

## Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 17 July 2018 commencing at 7.30pm.

## Agenda

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

Thursday 12 July 2018

Distribution: Public

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*Wominje ka*

## Future Nillumbik Committee seating plan

**Cr John Dumaresq**  
Edendale Ward  
Infrastructure  
Portfolio

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

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

**Cr Peter Perkins**  
Ellis Ward  
Planning Portfolio

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

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

**Katia Croce**  
Governance Lead

**Blaga Naumoski**  
Executive Manager  
Governance

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

**Mark Stoermer**  
Chief Executive  
Officer

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 17 July 2018 commencing at 7.30pm.**

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**1. Welcome and apologies**

**Welcome by the Chair**

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

**Apologies**

**Recommendation**

**That the apologies be accepted.**

**2. Disclosure of conflicts of interest**

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

**3. Confirmation of minutes**

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 12 June 2018.

**Recommendation**

**That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 12 June 2018 be confirmed.**

**4. Officers' report****FN.019/18 Gender Equity Policy Statement**

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**Portfolio: Community Services****Distribution: Public****Manager: Corrienne Nichols, Manager Community Programs****Author: Jodie Leahy, Family Support and Participation Resource Officer  
Narelle Hart, Coordinator Early Years Programs  
Corrienne Nichols, Manager Community Programs****Summary**

The Gender Equity Policy Statement has been developed by Council's internal Gender Equity Working Group for the purpose of promoting and embedding gender equity principles across the organisation and community.

By adopting the Gender Equity Policy Statement, it will provide direction for Council's work at both a strategic and service delivery level. This aligns with the Nillumbik Health and Wellbeing Plan 2017-2021 priority to "*Advance gender equality and respectful relationships: reduce violence against women and children in our community*".

**Recommendation**

**That the Committee (acting under delegation from Council) adopts the Gender Equity Policy Statement for the purpose of promoting and embedding gender equity principles across the organisation and Nillumbik community.**

**Attachments**

1. Gender Equity Framework
2. Gender Equity Policy Statement

**Background**

1. Nillumbik Shire Council has made a commitment to the prevention of violence against women and promoting gender equity through:
  - Signing up to the Women's Health in the North's *Building a Respectful Community Strategy 2017-2021*; and
  - Including a priority to 'Advance gender equality and respectful relationships: reduce violence against women and children in our community' as part of the *Nillumbik Health and Wellbeing Plan 2017-2021*.
2. Council's Gender Equity Internal Working Group was established in 2016 with a membership including departmental representatives across Council with the purpose of:
  - Monitoring the implementation of gender equity related actions contained within Council's Health and Wellbeing Plan 2017-2021;
  - Promoting gender equity in all aspects of Council's operations and service delivery;

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**FN.019/18 Gender Equity Policy Statement**

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- Identifying opportunities and making recommendations for improved gender equity outcomes for Council staff and the community; and
  - Advocating for gender equity by leading by example.
3. To formalise and progress the work required to achieve the outcomes within Council's Health and Wellbeing Plan, the Gender Equity Working Group developed a framework in late 2017, which outlines national, state, regional and local commitments (**Attachment 1**).
  4. To embed and demonstrate Council's commitment to gender equity principles both within Council and across the community, the Gender Equity Working Group identified the need to develop a Policy Statement, which underpins the work and the messaging around Council's commitment. The policy statement is attached (**Attachment 2**).
  5. The policy statement forms Council's position on gender equity. This provides direction for work at both a strategic and service delivery level. Further, it demonstrates Council's commitment in seeking to achieve gender equity and acts as a practical guide to shape both behaviours and actions.

**Policy context**

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

**Budget implications**

7. The development of the Policy Statement is within current budget allocation.

**Consultation/communication**

8. The Gender Equity Working Group and Cr Ashton attended an internal workshop in April 2018. Through this process, the Gender Equity Policy Statement was developed for consideration and adoption by Council.
9. The policy statement aligns with global, national, state and regional strategies and frameworks.
10. To develop Council's Health and Wellbeing Plan 2017-2021, members of the community participated in workshops, focus groups and surveys to help shape the priorities and objectives of the plan. Members of the Health and Wellbeing Plan Project Reference Group provided knowledge and expertise on the best ways to achieve positive health outcomes.

**Issues/options**

11. By adopting the Gender Equity Policy Statement, it confirms Council's commitment to embed gender equity principles, behaviours and actions within the organisation and across the local community.

**Conclusion**

12. It is recommended that Council adopts the Gender Equity Policy Statement to underpin future work associated with gender equity and therefore the prevention of violence against women.

**4. Officers' report****FN.020/18 Special Charge Scheme Policy Review****Portfolio: Infrastructure****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Patrick Wood, Coordinator Design****Summary**

In late 2017, Council commenced a review of its Special Charge Scheme Policy. The overarching objective of the review was to develop a policy that is more responsive to the needs of the community. The review was completed by an external specialist in May 2018 and a new policy was drafted based on the recommendations of that review. Following submission of the draft policy to Council, feedback has now been sought from the community. Nine submissions from the public have been received in relation to the draft policy. After consideration of these submissions, Council officers recommend that the committee refers the policy to the July 2018 Ordinary Council meeting for a decision regarding adoption.

