

Planning and Consultation Committee Meeting

held virtually on Tuesday 16 November 2021 commenced at 7:02pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 19 November 2021

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Planning and Consultation Committee Meeting held
Tuesday 16 November 2021. The meeting commenced at 7:02pm.**

Councillors present:

Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward (Mayor)
Cr Ben Ramcharan	Sugarloaf Ward (Chairperson Consultation Matters)
Cr Frances Eyre	Swipers Gully Ward (Deputy Mayor)
Cr Geoff Paine	Wingrove Ward (Chairperson Planning Matters)

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Jonathon Miller	Manager, Property and Facilities
Eddie Cheng	Manager, Information Technology
Nik Mistriotis	Lead Systems Architect
Stephanie Ives	IT Project Officer
Katia Croce	Governance Lead

1. Welcome by the Chair

2. Acknowledgement of Country

Acknowledgement of Country was read by the Chairperson, Cr Geoff Paine.

3 Apologies

Nil

4 Confirmation of minutes

Confirmation of minutes of the Planning and Consultation Committee Meeting held on Tuesday 12 October 2021.

Committee Resolution

MOVED: Cr Frances Eyre
SECONDED: Cr Peter Perkins

That the minutes of the Planning and Consultation Committee Meeting held on Tuesday 12 October 2021 be confirmed (**Attachment 1**).

CARRIED UNANIMOUSLY

5 Disclosure of conflicts of interest

Cr Stockman declared a general conflict of interest in relation to PCC.034/21 Future Use of the Old Plenty CFA Site.

6. Officers' reports

PCC.029/21 Amendment C142nill to Apply the Heritage Overlay (permanently) to 50 Oatland Road, Plenty

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

The purpose of this report is to seek Council's approval to seek authorisation from the Minister for Planning under Section 8A of the *Planning & Environment Act 1987* to prepare and exhibit Amendment C142nill to the Nillumbik Planning Scheme to apply the Heritage Overlay (HO) to 50 Oatland Road, Plenty on a permanent basis.

Officers have received a Section 29A demolition consent application pursuant the *Building Act 1993* to demolish the dwelling located on the property.

The property is included on Council's *Priority List for Stage B Heritage Review* as adopted by Council at its June meeting, noting the Council report identified that a future planning scheme amendment to apply the HO to implement Stage A and Stage B Heritage Reviews would be prepared subject to adoption of Stage B (early 2022).

The citation for the property identifies a recommendation for inclusion in the Heritage Overlay for 'local significance'.

Given threat of demolition, officers have sought approval (under delegation) from the Minister for Planning for Amendment C141nill to introduce the HO to the property on an interim basis pursuant to Section 20(4) of the *Planning & Environment Act 1987* providing protection for the property and allowing Council time to seek approval and progress a further planning scheme amendment to introduce the HO permanently.

The application of the HO to the property is compliant with Section 4 of the *Planning and Environment Act 1987* which implements the Victorian Planning Provisions (VPP), State planning policy at Clause 15.03-1S Heritage conservation identifies the objective 'to ensure the conservation of places of heritage significance', and Planning Practice Note 1 in *Applying the Heritage Overlay* identifies that '*places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay*' should be included in the HO.

It should be noted the application of the Heritage Overlay does not mean that the dwelling cannot be renovated or restored, it does mean however that the dwelling cannot be demolished, and that any plans to renovate or restore would require a planning application with the Heritage Overlay as a planning permit trigger.

Subject to Council resolution of 26 October where Council deferred a decision in regard to this matter and directed officers to further engage with the property owners to discuss the amendment and process, officers have continued to liaise (email and phone) with the owners/applicants in regard to a suitable time for a face to face pre application meeting to discuss not only the amendment, but other plans they have in regard to development of the subject site (not just related to the heritage matter).

