

Future Nillumbik Committee

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 18 July 2017.

Minutes

Mark Stoermer
Chief Executive Officer

Wednesday 19 July 2017

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Future Nillumbik Committee Meeting held Tuesday 18 July 2017. The meeting commenced at 7pm.

Councillors present:

Cr Peter Clarke	Wingrove Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward

Officers in attendance:

Mark Stoermer	Chief Executive Officer
Naomi Paton	Acting Director Business and Strategy
Jeremy Livingston	Acting Director Services and Planning
Lisa Pittle	Acting Director Sustainability and Place
Allison Watt	Manager Governance
Phil Lovelace	Manager Community Safety
Mitch Grayson	Strategic Advisor to Mayor and Councillors

1. Welcome and apologies

The Mayor, Cr Peter Clarke welcomed everyone to the meeting.

There were no apologies.

2. Disclosure of conflicts of interest

Nil

3. Confirmation of minutes

Motion

Cr Karen Egan
Cr Bruce Ranken

That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 13 June 2017 be confirmed.

CARRIED

4. Officers' report

FN.033/17 Review of motorised toy vehicles arrangements

Distribution: Public

Manager: Jeremy Livingston, Acting Director Services and Planning

Author: Phil Lovelace, Manager Community Safety

Portfolio: Finance and Governance

Cr Peter Clarke, as the Councillor responsible for the Finance and Governance Portfolio, chaired the meeting for this report.

Summary

At the Ordinary Meeting of Council on 28 February 2017, Council resolved to alter the Amenity Local Law Administrative Policy Guidelines concerning motorised toy vehicles (MTVs). The change exempted the need for a local law permit for any person using a MTV on private land between the hours of 7am and 8pm Monday to Friday; and 9am and 8pm weekends and public holidays. Since the implementation of this change, feedback has been received both in support of and in opposition to the altered exemption. Opposition to the change has specifically come from neighbours of three properties which have been the subject of noise and activity complaints from neighbours. Based on the feedback following the changes made in February, it is appropriate for Council to review the current arrangements.

In undertaking this review, it is recommended that Council alter the permit trigger for a MTV permit be further amended. Specifically, it is recommended to set permit triggers for properties which don't contain a dwelling/residence, and introduce a property size threshold. This would enable Council to assess amenity impacts of MTVs on land where the users do not reside, as well as assess amenity impacts of MTV activity in higher density, residential/rural-residential locations. These changes can be readily made through a further amendment to Council's Amenity Local Law Administrative Policy Guidelines.

Speakers

The following people addressed the Committee with respect to this item:

1. Laura Wade
2. John Campbell
3. Stephen Cassim
4. Stephen Cassim on behalf of Julie Cassim

Recommendation

That the Committee (acting under delegation from Council):

1. Amends the Amenity Local Law Administrative Policy Guidelines to include the following two additional permit triggers for use of a motorised toy vehicle on private land:
 - a) Use/activity on land which is below one hectare in size
 - b) Use/activity on land which does not contain a dwelling/residence
2. Where this new permit trigger does not apply, maintains the existing arrangement in

4. Officers' Report**FN.033/17 Review of motorised toy vehicles arrangements**

the Amenity Local Law Administrative Policy Guidelines to exempt any person using a motorised toy vehicle on private land if the vehicle is used between the hours of 7am and 8pm Monday to Friday; and 9am and 8pm weekends and public holidays.

3. Sets the local law permit fee for a motorised toy vehicles at \$95 for the 2017-2018 financial year and may make the necessary budget adjustments at the mid-year budget review.
4. In accordance with section 112 of the *Local Government Act 1989*, publishes a notice of this resolution in the *Government Gazette*.

Motion

Cr Jane Ashton
Cr Grant Brooker

That the Committee (acting under delegation from Council):

1. Amends the Amenity Local Law Administrative Policy Guidelines to include the following three additional permit triggers for use/activity of a motorised toy vehicle on private land which:
 - a) is below one hectare in size; or
 - b) does not contain a dwelling/residence; or
 - c) is zoned Special Use Zone (Schedule 2 - Environmental Living - Bend of Islands) as identified by the Nillumbik Planning Scheme.
2. Where this new permit trigger does not apply, maintains the existing arrangement in the Amenity Local Law Administrative Policy Guidelines to exempt any person using a motorised toy vehicle on private land if the vehicle is used between the hours of 7am and 8pm Monday to Friday; and 9am and 8pm weekends and public holidays.
3. Sets the local law permit fee for a motorised toy vehicles at \$95 for the 2017- 2018 financial year and may make the necessary budget adjustments at the mid-year budget review.
4. In accordance with section 112 of the *Local Government Act 1989*, publishes a notice of this resolution in the *Government Gazette*.

Motion

Cr John Dumaresq
Cr Grant Brooker

That the Committee (acting under delegation from Council) defers this report for consideration to the 1 August 2017 Ordinary Council Meeting.