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

- 1. Notes that nine submissions were received in relation to the draft revised Special Charge Scheme Policy.**
- 2. Refers a decision regarding the adoption of the '*Special Charge Schemes for Roads and Drainage Works Policy and Guidelines*' document to the next Ordinary Meeting of Council on 31 July 2018.**

**Attachments**

- Draft Policy and Guidelines
- Summary of Submissions Received by Council

**Background**

- Council's existing Special Charge Scheme Policy was last updated in 2010.
- Following a Council briefing in July 2017 Council requested that a review of the existing policy be undertaken, with the objective of developing a policy that is more flexible to the needs of the community.
- Council appointed Terry Alford Consulting to undertake the review, which commenced in November 2017. The review involved:
  - A review of existing Council documentation;
  - A review of current legislation;
  - Interviews with Councillors and Council officers; and
  - Benchmarking of Council's policy against the policies of other councils.
- The review was completed in May 2018 and was circulated to all Councillors.

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**FN.020/18 Special Charge Scheme Policy Review**

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5. A draft policy (**Attachment 1**) was prepared based on the findings of the review and was presented to Council at a briefing on 29 May 2018. The draft was then subsequently approved for public consultation by the Future Nillumbik Committee, at its meeting on 12 June 2018.
6. The public were invited to make submissions to the draft policy, from 18 June to 8 July 2018.

**Policy context**

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure that the provision of community infrastructure responds to community needs.

**Budget implications**

8. The draft policy does not include any changes that will place additional budget implications on Council.

**Consultation/communication**

9. Initial consultation was carried out with internal stakeholders as part of the review.
10. Acting on the direction of the Future Nillumbik Committee, public feedback has been sought in relation to the draft policy, via the following methods.
  - The creation of a community engagement page on Council's '*Participate Nillumbik*' site.
  - A mail out to selected property owners, within the Shire, who were identified as potentially interested stakeholders.

**Issues/options**

11. The key changes to the policy that resulted from the review are increased consultation and flexibility in design outcomes, in particular through:
  - The inclusion of a public meeting to be held following an initial questionnaire gauging community interest, prior to any formal commitment from property owners.
  - Removal of the requirement for an 'Urban' design standard to be applied to roads where average property sizes are below 0.4 of a hectare.
  - Allowing for contributions to be made by Council, in situations where it considers that there may be special benefit to the wider community.
12. Based on feedback from Councillors, further changes were also made to the policy, which were:
  - Section 2.5 – The three year moratorium on re-instigating a scheme that has been abandoned due to lack of support may be reconsidered in situations where there has been a substantive change in property ownership (over 50 percent).
  - Section 4.1 – Unnecessary references to 'Special Rate' were removed.



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**FN.020/18 Special Charge Scheme Policy Review**

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- Section 5.2 – The impact on other road users (such as walkers, cyclists and horse riders) will be considered as part of the design.
  - Section 5.6 – Council officers may recommend a reduced extent of works, where a safe and practical end point can be achieved, pending the support of the property owners involved.
13. Council received nine submissions in relation to the draft policy. These submissions have been circulated to all Councillors. A summary of the issues and questions raised in these submissions, followed by a Council officer response, is listed in Attachment 2.
14. Based on the submissions received, there are no material changes to the policy recommended by Council officers (other than some minor editing and formatting changes).

**Conclusion**

15. The review of the existing Special Charge Scheme Policy and drafting of the new policy has responded to the overarching objective of Council, which was a policy that is responsive to the needs of the community. In giving their feedback, the community has been given the opportunity for their views related to the policy to be considered by Council. No material changes to the policy are recommended as a result of the submissions.

**4. Officers' report****FN.021/18 Fordhams Road Special Charge Scheme, Eltham**

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**Portfolio: Infrastructure****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Matthew Theuma, Engineer****Summary**

Following a consultation process, Council resolved on 29 May 2018 (Item OCM.076/18), to commence the statutory process for a Special Charge Scheme for Fordhams Road, Eltham.

Council's notice of its intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 6 June 2018.

A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has received five submissions and five objections from affected property owners which constitutes a submission or an objection under the *Local Government Act 1989*.

This report recommends that the Committee refers a decision regarding the formal declaration of the Fordhams Road Special Charge Scheme to the next Ordinary Meeting of Council on 31 July 2018.

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

- 1. Notes that five (5) submissions and five (5) objections were received for this scheme.**
- 2. Refers a decision regarding the formal declaration of the Fordhams Road Special Charge Scheme to the next Ordinary Meeting of Council on 31 July 2018.**

**Attachments**

Nil

**Policy context**

- This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Ensure that the provision of community infrastructure responds to community needs.

**Budget implications**

- Council has incorporated costs for administering the scheme in the current services budget. The survey and design costs incurred will be recovered if the scheme proceeds and the charge is levied.
- Council will have a liability of \$14,469 for a Council property at 620 Main Road. This property has a frontage of 13.9 metres to Fordhams Road and is included in the scheme. This cost is will be included in the 2018-2019 Capital Works Program, if a scheme is to proceed.

## 4. Officers' Report

## FN.021/18 Fordhams Road Special Charge Scheme, Eltham

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**Consultation/communication**

4. Consultation to date has involved information sessions for all residents and task group meetings, to finalise design details for the street. All affected property owners have been advised of Council's intention to declare the scheme and their rights to make submissions or objections to this.

