

Planning and Consultation Committee Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 8 March 2022 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 3 March 2022

Distribution: Public

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Council Chamber Planning and Consultation Committee Meeting seating plan

**Cr Natalie
Duffy**
Edendale Ward

Cr Karen Egan
Bunjil Ward

**Cr Richard
Stockman**
Blue Lake Ward

**Cr Ben Ramcharan
(Deputy Mayor)**
Sugarloaf Ward

**Cr Frances Eyre
(Mayor)**
Swipers Gully Ward

**Cr Peter Perkins
(Chairperson
Planning Matters)**
Ellis Ward

**Emma
Christensen**
Acting
Governance
Lead

Blaga Naumoski
Executive Manager
Governance,
Communications
and Engagement

**Cr Geoff Paine
(Chairperson
Consultation Matters)**
Wingrove Ward

Carl Cowie
Chief Executive
Officer

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Planning and Consultation Committee Meeting to be held
Tuesday 8 March 2022 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. Disclosure of conflicts of interest

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

5. Confirmation of Minutes

Summary

Confirmation of the minutes of the Planning and Consultation Committee Meeting held on Tuesday 8 February 2022.

Recommendation

That the Committee (acting under delegation from Council) confirms the minutes of the Planning and Consultation Committee Meeting held on Tuesday 8 February 2022 (**Attachment 1**).

Attachments

- 1  Minutes of Planning and Consultation Meeting held Tuesday 8 February 2022

6. Officers' reports

PCC.006/22 Draft Asset Plan 2022-2032 - Community Engagement

Item: Consultation Matter

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Enrique Gutierrez, Manager Capital Works

Summary

This report presents the Draft Asset Plan 2022-2032 (DAP) for approval to exhibit for public consultation.

The DAP (**Attachment 1**) is a requirement under section 92 of the *Local Government Act 2020* (the LGA) and must be adopted by 30 June 2022. It provides a high level strategic and financial view of how Council intends to manage its transport, building, drainage and open space assets over the next ten (10) financial years.



As detailed in this report, community consultation is due to commence on 9 March 2022 through to 30 March 2022. Public submissions will close on 30 March 2022 and will be considered by the Planning and Consultation Committee on 10 May 2022. The finalised Asset Plan is due to be adopted at the Council Meeting on 28 June 2022.

Recommendation

That the Committee (acting under delegation from Council):

1. Endorses the Draft Asset Plan 2022-2032 (**Attachment 1**) for the purposes of public exhibition.
2. Invites written submissions on the Draft Asset Plan 2022-2032 to Council by 30 March 2022.
3. Considers public submissions at the Planning and Consultation Committee meeting to be held on 10 May 2022.
4. Notes that any person who makes a written submission in relation to the Draft Asset Plan 2022-2032 and requests to be heard in support of the written submission, be heard at the May 2022 Planning and Consultation Committee meeting.

Attachments

- 1  Draft Asset Plan 2022-2032
- 2  Draft Asset Plan 2022-2032 - Community Engagement Plan

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PCC.006/22 Draft Asset Plan 2022-2032 - Community Engagement

Discussion

1. Section 92 of *Local Government Act 2020* (the LGA) requires that Council develop, adopt and keep in force an Asset Plan that has an outlook of at least 10 years. An Asset Plan should include information about maintenance, renewal, acquisition, expansion, upgrade and disposal and decommissioning in relation to each class of infrastructure asset under the control of the council.
2. Council has developed a Draft Asset Plan 2022-2032 (DAP) (**Attachment 1**) for Councillor and community feedback, which is required under the Act to be adopted by 30 June 2022.
3. On 15 February 2022 Council was briefed on the LGA requirements, DAP and Community Engagement Plan.
4. The development of the DAP to date has focused on content based on information extracted from Council’s Asset Management System.
5. The project team are working to refine formatting and final presentation of the DAP for Community Engagement.
6. The table below shows the asset classes that are represented within the four major infrastructure asset categories recognised within the DAP. Note that the DAP only covers infrastructure that is under Council’s control and is recognised as an asset.

Asset Category	Asset Classes
Transport	Road and car parks
	Kerbs
	Footpaths
	Bridge and major culverts
	Bus shelters
Building	Buildings (Incl. Sheds & Shelters)
Drainage	Underground pits
	Underground pipes
	Surface drainage (i.e. wetlands, dams etc.)
Open Space	Playgrounds
	Playing surfaces (i.e. ovals, basketball courts, hockey fields etc.)
	Trails and walkways
	Footbridges

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7. The following key sections are included within the DAP:

Section	Details
Strategic Asset Management Framework	Defines Council’s strategic approach to asset management.
Valuations	Detail the net worth of the assets.
Current State of Assets	Considers the physical condition of assets and whether that condition allows it to meet the intended service level.
Levels of Service	Levels of Service are key business drivers and influence how Council manage its assets. Service standards describe the output intended to be delivered to the community, whilst delivery mode defines the strategies Council has in place to achieve these outcomes.
Legislative & Council Requirements	Describes how the Asset Plan links to key legislation and Council documents.
Future Demand	The ability to predict future demand for services enables Council to plan ahead and identify the best way of meeting that demand. This section analyses the various drivers influencing the services supported by major asset classes.
Funding Levels	Outlines the projected expenditure requirements for Council's infrastructure assets over the next ten years. It aligns with Council's Financial Plan and represents the investment that is required to maintain existing levels of service.
Risk Management	Council’s Risk Management Policy sets the overall framework for addressing risk within the framework of ISO31000-2009. This section enables informed decisions to be made regarding the management of risks associated with Council's assets.
Improvement Plan	Identifies key actions to further develop Council’s asset management process and practices in relation to all asset classes.

Related Council decisions

8. Prior to the introduction of section 92 of the LGA, there was no requirement on Council to adopt an Asset Plan.

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Options

9. Development of the DAP is a requirement of section 92 of the LGA.

Council plans and policies

10. This report directly supports the achievement of the Council Plan 2021-2025 strategy:

- We seek to enhance community safety, public health, amenity and the environment through improved planning and community engagement, prioritising fair and transparent approaches to managing compliance and enforcement.

Sustainability implications

11. The DAP considers the impact of climate change on assets within the *Future Demand* section and sustainability within the Levels of Service section.

Community engagement

12. The DAP draws on existing engagements such as the Annual Community Satisfaction Survey in relation to asset maintenance importance and performance.

13. It also draws on feedback received from the community as part of previous engagements relating to ‘Our People, Our Place, Our Future’, ‘Climate Change Action Plan’ and Council’s ‘Road Management Plan’.

14. Financial information used in the DAP is based on and connected to Council’s Financial Plan 2021-2031, which completed its engagement phase in 2021.

15. In addition, community engagement will be undertaken on the DAP through Council’s website (Participate Nillumbik page). **Attachment 2** shows the detailed community engagement proposal. The consultation period is anticipated to commence on 9 March 2022 and will close 21 days later on 30 March 2022.

16. In accordance with the requirements of section 92 of the LGA, the next Asset Plan reiteration (adopted by 31 October in the year following a general election) will involve deliberative consultation.

Innovation and continuous improvement

17. The DAP has also been designed as a digitally interactive document, allowing exploration of the data behind the decision making processes. This innovative approach presents the information in a dynamic and user friendly manner that would be made available through Council’s website following its endorsement.