CARRIED

4. Officers' report**FN.034/17 St Andrews Township Plan Implementation Program**

Distribution: Public**Manager: Naomi Paton, Acting Director Business and Strategy****Author: Fiona Stevens, Senior Strategic Planner****Portfolio: Planning**

Cr Peter Perkins, as the Councillor responsible for the Planning Portfolio, chaired the meeting for this report.

Summary

The St Andrews Township Plan (attachment 1) was produced, with community consultation, between June 2011 and August 2013. The Plan identifies key issues such as the absence of reticulated sewerage, a small population and distance from services. It highlights the strategic opportunity to harness the town's popularity for its Saturday market, while acknowledging the need to improve the town's liveability for its residents. The Plan articulates a community vision for the town which includes the desire to contain development, expand its commercial offerings and improve public infrastructure. Parallel to the Plan's development and informed by the consultation, design guidelines for development in the town have also been produced.

The Plan's strategies and actions are designed to achieve the vision, resolve issues, harness the opportunities and deliver much needed public infrastructure. The cornerstone action is the development and delivery of a Traffic, Infrastructure and Landscape Works Plan which includes the construction of a connected pedestrian path network, a safe pedestrian pathway or bridge across the gully which may include artistic elements and improved wayfinding and signage for residents and visitors alike.

The Township Plan was adopted at the Policy and Services Meeting on 13 August 2013, noting that an Implementation Program was being developed for adoption at a later date. An Implementation Program, reflecting work undertaken since 2013, has now been prepared. The Plan's adoption enables funding allocations to be referred for consideration in the preparation of future Council budgets. Many of the Plan's actions will require detailed planning and, in most cases, further community consultation.

Motion

Cr Jane Ashton**Cr Karen Egan****That the Committee (acting under delegation from Council):**

- 1. Adopts the St Andrews Township Plan Implementation Program.**
- 2. Refers required financial allocations for consideration in the preparation of future Council budgets.**
- 3. Seeks to secure external funding to assist with implementation.**
- 4. Monitors the Plan's implementation biannually.**

CARRIED

5. Urgent business

One urgent item of business had arisen since the agenda was distributed and was presented for inclusion in the meeting.

In accordance with clause 6.15 of the Meeting Procedure Local Law, supplementary and urgent items may be admitted at the discretion of the Chairperson.

The Chairperson, Mayor, Cr Peter Clarke, admitted the item to the meeting.

5. Urgent business**FN.035/17 Plenty native vegetation offset investigation**

Distribution: Public
Manager: Jeremy Livingston, Acting Director Services and Planning
Author: Jeremy Livingston, Acting Director Services and Planning
Portfolio: Environment and Sustainability

Summary

VicRoads requires offsets for native vegetation removal as part of the upgrade of Yan Yean Road.

Officers have identified three Council owned sites within Plenty that may provide native vegetation offsets.

VicRoads is seeking in principle support from Council to investigate the offset opportunities at:

- Memorial Drive
- Browns Lane
- Heard Avenue

Motion

Cr Grant Brooker
Cr Bruce Ranken

That the Committee (acting under delegation from Council)

- 1. Provides in principle support for VicRoads to investigate the nominated sites in Plenty:**
 - a) Memorial Drive**
 - b) Browns Lane**
 - c) Heard Avenue**
- 2. In addition, if the sites in Plenty do not provide a suitable offset, that VicRoads investigates other Council owned land to provide the offset requirement for Yan Yean Road upgrade.**

CARRIED

Background

1. VicRoads is undertaking an upgrade of Yan Yean Road which will result in the loss of native vegetation. In accordance with Victoria's Native Vegetation Framework, VicRoads is required to offset these losses to satisfy the requirements of the Incorporated Document.
2. In an effort to try and compensate for these losses locally, potential offset sites in the Plenty area are being sought.

3. This report presents an overview of some potential offsetting sites in the area and further action required to work towards meeting the offset targets.

Offset targets

4. The Net Gain Analysis prepared by Ecology and Heritage Partners (April 2017) identifies the following impacts to vegetation as a result of the development:
 - Remnant patches: 3.17 habitat hectares (7.80 hectares), comprising:
 - 2.94 HHa of low conservation significance Grassy Dry Forest; and
 - 0.22HHa of medium conservation significance Grassy Dry Forest.
 - Trees within remnant patches: 121 LOT's in remnant patches (comprising 114 LOT's and seven VLOT's); and
 - Scattered trees: 110 trees:
 - 6 VLOT's
 - 16 LOT's
 - 34 MOT's
 - 56 ST's
5. To offset the removal of native vegetation losses, the following offset targets apply:
 - Protection of 3.17HHa of vegetation within the Highland Southern Fall bioregion (or High or Very High conservation significance vegetation within the adjacent bioregion); and
 - Protection of 121 LOT's and recruitment of 1,210 new plants; and
 - Protection of 12 VLOT's, 16 LOT's and 32 MOT's, and recruitment of 988 new plants; or
 - Recruitment of 2,388 new plants.
6. It is understood VicRoads has sourced an offset site to meet part of the offset target.
7. A local site is being sought to meet the recruitment targets.

