

Planning and Consultation Committee Meeting

to be held virtually on Tuesday 12 October 2021 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 7 October 2021

Distribution: Public

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Planning and Consultation Committee Meeting seating plan

Councillors

Cr Peter Perkins (Mayor) – Ellis Ward

Cr Richard Stockman – Blue Lake Ward

Cr Karen Egan – Bunjil Ward

Cr Natalie Duffy – Edendale Ward

Cr Ben Ramcharan (Chairperson Consultation Matters) – Sugarloaf Ward

Cr Frances Eyre (Deputy Mayor) – Swipers Gully Ward

Cr Geoff Paine (Chairperson Planning Matters) – Wingrove Ward

Officers

Carl Cowie – Chief Executive Officer

Blaga Naumoski – Executive Manager Governance, Communications and Engagement

Katia Croce – Governance Lead

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Nillumbik Shire Council

**Agenda of the Planning and Consultation Committee Meeting to be held
Tuesday 12 October 2021 commencing at 7:00pm.**

1. Welcome by the Chair

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

2. Acknowledgement of Country

The Acknowledgement of Country to be read by the Chairperson

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from European invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

3. Apologies

Recommendation

That the apologies be noted.

4. Confirmation of minutes

Confirmation of minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 September 2021.

Recommendation

That the minutes of the Planning and Consultation Committee Meeting held on Tuesday 14 September 2021 be confirmed (**Attachment 1**).

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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

PCC.025/21 Nillumbik Shire Council Submission to Melbourne Future Planning Framework

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

The Department of Environment, Land, Water and Planning (DELWP) is seeking Council's feedback on the draft Land Use Framework Plans (LUFs), a key implementation action of Plan Melbourne 2017-2050.

The LUFs will set regional-level planning policy to be implemented into planning schemes. The LUFs will also inform local councils in decision-making for precinct planning, local and regional planning strategies, and infrastructure and servicing projects.

Consultation in regard to the draft LUF's and notification to Council was given along with the opening of the public consultation period on 24 August 2021.

Consultation closes 24 October 2021.

Given community input will not be able to be captured in Council's submission due to timeframes, a Council webpage has been created that identifies the project and directs the community to the engage website for any enquiries/submissions.



Subject to the adoption of Council's Submission which will be forwarded to DELWP via its Engage website portal in order to meet the closing date for submissions.

Recommendation

That Council:

1. Adopts Nillumbik Shire Council Submission Melbourne Land Use Framework Plan (**Attachment 2**) to *Melbourne Future Planning Framework* plan, and directs Council officers to formally lodge the adopted submission with DELWP through its Engage website by the deadline of 24 October 2021; and
2. Makes the adopted Submission publicly available on Council's website.

Attachments

- 1  Draft Northern Land Use Framework Plan (Accessible Version) 24 August 2021
- 2  Nillumbik Shire Council Submission Melbourne Land Use Framework Plan

6. Planning Matters

PCC.025/21 Nillumbik Shire Council Submission to Melbourne Future Planning Framework

Discussion

1. The Department of Environment, Land, Water and Planning (DELWP) is seeking Council's feedback on the draft Land Use Framework Plans (LUFs), a key implementation action of Plan Melbourne 2017-2050.
2. These six plans, collectively titled 'Melbourne's Future Planning Framework', will set a vision and strategies to guide population growth, jobs, housing, infrastructure, major transport improvements, open space and urban forests at a regional level over the next 30 years.
3. The Land Use Framework Plan documents set out how the above strategies will be achieved under six key themes:
 - a) Productivity
 - b) Housing Choice
 - c) Integrated Transport
 - d) Liveability
 - e) Strong Communities
 - f) Sustainability and Resilience.
4. The LUFs will set regional-level planning policy to be implemented into planning schemes. They will inform local councils in decision-making for precinct planning, local and regional planning strategies, and infrastructure and servicing projects. The LUFs will be used to:
 - a) Drive the majority of Melbourne's population growth into established areas through a land use framework that identifies places of state and regional significance;
 - b) Guide the strategic integration of land use and infrastructure (including housing and jobs aspirations) in key areas and precincts;
 - c) Guide the development of Melbourne's greenfield growth areas;
 - d) Facilitate collaboration by state and local government, key agencies and partners on regional planning and regional priorities;
 - e) Inform priority places for state-led planning; and
 - f) Enable metropolitan councils to update their municipal strategies and policies within a clearly defined land use framework.
5. For Nillumbik, the Northern Metro Land Use Framework Plan is of most relevance and includes the Local Government Areas of Banyule, Darebin, Hume, Mitchell, Moreland, Nillumbik and Whittlesea. The accessible version of the Northern LUF Plan is attached (Attachment 1) however the PDF version (by chapter) along with theme maps are available here: <https://engage.vic.gov.au/mfpf/northern-metro-lufp>

