

Planning and Consultation Committee Meeting

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

Minutes

Carl Cowie
Chief Executive Officer

Friday 11 March 2022

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Planning and Consultation Committee Meeting held
Tuesday 8 March 2022. The meeting commenced at 7:00pm.**

Councillors present:

Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward (Chairperson Planning Matters)
Cr Ben Ramcharan	Sugarloaf Ward (Deputy Mayor)
Cr Frances Eyre	Swipers Gully Ward (Mayor)
Cr Geoff Paine	Wingrove Ward (Chairperson Consultation 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
Nichole Johnson	Acting Executive Manager Community Services
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Enrique Gutierrez	Manager Assets and Capital Works
Leigh Northwood	Strategic Planning Lead
Lawrence Seyers	Lead Transport Planner
Emma Christensen	Acting Governance Lead

1. Welcome by the Chair

2. Acknowledgement of Country

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

International Women's Day Acknowledgement

The Mayor Cr Frances Eyre made the following address:

Today, 8 March is International Women's Day. An annual day where we acknowledge and celebrate the contribution of women in our daily lives.

As Mayor and a female Mayor, I pay tribute to Pauline Toner who in 1973, 49 years ago became the first woman to be elected to local council in this area. Pauline Toner was a working mum of 5 and a trail blazer.

Not only was Pauline the first women elected to local Council in this area, she was also the first woman to be elected Mayor in the Shire then known as the Shire of Diamond Valley.

Pauline went on to become the first woman elected to represent our local in the Victorian parliament when she became the Labor member for the then seat of Greensborough.

In 1982, 40 years ago, as the Minister for Community Welfare Service, Pauline became the first woman to hold a cabinet position in Victoria.

We owe Pauline Toner a debt of gratitude for opening the doors for others to follow and for her significant contribution to welfare services, women’s refuges, prison reform, the arts and the environment including protection of the Eltham Copper Butterfly.

And wishing all women and supporters a wonderful evening. Please also tune into Council’s International Women’s Day event tomorrow night if you’re not coming in person. Please also attend our Women in Business lunch event which is Thursday 17 March. Details of both of those are on Council’s website.

3 Apologies

Nil

4 Disclosure of conflicts of interest

Nil

5. Confirmation of Minutes

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

Committee Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Frances Eyre

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**).

CARRIED UNANIMOUSLY

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 Assets and 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.

Committee Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Frances Eyre

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.

CARRIED UNANIMOUSLY

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

Summary

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.

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

In person:

1. *Carlota Quinlan on behalf of Eltham Community Action Group*
2. *Anika Van Hulsen*
3. *Jim Connor*
4. *Anika Van Hulsen on behalf of Bill Lord*

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.

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- 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.
- 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.

Motion

MOVED: Cr Frances Eyre

SECONDED: Cr Karen Egan

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 provides in-principle support to egress by Metro Trains Melbourne maintenance vehicles on Council land at the rear of the Eltham Child Care Co-Op and Girl Guides Hall subject to the following commitments:
 - i) That any additional impacts on the Eltham Girl Guides leased land is avoided;
 - ii) In addition to carparks provided in the commuter car park project, that LXP provide formalised parking on Council land at the southern end of Youth Rd (near the Girl Guides / Scout Hall) and western end of Youth Road (near the Tennis Club) in recognition of the loss of the three car parks within Council's existing design for the Eltham Central Oval Pavilion rear car park;

