

## Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 14 November 2017 commencing at 7pm.

## Agenda

**Mark Stoermer**  
**Chief Executive Officer**

Thursday 9 November 2017

Distribution: Public

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*Wominjeka*

## Future Nillumbik Committee seating plan

**Cr John Dumaresq**  
Edendale Ward  
Infrastructure  
Portfolio

**Cr Karen Egan**  
Bunjil Ward  
Economic and  
Development  
Portfolio

**Cr Grant Brooker**  
Blue Lake Ward  
Environment and  
Sustainability  
Portfolio

**Cr Peter Perkins**  
Ellis Ward  
Planning Portfolio

**Cr Jane Ashton**  
Sugarloaf Ward  
Community  
Services Portfolio

**Cr Bruce Ranken**  
Swipers Gully Ward  
Social Infrastructure  
Portfolio

**Rachel Cooper**  
Director Business  
and Strategy

**Mark Stoermer**  
Chief Executive  
Officer

**Cr Peter Clarke  
(Mayor)**  
Wingrove Ward  
Finance and  
Governance  
Portfolio

**Matt Kelleher**  
Director Services  
and Planning

**Hjalmar Philipp**  
Director  
Sustainability and  
Place

Visitors in the gallery at Committee meetings are:

- Welcome to copies of the various reports which will be considered by this Committee at the meeting. These are on the table in the foyer.
- Welcome to tea, coffee and water. These are on the table in the foyer near the Council Chamber entry.
- Requested to observe deliberations quietly in order for Committee meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

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**Nillumbik Shire Council**

**Agenda of the Future Nillumbik Committee Meeting to be held Tuesday 14  
November 2017 commencing at 7pm.**

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**1. Welcome and apologies**

**Welcome by the Chair**

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

**Apologies**

**Motion**

**That the apologies be accepted.**

**2. Disclosure of conflicts of interest**

Committee members should note that any disclosure of conflict of interest must be disclosed immediately before the item in which they have an interest.

**3. Confirmation of minutes**

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 17 October 2017.

**Motion**

**That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 17 October 2017 be confirmed.**

**4. Officers' reports****FN.043/17 Health and Wellbeing Plan 2017-2021 - Consideration of submissions**

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**Portfolio: Community Services****Distribution: Public****Manager: Rachel Cooper, Director Business and Strategy****Author: Diana Bell, Social Planning and Policy Officer  
Naomi Paton, Manager Integrated Strategy****Summary**

This report provides the Committee with the outcome of the final community engagement on the draft Health and Wellbeing Plan 2017-2021. There were six submissions to the draft Plan. Community and stakeholder feedback has been reflected in the updated Plan, or will otherwise inform the shaping of specific actions in the detailed annual implementation plans.

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

- 1. Acknowledges and considers submissions from stakeholders and community members who provided feedback on the draft Health and Wellbeing Plan 2017-2021.**
- 2. Acknowledges presentations to the Committee.**
- 3. Requests a further report to be presented at the Ordinary Meeting of Council on 28 November to adopt the final version of the Health and Wellbeing Plan 2017-2021.**

**Attachments**

1. Summary of Submissions

**Background**

1. Preparation of the Health and Wellbeing Plan 2017-2021 has been undertaken in conjunction with the community and stakeholders, and supported by the Council-appointed Municipal Public Health and Wellbeing Plan Project Reference Group, chaired by Community Services Portfolio Councillor Jane Ashton.
2. The draft Plan was developed with the assistance of over 800 community members and stakeholders, and endorsed by Council for final community engagement during the period 1-30 September 2017.

**Policy context**

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community.

**4. Officers' reports**

**FN.043/17 Health and Wellbeing Plan 2017-2021 - Consideration of submissions**

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**Budget implications**

4. The cost to Council in preparing the Health and Wellbeing Plan is estimated to be \$25,000, funded in Council's 2017-2018 operating budget.

**Consultation/communication**

5. The draft plan underwent community engagement over the period of 1-30 September 2017.
6. Engagement on the draft Plan was provided on the 'Have Your Say' page of the website and promoted through Nillumbik News, media release, social media and email distribution.
7. Consultation was also held with the Municipal Public Health and Wellbeing Plan Project Reference Group and the Positive Ageing Reference Group.

