion

1. The Communications Strategy 2022-2025 (*Strategy*) (**Attachment 1**) was adopted by Council on 26 July 2022 as a priority action of the Council Plan 2021-2025.
2. The Strategy has been made available on Council's website in PDF format, an Accessible Word version, and an Easy Read document, in line with our commitment to access, equity and inclusion.
3. The strategic objective of the Strategy is to improve how Nillumbik's community are connected to the information they need and want about relevant Council programs, services and decisions, to enable them to live supported, active, sustainable and connected lives within our community.

12. Officers' reports

CM.081/23 Communications Strategy 2022-2025 Annual Action Plan Update

4. There are four pillars of action:
 - Trust and transparency: Use two-way communications to seek community input and enhance our transparency about why we've made decisions or taken actions.
 - Identity: Enhance the Nillumbik identity by embedding a strong visual presence and consistent and engaging messaging.
 - Capability: Build Council capacity to clearly communicate and champion Council and community priorities to our community and other stakeholders.
 - Reach: Improve our digital presence with more engaging content tailored to people already using the web and social media. Strengthen our non-digital communications options to cater to people who are not online and/or require alternative formats.
5. The Strategy outlines an Action Plan with 36 priority actions. Of these, 23 priority actions were included in the Year 1 Action Plan. The Year 1 Action Plan Report can be found in (**Attachment 2**).
6. Of the 23 priority actions, all have been completed, with eight becoming part of the Communications and Engagement team's "business-as-usual" activities. 15 of the Year 1 priority actions will continue to be measured as part of the Year 2 Action Plan. Many of the Strategy's priority actions are ongoing over the three years of the Strategy, with different goals and focus areas for each year.
7. Some of the key achievements during the first year of the Strategy include:
 - Boosting the number of subscribers to our general Council eNewsletter – Nillumbik eNews – by more than 47 per cent. This substantial increase is the result of a concerted promotional campaign in the past six months including wider promotion across all channels and a competition to win a \$100 Shop in our Shire voucher. The result is also in line with the 2023 Annual Community Survey, which found that eNewsletters are trending slowly higher as a preferred method of receiving information from Council over time with 20.5 per cent nominating this form of communication, up from 12.2 per cent in 2022.
 - The continuing positive impact of the website upgrade as more people access the sites – more than 645,150 times in 2022-23 – with 352,314 visits to the Council website alone. According to the Council 2023 Annual Community Survey, 52 per cent of people reported they visit the website – compared with 30 per cent the previous year.
 - Increasing the total number of followers across all Council social media channels by 13.3 per cent. Council's Facebook page saw a 17.3 per cent increase in followers, Instagram had an increase of 16.2 per cent and LinkedIn a 23.5 per cent increase.
 - Supporting more than 524 communication projects or requests, and issuing 107 news releases.
 - The creation and distribution of the New Residents Brochure to community facilities and real estate agents in the Shire.

12. Officers' reports

CM.081/23 Communications Strategy 2022-2025 Annual Action Plan Update

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- Training Council staff across the organisation in the Open Cities website content management system and the use of Council's new internal photo library system Mediazel.
 - Supporting the development and launch of the Northern Councils Alliance Strategic Plan and Advocacy Priorities in October 2022, and further collaboration on the EV and Housing for Key Worker Strategies.
8. A new Action Plan has been developed for Year 2 of the Strategy (**Attachment 3**). There are 26 actions in the new plan, carrying forward 15 ongoing actions from Year 1 and introducing 11 new actions (highlighted in red).
9. New focus areas of the Year 2 Action Plan include:
- The development of an updated Issues Management Communications Plan.
 - The development of a Social Media Strategy.
 - The development of a Signage Style Guide.
 - A review of Councillors Communications in consultation with Councillors.
 - An increased focus on the use of digital video content.
 - An audit of all external communication channels across Council.
 - An update of the internal Writing Style Guide with a focus on access, equity and inclusion.
 - Expanded training for staff in Community Engagement and Accessible Communications and Marketing.
 - An expanded Council presence at community festivals and major events.

Related Council decisions

10. The Communications Strategy 2022-2025 was adopted by Council on 26 July 2022.

Options

11. Not applicable.

Council plans and policies

12. 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.

Access, Equity and Inclusion

13. A Gender Impact Assessment was completed as part of the development of the Strategy. Actions of this Strategy also support Council's Access, Equity and Inclusion Policy.

Sustainability implications

14. Sustainability implications are considered in the implementation of all actions.

12. Officers' reports

CM.081/23 Communications Strategy 2022-2025 Annual Action Plan Update

15. The Strategy seeks to improve sustainable digital communication options, but where required to use traditional printed communication methods, material must be printed with vegetable ink on 100 per cent recycled paper.

Community engagement

16. Community engagement was undertaken on the draft Strategy in Q4 2021-2022.

Innovation and continuous improvement

17. The Strategy actions seek to continually improve Council's communication and engagement with the Nillumbik community.
18. The results of the Annual Community Survey, as well as other relevant data is used to measure and guide the actions of this Strategy.