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- iii) Impact on Eltham Child Care Co-op is 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 including improved fencing and screening treatments, and the provision of additional facilities, for example a garden storage shed;
 - iv) Have in place measures and procedures for managing and monitoring maintenance yard operations risk to community and council including safe work procedures for large maintenance vehicles exiting the facility; and
 - v) That LXRP consider alternative options 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 peppercorn tree and other significant canopy trees at the Main Road frontage or northern end of Youth Road).
- c) Note that Council requests that the commitments contained in 1(b)(i-v) are confirmed to Council's satisfaction in writing prior to works commencing.
 - d) Re-iterate the suggestion contained in Council's September 2021 submission that detailed investigation into the option of locating the Wattle Glen commuter car parking at Wilson Road be undertaken on the basis that:
 - i) 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; and
 - ii) Further detailed investigation on issues related to pedestrian access, cultural heritage, underground services and co-location of the Rapid Earth Fault Current Limiter building should occur.
2. Notes that based on item 1b Council cannot currently execute the draft licence, land access and works agreements to facilitate the proposed projects at Eltham.
 3. Notes that based on item 1d Council cannot currently execute the draft licence, land access and works agreements to facilitate the proposed projects at Wattle Glen.
 4. Requests Officers send a copy of the letter to the relevant Members of the Parliament.

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

Committee Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Karen Egan

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 provides in-principle support to egress by Metro Trains Melbourne maintenance vehicles on Council land at the rear of the Eltham Child Care Co-Op and Girl Guides Hall subject to the following commitments:
 - i) That any additional impacts on the Eltham Girl Guides leased land is avoided;
 - ii) In addition to carparks provided in the commuter car park project, that LXP provide formalised parking on Council land at the southern end of Youth Rd (near the Girl Guides / Scout Hall) and western end of Youth Road (near the Tennis Club) in recognition of the loss of the three car parks within Council's existing design for the Eltham Central Oval Pavilion rear car park;
 - iii) Impact on Eltham Child Care Co-op is 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 including improved fencing and screening treatments, and the provision of additional facilities, for example a garden storage shed;
 - iv) Have in place measures and procedures for managing and monitoring maintenance yard operations risk to community and council including safe work procedures for large maintenance vehicles exiting the facility; and
 - v) That LXP consider alternative options 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 peppercorn tree and other significant canopy trees at the Main Road frontage or northern end of Youth Road).

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- c) Note that Council requests that the commitments contained in 1(b)(i-v) are confirmed to Council's satisfaction in writing prior to works commencing.
 - d) Re-iterate the suggestion contained in Council's September 2021 submission that detailed investigation into the option of locating the Wattle Glen commuter car parking at Wilson Road be undertaken on the basis that:
 - i) 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; and
 - ii) Further detailed investigation on issues related to pedestrian access, cultural heritage, underground services and co-location of the Rapid Earth Fault Current Limiter building should occur.
2. Notes that based on item 1b Council cannot currently execute the draft licence, land access and works agreements to facilitate the proposed projects at Eltham.
 3. Notes that based on item 1d Council cannot currently execute the draft licence, land access and works agreements to facilitate the proposed projects at Wattle Glen.
 4. Requests Officers send a copy of the letter to the relevant Members of the Parliament.

CARRIED UNANIMOUSLY

The Chairperson Consultation Matters, Cr Geoff Paine vacated the chair at 7:35pm.

Lawrence Seyers, Lead Transport Planner left the meeting at the conclusion of the above item at 7:35pm.

The Chairperson Planning Matters, Cr Peter Perkins assumed the chair at 7:35pm.

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

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 and Environment Act 1987* adopt the Amendment and request the Minister for Planning approve the Amendment (with changes).

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

Read by the Chairperson:

1. *Edward Mahony – Lawyer, Best Hooper*

Committee Resolution

MOVED: Cr Richard Stockman

SECONDED: Cr Karen Egan

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.

CARRIED UNANIMOUSLY

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.

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

In person:

1. *Carlota Quinlan on behalf of Eltham Community Action Group*
2. *Kahn Franke on behalf of Green Wedge Protection Group*

Read by the Chairperson:

3. *Pra & Lorraine Kromodimoeljo*
4. *Esther Caspi*
5. *Gila Schnapp on behalf of Adjungbilly Pty Ltd*
6. *D Schnapp*

6. Planning Matters

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

Committee Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Ben Ramcharan

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.

CARRIED UNANIMOUSLY

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 8:06pm.

Confirmed: _____

Cr Geoff Paine, Chairperson Consultation Matters