**Issues/options**

8. Council officers have reviewed the submissions by assessing proposed changes against the goals and objectives of the Plan and requirements of the *Public Health and Wellbeing Act 2008*.
9. The six people who submitted proposed changes to the Plan have been invited to present their submissions to this Committee.

**Conclusion**

10. The summary of submissions and officer recommendations for incorporating changes into the final Plan is attached for consideration together with any presentations made to the Committee at this meeting.

**4. Officers' reports**

**FN.044/17 Arts and Cultural Plan 2018-2022**

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**Portfolio Community Services**

**Distribution: Public**

**Manager: Rachel Cooper, Director Business and Strategy**

**Author: Michelle Zemancheff, Coordinator Arts and Cultural Development**

**Summary**

The purpose of this report is to advise the Committee of the outcome of recent community engagement for the Arts and Cultural Plan 2018-2022, and of the development of that plan to date.

Based on that engagement, a Discussion Paper has been developed which responds directly to community needs and sets out a fully costed 4.5 year Draft Arts and Cultural Plan 2018-2022 that delivers on the Council Plan Strategic Objective 2 for active lifestyles and artistic expression through participation and innovation. The Draft Plan can be found on pages 16-20 of the Discussion Paper.

**Recommendation**

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

- 1. Endorses the Arts and Cultural Plan Discussion Paper.**
- 2. Endorses the release and public exhibition of the Arts and Cultural Plan Discussion Paper for a two week period and instructs Officers to report to Council with the community's response to same.**

**Attachments**

1. Arts and Cultural Plan Discussion Paper

**Background**

1. Consultation for the Arts and Cultural Plan 2018-2022 was undertaken between June and August 2017. The process focused primarily upon community values, which underpin cultural planning principles.
2. The community's three key values confirmed through this process were the importance of:
  - The natural environment
  - Community connectedness
  - The local artistic heritage.
3. An Arts and Cultural Plan Discussion Paper (Attachment 1) has been developed to form the framework for the Draft Arts and Cultural Plan 2018-2022 ('the Draft Plan').

**4. Officers' reports**

**FN.044/17 Arts and Cultural Plan 2018-2022**

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**Policy context**

4. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

**Budget implications**

5. The Draft Plan is fully costed and will be incorporated into the wider budgeting processes for the Business and Strategy directorate.
6. The Draft Plan introduces a Percent for Art Policy which will invoke a self-sustaining funding model.

**Consultation/communication**

7. Some 300 diverse community members participated in the engagement, through the *Travelling Teapot* focus group sessions, face-to-face interviews with key stakeholders and on-line survey respondents, together with the Arts Advisory Committee.
8. Overwhelmingly, the community called for:
  - Progressive contemporary arts that challenge the audience
  - Innovative public arts that comprises participatory and performing arts, in particular music
  - Opportunities for community to come together and exchange ideas
  - Space for production, presentation, place making and place activation
  - Increased availability of grants and flexible funding models to enable artist and community-led initiatives.
9. The Arts Advisory Committee has been further consulted on the Discussion Paper.
10. The Discussion Paper has also been peer-reviewed by the peak industry body, Cultural Development Network.

**Issues/options**

11. The Draft Plan will work to industry best practice, with measurable cultural outcomes that align with peak organisations such as Creative Victoria, Cultural Development Network, Municipal Association of Victoria and Victorian and other local government authorities.
12. Rather than committing Council to an aspirational and exhaustive wish-list, the Draft Plan will focus on outcomes, in accordance with industry best practice. This enables an ability to be responsive to needs, and ensures sustainability.

4. Officers' reports

FN.044/17 Arts and Cultural Plan 2018-2022

13. It is recommended the Draft Plan be implemented through a spectrum of three community cultural development portfolios as follows:

Portfolio	Council Plan Priority Action	Community values
Creative Industries and Cultural Collection	2.2.2. Review Artist in Residency Program and Art Acquisition Policy. 2.2.4. Seek government funding for the development of a public art gallery of regional significance. 2.2.5. Recognise and support opportunities which develop and grow creative and cultural industries positioning Nillumbik, the Green Wedge Shire, as a key destination.	Local artistic heritage
Public and Literary Arts	2.2.5. Recognise and support opportunities which develop and grow creative and cultural industries positioning Nillumbik, the Green Wedge Shire, as a key destination. 2.2.6. Support and promote arts and cultural activities that maximise access across the Shire.	Natural environment
Community Arts and Local History	2.2.6. Support and promote arts and cultural activities that maximise access across the Shire. 2.2.7 Recognise performing arts through facilitation and promotion throughout the Shire. 2.2.8. Review Council's programs for grants to the community.	Community connectedness

14. The first year of the Draft Plan will see:

- A suite of exciting innovations in signature programs such as Nillumbik Prize, Literary Nillumbik, and the artist residency program, significantly investing in the local creative industry and cultural tourism.
- The launch of a progressive new ephemeral public art program.
- New initiatives to support a flourishing community arts and performing arts sector locally, providing greater access to the arts across Nillumbik.
- The development of a Percent for Art Policy relating to capital works and development contributions in order to establish a self-sustaining funding model.

4. Officers' reports

**FN.044/17 Arts and Cultural Plan 2018-2022**

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- Together with a Public Art Plan that outlines best practice in public art models and the strategic identification of key sites for public art and major sculptural installations to augment township planning strategies.
15. The four year Draft Plan will:
- Shift from direct service and programming delivery to greater provision of grants, with an emphasis on community and artist-led projects, investing in innovation and capacity building.
  - Provide greater diversity for major programming such as Nillumbik Prize and Literary Nillumbik through bi-annual events to enable the emergence of new and innovative new opportunities for local creatives.
  - Provide new opportunities to engage with our indigenous heritage through the arts, embrace local history through cross-disciplinary projects and weave Nillumbik's emerging multi-culturalism into community arts.
  - Utilise new spaces (built and natural) for the delivery of innovative creative practices.
16. The Discussion Paper outlines from page 21, an example range of activity types in order to meet strategic outcomes under the Council Plan.
17. It is pertinent to return to the consultation participants with Discussion Paper and Draft Plan with an invitation to provide any responses prior to final adoption. This is an important step in community engagement to enable continued dialogue and buy-in.
18. After formal adoption of the Arts and Cultural Plan 2018-2022 by Council, it is intended the plan will be formally launched on 2 February 2018 alongside an exhibition of artworks developed for the *Travelling Teapot* creative consultation.

**Conclusion**

19. Officers recommend the Committee endorses the Arts and Cultural Plan Discussion Paper and the public release and exhibition of same for a two week period.
20. Officers will subsequently report to the Future Nillumbik Committee on 12 December 2017 with the Arts and Cultural Plan 2018-2022 for final adoption by Council.

#### 4. Officers' reports

##### **FN.045/17 Proposed reforms to planning controls for animal industries in Victoria**

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**Portfolio:** Planning

**Distribution:** Public

**Manager:** Rachel Cooper, Director Business and Strategy

**Author:** Ellis Judson, Strategic Planner

#### **Summary**

The Victorian Government is seeking feedback on proposed reforms to planning controls for Victoria's animal industries. This consultation document sets the strategic direction for planning for animal industries in Victoria, following a review by the government appointed Animal Industries Advisory Committee (AIAC) in 2016, to consider how the planning system could be improved to better support animal industries.

The focus of the proposed reforms is on clarifying the planning requirements and supporting more streamlined decision-making, to encourage growth of small scale animal industries, whilst balancing environmental outcomes and community expectations.

A clearer definition is introduced to differentiate 'Grazing animal production', and a simplified permit process to fast track small animal production operations.

This report seeks endorsement of Nillumbik Council's submission to State Government.

#### **Recommendation**

**That the Committee (acting under delegation from Council) endorses the draft submission (Attachment 1) to State Government on proposed reforms to planning controls for animal industries.**

#### **Attachments**

1. Submission - Proposed reforms to planning controls for animal industries in Victoria

#### **Background**

1. Around 91 per cent of land within Nillumbik Shire is non-urban land within the Nillumbik Green Wedge. Within the Green Wedge, land use is a mix of intensively settled rural lifestyle areas, farming, recreational zones and state forest and parks.
2. The area utilised for farming and agriculture accounts for only 16 per cent of the land area of the Shire (ABS, 2010). There are some substantial commercial farming enterprises and agriculture continues to be a significant economic activity. However, in areas of rural residential development the subdivision pattern is generally too small to support fully commercial farming: there are few large-scale agricultural operations, with high incidence of small-scale value added agriculture, part-time and 'hobby farming'.
3. Within Nillumbik, agriculture generates an output of \$31.7 million (.idcommunity resources at <http://economy.id.com.au/Nillumbik/output-by-industry>). One hundred and fifty-one people are directly employed in agriculture (National Institute of Economic and Industry Research, 2016).

