

Planning and Consultation Committee Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 12 April 2022 commenced at 7:00pm.

Minutes

Vince Lombardi
Acting Chief Executive Officer

Thursday 14 April 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

Contents

1.	Welcome by the Chair	1
2.	Acknowledgement of Country	1
3	Apologies	1
4	Disclosure of conflicts of interest	1
5.	Confirmation of Minutes	2
6.	Officers' reports	3
	Planning Matters	
	PCC.010/22 Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North	3
	PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek	11
	PCC.012/22 Response to Public Exhibition of Planning Scheme Amendment C142nill, 50 Oatland Road, Plenty	23
	Consultation Matters	
	PCC.013/22 Draft Nillumbik Local Law Community Consultation	25
	PCC.014/22 Draft Local Law Bend of Islands - Community Consultation	29
	PCC.015/22 Draft Recreation and Leisure Strategy 2022-2030	33
7.	Supplementary and urgent business	35
8.	Confidential reports	35
9.	Close of Meeting	35

Nillumbik Shire Council

**Minutes of the Planning and Consultation Committee Meeting held
Tuesday 12 April 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 Geoff Paine	Wingrove Ward (Chairperson Consultation Matters)

Officers in attendance:

Vince Lombardi	Acting Chief Executive Officer
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Renae Ahern	Manager Planning Services
Eddie Cheng	Manager, Information Technology
Leigh Northwood	Strategic Planning Lead
Katia Croce	Governance Lead

1. Welcome by the Chair

2. Acknowledgement of Country

Acknowledgement of Country was read by the Chairperson Planning Matters, Cr Peter Perkins.

3 Apologies

The Mayor, Cr Frances Eyre has submitted a request for Leave of Absence for Tuesday 12 April 2022.

Committee Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Ben Ramcharan

That Council approves a Leave of Absence for the Mayor Cr Frances Eyre for Leave of Absence for Tuesday 12 April 2022.

CARRIED UNANIMOUSLY

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 March 2022.

Committee Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Richard Stockman

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

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.010/22 Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Kamal Hasanoff, Acting Manager Planning Services

Application summary

Address of the land	117 Progress Road, Eltham North
Site area	2,024 m2
Proposal	Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation
Application number	1118/2021/03P
Date lodged	11 November 2021
Applicant	Creative Design Studio
Zoning	Neighbourhood Residential Zone (Schedule 1)
Overlay(s)	Significant Landscape Overlay (Schedule 2)
Reason for being reported	Called in by Ward Councillor
Number of objections	16
Key issues	<ul style="list-style-type: none"> • Strategic location • Building bulk, massing and scale • Impacts to vegetation and landscaping opportunities • Private open space • Amenity impacts • Car parking and vehicle access

6. Planning Matters

PCC.010/22 Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North

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

In Person

- 1 Veronique Lyttle
- 2 Dermot Lyttle
- 3 Chris Libertino
- 4 Sam Battiato on behalf of Applicant

Chairperson read submission

- 5 Victoria Beilharz
- 6 Jill Chan
- 7 Tom Hugh
- 8 Jan Wallace

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 117 Progress Road, Eltham North for the construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation, in accordance with the submitted plans and subject to the following conditions:

1. Before the development commences amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The driveway landscape strip relocated to the east side of the driveway for its entire length.
 - b) A landscape plan in accordance with Condition 3 to provide 20 canopy trees on the site (including the 6 trees to be retained).
 - c) The Tree Protection Zones (TPZ) for all trees to be retained.
 - d) The driveway constructed using root sensitive construction methods and permeable material within the TPZ of third party Trees 11, 12 and 15.
 - e) A Tree Protection Management Plan in accordance with Condition 9.
 - f) The location of all trenched services.
 - g) The garage doors widened to 4.8 metres and the garden beds along the common driveway reconfigured to ensure vehicles can exit the garages conveniently. Vehicle swept paths must be provided to reflect the above amendments.

6. Planning Matters

PCC.010/22 Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North

- h) Sectional diagrams to show driveway gradients in accordance with Clause 52.06-9 of the Nillumbik Planning Scheme, together with any consequential changes to the gradients.
 - i) Vehicle sight lines in accordance with Clause 52.06-9 (Car Parking) of the Nillumbik Planning Scheme to ensure vehicles can exit the site clear of visual obstruction.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 3. Before the development commences, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
 - a) A survey of all existing vegetation and natural features;
 - b) The area or areas set aside for landscaping;
 - c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of selected from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
 - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - f) Appropriate irrigation systems;
 - g) Appropriate maintenance details; and
 - h) The provision of canopy trees to be planted throughout the development. The trees must be significant canopy species and selected from '*Live Local Plant Local – A guide to planting in Nillumbik*'.
 4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
 5. No native vegetation on site (unless specified on the endorsed plans) shall be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged except with the prior written consent of the Responsible Authority.
 6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Fence (TPF) to the satisfaction of the Responsible Authority. The fencing associated with this TPZs must meet the following requirements:

6. Planning Matters

PCC.010/22 Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North

a) Extent

The tree protection fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009)

Fencing may be reduced directly adjacent to the works area only to allow access during construction (i.e. no more than 1 metre away from the works/ construction area)

b) Fencing

All tree protection fencing required by this permit must be erected in accordance with the approved TPZ.

