

Ordinary Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 24 May 2016 commencing at 7pm.

Agenda

Stuart Burdack
Chief Executive Officer

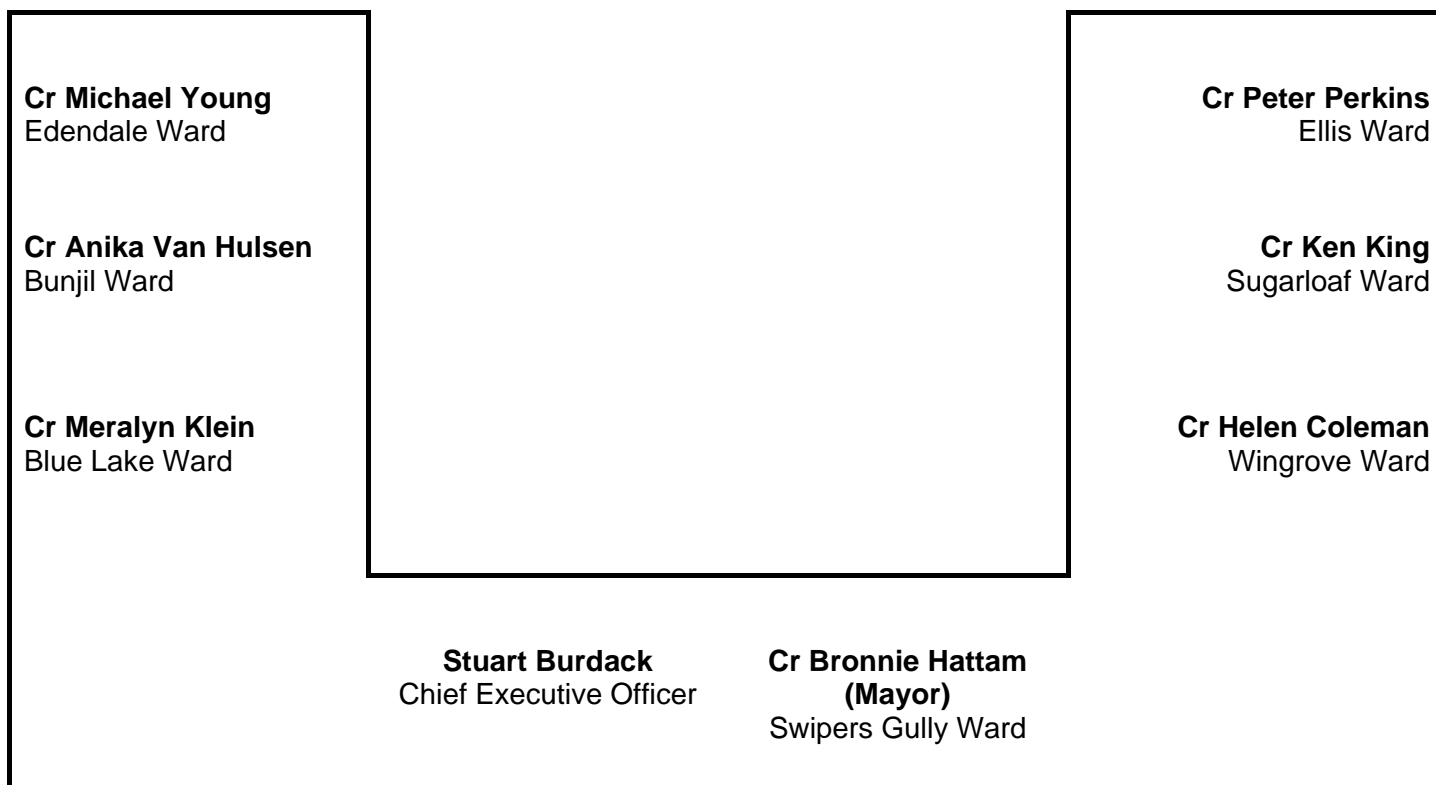
Wednesday 18 May 2016

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Domin je ka

Ordinary Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that a recording of this meeting will be made for the purpose of verifying the accuracy of the minutes.

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Ordinary Meeting of Nillumbik Shire Council to be held Tuesday 24 May 2016 commencing at 7pm.

Welcome by the Mayor

Members of the public are advised the meeting will be recorded for the purpose of verifying the accuracy of the minutes.

1. Reconciliation statement

The reconciliation statement to be read by the Mayor

Nillumbik Shire Council acknowledges the Wurundjeri as the traditional custodians of the land now known as the Shire of Nillumbik and values the significance of the Wurundjeri people's history as essential to the unique character of the Shire.

2. Prayer

A prayer will be read by Associate Pastor Shey Hall of the Diamond Valley Baptist Church.

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. Apologies

Motion

That the apologies be accepted.

5. Presentations

Nil

6. Confirmation of minutes

Confirmation of minutes of the Council Meeting held on Tuesday 26 April 2016.

Motion

That the minutes of the Council Meeting held on Tuesday 26 April 2016 be confirmed.

7. Disclosure of conflicts of interest

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

8. Petitions

PT.002/16

Council has received a petition with 76 signatures from Eltham traders expressing their concern with regards to the Eltham Special Rate being implemented for a further five years.

Motion

That Council:

- 1. Receives the request.**
- 2. Refers it to the General Manager Environment and Planning as a submission to be considered by the Policy and Services Committee in June.**
- 3. Advises the organiser accordingly.**

9. Questions from the gallery

10. Reports of Advisory Committees

AC.005/16 Advisory Committee Report

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Tracey Classon, Personal Assistant to General Manager Corporate Services

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 minutes of meetings are presented to Council. This month, the following minutes are attached for information:

- Municipal Emergency Management Planning Committee minutes 21 March 2016
- Inclusion Advisory Committee meeting minutes 4 April 2016
- The Artisan Hills Marketing Committee meeting held 7 April 2016

Motion

That Council notes the following Advisory Committee minutes:

- 1. Municipal Emergency Management Planning Committee meeting 21 March 2016**
- 2. Inclusion Advisory Committee meeting held 4 April 2016**
- 3. The Artisan Hills Marketing Committee meeting held 7 April 2016**

Attachments

1. Municipal Emergency Management Planning Committee minutes 21 March 2016
2. Inclusion Advisory Committee minutes 4 April 2016
3. The Artisan Hills Marketing Committee minutes 7 April 2016

11. Reports of Special Committees

Nil

12. Officers' reports

OCM.075/16 Nillumbik Planning Scheme Amendment C81 - Significant Landscape Overlay

File: 40/11/086

Distribution: Public

Manager: Ransce Salan, General Manager Environment and Planning

Author: Chad Griffiths, Manager Strategic and Economic Planning

Summary

Amendment C81 seeks to more effectively and efficiently protect the landscape character of the Shire's rural landscapes within the Nillumbik Green Wedge.

This report considers the recommendations of the independent planning panel that considered Amendment C81 to the Nillumbik Planning Scheme and recommends that Council adopts the amendment and submits it to the Minister for Planning for approval.

The amendment proposes to implement the findings of the Shire of Nillumbik Landscape Character Assessment, 2009 and the Green Wedge Management Plan 2010-2025. It sets out detailed guidance for responsive design, siting and style of development. Specifically it introduces seven schedules to the Significant Landscape Overlay and makes consequential administrative changes. The amendment seeks to apply a similar level of protection to the rural areas to that which applies in the urban areas through the Neighbourhood Character Study and associated overlays.

Amendment C81 was placed on public exhibition from 10 April to 29 May 2015. A total of 172 submissions were received. Approximately half of the submissions were supportive or make suggestions about matters of detail. The other half of the submissions opposed the amendment. A quarter of the submissions were not supportive towards the planning system or Council.

An independent planning Panel considered Amendment C81 in February 2016 and has since released its report at Attachment 1, and is supportive of the Amendment:

'The Panel agrees with Council that the Amendment is soundly based on well researched strategic planning and that Council has completed an extensive and very thorough planning process leading to the preparation of Amendment C81. The Panel commends the Council for a generally sequential and logical planning framework that has led to the preparation of the Amendment.'

'The Panel agrees that it is good planning for Council to pursue Significant Landscape Overlays as an effective way of introducing targeted planning controls for these areas.'

In its report, the independent Panel recommended that the Amendment be adopted as exhibited, subject to changes, which are reflected in the drafting of the Panel's preferred version of each Schedule as presented in Appendix D to the Panel report.

The Policy and Services Committee heard 44 verbal presentations from submitters to Amendment C81 regarding the Panel's recommendations at its meeting on 10 May 2016.

It is recommended that Council adopt the amendment as recommended by the independent Panel, modified as discussed in this report, and forward it to the Minister for Planning for approval.

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OCM.075/16 Nillumbik Planning Scheme Amendment C81 - Significant Landscape Overlay

Recommendation

That Council:

- 1. Receives and notes the report of the independent Panel for Nillumbik Amendment C81.**
- 2. Notes that 44 verbal presentations on the Panel report for Amendment C81 were heard by the Policy and Services Committee on 10 May 2016.**
- 3. Having considered the Panel's report and all submissions, adopts Amendment C81 to the Nillumbik Planning Scheme subject to the changes recommended by the Panel, but altered in the following manner, as shown in Attachment 2:**
 - a) Retain Significant Landscape Overlay Schedule 14 in accordance with the secondary recommendation of the Panel.**
 - b) Amend Design and Development Overlay 2, Development Plan Overlay 4 and the referenced Plenty Valley Environmental Living Area Guidelines so that there is no duplication with the provisions in SLO14.**
 - c) Reword the bushfire provision in the Future Character statements to read 'Landscaping and vegetation will be managed to minimise the visual impact on the identified elements of the landscape, while providing defensible space to minimise the risk to life and property.'**
 - d) Retain the low-reflectivity materials statement in the permit exemption to read 'The external finishes of all buildings, including roofing materials, must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light.'**
- 4. Submits Amendment C81 to the Nillumbik Planning Scheme to the Minister for Planning for approval.**

Attachments

- 1. C81 Panel Report**
- 2. Adoption C81 Amendment**

Background

- 1. Council at its Ordinary Council Meeting on 26 June 2012 resolved to:**

'Endorse the Shire of Nillumbik Landscape Character Assessment, December 2009, for public exhibition.

Request authorisation from the Minister for Planning in accordance with section 9 of the Planning and Environment Act 1987 to commence a planning scheme amendment to implement the recommendations of the Shire of Nillumbik Landscape Character Assessment, December 2009.

Undertake further consultation as part of the proposed Planning Scheme Amendment.'

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OCM.075/16 Nillumbik Planning Scheme Amendment C81 - Significant Landscape Overlay

2. Authorisation was sought from the Minister for Planning in July 2012. Authorisation was received on 16 July 2012.
3. With changes proposed to the zones applying in the Nillumbik Green Wedge as part of the State Government's New Zones for Victoria in July 2012, the commencement of Amendment C81 was delayed until the changes to the Victoria Planning Provisions were finalised, which did not occur until June 2014.
4. Reauthorisation was subsequently sought from the Minister for Planning to commence Amendment C81 and was granted on 4 February 2015. Amendment C81 was placed on public exhibition for an extended period between 10 April to 29 May 2015.
5. A total of 172 submissions were received including, including 17 submissions received after the closing date:
 - Thirty-nine submissions supporting the amendment.
 - Thirty-nine submissions from land owners suggesting changes, commenting on matters of detail or are neutral.
 - Forty-three submissions from land owners objecting to the amendment on planning grounds.
 - Fifty-one submissions objecting to the amendment on other grounds, including submissions from Nillumbik Ratepayers Association, Diamond Creek Progress Association and Land Owners Rights Association.
6. Council considered submissions to Amendment C81 at its Special Policy and Services meeting on 13 August 2015 and resolved to refer submissions to an independent Planning Panel for consideration.
7. A Panel hearing was held over six days between 1 February and 12 February 2016. It considered all submission to the amendment, and heard 33 presentations. The report of the Panel was received on 29 March 2016.
8. The Policy and Services Committee heard presentations from submitters to Amendment C81 regarding the Panel's recommendations at its meeting on 10 May 2016. The Committee heard 44 verbal presentations from submitters, from the following people:
 - Dr Greg Bailey
 - Fred Bauer
 - Keith Nation
 - Colleen Hackett on behalf of herself and her husband
 - John Huitt on behalf of himself and his wife
 - Rhonda Huitt on behalf of herself and Noel Huitt
 - Anthony Mendola
 - Karen Egan

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- Karen Egan on behalf of P and J Kirkpatrick, J and K Graham, D and C Jones, D and M Blackley, D Martin, K Jeffries, J and D Cloke, T Cloke and M Fogarty, C Cloke and T Medwin, T Cloke and R Panozza and approximately 980 members of the Nillumbik PALs Group whose names can be provided if required
- Rob Bassett-Smith on behalf of 20 Bouchiers Road, Kangaroo Ground
- Rob Bassett-Smith on behalf of 40 Bouchiers Road, Kangaroo Ground
- Gerald Acquaviva on behalf of himself and Maria Acquaviva
- David Sharpe
- David Sharpe on behalf of Jan Sharpe
- David Sharpe on behalf of Chris Sharpe
- Cath Giles on behalf of Nillumbik Horse Action Group
- Max Parsons on behalf of Eric and Pat Floberg
- Max Parsons
- Kaye Coghlan
- Bob Mayes
- Narelle Campbell – before addressing the Committee, Narelle declared a perceived conflict of interest as she is obligated to do under the Victorian Public Sector Code of Conduct as an employee of the Department of Health and Human Services
- Esther Caspi
- Esther Caspi on behalf of Adjungbilly Pty Ltd
- Esther Caspi on behalf of Gila Schnapp
- Esther Caspi on behalf of other landowners
- Greg Johnson on behalf of Friends of Nillumbik
- Carlotta Quinlan on behalf of Eltham Gateway Action Group
- John Gedye
- Brian Murray
- Brian Murray on behalf of Nillumbik Ratepayers Association
- Brian Murray on behalf of Lindsay Brain
- Brian Murray on behalf of Anne Stoneman
- Mary McDonald
- Mary McDonald on behalf of Elizabeth Murray
- Damian Crock

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- Damian Crock on behalf of Heather Traeger
- Richard Butler
- Graham Clarke
- Gail Daniel
- Simon Gough
- Kahn Franke
- Nick McCormack
- Len Renouf
- Lynlee Tozer

9. After hearing the verbal presentations, the Committee noted that a separate report be presented to the May Ordinary Meeting of Council, which considers the recommendations of the Panel and the presentations to the Policy and Services Committee.

Policy context

10. This report directly supports the achievement of Council Plan 2013-2017 strategy:
- We will plan so that any development is sympathetic to the Shire's unique heritage and protects neighbourhood character and our tree canopy.
11. In addition, the report supports Council's obligation as the Planning Authority for the Nillumbik Planning Scheme to ensure the planning scheme is up to date.

Budget implications

12. Provision for the costs associated with the amendment (fees, advertising, Panel, expert witnesses, etc.) has been made within the 2015-2016 Strategic Planning work program.

Consultation/communication

13. Amendment C81 was placed on public exhibition from 10 April to 29 May 2015. Public exhibition was in accordance with the requirements of the *Planning and Environment Act 1987* and comprised:
- Notification to all affected property owners and occupiers (via Post Office Boxes), prescribed Ministers and government authorities.
 - Notice in the *Diamond Valley Leader* and *Government Gazette*.
 - In addition to the statutory requirements above, the following consultation was also undertaken.
 - Extended consultation time over a seven week period, rather than the statutory four weeks, with late submissions still being received and considered 12 weeks (three calendar months) after the notices were sent out to owners and occupiers.

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- As well as direct mail to 4,760 properties, formal notice of the amendment was delivered to the 4,400 post office boxes in the area covered by the amendment.
 - Notification on Council's website with an ability to make an on-line submission. All amendment documents were uploaded onto the Council website in both the prescribed format and accessible format. As well as being placed under the 'Planning' section of Council's website, it was publicised in the 'Have your say' section of the website. Amendment C81 was viewed on Council's website by 4,500 'unique' people (i.e. not including people who have viewed multiple pages or the same page on multiple occasions).
 - Distribution of a brochure 'Nillumbik Planning Scheme Amendment C81 Significant Landscape Overlay' to all 4,760 land owners and 4,400 Post Office Boxes in Green Wedge.
 - Distribution of a tailored Fact Sheet to the land owners within each SLO area about the specific SLO proposed to affect their property.
 - As well as being available for inspection during office hours at the Council offices, the Amendment documents were displayed at the two Council libraries and at the Hurstbridge Community Hub.
 - Council staff responded to telephone and counter enquiries solidly for a three month period. It is estimated that in the order of 1,000 people made enquiries and had their detailed questions answered.
 - Two evening Information sessions were conducted at the Hurstbridge Community Hub on Wednesday 29 April 2015 and Thursday 14 May 2015 from 4pm to 7pm. A combined number of approximately 300 people attended the two sessions. These information sessions were publicised via an ad in the local paper, advertised as an 'Event' on Council's website, promoted on Council's Facebook page and 1,000 double sided coloured postcards were distributed at places where the community gather within the area affected by the amendment.
 - Amendment documents were handed out over the counter, at both information sessions and by post on request. Approximately 1,200 hard copies of relevant documents were distributed.
 - The Amendment was publicised in the Mayor's column in the Diamond Valley Leader.
 - Briefings were provided to Council's Agricultural, Environmental, Economic Development and Green Wedge Advisory Committees.
 - In addition to being able to make a submission by letter or email and an online submission process, submission forms were distributed at the evening information sessions.

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Response to public exhibition

14. Council received 172 submissions to the amendment. Approximately half of the submissions were supportive or made suggestions about matters of detail. The other half of the submissions opposed the amendment. A quarter of the submissions raised objections on planning grounds and a quarter were opposed to either the planning system and/or Council.
15. The key matters raised in submissions were as follows:
 - Whether the SLO will protect and strengthen rural landscapes and will help to stop inappropriate development.
 - Whether or not the amendment is required.
 - Whether the amendment has a strong strategic basis or if it is unjust.
 - Landscape character of individual properties and boundaries between Significant Landscape Overlay areas.
 - Vegetation and landscaping.
 - Drafting of the controls relating to views, vistas and ridgelines.
 - The degree to which houses, tennis courts, ménages and driveways should integrate into the landscape.
 - Degree of control over agricultural buildings and structures.
 - Whether or not the proposed planning scheme controls compliment or contradict bush fire requirements.
 - Location of the Urban Growth Boundary, zoning and capacity to subdivide land.
 - Effect on property values.
 - Whether the amendment is unconstitutional and infringes on personal freedom and human rights.
 - Council rates are too high and the Council budget would be better spent on other things.
 - Consultation process of the amendment.
16. Council considered submissions to Amendment C81 on the 13 August 2015 and resolved to:
 - '1 Receive and note the issues raised by submitters.
 - 2 Further note that the amendment will:
 - Not prohibit uses or development.
 - Provide guidance about how to minimise the visual intrusion of buildings and works.
 - Not require a planning permit to plant vegetation, including exotic trees or domestic vegetable gardens.

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- Does not vary the operation of the existing, state-wide Clause 63.10 'Existing Uses', which governs the rebuilding of structures where more than 50 per cent of the structure is damaged or destroyed.
 - Not require a permit for temporary bird netting, only proposed permanent netting structures.
 - Continue to promote the Nillumbik Green Wedge as a productive landscape, where agriculture and low impact tourism is encouraged.
- 3 Request that Council's Agricultural Advisory Committee review those parts of the amendment relating to agricultural structures, to ensure the amendment does not unreasonably constrain productive agricultural activities.
 - 4 Requests that the Minister for Planning appoint a Planning Panel to hear submissions relating to Amendment C81.
 - 5 Provides a submission to the Panel which supports the Amendment as exhibited, but explores variations to the Amendment documentation to achieve the following outcomes:
 - That the Character Statements are inclusive of atypical properties and the transition to urban areas.
 - Refinements to the mapping of the SLO boundaries.
 - Develop a more effective way to protect significant views and vistas.
 - Revision to the Lighting section of the design guidelines to make them consistent with exemptions elsewhere within the planning scheme, and provide guidance on reasonable levels of external lighting.
 - Revision of the seven SLO schedules to ensure they more effectively respond to the identified statements of landscape significance.
 - Where concerns have been raised about specific images, these images will be replaced by examples from outside Nillumbik.
 - Review of the fencing permit triggers to ensure that they do not unnecessarily require a planning permit for typical agricultural fencing.
 - Review the SLOs to strengthen support for agricultural land uses in the agricultural areas of the Green Wedge.
 - To ensure consistency with the CFA Guidelines for Meeting Victoria's Bushfire Planning Requirements, and other suggestions from the CFA.
 - 6 Receives a further report on the final wording of the amendment documentation, following the consideration of the Panel and the issuing of its recommendations.'