Potential offset sites

8. Under the Native Vegetation Management Framework, recruitment may be achieved by promoting natural regeneration from other plants or adjacent remnant vegetation or through revegetation.
9. Revegetation must be in accordance with DSE Revegetation Planting Guidelines.
10. To achieve improvement gains for recruitment, it is necessary to control all high threats. This includes rabbits, other herbivores, high threat weeds, inappropriate fire regime, inappropriate flooding regime and other threats as identified.
11. Offset sites need to be secure from future development. This usually entails some form of agreement, such as a section 173 or section 69 agreement being placed on title.
12. Within the Plenty area Council owns three parcels of land which are currently managed as open space with remnant vegetation present:
 - a) Browns Lane
 - b) Heard Avenue

c) Memorial Drive

13. These sites have been investigated by Council officers to identify broadly if they have any scope to meet the required offset targets.

Browns Lane

14. This is a 5.5ha site managed as a Council Reserve. Part of the land is easement for high voltage powerlines. It is an L shape, extending from Browns Lane to neighbouring properties on Schichmann Court. There is a planned subdivision to the west of the property. The land has been previously cut for timber and grazed. There is evidence of occupancy with old sheds evident along with four wheel drive tracks. Rubbish dumping is also evident.
15. This site was designated Open Space in the Plenty Low Density Area Development Plan (2001). Identified as part of the north-west public open space, Browns Lane reserve was set aside to achieve conservation objectives. The same report also identified a potential shared path extending through the reserve and future development of children's playground facilities.
16. The land is covered in remnant vegetation, with the majority representative of Grassy Dry Forest EVC. The site has an extensive tree canopy but overall tree health is declining. A few large old trees remain. The site has a significantly modified mid and understorey with extensive weed cover evident. Rabbit grazing and rabbit warrens were also evident.

Memorial Drive

17. This is the southern area of the Plenty Low Density Area Development Plan. The site includes Dry Creek which extends north. It is two hectares in size and was allocated as public open space for conservation purposes and to provide for the proposed shared pathway between River Avenue and Memorial Drive.
18. The land adjoins Dry Creek which is a tributary of the Plenty River. Historically the property has been used for gold mining and grazing of domestic animals has likely occurred. The site has been previously cleared, but is dominated by an over-storey of indigenous trees consistent with Box-Ironbark Forest EVC and Swampy Riparian Complex EVC. However, the site is significantly modified and has an understorey dominated by weeds. Rabbit grazing is significant and a number of rabbit warrens were evident.

Heard Avenue

19. This is a 1.6 hectare site managed as a Council Reserve adjacent to the Plenty landfill site. A man made dam separates the landfill site from the reserve. Heard Ave is a conservation reserve with a dedicated 'Friends of' group (Montmorency Field Naturalists) assisting with the management of the site.
20. The site is reasonably intact and dominated by indigenous vegetation consistent with Grassy Dry Forest and Valley Grassy Forest EVCs. Weeds are prevalent, but do not dominate the majority of the reserve. The site supports rare and threatened species including the Wine-lipped Spider Orchid which is a state listed vulnerable species. Rabbit grazing is evident and a number of small rabbit proof fenced off areas have been erected to protect threatened species. Revegetation has also occurred at the reserve to enhance the understorey diversity of the site. A fire break is maintained along the fence line to protect adjacent properties. The reserve is also fenced to restrict access to the Plenty landfill site.

Assessment of these sites for meeting offset targets

21. The main threats to these sites are rabbits and other herbivores, pest plants, future land use and increasing human pressures including requirements to reduce fuel loads. The sites are within an area which has been developed and so will face increasing pressure from adjoining owners, and uses which may not be compatible with conservation including rubbish dumping, trailbike access and firewood collection.
22. None of these three sites are currently registered as offset sites on the DELWP credit register.
23. All of these sites are covered in remnant vegetation, with little existing cleared land evident. There is limited space for broad-scale revegetation.
24. To determine if any of these sites are suitable for meeting the proposed offset targets, further investigation would be required. This would involve an assessment of the site(s) to determine their
25. Suitability, as well as consultation with Council to determine proposed land-use and whether they are prepared to commit to an offset in this area.
26. VicRoads would be expected to resource this further investigation if determined appropriate, along with future costs associated with meeting the offset requirements.

Policy context

27. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Work with the local community to review and implement environmental policies to protect biodiversity and conserve natural resources.

6. Confidential reports

Nil

The meeting closed at 7.39pm.

Confirmed: _____

Cr Peter Clarke, Mayor