The TPF must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence.

c) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating “Tree Protection Zone – No Entry”, to the satisfaction of the Responsible Authority.

d) Provision of Services

Unless with the prior written consent of the Responsible Authority, all services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, to the satisfaction of the Responsible Authority.

e) Access to TPZ

Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

7. Prior to the commencement of the approved works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the erected tree protection fences must be inspected and approved by the Responsible Authority. Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.

8. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:

- a) Materials or equipment stored within the zone;
- b) Servicing and refuelling of equipment and vehicles;
- c) Storage of fuel, oil dumps or chemicals;

6. Planning Matters

PCC.010/22 Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North

- d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - e) Open cut trenching or excavation works (whether or not for laying of services);
 - f) Changes to the soil grade level;
 - g) Temporary buildings and works; and
 - h) Unauthorised entry by any person, vehicle or machinery.
9. Before the endorsement of plans a Tree Protection Management Plan by a suitably qualified arborist must be submitted to and endorsed by the Responsible Authority. The plan must show all measures required during construction to ensure protection of trees to be retained.
- The plan must include (but not be limited to) the following:
- a) Locations of tree protection fencing to isolate TPZs from impact, or ground protection where appropriate in lieu of fencing (including Council’s street tree).
 - b) Crown pruning requirements to be conducted in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees.
 - c) Site ingress/egress routes for vehicles, machinery, equipment and materials.
 - d) Suitable on-site areas for material storage (if any).
 - e) Locations and timing of works within TPZs required to be supervised by the Project Arborist.
 - f) Certification templates to allow the Project Arborist to induct contractors and monitor compliance at all stages of site works; which should be provided to Council at the completion of the project.
10. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type and finished in muted tones, to the satisfaction of the Responsible Authority.
11. Air-conditioning and other plant and equipment installed on the subject buildings shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.
12. Vehicular access and egress to the development site from the roadway must be by way of a vehicle crossing upgraded to the requirements of the Responsible Authority, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works permit. Width of the driveway at property boundary must match the width of the vehicle crossing.

6. Planning Matters

PCC.010/22 Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North

13. The vehicular driveway must be properly formed and constructed meeting the ramp grades specified in the Nillumbik Planning Scheme and to such levels to ensure that it can be utilised at all times. Appropriate transitions with a maximum change in grade of 1 in 8 should be provided to enable access by all types of vehicles. The driveway must be drained, constructed in concrete, asphalt or similar surface and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.

Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway at property boundary where it meets road reserve and connected to the on-site detention device/legal point of stormwater discharge.

14. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to the nominated point of stormwater discharge. The nominated point of stormwater discharge is Council underground drainage system.
15. Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway and/or grating pits positioned within the driveway at a maximum spacing of 15 metres to the satisfaction of the Responsible Authority.

Stormwater must be connected to the on-site detention device to the satisfaction of the Responsible Authority. Overflow of stormwater must be connected to the nominated point of discharge.

Use minimum 225mm diameter underground drains for the internal drainage system underneath the driveway.

16. The on-site detention device shall be designed by a qualified engineer and plans submitted to the Responsible Authority for approval (prior to the commencement of the development unless with the prior written consent of the responsible authority). The engineer that is designing the on-site detention device must obtain tc and tso figures from Council. The permissible site discharge must be restricted to a pre development flow rate for a 1 in 5 year average recurrence interval (ARI) event and detained for a 1 in 10 year ARI event.
17. An on-site detention device must be installed, at no cost to Council, to restrict the property storm water discharge to a flow equivalent to the pre-development design flow rate as approved by the Responsible Authority (Nillumbik Shire). The on-site detention system outlet must be connected to the Council nominated point of stormwater discharge.

Construction of the on-site detention device must be carried out under Council supervision, in accordance with the approved plans and specifications and under an Infrastructure Works permit.

18. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during the construction of the development.

6. Planning Matters

PCC.010/22 Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North

Sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly to the satisfaction of the Responsible Authority.

19. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within 2 years of the date of this permit.
- b) The development is not completed within 4 years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

Motion

MOVED: Cr Natalie Duffy

SECONDED: Cr Ben Ramcharan

That the Committee (acting under delegation from Council) issue a Notice of Decision to Refuse to Grant a permit to the land located at 117 Progress Road, Eltham North for the 'Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation' on the following grounds:

1. The proposal is inconsistent with the objectives of Clause 2.03-1 (Settlement) and Clause 16.01-1L (Location of medium density residential development) of the Nillumbik Planning Scheme in relation to its distance to the Eltham Activity Centre and principle public transport.
2. The proposal is inconsistent with the objectives of Clause 15.01-5L (Neighbourhood Character – Nillumbik) and Significant Landscape Overlay (Schedule 2) of the Nillumbik Planning Scheme. The building bulk, massing and scale, extent of hard surface area in the front setback, removal of vegetation and insufficient landscaping opportunities are inconsistent with the existing and desired future character for this bush garden precinct.
3. The proposal does not meet the following objectives of Clause 55 of the Nillumbik Planning Scheme:
 - Clause 55.02-1 Neighbourhood character
 - Clause 55.03-8 Landscaping.
4. The proposal does not meet the objectives of Clause 52.06 Car Parking of the Nillumbik Planning Scheme in relation to vehicle access.
5. The proposal is an overdevelopment of the site.