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Consultation with Agricultural Advisory Committee

17. In its resolution of 13 August 2015, Council's Policy and Services Committee resolved to:
- 'Request that Council's Agricultural Advisory Committee review those parts of the amendment relating to agricultural structures, to ensure the amendment does not unreasonably constrain productive agricultural activities.'
18. Council's Agricultural Advisory Committee reviewed the Amendment at its meeting of 8 October 2015. The discussion focused on the permit exemptions for agricultural fences. A range of views were expressed by Committee members about the height at which a standard/typical agricultural fence should require a planning permit.
19. The Committee agreed that increasing the 1.2m figure in the exhibited amendment, to 1.4-1.5m would better accommodate commonly constructed farm fences, whilst still ensuring that less common and potentially visually intrusive fences of greater than 1.4-1.5m height would trigger the need for a permit. All present agreed that commonly used mesh fences (e.g. 'ringlock' fences) fall under the definition of an open post and wire fence.
20. At its Policy and Services Committee meeting of 13 October 2015, Council considered exhibition of Amendment C101, which reviews the Environmental Significance Overlay. There is a large degree of overlap in the geographic area of the proposed Significant Landscape Overlay and Environmental Significance Overlay. To avoid confusion, it was considered highly desirable to have consistency in the permit triggers for fencing between the overlays. The fencing permit triggers were refined by the Policy and Services Committee, having regard to the input from the Agricultural Advisory Committee.

Review of specific submissions

21. Some submitters made comments regarding:
- Definition of character areas
 - Character of the urban-rural interface
 - Proposed Significant Landscape Overlay boundaries.
22. In its resolution of 13 August 2015, Council's Policy and Services Committee resolved:
- 'The Character Statements will be reviewed by the consultants who undertook the Landscape Character Assessment to ensure they are inclusive of atypical properties and the transitional character to urban areas.
- The consultants who undertook the Landscape Character Assessment will be asked to make recommendations where submitters have suggested refinements to SLO area boundaries.'

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23. Council engaged the consultants who undertook the Landscape Character Assessment to assist in responding to these submissions as the character assessments and area boundaries are based upon their Landscape Character Assessment study. This 'Submissions review' work was incorporated into the revised Significant Landscape Overlay Schedules presented to the Panel.

Review of Significant Landscape Overlay Schedules

24. Many submitters made comments about matters of detail within the proposed schedules.
25. In its resolution of 13 August 2015, Council's Policy and Services Committee resolved:
- 'The views and vista requirements within the proposed Significant Landscape Overlays will be reviewed.
 - The Lighting section of the Decision Guidelines will be reviewed.
 - The Design Guidelines will be reviewed to ensure they align more closely with the proposed statutory controls.
 - The fencing requirements within the proposed Significant Landscape Overlays will be reviewed.
 - The Significant Landscape Overlays will be reviewed to take on board the CFA's suggestions and guidelines and to ensure consistency with the CFA Guidelines for Meeting Victoria's Bushfire Planning Requirements.'
26. In accordance with this resolution, the Significant Overlay Schedules were reviewed to address these matters and revisions were incorporated into the Significant Landscape Overlay Schedules presented to the Panel.

Issues/options

27. The Planning Panel for Amendment C81 was conducted over 6 days between 1 February and 12 February 2016 and the Panel provided its report to Council on 29 March 2016. Submitters have been advised about the Panel's report. A copy of the Panel's report is provided as Attachment 1.
28. The Panel recommended that Nillumbik Planning Scheme Amendment C81 be adopted as exhibited subject to the following changes:
- a. Delete Significant Landscape Overlay Schedule 14 from the Amendment.
 - b. Amend each of the Significant Landscape Overlay Schedules as reflected in the Panel's preferred version of the Schedules contained in Appendix D.
 - c. Amend the extent of Significant Landscape Overlay 9 on Map No 4SLO following further consultation with DELWP to accurately reflect the extent of the Kinglake National Park.

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- d. Amend Clause 6.0 of each of the proposed Significant Landscape Overlay Schedules by deleting reference to the 'Design Guideline' document as follows:
 - a) Delete 'Open Pastures Design Guideline (Nillumbik Shire Council, March 2015)' from Clause 6.0 in Significant Landscape Overlay Schedule 8.
 - b) Delete 'Rolling Valleys Design Guideline (Nillumbik Shire Council, March 2015)' from Clause 6.0 in Significant Landscape Overlay Schedule 9.
 - c) Delete 'Undulating Agricultural Design Guideline (Nillumbik Shire Council, March 2015)' from Clause 6.0 in Significant Landscape Overlay Schedule 10.
 - d) Delete 'Bushy Slopes Design Guideline (Nillumbik Shire Council, March 2015)' from Clause 6.0 in Significant Landscape Overlay Schedule 11.
 - e) Delete 'Agricultural Uplands Design Guideline (Nillumbik Shire Council, March 2015)' from Clause 6.0 in Significant Landscape Overlay Schedule 12.
 - f) Delete 'River Interface Design Guideline (Nillumbik Shire Council, March 2015)' from Clause 6.0 in Significant Landscape Overlay Schedule 13.
 - g) Delete 'Suburban Rural Design Guideline (Nillumbik Shire Council, March 2015)' from Clause 6.0 in Significant Landscape Overlay Schedule 14.
 - 29. This recommendation is reflected in the drafting of the Panel's preferred version of each Schedule as presented in Appendix D to the Panel report.
 - 30. A secondary recommendation of the Panel was as follows:

Should the Panel's recommendation to delete Significant Landscape Overlay Schedule 14 from the Amendment not be accepted the Panel recommends replacing the exhibited version of Significant Landscape Overlay Schedule 14 with the Panel version contained in Appendix D of the Panel report.
 - 31. In supporting the amendment the Panel has commended Council.

'The Panel agrees with Council that the Amendment is soundly based on well researched strategic planning and that Council has completed an extensive and very thorough planning process leading to the preparation of Amendment C81. The Panel commends the Council for a generally sequential and logical planning framework that has led to the preparation of the Amendment.'

'The Panel agrees that it is good planning for Council to pursue Significant Landscape Overlays as an effective way of introducing targeted planning controls for these areas. Whilst the existing planning policy at Clause 22.04 provides some general guidance, the Panel agrees with Council that the Significant Landscape Overlays provide opportunities for a more nuanced approach.'

'It is accepted that in this instance the use of zones, overlays and schedules are more effective than local policies to control the use and development of land in the Green Wedge.'

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The Panel agrees with Council ... that the Amendment is soundly based on well researched strategic planning. Council has completed an extensive and very thorough planning process leading to the preparation of Amendment C81. Each step in the process is the result of the implementation of recommendations made in previous strategic planning studies and reports.

The Panel commends the Council for a generally sequential and logical planning framework that has led to the preparation of Amendment C81.'

'As an overarching finding, the Panel concludes that the protection of the Green Wedge landscape via the preparation of Significant Landscape Overlay controls in the Nillumbik Planning Scheme has a sound strategic basis. Amendment C81 represents the implementation of a range of recommendations arising from various strategic planning documents over a long period of time.'

'The Panel considers that Amendment C81 will not impact on the potential to rezone land or vary the Urban Growth Boundary in the future. Any future changes to the zoning of land or changes to the Urban Growth Boundary would be subject to a separate planning process.

The Panel also concludes that no financial compensation is appropriate for any land owners affected by Amendment C81.'

'Amendment C81 has been prepared under the legal framework of the Planning and Environment Act 1987. The Panel disagrees with submitters who claim that the Amendment is unconstitutional and infringes unreasonably on human rights. The Council has prepared the Amendment based on an appropriate strategic planning study and in accordance with the Victoria Planning Provisions.'

'The Amendment is generally supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

The protection of the Green Wedge landscape via the preparation of Significant Landscape Overlay controls in the Nillumbik Planning Scheme has a sound strategic basis.

Amendment C81 has not been transformed following its exhibition.

Amendment C81 does not increase the risk of bushfire within the Nillumbik Green Wedge.'

'The Panel concludes that Amendment C81 will not create an unreasonable burden on residents or the Council.'

Discussion of recommendations of the Planning Panel

32. The panel makes two substantive recommendations, being:

- That a Significant Landscape Overlay not be applied to the Low Density Residential Zone areas of Yarrambat and Plenty at this time. (SLO14)
- That the Design Guideline brochures not be referenced in the planning scheme.

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OCM.075/16 Nillumbik Planning Scheme Amendment C81 - Significant Landscape Overlay

Significant Landscape Overlay Schedule 14

33. SLO14 applies to the suburban rural area of Yarrambat and Plenty. The Panel considers that 'it is inappropriate to apply SLO14 via Amendment C81 at this time.'
34. The Panel accepts the general principle that there are seven broad Character Areas as explained in the Landscape Character Assessment prepared by Planisphere (2009). It has reviewed the Landscape Character Assessment report and observed the changes in landscape character during its accompanied and unaccompanied site inspections.
35. The Panel agrees with the methodology and approach adopted by Planisphere and believes the definition of seven distinct landscape character areas is a reasonable and sound outcome and that it is appropriate to apply the SLO to protect these areas.
36. The concern with SLO14 is that while the area has a distinct character and that it should be protected by an SLO at a future date, the Panel believes that the SLO would duplicate existing provisions.
37. The land affected by SLO14 is within a Low Density Residential Zone. The land north of Kurrak Road is also within a Design and Development Overlay – Schedule 2. The land south of Kurrak Road is within a Development Plan Overlay –Schedule 4. There is an approved Development Plan for this area in accordance with the requirements of the Development Plan Overlay.
38. Both of these overlays call up various siting and design requirements to minimise the impact of buildings and works on the landscape. This includes reference to the Plenty Valley Environmental Living Area Siting and Design Guidelines, June 1991, which include extensive content relating to landscaping, site access, house siting, fire hazard, house design and building colours and materials.
39. The approved Development Plan south of Kurrak Road also includes sections dealing with siting and design guidelines dealing with building envelopes, setbacks, site coverage, fencing, building materials and colours. Many of these controls are referred to in the Development Plan as mandatory and are required to be included as part of agreements made under section 173 of the *Planning and Environment Act 1987*.
40. The Council advised the Panel that approval of Amendment C81 would enable a review of DDO2 and DPO4 'to eliminate duplication of siting and design guidance'. Council informed the Panel that development within the DPO4 area was approximately 50 per cent complete and that once the Development Plan area had been fully developed then DPO4 would become redundant.
41. The Panel is concerned that SLO14 is an unnecessary duplication of the detailed planning and design guidance already articulated in DDO2 and DPO4. It would be confusing to all stakeholders if an additional layer of control were introduced whilst these other planning overlays are in operation. Many of the DDO2 and DPO4 controls relate to the same matters as proposed in Amendment C81. Some of these are dealt with in a similar way, although most are subtly different in some form. This 'gap and overlap' between the existing and proposed overlays should be avoided.

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42. The Panel inspected the Suburban Rural Landscape Character Area and was impressed with the high quality of development within this precinct. The substantial homes on large lots within well maintained landscape settings created a pleasant low density residential neighbourhood. To this extent, the Panel believed that the existing planning controls for this area is generally achieving its objectives and sees no reason for adding further controls over this land at this stage.
 43. The Panel suggested that following the more substantial completion of residential development under the existing overlays then consideration could be given towards removing the current overlays and replacing them with the Significant Landscape Overlay.
 44. The Panel did not support the introduction of SLO14 at this time. It believed that the existing planning controls provide sufficient guidance regarding siting and design issues. An additional layer of control is not necessary and has potential to create confusion and duplication. Consideration of the introduction of SLO14 (or similar) should only be contemplated once the low density residential area has been substantially developed and the existing DDO2 and DPO4 are removed.
 45. As a secondary recommendation the Panel states that should the Panel's recommendation to delete Significant Landscape Overlay Schedule 14 from the Amendment not be accepted, the Panel recommends replacing the exhibited version of Significant Landscape Overlay Schedule 14 with the Panel version contained in Appendix D of the Panel report.
 46. The Panel was supportive of the strategic basis of SLO14. Its concern is not with SLO14 per se but that it is a duplication of the detailed planning and design guidance already articulated in DDO2 and DPO4.
 47. Rather than delay the inclusion of SLO14 into the planning scheme, Council could address the duplication issue now, by deleting siting and design guidance from the existing scheme provisions in this area.
 48. In this scenario, Council would consider adopting the Panel's revised version of SLO14 as part of Amendment C81. The amendment would then be modified to delete landscaping, site access, house siting, fire hazard, house design and building colours and materials guidance in DDO2 and DPO4 and the referenced Plenty Valley Environmental Living Area Siting and Design Guidelines so that there is no duplication with the siting and design guidance in SLO14. An example of these revised documents is shown at Attachment 2.
 49. This would achieve consistent application of Significant Landscape Overlays across the Nillumbik Green Wedge. The proposed SLOs replace the existing, out-dated and inconsistent landscape protection framework with a holistic, more effective and efficient, modern framework, reflecting current best practice.

Design Guidelines

50. The Panel does not agree with Council that the Design Guidelines should be included as a reference document. There are two main reasons.

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51. Whilst much of the content of the Design Guidelines is broadly consistent with the overall intent of the proposed Schedules, the Panel is of the view that there are also considerable differences between the two documents. These differences are sometimes dramatic and sometimes subtle. The Panel believes the cumulative effect of these differences is to present a confused set of requirements to the general public that is difficult to decipher.
 52. Any form of Design Guidelines prepared to assist planning permit applicants should have a high level of consistency with the planning controls they are attempting to explain. It is not the role of Design Guidelines to extend the ambit of controls beyond the scope of any approved planning controls. Nor is it appropriate for Design Guidelines to vary the planning controls as expressed in, say, a Schedule. Even subtle changes to the wording of objectives and character statements can have the potential to create different meanings and interpretations.
 53. The Panel concludes that the Design Guidelines as exhibited concurrently with the exhibition of Amendment C81 are not consistent with the proposed Schedules to the SLO.
 54. The Panel acknowledges the significant resources the Council has committed to the preparation of the Design Guidelines. The documents are visually attractive and well presented. Some of the content of the Design Guidelines provides useful information and assistance to permit applicants. There are, however, also many sections that have caused confusion and angst in the community and the Panel shares some of these concerns.
 55. The Panel agrees with Council that the Design Guidelines are not intended to be statutory documents. They do not express the planning controls; rather, their anticipated role is to help applicants understand the planning controls as expressed in the schedules to the SLO.
 56. The Design Guidelines should then provide some design suggestions as examples of ways the Council believes that an applicant might meet the objective. Design guidance typically emphasises that there may be other ways to meet the objective and that an applicant may pursue other alternatives that might also meet the objective.
 57. The Design Guidelines are not defacto planning controls. The Schedules to the SLO are the relevant planning controls and the Panel is concerned that the Design Guidelines appear to extend beyond providing helpful design suggestions towards a more prescriptive approach.
 58. The Panel acknowledges that the revised Bushy Slopes Design Guidelines prepared by Glossop Town Planning appears to represent a more appropriate performance based approach. The Panel supports the use of 'Design Suggestions' and the general simplifying of the documents. Although still a work in progress, the revised Design Guidelines presented to the Panel is a useful 'first cut' and has the potential to be a useful and practical brochure that can assist planning permit applicants. The Panel envisages that Council could similarly revise the full suite of Design Guidelines and that these could more reasonably assist applicants in the preparation of planning permit applications.

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59. The Panel supports the concept of having some form of Design Guidelines to assist permit applicants understand the Significant Landscape Overlay planning controls. The specific details of the content of the Design Guidelines are beyond the scope of the Panel to resolve, however the Panel encourages the Council to continue the process of refining the Design Guidelines along the lines recommended by Glossop Town Planning. This should result in a less prescriptive and more performance based document that provides more flexibility in design outcomes.
60. Prior to the exhibition of the amendment extensive effort was put into ensuring that the SLO schedules included all relevant decision guidance. This means that the Design Guidelines become less crucial. The Panel's recommendation is considered reasonable.

Bushfire

61. The Panel also makes recommendations to refine the SLO schedules to:
- Strengthen the consideration of bushfire
 - Slight modifications to wording which enhance clarity and have regard to a number of minor issues raised in submissions.
62. The Panel considers that 'Amendment C81 does not increase the risk of bushfire within the Nillumbik Green Wedge.'
63. More than a quarter of all submissions raised bushfire risk in their submissions. They are concerned that provisions in the proposed Schedules encourage the retention of native vegetation and the re-vegetation of areas particularly to screen proposed buildings and works and that this has the potential to raise fuel loads and fire risk within the municipality. The Panel heard lengthy and detailed submissions from 11 submitters. The Panel describes these submissions in the following way: 'Many of these submitters were passionate about the risk of bushfire in the area and recounted with profound emotion the horrors of the 'Black Saturday' bushfires on 7 February 2009 and other significant bushfires over time.'
64. The Panel accepted that there is already an extensive array of bushfire controls within the Nillumbik Planning Scheme. These provisions include exemptions for vegetation removal and other exemptions in certain circumstances. The Panel accepted that Amendment C81 does not propose to change or limit the circumstances of these existing provisions.
65. The Panel points out that the Nillumbik Planning Scheme must be read as a whole. The proposed Significant Landscape Overlay does not exist in isolation and all of the other various parts of the planning scheme must also be considered when a responsible authority is deciding whether to issue a planning permit. Sometimes, this creates confusion for stakeholders as different parts of a planning scheme appear to contradict other parts of the scheme. It is then the role of the responsible authority to balance out those apparent contradictions and decide in the circumstances which policy or provision should prevail.
66. However, based on submissions, the Panel suggests that it is appropriate to further strengthen the consideration of bushfire by making minor modifications to all SLO Schedules.

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- 67. In the main the Panel's suggested changes do not alter the way a planning permit application would be assessed, but remind permit applicants to be aware of the risk from bushfire.
 - 68. A minor wording refinement could be made to the sentence the Panel has suggested in the Future Character statements of all schedules. The Panel's suggested wording is 'The risk of bushfire will be managed having regard to the nature of the bushfire hazard of the area and the necessity to provide defensible space and appropriate landscaping and vegetation management.'
 - 69. It would be preferable for the emphasis in this statement to be on the future landscape character, rather than bushfire as the SLO is a landscape character provision. The emphasis on bushfire rests with other existing provisions of the scheme. The suggested wording is 'Landscaping and vegetation will be managed to minimise the visual impact on the identified elements of the landscape, while providing defensible space to minimise the risk to life and property.' The two parts of the sentence have simply been reversed to change the emphasis, given the SLO is a landscape character provision.

Character statement SLO11

- 70. SLO11 relates to areas from Wattle Glen, out through Hurstbridge and across to Smiths Gully and Christmas Hills. The Panel heard submissions about recognition of the equine culture in this area. In SLO11, the Panel considered that there is scope to enhance references to grazing and the role that horse keeping has within this area. The site inspections demonstrated quite clearly the significant extent of horse keeping. The fencing, ménages, trails and other infrastructure all add to the character of this area and it should be appropriately recognised in the 'Statement of nature and key elements of landscape' as well as the 'Future character statement'.
- 71. The Panel's suggested changes would not substantially alter assessment of planning permit applications and appear reasonable.

Rewording the introduction to permit exemptions

- 72. The Panel's suggested wording changes to the introduction to the permit exemptions does not alter the exemptions. They only make them clearer to the reader. These changes are positive.