**Issues/options**

5. Council resolved its intention to declare the Fordhams Road Special Charge Scheme on 29 May 2018 (Item OCM.076/18). Property owners were notified of the resolution via public notice in the *Diamond Valley Leader* newspaper on 6 June 2018. A letter and notice of the proposal was sent to all property owners with a liability to the scheme.
6. Both the public notice and the letter sent to property owners of the intention to declare a scheme outlined the rights of any person to make a submission under Section 223 or an objection under Section 163B of the *Local Government Act 1989* (the Act), in relation to this Special Charge Scheme. Submissions and objections were to be made in writing by 4 July 2018.
7. Correspondence representing five (5) submissions and five (5) objections were received by Council. A copy of the submissions and objections has been separately circulated to all Councillors. Issues raised in the submissions and objections are summarised below, including an officer's response:
  - **Issue 1:** Declaration of the Fordhams Road Special Charge Scheme should be deferred until after adoption of the Special Charge Scheme Policy (which is also undergoing a submissions process), as the results of submissions to the review may have direct impact on residents of Fordhams Road.  
**Officer comment:** The key changes to the draft Special Charge Scheme policy are a revised consultation process and increased flexibility in relation to available design standards. Both of these changes have been incorporated into the scheme development and design proposal for Fordhams Road. Should further changes to the policy be recommended as a result of the submissions process, Council will have the option to defer a decision regarding Fordhams Road until after the adoption of the policy.
  - **Issue 2:** In light of the policies of some neighbouring councils and the financial benefits to Council in terms of reduced maintenance, Council should share some of the financial burden, which the residents will incur and make it fairer and equitable.  
**Officer comment:** Council does have the ability to make a financial contribution to a scheme. However, Council may not be financially capable of making a contribution to the many number of roads that could potentially be subject to a scheme.
  - **Issue 3:** The scheme places too large a burden on property owners, in addition to the required payment to Yarra Valley Water for the sewer upgrade works.

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FN.021/18 Fordhams Road Special Charge Scheme, Eltham

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**Officer comment:** Council appreciates that a financial commitment is required from property owners in a Special Charge Scheme. Therefore, Council will only proceed where it is demonstrated that 60 percent of property owners support paying the charge. With regards to the Yarra Valley Water works, these are proceeding independently of the scheme; Council does not have control over these works.

- **Issue 4:** It is unfair that a narrow majority can impose a cost on the minority who do not support the scheme.

**Officer comment:** Council appreciates that there is a diverse range of views in relation to Special Charge Schemes. Therefore 60 percent support of property owners is required to proceed, which is 10 percent greater than the level required by the Act.

**Conclusion**

8. Council has commenced its statutory obligations in relation to the Fordhams Road Special Charge Scheme, particularly to afford any affected person the opportunity to have their objections or submissions heard by Council. Five submissions and five objections were received by Council.

**4. Officers' report****FN.022/18 Eltham North Adventure Playground design consultation**

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**Portfolio: Social Infrastructure****Distribution: Public****Manager: Adrian Cully, Director Business and Strategy****Author: Melissa Houselander, Project Officer  
Neil Hordern, Manager Connected Communities****Summary**

This report provides the community consultation outcomes of the playground designs at Eltham North Reserve.

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

- 1. Notes the consultation response to the survey and feedback regarding the playground designs at Eltham North Adventure Reserve.**
- 2. Endorses officers to commence the detailed design phase.**

**Attachments**

- Eltham North Adventure Playground design survey comments
- Eltham North Adventure Playground design plans and elevations

**Background**

- At the Future Nillumbik Committee meeting on 12 June 2018, Council in considering Item 4 Eltham North Adventure Playground Rebuild resolved in part to:
  - 1. Endorses the community engagement concept design activities to collect community feedback.*

**Policy context**

- This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.

**Budget implications**

- The budget for the design and construction rebuild of the playground will be funded through a combination of, Insurance settlement, allocation from Council's 2018/2019 Capital Works Program budget and a State Government commitment.
- The current budget allocation does not allow for integrating the play space with the surrounding precinct or pathways within and linking with the playground which meet current accessibility practice (inclusion).
- The playground draft designs were released for community feedback commencing 15 June 2018 and concluded on 1 July 2018.

4. Officers' Report

**FN.022/18 Eltham North Adventure Playground design consultation**

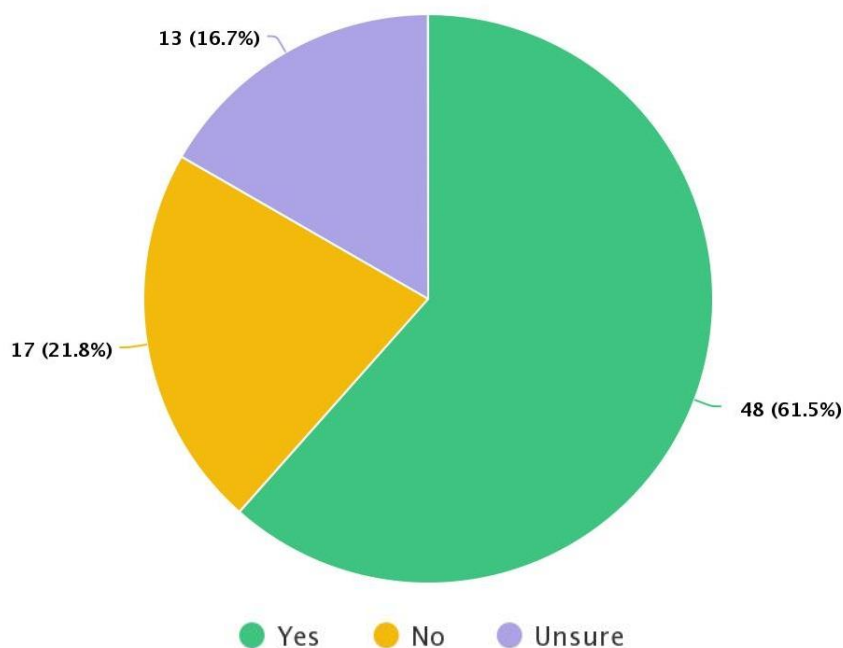
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6. The consultation was promoted:

- via Council's Facebook page and website Participate Nillumbik from 15 June 2018
- via displays at key locations around the Shire including Eltham North Primary School, Research Preschool, the Eltham North Reserve noticeboard, Edendale Farm, Living and Learning Centres, Diamond Valley and Eltham Libraries, Bendigo Bank branches and Healthability.
- at two "Meet the Designers" sessions on Thursday 21 June 2018, at Edendale Farm and Saturday 23 June 2018, at Eltham Library where the community had the opportunity to speak with the design team and speak with Council Officers.

7. A summary of the survey questions and responses are included below:

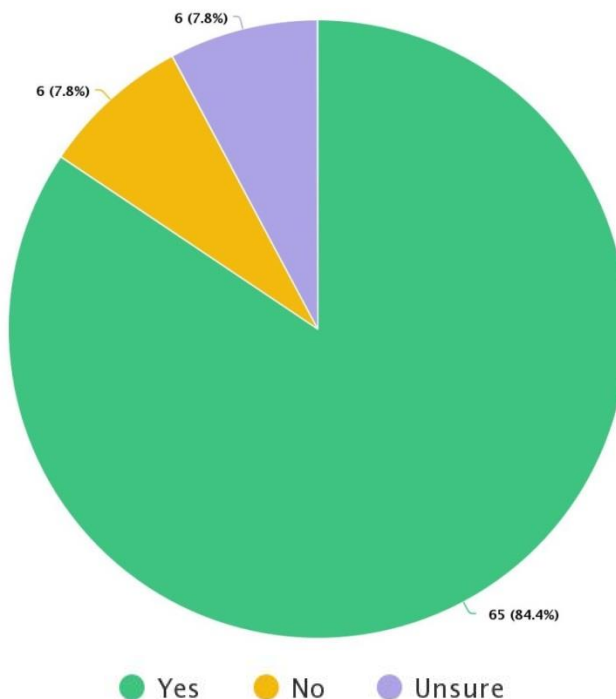
- a) Do you think the design reflects the top 6 themes of Adventure, Hiding, Swinging, Climbing Creative Cognitive Play and Nature play?



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FN.022/18 Eltham North Adventure Playground design consultation

- b) Do you think the design reflects the most popular attributes of timber and undercover?



- c) What do you like most about the design?

**Top comments** (no: of comments)

- Undercover / Roof (17)
- Wood (12)
- Similar to original (11)
- Accessibility (11)
- Natural look / feel (9)

- d) Question: Are there any other comments you would like to make on the design?

- *“Great design! Can't wait to test it out once it's built.”*
- *“Strong echoes of the old playground but manages to be different - and I think will prove better.”*
- *“Thank you for listening to community feedback about the playground - it means a lot to us.”*
- *“It doesn't look to be as big as the old one. Looks a bit sterile and not very child friendly.”*
- *“There doesn't look like there is that much there. Is there a water sand play area that I'm missing? Or hiding spots? Hard to tell in this plan. I hope there is because it looks a little bit bland.”*

#### 4. Officers' Report

##### FN.022/18 Eltham North Adventure Playground design consultation

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8. A full list of survey responses can be found in **Attachment 1**. A number of comments relate to a perception that the new design is either smaller, contains less play elements or should include additional elements outside of a 'like for like' scope. To address these comments officers are preparing for Participate Nillumbik a comparative schedule which will be accompanied with a designer response to comments. This response will demonstrate; that the new design meets its brief of providing equitable play experience with the previous and reviewed community comments.

#### Issues/options

9. Council is currently seeking alternative funding beyond the current capital works budget to address the play grounds integration, landscaping and to deliver key pathways which meet accessibility objectives. There is also a high level of community expectation for supporting picnic shelters, park furniture and general precinct landscaping. In order to address these issues and meet community expectations the following actions are being undertaken.
- A review of operational budgets for pathways, landscaping (Including tree planting) and playground refurbishment to see if any of these funds can be directed to leverage contracted capital works.
  - Grant submissions – A Growing Suburbs Fund application has been lodged for \$570,000 to undertake playground integration and precinct landscaping.
  - The lodgement of a \$150,000-200,000 Pick My Project by the community for revegetation and landscaping to the playground and shared pathway environs.
  - Ongoing works to secure funds from the Government, Community Groups and Bendigo Bank.
10. Works such as landscaping, picnic facilities and public art which integrate the playground with the surrounding precinct provide an opportunity for community and community group participation. Council officers are exploring a range of options to facilitate participation and contribution these include;
- Community planting days.
  - TAFE landscaping students undertaking work such as the sandpit.
  - Men's sheds or the equivalent doing timber seating.
  - Community groups sponsoring and or building picnic shelters.
  - Local business proving timber or landscaping supplies for the above.