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

6. Planning Matters

PCC.010/22 Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation at 117 Progress Road, Eltham North

Committee Resolution

MOVED: Cr Natalie Duffy

SECONDED: Cr Ben Ramcharan

That the Committee (acting under delegation from Council) issue a Notice of Decision to Refuse to Grant a permit to the land located at 117 Progress Road, Eltham North for the ‘Construction of two double storey dwellings, buildings and works to alter the existing dwelling and removal of vegetation’ on the following grounds:

1. The proposal is inconsistent with the objectives of Clause 2.03-1 (Settlement) and Clause 16.01-1L (Location of medium density residential development) of the Nillumbik Planning Scheme in relation to its distance to the Eltham Activity Centre and principle public transport.
2. The proposal is inconsistent with the objectives of Clause 15.01-5L (Neighbourhood Character – Nillumbik) and Significant Landscape Overlay (Schedule 2) of the Nillumbik Planning Scheme. The building bulk, massing and scale, extent of hard surface area in the front setback, removal of vegetation and insufficient landscaping opportunities are inconsistent with the existing and desired future character for this bush garden precinct.
3. The proposal does not meet the following objectives of Clause 55 of the Nillumbik Planning Scheme:
 - Clause 55.02-1 Neighbourhood character
 - Clause 55.03-8 Landscaping
4. The proposal does not meet the objectives of Clause 52.06 Car Parking of the Nillumbik Planning Scheme in relation to vehicle access.
5. The proposal is an overdevelopment of the site.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Kamal Hasanoff, Acting Manager Planning Services

Application summary

Address of the land	30 Waigo Way, Diamond Creek
Site area	1,574 m2
Proposal	Buildings and works associated with the construction of five triple storey and two double storey dwellings
Application number	818/2020/03P
Date lodged	10 December 2020
Applicant	Cornetta Partners Architects
Zoning	General Residential Zone (Schedule 1)
Overlay(s)	None
Reason for being reported	Called in by Ward Councillor
Number of objections	13
Key issues	<ul style="list-style-type: none"> • Strategic location • Building bulk, massing, scale and setbacks. • Impacts to vegetation and landscaping opportunities • Private open space • Amenity impacts • Car parking and vehicle access • Waste management • Potentially contaminated land • Consent under the Section 173 Agreement

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

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

In Person

- 1 David Binks
- 2 Lynette Walton
- 3 Olga Taylor

Chairperson read submission

- 4 Charlotte Glossop - Glossop Town Planning on behalf of Daniel Eskander
- 5 Christina Zammit
- 6 Amy Angelopoulos
- 7 Cheryl Ogilvy
- 8 Christopher Taylor

The Chairperson Planning Matters, Cr Peter Perkins, vacated the chair in order to move the motion on this item at 8.17pm.

Deputy Mayor, Cr Ben Ramcharan assumed the chair at 8:17pm

Recommendation

- A. That** the Committee (under delegation from Council) issue to the land located at 30 Waigo Way, Diamond Creek for buildings and works associated with the construction of five triple storey and two double storey dwellings, a:
 - Notice of Decision to Grant a Permit; and
 - Miscellaneous consent for buildings and works within Tree Protection Zones.
- B. That** the Notice of Decision to Grant a Permit to the land located at 30 Waigo Way, Diamond Creek for buildings and works associated with the construction of five triple storey and two double storey dwellings be in accordance with the submitted plans and subject to the following conditions:
 - 1. Before the development commences amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) First floor and second floor habitable room windows and balconies treated in accordance with Clause 55.04-6 (Overlooking) of the Nillumbik Planning Scheme to prevent overlooking to the secluded private open space and habitable windows of adjoining properties.
 - b) A landscape plan in accordance with Condition 3.
 - c) The Tree Protection Zones (TPZ) for trees on site to be retained and all third party trees.

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

- d) Tree protection measures in accordance with the arborist report by Stem Arboriculture dated 9 November 2021 to protect trees on site to be retained and all third party trees.
 - e) Tree protection measures in accordance with Condition 9 to protect the Council owned nature strip Tree 18.
 - f) A Tree Protection Management Plan in accordance with Condition 10.
 - g) The location of all trenched services.
 - h) A detailed Environmental Site Assessment in accordance with Condition 13.
 - i) Provision of a communal bin storage area to the immediate east of Dwelling 6 garage while maintaining the visitor car space.
 - j) A Waste Management Plan in accordance with Condition 15.
 - k) A notation showing the common driveway with minimum width of 3 metres throughout its entire length.
 - l) The garages of Dwelling 3, 4 and 5 setback 5.7 metres from the east boundary and the adjacent garden beds to their respective accesways modified to facilitate convenient vehicle access.
 - m) The swept paths within the site to be illustrated to allow convenient access to car spaces.
 - n) The swept paths to and from all crossovers along the front boundary to Waigo Way to demonstrate convenient access. If the crossovers are required to be increased in width to facilitate sufficient swept paths, it must be done to the satisfaction of the Responsible Authority.
 - o) Vehicle sight lines in accordance with Clause 52.06-9 (Car Parking) of the Nillumbik Planning Scheme to ensure vehicles can exit the site clear of visual obstruction.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 3. Before the development commences, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
 - a) A survey of all existing vegetation and natural features;
 - b) The area or areas set aside for landscaping;
 - c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of selected from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