6. Planning Matters

PCC.029/21 Amendment C142nill to Apply the Heritage Overlay (permanently) to 50 Oatland Road, Plenty

Council has two options; Council can choose:

1. to seek authorisation from the Minister to prepare and exhibit Amendment C142nill to apply the HO to the property on a permanent basis; or
2. not to seek authorisation from the Minister as noted above, with acknowledgement that this decision would not be supported by the intent of the Victorian Planning Provisions, State policy and the intent as identified in Council’s resolution to adopt Stage A Heritage Review, and prepare Stage B Heritage Review in protecting identified local heritage in Nillumbik.

Public exhibition of the proposed planning scheme amendment would be undertaken should authorisation to apply the permanent control be granted from the Minister for Planning.

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

In Person:

1. *Kathleen Mead*

Chairperson read on behalf of:

2. *Dianne Vissaritis*

The Chairperson, Cr Geoff Paine made the following statement prior to Council decision:

“Councillors, I wish to state that whilst I have previously expressed a view on this matter, as a Councillor I recognise and accept that I have a statutory responsibility to represent and act in the best interests of the Nillumbik community when participating in the decision-making of this Council. Accordingly, I will keep an open mind by considering all information both in favour of and against the matter before objectively casting my vote.”

Recommendation

That the Committee (acting under delegation from Council):

1. Notes Amendment C141nill requested under delegation pursuant to Section 20(4) of the *Planning & Environment Act 1987* to seek application of the Heritage Overlay on an interim basis to 50 Oatland Road, Plenty;
2. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendment C142nill to the Nillumbik Shire Planning Scheme; and
3. Undertakes public exhibition of Amendment C142nill which will apply permanent planning controls through the use of the heritage overlay should authorisation be granted.

6. Planning Matters

PCC.029/21 Amendment C142nill to Apply the Heritage Overlay (permanently) to 50 Oatland Road, Plenty

Motion

MOVED: Cr Richard Stockman

SECONDED: Cr Karen Egan

That the Committee (acting under delegation from Council):

1. Abandons proposed Planning Scheme Amendment C142nil to apply the Heritage Overlay (permanently) to 50 Oatland Road, Plenty.
2. Notifies the land owners of 50 Oatland Road, Plenty of Council's resolution.
3. Notifies the Minister for Planning of Council's resolution.

LOST

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Ben Ramcharan

That the Committee (acting under delegation from Council):

1. Notes Amendment C141nill requested under delegation pursuant to Section 20(4) of the *Planning & Environment Act 1987* to seek application of the Heritage Overlay on an interim basis to 50 Oatland Road, Plenty;
2. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendment C142nill to the Nillumbik Shire Planning Scheme; and
3. Undertakes public exhibition of Amendment C142nill which will apply permanent planning controls through the use of the heritage overlay should authorisation be granted.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COMMITTEE RESOLUTION AS FOLLOWS:

Committee Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Ben Ramcharan

That the Committee (acting under delegation from Council):

1. Notes Amendment C141nill requested under delegation pursuant to Section 20(4) of the *Planning & Environment Act 1987* to seek application of the Heritage Overlay on an interim basis to 50 Oatland Road, Plenty;
2. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendment C142nill to the Nillumbik Shire Planning Scheme; and

6. Planning Matters

PCC.029/21 Amendment C142nill to Apply the Heritage Overlay (permanently) to 50 Oatland Road, Plenty

3. Undertakes public exhibition of Amendment C142nill which will apply permanent planning controls through the use of the heritage overlay should authorisation be granted.

CARRIED

Cr Peter Perkins called for a division

For: Crs Frances Eyre, Geoff Paine, Peter Perkins and Ben Ramcharan

Against: Crs Natalie Duffy, Karen Egan and Richard Stockman

Cr Perkins tentatively left the meeting at 7:46pm and returned at 7:49pm due to technical difficulties.

Cr Perkins tentatively left the meeting at 7:50pm and returned at 7:56pm due to technical difficulties.

Cr Geoff Paine vacated the chair at 8:11pm.