Collaboration

19. Not applicable.

Budget implications

20. The implementation of Year 1 and 2 actions fall within operational budgets.

Relevant law

21. *Local Government Act 2020* (s10).

Regional, state and national plans and policies

22. Not applicable.

Conflicts of interest

23. 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.082/23 Local Roads and Community Infrastructure Program - Phase 4**

Distribution: **Public****Manager:** **Vince Lombardi, Chief Operating Officer****Author:** **Steven Blight, Manager Capital and Infrastructure****Summary**

To confirm the proposed works to be funded by the Local Roads and Community Infrastructure Program - Phase 4 prior to submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for approval.

Recommendation

That Council:

1. Notes the Local Roads and Community Infrastructure Program - Phase 4 funding allocation of \$1,165,509 (excluding GST).
2. Approves the projects listed in **Attachment 1** for submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Attachments

- 1  Local Roads and Community Infrastructure Program - Phase 4 Projects

Discussion

1. The Australian Government established a Local Roads and Community Infrastructure Program (LRCI Program).
2. This program was established to support local councils deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities rebound from the COVID-19 pandemic.
3. Funding allocations for the LRCI Program were calculated in a similar way to how the Roads to Recovery Program and the road component of the Financial Assistance Grants works.
4. This formula takes into consideration road length and population and is based on recommendations of Local Government Grants Commissions.
5. The program has now reached its fourth phase of funding.
6. Under Phase 4 Nillumbik Shire Council has received a total funding allocation of \$1,165,509 which is made up of two components part A and part B.
7. The two funding components totalling \$1,165,509 allocation are:
 - a) Part A \$739,151 can be spent on either local roads or community infrastructure projects
 - b) Part B \$426,358 must be spent on eligible local roads projects

12. Officers' reports

CM.082/23 Local Roads and Community Infrastructure Program - Phase 4

8. Part A projects are defined as:
 - a) Eligible community infrastructure projects include the construction, maintenance and/or improvements to any Council owned assets, including natural assets, that is open for the use of and primary benefit to the community.
9. Part B projects are defined as:
 - a) Eligible road projects involve any works associated with a road. This includes the following
 - i) Roads and footpaths
 - ii) Traffic signs and/or traffic calming/control equipment
 - iii) Street lighting equipment
 - iv) Bridges and tunnels
 - v) Off road facilities used by heavy vehicles
 - vi) Off road facilities that support the visitor economy.
10. The projects proposed for Phase 4 of the LRCI funding are detailed in **Attachment 1**.

Related Council decisions

11. Prior phases of funding (phase 1 - 3) have been approved by Council.

Options

12. Projects for the LRCI Phase 4 have been nominated on the basis of meeting eligibility criteria.
13. A key consideration was distribution of grant funding allocation across the municipality.
14. The proposed projects and funding allocation are listed in **Attachment 1**.
15. Approval is sought for the projects for submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts under the Local Roads and Community Infrastructure Phase 4 Program.

Council plans and policies

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We source alternative and innovative funding sources to support and complement Council services and infrastructure.

Access, Equity and Inclusion

17. Where applicable projects are reviewed to ensure an inclusive and equitable outcome is achieved.

Sustainability implications

18. This report does not directly raise any sustainability implications.
19. All projects are reviewed and where possible sustainability initiatives are implemented.

Community engagement

20. Undertaken as part of the respective project.

12. Officers' reports

CM.082/23 Local Roads and Community Infrastructure Program - Phase 4

Innovation and continuous improvement

21. Not applicable.

Collaboration

22. Where applicable a collaborative approach is undertaken for the projects.

Budget implications

23. No impact on operational budget.

Relevant law

24. Not applicable.

Regional, state and national plans and policies

25. Not applicable.

Conflicts of interest

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

12. Officers' reports

CM.082/23 Local Roads and Community Infrastructure Program - Phase 4

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12. Officers' reports

CM.083/23 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Distribution: Public

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

Author: Katia Croce, Manager Governance and Property

Summary

Section 224 of the *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer makes these appointments by authority conferred by Instrument of Delegation by Council dated 27 July 2021.

Section 147(4) of the *Planning and Environment Act 1987* provides for the appointment and authorisation of Council Officers for the purpose of the *Planning and Environment Act 1987*.

To strengthen Council's decision making and enforcement processes, appointment of authorisation under the *Planning and Environment Act 1987* is being recommended by Council Resolution.

Recommendation

That Council in the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, resolves that:

- a) The Nillumbik Shire Council staff referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) (**Attachment 1**) be appointed and authorised as set out in the instrument.
- b) The common seal of Council be affixed to the Instrument.
- c) The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

Attachments

1.  Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Discussion

1. The purpose of this report is for Council to consider executing an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (Instrument).
2. Instruments of Appointment and Authorisation enable Council staff to exercise powers permitted to authorised officers under legislation or Council local laws.