- d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - f) Appropriate irrigation systems; and
 - g) Appropriate maintenance details.
4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. No native vegetation on site (unless specified on the endorsed plans) shall be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged except with the prior written consent of the Responsible Authority.
6. Prior to development commencing (including any boring of piers, demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) established to the satisfaction of the Responsible Authority. The fencing associated with this TPZ must meet the following requirements:
- a) Extent
 The tree protection fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009)
 Fencing may be reduced directly adjacent to the works area only to allow access during construction (i.e. no more than 1 metre away from the works/ construction area)
 - b) Fencing
 All tree protection fencing required by this permit must be erected in accordance with the approved TPZ
 The TPF must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence.
 - c) Signage
 Fixed signs are to be provided on all visible sides of the TPF clearly stating “Tree Protection Zone – No Entry”, to the satisfaction of the Responsible Authority.
 - d) Provision of Services
 Unless with the prior written consent of the Responsible Authority, all services (including water, electricity, gas and telephone) must be installed

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

underground, and located outside of any TPZ, to the satisfaction of the Responsible Authority.

e) Access to TPZ

Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

7. The erected tree protection fences must be inspected and approved by the Responsible Authority prior to the commencement of the approved works (including any boring of piers, demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings). Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.
8. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:
 - a) Materials or equipment stored within the zone;
 - b) Servicing and refuelling of equipment and vehicles;
 - c) Storage of fuel, oil dumps or chemicals;
 - d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - e) Open cut trenching or excavation works (whether or not for laying of services);
 - f) Changes to the soil grade level;
 - g) Temporary buildings and works; and
 - h) Unauthorised entry by any person, vehicle or machinery.
9. The Council owned nature strip Tree 18 must be protected in accordance with the following tree protection measures:
 - All works within the Tree Protection Zone (TPZ) of Tree 18 must be conducted under the direct supervision of a Project Arborist.
 - Existing concrete within the TPZ must be carefully excavated to ensure excavation of soil below is minimised and roots which may be located beneath the concrete remain unscathed.
 - The existing service pit must be either retained as is, or, removed as per the following methods:
 - Any decommissioned service lines beneath the TPZ of Tree 18 must remain in situ.

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

- Any new services required to pass through the TPZ of Tree 18 must be installed via directional boring to a depth of at least 800mm with bore entry located outside of the TPZ. Alternatively, it may be possible to utilise hydro-excavation to expose channels into which services may be threaded so as to avoid roots.
 - Within the TPZ of Tree 18, the proposed footpath entry to Dwelling 3 must be constructed at or above grade, with no excavation or compaction of the subgrade and a maximum of 100mm of fill used to create a level surface.
10. Before the endorsement of plans a Tree Protection Management Plan by a suitably qualified arborist must be submitted to, and to the satisfaction of, and endorsed by the Responsible Authority. The plan must show all measures required during construction to ensure protection of trees to be retained.
- The plan must include (but not be limited to) the following:
- Locations of tree protection fencing to isolate TPZs from impact, or ground protection where appropriate in lieu of fencing.
 - Crown pruning requirements to be conducted in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees.
 - Site ingress/egress routes for vehicles, machinery, equipment and materials.
 - Suitable on-site areas for material storage (if any).
 - Locations and timing of works within TPZs required to be supervised by the Project Arborist.
 - Certification templates to allow the Project Arborist to induct contractors and monitor compliance at all stages of site works; which should be provided to Council at the completion of the project.
11. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type and finished in muted tones, to the satisfaction of the Responsible Authority.
12. Air-conditioning and other plant and equipment installed on the subject buildings shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.
13. Prior to the development commencing, a detailed Environmental Site Assessment by a suitably qualified professional (such as a member of the Australian Contaminated Land Consultants Association, ACLCA) submitted to, and to the satisfaction of the Responsible Authority. The assessment must have regard to the findings in the report by Atma Environmental dated 5 March 2021 and provide and implement recommendations as appropriate in relation to the development approved under this permit.

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

14. In the event contamination has been identified on site and there are obligations resulting from the recommendations of the detailed Environmental Site Assessment referred to in Condition 13, the owner may be required (to the satisfaction of the Responsible Authority) to enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987* to inform future land owners and occupiers of those obligations.

An application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the development.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

15. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to, and to the satisfaction of, and endorsed the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must specify but limited to, the following:

- a) The details and location of bin storage and bin collection points by a private waste contractor.
- b) Access route and method of access for the vehicles collecting waste.
- c) Details and location of bin storage areas for each approved dwelling.
- d) Odour control from bin storage areas.
- e) Collection of waste and emptying of bins inside the subject site.

