

Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 10 September 2019 commencing at 7:00pm.

Agenda

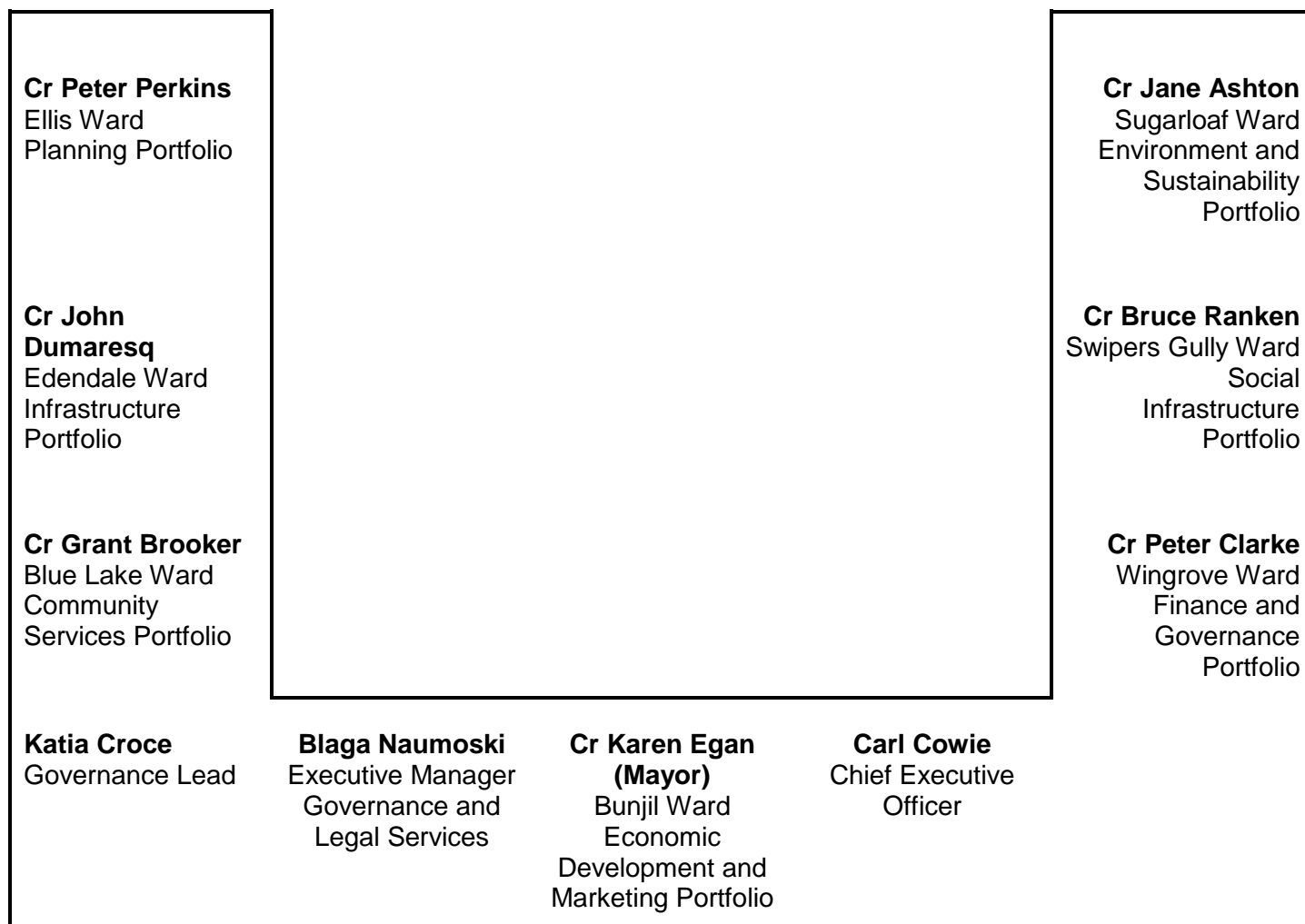
Carl Cowie
Chief Executive Officer

Friday 6 September 2019

Distribution: Public

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Future Nillumbik Committee seating plan



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.