Collaboration

18. As part of the development of the DAP, consultation occurred across all teams within the Operations and Infrastructure directorate. They are listed below;

- Assets and Capital Works
- Environment
- Infrastructure
- Property and Facility Maintenance
- Recreation and Leisure.

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Budget implications

19. The DAP is a high-level strategic document, with financial projections aligned with Council's Financial Plan 2021-2031.

Relevant law

20. This DAP follows the requirements of section 92 of the LGA, which states Council must develop, adopt and keep in force an Asset Plan that has an outlook of at least 10 years.
21. The Asset Plan must include:
- a. Information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning of each class of infrastructure under its control and outline any other resource requirements considered appropriate.
 - b. The Plan has a longer-term outlook (10+ years). It provides a view (both strategic and in financial terms) of how the Council proposes to manage the whole portfolio of assets that it owns and controls.
22. The first Asset Plan under this section must be developed and adopted in accordance with Council's community engagement policy by 30 June 2022 and has effect from 1 July 2022.
23. Thereafter, Council must adopt by 31 October in the year following a general election, and it has effect from 1 July in the year following a general election.
24. With the exception of the first Asset Plan, the community must be consulted and involved through deliberative consultation processes. This includes establishing quality, cost, and provision standards as well as engagement on policy, strategy, and major initiatives.

Regional, state and national plans and policies

25. Not Applicable.

Conflicts of interest

26. Officers who have been involved in the preparation of this report declare that they do not have a conflict of interest in the subject matter of this report.

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PCC.006/22 Draft Asset Plan 2022-2032 - Community Engagement

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6. Officers' reports

PCC.007/22 State Government's Car Parks for Commuters Projects for Eltham and Wattle Glen

Item: Consultation Matter

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Lawrence Seyers, Lead Transport Planner

The State Government Car Park for Commuters Program commits 100 additional carparks for Eltham and 50 at Wattle Glen. The project is being delivered by the Level Crossing Removals Project (LXRP).

On 14 September 2021, Council adopted a submission to the public consultation for the Car Parks for Commuters Projects for Eltham and Wattle Glen.

Council's submission recognised that provision of additional commuter parking at Eltham and Wattle Glen, if appropriately planned, can have significant benefit to the community.

However, it sought major changes to both commuter car park proposals, including:

- Objecting to the acquisition of land at Eltham;
- Considered the Eltham and Wattle Glen locations unnecessarily conflict with a range of broader community objectives; and
- Suggested reducing additional commuter car parking be considered in order to achieve a better community outcome.

Following the submission, LXRP has requested Council officers consider a suite of draft licence, land access and works agreements to facilitate the proposed projects at Eltham and Wattle Glen. It also requested Council provide in-principle support to egress by Metro Trains Melbourne maintenance vehicles at the to-be relocated Metro Maintenance Yard at the rear of the Eltham Girl Guides and Eltham Child Care Co-Op.

Given the LXRP request currently is at odds with Council's position taken in its submission of September 2021, a resolution of Council is required on the matter.

Further information has been provided by LXRP which outlines the rationale for the proposed commuter carpark designs, along with additional measures taken to reduce impact.

With respect to the Eltham Commuter Carpark:

- Council's Eltham Major Activity Centre Structure Plan acknowledges there is benefit and opportunity for additional commuter car parking, when undertaken in an appropriately planned way.
- While LXRP are taking measures to lessen the impacts raised in Council's submission, the current proposal does not respond to the overall concerns raised, which suggested a more considered and holistic approach in the planning of additional commuter car parking; one which canvasses a range of options over the need to facilitate an outcome in the short term.

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- The current carpark design, which relies on shifting the maintenance yard toward the Eltham Child Care Co-op and creating 100 additional commuter carparks on current VicTrack land is the key source of tension with the Eltham Structure Plan.
- A more balanced response to the Eltham Structure Plan could consider additional retention of canopy trees, for example the northern ends of Youth Road. Risks to Council from operating the maintenance facility in the currently proposed design would also need to be appropriately managed.

With respect to the Wattle Glen Commuter Carpark, Council's September 2021 submission identified the location between the Wattle Glen station and Wilson Road as being more appropriate than the proposed LXP location near the intersection of Kangaroo Ground-Wattle Glen and Main-Hurstbridge Roads. This is on the basis that it significantly minimises impacts on the landscape, addresses safety concerns and better services commuters.

In responding to Council, LXP outlined reasons why the Wilson Road would not be feasible, however officers have not seen any detailed design which supports this position.

Recommendation

That the Committee (acting under delegation from Council):





1. Requests the Mayor to write to the Program Director, Metropolitan Roads Program Alliance, Level Crossing Removals Project to:
 - a) Note the request for:
 - i) in-principle support to egress by Metro Trains maintenance vehicles on Council land at the rear of the Eltham Girl Guides and Eltham Child Care Co-Op; and
 - ii) consideration of licence, land access and works agreements to facilitate the proposed projects at Eltham and Wattle Glen.
 - b) Advise that Council does not provide in-principle support to egress by Metro Trains Melbourne maintenance vehicles on Council land at the rear of the Eltham Child Care Co-Op on the basis that the current proposed design does not respond to character and amenity impacts, particularly from the loss of canopy trees, raised in Council's submission to LXP in September 2021.
 - c) Re-iterate the suggestion contained in Council's September 2021 submission that the commuter carpark designs should:
 - i) Consider alternative options at Eltham which commit to retaining a greater amount of canopy vegetation at the site, including through reducing the number of additional carpark spaces (for example the northern end of Youth Road where approximately 10 proposed commuter car parking spaces could be sacrificed to retain 8 existing canopy trees); and
 - ii) Undertake detailed investigation into the option of locating the Wattle Glen commuter car parking at Wilson Road.

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2. Notes that based on items 1b and 1c Council cannot currently execute the draft licence, land access and works agreements to facilitate the proposed projects at Eltham and Wattle Glen.
3. Requests Officers send a copy of the letter to the relevant Members of the Parliament.

Attachments

- 1  14 September 2021 Council endorsed submission to Eltham and Wattle Glen Car Parks for Commuters projects
- 2  22 January 2022 Eltham Car Park - Civil Drawings (draft)
- 3  22 January 2022 Wattle Glen Car Park - Civil Drawings (draft)
- 4  Eltham Commuter Carpark Vegetation Impacts

Discussion

1. This section is organised as follows:
 - a) Background and request from LXP for Council support;
 - b) Overview of information provided by LXP in response to Council's submission – Eltham Commuter Carpark;
 - c) Overview of information provided by LXP in response to Council's submission – Wattle Glen Commuter Carpark; and
 - d) Assessment of information provided by LXP in relation to Council's submission of September 2021.

Background and Request from LXP

2. The State Government Car Park for Commuters Program commits 100 additional carparks for Eltham and 50 at Wattle Glen.
3. On 14 September 2021, Council adopted a submission to the public consultation for the State Government's Car Parks for Commuters Projects for Eltham and Wattle Glen (refer PCC.024/21 and provided as **Attachment 1**).
4. Council's submission raised the following key points for Eltham:
 - a) Concerns particularly relate to anticipated significant tree loss, which contributes to the character and amenity of Eltham, particularly in relation to Main Road and the railway station precinct in the town centre as well as impacts on surrounding community uses, especially the Eltham Childcare Co-operative.
 - b) A fundamental re-design should occur, including consideration of formalising the eastern side of Youth Road for commuter carparks and moving the maintenance

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yard to a more appropriate location elsewhere on the Melbourne Railway network.