16. Before the development commences, the owner must enter into an agreement with the responsible authority and in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:

- a) The provision of private waste collection from the site in accordance with the Waste Management Plan endorsed under the permit.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the development.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

17. Driveways, access lanes, and areas set aside for the parking and access of vehicles must be constructed and formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plans. Car parking must be line-marked or provided with some other adequate means of showing the car parking spaces. All must be drained and constructed in concrete,

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

asphalt or similar surface, and must be carried out and maintained to the satisfaction of the Responsible Authority.

18. Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway and/or grating pits positioned within the driveway at a maximum spacing of 15 metres to the satisfaction of the Responsible Authority.

Stormwater must be connected to the on-site detention device to the satisfaction of the Responsible Authority. Overflow of stormwater must be connected to the nominated point of discharge.

Use minimum 225mm diameter underground drains for the internal drainage system underneath the driveway.

19. The on-site detention device shall be designed by a qualified engineer and plans submitted to the Responsible Authority for approval (prior to the commencement of the development unless with the prior written consent of the responsible authority). The engineer that is designing the on-site detention device must obtain tc and tso figures from Council. The permissible site discharge must be restricted to a pre development flow rate for a 1 in 5 year average recurrence interval (ARI) event and detained for a 1 in 10 year ARI event.

20. An on-site detention device must be installed, at no cost to Council, to restrict the property storm water discharge to a flow equivalent to the pre-development design flow rate as approved by the Responsible Authority (Nillumbik Shire). The on-site detention system outlet must be connected to the Council nominated point of stormwater discharge.

Construction of the on-site detention device must be carried out under Council supervision, in accordance with the approved plans and specifications and under an Infrastructure Works permit.

21. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to the Nominated point of stormwater discharge.

22. The nominated point of stormwater discharge is outside of the development site and requires the construction of drainage works outside the boundaries of the site. Such drainage works must be designed by a qualified engineer and plans and computations submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Plans must detail underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's "Subdivisional Design and Construction Standards" and "Drainage Design Guidelines".

23. Stormwater drainage works are to be constructed, at no cost to Council, and must be carried out under Council supervision, in accordance with the

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

approved plans and Council’s specifications and must be carried out under Council supervision and an Infrastructure Works permit.

Permit Expiry:

24. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within 2 years of the date of this permit.
 - b) The development is not completed within 4 years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

End Permit Conditions:

- C. That** the Committee (under delegation from Council) approve miscellaneous consent to the land located at 30 Waigo Way, Diamond Creek for buildings and works inside the Tree Protection Zones in accordance with the submitted plans and the following list of consents:
- 1. Building and works for paving, fences, rainwater tanks and hot water units within the Tree Protection Zones of the Section 173 Agreement in accordance plans endorsed under planning permit 818/2020/03P.
 - 2. The vegetation within Tree Protection Zones must be protected in accordance with the tree protection measures contained in the Section 173 Agreement and the conditions of planning permit 818/2020/03P.
 - 3. The plans endorsed under planning permit 818/2020/03P form part of this consent.

Motion

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

- A. Issues a Notice of Decision to Refuse to Grant a permit to the land located at 30 Waigo Way, Diamond Creek for ‘Buildings and works associated with the construction of five triple storey and two double storey dwellings’ on the following grounds:
 - 1. The proposal is inconsistent with the objectives of Clause 15.01-5L (Neighbourhood Character – Nillumbik) of the Nillumbik Planning Scheme. The building bulk, massing and scale, poor sense of address, lack of dwelling activation with the street, number of vehicle crossings, extent of hard surface areas and insufficient landscaping opportunities are inconsistent with the existing and desired future character of the area.

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

2. The proposal does not meet the following objectives of Clause 55 of the Nillumbik Planning Scheme:
 - Clause 55.02-1 Neighbourhood character
 - Clause 55.02-5 Integration with street
 - Clause 55.03-1 Street setback
 - Clause 55.03-5 Energy efficiency
 - Clause 55.03-7 Safety
 - Clause 55.03-8 Landscaping
 - Clause 55.05-2 Dwelling entry
 - Clause 55.05-5 Solar access to open space
 - Clause 55.06-1 Design detail
3. The proposal does not meet the objectives of Clause 52.06 (Car Parking) of the Nillumbik Planning Scheme in relation to vehicle access.
4. The proposal does not make sufficient provision for waste storage and collection within the site.
5. The application has not adequately demonstrated that the objectives of Clause 13.04-1S (Contaminated and potentially contaminated land) and Ministerial Direction No.1 (Potentially Contaminated Land) are met in relation to potentially contaminated land.
6. The proposal is an overdevelopment of the site.

Miscellaneous consent application – Refuse

- B. Refuses miscellaneous consent for buildings and works within Tree Protection Zones at 30 Waigo Way, Diamond Creek.