**4. Officers' reports**

**FN.045/17 Proposed reforms to planning controls for animal industries in Victoria**

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**Policy context**

4. This report supports the achievement of the Council Plan 2017-2021:
- a) A strong local economy that supports business growth, jobs and community wealth (Strategic Objective 4 – A prosperous economy)
  - b) Encourage investment and development within the Shire to increase economic development and local employment, and broaden the rate base while at the same time preserving the Green Wedge (4.1)
  - c) Review planning application processes so that outcomes are timely, positive, customer centric and meet statutory requirements (4.1.4)
  - d) Clarify the planning scheme to enhance opportunities for agricultural enterprises to prosper in appropriate ways in rural areas of Nillumbik (3.1.3).
  - e) Advocate on important policy issues that affect the Nillumbik community, and co-ordinate government and community leaders for an optimum outcome (5.2.1).
  - f) Provide advice and support to landowners on the sustainable land management of their properties (3.6.5)

**Budget implications**

5. The officer time in preparing this submission is met within existing resources in Council's 2017-2018 budget.

**Consultation/communication**

6. The State Government has conducted a two month consultation period including public information sessions, with eleven sessions held in Victoria for planners, farmers and the community. Alexandra (26 October) was the closest for farmers and community in Nillumbik.
7. Council communicated advice on the proposed changes and the nearest information session for residents of Nillumbik through social media on 25 October. This advice complemented State Government's communications across various mediums.
8. Residents have an opportunity to speak to the proposed changes at the Future Nillumbik Committee meeting, in addition to being encouraged to make their own submission.

**Issues/options**

9. Summary of key changes:
- a) To amend agricultural use definitions that pertain to animal industry, specifically replacing intensive animal husbandry and extensive animal husbandry with more specific and user friendly use definitions.
  - b) The definition of 'Animal production' is to be 'land used to keep or breed poultry or mammals, other than rodents, for the production of eggs, fibre, meat, milk or other animal products'. As such, animal production could also include sheep, alpacas, deer, etc.

**4. Officers' reports****FN.045/17 Proposed reforms to planning controls for animal industries in Victoria**

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- c) A new definition of 'Grazing animal production' which clarifies the difference between animals that obtain food from grazing and operations that feed animals (known as intensive animal production). Emergency, seasonal and supplementary feeding are accepted as part of grazing – this is a common occurrence and addressed as a specific use.
  - d) Agriculture is already a Section two use (permit required) in the Rural Conservation Zone (RCZ). The proposed reforms will clearly confirm that a permit would be required to initiate or expand a grazing operation in the RCZ. As an option, consideration could be given to grazing becoming a Section one (no permit) in the RCZ.
  - e) In the Green Wedge Zone grazing would not need a permit, as is the case now. Subject to conditions on numbers of animals/poultry, size of land, and setbacks from dwellings, residential/urban growth zones and waterways/wetlands, the use of land for small-scale pig and poultry farming operations would not require a permit.
  - f) Intensive Animal Production (including Cattle Feedlot) would become a Section two use (permit required) in the Green Wedge Zone, subject to conditions.
  - g) Poultry farm (and broiler farm) would become Section two i.e. permit required in the RCZ. Currently, Broiler Farm is a Section three use (not permitted).
  - h) A poultry farm also includes emus and ostriches and provides for number restrictions for no permit required/permit required streams.
  - i) A pig farm is also proposed to be a Section two use in the RCZ, providing a number of conditions can be met (setback distances from residential uses and pig number restrictions).
  - j) A streamlined permit process is introduced for pigs and poultry operations that are able to meet conditions, with exemption from notice and third party review for 'low risk' farms (100 metres setback from dwellings and restricted numbers).
  - k) The changes do not affect animals that are kept for racing or recreation (for example, horses) as these are not included in 'animal production'.
  - l) Existing use rights would apply for current legal animal production operations.
10. In relation to the proposed changes to the planning scheme, Council is supportive of the Government's intent to enhance opportunities for increasing small scale animal production activities within the Green Wedge by:
- Continuing to grow Victoria's animal industries in a sustainable manner
  - Assessing and managing environmental and amenity impacts of animal industries are considered through the planning system
  - Supporting local government to make well informed decisions
  - Increasing community confidence in Victoria's animal industries
  - Providing greater clarity around land use terms
  - Distinguishing between 'intensive' and 'extensive' animal production