6. Planning Matters

PCC.025/21 Nillumbik Shire Council Submission to Melbourne Future Planning Framework

6. Consideration also needs to be given the Land Use Framework Plan for the Eastern Metro area given it captures adjoining local government areas of Yarra Ranges and Manningham. PDF version (by chapter) along with theme maps are available here: <https://engage.vic.gov.au/mfpf/eastern-metro-lufp>
7. Consultation closes on 24 October 2021.
8. The Land Use Framework Plans impact on all parts of Council strategy and operations in the long-term.

Related Council decisions

9. Not applicable.

Options

10. The structure of feedback from Council is based on the Accessible Word Version of the document to enable page numbers to be identified (**Attachment 1**) and has been predominantly targeted to the Northern LUF. Consideration is also given to the Eastern LUF given specific inter-regional issues/opportunities and feedback has been identified across the relevant chapters where Council has feedback.
11. Keys issues that Council officers across different teams have identified in regard to the draft LUF in Nillumbik Shire Council Submission Melbourne Land Use Framework Plan (Submission) (refer **Attachment 2**) include:
 - a) The need to acknowledge the regional importance of green wedges particularly in regard to biodiversity.
 - b) The need for clear support for inter-regional planning.
 - c) Illegal soil dumping as a regional growth issue.
 - d) Identification of Nillumbik's regional biodiversity significance particularly the Warrandyte to Kinglake habitat corridor and significant waterways including Watsons Creek.
 - e) Currency of data and therefore strategies they are based upon - particularly in regard to waste and landfill.
 - f) Consideration of regionally significant renewable energy infrastructure.
 - g) Food security and supply chains (particularly with regard to green wedges).
 - h) The lack of focus in the draft LUF in regard to accessibility for an aging population and those community members with disabilities.
 - i) The need for commentary in regard to the continued application of the Urban Growth Boundary.
 - j) Further articulation of the specific regional objectives and actions for managing growth and its environmental impacts.
12. Councillors were encouraged to provide feedback to the draft submission and where feedback has been provided it has been incorporated into the submission at **Attachment 2**.

6. Planning Matters

PCC.025/21 Nillumbik Shire Council Submission to Melbourne Future Planning Framework

Council plans and policies

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

Sustainability implications

14. The draft LUFP's have significant implications in regard to sustainability including but not limited to biodiversity, waste and recovery and energy use considerations.

Community engagement

15. The engagement process is open to all stakeholders and the wider public through the Engage Vic website: <https://engage.vic.gov.au/mfpf>.
16. Given community input will not be able to be captured in Council's submission due to timeframes, a Council webpage has been created that identifies the project and directs the community to the engage website for any enquiries/submissions: <https://participate.nillumbik.vic.gov.au/mfpf>

Innovation and continuous improvement

17. Not applicable.

Collaboration

18. Strategic planning have requested input from all parts of Council given the Land Use Framework Plans impact on all parts of Council strategy and operations in the long-term.

Budget implications

19. Not applicable.

Relevant law

20. *Planning and Environment Act 1987.*

Regional, state and national plans and policies

21. Plan Melbourne 2017 – 2050.

Conflicts of interest

22. No officers involved in the preparation of this briefing have a conflict of interest in this matter.

2. Officers' reports

PCC.026/21 Consideration of Submissions Draft Domestic Animal Management Plan

Item: Consultation Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

**Author: Jonathan McNally, Manager Community Safety and Amenity
Caroline Correa, Community Safety Coordinator**

Summary

The purpose of this report is to acknowledge the submissions received from the community regarding the draft Domestic Animal Management Plan 2021-2025 (**Attachment 1**).