Building height exemption

- 73. One of the criteria in the permit exemptions is that the height of the building is less than seven metres above the natural ground level.
- 74. The Panel considered that a threshold building height of seven metres is too restrictive and a more flexible approach is warranted to ensure that a variety of building types can be reasonably accommodated. The Panel considered that a threshold height of eight metres would be more appropriate as this would more readily facilitate pitched roofs and take account of the generally sloping topography of the area. An eight metres threshold would also be consistent with other typically restrictive planning controls governing building height, such as in the Neighbourhood Residential Zone.

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- 75. The Panel was of the view that a threshold height of eight metres will not cause any significant impact to the visual impact on the landscape.
 - 76. This minor change is of little consequence and brings the SLOs in line with building height exemptions elsewhere in the planning scheme.

Colours and materials

- 77. The Panel has considered the various alternatives for the wording of the exemption regarding colours and materials. It is concerned that all of the options presented to the Panel are open to wide interpretation and it would be very difficult for applicants and the responsible authority to determine if a proposal meets this exemption criteria.
- 78. For example, what is meant by 'muted earthy tones'? How does a potential applicant know if a particular shade is earthy enough? How dark does 'dark grey' need to be? Even green and brown has potential for confusion when there are many colour descriptions that could be more, say, a 'reddish brown' - would that still be 'brown'? Or red?
- 79. In this context, the Panel is concerned about having colours listed as permit exemptions. Similar concerns are held for the reference to 'low-reflective materials'. The Panel can envisage potential permit applicants having great difficulty deciding whether or not their proposal meets these criteria.
- 80. New dwellings always require a permit under the proposed SLOs, so this exemption relates primarily to small additions to dwellings and agricultural buildings and small new agricultural structures. Additions will typically match existing materials.
- 81. Glare of materials however has been an issue in the past and it is suggested that a reflectivity requirement be retained in the permit exemption criteria. Glare is most commonly an issue with roofs constructed from zincalume or light shades of colorbond. A similar requirement is used in other planning schemes. A suggested wording is:

'The external finishes of all buildings, including roofing materials, must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light.'
- 82. The technical specifications relating to colorbond classify colours as light, medium and dark. The selected reflectivity standard allows for use of all medium and dark colours but requires a planning permit for light colours to enable consideration of roof pitch and orientation to determine whether glare will be a problem.

Fencing

- 83. The Panel notes that the changes to the exemptions for fencing post exhibition are significant. As well as changing the height threshold, they also introduce a number of other threshold requirements regarding the detailed design of rural fences. The Panel is concerned about the rationale for some of these changes.

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OCM.075/16 Nillumbik Planning Scheme Amendment C81 - Significant Landscape Overlay

84. First, the Council stated that a key driver in the changes has been the desire to match the permit exemptions in proposed Amendment C101. The Panel did not find this a compelling reason given that Amendment C101 relates to an Environmental Significance Overlay and Amendment C81 relates to a Significant Landscape Overlay. The Panel considers that they serve fundamentally different purposes and provisions in one overlay need not, and perhaps should not, match the provisions in the other.
85. This is particularly the case where special provisions may be written for environmental reasons as distinct from the need to manage the visual impact of a structure within the landscape. The Panel is of the view that fencing controls in the SLO should be based on the impact on the landscape character of the area not for some other reason. If there is an important environmental reason for a particular area to have an environmental management control associated with fencing then consideration should be given to that area being included within an ESO. It is not appropriate to include essentially environmental controls within an area only defined as having landscape significance.
86. As much as the Panel can see some advantages in having a 'common approach', it believes it would be an inappropriate application of the VPP to require restrictions within an SLO on the basis of a rationale beyond the purpose of the overlay.
87. Second, the Panel also noted that Amendment C101 was, at the time of the Panel hearing into Amendment C81, still at a relatively early stage in the planning process. It is not the role of this Panel to speculate or prejudice the future direction of Amendment C101.
88. For these reasons, the Panel does not support the inclusion of threshold restrictions limiting the use of barbed wire. The Panel does not consider that whether a fence is constructed with or without barbed wire will have any material difference to the visual impact on the landscape character of the area.
89. The Panel also does not support the inclusion of detailed fence design descriptions. It considers that this is too prescriptive and again makes no material difference to the visual impact on the landscape. The Panel is of the view that the permit exemptions should be limited to those matters that result in a fence of an 'open' appearance. This type of fence, whether post and wire or post and rail will have minimal visual impact on the landscape and should be exempt from the need for a permit. How many wires and whether they are spaced 10, 20 or 30 centimetres apart makes no material visual difference.
90. The Panel supported the increase in the threshold height from 1.2 to 1.4 metres for the reasons outlined by the Council. It also supports the exemption of post and rail fences up to a maximum height of 1.4 metres.

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91. The Panel considered that the exemptions for fences can be simplified. As well as the matters discussed above, the Panel observes that there is some duplication in some of the dot points. For example, reference is made to both 'post and wire' and 'post and wire and mesh' type fencing. This should be simplified to just 'post and wire'. Indeed, Council submitted that its own Agricultural Advisory Committee 'agreed that commonly used mesh fences (e.g. 'ringlock' fences) fall under the definition of an open post and wire fence.'
- the inclusion of threshold restrictions limiting the use of barbed wire should be removed
 - the inclusion of detailed fence design descriptions should be removed
 - specifying an increase in the threshold fencing height from 1.2 to 1.4 metres is supported.
92. Whilst it is agreed that barbed wire and detailed fencing design detail do not impact on the character of landscapes, separately listing 'post and wire' and 'post and wire mesh' fencing types gives clarity to users of the scheme. Whether or not ringlock fencing is a 'wire fence' has been debated in a numerous VCAT cases and it is important for the scheme to be clear in this regard.

Kinglake National Park mapping

93. The Panel recommended that the extent of Significant Landscape Overlay 9 on Map No 4SLO be corrected to accurately reflect the extent of the Kinglake National Park. This minor mapping error has been identified by Parks Victoria and has been corrected in the amendment maps Attachment 2 as recommended by the Panel.

Urban Growth Boundary

94. The Panel considers that zoning, the location of the Urban Growth Boundary and subdivision provisions are not relevant matters in the consideration of Amendment C81. The Panel does not believe that C81 will have any impact on the future potential to rezone any land or on any future potential change to the Urban Growth Boundary. Amendment C81 does not change any subdivision provisions and it therefore will not change any current minimum lot sizes specified in the existing zones within the Nillumbik Green Wedge.
95. The Panel highlights that any future change to the UGB, zoning or subdivision provisions would require a separate planning scheme amendment via a separate planning process. The Panel notes that a change to the UGB is a significant change in planning policy and this also requires the approval of Parliament. The Panel considers that C81 will not impact on the potential to rezone land or vary the UGB in the future. Any future changes to the zoning of land or changes to the Urban Growth Boundary would be subject to a separate planning process. The Panel also concludes that no financial compensation is appropriate for any land owners affected by C81.

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Human rights and rates

96. The Panel found that Amendment C81 has been prepared under the legal framework of the *Planning and Environment Act 1987*. The Panel disagrees with submitters who claim that the Amendment is unconstitutional and infringes unreasonably on human rights. The Council has prepared the Amendment based on an appropriate strategic planning study and in accordance with the Victoria Planning Provisions. The panel states that rates are levied in accordance with the *Local Government Act* and the *Valuation of Land Act*. This is not a relevant planning issue in the consideration of Amendment C81. The allocation of Council resources is managed through its annual budget process and is not a relevant matter in the consideration of Amendment C81.

Conclusion

97. Amendment C81 will apply the Significant Landscape Overlay to all land within the Shire of Nillumbik that is outside the Urban Growth Boundary, excluding Kinglake National Park. Specifically, a total of seven new Schedules to the Significant Landscape Overlay are sought to be introduced, including:
- Significant Landscape Overlay 8 – Open Pastures Landscape Character Area
 - Significant Landscape Overlay 9 – Rolling Valleys Landscape Character Area
 - Significant Landscape Overlay 10 – Undulating Agricultural Character Area.
 - Significant Landscape Overlay 11 – Bushy Slopes Landscape Character Area
 - Significant Landscape Overlay 12 – Agricultural Uplands Landscape Character Area
 - Significant Landscape Overlay 13 – River Interface Landscape Character Area
 - Significant Landscape Overlay 14 – Suburban Rural Landscape Character Area.
98. The Amendment alters:
- Design and Development Overlay 2
 - Development Plan Overlay 4
 - Plenty Valley Environmental Living Area Guidelines
99. The Amendment also makes administrative changes to the Municipal Strategic Statement, corrects a minor mapping error.
100. The amendment has been through a public consultation process. All submissions to the amendment have been considered by an independent Panel.
101. It is recommended that Council adopt the amendment as recommended by the independent Panel, amended as discussed in this report, and forward it to the Minister for Planning for approval.

12. Officers' reports**OCM.076/16 Civic Drive Precinct Development: Community Facilities Upgrade Masterplan for adoption**

File: 80/18/009
Distribution: Public
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Summary

The Civic Drive Precinct – Concept Development Plan 2011 identifies the need to develop a Masterplan for the design and construction of community facilities across the open space precinct to help guide investment in recreation facilities which better accommodates use by the local community.

The development of the Masterplan has been completed through engagement with the local community to ensure the proposed plan responds to their current and future needs.

The Civic Drive Precinct Development –Community Facilities Upgrade Masterplan Executive Summary (Attachment 1) provides an overview of the enhancements and developments which will facilitate improved use and enjoyment by the local community and current user groups at Civic Drive. It also provides a summary of the themes and considerations identified during the consultation process.

The Masterplan recommends an investment of \$794,000 in the short term to provide significant improvements to the community facilities. The implementation of the Masterplan has been identified in Council's Major Projects Plan in 2017-2018.

The Masterplan identifies a longer term vision and recommendations for the site. Some recommendations will be further considered through the Masterplan for the Diamond Valley Sport and Fitness Centre proposed for 2016-2017.

Council released the draft Masterplan for broad community consultation between 28 October 2015 and 24 November 2015 and received twenty eight submissions.

After considering submitters, the Policy and Services Committee resolved to include the retention of the outdoor performance centre until such time as a replacement facility can be built. The Committee also resolved to initiate the process to rezone the area covered by the Masterplan to Public Park and Recreation Zone and appropriately name the precinct through a process with the community. These resolutions have been reflected in this report and the recommendation to Council.

Subject to Council's adoption of the Masterplan, Officers will commence the detailed design process with the community and stakeholders during 2016-2017 to refine the Masterplan and prepare for the implementation phase. Opportunities will also be explored to secure external funding to support the implementation of the Masterplan identified for 2017-2018.

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Recommendation

That Council:

- 1. Adopts the Civic Drive Community Facilities Upgrade Masterplan (2016)**
- 2. Acknowledges the key stakeholders and community members for their ongoing involvement in the development of the Masterplan.**
- 3. Requests officers commence the detailed design process in consultation with the community and stakeholders in 2016-2017, subject to the adoption of the 2016-2017 budget. The detailed planning to include appropriately naming the precinct and retaining the outdoor performance centre until an alternative facility can be provided.**
- 4. Refers the required Planning Scheme Amendment to rezone land at Civic Drive to the budget process for 2017-2018 and receives a further report to seek authorisation to commence the amendment.**

Attachments

1. Civic Drive Community Facilities Upgrade Masterplan - Executive Summary

Background

1. As part of the implementation of the Civic Drive Precinct – Concept Plan 2011, Council committed to developing a Masterplan to guide improved community facilities across the Civic Drive Precinct.
2. The Masterplan, once adopted, will guide the proposed upgrade of the open space through the provision of new recreation facilities across the Civic Drive Precinct.
3. HM Leisure Planning and Land Design Partnership were engaged to develop a detailed draft landscape plan and associated reports, informed by research and community consultation.
4. The local community was actively engaged in the development of the draft Masterplan through site and public meetings at key stages in the project.
5. The assessment, research and consultation process informed the development of the following design principles which have shaped the Masterplan:
 - Mixed scale of development: local through to regional
 - Ease of access: for people of all ages and abilities
 - Improved pedestrian movement and safety: through separation of vehicular and pedestrian/bicycle traffic where possible
 - Optimum opportunity for casual social use: creating settings that make the parklands attractive for informal activities
 - Quality: good quality facilities to attract use and respect, and minimise maintenance

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- Diversity: offer a range of opportunities attractive to people of different ages and interests
 - Difference: create a mix of settings and experiences that are unique
 - Capacity for staging: allow for staged development for budgeting purposes, so early work can be initiated without dependence on implementation of the full program
 - Community engagement: matching quality facilities with quality programs and services
6. The draft Masterplan was released for broad community consultation in late 2015. Twenty eight submissions were received during the consultation period, twenty seven were supportive of the draft Masterplan.
 7. A report was presented at the Policy and Services Committee Meeting on 10 May 2016. This report provided details of the consultation undertaken and a summary of the submissions received which provided overwhelming support for the draft Masterplan. At the meeting four submitters presented their submissions to the Committee.
 8. After considering submitters, the Committee resolved to include the retention of the outdoor performance centre until such time as a replacement facility can be built. The Committee also resolved to initiate the process to rezone the area covered by the Masterplan to Public Park and Recreation Zone and appropriately name the precinct through a process with the community. These resolutions have been reflected in this report and the recommendation to Council.

Policy context

9. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy.

Budget implications

10. High level indicative costings for the implementation of the Masterplan totals \$794,000.
11. Expenditure includes work associated with the redevelopment of the northern and southern community spaces, pathways, barbeques, play areas, the new multi-use hardcourt and outdoor event space, seating and plantings.
12. There is an allocation in the 5 year capex plan of \$20,000 in 2016-2017 for planning and detailed design work, and a further \$685,000 in 2017-2018 for delivery and implementation. Council seeks to overcome the funding shortfall of \$89,000 through securing external funding.
13. Officers submitted an application for \$350,000 to State Government's Interface Growth Fund for the implementation of the Civic Drive Masterplan. The application however was not successful. Officers will continue to pursue external funding opportunities including through the State Government's 'The Growing Suburbs Fund' (previously called Interface Growth Fund).

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OCM.076/16 Civic Drive Precinct Development: Community Facilities Upgrade Masterplan for adoption

Consultation/communication

14. There has been considerable input to the Masterplan by the local community and stakeholders through meetings, interviews and information sessions.
15. Stakeholders included the operators of Diamond Valley Sport and Fitness Centre (DVSFC), user groups at DVSFC, Yarra Plenty Regional Library Service, primary schools, including schools who book the amphitheatre for their annual Christmas carol events, and childcare centre.
16. The draft Masterplan was released for public consultation, in line with Council's Community Engagement Policy, for a period of four weeks between 28 October 2015 and 24 November 2015.
17. Twenty-eight written submissions were received on the draft Masterplan.
 - Twenty-seven submissions are supportive of the overall draft Masterplan and the features proposed.
 - One submission focussed solely on the age and condition of the gym at DVSFC and did not provide a specific opinion pertaining to the final Masterplan.

Issues/options

18. Following the broad consultation and discussion at the May 2016 Policy and Services Committee Meeting, the following adjustments have been made to the final Masterplan for Council's consideration and adoption:
 - Clarification that the proposed picnic areas will include the provision of barbeques
 - Clarification that events will continue to be held by providing access to power, a base of temporary staging and the ability to hang backdrops or decorations for community events. The details of this area will be worked through with the community and stakeholders during the detailed design process to ensure it meets the requirements of site users.
19. The building that currently supports outdoor events will remain in place until the implementation and construction phase of the Masterplan which will provide opportunities for outdoor events into the future.
20. In response to community feedback and submissions, it is also recommended that the site is named to provide an identity and enhance the community connection to the space. This will be worked through with the community during the detailed design process during 2016-2017.
21. At the May 2016 Policy and Services Committee Meeting, the Committee resolved a preference to see land at Civic Drive rezoned to Public Park and Recreation Zone from Public Use Local Government Zone. The process to rezone the land will require a Planning Scheme Amendment which requires a budget allocation. It is recommended that this is referred to the 2017-2018 budget process and that Council receive a further report to seek authorisation to commence the amendment.

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OCM.076/16 Civic Drive Precinct Development: Community Facilities Upgrade Masterplan for adoption

22. The current zone, Public Use Local Government, is consistent with the Masterplan and future uses on the site. Some submitters have expressed concern that the area could be further developed into residential properties, it should be noted that the current zone does not permit residential development.
23. It should be noted that both the detailed design process and the Masterplan implementation can be progressed in advance of the conclusion of Planning Scheme Amendment.
24. From the submissions received and the interest developed during the development of the Masterplan, it is evident that the community is enthused by the progress made and are keen to see works commence as soon as possible to transform the area.
25. A number of submitters have expressed an interest in continuing to be involved in the project when the detailed design process commences.

Conclusion

26. The Masterplan has been developed with extensive input from the local community and local stakeholders.
27. The consultation process has shown there is overwhelming support for the components in the draft Masterplan.
28. There are opportunities for the community and stakeholders to have continued involvement in the detailed design process and working through an appropriate name for the precinct.
29. Officers will continue to pursue external funding opportunities to assist in implementing the Masterplan's recommendations.

12. Officers' reports

OCM.077/16 Plenty Tennis Club Loan Guarantee Request

Distribution: Public

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Summary

This report considers a request from the Plenty Tennis Club for Council to act as a loan guarantor for up to \$38,000 for the club to fund the replacement of the synthetic surface on courts 3 and 4 at a total project value of \$43,000.

Plenty Tennis Club was formed in 1932 and is affiliated with Tennis Victoria. The club has a current membership of over 400 which has progressively increased since 2011 where membership was 350.

The club operates from Council-owned facilities at Plenty War Memorial Park located on Yan Yean Road, Plenty under a lease currently in over hold. The facility consists of eight tennis courts, four synthetic, two en-tout-cas and two synthetic clay as well as clubrooms and outdoor playground and shelter area.

The Bendigo Bank has agreed to provide a loan of \$38,000 to the club to renew courts 3 and 4, subject to a Council guarantee of the loan. The club will contribute an additional \$5,000 to the project. Renewing the courts is consistent with the adopted Plenty War Memorial Park Masterplan.

The club proposes to repay the loan over five years at the variable rate and have provided financial projections and business plans over the life of the loan to support this. In addition, financial statements for the past three years were submitted and have been reviewed by Council's Finance Team.

Recommendation

That Council:

1. **Acts as loan guarantor for the Plenty Tennis Club for up to \$38,000 for a period of five years to assist the club with renewing courts 3 and 4, on the proviso that the club provides over the life of the loan:**
 - a) **Quarterly loan statements from the Bank to demonstrate that the loan repayment has been made as scheduled.**
 - b) **Annual cash flow reports and projections to ensure the Council is informed of any possible adverse financial projections.**
 - c) **Current Business Plan forecasting memberships, programs and services.**
2. **Affixes the common seal of Nillumbik Shire Council to the necessary loan guarantee documentation.**
3. **Enters into a new lease agreement with Plenty Tennis Club.**

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OCM.077/16 Plenty Tennis Club Loan Guarantee Request

Attachments

Nil

Background

1. The Plenty Tennis Club occupies the Council-owned property Plenty War Memorial Park at 109-115 Yan Yean Road in Plenty. The club was established in 1932 with two courts and a tin shed, Over the 84 years of operation the club contributed funds towards six additional courts, new clubrooms and playground within their leased area.
2. In 2007 the club constructed courts 7 and 8 with council acting as a loan guarantor. The loan was repaid two years earlier than the loan term of 10 years.
3. The club has a membership of 400 people and offers tennis programs including social tennis, school clinics, professional coaching and ladies, men's and junior competitions. Social tennis is also run to encourage broader community participation by members, women, older adults and young people.
4. External grant opportunities to contribute to the green renewal have been explored, but funding is generally not available for renewal works.

