

# Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 15 October 2019 commencing at 7:00pm.

## Agenda

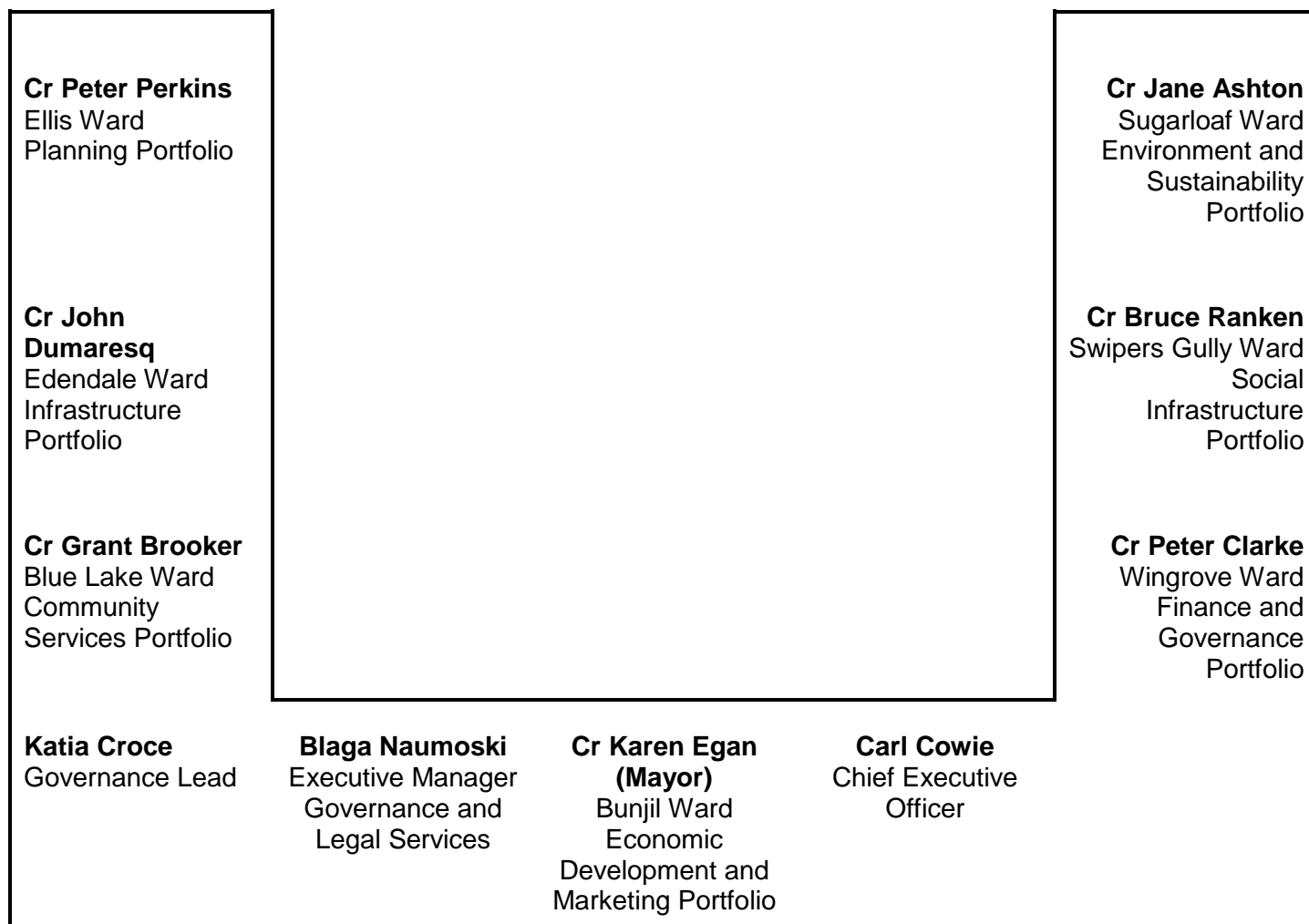
**Carl Cowie**  
**Chief Executive Officer**

Friday 11 October 2019

Distribution: Public

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## Future Nillumbik Committee seating plan



Visitors in the gallery at Committee meetings are:

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

**Nillumbik Shire Council**

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**Nillumbik Shire Council**

**Agenda of the Future Nillumbik Committee meeting to be held  
Tuesday 15 October 2019 commencing at 7:00pm.**

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**1. Welcome by the Chair**

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

**2. Reconciliation statement**

**The reconciliation statement to be read by the Chairperson**

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

**3. Apologies**

**Recommendation**

That the apologies be noted.