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Future Nillumbik Committee meeting to be held
Tuesday 10 September 2019 commencing at 7:00pm.**

1. 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.

2. Reconciliation statement

The reconciliation statement to be read by the Chairperson

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

3. Apologies

Recommendation

That the apologies be noted.

4. Confirmation of minutes

Confirmation of minutes of the Future Nillumbik Committee meeting held on Tuesday 13 August 2019.

Recommendation

That the minutes of the Future Nillumbik Committee meeting held on Tuesday 13 August 2019 be confirmed.

5. Disclosure of conflicts of interest

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

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6. Officers' reports

FN.020/19 MAV State Council 19 October 2019 motions

Portfolio: Finance and Governance**Distribution:** Public**Manager:** Blaga Naumoski, Executive Manager Governance and Legal Services**Author:** Katia Croce, Governance Lead**Summary**

The Municipal Association of Victoria (MAV) State Council meets to consider matters of state-wide significance. The MAV State Council meets to consider matters of state-wide significance. The next meeting is being held on 17 October 2019.

Under the Rules all motions are due to be submitted by no later than midnight on 20 September 2019. Early motions, received by midnight on 9 September, will be distributed to MAV representatives on 13 September (i.e. five weeks before State Council).

Motions must have state-wide significance or relevance across the Victorian Local Government sector and be related to issues and initiatives that affect the livelihood and wellbeing of the Nillumbik community.

Furthermore, at the May 2019 State Council meeting there was unanimous support for a Rules change to minimise the number of repetitive motions that are included in State Council Business Papers.

On the 6 August 2019, Councillors were briefed on suggested topics for inclusion. Councillors were also afforded the opportunity to add motions for consideration. Officers prepared the motions and appropriate supporting documentation based on Councillor feedback and at the 3 September 2019 briefing, Councillors communicated their support for the proposed motions.

This report is seeking Councillor endorsement to lodge the three motions to the MAV State Council Meeting to be held of 17 October 2019.

Recommendation

That the Committee (acting under delegation from Council):

1. Resolves to adopt the following three motions to the Municipal Association of Victoria's State Council Meeting to be held on 17 October 2019:
 - a. *'That the MAV:*
 - i. *Take a leadership role in developing and supporting Councils in efficient and effective Local Government business and digital transformation; and*
 - ii. *Advocates to State Government to provide financial support, in the form of grants, for councils embarking on business and digital transformation to enable it to better deliver on community expectations and enhance service delivery.*
 - b. *That the MAV advocates to VicRoads to provide clarity and purpose on the value provided to local government agencies as a result of deducting 10 percent administration fees (6 percent for SSRIP - Safe System Road*

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Infrastructure Program - and 4 percent VicRoads Metro regional offices) from infrastructure grants allocated to councils.

c. *That the MAV advocates to the State Government to create a grant to allow councils in the Green Wedge to apply for funds to help with preserving the Green Wedge and deliver on actions deriving from GWMPs.'*

2. Resolves to lodge motions and rationale (**Attachment 1**) to the Municipal Association of Victoria's State Council Meeting to be held on 17 October 2019.

Attachments

1. Nillumbik Shire Council motions - MAV State Council 17 October 2019

Background

1. The MAV State Council Meeting provides the opportunity for councils to submit motions on matters of state-wide significance to the Victorian Local Government sector. MAV State Council Meetings are convened twice a year, in May and October.
2. The resolutions of the MAV State Council Meeting enable issues of significance and strategic importance for the local government sector to be acted upon through a peak organisation. Endorsement at the State Council indicates an issue has state-wide support and strengthens the profile of these issues, which facilitates stronger advocacy with other levels of government.

Policy context

3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Advocate effectively for Nillumbik's interests at a state and national level.