#### Conclusion

11. This report presents the findings from the 15 June 2018 to 1 July 2018, consultation on the draft playground designs. Draft playground designs are included at **Attachment 2**.
12. Overall comments regarding the attributes and themes are positive however as the designs released for feedback are conceptual, some comments relate to elements that would be included in the detailed design phase or are outside of current project scope.



**4. Officers' Report**

**FN.022/18 Eltham North Adventure Playground design consultation**

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13. The design meets the 'like for like' intent, current standards, meets the project brief and has been favourably reviewed by the project control group.

**4. Officers' report****FN.023/18      Review of the Diamond Creek and Eltham Activity Centre Structure Plans - Public Engagement and Project Plan****Portfolio:      Planning****Distribution:   Public****Manager:      Adrian Cully, Director Business and Strategy****Author:        Fae Ballingall, Senior Strategic Planner****Anthony Calthorpe, Strategic Planning Coordinator****Summary**

The Eltham Structure Plan (2004) and Diamond Creek Structure Plan (2006) need to be updated to respond to the changing social, economic and environmental policy context. This initiative is supported by the Council Plan 2017-2021. A key focus of the project will be about creating places for people. This aims to better understand how people use our activity centres, their movement patterns and habits; how they relate to the public realm, what they enjoy (and they don't enjoy). The purpose will be to develop meaningful actions that, when implemented, make a difference to the community – be it a business, visitor, shopper or worker. Another major focus for this work will be to work with Council's Economic Development unit and the business community to help deliver the conditions that will foster a vibrant and prosperous local economy and keep pace with the changing conditions within the business and retail industries. The Council Plan places a strong focus on our economy – so strong integrated policy outcomes are a key objective for structure planning work.

The project will include an extensive program of community engagement, over three stages. The first stage of public consultation will take place between 23 July and 26 August, 2018.

This report seeks endorsement of the proposed program and the associated timeframes.

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

- 1.      Endorses the program for the review of the Nillumbik Activity Centres.**

**Attachments**

1.      Engagement Activities (23 July - 31 August 2018)
2.      Table of Key Components within the Nillumbik Activity Centres Structure Plan Review
3.      Structure Plan Areas

**Background**

1.      State Government policy requires local government to develop a structure plan for each of its activity centres. A structure plan is a planning document which enables Councils to set strategic direction for activity centres.

**4. Officers' Report**

**FN.023/18 Review of the Diamond Creek and Eltham Activity Centre Structure Plans - Public Engagement and Project Plan**

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2. The structure plan provides the strategic basis for Council's key actions to improve an activity centre (such as infrastructure projects and planning scheme amendments).
3. Council has in place structure plans for both the Shire's activity centres, comprising:
  - The Eltham Major Activity Centre Structure Plan (August 2004).
  - Diamond Creek Twenty20 (September 2006).
4. Councillors received a briefing on 15 May 2018, which outlined:
  - The status and history of Council's two activity centres, which are at Diamond Creek and Eltham.
  - That the structure plans for both centres are now dated and a key initiative within the Council Plan 2017-2021 is to review the structure plans.
  - That the purpose of the engagement is to assist in setting the broad vision and objectives for the proposed new structure plans.
  - That the focus of the engagement will be to encourage the community to complete a survey and there will be one survey for each centre.
5. Significant work has already been undertaken for the project, including:
  - A review of the Urban Design Provisions for each Centre. A project reference group (PRG) is working with an urban design consultant to define the preferred design elements for each centre.
  - A detailed Land Use and Economic Capacity Analysis. Consultants Geografia and Echelon Planning have been appointed to deliver this critical work.
  - Commencement of Economic Development Strategy (EDS) work (internally resourced).
  - A review of Car Parking (internally resourced).
  - Social and Community Services Analysis (internally resourced)
  - Scoping of potential key infrastructure improvements (internally resourced)
  - Scoping of potential place-making activities (internally resourced)

**Policy context**

6. This report directly supports the achievement of Council Plan 2017-2021 strategy:
  - Review existing precinct structure plans within activity centres to encourage investment and development.

**Budget implications**

7. Council's review of the Eltham and Diamond Creek Structure Plans is fully accommodated for in Council's approved budget.

#### 4. Officers' Report

##### FN.023/18      Review of the Diamond Creek and Eltham Activity Centre Structure Plans - Public Engagement and Project Plan

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#### Consultation/communication