**4. Confirmation of minutes**

Confirmation of minutes of the Future Nillumbik Committee meeting held on Tuesday 10 September 2019 and the Special Future Nillumbik Committee meeting held on Wednesday 11 September 2019.

**Recommendation**

That the minutes of the Future Nillumbik Committee meeting held on Tuesday 10 September 2019 and the Special Future Nillumbik Committee meeting held on Wednesday 11 September 2019 be confirmed.

**5. Disclosure of conflicts of interest**

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

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## 6. Officers' reports

**FN.023/19 Nillumbik Shire Art Collection Policy 2019-2022 and Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022**

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**Portfolio: Economic Development and Marketing**

**Distribution: Public**

**Manager: Corrienne Nichols, Executive Manager Community Services**

**Author: Grace Longato, Acting Coordinator Arts and Cultural Development**

### Summary

Nillumbik Shire Council values the interpretation of the Shire's local culture and heritage as expressed through the arts. As such, Council actively collects contemporary and modernist artworks of excellence that reflect our artistic heritage and local culture.

The Nillumbik Shire Art Collection supports the development and growth of creative and cultural industries through the acquisition of indoor visual and outdoor public artworks of excellence, and the acquisition of significant heritage items and civic objects.

The Nillumbik Shire Art Collection is a public collection, and a Council asset and as such there is an imperative to ensure return on investment to Council in its acquisitions.

The review of the Nillumbik Shire Art Collection 2014-2017 is Council Plan priority action and a key action of the Arts and Cultural Plan 2018-2022.

### Recommendation

**That** the Committee (acting under delegation from Council) endorses the final Nillumbik Shire Art Collection Policy 2019-2022 (**Attachment 1**) and the final Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022 (**Attachment 2**).

### Attachments

1. FINAL Nillumbik Shire Art Collection Policy 2019-2022
2. FINAL Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022

### Background

1. The Nillumbik Shire Art Collection Policy 2019-2022 (**Attachment 1**) and the Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022 (**Attachment 2**) address key actions of the Council Plan 2017-2021 and the Arts and Cultural Plan 2018-2022.
2. The Nillumbik Shire Art Collection supports the development and growth of creative and cultural industries through:
  - a. The collection of contemporary and modernist artworks of excellence that reflect our artistic heritage and local culture;
  - b. The acquisition of indoor visual and outdoor public artworks of excellence;
  - c. Encouragement of donations and bequests of artworks to the Collection via the Commonwealth Cultural Gifts Program;
  - d. The biennial acquisitive Nillumbik Prize for Contemporary Visual Art;

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- e. The acquisition of significant heritage items and civic objects that reflect Nillumbik's social and cultural history; and
  - f. Public access to the Collection via display, exhibitions and public programs to educate, challenge and engage the community.
3. The Collection has three categories:
    - a. Indoor visual art;
    - b. Outdoor public art; and
    - c. Civic memorabilia.
  4. The Collection houses over 500 indoor visual art works, 15 outdoor permanent public artworks and over 120 objects of civic memorabilia.
  5. The Collection was last valued in 2016 at \$2.5 million which comprises the visual art collection, \$1,445,940; the public art collection, \$969,750; and civic memorabilia, \$16,710. The Collection is due for re-valuation in 2020.
  6. The Nillumbik Shire Art Collection is a public collection, and accordingly, all items housed within the Collection must meet strict selection criteria and acquisition processes as set out in the Curatorial Guidelines.
  7. The Nillumbik Shire Art Collection Policy and the Nillumbik Shire Art Collection Curatorial Guidelines also cross-reference the Nillumbik Shire Public Art Policy 2019-2022 and the Nillumbik Shire Public Art Implementation Guidelines 2019-2022 currently being considered by Council.
  8. The Nillumbik Shire Art Collection Policy and the Nillumbik Shire Art Curatorial Guidelines have been referred to Council's Arts Advisory Committee for advice throughout their development.
  9. At the 25 June 2019 Ordinary Council Meeting, Council authorised officers to:
    - Place the draft Nillumbik Shire Art Collection Policy 2019-2022 and the draft Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022 on public exhibition for a period of three weeks for the purpose of community consultation; and
    - Report to Council on the results of the community consultation process.
  10. To generate awareness of the consultation process, a Communications Plan was implemented. The communication mechanisms employed included a media release, posts on multiple social media platforms, electronic newsletters, listing on Council's website, and direct invitations through the Arts Advisory Committee, relevant regional/community groups and associations.
  11. Council's online community engagement platform, Participate Nillumbik, provided access to the draft Collection Policy and the draft Curatorial Guidelines as well as collecting and collating the submissions.