Budget implications

4. There are no budget implications associated with submitting motions to the MAV.

Consultation/communication

5. The attached motions were prepared in consultation with relevant officers responsible for each motion.

Issues/options

6. Council has until 20 September 2019 to submit motions to the MAV State Council. The MAV Strategic Plan 2019-2021, adopted at the May 2019 State Council Meeting, identifies nine MAV Member Priorities. It is encouraged that motions relate to the priorities as identified below:
 - Financial sustainability
 - Waste & resource recovery
 - Government relations
 - Transport, freight & infrastructure
 - Societal & social policy changes
 - Sustainable land use

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- Business/digital transformation
- Climate change & environment
- Population growth/decline

7. Nillumbik Shire Council has identified the three critical areas local government needs to consider now and into the future. Each of which have state-wide significance to the sector that will influence the future direction of many councils and their communities. It is appropriate that the motions (as shown in **Attachment 1**) be moved on behalf of Council for the following reasons:

Business and Digital Transformation support

While there are many Councils doing a range of work in business and digital transformation, there is a lack of structured coordination, information sharing and funding to ensure that local government information technology is strong, secure, affordable and resilient.

Infrastructure Grants

The process for the allocation of funding through infrastructure grants needs to be reviewed to ensure there is a transparent and targeted return of funding to the communities.

Without clarity expectation in the community will be that we have the full amount to contribute, which currently is not the case.

Green Wedge Management Plan funding support

It has been identified through the review of our GWMP that significant resources are required to assist in preserving the Green Wedge and deliver on actions deriving from the GWMP.

The challenges of financial and economic difficulties created by limited revenue growth, environmental burden created by human activity, ageing infrastructure, and cost shifting impact on local governments ability to adequately deliver what is needed to manage and protect the green wedge.

Conclusion

8. Officers recommend that Councillors endorse and lodge the three motions (**Attachment 1**) on or before the 20 September 2019 to include in the Municipal Association of Victoria's State Council Meeting to be held on 17 October 2019.

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6. Officers' reports**FN.021/19 Fireworks Local Law - Submissions**

Portfolio: Planning**Distribution: Public****Manager: Jeremy Livingston, Acting Director Community and Planning****Author: Jonathan McNally, Manager Community Safety and Amenity****Summary**

In 2018, Council commenced investigations to create a local law either prohibiting or restricting the display of private fireworks shows within the Shire. The issue of private fireworks displays is of particular interest in rural areas following a display on private property in St Andrews which has resulted in considerable community interest, and a subsequent commitment from Council that it would undertake investigations in terms of regulating this type of activity. These investigations included considerable benchmarking of other councils, and seeking legal advice as to the nature of regulating such activity through a local law.

The process for making a local law is governed by Part 5 of the *Local Government Act 1989* (the Act). Council has the ability to make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.

Council endorsed the draft Fireworks Local Law and draft Prohibition of Fireworks Local Law for public consultation at the June 2019 Ordinary Council Meeting. The public consultation period was between 26 June and 7 August 2019, and Council has received 49 written submissions. An overview of the feedback received in the submissions and an officer response to the feedback is attached to this report.

This report recommends that the Committee, having received the submissions and heard any verbal submissions, refers a decision regarding the adoption of one of the two draft local laws to the Ordinary Council Meeting on 24 September 2019.

Recommendation

That the Committee (acting under delegation from Council):

1. Notes all of the submissions received in respect of the draft Fireworks Local Law and draft Prohibition of Fireworks Local Law.
2. Requests that officers consider the matters contained in the written and verbal submissions in relation to the draft Fireworks Local Law and draft Prohibition of Fireworks Local Law and present recommendations to the 24 September 2019 Ordinary Council Meeting.
3. Requests that officers thank submitters who have provided contact details and provide a written response to their submissions.