- c) Suggested that reducing the additional commuter car parking could be considered in order to achieve a better community outcome.

5. Council's submission raised the following key points for Wattle Glen:

- a) Locating the carpark adjacent to Wilson Road would provide an outcome that is more consistent with the community's preferred character for Wattle Glen.
- b) The proposed location creates safety concerns at the roundabout intersection of Main-Hurstbridge and Kangaroo Ground-Wattle Glen Roads.

6. Council's resolution and submission were provided to the LXP and copies sent to the local MLAs as per the Council resolution.

7. Following Council's submission in October 2021, LXP sought Council approval to enter into an 'access agreement' to use Council land at the rear of the Eltham Child Care Co-op for Metro maintenance vehicles.

8. Officers advised LXP that a resolution of Council would be required to consider an 'access agreement' given the previously endorsed submission does not support the Eltham and Wattle Glen outcomes proposed.

9. On 22 December 2021, LXP responded to Council and provided information with regard to its rationale for the proposed design as well as efforts being made by them to minimise impacts. Additional information was also provided on 18 February 2022 at the request of Council.

10. On 21 January 2022, LXP requested Council review eight draft legal agreements in total for Wattle Glen and Eltham that would facilitate the projects. Council was requested to provide a response by 4 February 2022. These draft agreements are:

- a) Works Agreement;
- b) Land and Asset Agreement (LAA);
- c) MTM License; and
- d) VicTrack Access Agreement.

11. The key matter at hand is an LXP request for Council's in-principle approval to use the land at the rear of the Eltham Child Care Co-op for an egress point for Metro maintenance vehicles.

12. On 23 January 2022, LXP consented to include the latest draft drawings for both Wattle Glen and Eltham in this Council report to inform Council's deliberations. The drawings are included as **Attachments 3 and 4**.

Overview of additional information provided by LXP – Eltham Commuter Carpark

13. The additional information provided by LXP, including updated draft design drawings indicated that the 100-carpark commitment cannot be achieved on VicTrack land without impact to vegetation in the area.

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14. With respect to moving the Metro maintenance yard elsewhere, LXP noted that they have investigated alternate locations, however no locations have been identified which meet the operational requirements of Metro Trains Melbourne.
15. With respect to Council's suggestion in its September 2021 submission to consider the eastern side of Youth Road to minimise loss of canopy trees, LXP noted that:
 - a) The option would lead to an overall net loss of available car parking by converting informal parking to formal commuter car parking standards;
 - b) All land for the carparks would need to be transferred to VicTrack to enable maintenance by MTM and signposted as commuter car parking;
 - c) A new Disability Discrimination Act (DDA) compliant pedestrian path would be required along Youth Road;
 - d) Existing underground services, located below the eastern shoulder of Youth Road would require relocation; and
 - e) The provision of all of the above combined with compliant pavement depths to the relevant Standards would require the removal of the majority of the mature trees along Youth Road.
16. With respect to impact on community facilities, LXP noted that:
 - a) Impact on the Eltham Girl Guides is being minimised with a configuration that proposed egress for Metro Trains maintenance vehicle through the area behind the Eltham Central Pavilion. This would avoid the need to acquire approximately 300m² of land currently leased to the Eltham Girl Guides.
 - b) In recognition of the loss of up to three car parks within Council's existing design for the Eltham Central Oval Pavilion rear car park, there is the opportunity for additional formalised parking on Council land at the southern end of Youth Rd (near the Girl Guides) and western end of Youth Road (near the Tennis Club).
 - c) Impact on Eltham Child Care Co-op is being minimised by providing a 2-3m buffer between the existing Eltham Child Care Co-op boundary fence and proposed maintenance yard as well as providing fencing and locating Metro Trains storage containers to attenuate noise and prevent view lines into the Eltham Child Care Co-op.
 - d) Metro Trains would have in place safe work procedures for large maintenance vehicles who would be escorted by a spotter on foot through the proposed exit and Eltham Central Oval car park. LXP have indicated that traffic volumes are expected to be low with 2-3 vehicle movements early morning and late afternoon. Additional opportunities are being investigated for improved fencing and screening treatments, and the provision of additional facilities such as a garden storage shed.
17. With respect to overall impacts on vegetation, LXP have committed to continuing investigations to retain and protect mature trees wherever possible whilst delivering on the commitment for 100 new spaces for Eltham Station. This includes ongoing investigations to design options for the Peppercorn tree located at the Main Road entrance. Based on current designs, LXP will be installing 3,618 plants of varying

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species and maturity, which will predominantly be located within the new car park and screening around the MTM. Landscaping plans show an additional 13 large trees with the balance being shrubs, screening shrubs and grasses.

Overview of additional information provided by LXP – Wattle Glen Commuter Carpark

18. Councils preferred location for additional commuter car parking at Wattle Glen is at Wilson Road. LXP have provided four reasons why they consider Council's proposed location of Wilson Road is not possible:
 - a) A Rapid Earth Fault Current Limiter (REFCL) building is planned to be installed at this location eliminating space required for any carpark. The installation of this facility is an important recommendation of the Victorian Bushfire Royal Commission that was announced by Department of Transport in early 2021;
 - b) There are extensive existing underground services in this location which constrain the remaining available space;
 - c) There is also a known cultural heritage site, identified and protected through the Level Crossing Removal Project's Hurstbridge Line Duplication; and
 - d) Significant civil works would be required for this site to provide safe access for both pedestrians and vehicles, which would have resulted in a greater loss of vegetation compared to the preferred solution.
19. With respect to safety concerns raised in Council's September 2021 submission, several minor changes have been outlined by LXP such as the removal of proposed parallel parking on Main-Hurstbridge Roads in response to road safety concerns raised by Council and the Department of Transport.

Assessment of additional information provided by LXP against Council's submission of September 2021

20. Providing additional commuter parking at Eltham and Wattle Glen, if appropriately planned to effectively contribute to the amenity and character of the area and to surrounding land uses can have significant benefit to the community.