6. Officers' reports

Cr Ben Ramcharan assumed the chair at 8:11pm.

PCC.030/21 Special Rate Renewal for Diamond Creek - Hearing of Submissions

Item: Consultation Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

**Author: Danielle Phyland, Economic Development and Tourism Lead
Rania Mullins, Economic Development and Tourism Officer**

Summary

This report outlines the consideration of submissions received from the public regarding the renewal and declaration of the special rate for Diamond Creek activity precinct.

The current special rate for Diamond Creek expires on 30 June 2022. Following the receipt of written request from the Diamond Creek Traders Association to renew the special rate to fund the marketing and promotion of Diamond Creek, Council at its Ordinary Meeting on 24 August 2021, commenced the statutory process and gave notice of its intention to declare a special rate for that purpose.

In accordance with the requirements of the *Local Government Act 1989* formal notification of the proposed special rate was undertaken, with a public notice published in the Herald Sun on Friday 27 August 2021 and written notification being sent via mail to owners of properties upon which the special rate would be levied.

Notice has also been provided to the Diamond Creek Traders Association with a copy of the public notice forwarded on to occupiers/businesses (relevant in cases where the owner obliges the tenant pay the special rate) and available on Council's website.

In response to the public notice, Council received 5 written submissions (**Attachment 6**) of a total of 137 properties liable to pay the special rate. 4 business owners in support of the special rate and 1 property owner opposing its renewal.

Given the important role that the special rate plays in supporting local businesses through marketing and promotion, it is recommended that Council hear any submissions on the Special Rate. Based on this information, Council shall then resolve to declare, modify or abandon the special rate at a Council Meeting in February 2022.

This report recommends that the Planning and Consultation Committee receives and notes the contents of the submissions and hears from submitters.

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

In Person:

1. *Andrew Gillard – Diamond Creek Traders Association*
2. *Claire Nolle – Osteologic Healthcare*

Chairperson read on behalf of:

1. *Victor Wong – H&R Block Tax Accountant*
2. *Esther Caspi*
3. *Gila Schnapp on behalf of Adjungbilly Pty Ltd*

6. Consultation Matters

PCC.030/21 Special Rate Renewal for Diamond Creek - Hearing of Submissions

Committee Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That the Committee (acting under delegation from Council):

1. Receives and notes the contents of submissions received in response to Council's formal notification of its intention to declare a special rate for marketing and promotion of Diamond Creek.
2. In accordance with section 223(c) of the *Local Government Act 1989*, refer the matter for declaring, modifying or abandoning the special rate to the February 2022 Council Meeting.
3. Notifies the submitters accordingly.
4. Resolves that the Notice of Intention to declare a special rate in Diamond Creek - Public Notice - submissions (**Attachment 7**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.031/21 Response to the first round of public consultation for the Wattle Glen Public Realm Framework Project

Item: Consultation Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

**Author: Paul Fyffe, Senior Strategic Planner
 Leigh Northwood, Strategic Planning Lead**

Summary

This report summarises the community response to the first round of public engagement for Council's Wattle Glen Public Realm Framework Plan Project.

The project will plan enhancements to public spaces in the heart of Wattle Glen to improve connectivity, particularly for non-motorists, and to better support Wattle Glen's preferred character.

The first round of engagement was recently conducted to explore issues and opportunities for the project with the community. The response which has been provided by the community clearly indicates a desire to retain Wattle Glen as a distinctive rural community, but also highlights key concerns and issues regarding connectivity and the safety of travelling, particularly for non-motorists, between key points within the township.

The response provided not only clearly supports the need for the project, but also will greatly assist officers to prepare a first draft of a Public Realm Framework (PRF). The first draft is expected to be presented to a Council meeting in early to mid-2022 with a recommendation that it be endorsed for a round of public engagement.