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

Committee Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

- A. Issues a Notice of Decision to Refuse to Grant a permit to the land located at 30 Waigo Way, Diamond Creek for 'Buildings and works associated with the construction of five triple storey and two double storey dwellings' on the following grounds:
 1. The proposal is inconsistent with the objectives of Clause 15.01-5L (Neighbourhood Character – Nillumbik) of the Nillumbik Planning Scheme. The building bulk, massing and scale, poor sense of address, lack of dwelling activation with the street, number of vehicle crossings, extent of hard surface

6. Planning Matters

PCC.011/22 Buildings and works associated with the construction of five triple storey and two double storey dwellings at 30 Waigo Way, Diamond Creek

areas and insufficient landscaping opportunities are inconsistent with the existing and desired future character of the area.

2. The proposal does not meet the following objectives of Clause 55 of the Nillumbik Planning Scheme:
 - Clause 55.02-1 Neighbourhood character
 - Clause 55.02-5 Integration with street
 - Clause 55.03-1 Street setback
 - Clause 55.03-5 Energy efficiency
 - Clause 55.03-7 Safety
 - Clause 55.03-8 Landscaping
 - Clause 55.05-2 Dwelling entry
 - Clause 55.05-5 Solar access to open space
 - Clause 55.06-1 Design detail
3. The proposal does not meet the objectives of Clause 52.06 (Car Parking) of the Nillumbik Planning Scheme in relation to vehicle access.
4. The proposal does not make sufficient provision for waste storage and collection within the site.
5. The application has not adequately demonstrated that the objectives of Clause 13.04-1S (Contaminated and potentially contaminated land) and Ministerial Direction No.1 (Potentially Contaminated Land) are met in relation to potentially contaminated land.
6. The proposal is an overdevelopment of the site.

Miscellaneous consent application – Refuse

- B. Refuses miscellaneous consent for buildings and works within Tree Protection Zones at 30 Waigo Way, Diamond Creek.

CARRIED

Cr Peter Perkins called for a division

For: Crs Natalie Duffy, Geoff Paine, Peter Perkins, Ben Ramcharan, and Richard Stockman

Against: Cr Karen Egan

The Deputy Mayor, Cr Ben Ramcharan declared the Motion Carried

The Deputy Mayor, Cr Ben Ramcharan vacated the chair at 8:32pm

The Chairperson Planning Matters, Cr Peter Perkins, assumed the chair following the vote on this item at 8:32pm.

6. Officers' reports

PCC.012/22 Response to Public Exhibition of Planning Scheme Amendment C142nill, 50 Oatland Road, Plenty

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

The purpose of this report is to brief Council in regard to submissions received to the formal exhibition of Amendment C142nill (the Amendment).

The Planning and Consultation Committee (PCC) Meeting of 16 November 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 50 Oatland Road, Plenty.

It is noted this 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 September 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 C141nill 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 the Amendment was formally granted by the Minister on 9 December 2021.

Subject to Ministerial authorisation, the Amendment was placed on exhibition in accordance with Section 19 of the Act, from 27 January 2022 to 02 March 2022 and notifications were sent out to relevant stakeholders as well as being advertised. It is noted officers also advised the property owner of the upcoming exhibition prior to the start of the formal notification period to allow for as much time as possible for preparation of any submission material.

At the time of preparing this briefing, Council has received twenty eight (28) submissions in total, all objecting. Twenty three (23) submissions are in the format of a pro-forma. Three (3) of the submitters provided both the pro-forma and an individual submission. The main objections to the application of the permanent Heritage Overlay relate to the condition of the property along with support for the current owners who (as identified in submissions) were not aware of the heritage significance of the property when they purchased the land.

The property owners (refer Submitter 1) have had a submission prepared by a consultant (Planning Appeals Pty Ltd) addressing amongst other matters a reduction in curtilage to the mapping of the HO and structural matters. Officers have referred this submission to Councils heritage consultant for advice.

6. Planning Matters

PCC.012/22 Response to Public Exhibition of Planning Scheme Amendment C142nill, 50 Oatland Road, Plenty

Where objecting submissions cannot be resolved, Officers will recommend that Council at the upcoming April 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.

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

In Person

1. *Richard Kelsey*
2. *Chris Mackenzie on behalf of Kathy Mead*
3. *Andrew Mead*

Chairperson read submission

4. *Valmai Maskell*
5. *Laurie Maskell*
6. *Jason Keogh*

Committee Resolution

MOVED: Cr Richard Stockman
SECONDED: Cr Karen Egan

That the Committee (acting under delegation from Council):

1. Notes the submissions to Amendment C142nill to the Nillumbik Planning Scheme.
2. Resolves the confidential un-redacted copy of the written submissions to Amendment 142nill remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
3. Considers a further report at the April Council Meeting to resolve to either:
 - a. Adopt Amendment C142nill 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 C142nill pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*; or
 - c. Abandon Amendment C142nill.
4. Requests that Officers notify submitters to Amendment C142nill of the Committee's resolution.
5. Requests that Officers provide an update onto Participate Nillumbik advising next stages for Amendment C142nill.

CARRIED UNANIMOUSLY

The Chairperson Planning Matters, Cr Peter Perkins vacated the chair at the conclusion of the above item at 9:16pm.