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**FN.023/19 Nillumbik Shire Art Collection Policy 2019-2022 and Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022**

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**Policy context**

12. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Build on our commitment to lifelong learning for the community.

**Budget implications**

13. The operational budget has an allocation of \$30,000 per annum for visual art acquisitions managed through a reserve. The reserve was created to build sufficient funds in order to draw upon for the acquisition of the art collection. The reserve has also been added to by insurance claims paid to Council and the receipt of philanthropic donations.
14. At the time of writing this report, the reserve has a balance of \$199,693.08.

**Consultation/communication**

15. The draft documents were viewed by 39 individuals resulting in seven submissions received.
16. Of the seven written submissions received 42.86% agreed, 42.86% partially agreed and 14.29% did not agree with the draft Nillumbik Shire Art Collection Policy 2019-2022 and the draft Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022.
17. All submissions were presented at the Future Nillumbik Committee on 13 August 2019. No verbal submissions were received.
18. Responses were prepared and presented with the submissions at a Councillor Briefing on 17 September 2019.

**Issues/options**

19. One submission identified a definition error in Section 4.3 'Acquisitions Identification'. Loans are not acquisitions as there is no transfer of ownership and therefore no addition to Council assets. In response to this feedback the word 'loans' has been removed from Section 4.3 of the Policy.

**Conclusion**

20. The recommendation is to proceed with and adopt the final Nillumbik Shire Art Collection Policy 2019-2022 and the final Nillumbik Shire Art Collection Curatorial Guidelines 2019-2022.

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## 6. Officers' reports

**FN.024/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022**

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**Portfolio: Economic Development and Marketing**

**Distribution: Public**

**Manager: Corrienne Nichols, Executive Manager Community Services**

**Author: Grace Longato, Acting Coordinator Arts and Cultural Development  
Clare Leporati, Public and Participatory Arts Officer**

### Summary

Nillumbik has a proud heritage of Arts which is synonymous with the culture of the Shire of Nillumbik from the early Australian Impressionists to the establishment of artist communities at Montsalvat and Dunmoochin. These legacies continue to strengthen with professional artists representing Nillumbik at local, regional and international levels.

Nillumbik Shire Council actively commissions contemporary public artworks that speak to Nillumbik's culture and the Nillumbik Shire Art Collection currently houses 15 significant public art works. Council also supports the development and implementation of public art through partnerships with community groups and individuals.

As the owner of open space, built infrastructure and facilities, Council has an opportunity to utilise its public spaces for creative expression, which includes the installation of public artworks.

The Nillumbik Shire Public Art Policy 2019-2022 and the Nillumbik Shire Public Art Implementation Guidelines 2019-2022 are key actions under the Arts and Cultural Plan 2018-2022.

### Recommendation

**That** the Committee (acting under delegation from Council) endorses the final Nillumbik Shire Public Art Policy 2019-2022 (**Attachment 1**) and the final Nillumbik Shire Public Art Implementation Guidelines 2019-2022 (**Attachment 2**).

### Attachments

1. FINAL Nillumbik Shire Public Art Policy 2019-2022
2. FINAL Nillumbik Shire Public Art Implementation Guidelines 2019-2022

### Background

1. The Nillumbik Shire Public Art Policy 2019-2022 (**Attachment 1**) and the Nillumbik Shire Public Art Implementation Guidelines 2019-2022 (**Attachment 2**) were developed using methodology that included benchmarking public art policies and/or strategies from other local government authorities, the input of industry knowledge and best practice, and cross-functional collaboration with Strategic Planning, Statutory Planning, Major Projects and Regulatory Services.
2. The policy confirms Council's position, and the guidelines provide a mechanism for action to guide the commissioning process. Both documents are inter-related and should be read in conjunction with each other.