A Domestic Animal Management Plan is a requirement under *Section 68A* of the *Domestic Animal Act 1994*, must be renewed every 4 years, with formatting and content set by the State Government to ensure consistency across the State of Victoria.

Councils have a legislated responsibility under the *Act* to ensure compliance and delivery of animal management services, which are in line with community expectations on responsible pet ownership.

The development of the draft Domestic Animal Management Plan has been shaped via extensive community consultation, including 523 surveys received in May-June 2021 and 38 submissions received in the second round of community consultation completed on Participate Nillumbik closing on 21 September 2021.

It is recommended that the Committee note the community submissions for the draft Domestic Animal Management Plan before the final document is presented to Council for adoption at the 30 November 2021 Council Meeting.

Recommendation



That the Committee (acting under delegation from Council):

1. Acknowledges and notes the submissions received from community members and groups to the draft Domestic Animal Management Plan 2021-2025 (**Attachment 2**).
2. Acknowledges the presentations made to the Committee.
3. Considers the matters contained in the submissions and this report during finalisation of the Draft Domestic Animal Management Plan 2021-2025.
4. Requests a further report to be presented at the November 2021 Council Meeting to adopt the final Domestic Animal Management Plan 2021-2025.
5. Thanks submitters for providing Council with feedback on this important document.
6. Resolves that **Attachment 3** remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.

2. Consultation Matters

PCC.026/21 Consideration of Submissions Draft Domestic Animal Management Plan

Attachments

1.  Draft Domestic Animal Management Plan 2021-2025
2.  Community Engagement Summary - Redacted
3. Community Engagement Summary - Unredacted - *CONFIDENTIAL*

Discussion

Background

1. The *Domestic Animals Act 1994* (section 68A) requires all Victorian councils to prepare a Plan every four-years, and to adopt this within specified time frame. The Domestic Animal Management Plan will reflect the expectations of the Nillumbik Community's vision for the next four years.
2. In April 2021 Chatterbox were commissioned to undertake community engagement on behalf of Council to inform the development of the draft Domestic Animal Management Plan 2021-2025 (**Attachment 1**). Community engagement was conducted during May and June 2021 resulting in 523 completed surveys.
3. During the engagement, participants were asked a series of questions across a range of issues relating to domestic animals. Information and community feedback gathered through community engagement and Participate Nillumbik, undertaken in August and September of this year has been analysed and utilised in drafting the draft Domestic Animal Management Plan.
4. The Draft Domestic Animal Management Plan identifies ten themes for Nillumbik:
 - Training of authorised officers
 - Programs to promote and encourage responsible ownership and compliance with legislation
 - Programs to address over-population rates and high euthanasian rates.
 - Registration and identification
 - Nuisance
 - Dog attack
 - Dangerous, menacing and restricted breed dogs
 - Domestic animal business
 - Other matters
 - Annual review of plan and annual reporting.
5. Each theme as drafted in the draft Domestic Animal Management Plan attached, has an objective, a set of strategies and strategic indicators.

2. Consultation Matters

PCC.026/21 Consideration of Submissions Draft Domestic Animal Management Plan

6. Implementation of the Domestic Animal Management Plan is proposed via annual action Plans. These annual action plans will detail the specific actions committed for delivery each year. These actions will meet the set objectives and strategies of the adopted Plan across the four years. This approach is considered appropriate and responsible given the current COVID-19 pandemic, and allows Council to be agile in delivering on objectives and strategies throughout the life the Domestic Animal Management Plan. An annual report will be presented to Council and the community at the end of each financial year at a Council Meeting.
7. An up-dated and final draft of the Domestic Animal Management Plan will be presented at the November Council meeting for Council’s consideration and adoption.

Related Council decisions

8. The draft Domestic Animal Management Plan (**Attachment 1**) was released for public consultation after the 25 August 2021 Council Meeting for a period of 28 days.

Options

9. In accordance with The *Domestic Animals Act 1994* Council must prepare and endorse a Domestic Animal Management Plan every four years. With the current Domestic Animal Management Plan set to expire this year, it is imperative that the draft be considered to ensure compliance with the Act. The final Domestic Animal Management Plan will be presented to the November 2021 Council Meeting with the recommendation to adopt. Council may seek to resolve as per the officer recommendation or further amend the draft Domestic Animal Management Plan by resolution.