12. Officers' reports

CM.083/23 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

3. Council subscribes to the Maddocks Authorisations and Delegations service. The appointment and authorisation of officers for the purposes of enforcing the *Planning and Environment Act 1987* enables day to day statutory and operational decisions to be made in relation to this Act.
4. The proposed Instrument (**Attachment 1**) is based on the model developed by Maddocks Lawyers and available through the subscription service.
5. Maddocks recommend that Officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis. The instruments are reviewed by Governance as required to ensure they are up to date. The current Instrument is dated 24 July 2023.

Related Council decisions

6. Not applicable

Options

7. It is recommended by Officers that Council resolves that the Officers referred to in the instrument (**Attachment 1**) be appointed and authorised as set out in the instrument.

Council plans and policies

8. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We act in the best interests of our community.

Access, Equity and Inclusion

9. Not applicable

Sustainability implications

10. Not applicable

Community engagement

11. As a legislative requirement and an administrative function of Council, Community engagement is not required.

Innovation and continuous improvement

12. Council's appointments and authorisations under the *Planning and Environment Act 1987* have been signed under delegation to the CEO in accordance with legal advice. In order to strengthen Council's decision making and enforcement process it is recommended that Council make these appointments by Council Resolution.

Collaboration

13. Not applicable

Budget implications

14. The appointment of authorised officers is an administrative exercise undertaken by Council Officers. There is no additional resourcing required if Council supports and resolves the officer recommendation.

12. Officers' reports

CM.083/23 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Relevant law

- 15. Section 224 of the *Local Government Act 1989*
- 16. Section 147(4) of the *Planning and Environment Act 1987*

Regional, state and national plans and policies

- 17. Not applicable

Conflicts of interest

- 18. 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.083/23 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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12. Officers' reports**CM.084/23 Informal Meetings of Councillors Records - 26 September 2023**

Distribution: Public**Manager: Blaga Naumoski, Director Governance, Communications and
Community Safety****Author: Katia Croce, Manager Governance and Property****Summary**

In accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, adopted on 25 July 2023, Council is required to report as soon as practicable to a Council Meeting a record of each Informal Meeting of Councillors held.

This report lists Informal Meetings of Councillors Records submitted since the matter was last reported to Council on 22 August 2023.

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

1. Health and Wellbeing Advisory Committee held 10 August 2023;
2. Councillor Briefing held 15 August 2023;
3. Biodiversity Strategy meeting held 15 August 2023;
4. Environment and Sustainability Advisory Committee Meeting held 16 August 2023;
5. Council Meeting Pre-Meet held 22 August 2023;
6. Inclusion and Access Advisory Committee held 25 August 2023;
7. Councillor Briefing held 29 August 2023;
8. Youth Council Meeting held 4 September 2023;
9. CEO Employment Matters Committee held 5 September 2023; and
10. Councillor Briefing and PCC Pre-Meet held 12 September 2023.

Recommendation

That Council, in accordance with *Item 20 of Council's Governance Rule – Meeting Procedures*, receives the Informal Meetings of Councillors Records (**Attachment 1**) for the meetings held.

Attachments

- 1  Informal Meeting of Councillors Records reported 26 September 2023

Discussion

1. *Item 20 of Council's Governance Rule – Meeting Procedures*, 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.084/23 Informal Meetings of Councillors Records - 26 September 2023

Related Council decisions

2. Not applicable.

Options

3. An Informal Meetings of Councillors is defined in *Item 20 of the Governance Rule – Meeting Procedures*. 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 20 of the Governance Rule – Meeting Procedures*, 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 at 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 20 of the Governance Rule – Meeting Procedures*.

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.

Access, Equity and Inclusion

9. A Gender Impact Assessment has not been completed for this report.

Sustainability implications

10. Not applicable.

Community engagement

11. Not applicable.

12. Officers' reports

CM.084/23 Informal Meetings of Councillors Records - 26 September 2023

Innovation and continuous improvement

12. Not applicable.

Collaboration

13. Not applicable.

Budget implications

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

Relevant law

15. *Local Government Act 2020.*

Regional, state and national plans and policies

16. None applicable.

Conflicts of interest

17. 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.084/23 Informal Meetings of Councillors Records - 26 September 2023

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13. Notices of Motion

NOM.003/23 Nillumbik Kangaroo Harvesting Program

Cr Frances Eyre advised of her intention to move the following:

Motion

That Council:

1. Notes community concern regarding the cruelty involved in the Kangaroo Harvesting Program run by the State Government.
2. Requests that officers brief Council on the program and potential advocacy to state government in October 2023.

14. Delegates' Reports

15. Supplementary and urgent business

16. Confidential reports

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

CM.085/23 CEO Employment Matters Committee

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

Recommendation

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

17. Close of Meeting