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**FN.024/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022**

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3. The policy and the guidelines recommend a spectrum of public art forms, from ephemeral (temporary) public artworks which includes busking and murals (which have a maximum life span of five years); to permanent public artworks, including major sculpture.
4. The policy and the guidelines exclude:
  - a) Interpretative signage and wayfinding;
  - b) Civic architectural design installations and township decorations;
  - c) Memorials and monuments (unless the installation is predominantly an artwork, whereby a professional artist or artists has/have been commissioned and an artistic process has formed the context and development of the installation); or
  - d) Advertising.
5. Public art best practice reflects the nuances of local culture, rather than replicating other communities, and is undertaken by a qualified practicing public artist. Successful public art is intrinsically linked to community, and is usually specific to the environment in which it is located.
6. The guidelines provide for the implementation of public art programs such as a public art incubator (building on the successful 2017 pilot through major initiative funding, which delivered strong community outcomes), and a busking program to activate public places and support emerging performers.
7. To inform the policy development process, significant benchmarking was undertaken against 24 other Victorian councils. Their public art policies/strategies were documented and reviewed including their position and/or application of a percentage for art for developers and/or capital works.
8. Significantly, a framework for the commissioning of public artwork is proposed based on:
  - a) The equivalent of one percent of the total project budget of publicly accessible capital works projects valued in excess of \$2 million, be allocated to incorporate a major public artwork as an integral feature. For example, a project valued at \$2 million would set aside \$20,000 for a public art installation. This relates to community facilities such as community buildings and open spaces such as playgrounds, and does not include civil infrastructure such as roads and drains. This also includes those projects funded through state and/or federal funding.
  - b) A negotiated developer contribution for publicly accessible projects with a total project value exceeding \$2 million. This would require 1 percent of the total project cost to be allocated to the commissioning of public artwork congruent with the Nillumbik Shire Art Collection. A negotiated arrangement would be triggered through the planning permit process.
9. At the 25 June 2019 Ordinary Council Meeting, Council endorsed the draft Nillumbik Shire Public Art Policy 2019-2022 and the draft Nillumbik Shire Public Art Implementation Guidelines 2019-2022 for the purpose of community consultation; and instructed officers to report to Council on the results of that process and also included

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### FN.024/19 Nillumbik Shire Public Art Policy 2019-2022 and Nillumbik Shire Public Art Implementation Guidelines 2019-2022

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a requirement to report back on the benchmarking data considered in the development of this policy.

10. To generate awareness of the consultation opportunities, a Communications Plan was implemented. The communication mechanisms employed included a media release, posts on multiple social media platforms, electronic newsletters, listing on Council's website, and direct invitations, the Arts Advisory Committee, relevant regional/community groups and associations.
11. Council's online community engagement platform, Participate Nillumbik, provided access to the draft policy and the draft guidelines as well as collecting and collating the submissions.

#### Policy context

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

#### Consultation/communication

13. The operational budget has traditionally had an allocation of \$15,000 per annum for public art acquisitions managed through a reserve. The reserve was created to build funds in order to draw upon for the acquisition of major public sculpture. The reserve has also been added to by insurance claims paid to Council and the receipt of philanthropic donations.
14. At the time of writing this report, the reserve has a balance of \$199,693.
15. The 2019-2020 operational budget includes \$35,000 for a public art program to support the policy once endorsed.

#### Issues/options

16. Of the eight written submissions received 50% were in partial agreement, 37.5% in agreement and 12.5% were not in agreement with the **range of public art** opportunities as proposed in the draft policy and guidelines.
  - a) Overall the submissions supported and demonstrated enthusiasm for the new policy and implementation guidelines.
  - b) The submission that did not agree with the policy did not support funding art as a priority and sought to lower rates generally.
  - c) The majority of reasons for partial agreement related to detailed opinions on how they felt the policy should be applied. One partial supporter had a particular interest in the commissioning of murals. Another partial supporter raised detailed queries about the types of works that would be commissioned, their context and their maintenance budget.
  - d) The partial supporters' comments have been addressed and does not require significant amendments to the policy or implementation guidelines.
17. Of the eight submissions received 37.5% agreed, 37.5% were in partial agreement and 25% were not in agreement with the proposed **percent for public art** framework.

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- a) Submissions in agreement did not comment.
- b) Submissions that were not in support sought to opt out of paying or sought to spend funds solely on murals. Neither of these positions impact the proposed policy or implementation guidelines. Their concerns have been addressed by officer responses.
- c) The partially in agreement submissions sought to increase the percentage allocation to two per cent. Council officers directly addressed these concerns in their responses.

**Conclusion**

- 18. The recommendation is to proceed and adopt the Nillumbik Shire Public Art Policy 2019-2022 and the Nillumbik Shire Public Art Implementation Guidelines 2019-2022.

## 6. Officers' reports

### FN.025/19 MRPV Fitzsimons Lane and Main Road Intersection Upgrade – Proposed Inclusions in Incorporated Document

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**Portfolio:** Infrastructure

**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Operations and Infrastructure

**Author:** Joseph Emmanuel, Manager Infrastructure

#### Summary

This report presents conditions for the State Government to consider for inclusion in its Incorporated Document for the proposed Amendment GC119 to the Nillumbik Planning Scheme. These inclusions are intended to address Council's concerns relating to urban design, landscape and vegetation, socio-economic impacts and input from community and stakeholders.