Council plans and policies

10. This report directly supports the achievement of Domestic Animal Management Plan 2017- 2021:
 - Promote responsible pet ownership.

Sustainability implications

11. The draft Domestic Animal Management Plan demonstrates Council’s approach to ensure effective animal management and responsible pet ownership, are carried out in an accountable manner that protects animal welfare, promotes education, responsible pet ownership and methods to reduce domestic animal impact on the environment, including Council controlled land and residential properties.

Community engagement

12. To date, two rounds of community engagement have been undertaken, the first in April 2021, where Chatterbox was commissioned to undertake community engagement on the development of the Domestic Animal Management Plan. A total of 523 surveys were received which helped inform the development of the draft Domestic Animal Management Plan.

2. Consultation Matters

PCC.026/21 Consideration of Submissions Draft Domestic Animal Management Plan

13. The second round of community consultation was conducted in August 2021 for 28 days on Participate Nillumbik. The community and stakeholders were invited to provide feedback on the draft Domestic Animal Management Plan. At the end of the public consultation period, 38 submissions were received on the draft Domestic Animal Management Plan at **Attachment 2**. The confidential attachment at **Attachment 3** provides Councillors with the un-redacted version of all submissions received during the second round of community consultation.
14. The key themes voiced in the submissions received, included:
 - A review of a 24 hour cat curfew
 - The exclusion of dogs on sporting ovals
 - Dog owners to be penalised for failing to pick up excrement after their dogs
 - Additional enforcement by authorised officers of breaches of the *Domestic Animal Act 1994* and Local Laws
 - Increase of general services – park and street patrols
 - Increase off leash parks and open spaces for dogs to be exercise
 - Education about responsible pet ownership
 - Continue to provide assistance to venerable community members by caring for their animals free of charge and liaising with services such as VicPol, RSPCA, Shelters and Health Ability.
 - Need for DAMP to integrate welfare actions to help domestic violence victims
 - Investigate the installation of dog excrement bag dispensers at local parks and walking trails.
15. Submitters have been invited to attend this meeting of the Planning and Consultation Committee to speak to their submissions.
16. All 37 submissions are currently being reviewed to inform any further changes to the draft Domestic Animal Management Plan. Further feedback from submitters that speak to their written submissions at the Planning and Consultation Committee Meeting in October 2021 will also be considered in the further refinements to be undertaken prior to the final draft of the Plan being considered at the November Council meeting. Individual submission responses will be detailed in the officer report at the November 2021 Council Meeting, once all the submissions have been considered and the Domestic Animal Management Plan is presented for adoption.

Innovation and continuous improvement

17. Opportunities for innovation and continuous improvement will be identified through the implementation of the Domestic Animal Management Plan. Yearly reviews will allow Council to have the opportunity to identify areas that require innovation and continuous improvement.

2. Consultation Matters

PCC.026/21 Consideration of Submissions Draft Domestic Animal Management Plan

Collaboration

18. Partnerships and collaboration play an integral role in the implementation of the Draft Domestic Animal Management Plan. Council will continue to work with other levels of government, agencies and the community in order to achieve the strategies within the Domestic Animal Management Plan.

Budget implications

19. The review and development of the draft Domestic Animal Management Plan has been conducted by Council's Community Safety and Amenity department, with assistance and support from Council's Recreation and Leisure team and Council's Legal Advisor. Chatterbox were appointed to assist with community engagement of the draft Domestic Animal Management Plan.

Relevant law

20. Pursuant to Section 68A of the *Domestic Animals Act 1994* every Council in Victoria is required to produce a Domestic Animal Management Plan which is renewed every four years.
21. In addition, Nillumbik Shire Council's Amenity Local Law 2013 holds provisions which are relevant to this Domestic Animal Management Plan process, including:
- Section 23 - Collection and disposal of dog excrement
 - Section 24 - Keeping of animals – secure confinement
 - Section 26 - Dogs prohibited in markets.

Regional, state and national plans and policies

22. Not applicable.

Conflicts of interest

23. Officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter of this report.

2. Consultation Matters

PCC.026/21 Consideration of Submissions Draft Domestic Animal Management Plan

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3. Officers' reports

PCC.027/21 Eltham Area Community Hospital

Item: Consultation Matter

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Jonathon Miller, Manager Property and Facilities Maintenance

Summary

The Victorian Building Health Authority (VHBA) has identified Council land at Civic Drive, Greensborough as its preferred location for the development of the Eltham Area Community Hospital (**Attachment 1**).