8. Engagement will be conducted between 23 July and 26 August, 2018. A notice of the engagement will appear on Council's website on 23 July, 2018 and in the Diamond Valley Leader on 25 July, 2018.
9. Participate Nillumbik will support the online engagement activities, including providing supporting documents, survey and an interactive map.
10. Council will write to businesses, community groups and schools at the start of the engagement period to encourage them (and their members) to complete the survey. Council will engage with the chambers of commerce and trades associations for Diamond Creek and Eltham and Economic Development Advisory Committee of the public engagement in advance of its commencement.
11. The intention is to offer a wide variety of engagement activities that are fun, quick and interesting to a broad cross-section of the community to review a number of provisions and land use strategies for Eltham and Diamond Creek Activity Centres and prepare a review of the Structure Plan for each Centre.
12. The engagement activities will comprise, in each centre, three 'pop-up' consultation sessions and one visit by officers to each railway station at a peak commuter time. The pop-ups are being facilitated by the consultants Chatterbox Projects, who have a purpose built trailer for place- based consultations. A variety of interactive and accessible engagement tools will be used to get an understanding of the community's needs, concerns, feedback and ideas. Council Officers will be supporting Chatterbox at every session.
13. In addition to this, a 3D scale model of each Activity Centre is being prepared by Council's in-house urban designer to support the consultation.
14. It will also identify opportunities to consider place making initiatives to activate the core of each Centre to help create a vibrant, sustainable centre for the community.
15. The proposed location and time of each engagement activity, with a short explanation of the activities, is specified in **Attachment 1**.
16. Should any adjustments be required to this program Councillors will be advised.
17. It is intended that the results of the public engagement will be reported at the October Future Nillumbik Committee.

#### Issues/options

18. The process to review the structure plans comprises the following steps:
  - a) Background analysis, including technical reports (e.g. an economic analysis) and the public engagement outlined above. This stage synthesises work from various inputs, such as existing Council projects.
  - b) Using the background studies and further public consultation to draft the key directions and recommendations of the structure plan.
  - c) Drafting the structure plan and placing the draft structure plan on exhibition.

4. Officers' Report

**FN.023/18      Review of the Diamond Creek and Eltham Activity Centre Structure Plans - Public Engagement and Project Plan**

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- d) Council adopting the structure plans on having considered potential changes which respond to the community's response to the draft documents.
19. More detail regarding the proposed process for the document is provided in the following attachments:
- **Attachment 2** which shows all the key components and steps within a chart
  - **Attachment 3** which is the current structure plan areas for the Nillumbik Activity Centre Review
20. As shown in these documents, it is intended that Council will adopt the new structure plans in mid-2019. Post adoption a planning scheme amendment which will give proper effect to the new structure plans through the Nillumbik Planning Scheme.
21. This would be a full amendment, with public exhibition and which will likely require a planning panel to consider submissions. General amendments generally take nine to twelve months to complete – following adoption of a draft structure plan.

**Conclusion**

22. A comprehensive and meaningful program of community consultation is being progressed as part of the Nillumbik Activity Centres Review. This will ensure that the updated Structure Plans and other initiatives to come out of this project align with and support the community values and vision for each Centre, as well as furthering State and Local Planning Policy objectives.
23. At the end of the Stage 1 consultation, Council will receive a report on the findings and an update on the next steps.

**4. Officers' report****FN.024/18 Melbourne Water Land Disposal - Christmas Hills**

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**Portfolio: Planning****Distribution: Public****Manager: Naomi Paton, Manager Integrated Strategy****Author: Anthony Calthorpe, Strategic Planning Coordinator****Summary**

Under State Government land policies, Melbourne Water is required to dispose of approximately 1000 hectares of land at Christmas Hills previously earmarked for the Watsons Creek Storage Reservoir (WCSR). The land, comprising 112 existing titles, has been declared surplus to requirements. It is referred to by Melbourne Water as the 'study area' and shown in **Attachment 1**. Melbourne Water is required to rezone the land from the Public Use Zone (PUZ) to an appropriate green wedge zone before it can sell the land.

Melbourne Water has been investigating the land use capability for its land at Christmas Hills since May 2016. An initial background report investigating key land capability considerations was released in October 2017.

On 23 May 2018, Melbourne Water publicly released its *Options Development Report – Christmas Hills Land Use Study* (ODR), March 2018. It is included as **Attachment 2**. The ODR outlines the key considerations that have informed the development of the, largely residential-led, land use options proposed for the 'study area'. Council officers have prepared a draft Assessment Report of the ODR and a copy is included as **Attachment 3**. Council is now asked to consider the draft submission for endorsement as its public submission to Melbourne Water.

The draft Assessment Report highlights concern with the lack of evidence to demonstrate how Melbourne Water has considered and is seeking to implement key State green wedge policies and objectives. Further, there are a number of statutory planning concerns about implementing the residential outcomes shown in the ODR.

|                       |
|-----------------------|
| <b>Recommendation</b> |
|-----------------------|

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

- 1. Endorse the draft Assessment Report at Attachment 3 as Council's formal submission to Melbourne Water, subject to:**
  - a) A fourteen (14) day period for Council to receive feedback and submissions from the public about its draft submission; and**
  - b) That the final submission incorporates a summary table of any submissions or comments received from the public.**
- 2. Following 1a) and 1b) above, authorises the Chif Executive Officer to finalise and submitted to Melbourne Water.**

**4. Officers' Report**

**FN.024/18 Melbourne Water Land Disposal - Christmas Hills**

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**Attachments**

1. Melbourne Water Study Area
2. Options Development Report - Christmas Hills Land Use Study
3. Draft Submission to Melbourne Water

**Background**

**Disposal of former Watsons Creek Storage Reservoir land**

1. Since its 2012 review of future augmentation of Melbourne's water supply system, Melbourne Water eliminated the need for approximately 1000 hectares of land at Christmas Hills that had been reserved for the Watsons Creek Storage Reservoir (WCSR).
2. As a Government Agency, Melbourne Water is required to dispose of land no longer required for operational purposes (current or future).
3. Before it can dispose of land, it must first ensure that it is zoned appropriately i.e. not in a public use zone or similar. Melbourne Water is proposing to transfer approximately 280 hectares of land to the Warrandyte Kinglake Nature Conservation Reserve (WKNCR).
4. Under the disposal procedures for Government land, the land is first offered (at market value) to other Government Departments or Agencies, then the local Council and then, if there are no interested parties to put it on the open market.
5. When considering the disposal of land, Melbourne Water is obliged to seek the highest and best use of the land. This must take into consideration the relevant land use planning constraints. In most instances, residential use and development will present as the highest and best use of land.