#### Recommendation

**That** the Committee (acting under delegation from Council) authorises the Mayor to write to Major Road Projects Victoria (MRPV), Victorian State Government Minister of Roads, Minister of Planning and Local Member for Eltham in relation to the proposed works at Fitzsimons Lane / Main Road Eltham intersection, advising that Council:

- a) Reaffirms its support of the project intent;
- b) Maintains its position resolved on 13 August 2019 to reject Ministerial Amendment (GC119) utilising a section 20(4) process of the *Planning and Environment Act 1987*; and
- c) Requests that conditions are included in the Incorporated Document to:
  - (i) improve outcomes in relation to urban design, landscape and vegetation, socio-economic impacts; and
  - (ii) establish community and stakeholder advisory committees including representation by Council officers.

#### Attachments

1. Draft GC119 Incorporate Document July 2019
2. Council Resolution Future Nillumbik Committee 13 August 2019

#### Background

1. The current Council Plan commits to advocating for reduced road congestion and this project supports that outcome through various intersection upgrades along the Fitzsimons Lane and Main Road corridor.
2. At the Future Nillumbik Committee meeting on 13 August 2019, Council considered the formal request for support from MRPV for a planning scheme amendment (Amendment GC119) to progress works to upgrade the Fitzsimons Lane and Main Road intersection, including use of section 20(4) of the *Planning and Environment Act 1987* to process the amendment.

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3. This upgrade is proposed as part of the State Government's commitment to deliver congestion relief along the Fitzsimons Lane and Main Road corridor.
4. MRPV's proposed Amendment GC119 will place an incorporated document into the Nillumbik Planning Scheme which will allow use and development of the upgrades to the Fitzsimons and Leane Drive intersections, subject to conditions. The draft Incorporated Document (July 2019) is available on MRPV's website and provided as **Attachment 1**.
5. Council resolved to not support the section 20(4) process, with the primary reason being the lack of public consultation in relation to the detail of the project, including merits and cost effectiveness of the reference design compared with alternatives and unnecessary impact of the reference design on environmental and amenity value of the Eltham Gateway. The full details of the Council resolution can be seen in **Attachment 2**.
6. MRPV briefed Councillors on 24 September 2019 on the project.

**Policy context**

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Advocate for improved public transport, traffic management and reduced road congestion.

**Issues/options**

8. Concerns with the proposed works at Fitzsimons Lane / Main Road Eltham intersection remain. This includes confidence that the proposed design is the most optimal, landscape and vegetation impacts, urban design outcomes, impacts on local businesses and community groups, and the level of community consultation.
9. While the Incorporated Document contains inclusions around environmental management and native vegetation amongst others, these can be strengthened to address Council's concerns.
10. Additional conditions for the State to consider are:
  - a) Require the detailed design of the intersection to protect the amenity and character of the Eltham Gateway in accordance with urban design and landscape objectives of the Nillumbik Planning Scheme for the Gateway.
  - b) Include specific landscape objectives in the detailed intersection design that maximises retention of trees and provides for canopy tree replacement.
  - c) Modify proposed condition 4.3 (Preparatory Buildings and Works) in the draft July 2019 Incorporated Document to significantly limit the amount of vegetation that can be removed without the conditions of Clause 4.2 first being satisfied.
  - d) Include a Tree Management Plan, to be approved by Council prior to any works commencing. In the event the road alignment is amended from that presented in the Reference design, an updated Tree Impact Assessment Report must be prepared.
  - e) Include a plan to minimise socio-economic impact on business and community groups during construction.



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**FN.025/19 MRPV Fitzsimons Lane and Main Road Intersection Upgrade – Proposed Inclusions in Incorporated Document**

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- f) Establish community and stakeholder advisory committees, which includes a Nillumbik Council representative, to:
  - i) inform the development of all of the above; and
  - ii) optimise the design outcomes for traffic and transport including pedestrian and cyclist connectivity.
- 11. These inclusions will not change Council's resolution of 13 August 2019 to reject Ministerial Amendment (GC119) utilising a section 20(4) process of the *Planning and Environment Act 1987*.

**Conclusion**

- 12. The Incorporated Document for the proposed planning scheme Amendment GC119 to the Nillumbik Planning Scheme can be strengthened to address concerns relating to urban design, landscape and vegetation, socio-economic impacts on local businesses and community groups as well as broader consultation.

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