The VHBA may acquire the land either through agreement with Council or compulsory acquisition.

Council has sought community feedback on the Eltham Area Community Hospital at Civic Drive, Greensborough from 25 August 2021 to 26 September 2021 to inform a decision on the potential sale of Council land at a subsequent Council meeting.

1,070 responses were received; 36% supported the proposal, 61% opposed, with the balance (3%) undecided.







Submitters have been invited to attend this meeting of the Planning and Consultation Committee to speak to their submissions.

Recommendation

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the submissions received from community members on the proposed Eltham Area Community Hospital at Civic Drive, Greensborough.
2. Acknowledges the presentations made to the Committee.
3. Considers the matters contained in the submissions and this report.
4. Requests a further report to be presented at the October 2021 Council Meeting to make a decision on the sale of the land proposed by VHBA for the Eltham Area Community Hospital.
5. Thanks submitters for providing Council with feedback.

Attachments

- 1  Map of Land Required
- 2  Survey
- 3  Survey received via Participate Nillumbik
- 4  Survey received via Hard Copy
- 5  Written Submissions
- 6  Survey Analysis and Findings Report

3. Consultation Matters

PCC.027/21 Eltham Area Community Hospital

Discussion

1. The Victorian Building Health Authority (VHBA) notified Nillumbik Council in May 2021 indicating it had identified Council land at Civic Drive, Greensborough as their preferred location for the development of the Eltham Area Community Hospital.
2. The Eltham Area Community Hospital is one of ten community hospitals the Victorian Government has committed to build.
3. VHBA have indicated it will seek community feedback before a decision is made on purchasing the land shown in **Attachment 1**.
4. Council commenced its own consultation to seek the views of the community to inform the potential sale of Council land for the purpose of a community hospital at Civic Drive.

Related Council decisions

5. At the August 2021 Council Meeting, Council resolved to commence a consultation process to seek the views of the Nillumbik community to inform the potential sale of Council land for the purpose of a community hospital at Civic Drive.

Options

6. Council's options with respect to deciding on the sale of the land will be presented at a subsequent Council Meeting, noting that any decision to sell the land would be in principle and subject to terms of sale to the satisfaction of Council.

Council plans and policies

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

Sustainability implications

8. Not applicable.

Community engagement

9. Consultation took the form of a survey on Council's Participate Nillumbik site <https://participate.nillumbik.vic.gov.au>. A copy of the survey is included in **Attachment 2**.
10. The consultation was promoted through:
 - a) media release, flyers, e-newsletters;
 - b) series of posts on social media (Facebook, LinkedIn, Instagram);
 - c) community newspapers;
 - d) contacting key stakeholder groups; and
 - e) mail out of 3700 hard copy surveys to the Blue Lake ward via Australia Postal delivery
 - f) Additional offer to obtain a hard copy of the survey upon request.
11. The Participate Nillumbik site was open for engagement from 25 August to 26 September 2021.

3. Consultation Matters

PCC.027/21 Eltham Area Community Hospital

12. At the end of the public consultation period, 1070 responses were received. A redacted copy of all responses is included in **Attachments 3 to 5**.
13. Of these 1,070 respondents, 36% supported the proposal, 61% opposed, with the balance (3%) undecided.
14. **Attachment 6** contains an analysis of the results, including the key themes and/or issues raised.
15. Submitters have been invited to attend this meeting of the Planning and Consultation Committee to speak to their submissions.

Innovation and continuous improvement

16. Not applicable.

Collaboration

17. Not applicable.

Budget implications

18. Costs associated with community consultation can be met within operational expenditure this financial year.

Relevant law

19. Not applicable to this consultation.

Regional, state and national plans and policies

20. Not applicable to this consultation.

Conflicts of interest

21. No officers involved in the preparation of this briefing have a conflict of interest in this matter.

3. Consultation Matters

PCC.027/21 Eltham Area Community Hospital

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- 7. Supplementary and urgent business**
- 8. Confidential reports**
- 9. Close of Meeting**