Policy context

5. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy.
6. Council's Capital Works Funding Policy for Community Based Sports Facilities 2003 states:
 - Section 10 – Council may be able to act as a loan guarantor for a sporting club or a community organisation for the development of a capital works project. Council's ability to offer such assistance is dependent on Council's global financial position in the particular time frame.
7. Nillumbik Shire Council Budget 2015-2016 – Financial Sustainability Plan:
 - Council will provide well-maintained infrastructure assets that are fit for purpose and provide the required level of service to the community.

Budget implications

8. There is no direct impact on the budget however there is a contingent liability exposure for Council should the club be unable to meet the instalments under the terms of the loan agreement.

Consultation/communication

9. The club had undertaken consultation with their members on the replacement of the greens. The members have supported this proposal.
10. Council officers have discussed the project with the club and are satisfied with the proposal.

12. Officers' reports

OCM.077/16 Plenty Tennis Club Loan Guarantee Request

Issues/options

11. Courts 3 and 4 were constructed in 1978 as flexipave courts. In 1991 the flexipave surface was converted to synthetic, this synthetic was replaced in 1998. The current surface is almost 20 years old and has deteriorated to the point of being at the end of its asset life. The condition of the synthetic affects the standard of competition played at the club and therefore the ability of the club to host tournaments, which are a source of income for both the club and the community.
12. Tennis Victoria advises that the typical life for a synthetic court is at least 11 years, depending upon usage and maintenance levels.
13. In accordance with the club's lease with Council, which is currently in overhold, the club has responsibility for the repair, maintenance and replacement of sports playing surfaces at the facility. Renewing the courts delivers on the club's obligations under their tenancy arrangement with Council.
14. Council has an adopted Masterplan for Plenty War Memorial Park and the proposed project is consistent with the objectives and recommendations of the Masterplan.
15. The club has obtained quotes to replace the synthetic from suitably qualified contractors. Quotes have been reviewed and approved by Council's Infrastructure Services Department.

Proposed loan and guarantee

16. The club has previously borrowed money with guarantee from Council for the construction of courts 7 and 8. The loan was repaid in August 2015, two years earlier than the full 10 year term.
17. The club has undertaken preliminary discussions with the Bendigo Bank for a new loan on the following terms:
 - a) Amount: \$38,000
 - b) Term: five years
 - c) Monthly Principal and Interest payments: \$768.00
 - d) Interest Rate: 7.3 per cent
 - e) Requirement for loan guarantee from Council.
18. The club has provided evidence that it will be able to meet the required repayments on the new loan.
19. Prior to granting formal approval, the Bendigo Bank has requested confirmation from Council that it will support the club's loan application, by executing under seal a Guarantee and Indemnity document. This means that Council would be liable for the loan if the club defaulted.
20. The club has provided Council with the following documents to demonstrate the club's financial capacity to service the loan.
 - Committee meeting minutes confirming the club's intention to apply for a loan
 - Financial statements for the past three years

12. Officers' reports

OCM.077/16 Plenty Tennis Club Loan Guarantee Request

- Forecast cashflow for the life of the loan, including the club's ability to meet all current expenses and loan liabilities
21. Council's Finance team has reviewed the club's request and has assessed that based on the information submitted by the club, the club has the capacity to service the loan and there is a low risk for Council to act as loan guarantor.

Conclusion

22. The club provides important social and recreational opportunities for the community, and operates from a Council-owned facility. In the unlikely event that the club defaulted on the loan, or dissolved, and Council inherited responsibility for the loan, the club facility would remain in Council ownership for the benefit of the community.
23. The club's proposal to upgrade the synthetic surface on courts 3 and 4 will not only improve a Council asset, but also provide a fit-for-purpose surface for the club and their members and visitors. Given the low risk for Council, it is recommended that the loan guarantee be provided by Council.

12. Officers' reports

OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

Distribution: Public

Manager: Adrian Cully, Acting General Manager Community and Leisure

Author: Naomi Paton, Manager Leisure and Social Infrastructure
Joanne Massoud, Leisure Services Development Officer

Summary

This report updates Council on the planning of proposed cricket practice facilities at Plenty War Memorial Park. Improving cricket practice nets was identified by Plenty Cricket Club (PCC) and discussed in detail through consultation with all Park tenants during the desktop review of the status of the Plenty Park Masterplan (2007), reported to the February 2016 Ordinary Meeting of Council.

Planning improved cricket practice facilities resulted from PCC's desire for a stand-alone facility located away from the sportsground. The planning of new training facilities is being considered within the strategic direction of the Masterplan.

The Masterplan was developed in response to growing demands on the Park by sport and sports' desire for contemporary facilities to better meet current and prospective members' needs.

The Masterplan seeks to balance sporting, passive recreation and natural environmental values. Implementation of the Masterplan is well-progressed, although there has been comparatively little investment towards improved informal recreation infrastructure since 2007, limited to \$25,000.

Participation in organised sport since 2007 has largely remained stable with the exception of the introduction and growth of women's football. The local Plenty-Yarrambat population is only forecast to grow by little more than 200 residents by 2036, a slow rate of less than 0.5 per cent per year. Most growth will occur in persons aged 50 and over, and so further demands on the Park's passive and informal active recreation opportunities are expected.

The Park will reduce in size with State Government's Yan Yean Road realignment, increasing pressure on the remaining undeveloped areas to continue to accommodate a diverse range of functions and contribute to broader recreation and environmental values.

Three locations for off-field cricket practice facilities have been identified:- the Park's north-west corner over the existing passive recreation precinct (Option 1); adjacent the CFA training area in undeveloped open space (Option 2); and east of the sportsground over existing car-parking and encroaching on the Plenty Tennis Club's leased area (Option 3). Other options were tested but discounted by both PCC and officers.

Officers recommend Option 2 being the most consistent with the Masterplan and having the least impact on the Park's diverse uses and functions. This location is not supported by Plenty Cricket Club who wishes to pursue the location of Option 1. Option 1 has been identified as the Park's most significant area for the further development of informal and family recreation opportunities to serve the non-sporting needs of the local community and Park's wider catchment.

12. Officers' reports

OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

Recommendation

That Council:

- 1. Continues to develop Plenty War Memorial Park's sporting and active recreation facilities consistent with the Masterplan's overall strategic direction which balances sporting, passive recreation and natural environmental values.**
- 2. Acknowledges Plenty Cricket Club's request for a new cricket practice training facility at Plenty War Memorial Park.**
- 3. Continues to plan with Plenty Cricket Club to develop new cricket training facilities, and notes that officer investigations identifies that the site which is consistent with the purpose and intent of the Plenty Park Masterplan is adjacent to the CFA training area.**
- 4. Refers the project for consideration in future Council budgets and seeks to secure external funding to assist with development of new cricket training facilities at Plenty War Memorial Park.**

Attachments

1. Plenty Cricket Club Park Concept Plan - April 2016
2. Proposed cricket practice nets - Location options
3. Proposed cricket practice nets - Option 1
4. Proposed cricket practice nets - Option 2
5. Proposed cricket practice nets - Option 3

Background

1. Plenty War Memorial Park (PWMP) is a 16-hectare (ha) open space offering a diverse range of sporting, passive recreation, natural environmental and conservation values.
2. The Park provides a number of functions including sport, active and passive recreation, family and social gatherings and areas of undeveloped bushland. There will be increased pressure on the Parkland with the loss of an estimated 1.1ha to allow for State Government's widening of Yan Yean Road.
3. The Park serves a District catchment for residents across the suburbs of Plenty, Yarrambat and Greensborough.
4. Park tenants consist of Greensborough Hockey Club, Plenty Tennis Club, Plenty Cricket Club and Diamond Creek Women's Football Club, and the Plenty CFA for District-wide training and competition.
5. A Masterplan, adopted by Council in February 2007 (3.006/07), was developed for the Park in response to increasing demands from sporting clubs.

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OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

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6. The Masterplan made 39 recommendations seeking to balance the different and at times competing needs of all Park users.
 7. At the February 2016 Ordinary Meeting of Council (OCM), Council received an officer report (OCM.013/16) on the status of the implementation of the Plenty Park Masterplan (2007). This report responded to the Council resolution from the October 2015 Policy and Services Committee for officers to report back on the timelines and capacity to review the Masterplan including the provision of cricket facilities.
 8. The 2016 review of the Masterplan's status was completed through a desktop analysis of recommendations. Community engagement was limited to the Park's principle tenants only to gain a more current understanding of new or emerging active recreation pressures influencing the Park's ongoing use, development and management.
 9. As was reported in February, strong progress has been made on the Masterplan's implementation with 23 actions either completed or ongoing. \$2.643 million has been invested to date.
 10. The majority of actions which have not been delivered seek to improve the Park's passive, informal active and family recreation opportunities (a priority in Council's Recreation Strategy and Open Space Strategy), as well as enhanced environmental and native vegetation outcomes.
 - The action recommending a second picnic and playground area north of the hockey car park needs to be further tested through the preparation of the Lifetime Play Strategy, currently under development. Consolidating play in one location would offer a greater range of play opportunities and experiences at a lower cost to ratepayers.
 - Further car parking works and traffic management demands will be investigated, the latter to follow Yan Yean Road realignment.
 11. The review identified demands on the Park having largely remained stable since the Masterplan's adoption with the exception of the introduction and growth of women's football.
 12. The residential population is forecast to grow at a slow rate of less than 0.5 per cent per year to 2036 (an increase of 216 more people in Plenty-Yarrambat over the next twenty years), with ninety-five per cent of the forecast growth occurring in persons aged 50 and over. While the number of households will continue to grow slowly, household sizes will decrease (because of ageing population) (source: forecast.id). As a result, it is expected there will be further increased demands on the Park to provide enhanced passive and informal active recreation opportunities.
 13. It was during consultation with tenants that proposals to improve existing or develop new recreation facilities were identified. This included Plenty Cricket Club's desire for a new six-bay, multi-purpose, fully-enclosed cricket practice nets training facility, initially identified by the Club during mid-2015 planning of the current sportsground redevelopment. The Club's proposal was not listed in the original Masterplan.
 14. The Club proposes the practice nets facility be located in the Park's north-west corner, west of the sports pavilion. This location plays an existing and vital role in the Park's response to the local community's family and passive recreation needs.

12. Officers' reports

OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

15. At the February 2016 OCM, Council noted the status of the Masterplan's implementation and resolved to continue implementing remaining Masterplan actions. Council also resolved to continue planning with Park tenants to improve the Park's sporting facilities that are consistent with the Masterplan's overall strategic direction.
16. Council requested a further report to consider Park tenant proposals in more detail. This report deals specifically with Plenty Cricket Club's request for new cricket practice facilities, and considers three potential locations in detail.

Policy context

17. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy.
18. Maintaining and enhancing the open space network to cater for the community's wide range of recreation and leisure activities is a guiding principle in Council's *Open Space Strategy (2005)*.
19. Planning for the provision of new sporting infrastructure is undertaken in the context of the *Plenty Park Masterplan 2007* which highlights the need to balance sports' needs with the Park's environmental and passive recreation values.
20. Improving sport and recreation facilities seeks to achieve the key outcomes identified in the *Recreation Strategy 2011-2019* including increasing junior and female participation in sport and recreation, ensuring facilities are maintained at the agreed service levels and are fit for use, and increased funding to support participation in and development of unstructured activities.

Budget implications

21. Since the Masterplan was adopted, \$2.643 million of Council, State Government and Park tenant funds has been invested in delivering recommended actions.
 - \$2.173 million has funded new or upgraded sports facilities.
 - A further \$445,000 has delivered additional car parking and improved traffic management outcomes.
 - \$25,000 has funded minor landscaping, new picnic facilities and the renewal of the playground.
22. Council secured \$100,000 in State Government funding to deliver the \$400,000 sportsground redevelopment due for completion in September 2016. Further works to re-establish the cricket practice nets are underway at a cost to Council of \$70,000.
23. Officers have estimated the cost of the six-bay cricket practice facility at \$530,000. Works include significant excavation and retaining walls across the sloping site, replacement car parking and relocation of the playground closer to the sports pavilion. No provision has been made in Council's indicative five-year capital works program for this project as it was not in the original Masterplan.

Consultation/communication

24. Officers met with the Plenty Cricket Club (PCC) in December 2015 during the review of the status of the Masterplan's implementation.

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OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

25. The Club identified a range of infrastructure projects to further develop the Park for cricket, and presented a concept plan detailing improvements including new cricket practice nets (Attachment 1). Officers met with the Club again in February to provide feedback on the proposed developments. This included:
 - Further expansion of the change rooms, particularly to provide for female participation was supported by officers and would be referred for consideration in future Council budgets.
 - Development of a second sportsground east of the tennis facilities was not supported due to the facility being located within a vegetation offset area, cost and lack of available land following Yan Yean Road realignment. The second sportsground would also significantly reduce the environmental conservation area, identified by residents during the development of the Masterplan as the most popular aspect of PWMP.
 - The development of a second entrance to PWMP off Yan Yean Road north of the hockey pitch is unlikely to be supported by VicRoads.
26. Officers have continued discussions with PCC on potential locations for cricket practice facilities. A further meeting with the Club was held in May 2016. The Club informed officers that other options had been considered but were not supported by members on grounds including lack of available/area, distance to the training facility from the sports pavilion and sportsground, requirement for vegetation removal, and relative isolation and negative perceptions of safety.
27. Following this recent meeting, the Club confirmed with officers their desire to pursue the practice nets location on the passive recreation area in the Park's north-west corner.
 - The Club submitted an Expression of Interest for Council to consider applying for a 2017-2018 State Government Community Sporting Infrastructure Fund of up to \$100,000 and Council contribute \$200,000 towards the Club-estimated total project cost of \$300,000 (less than the \$530,000 identified by officers and provided to the Club). The Club has not identified a financial contribution towards the project.
 - The Club was advised that officers would not recommend Council submit a funding application due the proposed facility's departure from the Masterplan, however support the Club's consideration of other locations that are consistent with the purpose and intent of the Masterplan.

Issues/options

28. Plenty Cricket Club has had stable participation over the past 10 years. The Club has 140 members - the seventh largest of ten cricket clubs in the Shire in 2015-2016. The Club has grown its modified cricket program from eight to 34 participants over the past two seasons. Whilst only three female members were recorded in the 2015-2016 season, the Club has aspirations to introduce a girls-only junior team in the upcoming 2016-2017 season.
29. Cricket Australia recommends a cricket practice facility for a local community club consist of three to six bays depending on the club size (Cricket Australia Community

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OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

Cricket Facility Guidelines). Construction typically costs \$50,000 per bay depending on design and site conditions.

30. The Club currently trains in a three-bay facility, a ratio of one bay to 46 members (slightly more than the 1:44 Shire wide average). Further analysis of the number of bays required is necessary to confirm the required scope for a new facility. Should the maximum six bays be provided, the player:bay ratio would decrease to 1:23 based on the Club's current membership, thereby becoming the lowest members per bay provision in the Shire.
31. The planning of new cricket practice training facilities at PWMP has identified the following options.

Location over the passive recreation area (Option 1)

32. The Club expresses a strong desire to develop a new cricket practice net facility adjacent the sports pavilion on the north-west area of the Park near the corner of Memorial Drive and Butlers Road (Attachment 2- Option 1), which is inconsistent with the adopted Masterplan.
33. Improving facilities and amenities for play and family gatherings was a community priority identified during consultation on the Masterplan. This location has been identified in the Masterplan as contributing to the Park's family / social precinct, with the area providing a range of informal recreation values. Unlike other areas of undeveloped open space within PWMP, this location is close to residential properties with good sight-lines from local roads, most suited to a range of informal community uses. Council's Recreation Strategy recommends these areas be further developed to better support and encouraged unstructured recreation.
34. This precinct has been upgraded through the Masterplan's implementation with a new playground and additional seating and shelter provided around the barbecue facility.
35. Officers estimate the six-bay facility to be \$530,000 including significant earthworks, costs to relocate the playground and carparking implemented from the Masterplan, and fund vegetation offsets for the removal of 18 trees subject to planning approval.
36. Constructing the nets facility in this location would require the playground to be relocated. The Club suggests the playground could be located between the practice nets and the sports pavilion. There would however be a loss to the area's amenity, and the reduced area available would preclude further improvements in play provision serving the Park's District catchment. Future play provision across the Shire is currently being explored through the preparation of the Lifetime Play Strategy.
37. The practice nets facility would encroach on car parking, also constructed through the Masterplan. Replacement bays could be provided elsewhere in the Park, but disability car parking and access to the pavilion and community facilities would be further.
38. The Club suggested Plenty Heritage Park (PHP) be developed for play and informal family recreation, however this is not appropriate in a precinct identified for the development and celebration of the area's post-European contact heritage. This includes future discussions regarding the potential location of Plenty church and school buildings at PHP, identified in the Masterplan.

12. Officers' reports

OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

39. Plenty Cricket Club has called on officers to review the Plenty Park Masterplan in order to amend the future function of the passive recreation area to accommodate the development of additional sporting facilities.

40. Attachment 3 provides photographs of the location of Option 1.

Location adjacent CFA training area (Option 2)

41. Up to 6 bays could be provided in the largely flat area between the CFA training area and hockey pitch, south of the internal road (Attachment 2 - Option 2). This location is consistent with the strategic intent and directions of the Masterplan.

42. The site is located at the base of an embankment with no direct line of sight from the sportsground or pavilion.

43. The area available would still accommodate the Masterplan's recommendation to formalise the existing overflow car-parking (design work provisionally funded in the draft 2016-2017 budget) and enable the CFA to upgrade their training facilities. Plenty CFA support the nets in this location.

44. Irrespective of the number of bays constructed, this location would be the simplest (limited earthworks and no relocation of existing facilities) and cheapest to construct. No significant vegetation would need to be removed.

45. The Cricket Club opposes this location on grounds of:

- Comparatively concealed location and associated risks of vandalism or illegal activities.

Officers note that illegal dumping has been an ongoing problem in this area of the Park, although reduced with the securing of the internal access road outside hockey and CFA's use. Increased activity may further reduce the incidents of dumping.

- Distance and no of sight-lines from the clubrooms and sportsground. Batsmen warming up in the nets would not be able to monitor the match's progress whilst preparing to enter the game.

Officers note separating activities – training, social and competition – impacts on the coordination of club operations, as already occurs at AE Cracknell Reserve, Panton Hill and Eltham Central Park, Eltham.

- The Club raised their concerns about the isolation of children using the facility and possible under-utilisation.

Officers have made the following observations:

- There would be limited passive surveillance from the tennis courts 7 and 8, CFA training area and hockey pitch when in use.
- Club training would only take place under the supervision of an adult or responsible person.
- Officers would recommend young children using the facilities informally do so under the supervision of an adult or responsible person.

46. Attachment 4 provides photographs of the location of Option 2.

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OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

Location to the west of the tennis court pavilion (Option 3)

47. Up to four bays could be delivered in this location. The facility would be shorter than the Cricket Australia recommended 36 metre length for fully- enclosed nets due to the limited area available (Attachment 2 - Option 3).
48. The facility would encroach on the Plenty Tennis Club's (PTC) leased area and result in the loss of 11 parking bays. It's unlikely PTC would support this proposed location.
49. Other infrastructure including car park lighting would need to be relocated at additional costs to the project.
50. Both the club and officers acknowledge the shortcomings of this location, and agree that there would be a lesser outcome for both cricket and tennis if the facility were located here.
51. Attachment 5 provides photographs of the location of Option 3.

Other locations

52. Other locations were identified by the Club and briefly considered by officers but discounted by both parties. These locations were all in contravention of the Masterplan, and compromised Park values.
53. East of the existing practice nets constructed over the internal roadway and carparking.
 - Would require complete realignment of internal roadway and new entrance to the Park, and relocation of the Memorial Gates.
 - Would result in the loss of car parking.
 - Significant cost, and major changes to the Park's traffic layout.
54. Relocation of two-tennis courts to make way for new nets (location of replacement courts wasn't specified).
 - Significant costs to replace two new courts and associated lighting.
 - Loss of environmental values due the expanded footprint of sporting facilities encroaching on the natural environment including vegetation offset area.
 - Sloping site would increase costs to construct replacement tennis courts, as per Option 1.
55. East of the tennis courts in environmentally significant area.
 - Site affected by vegetation offset area with loss of environmental values.
 - Location would require vegetation removal.
 - Site would be disconnected from clubrooms and sportsgrounds. Limited passive surveillance as per Option 2.
 - Sloping site would increase costs to construct, as per Option 1.