**The Melbourne Water Options Development Report, March 2018**

6. The ODR report referred to earlier has been prepared by Spiire consultants on behalf of Melbourne Water.
7. It builds upon the previous Background Report (August 2017) titled 'Background Report Christmas Hills Land Use Study' also prepared by Spiire.
8. The Options Report is not a final master plan for the Christmas Hills area and has been developed to further test possible zone and lot amalgamation scenarios for each precinct.
9. Melbourne Water's preferred option presented in the ODR outlines:
  - An existing total of 112 titles over approximately 1000 hectares in the study area (a total of 119 legally recognised allotments).
  - The study area is separated into seven (7) precincts for master planning purposes.
  - Land totalling 280 hectares is to be transferred to the WKNCR (under 59 titles).
  - 14 existing dwellings across the study area.

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- Melbourne Water's preferred 'Option 2' land use outcome indicatively proposing two further sub-options for each precinct yielding either:
    - i) A low yield dwelling scenario of 95 lots (following lot amalgamations) resulting in an additional 18 potential dwelling lots; or alternatively.
    - ii) A high yield dwelling scenario of 106 lots (following lot amalgamations) resulting in an additional 30 potential dwelling lots.
  - Intention to apply both the Rural Conservation Zone 3 (RCZ3) and RCZ4 planning scheme zones across the precincts (as shown in the ODR).
10. Melbourne Water is currently carrying out public consultation on the ODR and seeking feedback from Council.
11. Melbourne Water has advised that the next steps in terms of refining the ODR into a master plan have not been defined and may depend on the scope of further work or changes required in its master planning process.
12. Given this uncertainty – preparing a Council position that the community can understand is considered important in this instance given that Council is not responsible for the planning scheme amendment.

**Planning process**

13. To put the land into an appropriate zone (a green wedge zone) before it is sold Melbourne Water will be required to prepare an amendment to the Nillumbik Planning Scheme.
14. The Minister for Planning would be the planning authority in this instance (instead of the Council) and has authorised Government Departments and Agencies to act as if it were a planning authority for the purpose of preparing planning scheme amendments (PSA).
15. Melbourne Water will prepare the PSA and submit this directly to the Government Land Planning Service (GLPS). A Government appointed Panel will hear submissions and make recommendations to the Minister on any amendment.
16. A number of policies and guidelines outline the procedures that Melbourne Water must follow:
- Victorian Government Landholding Policy and Guidelines.
  - Victorian Government Land Transactions Policy and Guidelines.
  - Victorian Government Land Use Policy and Guidelines.
  - Victorian Government Strategic Assessment Policy and Guidelines.
17. It is very relevant to note that Nillumbik Shire Council is and will continue to be the responsible authority (RA) for the receipt and determination of future planning permit applications if the land is rezoned.
18. Melbourne Water is not contemplating the subdivision of land that would create additional lots. Only lot consolidation is being contemplated by Melbourne Water i.e. the overall number of lots will be reduced under any of its options currently being considered.



#### 4. Officers' Report

##### FN.024/18 Melbourne Water Land Disposal - Christmas Hills

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19. The public acquisition overlay (PAO) is also to be removed from a number of private properties as part of any planning scheme amendment. These properties already have a green wedge zone on them.
20. Council has the ambition of becoming Australia's most liveable shire. The Council Plan supports the notion of 'Living in the landscape' – which, using the words of the Council Plan (pages 12-13) is:
- Council's way of articulating that the Shire of Nillumbik is not just about the Green Wedge and the Natural Environment but also the people who live in it.*
21. It continues by saying:
- The natural environment and the protection of the Green Wedge is very important to this Council – it's what contributes to our lifestyle and makes Nillumbik a great place to live and raise a family. At the same time, we also recognise that the people who live in the Green Wedge are just as important.*
- That's why our Council Plan goals detail engaged, connected communities and active, creative people living in safe and healthy environments.*
22. These higher level objectives were relevant to the consideration of the ODR and the preparation of the draft submission included as **Attachment 3**.

#### Policy context

23. The broader policy context is explored in more detail in Attachment 3. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Advocate effectively for Nillumbik's interests at a state and national level.

#### Budget implications

24. The main resource implications to Council are likely to be:
- a) Staff time working on the project, responding to issues, meetings and preparing for any planning panel process.
  - b) Possible consultants or legal representation required to support Council through the planning panel process – depending on the scope of issues that might emerge.