Renaë Ahern, Manager Planning Services and Leigh Northwood, Strategic Planning Lead left the meeting at the conclusion of the above item at 9:16pm.

The Chairperson Consultation Matters, Cr Geoff Paine assumed the chair at 9:16pm.

6. Officers' reports

PCC.013/22 Draft Nillumbik Local Law Community Consultation

Item: Consultation Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Heath Gillett, Community Safety Manager

Summary

This report provides the Committee with the feedback of the community engagement on the Draft Nillumbik General Local Law (**Attachment 1**).

This report provides an update on Phase 2 of community engagement that involved consultation of the draft Nillumbik General Local Law on Participate Nillumbik and a number of facilitated drop in sessions hosted by consultants, Chatterbox.

Chatterbox has provided an independent in-depth analysis (**Attachment 2**) that summarises all feedback.

Officers will use this feedback and submissions heard at the Planning and Consultation Committee meeting to consider changes to the Local Law to be put on Public Exhibition later in 2022.

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

In Person

1. Mel Ellis
2. David Kirkpatrick
3. Rosemary Glaisher on behalf of Wildlife Advocates of Nillumbik (WAN)
4. Liezl Shnookal
5. Julia Hamer

Chairperson read submission

6. Mara Favoretto
7. Damian Crock - on behalf of Nillumbik Proactive Land Owners

Recommendation

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the 185 submissions (**Attachments 3 and 4**) from stakeholders and community members who provided feedback on the Draft Nillumbik General Local Law.
2. Considers the feedback contained in the submissions and this report during further reviews and finalisation of the Nillumbik General Local Law.
3. Acknowledges presentations to the Committee.
4. Receives a report at a future Council Meeting to consider the next steps.
5. Resolves the confidential un-redacted copy of the written submissions to the Draft General Local Law (**Attachment 4**) remain confidential on the grounds specified in

6. Consultation Matters

PCC.013/22 Draft Nillumbik Local Law Community Consultation

the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

6. Thanks the submitters for providing the Committee with feedback on this important document.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the 185 submissions (**Attachments 3 and 4**) from stakeholders and community members who provided feedback on the Draft Nillumbik General Local Law.
2. Considers the feedback contained in the submissions and this report during further reviews and finalisation of the Nillumbik General Local Law.
3. Acknowledges presentations to the Committee.
4. Receives a report at a future Council Meeting to consider the next steps.
5. Resolves the confidential un-redacted copy of the written submissions to the Draft General Local Law (**Attachment 4**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
6. **Thanks the submitters for providing the Committee with feedback on this important document.**

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

Committee Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the 185 submissions (**Attachments 3 and 4**) from stakeholders and community members who provided feedback on the Draft Nillumbik General Local Law.
2. Considers the feedback contained in the submissions and this report during further reviews and finalisation of the Nillumbik General Local Law.
3. Acknowledges presentations to the Committee.
4. Receives a report at a future Council Meeting to consider the next steps.
5. Resolves the confidential un-redacted copy of the written submissions to the Draft General Local Law (**Attachment 4**) remain confidential on the grounds specified in

6. Consultation Matters

PCC.013/22 Draft Nillumbik Local Law Community Consultation

the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

6. Thanks the submitters for providing the Committee with feedback on this important document.

CARRIED UNANIMOUSLY

Katia Croce, Governance Lead temporarily left the meeting during submissions on this item at 9:26pm and returned to the meeting at 9:28pm.

The Chairperson Consultation Matters, Cr Geoff Paine adjourned the meeting at 9:56pm.

The meeting resumed at 10:07pm.

Cr Ben Ramcharan, called for a Suspension of Standing Orders to allow Ruth Verrell to make her submission to the Committee on the Draft Nillumbik Local Law Community Consultation item.

Committee Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Peter Perkins

That Standing Orders be suspended to allow Ruth Verrell to make her submission to the Committee on the Draft Nillumbik Local Law Community Consultation item.

CARRIED UNANIMOUSLY

The following additional person addressed the Committee with respect to the Draft Nillumbik Local Law Community Consultation item:

In Person

7 *Ruth Verrell*

Committee Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Karen Egan

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.014/22 Draft Local Law Bend of Islands - Community Consultation

Item: Consultation Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Heath Gillett, Community Safety Manager

Summary

This report provides the Committee with the feedback of the community engagement on the Draft Bend of Islands Local Law (**Attachment 1.**)

This report provides an update on Phase 2 of community engagement that involved consultation of the Draft Bend of Islands Local Laws on Participate Nillumbik and a number of facilitated drop in sessions hosted by consultants, Chatterbox.

Chatterbox has provided an independent in-depth analysis (**Attachment 2**) that summarises all feedback.

Officers will use this feedback and submissions heard at the Planning and Community Consultation meeting to consider changes to the Local Law to be put on Public Exhibition later in 2022.

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

In Person

- 1 Andrew McMahon
- 2.. Noel Renouf

In accordance with Clause 6.1 of the Governance Rule Meeting Procedure, a meeting must not continue after 10.30pm unless a majority of Councillors present vote in favour of its continuance, The Chair notes that as it had now reached 10.30pm, continuation of the meeting must be put to the vote.