Eltham Commuter Carpark

21. The Eltham Structure Plan 2020 adopted by Council in July 2020, is the key strategic planning document upon which the assessment of suitability of any proposal is made.
22. Council's Eltham Major Activity Centre Structure Plan acknowledges there is benefit and opportunity for additional commuter car parking.
23. The relevant objectives of Eltham Major Activity Centre Structure Plan are:
 - a) Development that contributes to Eltham's unique style where the natural environment and built form are interwoven;
 - b) Buildings and works are designed with consideration of the local vegetation and topography;
 - c) Buildings and works complement the natural landscape instead of overwhelming it;

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- d) Development that incorporates existing large native trees where possible;
 - e) Strong presence of canopy trees will be maintained through careful siting and design of development;
 - f) Retention of and provision of more greenery in the Eltham Activity Centre, particularly indigenous vegetation, as an important element in the unique character of Eltham;
 - g) Improvements to the entrance and underpass to the train station including Disability Discrimination Act compliant ramps to the railway platforms and from Youth Road to Main Road; and
 - h) To reduce the visual dominance of car parking and ensure the design of parking and access areas is safe, practical and attractive.
24. The proposed extension of the Youth Road carpark and Metro Trains maintenance yard straddles Precinct 3 (Transport Precinct) and Precinct 5 (Community Precinct) of the Eltham Major Activity Centre. The southern section of Youth Road is within Precinct 5 and includes the proposed location of the maintenance yard and a range of existing community uses on both sides of the track. For example, it covers the Girl Guides, the Eltham Childcare Co-operative and the Eltham Scouts Hall at the south end of Youth Road. A key focus of Precinct 5 (Community Precinct) is to provide for community uses and community functions. Protection of existing community uses such as the Eltham Child Care Co-operative is consistent with that focus.
25. The commitment to 100 additional spaces and immediate delivery timeframes appear to be the key drivers limiting a more balanced response to the objectives of the Eltham Structure Plan.
26. The LXP response on their consideration of the Youth Road option is acknowledged in the context of these drivers, however further detailed investigation over a longer timeframe may solve issues raised around:
- a) Actual capacity assessment of formal versus informal parking at that location (noting that formalising unsealed spaces creates *additional* parking spaces due to the regulation of parking within 2.6m wide parking bays);
 - b) The design approach to sealing over underground services (given the gas main depth is 800-1200mm and can be safely constructed over without any interference with the existing condition); and
 - c) Specification of light duty permeable asphalt pavement (50mm depth asphalt on crushed rock base) constructed under arborist supervision to avoid impacting mature trees.
27. The additional information provided by LXP lessen the impacts raised in Council's September 2021 submission with respect to the Eltham Child Care Co-op however the fundamental issues to enable the 100 carpark spaces remain. These are:
- a) Removal of vegetation that act as a buffer between railway yard and Co-op;
 - b) Interaction of maintenance vehicles with community in a carpark that would be used for surround community facilities (e.g. children dropped to preschool);

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- c) Proximity of maintenance yard to a sensitive use; and
 - d) Reduction in land to be leased to Co-op.
28. In the event the current proposed design is progressed by LXP, Council will need the appropriate agreements in place with Metro Trains, VicTrack and their associated contracted parties to ensure that Council does not unreasonably carry any risks from the modified operating arrangements of the maintenance yard, including egress of maintenance vehicles, maintenance of any new fences and/or storage or materials in closer proximity to the child care.
29. Council's September 2021 submission sought a more balanced outcome that included the potential to reduce carparks in order to retain canopy trees, specifically: *"in re-designing the proposal, Council urges LXP to be prepared, in order to achieve a better community outcome, to reduce the amount of additional car parking it proposes for Eltham"* (page 15 Council submission September 2021, refer **Attachment 1**).
30. While a landscaping plan will lessen the impact to an extent, the loss of canopy trees is at odds with multiple objectives of the Eltham Major Activity Centre Structure Plan and the issues raised in Council's submission regarding this impact on the character and amenity of Eltham remain.
31. The vegetation impact of the current proposal is detailed in **Attachment 5** and consists of:
- a) Approximately 27 trees at the southern end of Youth Road (current screening to Metro maintenance yard) to facilitate a southerly extension of existing at-grade car parking;
 - b) Three trees abutting the Eltham Child Care Co-Op to facilitate Metro maintenance vehicle access;
 - c) 10 trees at the northern end of Youth Road (current trees in car park outstands) to facilitate additional car parking by removing landscaped outstands; and
 - d) Four trees at the Main Road entrance to the kiss and ride area to facilitate construction of Disability Discrimination Act compliant car parking spaces and connecting path networks.
32. Notwithstanding Council's comments in the September 2021 submission regarding proximity of the Metro maintenance facility to the Child Care Co-op, a more balanced response to the Eltham Major Activity Centre Structure Plan may still be achieved through retaining trees at the northern end of Youth Road where approximately 10 proposed commuter car parking spaces may be sacrificed to retain eight existing trees.

Wattle Glen

33. Council officers have not seen any detailed design work which supports the elimination of the Wilson Road location as a feasible option. The reasons provided by LXP could potentially be resolved through further detailed investigation, albeit potentially with impacts on project cost and timing. Points for further consideration are:
- a) It appears the Rapid Earth Fault Current Limiter (REFCL) building could be co-located with the space required for commuter car parking (refer **Figure 1**), which

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overlays the Wilson Road car park design with the new substation (which is currently under construction);



Figure 1: Alternative design for Wattle Glen (Council illustration)

- b) Underground services are also a feature of the Main-Hurstbridge Road location. It is Officers view that earthworks at the Wilson Road site could be undertaken in a way that responds to underground services. It is noted that LXP’s proposed location on Main-Hurstbridge Road and the roundabout has *Flora and Fauna Guarantee Act 1988* protected native vegetation impacts and Council officers were only provided the Wattle Glen Environmental Management Framework (EMF) on 23 February 2022;
 - c) The Wilson Road site is heavily disturbed by railway activities. Officers understand the known cultural heritage site is located along the Diamond Creek and the Wilson Road site is not considered related; and
 - d) It is Officers view that safe access for both pedestrians and vehicles can be provided to Main-Hurstbridge Road (refer **Figure 1**, which shows existing vehicular access at Main-Hurstbridge Road and a pedestrian path along the road).
34. The Wattle Glen commuter car park design is inconsistent with Council and State planning policy to protect rural landscapes and community feedback received to the Wattle Glen Public Realm Framework Project. For example, it is not consistent with:

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PCC.007/22 State Government's Car Parks for Commuters Projects for Eltham and Wattle Glen

- Clause 11.03-5S of the Planning Policy Framework (PPF) which seeks to protect and enhance the valued attributes of identified or declared distinctive areas and landscapes;
- Clause 12.05-2S of the PPF which seeks to ensure development does not detract from the natural qualities of significant landscape areas;
- Clause 12.05-2L of the PPF which seeks to ensure buildings and works maintain or enhance the landscape character of the rural landscape, including any significant views to the landscape;
- Submissions from the community (expressed through recent engagement for the Wattle Glen Public Realm Framework Project Plan) to:
 - Maintain and enhance existing rural breaks and vistas between Wattle Glen and surrounding localities, including the important rural breaks and vistas when approaching Wattle Glen from the south (Diamond Creek and the City) on Main-Hurstbridge Road;
 - Generally protect the rural character of Wattle Glen; and
 - Make enhancements which better support Wattle Glen's preferred character and better provide a sense of place

35. The additional information from LXRP does not resolve the fundamental issues raised in Council's resolved position. Executing any agreement to facilitate the work at Wattle Glen conflicts with that position.

Related Council decisions

36. On 14 September 2021, Councillors adopted a submission to the public consultation for the State Government's Car Parks for Commuters Projects for Eltham and Wattle Glen (refer PCC.024/21 and provided as **Attachment 1**).

Options

37. In January 2022, Council was asked to consider a number of draft legal documents for each of the State Government's proposed extensions to the commuter car parks at Wattle Glen and Eltham railway stations, which includes a:

- a) draft Works Agreement;
- b) draft Land and Asset Agreement (LAA);
- c) draft MTM License; and
- d) draft VicTrack Access Agreement.