Conclusion

56. The Park's challenging topography and associated constraints limits the options available to deliver cricket training facilities.

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OCM.078/16 Plenty Cricket Club - Proposed cricket practice nets

- 57. Planning of sporting facilities must balance the needs of all Park users as well as the Park's intrinsic values, in keeping with the current Masterplan and Council Strategy. Further development of parkland must consider the needs of all users now and into the future.
- 58. The location of Option 1 has the greatest potential to be further developed to deliver improved information recreation outcomes, including play, serving the local community, thereby delivering on Council's broader health and wellbeing commitments.
- 59. Option 2 has the least impact on other reserve users and is in keeping with the intent and directions of the Masterplan.

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OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

File: 20/35/044
Distribution: Public
Manager: Adrian Cully, Acting General Manager Community and Leisure
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 Naomi Paton, Manager Leisure and Social Infrastructure

Summary

This report provides background information and makes officer recommendations regarding the State Government 2017-2018 Community Sports Infrastructure Fund (CSIF) administered by Sport and Recreation Victoria (SRV).

The projects proposed for submission are consistent with Council's strategies, and seek to improve sporting and recreation participation outcomes within the Shire with each demonstrating a clear community benefit.

The report seeks Council endorsement for the submission of two Minor Facilities funding proposals, one Cricket Facilities funding proposal, two Female Friendly Facilities funding proposals and one Planning proposal. The proposals are the first stage of a two stage funding process, due to SRV by 8 June 2016.

Should the project proposals be successful then full applications are required by 31 August 2016.

The total funding requested from State Government under the CSIF is \$475,000 and would require up to \$955,000 matching Council funding within the 2017-2018 budget of which \$945,000 is already indicatively committed in the five year capital works program. Sporting clubs, Cricket Victoria and existing State Government election commitments will provide an additional \$397,500 contribution.

Recommendation

That Council:

1. **Endorses the following project proposals for application to the Community Sports Infrastructure Fund:**
 - a) **Minor Facilities Category**
 - i) **Civic Drive Precinct Outdoor Fitness Park**
 - ii) **Marngrook Sportsground Lighting Upgrade**
 - b) **Cricket Facilities Category**
 - i) **Yarrambat War Memorial Park Turf Cricket Nets**
 - c) **Female Friendly Facilities Category**
 - i) **Wattle Glen War Memorial Reserve Pavilion New Changerooms**
 - ii) **Research Park Changeroom Upgrade**

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OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

d) Planning Category

i) Hurstbridge Liveable Nillumbik Recreation and Open Space Masterplan

- 2. Notes \$795,000 already identified in 2017-2018 indicative capex program.**
- 3. Notes \$150,000 already identified in 2016-2017 draft budget.**
- 4. Refers a further \$10,000 in matching funding for consideration in the 2017-2018 budget for successful applications.**

Attachments

1. Project Proposals - Table of Recommendations

Background

1. The Victorian State Government is receiving project proposals to the 2017-2018 Community Sports Infrastructure Fund (CSIF). The program is administered by Sport and Recreation Victoria (SRV) through the Department of Health and Human Services.
2. The 2017-2018 CSIF application process is in two stages.
 - a) Submission of Project Proposals - closing date 8 June 2016
 - b) SRV shortlisted Project Proposals are invited to submit a full application -closing date 31 August 2016
3. Funding announcements for successful projects will be from November 2016.
4. The CSIF supports planning, building new, and improving existing sports and recreation facilities. The fund aims to encourage increased participation including target populations such as females and juniors, and better planning of facilities incorporating innovation, and environmental sustainability and universal design outcomes.
5. The CSIF budget allocation totals \$100 million State-wide over four years from July 2015. Council has already secured \$5.43 million from the program through the 2015-2016 and 2017-2018 grants including Eltham Leisure Centre aquatic redevelopment.
6. The CSIF offers grants across seven categories.

Regional, major and aquatic facilities grants

7. Funding is available under the following categories:
 - a) Better Pools- Grants of up to \$3 million to upgrade existing or development of new aquatic facilities.
 - i) Until Council expends the \$3 million grant for the Eltham Leisure Centre aquatics redevelopment project, Council will not be seeking additional funds in this category.
 - b) Major Facilities- Grants of up to \$650,000 where the total project cost is more than \$500,000 to develop or upgrade major district or regional facilities.

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OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

- c) Small Aquatic *Projects*- Grants of up to \$200,000 to improve and upgrade aquatic facilities, seasonal pools and develop new water play spaces.
- 8. Officers have not identified any projects in these categories where planning is sufficiently progressed to the point where a competitive application could be prepared. Officers will continue work across a number of projects to position the organisation for application/s in subsequent rounds.

Local facility grants

- 9. Council may apply for the maximum grant amount for up to three projects in the local facilities categories, with a maximum of two applications from any single category. Categories are:
 - a) Minor Facilities- Grants of up to \$100,000 for any one project (up to \$1million in value) to develop local facilities.
 - b) Cricket Facilities- Grants of up to \$100,000 (no maximum total project cost) to upgrade and develop cricket specific infrastructure including new buildings, grounds and training facilities.

Female Friendly Facilities grants

- 10. Council may apply for the maximum grant amount for up to two projects from the Female Friendly Facilities category. Grants of up to \$100,000 to build new or upgrade existing out-dated change facilities that cater for female sport, with a focus on promoting female and family friendly environments.

Planning grants

- 11. The Planning category focuses on sport and recreation participation planning and facility feasibility initiatives. There are three types of grants within the category:
 - a) Local Recreation Planning and Local Facility Feasibility- Up to \$30,000 for local initiatives.
 - b) Regional planning- Grants of up to \$50,000 for regional initiatives, demonstrating inter-municipal outcomes and involvement across two or more local government authorities.
- 12. Only one local and one regional planning application can be submitted.

Policy context

- 13. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy.
- 14. Nillumbik Shire Council Budget 2015-2016 – Financial Sustainability Plan:
 - Council will provide well-maintained infrastructure assets that are fit for purpose and provide the required level of service to the community.

Budget implications

- 15. Funding in all categories for Nillumbik Shire Council is provided at a ratio of \$1.50 grant for every \$1 local.

12. Officers' reports

OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

16. Clubs are encouraged to make financial contributions towards projects to reduce the financial burden on Council, and demonstrate to SRV partnerships with community organisations in the investment in sport and recreation infrastructure.
17. There is a proposed annual allocation of \$60,000 for sportsground lighting upgrades in the indicative capital works program effective 2017-2018. The 2017-2018 allocation will be used as Council's contribution towards Marngrook Oval Sportsground Lighting project application if successful.
18. Should all applications be successful, Council will need to allocate up to \$805,000 in the 2017-2018 budget, of which \$795,000 is an existing indicative commitment in the 2017-2018 capital program and the five year capex program. \$150,000 is an existing commitment in the proposed 2016-2017 budget.
19. The total funding being contributed by clubs toward projects is \$177,500 (Attachment One). This includes cash and in kind contributions. Contributions from clubs towards projects are strongly supported by SRV. \$200,000 funding is being contributed through an existing state government election commitment and \$20,000 funding will be sought from Cricket Victoria.

Consultation/communication

20. Community organisations were notified by Council and leisure facility operators of the 2017-2018 funding round opening on Monday 18 April 2016 and reminder emails were sent. Social media was also used to advertise the grant program to the community.
21. Clubs were invited to contact Council officers to discuss their proposed project and then submit an EOI to Council by 6 May 2016 for officer and SRV consideration. Officers received 16 enquiries from Clubs in relation to proposed projects. Officers met with four clubs to discuss the scope of their proposed projects in detail. Council received three EOI proposals.

Issues/options

22. Officers undertook an assessment of the EOI's submitted and Council priorities and commitments against the funding criteria and Council priorities and commitments.
23. Proposals including officer identified projects have been identified through or reviewed against Council strategy and commitments, including Recreation Strategy 2011-2019, Sportsground Lighting Strategy 2014, Open Space Strategy 2005, Soccer Strategy 2014, various reserve Masterplans and indicative commitments in future Council budgets.
24. All projects were then discussed with SRV representatives, a mandatory requirement of the program.

Project proposals

Council officers and clubs have identified project proposals across four categories: Minor Facilities, Cricket Facilities, Female Friendly Facilities and Planning.

Minor Facilities category

25. In accordance with funding guidelines only two projects may be submitted (only one application if submitting two Cricket Facility projects).

12. Officers' reports

OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

26. Council officers are recommending the following two Minor Facilities projects for submission to the 2017-2018 CSIF program:

a) Marngrook Reserve Sportsground Lighting Upgrade

This project, identified by officers, is the next priority in the implementation of Council's Sportsground Lighting Strategy (2014). The project will result in four new poles and fittings to light the ground to 100 lux, suitable for night competition. The project will improve the quality of training facilities benefitting junior and female participation. The project would seek the maximum grant of \$100,000. Council has an allocation of \$60,000 in the 2017-2018 program as matching contribution to this project if successful. Diamond Creek Junior Football Club are proposing a contribution up to \$7,500 towards the project.

b) Civic Drive Precinct Outdoor Fitness Park

This project, identified by officers, will support implementation of the Civic Drive Precinct Community Facilities Upgrade Masterplan (2016). The project will result in the development of an outdoor fitness park to enhance opportunities for unstructured recreation for the community. The project would seek the maximum grant of \$100,000. Council has an allocation of \$335,000 in the 2017-2018 program as matching contribution to this project if successful. The 5 Year capex program highlights the need for additional grant funding to support the total project cost.

27. Officers met with the Yarrambat Junior Football Club to discuss their proposal to increase change room facilities. The Club felt their planning was not sufficiently progressed, but will continue to advance the proposal in readiness for consideration in the upcoming Country Football Netball Funding program.

Cricket Facilities category

28. In accordance with funding guidelines up to two projects may be submitted (only one application if submitting two Minor Facility projects).

29. Council officers are recommending one Cricket Facilities project proposal be submitted to the 2017-2018 CSIF program:

a) Yarrambat War Memorial Park – Turf Cricket Practice Nets - \$100,000 total project cost

This project, identified by Plenty Valley Cricket Club, will see the construction of a turf practice net facility at Yarrambat War Memorial Park (YWMP). The Club will fully fund the required matching contribution to the project. The project seeks an SRV grant of up to \$100,000 depending on quotes received. No Council contribution is required as turf cricket facilities are above Council's minimum levels of provision and therefore a club's responsibility to fund (Capital Works Funding Policy for Community Based Sports Facilities, August 2003). The Club proposes to relocate their training base from neighbouring Banyule City Council, with proposed net training facilities extending the Club's use of the Park limited currently to their three senior women's teams for competition.

12. Officers' reports

OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

30. Council officers are not recommending the following Cricket Facilities project be submitted to the 2017-2018 CSIF program:

- a) Plenty War Memorial Park Cricket Practice Nets - \$300,000 total project cost

This project, identified by Plenty Cricket Club, proposes the relocation of the existing cricket nets to an area adjacent the existing pavilion. The project is similar in scope to the Club's proposal lodged with Council for consideration in the 2016-2017 CSIF funding round. The Club estimates the project cost to be \$300,000 and has requested Council fund \$200,000 and SRV \$100,000. The Club's estimated cost is significantly less than officer's \$530,000 estimates which have been provided to the Club. The Club's preferred location has been identified for family and passive recreation in the Park's Masterplan. Constructing nets in this location is both inconsistent with the Masterplan and would have a detrimental impact on the local community's access to passive recreation opportunities. Officers have recommended the Club pursue an alternate location for the nets, however the Club does not support.

Female Friendly Facilities category

31. In accordance with funding guidelines only two projects may be submitted.

32. Council officers are recommending the following Female Friendly Facilities projects be submitted to the 2017-2018 CSIF program:

- a) Research Park Changeroom Upgrade

This project, identified jointly by officers, Research Junior Football Club and Research-Eltham Collegians Cricket Club, will provide additional funding to deliver accessible female friendly changerooms in the pavilion upgrade to increase participation by females. The project would seek the maximum grant amount of \$100,000. This project has existing Council funding allocation in 2016-2017 of \$150,000. The application will increase funds available to deliver the Research Park Pavilion Upgrade, part-funded by State Government (2014 election commitment of \$200,000) and Council. The Research Junior Football Club and Research-Eltham Collegians Cricket Club are proposing a contribution of up to \$150,000 towards the project. No additional contribution would be required by Council.

- b) Wattle Glen War Memorial Reserve Pavilion New Changerooms

This project, identified by officers, will provide additional funding to deliver accessible female friendly changerooms providing the opportunity for increased participation by females. This project is supported by the Nillumbik Soccer Strategy 2014 and the Recreation Strategy 2011-2019. The project would seek the maximum grant amount of \$100,000. This project has existing Council funding allocation of \$400,000 in 2017-2018.

12. Officers' reports

OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

33. Council officers are not recommending the following Female Friendly Facilities project be submitted to the 2017-2018 CSIF program:

a) Plenty War Memorial Park Pavilion Extension

This project, identified by Diamond Creek Women's Football Club, proposes accessible female friendly umpires rooms and changerooms to increase participation at Plenty War Memorial Park by females. This project is supported by the Recreation Strategy 2011-2019. The project would seek a grant amount of \$40,000 and Diamond Creek Women's Football Club identify a contribution of \$30,000 (cash and inkind). The project planning is not sufficiently progressed, and so officers will support the Club to prepare a future application for Council's consideration in the upcoming Country Football Netball Program.

Planning category

34. Council officers have identified two local planning project proposals. Only one proposal may be submitted.

35. Council officers are recommending the following Planning project for submission in the 2017-2018 CSIF program:

a) Local application – Hurstbridge Liveable Nillumbik Recreation and Open Space Masterplan

This project will be informed by the Hurstbridge Concept Plan 2010, Hurstbridge Design Guidelines 2013, Graysharps Road Precinct Plan and Recreation Strategy 2011-2019 to better respond to the Hurstbridge community's recreation and open space needs. A Council matching contribution of up to \$10,000 will be required to support the application if successful.

36. Council officers are not recommending the following Planning project for submission in the 2017-2018 CSIF program:

a) Local application – Sports Pavilion Planning

This project will be informed by the current Sportsground Management Review. The plan will inform the future renewal and upgrade of existing and development of new sporting pavilions which will respond to seasonal sports participation demands. Officers will refer this project for consideration in the 2017-2018 budget.

37. Yarrambat Basketball Club discussed with officers their proposal for an indoor multi-court facility at Yarrambat War Memorial Park. Such a proposal would need to undergo facility feasibility planning. The project is not sufficiently progressed, and future court provision needs across the Shire will be influenced by current stadium planning in Diamond Creek and Greensborough. The Club did not lodge an EOI.
38. Officers will continue to work with Clubs and SRV to prepare project proposals including confirmation of project scope and cost. Confirmation in writing of all Club contributions will be requested, prior to submission of applications.

12. Officers' reports

OCM.079/16 Sport and Recreation Victoria Grant Funding 2017-2018

Conclusion

- 39. The project proposals outlined in this report are consistent with Council's strategies for the provision of improved sporting facilities within the Shire. The projects provide clear community benefit and increased opportunities for participation.
- 40. Proposals recommended by officers for submission are considered the strongest against the CSIF funding guidelines.
- 41. The proposed project proposals will provide \$1,827,500 towards improved community sport and recreation infrastructure with a cost to council of \$955,000 and club and state government contributions of \$397,500.

12. Officers' reports

OCM.080/16 Warrandyte Bridge widening

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Conal Creedon, General Manager Infrastructure Services

Summary

On 1 March 2016 the State Government announced its intention to add an additional traffic lane to the Warrandyte Bridge on the River Yarra by removing the existing footpaths and constructing a separate pedestrian river crossing, possibly attached to the existing bridge structure.

This announcement by the State Government followed consistent concerns by the Warrandyte community and Nillumbik and Manningham Councils over an extended period of time regarding the daily traffic congestion on the river crossing, as well as concerns regarding the capacity and functioning of the bridge in an emergency.

The State Government announcement regarding the creation of an additional lane has raised some concerns within the Warrandyte community regarding the level of consultation conducted before the announcement, as well as concern regarding the practical operation of changed traffic conditions.

Council officers also have questions regarding some of the operational detail and continue to seek this detail from VicRoads. VicRoads officers have indicated their intention to conduct further community consultation on the project in early June, at which time the community can give greater voice to its concerns and more detail can be provided on the delivery of the proposed upgrades.

Recommendation

That Council:

1. **Continues to support actions to reduce congestion on Kangaroo Ground-Warrandyte Road and Research-Warrandyte Roads, and that improve the functioning of the Yarra River crossing at Warrandyte.**
2. **Continues to liaise with the Warrandyte Community Association, the City of Manningham and VicRoads to agree the best possible measures to achieve these improvements.**
3. **Requests VicRoads to consult with the two local councils and the Warrandyte Community Association to determine the most effective traffic treatment to address congestion.**

Attachments

1. Indicative traffic lane layout on Warrandyte Bridge

12. Officers' reports

OCM.080/16 Warrandyte Bridge widening

Background

1. Over recent years traffic growth on the VicRoads managed arterial roads of Kangaroo Ground-Warrandyte Road and Research-Warrandyte Road has caused increasing congestion and slow traffic movements through Warrandyte via the single lane bridge and roundabout on the southern side of the bridge. This in turn has created concern amongst the local community regarding the capacity and performance of these roads in an emergency if large numbers of residents needed to evacuate the area in a short period of time. They also create concerns regarding the amenity and effects of these constant high volumes of traffic in the morning and evening peak.
2. Nillumbik Council officers have made representation to VicRoads over an extended period regarding this increasing congestion. The Warrandyte community, through the Warrandyte Community Association, has also made representation to VicRoads, State Government and State Government Emergency Services regarding the community's safety concerns. The Warrandyte Community Association's award winning 'Be Ready Warrandyte' campaign drew particular attention to this issue.
3. There is also an active Facebook group 'Fix the Warrandyte Bridge Bottleneck', set for residents of North Warrandyte and surrounds to advocate for solutions to the long vehicle queues in the morning and afternoon peaks.
4. In October 2014 the then Minister for Police and Emergency Services authorised Emergency Management Victoria to commence a feasibility study, led by VicRoads, with input from Victoria Police, CFA and Nillumbik and Manningham Councils to consider the options of an improved or alternative river crossing in Warrandyte. As part of this work, VicRoads commissioned a study by Trafficworks Pty Ltd which looked at a number of options for alternate additional river crossings, as well as an option to increase the capacity of the existing bridge.
5. On 1 March 2016 the State Government announced its intention to add an extra traffic lane to the bridge in line with the recommendations made in the Trafficworks report.

Policy context

6. This report directly supports the achievement of Council Plan 2013-2017 strategies:
 - We will provide a safe and accessible network of local roads, footpaths and trails.
 - We will advocate to the State Government for improvements to public transport on main roads in the Shire for improved access and amenity for local residents.

Budget implications

7. There are no budget implications for Council arising from consideration of this issue. The State Government has announced funding of \$5.1 million for the upgrade to Warrandyte Bridge.

12. Officers' reports

OCM.080/16 Warrandyte Bridge widening

Consultation/communication

8. The issue of traffic congestion and safety in an emergency have been communicated to VicRoads and State authorities over an extended period. Some consultation has been conducted in developing the options for improvements to the bridge and VicRoads is planning further community consultation and information sessions in June 2016.