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

In Person:

1. *Anika Van Hulsen – Wattle Glen Residents Association*

Chairperson read on behalf of:

2. *Bill Lord*
3. *Gina Lloyd-Thomas*

Committee Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Peter Perkins

That the Committee (acting under delegation from Council):

1. Notes the public response, as outlined in this report, to the first round of consultation for the Wattle Glen Public Realm Framework Project.
2. Resolves that the confidential un-redacted copy of submissions to the exhibition of the public engagement for Council's Wattle Glen Public Realm Framework Plan Project (**Attachment 3**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.

6. Consultation Matters

PCC.031/21 Response to the first round of public consultation for the Wattle Glen Public Realm Framework Project

3. Notes that a first draft of the Public Realm Framework Plan is scheduled to be presented to a Council meeting in early to mid-2022 with a view to Council endorsing it for public engagement.
4. Writes to all respondents to the community engagement to express Council's gratitude for their contribution and to advise them of the Committee's resolution and the next steps in the project.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.032/21 Draft Youth Strategy 2022-2026

Item: Consultation Matter

Distribution: Public

Manager: Corrienne Nichols, Executive Manager Communities

Author: Nichole Johnson, Manager Community Partnerships
 Katie Camilleri, Coordinator Youth, Community & Place
 Nicola Clutton, Youth Development Officer

Summary

This report notes the submissions received from the community regarding the draft Youth Strategy 2022-2026.

The Youth Strategy sets out a four-year strategic commitment to how Council will support and respond to the needs of young people aged 12-25 years of age who live, work, study, volunteer or play in Nillumbik Shire.

The information and community feedback gathered through the Young Minds: Your Voice, Our Future youth engagement program undertaken in June and July of this year has helped inform the development of the draft Youth Strategy in partnership with the Nillumbik Youth Council. Various stakeholders were also invited to review and provide feedback on the document, prior to the draft being finalised for public consultation.

The draft Youth Strategy was released for the purposes of public consultation at the Council Meeting on 28 September 2021 (**Attachment 1**). It was exhibited for 22 days (3-week period) and 16 submissions were received (**Attachment 2**).

It is recommended that the Committee notes the submissions on the draft Youth Strategy, before finalising the document and presenting it to Council for adoption at the Council Meeting scheduled for the 14 December 2021.

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

In Person:

1. *Orianna Edmonds member of Nillumbik Youth Council*
2. *Jack Linehan - member of Nillumbik Youth Council*
3. *Rosalyn Sandwell – healthAbility*
4. *Brianne Keogh - member of Nillumbik Youth Council*
5. *Lachlan Wadsworth – member of Nillumbik Youth Council*

Chairperson read on behalf of:

6. *Katherine Ellis - Youth Affairs Council Victoria*
7. *Fieke van der Kamp – Youth Mayor - Nillumbik Youth Council*

6. Consultation Matters

PCC.032/21 Draft Youth Strategy 2022-2026

Committee Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Geoff Paine

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the submissions received from community and organisations who provided feedback on the draft Youth Strategy 2022-2026 (**Attachment 2**).
2. Resolves that the confidential unredacted public submissions on the Draft Youth Strategy 2022-2026 (**Attachment 3**) remains confidential in accordance with section 3(1) of the Local Government Act 2020.
3. Acknowledges the presentations to the Committee.
4. Considers the matters contained in the submissions and this report during finalisation of the draft Youth Strategy 2022-2026.
5. Requests a further report to be presented at the December 2021 Council Meeting to adopt the final version of the Youth Strategy 2022-2026.
6. Thanks the submitters for providing Council with feedback on this important document.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.033/21 Kangaroo Ground War Memorial Park - community response to exhibition of draft management plan

Item: Consultation Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Andrew Feeney, Senior Urban Designer

Summary

This report provides an update on community feedback to the exhibition of the draft management plan for the Kangaroo Ground War Memorial Park.

The PCC Meeting will hear any registered verbal submissions ahead of the Council Meeting, scheduled for 14 December 2021, for Council to consider adoption of a management plan.