38. These agreements facilitate the delivery of the Wattle Glen and Eltham Commuter Car Park projects.

39. If Council does not review and execute the legal agreements, LXRP will be required to reconsider the scope of the projects, or proceed without Council consent under Section 134 of the *Major Transport Project Facilitation Act 2009*. With respect to egress of maintenance vehicles at Eltham, this may mean additional VicTrack land currently

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PCC.007/22 State Government's Car Parks for Commuters Projects for Eltham and Wattle Glen

leased to the Girl Guides could be required by LXR to reconfigure an exit arrangement.

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PCC.007/22 State Government's Car Parks for Commuters Projects for Eltham and Wattle Glen

40. If Council determines the draft legal agreements for Eltham and Wattle Glen require further consideration, Council will require legal review of the draft documents so that Council's risks are appropriately managed. (For example, risks associated with the use of land permitted by the agreements, such as the use of a Council car park at Youth Road to provide egress for the maintenance yard).

Council plans and policies

41. This report directly supports the achievement of the Council Plan 2021-2025 strategy:

- We work with our community, neighbouring councils and transport and planning agencies to advocate for improved transport solutions.

Sustainability implications

42. The relevant sustainability matters have been identified in Council's original submission and in this report.

Community engagement

43. The LXP community consultation process has not been publicly concluded at the time of writing this report. LXP are still having on-going discussions with the Co-op and other relevant parties and have not communicated the outcome of the consultation process to the 163 submitters at the time of writing this report.

44. On 22 February 2022, LXP provided Council with each of consultation summary reports that it provided to the Minister for Planning in relation to the Car Parks for Commuters Project for Eltham and Wattle Glen, but understands these will not be made publicly available.

- a) The LXP Eltham Consultation Summary Report states 130 submissions were received and key matters raised in submissions included:
 - i) Loss of vegetation and trees that add to the visual amenity of Eltham.
 - ii) The lack of detail provided in the consultation material.
 - iii) Operational health and safety matters.
- b) The LXP Wattle Glen Consultation Summary Report states 33 submissions were received and key matters raised in submissions included:
 - i) Visual impact at the main gateway to Wattle Glen.
 - ii) Impact on Green Wedge vistas and rural feel of the area.
 - iii) Inappropriate location at the intersection of Kangaroo Ground-Wattle Glen and Main-Hurstbridge Roads.

Innovation and continuous improvement

45. Not applicable.

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PCC.007/22 State Government's Car Parks for Commuters Projects for Eltham and Wattle Glen

Collaboration

46. Council has worked closely with LXP on understanding the Eltham and Wattle Glen projects. Council officers have made requests to LXP to provide plans to the community, which clearly show what is proposed and the associated impacts, such as tree removal and land acquisition.

Budget implications

47. There is no implication on current operating budgets with the information contained in this paper.
48. There are potential financial costs associated with the current proposed terms of the draft agreements that LXP have asked Council to consider (for example asset maintenance and road management authority responsibility for new road infrastructure). It is anticipated these would be reviewed and discussed further before execution of agreements is considered.

Relevant law

49. Not applicable.

Regional, state and national plans and policies

50. State Planning Policy Framework provides the relevant guidance for assessing development proposals. Relevant references are provided in other sections of this report.

Conflicts of interest

51. None of the officers involved in preparing this briefing report have a conflict of interest in relation to the matter.

6. Officers' reports

**PCC.008/22 Response to Public Exhibition of Planning Scheme Amendment C138
14-26 Browns Lane, 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 update Council in regard to submissions received to the formal exhibition of Amendment C138nill (the Amendment).

Council at its Meeting of 21 June 2021, resolved (among other matters), to request the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987* (the Act), to authorise the preparation of the Amendment and to undertake public exhibition, which will apply permanent planning controls through the use of the Heritage Overlay (HO) to the structure, outbuildings and the immediate surrounding land located at 14-26 Brown's Lane, Plenty.

The property was programmed to be reviewed as part of Council's Stage B Heritage Review, however Council received a Section 29A demolition consent application pursuant the *Building Act 1993* to demolish the dwelling located on the property in July 2021 which facilitated the need to bring review of this property forward.

Given threat of demolition, Officers sought approval (under delegation) from the Minister for Planning for Amendment C137nill to introduce the HO to the property on an interim basis pursuant to Section 20(4) of the Act, providing protection and allowing this planning scheme amendment to introduce the HO permanently.

Authorisation to prepare and exhibit Amendment C138nill was formally granted by the Minister on 12 November 2021.

Subject to Ministerial authorisation the Amendment was placed on exhibition pursuant to the requirements of the Act, from 9 December 2021 to 27 January 2022 and notifications were sent out to relevant stakeholders as well as being advertised.

At the time of preparing this briefing, Council has received one (1) submission in total. The submission is an objection to the proposed curtilage of the HO and components within the Statement of Significance noting an alternate arrangement has been put forward via consultant submission on behalf of the land owner.

It should be noted the subject land is also the subject of a current (and separate) application for a 5 lot subdivision, and that some of the proposed changes seek to benefit the subdivision proposal.

The submitter has been invited to attend the 8 March 2022 Planning and Consultation Committee Meeting (PCC) to speak to their submission.

Should the objecting submission not be able to be resolved, Officers will recommend that Council at the March Council Meeting, pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*, request the Minister for Planning appoint an independent planning panel to consider the Amendment.

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Should the objecting submission be able to be resolved, officers will at the same Council Meeting, recommend that Council pursuant to Section 29 of the *Planning & Environment Act 1987* adopt the Amendment and request the Minister for Planning approve the Amendment (with changes).

Recommendation

That the Committee (acting under delegation from Council):

1. Notes the submission to Amendment C138nill to the Nillumbik Planning Scheme.
2. Resolves the confidential un-redacted copy of the written submission to Amendment C138nill and supporting un-redacted supporting material (at **Attachment 7**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
3. Considers a further report at the March Council Meeting to resolve to either:
 - a. Adopt Amendment C138nill pursuant to Section 29 of the *Planning and Environment Act 1987* and pursuant to Section 31 of the *Planning and Environment Act 1987* request the Minister for Planning approve the Amendment (with or without changes); or
 - b. Request the Minister for Planning appoint an independent planning panel to consider Amendment C138nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*; or
 - c. Abandon Amendment C138nill.
4. Requests that Officers notify submitters to Amendment C138nill of the Committee's resolution.
5. Requests that Officers provide an update onto Participate Nillumbik advising next stages for Amendment C138nill.