Issues/options

9. The proposal announced by the State Government (refer Attachment 1) creates an additional traffic lane for southbound traffic by removing the existing footpaths on either side of the bridge and creating a separate footpath, potentially attached to the existing bridge structure.
10. This would be supported by traffic lights at the intersection of Kangaroo Ground-Warrandyte Road and Research-Warrandyte Road. The proposal provides two designated lanes for southbound traffic for left and right turning vehicles respectively at the existing roundabout.
11. In order to achieve the extra lane on the bridge, there will be a requirement to widen Kangaroo Ground-Warrandyte Road on the approach to the bridge and also on the southern side of the bridge to facilitate left turning vehicles, heading towards Ringwood.
12. The announcement by the State Government has had a mixed reaction with the initiative being welcomed by some, but with many in the community questioning the practical operation of the proposal.
13. The questions being asked relate to the proposal to install traffic lights at Kangaroo Ground-Warrandyte Road and Research-Warrandyte Road, the traffic arrangements at the southern end of the bridge and the existing roundabout, how the proposed measures will deal with afternoon peak traffic accessing the single northbound lane, as well as seeking to understand how the changes will affect and improve traffic movement and road capacity.
14. Council officers have similar questions regarding some of the detail and the proposal. Recent advice from VicRoads is that further detailed analysis of features such as the traffic lights is currently being undertaken to model the operation of these relative to traffic volumes on both roads.
15. VicRoads has also advised that it intends to conduct further community information and consultation sessions in June. It is understood that, while some features of the proposal such as the provision of an extra lane are not negotiable, some aspects such as the provision of traffic lights and other details are negotiable, subject to meeting safety and traffic flow outcomes.
16. The recognition of an issue with traffic congestion and movement at the Warrandyte river crossing is welcomed and elements of the proposed treatment as currently understood have merit. It is acknowledged that the detail of the proposal is yet to be completed and the community understandably wishes to be consulted on this. It is the view of officers that VicRoads understands this, however officers will continue to make the case for the required level of consultation to ensure the community is adequately heard and informed.

12. Officers' reports

OCM.080/16 Warrandyte Bridge widening

Conclusion

17. The State Government has announced a proposed upgrade to the Warrandyte Bridge to address concerns regarding traffic capacity and congestion, as well as emergency evacuation. The detail of the proposal is yet to be finalised and the community has expressed concern regarding the absence of consultation prior to the State Government announcement. VicRoads is planning further community consultation in June at which time more detail of the proposal and the timing of any works is expected to be outlined.
18. Council officers will continue to liaise with VicRoads and the Warrandyte Community Association in regard to this project and offer any advice considered necessary to achieve the best possible outcome.

12. Officers' reports**OCM.081/16 Acquisition of Council Land - 20 Kent Hughes Road, Eltham**

Distribution: Public**Manager: Conal Creedon, General Manager Infrastructure Services****Author: Jon Miller, Manager Assets and Property****Summary**

Nillumbik Shire Council owns a parcel of land located at 20 Kent Hughes Road, Eltham (the land), known as Reserve 1 on Plan of subdivision 097367, Certificate of Title Vol 04858 Folio 497.

The land is located adjacent to, and has frontage onto the Yarra River. It was created in 1923, as a part of a larger subdivision and has an approximate area of 1,700 m². It is reserved on title for drainage, sewerage and recreational purposes.

The land and parts of several other privately owned parcels with frontage onto the Yarra River in the area are covered by a Public Acquisition Overlay (PAO3). The intention of PAO3 is to allow the State Government to purchase from existing owners, for the purposes of adding to the existing Yarra Valley Parkland network and allowing the formalisation of an existing pedestrian trail located on the northern banks of the river.

The State Government, through the Department of Environment, Land, Water and Planning (DELWP) has recently written to ascertain Council's interest in commencing the process of selling the land, which would be conducted in accordance with processes set out in the *Land Acquisition and Compensation Act (1986)*.

This report provides a detailed description of the land located at 20 Kent Hughes Road, Eltham, a brief outline of the proposed acquisition process and seeks Council's authorisation for the Chief Executive Officer or delegated officer to complete negotiations for the sale of the land and the transfer of ownership.

Recommendation

That Council:

- 1. Authorises the Chief Executive Officer or his delegate to negotiate an agreed sale and compensation value with the Department of Environment Land Water and Planning (on behalf of the Minister responsible for administering Part 2 of the *Crown Land (Reserves) Act 1970*, for the acquisition by the State Government of the Council owned land at 20 Kent Hughes Road, Eltham, being identified as Reserve 1 on Plan of Subdivision 09367, Certificate of Title Volume 04858, Folio 497.**
- 2. Authorises the Chief Executive Officer or his delegate to sign Contracts of Sale and other documents relating to the sale of the land.**
- 3. Authorises the transfer of land documents be signed and sealed.**

Attachments

1. 20 Kent Hughes Road Eltham

12. Officers' reports

OCM.081/16 Acquisition of Council Land - 20 Kent Hughes Road, Eltham

Background

1. Nillumbik Shire Council owns a parcel of land (the land) located at 20 Kent Hughes Road, Eltham, which is known as Reserve 1 on Plan of subdivision 097367, Certificate of Title Vol 04858 Folio 497. It is reserved on title for drainage, sewerage and recreational purposes and is depicted in the aerial photograph in Attachment 1.
2. The land has an approximate area of 1,700m², and has frontage to the Yarra River. It is effectively 'land locked' with no effective vehicular access points for the purposes of maintenance.
3. It currently has two strategic uses, these being as an informal route for the public to gain access to crown land properties that form a part of the Parks Victoria managed Yarra Valley Parklands, and as a wildlife/habitat corridor.
4. It is zoned Low Density Residential (LDRZ), and is covered by several overlays in the Nillumbik Planning Scheme, including Land Subject to Inundation (LSIO), Environmental Significance Overlays (ESO) 2, 3 and 4, and a Wild Fire Management Overlay (WMO).
5. The land is also one of several parcels (or parts thereof) in the vicinity that is covered by a Public Acquisition Overlay (PAO3), the objective being to allow the State Government to acquire the land for the purposes of adding to the Yarra River parklands system.
6. In seeking to acquire the land, DELWP can either complete the process through negotiation with Council, or by serving a "Notice of Intention to Acquire", which in effect will require Council to negotiate a sale and compensation value.
7. Correspondence has recently been received from DELWP, seeking to ascertain Council's interest in commencing a negotiation process for them to acquire the land.

Policy context

8. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will undertake long-term financial planning to ensure our budget decisions are responsible and sustainable.

Budget implications

9. Under the *Land Acquisition and Compensation Act 1986* (the Act), Council as the owner of the land is entitled to have all reasonable costs associated with the sale process paid by the purchaser, in this case the State Government.
10. It is proposed that proceeds from the sale of the land would be allocated to Council's Major Projects Reserve and would fund uses of a capital (non-recurrent) nature, including other property purchases, capital works and/or reduction of debt principal.
11. Compensation would be assessed in line with the requirements of the Act, which include the market value of the land plus any additional amounts and allowances which may apply. Market value will be assessed on the unaffected value of the land and is expected to be in the region of \$50,000-\$60,000.

12. Officers' reports

OCM.081/16 Acquisition of Council Land - 20 Kent Hughes Road, Eltham

Consultation/communication

12. As acquisition of 20 Kent Hughes Road, Eltham is being completed in accordance with processes set out in the *Land Acquisition and Compensation Act 1986*, Council is not required to undertake public consultation in relation to its acquisition.

Issues/options

13. Whilst DELWP staff have indicated that they would like to commence formal negotiations with Council for acquiring the land, they have also indicated that internal processes will firstly require them to obtain an assessment of the land's suitability as parkland (in progress); a survey report; internal acquisition approvals, and a current market valuation.
14. Prior to entering into formal negotiations, Council must also complete a process in accordance with Section 24a of the *Environment and Planning Act 1987*, to vest title in itself. This process is near completion and Council is expecting a new Certificate of Title to be issued by Land Victoria shortly.
15. If Council chose not to undertake negotiations with DELWP, the Department may acquire the land through compulsory acquisition.
16. It is in Council's interest to obtain its own independent valuation for market value and compensation purposes, as well as engaging legal representation, the costs of both being paid for by DELWP.
17. It is proposed that when acquired, the land would become a part of the Yarra Valley parklands system. Advantages of the proposed change in ownership include a single and more consistent maintenance and management regime for land adjacent to the Yarra River. It will also reduce the current maintenance requirement for Council, which is difficult due to access issues.

Conclusion

18. The Council owned land located at 20 Kent Hughes Road, Eltham is covered by an Acquisition Overlay, the purpose of which is to allow the State Government to acquire it for the purpose of adding to the existing parklands located along the Yarra River.
19. The DELWP, acting on behalf of the State Government have recently written to Council seeking to ascertain interest in commencing a negotiation process for them to acquire the land.
20. As the purpose of the Acquisition Overlay is to increase the area of parkland along the river and protect the river frontage DEWLP can acquire the land through a compulsory acquisition process or through negotiation. It is recommended that Council formally advise the Department that it is willing to enter into a negotiation process to reach an agreed market and compensation value for the land, with the intention of selling the land and transferring ownership to the State Government.

12. Officers' reports**OCM.082/16 Eltham Activity Centre Forum - Appointment of a Business Representative**

File: **40/20/007****Distribution:** **Public****Manager:** **Chad Griffiths, Manager Strategic and Economic Planning****Author:** **Paul Fyffe, Senior Strategic Planner****Summary**

This report considers the outcome of the public call for a business representative to the Eltham Activity Centre Forum and recommends an applicant for the position.

The Eltham Activity Centre Forum (the Forum) is Council's community and business advisory group regarding significant planning projects for the Eltham Activity Centre. The membership of the Forum includes the three Eltham Councillors, four community representatives and four business representatives.

There currently exists a two-year vacancy for a business representative on the Forum. Accordingly, at the March 2016 Ordinary Council Meeting, Council resolved to conduct a public call for a business representative through a two-week advertising period, and to consider any applications received at a later meeting of Council.

The public call for a business representative has been conducted and Fee Sievers, the President of the Eltham Chamber of Commerce and Industry, has nominated for the position. Fee Sievers is considered a highly suitable applicant, as appointing the President of the Eltham Chamber of Commerce and Industry will ensure the views of the Eltham business community are heard within the Forum.

It is therefore recommended that Council appoint Fee Sievers as a business representative on the Eltham Activity Centre Forum until May 2018.

Recommendation

That Council appoints Fee Sievers as a business representative on the Eltham Activity Centre Forum until May 2018.

Attachments

Nil

Background

1. The Eltham Activity Centre Forum (the Forum) is Council's community and business advisory group regarding significant planning projects for the Eltham Activity Centre. The membership of the Forum includes the three Eltham Councillors, four community representatives and four business representatives.

12. Officers' reports

OCM.082/16 Eltham Activity Centre Forum - Appointment of a Business Representative

2. At its March 2016 Ordinary Council Meeting, Council resolved to re-appoint the existing community and business representatives for a further two-year term (until March 2018). However, there remains one vacancy for a business representative, as in 2015 a former business representative resigned and has not since been replaced. Accordingly, in addition to re-appointing the existing members, Council resolved at its March 2016 Ordinary Meeting to conduct a public call for a new business representative through a two-week advertising period, and to consider any applications received at a later meeting of Council.

Policy context

3. This report directly supports the achievement of Council Plan 2013-2017 strategies:
 - We will engage the community in enhancing local neighbourhoods to make them welcoming and vibrant places.
 - We will engage the community in enhancing local neighbourhoods to make them welcoming and vibrant places.
 - We will promote development in the right locations to increase the diversity of housing options for Nillumbik residents
 - We will encourage business investment that enhances and benefits our activity centres and townships

Budget implications

4. Provision is made within the 2015-2016 Strategic Planning Budget and work program for costs and resources associated with the Forum.

Consultation/communication

5. The public call for nominations for a business representative was conducted between 13 and 27 April 2016 and comprised the following actions:
 - A public notice seeking nominations was placed in the *Diamond Valley Leader* and on Council's website
 - A letter was sent to the Eltham Chamber of Commerce and Industry (the Eltham Chamber) inviting a nomination. The Eltham Chamber is the peak body representing the Eltham business community.

Issues/options

1. Council has received one nomination by the close of the advertising period, which is from Fee Sievers, President of the Eltham Chamber.
2. Fee Sievers is considered a highly suitable nomination for the following reasons:
 - As Ms Sievers is the President of the key body representing the Eltham business community, her appointment would best ensure the views of the Eltham business community are heard within the Forum.
 - The Forum has, for much of its tenure, had the President of the Eltham Chamber as one of its business representatives and when this has occurred, it has significantly contributed to the success of the Forum.

12. Officers' reports

OCM.082/16 Eltham Activity Centre Forum - Appointment of a Business Representative

6. It is therefore recommended that Council appoint Fee Sievers as a business representative on the Forum until May 2018.

Conclusion

7. Council has conducted a public call for nominations for a business representative to the Eltham Activity Centre Forum and has received a nomination from Fee Sievers, President of the Eltham Chamber. Fee Sievers is considered a highly suitable nomination, particularly given her position in the Eltham business community, and it is recommended that she be appointed to the position.

12. Officers' reports

OCM.083/16 Council Plan 2013-2017 annual review and Annual Plan 2016-2017

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Naomi Ellis, Corporate Planner

Summary

This report presents the annual review of the Council Plan 2013-2017 to Council for consideration. The annual review is a legislated requirement of the *Local Government Act 1989*.

Also presented for consideration is the Annual Plan 2016-2017, a list of 60 key actions that Council will undertake during the 2016-2017 financial year to demonstrate in a practicable and tangible way how the Council Plan strategic objectives are being delivered to the community.

It is recommended that the Council Plan remain unchanged for the fourth and final year of its four-year lifespan and the Annual Plan 2016-2017 be adopted with updates received in November 2016 and January, April and July 2017.

Recommendation

That Council:

1. **Having reviewed the Council Plan 2013-2017, reaffirms the existing Strategic Objectives, Strategies and Strategic Indicators.**
2. **Makes the Council Plan 2013-2017 with the updated Strategic Resource Plan (pending its adoption as part of the Budget 2016-2017 process), publicly available on Council's website and prints a small number of copies for interested citizens and other stakeholders.**
3. **Adopts the Annual Plan 2016-2017 and receives quarterly updates on its progress.**

Attachments

1. Annual Plan 2016-2017

Background

1. Under section 125(7) of the *Local Government Act 1989*, Council is required to at least once in each financial year consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.
2. Nillumbik adopted its current Council Plan 2013-2017 at the Ordinary Council Meeting in June 2013 followed by reviews in May 2014 and May 2015.
3. The Annual Plan 2016-2017 has been developed with consideration for Council priorities, major projects, capital works, major initiatives and service improvements. It also takes into consideration the legislated reporting requirements Council must fulfil under the Local Government Performance Reporting Framework.

12. Officers' reports

OCM.083/16 Council Plan 2013-2017 annual review and Annual Plan 2016-2017

Policy context

4. The review of the Council Plan and adoption of the Annual Plan directly supports the achievement of Council Plan strategies:
 - We will provide strong and innovative leadership on issues of strategic importance to enable us to achieve our goals for the Nillumbik community.
 - We will meet our legal responsibilities and manage our risks.

Budget implications

5. The Council Plan is a high-level strategic document and does not make specific budget commitments. The directions set in the Council Plan have been used to develop the draft Budget 2016-2017.
6. The Annual Plan is developed alongside the annual Budget and does not impose costs on Council that are not already budgeted for. The Annual Plan simply identifies the high level actions that are funded in the Budget for quarterly reporting to Council and the community.
7. There have been no additional costs to review the Council Plan or develop the Annual Plan. Officer time and print costs will be met within existing operational budgets.

Consultation/communication

8. The Council Plan was developed following a comprehensive program of workshops and briefings following the general election in October 2012. Prior to formal adoption, it was placed on public exhibition and submissions from the community were invited.
9. It was also informed by numerous Council policies, plans and strategies which are listed in the Council Plan, each of which was developed following a process of community consultation.
10. Subsequent reviews of the Council Plan have been undertaken with a range of internal and external consultation, such as Councillor workshops and the Annual Community Survey. Minor changes made to the Council Plan as part of last year's review were placed on public exhibition for 28 days and community feedback invited.
11. There is no legislative requirement for Council to consult on the Annual Plan. However the inputs used to develop the Annual Plan are the subject of various consultation processes, both internal and external. The most notable inputs are the Council Plan and the Budget, both of which are subject to extensive consultation during development.

Annual review of the Council Plan 2013-2017

12. Councillors considered the current Council Plan and its Strategic Objectives, Strategies and Strategic Indicators at their annual Planning Workshop in November. There was widespread agreement that the Council Plan still accurately reflected their priorities for the Nillumbik community in response to the opportunities and challenges facing the Shire. No changes were recommended.

12. Officers' reports

OCM.083/16 Council Plan 2013-2017 annual review and Annual Plan 2016-2017

13. The Council Plan also contains the Strategic Resource Plan (SRP), the long-term financial projections detailing how Council plans to achieve its objectives over the next four years.
14. The SRP has been revised and updated as part of the Budget 2016-2017 process and will be presented to Council for adoption on 14 June. Pending adoption of the SRP, the Council Plan will be updated and made publicly available on Council's website and via a small number of printed copies.

Annual Plan 2016-2017

15. The Annual Plan focuses on key outputs that Council aims to achieve for the year such as major capital works projects, policy development and service delivery, as well as considering the Local Government Performance Reporting Framework indicators introduced by the State Government in 2014.
16. Another key focus of the Plan's development this year was to ensure it met the new reporting requirements mandated by the Performance Reporting Framework. By including the Council Plan Strategic Indicators, Performance Statement indicators and Budget major initiatives, the Annual Plan streamlines Council's reporting burden and provides efficiency and certainty that Council is meeting its legislated reporting requirements.
17. The Annual Plan is not an exhaustive list of Council services and projects, but rather a selection of key items for which clear, measurable targets are able to be defined, and which represent high priorities for Council in terms of performance and accountability to the community for the coming financial year.
18. The Annual Plan will guide the organisation's work for the next financial year and will inform Department Plans, Business Unit Plans and individual work plans for Council officers.
19. Progress against each of the actions in the Annual Plan will be reported to Council quarterly as the Quarterly Performance Report in November 2016, January, April and July 2017. The Quarterly Performance Report is made publicly available as part of the agenda papers.
20. Annual Plan results will also be made publicly available in Council's Annual Report 2016-2017 which must be presented to the Minister for Local Government by 30 September 2017 in accordance with section 133 of the *Local Government Act 1989*.

Conclusion

21. Following review of the Council Plan 2013-2017, it is considered that it still accurately reflects the Council's priorities for the community and therefore should remain unchanged as a result.
22. To enable Council to publicly report on the Council Plan in a meaningful way, it is recommended that the Annual Plan be adopted and progress reported quarterly in November 2016 and January, April and July 2017.

12. Officers' reports

OCM.084/16 Audit Committee - Minutes May 2016

File: 20/15/006

Distribution: Public

Manager: Andrew Port, General Manager Corporate Services

Author: Vince Lombardi, Manager Finance

Summary

In accordance with the *Local Government Act 1989* section 139 and good governance principles, councils must have an Audit Committee.

As resolved at the Ordinary Meeting of Council on 16 August 2005 the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.

The Audit Committee met on 16 May 2016. The minutes for the meeting are attached.

Recommendation

That Council notes the minutes of the Audit Committee meeting for 16 May 2016.

Attachments

1. Audit Committee Minutes May 2016

Background

1. As resolved at the Ordinary Meeting of Council on 16 August 2005 the Audit Committee minutes are to be reported and presented at an Ordinary Meeting of Council following the Audit Committee meeting.
2. The Audit Committee meets a minimum of four times a year and has the role to assist the coordination of relevant activities of management, internal audit and the external auditor to facilitate good governance, effectiveness and efficiency.

Policy context

3. This report directly supports the achievement of Council Plan 2013-2017 strategies:
 - We will ensure our services are efficient and deliver good value for money for our residents and we will invest in training and technology to enhance productivity.
 - We will meet our legal responsibilities and manage our risks.