The draft management plan identifies a range of capital expenditure improvement works that would be implemented according to a defined level of priority for delivery over a nominated seven-year timeframe, subject to allocation of funding and potential grant funding opportunities. The management plan also proposes increased annual operational expenditure for improved ongoing landscape maintenance.

Of the seventy-one submissions received, the majority of respondents do not directly support the majority of capital expenditure improvements, nor do they directly support the increased operational expenditure.

The timeline programmed for the PCC Meeting and consideration of adoption of a management plan have been aligned to enable January 2022 funding allocation of priority works in the 2022-2023 capital works budget (e.g. replacement of identified dying trees in the park) subject to Council endorsement.

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

In Person:

1. *Jim Connor*

Committee Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That the Committee (acting under delegation from Council):

1. Notes the feedback received, to the public exhibition process undertaken for the draft Management Plan.
2. Considers the feedback provided to the exhibition of the draft management plan for the Kangaroo Ground War Memorial Park (**Attachment 1**), including:
 - a) The copy of submissions provided as confidential un-redacted (**Attachment 2**) and redacted (**Attachment 3**);
 - b) The results and summary of submissions (**Attachment 4**); and
 - c) Key themes distilled from submissions, included in this report.

6. Consultation Matters

PCC.033/21 Kangaroo Ground War Memorial Park - community response to exhibition of draft management plan

3. Resolves that the confidential un-redacted copy of submissions to the exhibition of the draft management plan (**Attachment 2**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
4. Notes that the draft Management Plan is scheduled to be presented to the December Council meeting with a view to Council adopting it.
5. Writes to all respondents to the community engagement to express Council's appreciation for their contribution and to advise them of the Committee's resolution and the next steps in the project.

CARRIED UNANIMOUSLY

6. Officers' reports

Cr Stockman declared a general conflict of interest in the following item as he made a submission in relation to the matter under consideration.

Cr Stockman temporarily left the meeting at 9:41pm.

PCC.034/21 Future use of the Old Plenty Fire Station site

Item: Consultation Matter

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

**Author: Natalie Campion, Coordinator Property
Jonathon Miller, Manager Property and Facilities Maintenance**

Summary

Council resolved on the 26 May 2020 to sell part of the Council owned land at 109-115 Yan Yean Road Plenty, to the Country Fire Authority (CFA) for the purpose of constructing a new Plenty Fire Station.

Given the old fire station is located on Council land, Council need to advise the CFA if it intends to keep and repurpose the existing building once the CFA relocate operations to the new fire station, or require the CFA to demolish the building and rehabilitate the site (land and building).

To help inform a future Council decision on the matter, a community engagement process was conducted between 29 September and 26 October 2021.

365 responses were received; 53.5% supported the proposal to demolish the old Plenty Fire Station, 46.2% supported the building being retained and repurposed, with the balance 0.3% undecided.

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

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

In Person:

1. *Ian Berkefeld - Plenty Hall Committee*
2. *Helen Zull*
3. *Hayden Rujaj (accompanied by mum Paula) - Hayden's Helping Hands*
4. *Kerry Fitzmaurice - Plenty Historical Society*
5. *Mark Gravell – CFA District 14 Headquarters Brigade East*

Chairperson read on behalf of:

6. *Briony Jones*
7. *Bruce Woodhouse*
8. *Linda Box*

6. Consultation Matters

PCC.034/21 Future use of the Old Plenty Fire Station site

Committee Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the submissions received from community members on the future use of the Old Plenty Fire Station site.
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 December 2021 Council Meeting to make a decision on the future use of the Old Plenty Fire Station site.
5. Resolves that confidential **Attachments 7-9** remain confidential on the grounds specified in the definition of confidential information in section 3(1) of the *Local Government Act 2020*.

CARRIED

Cr Stockman returned to the meeting at the conclusion of the above item at 10:17pm.

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 10:17pm.

Confirmed: _____

Cr _____, Chairperson