

Planning and Consultation Committee Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough
on Tuesday 13 August 2024 commencing at 7:00pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 8 August 2024

Distribution: Public

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Council Chamber Planning and Consultation Committee Meeting seating plan

Cr Peter Perkins
(Chairperson
Planning
Matters)
Ellis Ward

Cr Karen Egan
Bunjil Ward
(Deputy Mayor)

**Cr Richard
Stockman**
Blue Lake Ward

Cr Ben Ramcharan
(Mayor)
Sugarloaf Ward

Cr Frances Eyre
Swipers Gully Ward

Cr Geoff Paine
Wingrove Ward

Katia Croce
Manager
Governance and
Property

Blaga Naumoski
Director
Governance,
Communications
and Community
Safety

Cr Natalie Duffy
(Chairperson
Consultation Matters)
Edendale Ward

Carl Cowie
Chief Executive
Officer

Contents

1. Welcome by the Chair	1
2. Acknowledgement of Country	1
3. Apologies/Leave of Absence	1
4. Declarations of conflict of interest	1
5. Confirmation of Minutes	3
COM.001/24 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 16 July 2024	3
6. Officers' reports	5
Consultation Matters	
PCC.017/24 Burchiers Road Special Charge Scheme, Kangaroo Ground - Hearing of submissions	5
7. Supplementary and urgent business	9
8. Confidential reports	9
9. Close of Meeting	9

Nillumbik Shire Council

**Agenda of the Planning and Consultation Committee Meeting to be held
Tuesday 13 August 2024 commencing at 7:00pm.**

1. Welcome by the Chair

Members of the public are advised the meeting will be livestreamed and recorded and the livestream recording will be made publicly available on YouTube and Council's website.

2. Acknowledgement of Country

The Acknowledgement of Country to be read by the Chairperson

Nillumbik Shire Council respectfully acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners of the Country on which Nillumbik is located, and we value the significance of the Wurundjeri people's history as essential to the unique character of the shire. We pay tribute to all First Nations People living in Nillumbik, give respect to Elders past, present and future, and extend that respect to all First Nations People.

We respect the enduring strength of the Wurundjeri Woi-wurrung and acknowledge the ongoing impacts of past trauma and injustices from colonial invasion, massacres and genocide committed against First Nations People. We acknowledge that sovereignty was never ceded.

Wurundjeri Woi-wurrung people hold a deep and ongoing connection to this place. We value the distinctive place of our First Nations People in both Nillumbik and Australia's identity; from their cultural heritage and care of the land and waterways, to their ongoing contributions in many fields including academia, agriculture, art, economics, law, sport and politics.

3. Apologies/Leave of Absence

Committee to note any apologies by Councillors not in attendance and or considers requests for any leave of absence submitted.

4. Declarations of conflict of interest

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

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5. Confirmation of Minutes


COM.001/24 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 16 July 2024

Confirmation of the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 16 July 2024.

Recommendation

That the Committee (acting under delegation from Council) confirms the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 16 July 2024 (**Attachment 1**).

Attachments

1. Minutes of the Planning and Consultation Committee Meeting held on  Tuesday 16 July 2024

5. Confirmation of Minutes

COM.001/24 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 16 July 2024

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6. Officers' reports

PCC.017/24 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Hearing of submissions

Item: Consultation Matter

Distribution: Public

Manager: Vince Lombardi, Chief Operating Officer

Author: Steven Blight, Manager Capital and Infrastructure

Summary

Council resolved on 25 June 2024 (CM.059/24) its intention to declare a Special Charge Scheme to seal Bouchiers Road, Kangaroo Ground.

Council's notice of its intention to declare a scheme was publicly advertised in the *Herald Sun* newspaper and on Council's website on 4 July 2024. A letter and notice of the declaration was sent to all property owners with a liability under the scheme. The closing date for submissions and/or objections was specified as 2 August 2024.




Council has received five submissions, including two in support of the scheme and three objections.