Attachments

1. Fireworks Local Law Submissions and Responses
2. Fireworks Local Law Written Submissions

6. Officers' reports**FN.021/19 Fireworks Local Law - Submissions**

3. draft Fireworks Local Law
4. draft Prohibition of Fireworks Local Law

Background

1. In January of 2017, 2018 and 2019, fireworks displays were conducted on a private property in St Andrews. On each of these occasions, the fireworks displays created community concern, due to the potential impact of fireworks in a rural and fire prone setting. Of particular concern were the potential impact fireworks can have on the safety of livestock and other domestic animals, on wildlife and the potential for a bushfire to be sparked from fireworks during the height of the summer bushfire season.
2. Following the fireworks display in January of this year, there was a heightened expectation that Council investigate and introduce controls to restrict private fireworks displays. Correspondence recently received by Council has included a petition and two further attachments which included a total of 1,172 signatories, with a further 84 signatories having also signed the attachments. The petition requested Council take measures to cease private Firework Licences during peak summer in Country Victoria / Nillumbik Shire.
3. Council's current adopted fireworks policy requires a permit for fireworks displays that are discharged from Council land, however this policy does not establish a need for a permit for displays discharged from private land.
4. At the February 2019 Ordinary Council Meeting, Council determined to proceed with the development of a new Fireworks Local Law.
5. At the June 2019 Ordinary Council Meeting, Council endorsed two draft fireworks local laws for public consultation. The purpose of the local laws is to provide options to introduce regulation into the display of fireworks of private property in the rural areas of the Shire. The draft Fireworks Local Law (**Attachment 3**) aims to introduce a permit requirement for any proposed display, subject to strict criteria and a prohibition on any permits being granted during the high fire danger summer period. The draft Prohibition of Fireworks Local Law (**Attachment 4**) aims to prohibit fireworks from being launched from private property outside the Urban Growth Boundary at any time.
6. A total of 49 submissions have been received, and all submissions received through the Participate Nillumbik website are included with this briefing at **Attachment 1**, along with a draft response provided by officers. Two further written submissions not received via Participate Nillumbik are included at **Attachment 2**.

Policy context

7. 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.

Budget implications

8. Total budget for the development and implementation of a Fireworks Local Law is expected to be approximately \$12,000. This expenditure has been absorbed within the existing Community Safety operating budget, and includes legal expenses, and the

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FN.021/19 Fireworks Local Law - Submissions

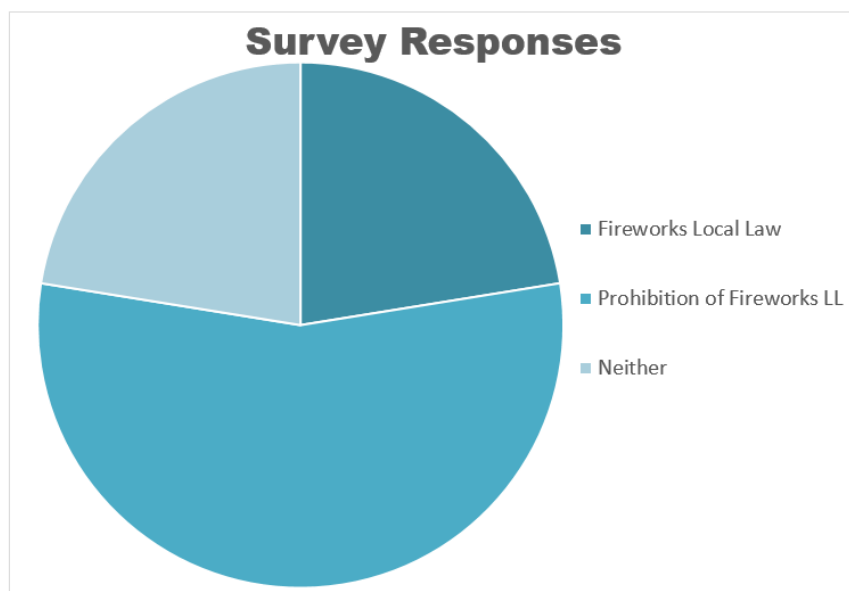
engagement of a consultant to assist in the development of the draft local laws and a Community Impact Statement.

Consultation/communication

9. At the Ordinary Council Meeting on 25 June 2019, the draft Fireworks Local Law and draft Prohibition of Fireworks Local Law were endorsed for public consultation. The consultation period occurred between 26 June and 7 August 2019. A total of 49 submissions have been received.

10. Key themes identified in the submissions received are as follows:

- 55% (27) of submitters supported the Prohibition of Fireworks Local Law;
- 22.5% (11) of submitters supported the Fireworks Local Law; and
- 22.5% (11) supported neither drafted local law.