## 4. Officers' reports

## FN.045/17 Proposed reforms to planning controls for animal industries in Victoria

- Including grazing animal production as a Section one use (no permit required) within the Green Wedge Zone. Farming is a primary purpose of these zones and the use should be as-of-right where it does not unreasonably impact the amenity of nearby properties, and reinforces the values of the Green Wedge and Rural Conservation Zone.
- Providing a logical, graduated approach to planning controls based on risk that is accompanied by decision guidelines and information requirements tailored to the category and the level of risk.

## 11. Key issues for Nillumbik are:

- a) Compatibility between pig and poultry farming and conservation values in the Rural Conservation Zone: Clause 35.06 of the Victoria Planning Provisions sets out the purpose of the Rural Conservation Zone (RCZ), including:
  - To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
  - To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.

Currently, under the Nillumbik Planning Scheme, broiler and pig farms are Section 3 Uses (prohibited) within the RCZ. These will potentially become Section 1 and 2 uses (if specific conditions are not met).

The RCZ has a strong environmental conservation focus and provides little guidance in promoting agricultural industry. As such, the objectives and decision guidelines of this zone will need to adapt to this new direction of encouraging the growth of Victoria's animal industries. It is recommended more work is undertaken to assist assessment of proposed uses. It would be appropriate to review the purpose of the zone concurrently with these changes.

- b) Rural-residential amenity: There is uncertainty over whether the setbacks are sufficient to mitigate potential impacts on amenity. Variation in topography of an area, tree cover, wind direction, etc. will affect setbacks differently.

One of the problems for agricultural uses in rural-residential areas is residents of nearby properties making nuisance complaints. Council is the responsible authority for the vast majority of planning applications for animal production, as well as investigating and acting upon breaches of the planning scheme or permit conditions. Council is also responsible for acting upon nuisance complaints for issues potentially arising from animal production such as noise, dust, and odour, and managing residents' expectations. Greater scientific consideration is required, in terms of the ability of setbacks to mitigate potential impacts of odour and waste.

As there are few standards that will be applied to the exempt categories, there is a possibility that farms will start small and 'evolve' to become greater in size and impact. This would place an enforcement burden on the Council to be responding to complaints and monitoring small operators.

**4. Officers' reports**

**FN.045/17 Proposed reforms to planning controls for animal industries in Victoria**

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- c) Exemption from notice and review: There is general support for business development, and streamlining planning processes to encourage appropriate, low risk development that does not adversely impact or cause nuisance. However, there is limited discussion about the thresholds for small pig and poultry farms and how the risk has been assessed.

Further, the streamlined application process and proposed exemptions from notice and review for Section 2 uses (poultry and pig farms) may be perceived to be counter to natural justice – given community sensitivity about communication and neighbour amenity that need to be considered, and how this will be managed. In considering new Section 2 use (rather than Section 3 use) should take a precautionary approach, subject to later review before taking away notice of appeal rights.

**Conclusion**

12. The reforms to planning controls are seeking to introduce clearer definitions for animal industries, risk-based planning controls and simplified planning permit process for low risk operations.
13. The proposed reforms to encourage sustainable agricultural production align with Nillumbik's strategic imperative to encourage economic development where this reinforces the values of the Green Wedge and Rural Conservation Zone.
14. It is recommended that Committee endorses the attached submission, which is supportive of the proposed changes, and provides feedback on the areas of concern for Nillumbik.

**Future Nillumbik Committee agenda**

**14 November 2017**

- 5. Supplementary and urgent business**
- 6. Confidential reports**