Attachments

1. Amendment C138nill Statement of Significance for 14-26 Brown's Lane
2. Amendment C138nill Explanatory report
3. Amendment C138nill Instruction Sheet
4. Amendment C138nill Map
5. Submission 1
6. Submission 1 Supporting Documentation Redacted
7. Submission 1 Supporting Documentation Unredacted - *CONFIDENTIAL*

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PCC.008/22 Response to Public Exhibition of Planning Scheme Amendment C138 14-26 Browns Lane, Plenty

Discussion

1. 14-26 Brown's Lane was programmed to be reviewed as part of Council's Stage B Heritage Review, however Council received a Section 29A demolition consent application pursuant the *Building Act 1993* to demolish the dwelling located on the property in July 2021 which facilitated the need to bring the review of this property forward.
2. Given threat of demolition, officers sought approval (under delegation) from the Minister for Planning for Amendment C137nill to introduce the HO to the property on an interim basis pursuant to Section 20(4) of the Act, providing protection and allowing this planning scheme amendment to introduce the HO permanently.
3. The significance of the property is outlined in the Statement of Significance (see **Attachment 1**). The house at 14–26 Browns Lane, Plenty, is historically significant for its association with the development of Plenty in the interwar years. As an intact timber bungalow built for Marion and Fred Osmond in 1924, originally on a 20 acre lot, it provides tangible evidence of the interwar subdivision pattern in which large rural landholdings in the Plenty area where divided for sale in allotments of 10 of 30 acres. The significance of the place is enhanced by its rural setting, which maintains its street frontage to Browns Lane (Criterion A). The house at 14–26 Browns Lane, Plenty, is a largely intact representative example of a timber interwar bungalow. It has had very few changes made to the original or early built fabric across its principal elevations. Key characteristics include its asymmetric built form with projecting front room below a dominant hip and gable roof, extensive wrap-around verandah under the sweep of the main roof line, and a box bay window that sits under its own skillion roof with a window hood (Criterion D).
4. Amendment C138nill was authorised by the Minister for Planning on 12 November 2021.
5. The Amendment was exhibited in accordance with Section 17 of the *Planning and Environment Act 1987* from 9 December 2021 to 27 January 2022. Please see **Attachment 2** for the exhibited C138nill Explanatory Report, **Attachment 3** for the exhibited Instruction Sheet and **Attachment 4** for the exhibited Planning Scheme Map.
6. A single objecting submission from the owner has been received. Please see **Attachment 5 and 6** for redacted submission and supporting material and **Attachments 7** for confidential un-redacted version.
7. The submitter will be invited to speak to their submission and be heard at the 8 March 2022 PCC meeting.
8. This property is the subject of a current and separate subdivision application (by the land owner who is also the submitter to this Amendment) which is seeking to divide the land on which the heritage property sits (including outbuildings and landscape elements deemed significant as per the Statement of Significance) into 5 lots.

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**PCC.008/22 Response to Public Exhibition of Planning Scheme Amendment C138
14-26 Browns Lane, Plenty**

9. It should be noted that a decision as to the planning application for subdivision is a separate issue from the application of the Heritage Overlay, and no decision has been made in regard to the subdivision application. The subdivision application itself has a number of other complex planning controls that the applicant is required to appropriately respond to.
10. The key points raised in the submission are the following proposed changes to the citation:
 - Seeking to reduce the width of the heritage overlay curtilage;
 - Removal of the term ‘farm complex’;
 - Referencing the house as interwar rather than Edwardian (or making it clear that the Edwardian statement refers to style rather than time of construction);
 - Removal of shed/outbuilding to the rear of the house; and
 - Removal of the fence, outbuilding and tree controls within the Statement of Significance.
11. Council Officers have forwarded the heritage advice prepared for the submitter to Council’s heritage consultant (who prepared the citation) for advice and comment.
12. Advice from Council’s heritage consultant in relation to the alternative proposal will form the basis of recommendations to Council at the March Council meeting. Any recommendations will be on the basis of advice and recommendations from Council’s heritage consultant, and on heritage grounds (not to accommodate the subdivision).
13. It should be noted this examination (by Council’s heritage consultant) would also be required in preparing Council’s submission to Panel in regard to the Amendment.

Related Council decisions

14. At the Council meeting of 21 June 2021 Council resolved to:
 1. *Note that Officers under delegation have requested the Minister for Planning, to exercise the power under section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 14 Browns Lane Plenty on an interim basis;*
 2. *Request the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, to authorise the preparation of an amendment to the Nillumbik Planning Scheme to apply the Heritage Overlay to 14 Browns Lane Plenty on a permanent basis; and*
 3. *In relation to point 2 above, undertake public exhibition of the proposed planning scheme amendment should authorisation to apply the permanent control be granted*

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**PCC.008/22 Response to Public Exhibition of Planning Scheme Amendment C138
14-26 Browns Lane, Plenty**

Options

15. As part of considering the submissions received, Council at the 22 March 2022 Council Meeting will be presented with an officer's recommendation. This recommendation may consider the following options:
- a) Request the Minister for Planning appoint an independent planning panel to consider Amendment C138 pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*; or
 - b) Adopt the amendment (with or without changes) pursuant to Section 29(1) of the *Planning and Environment Act 1987* and seek approval from the Minister for Planning pursuant to Section 31 of the *Planning and Environment Act 1987*; or
 - c) Abandon the amendment.

Council plans and policies

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- **Error! No document variable supplied.**
17. The amendment links directly to Council's Heritage Strategy (2011) which aims to:
- To identify, document and care for heritage places in the Shire of Nillumbik in ways which fulfil legal obligations and adopt best practice; and
 - To involve communities and to promote awareness, knowledge and enjoyment of heritage places.

Sustainability implications

18. The conservation of Nillumbik's heritage places plays an important role in the strengthening of both personal and community identities. This work aids in the social sustainability of Nillumbik's various communities.

Community engagement

19. In accordance with Section 17 of the *Planning & Environment Act 1987* the Amendment was notified and exhibited from Thursday 9 December 2021 to 27 January 2022.

Innovation and continuous improvement

20. The Amendment achieves continuous improvement through the implementation of Council's partially adopted Heritage Review; ensuring that Nillumbik Shire continues to better protect and conserve places of heritage significance that will be enjoyed and appreciated by generations of residents and visitors.

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**PCC.008/22 Response to Public Exhibition of Planning Scheme Amendment C138
14-26 Browns Lane, Plenty**

Collaboration

21. There have been discussions with the Department of Environment, Land, Water and Planning (DELWP) on this matter to ensure that the Statement of Significance meet their expectations and requirements. Also, given the tandem planning permit application associated with this Amendment, Strategic Planning has also had discussion with the relevant assessing officer in Council's Planning Services team to ensure a development outcome that responds to and respects the property's heritage significance is sought.

Budget implications

22. Costs associated with this amendment will be funded from the Planning scheme amendment budget allocation for the 21/22 financial year.

Relevant law

23. *Planning and Environment Act 1987.*

Regional, state and national plans and policies

24. Plan Melbourne (2017-2050)
- Outcome 4 - Melbourne is a distinctive and liveable city with quality design and amenity.
 - Direction 4.4 - Respect Melbourne's heritage as we build for the future
 - Policy 4.4.1 - Recognise the value of heritage when managing growth and change.
 - With all three levels of government sharing responsibility for protecting Melbourne's post settlement cultural heritage, decision-making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices.
 - Policy 4.4.4 - Protect Melbourne's heritage through telling its stories.
 - There is more to heritage than place. The stories of Melbourne, including stories from before European settlement, help citizens understand the places where they live and work. They also help create a sense of belonging and community by encouraging tolerance and respect.
25. Planning Practice Note
- PPN 1: Applying the Heritage Overlay (2018)
 - This practice note provides guidance about the use and application of the Heritage Overlay and sets out the criteria and standards required to apply the control to a place of heritage values/significance.