- 77% (38) of submissions were received anonymously.
- Of the 11 submitters who supported neither local law, three have made written submissions supporting land owner rights to have fireworks displays. A further 6 submitters have not supported either local law on the basis that they do not go far enough in controlling or prohibiting fireworks throughout the entire Shire.
- 16% (8) submitters have recommended that the local law should apply to the entire Shire, both rural and urban. Of these eight submitters, three have supported neither of the local laws as they do not go far enough.
- One submitter has identified that the rural areas of the Shire in the map attached to each draft local law indicates that the local law would not apply to the townships of St Andrews and Panton Hill.
- Several of the submissions suggest that Council advocate for fireworks controls to be escalated to the State Government for better state-wide controls.

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FN.021/19 Fireworks Local Law - Submissions

Conclusion

11. Following the hearing of submissions at this Future Nillumbik Committee Meeting, and the noting of all submissions received in respect of the draft Fireworks Local Law and draft Prohibition of Fireworks Local Law, officers will present a report to the Ordinary Council Meeting on 24 September at which time Council will formally determine the local law path it wishes to adopt.

6. Officers' reports**FN.022/19 Draft Green Wedge Management Plan 2019 summary of community feedback****Portfolio: Planning****Distribution: Public****Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety****Author: Nichole Johnson, Coordinator Strategic Projects****Geoff Lawler, Strategic Advisor****Summary**

The Green Wedge Management Plan 2019 (GWMP) will provide direction over the next decade and will include a vision, principles, goals, objectives and key actions for the management of the Green Wedge.

The GWMP is proposed to replace the existing Nillumbik Green Wedge Management Plan 2010-2025 and has resulted from inputs by various sources. This includes Council's response to the recommendations of the Community Panel majority report, Victorian Government guidelines, the extensive community engagement program and relevant Council policies and strategies, including the Bushfire Mitigation Strategy 2019-2023. Consideration has also been given to a minority report from five members of the Community Panel.

Preparation of the Draft GWMP has been informed by extensive community engagement. The draft GWMP underwent final community consultation over the six week period of 1 July 2019 to 11 August 2019.

This report summarises the feedback on the 746 written submission received on the Draft GWMP received up until Sunday 11 August 2019. Submissions received have been read thoroughly and a number of key themes have been identified. All submitters were advised that they could present their feedback to this Committee.

A report providing a response to the submissions, highlighting suggested changes and recommending the Draft GWMP be adopted, is scheduled for the Ordinary Council Meeting on 26 November.

Recommendation

That the Committee (acting under delegation from Council):

1. Acknowledges the submissions and presentations to Council on the draft Green Wedge Management Plan 2019.
2. Notes that a report proposing adoption of a final Green Wedge Management Plan, including changes in response to community feedback, will be presented to the 26 November 2019 Ordinary Council Meeting.

Attachments

1. Draft Green Wedge Management Plan 2019 Submission Summary

6. Officers' reports**FN.022/19 Draft Green Wedge Management Plan 2019 summary of community feedback**

2. Verbatim Submissions Responses - Due to volume of this attachment it will only be available electronically in five volumes at <https://www.nillumbik.vic.gov.au/Council/Minutes-and-agendas>

Background

1. The Victorian State Government expects each of metropolitan Melbourne's green wedge councils to prepare a GWMP and review it on a regular basis.
2. In its Council Plan, Council committed to review the existing Nillumbik GWMP 2010-2025. In March 2018, Council endorsed the program, process and key milestones guiding the review.
3. The centrepieces of the review were an extensive community engagement and the establishment of a Community Panel (Panel) to make recommendations to Council on "what is the best way for us to manage Nillumbik's green wedge, now and into the future". The Panel was made up of randomly selected members from the community. The Panel sat for six days to hear about and consider the many issues impacting the management of the green wedge.
4. The Panel's recommendations were formally presented in a majority report to Council on 27 November 2018.
5. In December 2018, Council determined its response to the recommendations and requested officers commence writing the Draft GWMP for its consideration and release for further community engagement.
6. In April 2019, Council also received and accepted a revised minority report from five members of the Panel and referred it to officers to take into account when writing the Draft GWMP.
7. At an Ordinary Meeting of Council on 25 June 2019, Council endorsed the Draft GWMP for public consultation for six weeks, from 1 July to 11 August 2019.

