

Planning and Consultation Committee Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 12 September 2023 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 15 September 2023

Distribution: Public

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Nillumbik Shire Council

**Minutes of the Planning and Consultation Committee Meeting held
Tuesday 12 September 2023. The meeting commenced at 7:00pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Operating Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Corrienne Nichols	Director Communities
Rosa Zouzoulas	Director Planning, Environment and Strategy
Craig King	Acting Director Culture and Performance
Katia Croce	Manager Governance and Property
Tracey Varley	Manager Communications and Engagement
Leigh Northwood	Manager Strategic Planning and Environment
Daniel Tarquinio	Manager Information Technology
Emrys Williams	Senior Strategic Planner

1. Welcome by the Chair

Members of the public are advised this meeting will be held in a hybrid format and recorded and the live stream recording will be made publicly available on YouTube and Council’s website.

Cr Karen Egan is participating virtually in this meeting in accordance with Part 5 of the Governance Rule – Meeting Procedures.

Council adopted its new Governance Rule – Meeting Procedures on 25 July 2023 which allows for hybrid meetings to occur.

2. Acknowledgement of Country

Acknowledgement of Country was read by the Chairperson Consultation Matters, Cr Frances Eyre.

3 Apologies/Leave of Absence

An apology for this meeting was received from Cr Natalie Duffy.

Committee Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Geoff Paine

That Council notes the apology of Cr Natalie Duffy.

CARRIED UNANIMOUSLY

4 Declarations of conflict of interest

Nil

5. Confirmation of Minutes

Summary

Confirmation of the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 8 August 2023.

Committee Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Peter Perkins

That the Committee (acting under delegation from Council) confirms the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 8 August 2023 (**Attachment 1**).

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.011/23 Response to Public Exhibition of Planning Scheme Amendment C149nill - Heritage Review

Item: Consultation Matter

Distribution: Public

Manager: Rosa Zouzoulas, Director Planning, Environment and Strategy

Author: Leigh Northwood, Manager Strategic Planning and Environment

Summary

The purpose of this report is to provide an update with regard to submissions received to the formal exhibition of Amendment C149nill which facilitates implementation of the recommendations of the Nillumbik Heritage Review Stage A and B, as endorsed by Council on 26 July 2022.

Local Councils are responsible for protecting places with local heritage significance. Section 4 of the [Planning and Environment Act 1987](#) obliges Councils to use their planning schemes to conserve and enhance buildings, areas or other places of local heritage significance.

Before a heritage place can be included in the Heritage Overlay (HO) it needs to be assessed by Council as locally significant. The assessment process includes identifying and recommending heritage protection for a particular local place through a heritage review/study. This strategic justification must follow specific assessment requirements and format to be consistent with legislative and State government requirements.

Amendment C149nill proposes to apply the Heritage Overlay to sixty-three (63) individual heritage places, one (1) new serial listing and one (1) new precinct, along with required administrative changes.

The amendment was formally notified from 22 June to 3 August 2023 for a period of six (6) weeks, noting this is two weeks longer than the required statutory period under the *Planning and Environment Act 1987* (the Act). Officers has also endeavoured to work with submitters in receipt of late submissions and meet and speak with affected parties who have made enquiries to Council on the matter of the Amendment (over 60 enquires have been made and answered).

To date (21 August 2023), Council have received twenty-four (24) submissions in total. Two (2) of the submissions received were in support of the Amendment. Six (6) of the submissions received were in support of the Amendment with changes. Fifteen (15) object to the Amendment (noting two of these submissions relate to one property), and one (1) submission both supports and objects in principle (refer to **Attachment 4** for redacted submissions).

Submitters have been invited to attend this September Planning & Consultative Committee Meeting (PCC) to speak to their submissions.

Since receipt of submissions, officers have engaged with Councils heritage consultants to review submissions and to arrange with owners consent to carry out further site inspections with the intent to resolve as many submissions as possible and limit those submissions that would need to be referred to a future independent Planning Panel to consider particularly objections. This is to ensure an efficient use of Council resources and minimise time and cost to submitters who would be required to be referred through the formal Panel process subject to Council resolving to convene such.

6. Consultation Matters

PCC.011/23 Response to Public Exhibition of Planning Scheme Amendment C149nill - Heritage Review

Subject to Council, pursuant to Part 8 of *the Act*, resolving to request the Minister for Planning to convene an independent Planning Panel to consider submissions to the Amendment, a Panel report and its recommendations would be brought to a future Council meeting for consideration. These recommendations would include potentially further recommended changes to citations, and recommendations on application of the Heritage Overlay.

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

- 1 *Brian Hill*
- 2 *Bronnie Hattam*
- 3 *Lorenzo Rigoni Director of Terrain Consulting Group*
- 4 *Vaughan Mitchell on behalf of Jenny Mitchell*
- 5 *Vaughan Mitchell*
- 6 *Julie Fink*
- 7 *Michael Ellis*
- 8 *Henry Draper - on behalf of the Arthurs Creek cemetery as a Trust Member.*
- 9 *Jim Connor – President of the Eltham District Historical Society*
- 10 *Olivia Tymms*
- 11 *Rob Fonhof*
- 12 *Kate Russell on behalf of Eltham Community Action Group*
- 13 *Tyler Howie – President of the Diamond Valley Railway Inc*

6. Consultation Matters

PCC.011/23 Response to Public Exhibition of Planning Scheme Amendment C149nill - Heritage Review

Committee Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That the Committee (under delegation from Council):

1. Notes the submissions to Amendment C149nill to the Nillumbik Planning Scheme (**Attachment 4 and 6**).
2. Considers a further report at the September Council Meeting to resolve to either request the Minister for Planning appoint an independent planning panel to consider Amendment C149nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*, or abandon the amendment.
3. Requests that Officers notify submitters to the proposed Amendment C149nill of the Committee's resolution.
4. Requests that Officers provide an update onto Participate Nillumbik in regard to next stages for Amendment C149nill.
5. Resolves that (**Attachment 6**) Submissions - C149nill Heritage Review remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

CARRIED

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

Against: Cr Richard Stockman

6. Consultation Matters

**PCC.011/23 Response to Public Exhibition of Planning Scheme Amendment
C149nill - Heritage Review**

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6. Officers' reports

PCC.012/23 Ryan's Reserve Rejuvenation Project

Item: Consultation Matter

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Rebecca Burton, Manager Recreation and Leisure

Summary

This report considers submissions received from the public regarding the Ryan's Reserve Rejuvenation project draft concept plans.

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

1. *Stewart Verrells*

Committee Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Richard Stockman

That the Committee (acting under delegation from Council):

1. Notes the submissions received in respect of the Ryan's Reserve Rejuvenation project draft concept plans.
2. Considers the comments contained in the submissions.
3. Authorises officers to commence final design and initiate the tender process.
4. Resolves that (**Attachment 2**) Ryan's Reserve Feedback 2023 remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

Leigh Northwood – Manager Strategic Planning and Environment and Emrys Williams – Senior Strategic Planner, left the meeting at 8.23pm.

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 8.25pm.

Confirmed: _____

Cr Peter Perkins Chairperson Planning Matters

Cr Frances Eyre, Chairperson Consultation Matters