#### Consultation/communication

25. As discussed in the Background section of this report, this planning process is being run by Melbourne Water who is acting (under authorisation from the Minister for Planning) as if it were the planning authority in respect of the planning process.
26. Melbourne Water has carried out all consultation to date. The most recent consultation in respect of the ODR was held on 22 and 23 May 2018 and 16 June 2018 in seven identical by design sessions. Council officers observed the six sessions in May and provide an overview of the issues raised in the attached draft submission at Section 4.

**4. Officers' Report****FN.024/18 Melbourne Water Land Disposal - Christmas Hills**

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27. It should be noted that the public was invited to make submissions directly to Melbourne Water about the ODR following the conclusions of its community engagement program in May. It is understood from Melbourne Water that approximately 100 submissions were received up until the 14 June (approx. 56 letters and 44 online comments or similar). These submissions have not yet been made public but the draft submission calls for this to happen for the purposes of transparency.
28. The recommendations of this report also recommend an additional period for the public to make submissions to Council in respect of its draft submission.

**Issues/options**

29. The assessment report which is included as **Attachment 3** is intended to form the basis of the Council's formal public submission to Melbourne Water. It explores the range of issues and options in more detail.
30. The key issues that are set out in the draft submission are summarised as:

**Strategic planning considerations:**

31. In Precinct 2 - Council welcomes the proposed outcome for the Rob Roy Hill Climb (transferring the site to the Crown) to ensure it is protected through a possible Committee of Management with Council). There are reasonable concerns about the proposed residential outcomes in close proximity due to potential future conflicts such as noise, traffic that might be counterproductive to any protections afforded to the Rob Roy site itself.
32. Council is concerned about the potential loss of any agricultural land or rural businesses across the study area. Consideration of such impacts against policy has not been appropriately evaluated in the ODR.
33. Melbourne Water has not provided sufficient evidence that it has fully considered the State's own green wedge policy, objectives and strategies to demonstrate that residential outcomes are the best strategic outcomes.
34. The assessment indicates that additional further technical evidence is required to address key planning tests; along with cross-government consultation to demonstrate that across a range of policy initiatives – the State is demonstrating best practice outcomes for green wedge planning and management.
35. In conjunction to the above, the assessment acknowledges the existing lots are legally established – but highlights that in the single ownership of the State – it has the ability to consider how any sale would realise a fragmented ownership pattern and what this might mean for the longer term objectives of using and managing land for the purposes set out in the zones. It asks if the current lot pattern would represent best practice if considered under today's policy context.

#### 4. Officers' Report

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#### Statutory planning

36. Examines the proposed outcomes for land in the ODR and what issues might be faced under future planning permit applications if the residential outcomes are pursued by future owners. It reveals that on a lot by lot basis – the ODR has not investigated detailed site conditions, including existing environmental values, to provide Council with the necessary information to fully assess the options. It also reflects the challenges that Council experiences in dealing with planning permit applications in the rural zones; VCAT decision making and the fact that some land parcels under the previous Melbourne Water disposal at Christmas Hills remain undeveloped due to site conditions and the challenges faced meeting planning, environmental and bushfire requirements. The submission states that the State has a 'duty of care' to ensure any outcomes can be realised.
37. Section 7 of the draft Assessment Report provides a series of conclusions and suggested next steps for Melbourne Water in response to the community and Council feedback. The recommendations of the draft assessment are replicated below:

It is recommended that Melbourne Water:

- Consider the feedback provided herein and undertake appropriate additional work to consider:
  - The agricultural use of land alongside Victoria's emerging food production need; emerging farming technologies etc.
  - In conjunction with the above, undertake an economic assessment of the proposed outcomes against the capacity of land to be used for rural purposes, such as agriculture and other rural businesses.
  - Consider the site specific issues in more detail where proposed dwellings are being contemplated – including additional environmental survey and development engineering assessment. This should, in specific areas also consider the landscape and visual impact of any future dwellings (as proposed) that would build on previous landscape assessment work.
- Demonstrate robust consideration and evaluation of all relevant State Government Policy, notably all relevant Victorian Government land policies and guidelines relating to the use and sale of land.
- Related to the above, demonstrate what efforts have been made to retain existing agricultural and rural businesses, including exploration of possible exemptions (within Victorian Government land policy and guidelines) to enable current tenants and businesses to remain in operation. This is an important vitality and diversity issue for this Council in terms of green wedge outcomes.
- Ensure or confirm that cross-government department discussions are held about the appropriateness or otherwise of the proposed outcomes against Green Wedge Policy. Subject to the further research that is required - a working session or working group with various parties may be considered appropriate. Council should be a party to such discussions.

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- Ensure that CFA feedback is provided to all relevant stakeholders as a priority.
- Arrange a meeting with Council's statutory planning officers to discuss the comments contained herein once all feedback has been collated.
- Arrange a working session with Council to discuss opportunities to preserve future trail alignments through the precinct before land is divested into private ownership.
- Provide clear feedback on the community consultation to the community and then undertake meaningful further options refinement with the community to demonstrate a truly collaborative approach.

**Conclusion**

38. For the reasons set out in this report and in the draft submission included as **Attachment 3**, it is considered that the recommendation set out at the beginning of this report is adopted to establish a formal Council position. By doing this, it will also put forward recommendations to Melbourne Water about how best to progress a master plan for Christmas Hills.
39. Council officers will continue to liaise with Melbourne Water about the further development of the master plan and next steps for the process.

## **Future Nillumbik Committee Agenda**

**17 July 2018**

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