Budget implications

4. The costs associated with this matter are contained within Council's 2015-2016 Budget.

12. Officers' reports

OCM.084/16 Audit Committee - Minutes May 2016

Consultation/communication

5. The Audit Committee meeting on 16 May 2016 was attended by the Committee members, Chief Executive Officer, General Manager Corporate Services, General Manager Infrastructure and Manager Finance. Cr Ken King and Cr Meralyn Klein were the Councillor representatives.

Issues/options

6. The minutes of the Audit Committee are submitted to Council after each meeting. To provide timely feedback, these are unconfirmed minutes.
7. The Audit Committee plays a significant role in Council's governance framework. It provides external expert advice to Council on key areas of risk. Risk in this case is interpreted broadly and covers risk to Council's sustainability, reputation, fraud control and effectiveness, as well as financial risk.
8. The 16 May 2016 Audit Committee minutes have not yet been adopted by the Committee, but will be presented at its next meeting.
9. Among the items considered by the Audit Committee at the meeting held on 16 May 2016 were:
- The Internal Audit progress report was received and noted
 - The Risk and Insurance report was received and noted
 - The March quarter financial report was received and noted
 - The proposed budget for the 2016-2017 year and the Strategic Resource Plan.

Next meeting

10. The next Audit Committee meeting is scheduled to take place on Monday 15 August 2016.

Conclusion

11. The Audit Committee minutes 16 May 2016 are presented to Council to ensure timely feedback, accurate information and for noting by Council.

12. Officers' reports

OCM.085/16 Tender report 1516-60 Hard waste collection service

Distribution: Public

Manager: Conal Creedon, General Manager Infrastructure Services

Author: Hannah Burns, Infrastructure Maintenance Project Officer - Communications

Summary

This report considers the awarding of a contract for the provision of a hard waste collection service for a one year period, including options for two extensions of one year each. This contract will commence 1 August 2016 and expire, if all options are accepted by Council, at the end of July 2019. Council currently provides a hard waste collection service for residents, which has been a booked service since August 2012.

The tender evaluation panel has assessed all submissions and a separate confidential report outlines the evaluation in recommending the awarding of the contract for the provision of a hard waste collection service.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of this contract exceeds financial limits and a Council resolution is required to accept the recommendation to award the contract.

Recommendation

That Council:

- 1. Notes the report**
- 2. Makes public the decision regarding the contract but the tender evaluation remain confidential.**

Attachments

Nil

12. Officers' reports

OCM.086/16 Tender report 1516-69 Reynolds Road-Orme Street Road Sealing Works

File: 1516-69
Distribution: Public
Manager: Conal Creedon, General Manager Infrastructure Services
Author: Steven Blight, Coordinator Construction

Summary

This report considers the awarding of the contract for the construction of Reynolds Road and Orme Street, Diamond Creek. The works will involve the asphalt sealing of Reynolds Road, between Perversi Avenue and Phipps Crescent, Diamond Creek and the spray sealing of Orme Street, between Reynolds Road and Allendale Road, Diamond Creek.

These works will include the upgrade of the road pavement, pavement sealing, upgrade of existing culverts, construction of culvert endwalls, some kerb and channel, asphalt table drains and other associated works.

The Tender Evaluation panel has assessed all submissions and a separate confidential report outlines their evaluation in recommending the awarding of the contract for the construction of Reynolds Road and Orme Street, Diamond Creek.

Pursuant to the Instrument of Delegation to the Chief Executive Officer the value of this contract exceeds the specified financial limits and a Council resolution is therefore required to award the contract/s.

Recommendation

That Council:

1. Notes the report.
2. Makes public the decision regarding this contract but the tender evaluation remain confidential.

Attachments

Nil

12. Officers' reports

OCM.087/16 Environment and Planning Monthly Activity Report

File: 45/25/007

Distribution: Public

Manager: Ransce Salan, General Manager Environment and Planning

Author: Chad Griffiths, Manager Strategic and Economic Planning
Jeremy Livingston, Manager Planning and Health Services
Phil Lovelace, Manager Regulatory Services
Pat Vaughan, Sustainability and Environment Executive Officer

Summary

This report provides a status update on planning, regulatory and policy activities in Council's Environment and Planning Department for the month of April 2016.

Recommendation

That Council receives the Environment and Planning Department Activity Report for April 2016 and notes the following items:

1. **Seventy-four per cent of planning applications were determined within 60 statutory days.**
2. **One VCAT decision was handed down during April, relating to 1347 Main Road, Eltham.**
3. **Amendment C103 'Lotus Court, Diamond Creek' was approved under delegation on 27 April 2016. Notice of the approval of the amendment appeared in the *Government Gazette* on 12 May 2016.**

Attachments

1. Information on statutory planning matters and subdivisions
2. Information on approved Building Dispensations
3. Information on Planning Scheme Amendments

Background

1. Council's Environment and Planning Department consists of the Planning Services Unit; Regulatory Services Unit; Strategic and Economic Planning Unit; and Sustainability and Environment Team. The following report consolidates and documents the key activities for each of these service units for the month of April 2016. A summary of the key activities within each of these service units follows.

12. Officers' reports

OCM.087/16 Environment and Planning Monthly Activity Report

Policy context

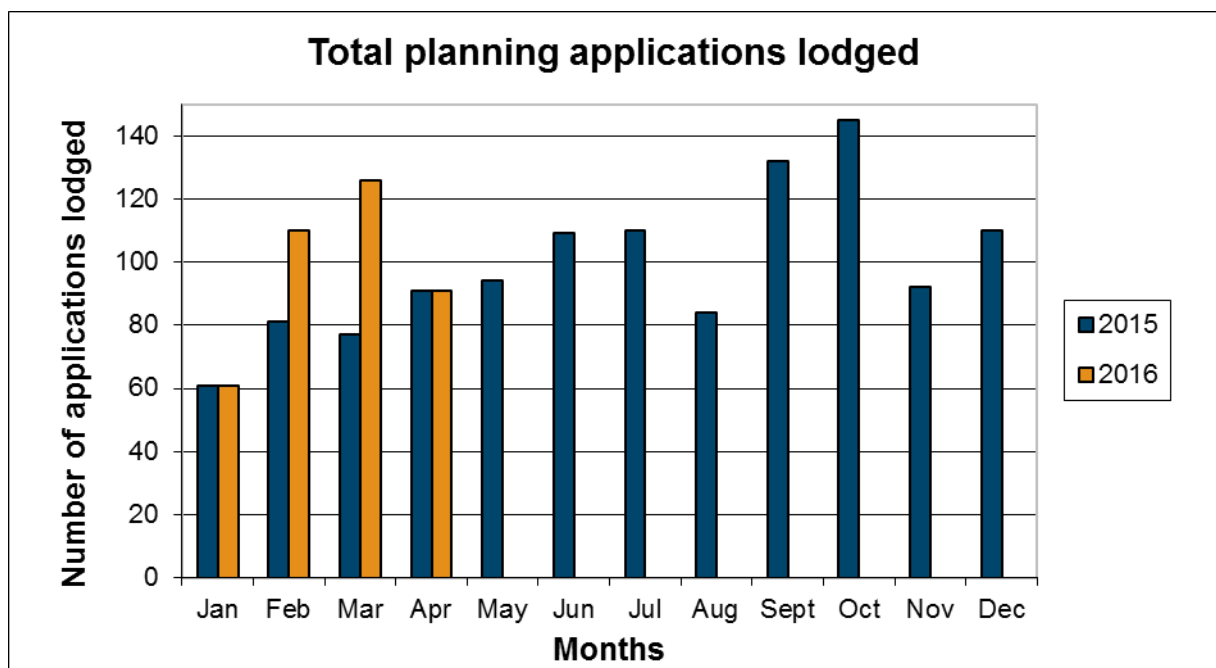
2. This report directly supports the achievement of Council Plan 2013-2017 strategies:

- We will plan so that any development is sympathetic to the Shire's unique heritage and protects neighbourhood character and our tree canopy.

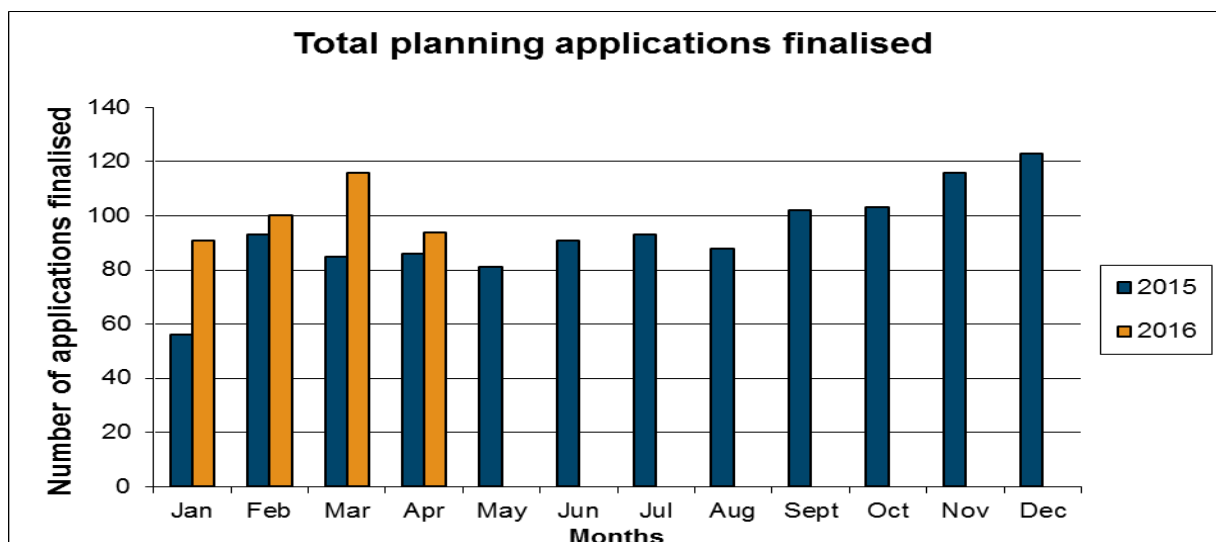
Planning and Health Services Unit

Planning applications lodged and finalised

3. Applications lodged include new planning applications; requests for amendments; plans required by permit conditions and miscellaneous consents (under Section 173 Agreements). A total of 91 new applications were lodged in April 2016.



4. The applications finalised total includes those applications that have been both withdrawn and those for which no permit were required. A total of 94 applications were finalised in April.



12. Officers' reports

OCM.087/16 Environment and Planning Monthly Activity Report

5. A breakdown of the determined planning applications is as follows:

Application type:	Percentage determined
Residential development (new dwellings or additions)	51%
Multi-dwelling development	15%
Miscellaneous consent under Section 173 Agreement	13%
Non-residential building and works	11%
VicSmart	7%
Subdivision	2%
Use	2%

6. Council has received 79 year to date more planning application than for the same period in 2015:

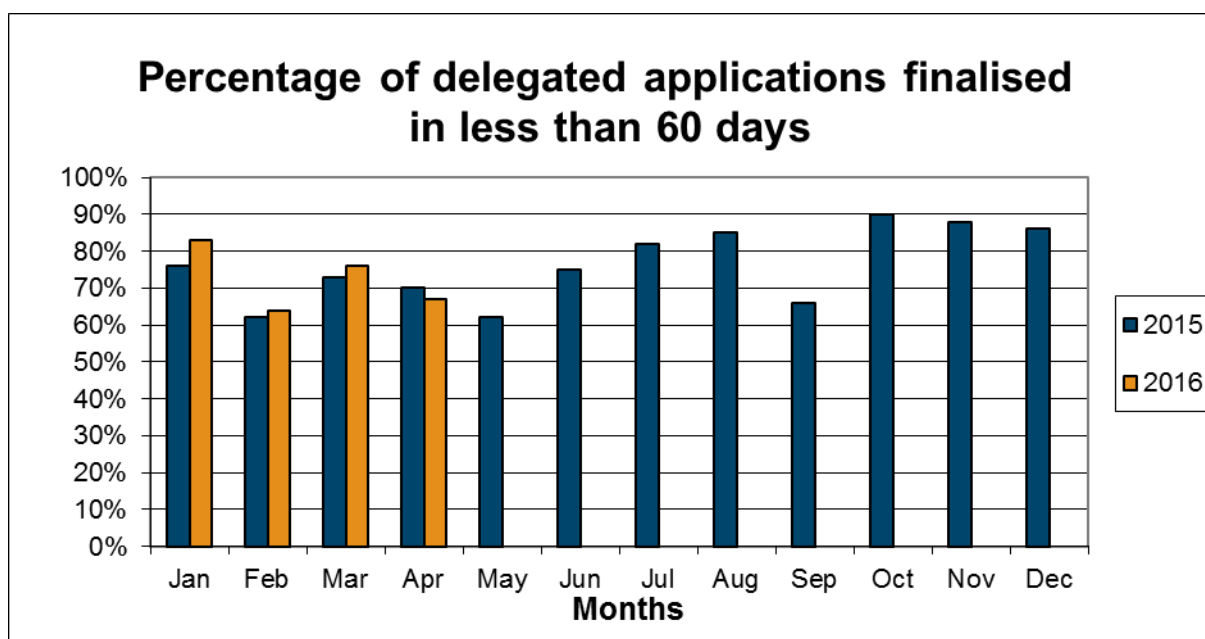
Year	30 April 2015	30 April 2016
Year to date	310	389

7. At the end of April, 337 planning applications remain outstanding, 67 more than for the same period last year:

Year	30 April 2015	30 April 2016
Outstanding applications	270	337

Planning applications decision timelines

8. The following graph outlines the statutory timelines for all planning decisions, with the exception of 'VicSmart' planning applications. In April, 67 per cent of planning applications were decided within 60 statutory days.



12. Officers' reports

OCM.087/16 Environment and Planning Monthly Activity Report

9. VicSmart planning decision process specifies 10 business days as the statutory timeframe when applications meet criteria set by the State Government. Five VicSmart planning application was decided in April.

Victorian Civil and Administrative Tribunal (VCAT) decisions

10. A total of eight planning matters are currently before VCAT. One VCAT decision was handed down and one appeal struck out in April 2016.
11. **1347 Main Road, Eltham – Construction of eight dwellings and removal of vegetation (Council refusal, VCAT approval).**
12. The application sought construction of eight dwellings on an unoccupied (vacant) property, and the removal of 23 trees. The subject land is zoned General Residential Zone, is steep sloping (upwards from the Main Road) and situated approximately 180 metres to the west of Parsons Road. The application attracted six written objections, and Council's Planning Committee refused the proposal on grounds relating to neighbourhood character, excessive vegetation loss, and landscape amenity. The applicant subsequently sought a review of Council's refusal at VCAT.
13. A previous proposal on this land seeking nine dwellings was refused by VCAT, and the Tribunal noted that this proposal was a "correcting appeal-one that seeks to address the deficiencies identified by the Tribunal in the previous decision". The Tribunal noted that "in the previous decision, the Tribunal found the site was suitable for medium density development, and traffic matters could be addressed but that nine dwellings were too many...".
14. In commenting on the current proposal, VCAT commented that "the proposal does appear more spacious and additional vegetation is now retained...". The Tribunal added "the proposed front setbacks are very generous because of the steepness of this part of the site. Direct views will generally be restricted by existing vegetation retained within the front setback and within that part of the frontage which forms part of the road reserve. The existing driveway is utilised and even if widening is required, will create only minimal changes to the presentation of the site from Main Road...". Unlike the earlier planning application, the Tribunal found that the development's interface with all adjoining properties to the west, north and east was acceptable from a visual amenity and landscaping planting perspective. Accordingly, the Tribunal directed that a permit be issued.

Environmental Services Unit

Food and Health premises inspections

15. A total of 48 inspections of registered Food and Health Premises were conducted during April. These included 44 mandatory Food Act inspections, which included 13 Follow Up inspections to re-assess issues identified in previous visits. The remaining were three Public Health and Wellbeing Act inspections and one new premises.
16. Twenty two planning referrals were received by the Environmental Health team during April; three are outstanding for comment as they were received with less than ten working days to respond in accordance with internal protocols.
17. Domestic Wastewater Management Plan actions continue to be implemented including the scanning of paper records and compilation of the septic tank system database and review of publications.

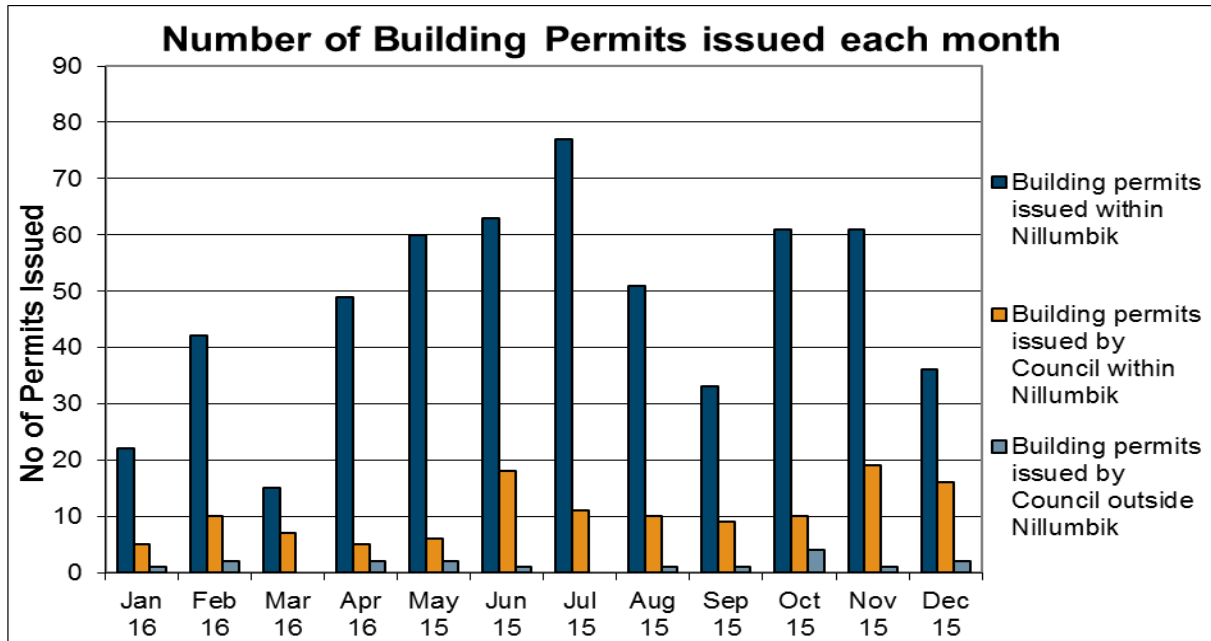
12. Officers' reports

OCM.087/16 Environment and Planning Monthly Activity Report

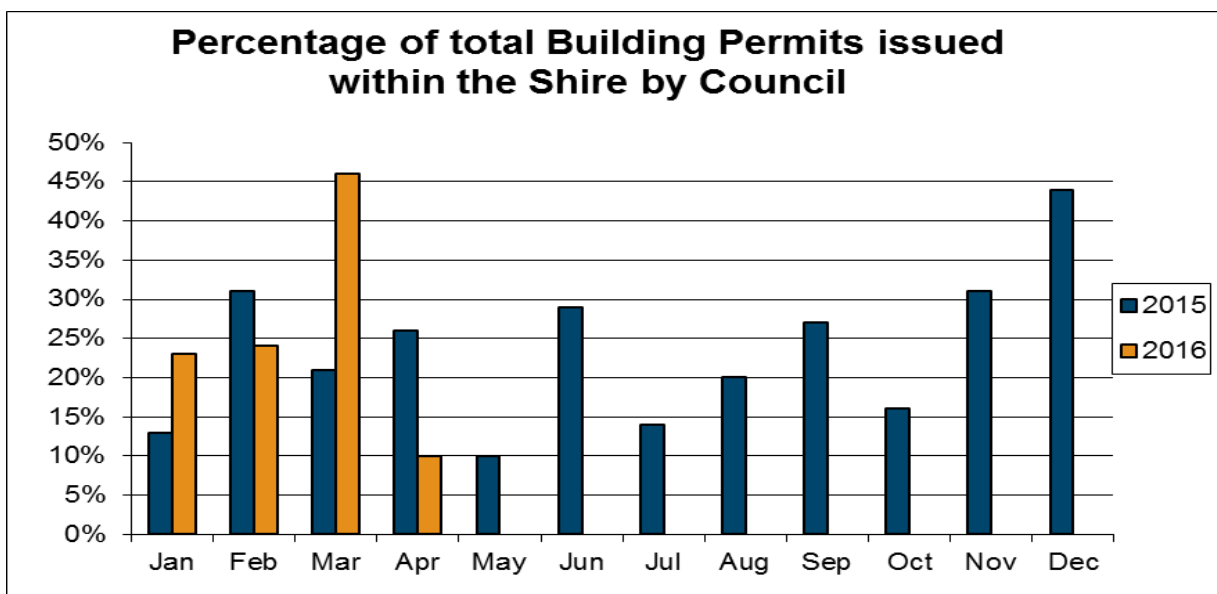
Regulatory Services Unit

Building permits issued

18. The following graph shows the total number of building approvals issued within the Shire of Nillumbik and the number issued by Council's Building Team. The third component of the graph shows the number of building approvals Council's Building Team has issued outside the Shire of Nillumbik.