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**PCC.008/22 Response to Public Exhibition of Planning Scheme Amendment C138
14-26 Browns Lane, Plenty**

26. Nillumbik Planning Scheme

- Planning Policy Framework (PPF)

- Clause 15 - Built Environment and Heritage

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

- Clause 15.03-1S - Heritage conservation

Objective: To ensure the conservation of places of heritage significance.
Strategies: Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance; retain those elements that contribute to the importance of the heritage place and provide for the protection of natural heritage sites and man-made resources.

Conflicts of interest

27. No officer involved in the preparation of this report has a conflict of interest.

6. Planning Matters

**PCC.008/22 Response to Public Exhibition of Planning Scheme Amendment C138
14-26 Browns Lane, Plenty**

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6. Officers' reports

PCC.009/22 Municipal Planning Strategy (MPS) Themes - Submissions to Phase 2 Consultation

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 briefing is to update Council in regards to submissions received to Phase 2 consultation for the Municipal Planning Strategy (MPS) project. Phase 2 consultation reviewed the existing MPS and identified key 'themes' that will guide comprehensive content updates/changes in drafting a new MPS.

There are specific requirements and format that the MPS must follow. The MPS must succinctly explain the context for a municipality and provide the overarching strategic directions for the major land use and development matters that affect it.

Through the months of September and October 2021, officers conducted an extensive program of consultation across MPS themes. Officers conducted four (4) virtual community workshops, created an online survey on Participate Nillumbik, attended seven (7) advisory committee meetings (including the Wurundjeri Cultural Committee), conducted nine (9) internal team workshops, conducted two (2) Youth Council workshops and two (2) Councillor workshops. In total 88 people registered to attend the virtual community workshops and 50 people attended (excluding staff, facilitators and Councillors).

A total of 458 submissions were received, with 424 survey responses to themes to the MPS through Participate Nillumbik and 34 written submissions.

Submitters have been invited to attend the March 2022 Planning and Consultation Committee Meeting (PCC) to speak to their submission.

Responses provided will assist officers to prepare a draft MPS. The draft MPS is expected to be presented to the May Council meeting with a recommendation that it be endorsed for another round of community engagement.

Subject to consideration of submissions, further changes can be made to the draft MPS prior to seeking Council's approval to seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Planning Scheme to implement the new MPS, noting the amendment process represents another round of consultation including the ability for the community to make submissions to such.

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PCC.009/22 Municipal Planning Strategy (MPS) Themes - Submissions to Phase 2 Consultation

Recommendation

That the Committee (acting under delegation from Council):

1. Notes the public response, as outlined in this report, to the second phase of consultation for the Municipal Planning Strategy (MPS) Project.
2. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the MPS Phase 2 consultation (at **Attachments 5 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
3. Notes that a first draft of the new MPS is scheduled to be presented to the May Council meeting with a recommendation for Council to endorse 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.

Attachments

- 1  Redacted and consolidated written submissions MPS Themes Phase 2
- 2  Redacted and consolidated survey responses MPS Themes Phase 2
- 3  MPS Phase 2 - Summary of Feedback
- 4  MPS Phase 2 Community Engagement Report on Virtual Sessions
5. Un-redacted and consolidated written submissions MPS - *CONFIDENTIAL*
6. Un-redacted and Consolidated Survey Responses MPS Phase 2 Consultation - *CONFIDENTIAL*

Discussion

1. The Municipal Planning Strategy (MPS) is a concise expression of the overarching strategic policy directions of a municipality. It provides for the planning scheme's policy foundation, based on the municipality's location and regional context, history, assets, strengths, key attributes and influences. The MPS supports, but does not form part of, the Planning Policy Framework (PPF). The PPF and MPS work together to form the strategic basis of a planning scheme.
2. Amendment VC148, gazetted in July 2018, introduced new structure to the Victorian Planning Provisions (VPP) within all Victorian Planning Schemes including Nillumbik.

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PCC.009/22 Municipal Planning Strategy (MPS) Themes - Submissions to Phase 2 Consultation

This included introduction of a new PPF and the introduction of MPS (to replace the Municipal Strategic Statement).

3. Amendment VC148 did not translate the current Local Planning Policy (LPP) or Municipal Strategic Statement (MSS) into the new framework.
4. The Minister undertook a policy neutral amendment of the Nillumbik Planning Scheme to translate the current LPP and the MSS into the new format through Amendment C135 in mid-2021. Consequently, the MPS currently in the Scheme, has the same content as the existing MSS and given a full scale review has not been undertaken since its introduction into the Scheme some 20 years ago, needs to be updated to reflect a modern vision for Nillumbik. For Council, preparation of an updated MPS represents the best opportunity to capture the community's views and to set the vision for the Nillumbik Planning Scheme and future strategic work to inform local planning policy.
5. The form and content of the MPS is set out in the Ministerial Direction - *The Form and Content of Planning Schemes*. There are specific requirements and format that the MPS must follow. The MPS must succinctly explain the context for a municipality and provide the overarching strategic directions for the major land use and development matters that affect it.

Community Engagement

6. Through the months of August, September and October 2021, Council conducted an extensive program of consultation sessions in regard to testing the existing MPS and potential themes to inform a new MPS.
7. During Phase 2, Officers consulted on 11 themes which were derived from a variety of sources as identified at point 24, including Nillumbik 2040 – Council's vision.
8. The 11 themes identified were:
 1. Activity Centres
 2. Green Wedge
 3. Natural Environment
 4. Built Environment
 5. Housing
 6. Economic Development
 7. Transport
 8. Infrastructure
 9. Open Space
 10. Climate Change
 11. Heritage, Arts and Culture.

Summary of Phase 2 Consultation

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PCC.009/22 Municipal Planning Strategy (MPS) Themes - Submissions to Phase 2 Consultation

9. Officers conducted four (4) virtual community workshops, created an online survey on Participate Nillumbik, attended seven (7) advisory committee meetings (including the Wurundjeri Cultural Committee), conducted nine (9) internal team workshops, conducted two (2) Youth Council workshops and two (2) Councillor workshops. In total 88 people registered to attend the virtual community workshops and 50 people attended (excluding staff, facilitators and Councillors).
10. It is noted the virtual community workshops were originally planned for face-to-face workshops but due to the COVID-19 restrictions, Council had to conduct these virtually instead.
11. The responses provided to the consultation are provided as:
 - **Attachment 1** redacted and consolidated written submissions;
 - **Attachment 2** redacted and consolidated survey responses;
 - **Attachment 3** Key sentiments - summary of submissions;
 - **Attachment 4** Community engagement report on virtual sessions;
 - **Attachment 5** (Confidential) un-redacted and consolidated written submissions; and
 - **Attachment 6** (Confidential) un-redacted and consolidated survey responses.
12. A total of 458 submissions were received, with 424 survey responses to themes to the MPS through Participate Nillumbik and 34 written submissions.
13. It should be noted that the PCC to hear submissions to Phase 2 consultation was programmed for the end of 2021, but was required to be re-scheduled to the beginning of 2022 due to an extension to the Phase 2 consultation period (of 2 weeks).
14. Submitters have been invited to attend the 8 March 2022 PCC meeting to speak to their submissions.
15. All submissions and feedback are being considered and will be used in drafting the new MPS where appropriate and relevant.
16. The Key Sentiments - Summary of Feedback to Phase 2 consultation (**Attachment 6**) provides an extensive list of key sentiments across the eleven themes. It is noted some elements of feedback cannot be incorporated into consideration of drafting of the new MPS, predominantly as:
 1. they are not within the mandate of land use and development (e.g. encourage more sustainable practices at home and private vehicle use);
 2. they are too specific for the MPS where it sets 'higher order' principles rather than detailed outcomes (e.g. more dog friendly spaces); or
 3. they are seeking a specific land use outcome for personal gain which is not the mandate of the MPS, which is about 'net community benefit' – some of the written submissions fell into this area.