Committee Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Peter Perkins

That the meeting continue beyond 10.30pm.

CARRIED UNANIMOUSLY

- 3. Wayne Comyn
- 4. Robyn Duff

Chairperson read submission

- 5. James (Jim) Goodwin
- 6. Alan Bonny
- 7. Carol Bonny
- 8. Sally Dinan
- 9. Ross & Christine Henry
- 10. John & Megan McCallum
- 11. Nathan White
- 12. Rudi Pauli

6. Consultation Matters

PCC.014/22 Draft Local Law Bend of Islands - Community Consultation

13. Sue Grad
14. Jarrah Pauli
15. Gavin Masters
16. Pierre Noirjean
17. Caroline Kardachi
18. John Roberts
19. Julie Martindale
20. Frank Pierce
21. Janet Mattiske
22. Glennis Bibra
23. D Lucas
24. Jo Henry & Dylan Osler
25. Ben Van Donkelaar
26. Tobey Henry
27. Christine Cummings and Tim Heath

Recommendation

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the 165 submissions (**Attachments 3 and 4**) from stakeholders and community members who provided feedback on the Draft Bend of Islands Local Laws.
2. Considers the feedback contained in the submissions and this report during further review and finalisation of the Local Laws.
3. Acknowledges presentations to the Committee.
4. Receives a report at a future Council Meeting to consider the next steps.
5. Resolves the confidential un-redacted copy of the written submissions to the Draft Bend of Islands Local Law remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the submissions received from community and organisations who provided feedback on the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 2**)
2. Resolves that the confidential unredacted public submissions on the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 3**) remain confidential in accordance with section 3(1) of the *Local Government Act 2020*.
3. Acknowledges the presentations to the Committee.

6. Consultation Matters

PCC.014/22 Draft Local Law Bend of Islands - Community Consultation

4. Considers the matters contained in the submissions and this report during finalisation of the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 1**).
5. Requests a further report to be presented at the 28 June 2022 Council Meeting to adopt the final version of the Recreation and Leisure Strategy 2022-2030.
6. **Thanks the submitters for providing Council with feedback on this important document.**

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

Committee Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the submissions received from community and organisations who provided feedback on the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 2**)
2. Resolves that the confidential unredacted public submissions on the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 3**) remain confidential in accordance with section 3(1) of the *Local Government Act 2020*.
3. Acknowledges the presentations to the Committee.
4. Considers the matters contained in the submissions and this report during finalisation of the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 1**).
5. Requests a further report to be presented at the 28 June 2022 Council Meeting to adopt the final version of the Recreation and Leisure Strategy 2022-2030.
6. Thanks the submitters for providing Council with feedback on this important document.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.015/22 Draft Recreation and Leisure Strategy 2022-2030

Item: Consultation Matter

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Rebecca Burton, Acting Manager Recreation and Leisure

Summary

This report notes the submissions received from the community regarding the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 1**).

The purpose of this strategy is to renew Council's commitment to recreation across the municipality. The strategy provides strategic priorities and objectives, which will inform the development of sport, leisure and active recreation in Nillumbik over the next eight years. It will be underpinned by two 4-year action plans spanning from 2022-2026 and 2027-2030.

Community consultation for the draft Recreation and Leisure Strategy 2022-2030 was undertaken over a 5 week period from 31 January – 6 March 2022. Various stakeholders were invited to review and provide feedback on the document, including community sporting clubs, local and state sporting associations and Council's advisory committees.

Public consultation was facilitated through the *Participate Nillumbik* website, as well as delivering 6 pop-up community consultation sessions at Council's major leisure and community facilities. 103 submissions were received via the *Participate Nillumbik* website (**Attachment 2**), with a further 99 submissions received from children aged 0-5 years through Nillumbik's early years' services.

It is recommended that the Committee note the submissions to the draft Recreation and Leisure Strategy before finalising the document and presenting it to Council for adoption at the Council Meeting scheduled for 28 June 2022.

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

In Person

1. Janice Crosswhite on behalf of Positive Ageing AC
2. Cath Giles - Nillumbik Horse Action Group

Chairperson read submission

3. Amanda Wilson
4. Svetlana Ryzhikh on behalf of Friends of Apollo Parkways (President)
5. Svetlana Ryzhikh

Committee Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the submissions received from community and organisations who provided feedback on the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 2**)

6. Consultation Matters

PCC.015/22 Draft Recreation and Leisure Strategy 2022-2030

2. Resolves that the confidential unredacted public submissions on the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 3**) remain confidential in accordance with section 3(1) of the *Local Government Act 2020*.
3. Acknowledges the presentations to the Committee.
4. Considers the matters contained in the submissions and this report during finalisation of the draft Recreation and Leisure Strategy 2022-2030 (**Attachment 1**).
5. Requests a further report to be presented at the 28 June 2022 Council Meeting to adopt the final version of the Recreation and Leisure Strategy 2022-2030.
6. Thanks the submitters for providing Council with feedback on this important document.

CARRIED UNANIMOUSLY

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 11:47pm.

Confirmed: _____

Cr Peter Perkins, Chairperson Consultation Matters