19. The following graph illustrates the percentage of building permits issued within the municipality. Permits issued by Council's Building Team during April were 10 per cent of the overall total.

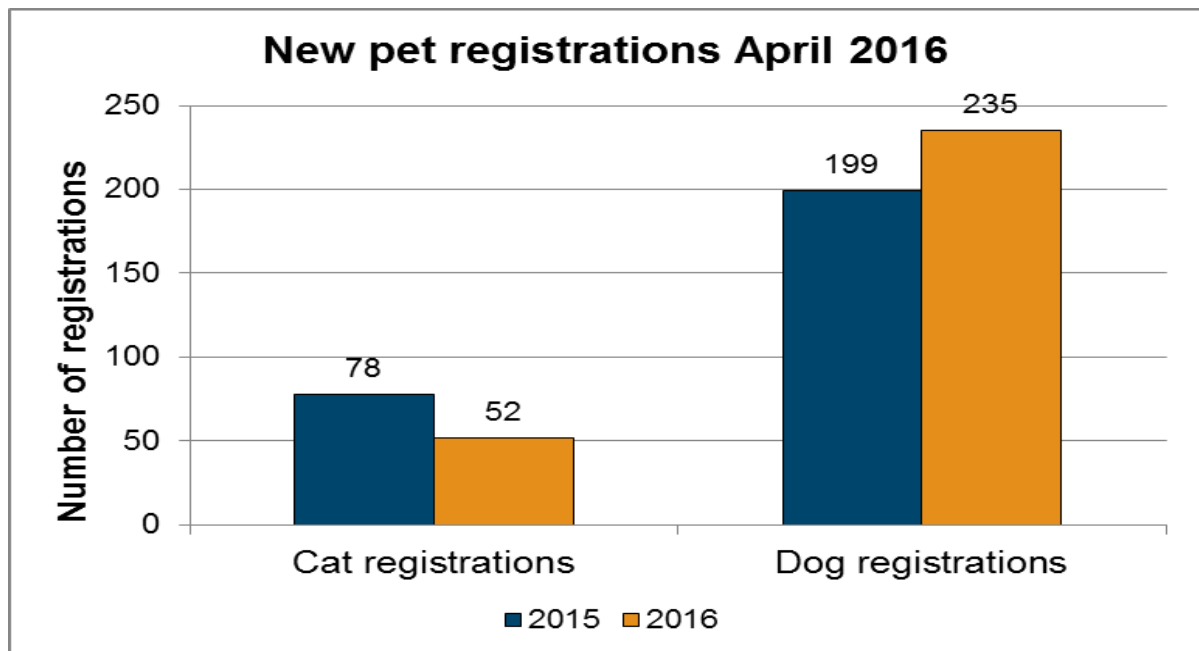


Animal management

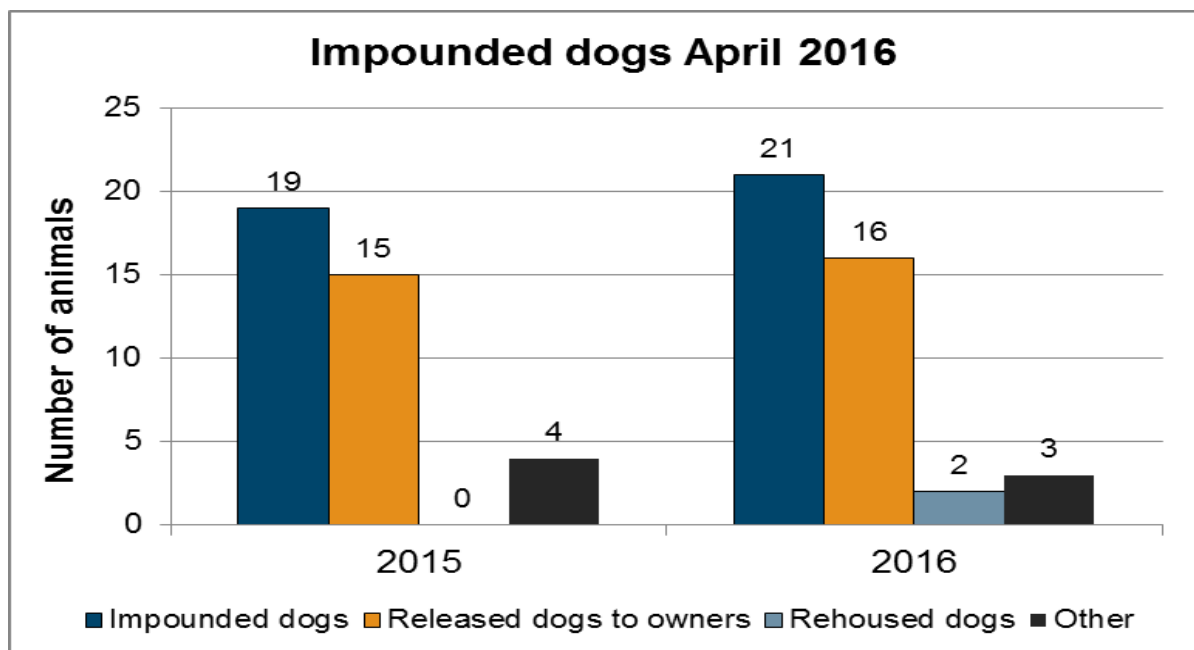
20. The following graph illustrates the number of new dogs and cats registered during April.

12. Officers' reports

OCM.087/16 Environment and Planning Monthly Activity Report



21. The following graph illustrates the number of dogs impounded during April. One is still impounded, one was seized due to an attack and two were put to sleep, one after an attack and one owner surrendered.

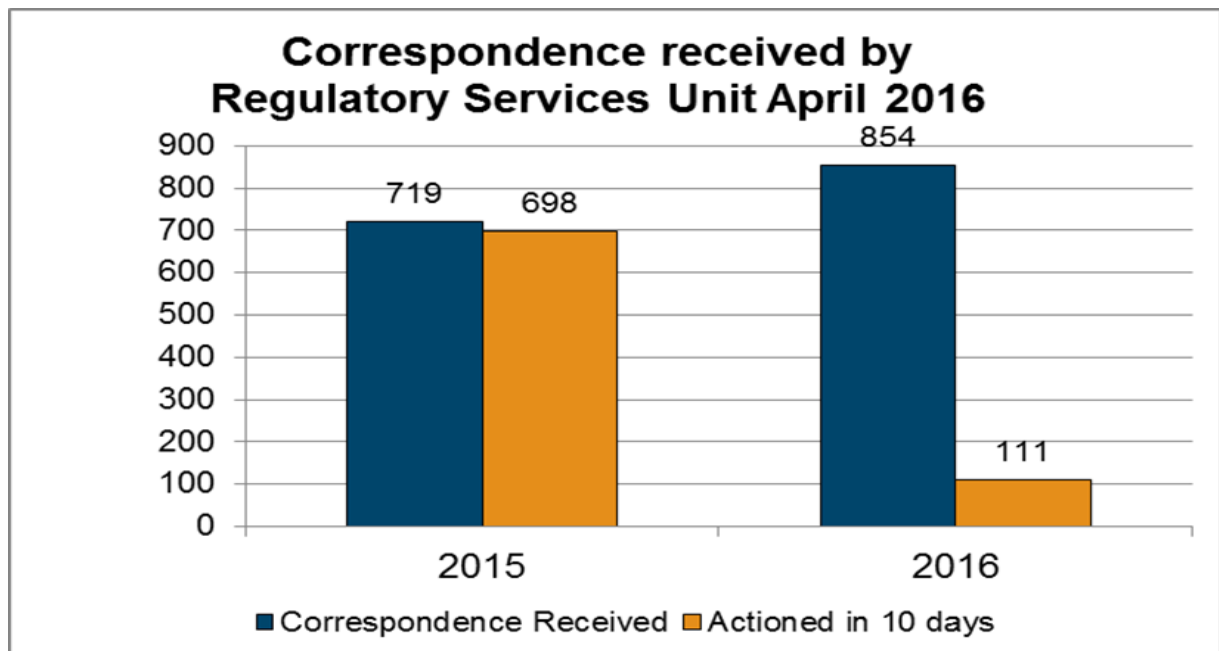


Correspondence

22. The following graph illustrates the number of correspondence received by the Regulatory Services Unit for April. This includes building and local law permit applications, submissions and infringement notice appeals.
23. The drop in correspondence completed within 10 working days is due to the increased steps and time it takes to complete Incoming Mail. These processes are currently under review.

12. Officers' reports

OCM.087/16 Environment and Planning Monthly Activity Report



Strategic Planning Unit

24. Amendment C103 'Lotus Court, Diamond Creek' was approved under delegation on 27 April 2016. Notice of the approval of the amendment appeared in the *Government Gazette* on 12 May 2016.

Sustainability and Environment Team

25. Attended Northern Alliance for Greenhouse Action (NAGA) Annual Conference and Adaptation in the North meeting.
26. Developed responses to State government documents including Water for Victoria, Native Vegetation Clearing Regulations and Biodiversity Strategy.

Conclusion

27. It is recommended that Council receives and notes the Environment and Planning Department Activity Report for April 2016.

12. Officers' reports

OCM.088/16 Assemblies of Councillors

File: 10/30/002
Distribution: Public
Manager: Andrew Port, General Manager Corporate Services
Author: Naomi Ellis, Corporate Planner

Summary

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary meeting of Council a record of any assemblies of Councillors held.

This report lists assemblies of Councillors forms that have been submitted since the matter was last reported to Council on 26 April 2016.

Recommendation

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following assemblies of Councillors:

1	Date of assembly	7 April 2016	
	Matters considered	The Artisan Hills Marketing Committee	
	Councillors present	Cr Michael Young	
	Staff present	Christine Gibbins	Darko Popovski
	Conflict of interest	None declared	

2	Date of assembly	24 April 2016	
	Matters considered	Pre-meeting for Ordinary Council Meeting	
	Councillors present	Cr Bronnie Hattam Cr Ken King Cr Helen Coleman Cr Anika Van Hulsen	Cr Peter Perkins Cr Michael Young Cr Meralyn Klein
	Staff present	Stuart Burdack Andrew Port Tara Frichitthavong Naomi Paton Vince Lombardi Robert Malignaggi Ransce Salan Mathew Deayton	Michelle Zemancheff Nadine Wooldridge Chad Griffiths Pat Vaughan Jon Miller Lisa Pittle Alison Fowler
	Conflict of interest	None declared	

12. Officers' reports

OCM.088/16 Assemblies of Councillors

3	Date of assembly	3 May 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Planning applications briefing • Review of Councillor Code of Conduct • Eltham Activity Centre Forum • Amendment C81 • Arts Advisory Committee membership 	
	Councillors present	Cr Bronnie Hattam Cr Anika Van Hulsen Cr Ken King	Cr Michael Young Cr Peter Perkins Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Ransce Salan Adrian Cully Jonathan McNally Jeremy Livingston	Renae Ahern Conal Creedon Allison Watt Wayne Trull Chad Griffiths
	Conflict of interest	None declared	

4	Date of assembly	10 May 2016	
	Matters considered	Pre-meeting discussion for Policy and Services Committee and Planning Committee	
	Councillors present	Cr Anika Van Hulsen Cr Bronnie Hattam Cr Meralyn Klein	Cr Ken King Cr Michael Young Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Conal Creedon Ransce Salan Chad Griffiths	Karen Bayly Naomi Paton Adrian Cully Nadine Wooldridge
	Conflict of interest	None declared	

5	Date of assembly	12 May 2016	
	Matters considered	Agricultural Advisory Committee	
	Councillors present	Cr Ken King	Cr Anika Van Hulsen
	Staff present	Tim O'Donnell	Pat Vaughan
	Conflict of interest	None declared	

12. Officers' reports

OCM.088/16 Assemblies of Councillors

6	Date of assembly	16 May 2016	
	Matters considered	Audit Committee	
	Councillors present	Cr Ken King	Cr Meralyn Klein
	Staff present	Stuart Burdack Andrew Port Conal Creedon	Vince Lombardi Craig Commene Melika Sukunda
	Conflict of interest	None declared	

7	Date of assembly	17 May 2016	
	Matters considered	Officer briefings of Councillors <ul style="list-style-type: none"> • Inclusion Support Program • Review of Councillor Code of Conduct • Sport and Recreation Victoria grant applications 2017-2018 • Special Charge Hurstbridge Village • Special Charge Eltham Town • Integrated Housing and Neighbourhood Character Strategy 	
	Councillors present	Cr Bronnie Hattam Cr Anika Van Hulsen Cr Ken King	Cr Meralyn Klein Cr Helen Coleman
	Staff present	Stuart Burdack Andrew Port Conal Creedon Ransce Salan Adrian Cully	Allison Watt Wayne Trull Anne Brooks Michelle De Pasquale
	Conflict of interest	None declared	

Attachments

Nil

Background

1. Amendments to the *Local Government Act 1989* (the Act) in October 2010 require records of assemblies of Councillors to be reported to an Ordinary Meeting of Council and recorded in the minutes of that meeting.

12. Officers' reports

OCM.088/16 Assemblies of Councillors

Policy context

2. This report directly supports the achievement of Council Plan 2013-2017 strategy 'we will meet our legal responsibilities and manage our risks'.

Budget implications

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

Consultation/communication

4. None required.

Issues/options

5. An assembly of Councillors is defined in section 76AA of the Act. 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:
 - A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meetings of Councillors and Council staff that are not planned or scheduled.
 - A 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.
6. A record must be kept of an assembly 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.
7. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
8. The recommendation contains the list of assemblies of Councillor forms that have been submitted since the matter was last reported to Council on 26 April 2016.

Conclusion

9. It is recommended that Council receives the records of recent assemblies of Councillors as contained in this report, fulfilling section 80A(2) of the *Local Government Act 1989*.

13. Notices of Motion

NOM.005/16

Cr Meralyn Klein advised of her intention to move the following rescission motion:

Motion

That Council rescinds the following resolution adopted at the Ordinary Council Meeting held 26 April in respect to item OCM.059/16 'Report from the Policy and Services Committee – Amendment C101':

That Council:

- 1. Notes the submissions and presentations to the Policy and Services Committee on 13 April 2016.**
- 2. Requests that the Minister for Planning appoint a Planning Panel to hear submissions relating to Amendment C101.**
- 3. Prior to the Panel hearing, allow a period of three months during which any submitter to Amendment C101 can request an accompanied site visit from Council's ecologist and/or ABSECO expert ecologist to review the significance of the site.**
- 4. Provides a submission to the Panel and requests that it considers variations to the Amendment documentation to:**
 - a) Refine the mapping of the ESO boundaries in accordance with the recommendations within Attachment 2 and 3.**
 - b) Refine the mapping of the ESO boundaries to address mapping anomalies within Attachment 4.**
 - c) Make amendments to the ESO schedules in accordance with Attachments 5, 6, 7 and 8.**
 - d) Make amendments requires that are the result of the onsite consultation as per item 3.**
- 5. Receives a further report on the Amendment, following the consideration of the Panel and the issuing of its recommendation.**

13. Notices of Motion cont

NOM.006/16

Cr Meralyn Klein advised of her intention to move the following rescission motion:

Motion

That Council rescinds the following resolution adopted at the Ordinary Council Meeting held 26 April in respect to item OCM.057/16 'Diamond Creek Trail extension project':

That Council:

- 1. Acknowledges the extensive work and consultation completed to date to confirm the preferred alignment for the Diamond Creek Trail extension.**
- 2. Confirms that, having considered submissions from affected property owners and the public, it intends to take the necessary steps to develop the trail along the preferred alignment following the Diamond Creek as endorsed at the February 2016 Ordinary Council Meeting.**
- 3. Requests authorisation from the Minister for Planning in accordance with section 9 of the *Planning and Environment Act 1987* to prepare Amendment C108 to the Nillumbik Planning Scheme, which proposes to:**
 - a) Apply the Public Acquisition Overlay (Schedule 4) to reserve land for future acquisition in accordance with Attachment 1 (Diamond Creek to Hurstbridge Trail Concept Plan).**
 - b) Insert an incorporated document, 'Diamond Creek Trail Extension (Diamond Creek to Hurstbridge)', which is provided as Attachment 2, into the Nillumbik Planning Scheme.**
- 4. Places Amendment C108 on public exhibition on receipt of authorisation from the Minister of Planning.**

13. Notices of Motion cont

NOM.007/16

Cr Peter Perkins advised of his intention to move the following:

Motion

That:

- 1. Council initiates an online survey of landowners directly impacted by C101 and C81 with simple yes or no answers to the following questions:**
 - a) Do you feel that there has been appropriate Council engagement in relation to proposed C101 and C81?**
 - b) Are you satisfied with the accuracy of information you have been provided by Council on this matter?**
 - c) Are you satisfied with the timing of communications that have been sent to you on this matter?**
 - d) Are you satisfied that Council has responded adequately and appropriately to submitters?**
 - e) Do you feel that you and your family's interests are being properly listened to and represented by Councillors?**
 - f) Ordinarily, do you consider yourself to be an environmentally contentious and responsible landowner who cares for the land and environment?**
 - g) Do you believe that C101 and C81 will better encourage you as a landowner to improve and enhance environmental attributes of your property?**
 - h) Do you believe that Council is performing its duty to procedural fairness and natural justice adequately and properly?**
- 2. The survey requires landholders directly impacted by C101 to state verifiable property and personal details as shown on their latest rates notice and only one response will be allowed for each property.**
- 3. For clarity, owners of land within the various urban growth boundaries (UGBs) of Nillumbik Shire Council, such as those not materially impacted by the imposition of C81 and C101, shall not be included in the survey.**
- 4. The survey be conducted and the results validated by an independent and well regarded company specialising in the field.**
- 5. The survey be active for a period seven days and the results reported back to Council as soon as is practicable.**

13. Notices of Motion cont

NOM.008/16

Cr Meralyn Klein advised of her intention to move the following:

Motion

That:

- 1. Council seeks a report on the costs and timing to complete a review of the Plenty Park Masterplan by undertaking community and stakeholder consultation on the introduction of new Cricket Victoria approved nets, positioned at the preferred location of the club.**
- 2. The above review investigates and considers current usage of the existing playground, giving consideration for the playground to be relocated as necessary.**
- 3. The Masterplan review provides options and a recommendation for the relocation of the existing playground to allow new cricket nets to be constructed at the Clubs preferred location.**

14. Delegates' reports

15. Supplementary and urgent business

16. Confidential reports

The meeting may be closed to members of the public to consider confidential matters.

Motion

That Council closes the meeting to the public pursuant to section 89(2) of the *Local Government Act 1989* to consider the following items, which are confidential for the reasons indicated:

Report No.	Title	Reason for confidentiality
OCM.089/16	Tender report 1516- 60 Hard Waste Collection Service	(d) contractual matters
OCM.090/16	Tender report 1516-69 Reynolds Road-Orme Street Road Sealing Works	(d) contractual matters