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PCC.009/22 Municipal Planning Strategy (MPS) Themes - Submissions to Phase 2 Consultation

17. Key sentiments that drafting of the MPS can and will have regard to as identified in the Key Sentiments - Summary of Phase 2 consultation include among other matters:
1. The importance of the urban tree canopy and impacts of development on such;
 2. The importance of protecting Nillumbik's unique neighbourhood character;
 3. Focus on walkability, accessibility, active transport and improved accessibility to Major Activity Centres;
 4. Protection of the current Urban Growth Boundary;
 5. The importance of protecting biodiversity and the particular importance of wildlife corridors;
 6. Ongoing management of fire risk;
 7. Implementing ESD outcomes into the built environment; and
 8. Protecting Nillumbik's heritage buildings and places.

Related Council decisions

18. *At its meeting of 27 July 2021 Council resolved that it:*
1. *Endorses Phase 2 of public consultation to occur over 4 weeks from 23 August to 19 September 2021, as outlined in this report for the Municipal Planning Strategy of the Nillumbik Planning Scheme.*
 2. *Notes that, following Phase 2 of public consultation, the next scheduled milestones for the project include:*
 - a) *The November 2021 meeting of Council's Planning and Consultation Committee will consider the outcomes of the Phase 2 of public consultation.*
 - b) *The February 2022 Council Meeting will consider a draft of the Municipal Planning Strategy and a recommendation that it be endorsed for Phase 3 community consultation.*

Options

19. This project represents an update to current strategic land use and development settings within Nillumbik.
20. Officers note it is important that a modern MPS is implemented into the planning scheme to support this Council's vision as identified through both the adopted Nillumbik Vision 2040 and the Council Plan, and importantly to support robust, transparent and effective decision making in regard to land use and development planning through the Nillumbik Planning Scheme.
21. The draft MPS is programmed to be brought to the May Council Meeting for consideration and approval to put out for community submissions.
22. Subject to considerations of submissions, further changes can be made to the draft MPS prior to seeking Council's approval to seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Planning Scheme to implement the new MPS, noting the amendment process represents another round of consultation and another opportunity for the community provide feedback.

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PCC.009/22 Municipal Planning Strategy (MPS) Themes - Submissions to Phase 2 Consultation

Council plans and policies

23. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We celebrate and prioritise the protection of our heritage, arts and culture, places and spaces by focusing on the diversity of experiences that have shaped our shared history.
 - We celebrate and prioritise the protection of our heritage, arts and culture, places and spaces by focusing on the diversity of experiences that have shaped our shared history..
24. The themes identified as part of the second round of consultation on the MPS have been derived from a variety of sources including:
1. Current State and Regional planning policy (to ensure alignment);
 2. The existing Municipal Planning Strategy (to maintain support for existing policy and provisions);
 3. Our People, Our Place, Our Future survey outcomes;
 4. Climate Action Plan (survey) community engagement outcomes;
 5. Draft Community Vision – Nillumbik 2040;
 6. Draft Council Plan; and
 7. Draft Health & Wellbeing Plan.

Sustainability implications

25. The project is expected to have positive environmental, social and economic effects for Victorian businesses, industry and the community by:
- a) Improving the clarity and transparency of local policy content in the MPS which results in greater certainty for users of the system.
 - b) Reducing unnecessary costs to applicants and councils as a result of unclear planning provisions.
 - c) Improving planning outcomes by removing errors, inconsistencies and incompatibility in local policy content in the MPS, PPF and proposed local schedules.
26. Key sentiments that drafting of the MPS can and will have regard to as identified in the Key Sentiments - Summary of Phase 2 consultation include among other matters:
27. The application of updated and improved local policy content in the MPS will provide certainty to the users of the planning system by ensuring land use and development outcomes are consistent with environmental, social and economic land use objectives of planning in Nillumbik and Victoria.
28. The new MPS is also predicted to address issues and key influences such as climate change which are not addressed in the current MPS. The project will help modernise overarching vision for the municipality within the Nillumbik Planning Scheme.

6. Planning Matters

PCC.009/22 Municipal Planning Strategy (MPS) Themes - Submissions to Phase 2 Consultation

Community engagement

29. The following community engagement program approach was endorsed by Council on 9 February 2021 in regard to consultation around the Our People Our Place Our Future consultation to inform preparation of the Council Plan, Health & Wellbeing Plan, Nillumbik Vision 2040 and the MPS. The program includes the following phases:

- **Phase 1** – Our People, Our Place, Our Future (OPOPOF): Community engagement program including Shire-wide survey being used to inform the themes within the MPS (February to April 2021). The Climate Action Plan survey was also used to inform the MPS themes **(completed)**.
- **Phase 2** – MPS Themes: Community engagement on the current MPS and potential themes including 6 week survey, 4 virtual community workshops and associated communications (August to October 2021). This Phase included extensive internal consultation (see below) **(completed)**.
- **Phase 3** – drafting MPS: Feedback to Phase 2 used to draft a new MPS. The draft MPS will be brought to Council for its consideration and subject to approval to seek community input, the draft MPS will be put out for community feedback. Feedback received would be incorporated and brought to Council again for adoption **(commencing)**.
- **Phase 4** – Planning Scheme Implementation: Subject to Council's adoption of a final draft of the MPS, officers will seek Council's approval to seek authorisation from the Minister to prepare and exhibit an amendment to the Nillumbik Planning Scheme to insert the updated MPS. It should be noted that as part of the amendment process the proposed MPS would be exhibited to the community with submissions called as part of the formal notification period pursuant to the *Planning and Environment Act 1987* (the Act) **(yet to commence)**.

Innovation and continuous improvement

30. The project provides certainty to users of the scheme and provides clear strategic direction that will inform decision making regarding use and development in the municipality, consistent with these objectives.

Collaboration

31. The project proposes significant collaboration across relevant Council units and Advisory Committees.

Budget implications

32. The project is being prepared predominantly in-house. A future amendment to insert the new MPS into the Planning Scheme will be subject to budget allocation through the amendments budget for the 2022/2023 financial year.

Relevant law

33. *The Planning and Environment Act 1987*.

6. Planning Matters

PCC.009/22 Municipal Planning Strategy (MPS) Themes - Submissions to Phase 2 Consultation

Regional, state and national plans and policies

34. By updating the MPS with input from the community this will clarify and modernise the Nillumbik Planning Scheme, implementing the objectives of planning in Victoria set out in section 4(1) of the Act:
1. To provide for the fair, orderly, economic and suitable use, and development of the land.
 2. To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
 3. To facilitate development in accordance with the objectives of planning in Victoria.

Conflicts of interest

35. No officer involved in the preparation of this report has a conflict of interest.

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