Policy context

8. The review of the GWMP addresses Council Plan actions including:
 - *1.1 – Improve community trust through better community connections and genuine engagement.*
 - *3.1.2 – Review the impacts of the on those living in the landscape*
 - *3.1.3 – Clarify the planning scheme to enhance opportunities for agricultural enterprises and tourism to prosper in appropriate ways in rural areas of Nillumbik.*
 - *4.1 – Encourage investment and development within the Shire to increase economic development and broaden the rate base while at the same time preserving the Green Wedge.*
 - *5.1.1 – Ensure that Council policies and processes support good governance.*
 - *5.2.1 – Advocate on important policy issues that affect the Nillumbik community.*

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FN.022/19 Draft Green Wedge Management Plan 2019 summary of community feedback

Budget implications

9. The project budget is \$265,900, funded by Council in the 2017-2018 and 2018-2019 operating budgets.

Consultation/communication

10. A four staged engagement process for the review of the GWMP was implemented:

Stage	Review description	Timing
1	Design of the community engagement plan with the community	April – May 2018
2	Implementation of the engagement. More than 1,000 contributions were received during the 6 week long engagement in mid-2018	May – July 2018
3	44 Panel members were recruited to the Panel and 40 Panel members commenced the first Panel day. The Panel sat for 6 days from 18 August 2018 to 17 November 2018.	Six day panel: 18 August – 17 November 2018
4	Wide community engagement on the Draft GWMP to inform the final plan for Council's consideration.	1 July – 11 August 2019

11. Council actively promoted consultation on the draft GWMP via:

- Social media and Council's online engagement portal – Participate Nillumbik
- Direct mail out of the Bulletin no. 5 to 5119 Green Wedge residents
- 81 emails sent to stay informed list , 475 emails sent to GWMP data base and 24 letters sent to 24 government agencies (which included a copy of Bulletin no.5)
- Distribution of Bulletins through emails
- Posters, postcard and bulletins and hard copy submission forms were distributed throughout the Shire
- 4 Information sessions were held in July 2019 to talk through the draft plan and promote opportunities to provide feedback
- Attendance at Council's advisory committee meetings to discuss the project

Issues/options

12. A total of 746 submissions were received in the following forms:

Method submission received	Number of submissions
Participate Nillumbik electronic platform with 30 of these submissions providing an additional attachment/detail to their submission	280
Hard copy versions of the feedback form	11
Emails	232

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FN.022/19 Draft Green Wedge Management Plan 2019 summary of community feedback

Method submission received	Number of submissions
Hardcopies	213
Mail	10
Total	746

13. Submissions were received from:

Group	Number of Submissions
Local Governments	2
Environment and Sustainability Advisory Committee of Council	1
Department of Environment Land Water and Planning	1
Individuals	717
Other Government Agencies	0
Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation	1
Community Groups	15
Groups – other	9
Total	746

14. Key themes of the commentary within submissions related to:

1. Planning and regulation
2. Environment and conservation
3. Detail and structure of the draft
4. Climate change mitigation
5. Process for developing the GWMP
6. Agriculture
7. Economic activity
8. Bushfire mitigation
9. Traditional owners
10. Equine
11. Prioritising people

6. Officers' reports

FN.022/19 Draft Green Wedge Management Plan 2019 summary of community feedback

15. These themes and the responses to the Participate Nillumbik survey are further described in the Submission Summary attached to this report (**Attachment 1**).
16. A copy of all 746 responses received referred to as 'Verbatim Submissions Responses' is attached to this report (**Attachment 2**).

Conclusion

17. The Green Wedge Management Plan 2019 will provide direction over the next decade and will include a vision, principles, goals, objectives and key actions for the management of the Green Wedge.
18. This report summarises the responses to submissions received into key themes.
19. The submissions received demonstrates Nillumbik's active and connected community.
20. A report proposing adoption of a final Green Wedge Management Plan, including changes in response to community feedback, will be presented to the 26 November 2019 Ordinary Council Meeting.

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- 7. Supplementary and urgent business**
- 8. Confidential reports**