Recommendation

That the Committee (acting under delegation from Council):

1. Acknowledges and considers the five submissions received and any presentations to the Committee regarding the declaration of the Special Charge Scheme to seal Bouchiers Road, Kangaroo Ground.
2. Requests a further report to be presented at the 27 August 2024 Council Meeting to consider declaration of the Bouchiers Road Special Charge Scheme, Kangaroo Ground.
3. Resolves the confidential un-redacted copies of the written submissions to the Bouchiers Road Special Charge Scheme (**Attachment 3**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

Attachments

1.  Scheme area
2.  Cost apportionment
3. Submissions - Confidential and unredacted - *CONFIDENTIAL*
4.  Submissions - Redacted

Discussion

6. Consultation Matters

PCC.017/24 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Hearing of submissions

1. Consultation with property owners during the investigation and development of the design for sealing Bouchiers Road has included an initial and two formal questionnaires, and multiple information sessions and task group meetings.
2. The properties affected by the scheme area are shown in **Attachment 1**. The cost apportionment to adjoining property owners based on Council's 2018 special charge scheme policy is shown in **Attachment 2**.
3. Council resolved its intention to declare the Bouchiers Road Special Charge Scheme, Kangaroo Ground on 25 June 2024 (Item CM.059/24).
4. Council's notice of its intention to declare a scheme was publicly advertised in the *Herald Sun* newspaper and on Council's website on 4 July 2024. A letter and notice of the declaration was sent to all property owners with a liability under the scheme. The closing date for submissions and/or objections was specified as 2 August 2024.
5. The public notice and letter sent to the property owners of Council's intention to declare a scheme outlined the rights of any person to make a submission in accordance with Section 223 of the Act, and the rights of persons liable to pay the special charge to make an objection in accordance with Section 163B of the Act.
6. Five submissions were made to Council, including two submissions of support and three objections.
7. The submissions are attached as **Attachment 3** (confidential and un-redacted) and **Attachment 4** (redacted).

Related Council decisions

8. Council resolved on 26 October 2021 (CM.157/21), to proceed with development of a Special Charge Scheme for the sealing of Bouchiers Road, Kangaroo Ground.
9. Council resolved on 25 June 2024 (CM.059/24) to give public notice of its intention to declare a Special Charge Scheme in accordance with Part 8 of the *Local Government Act 1989*, for the consideration of Bouchiers Road Special Charge Scheme, Kangaroo Ground.

Options

10. This report recommends that a decision regarding the declaration of Bouchiers Road Special Charge Scheme, Kangaroo Ground be referred to the next Council Meeting on 27 August 2024.

Council plans and policies

11. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
 - We continue to deliver on our road management responsibilities; working to enhance infrastructure that aligns with the character of the neighbourhood.
12. The scheme is consistent with the policies and objectives of the Nillumbik Planning Scheme, including the protection of neighbourhood character and environment where appropriate.

6. Consultation Matters

PCC.017/24 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Hearing of submissions

Access, Equity and Inclusion

13. The project scope is limited to road sealing and drainage improvements.

Sustainability implications

14. Construction of the works will make use of recycled materials where appropriate and include environmental management practices.

15. The project includes drainage improvements to minimise the risk of flooding to local properties in the event of heavy rainfall.

Community engagement

16. Consultation was carried out in accordance with Council's Special Charge Schemes for Road and Drainage Works Policy and Guidelines (August 2018).

Innovation and continuous improvement

17. Not applicable.

Collaboration

18. Not applicable.

Budget considerations

19. All internal costs associated with the scheme's investigation and design are accounted within existing operational budgets.

20. Council is liable for \$57,252.15 of the total cost of the Scheme, which represents the contribution of a Crown Land property and Council owned property accessed via Bouchiers Road.

Relevant law

21. The 'Special Charge Scheme' and 'Rights of Submission' legislation under Parts 8 and 11 of the *Local Government Act 1989* (the Act).

Regional, state and national plans and policies

22. Not applicable.

Conflicts of interest

23. All officers involved in the preparation of this report have made a declaration that they do not have a conflict of interest in the subject matter for this report.

6. Consultation Matters

PCC.017/24 Bouchiers Road Special Charge Scheme, Kangaroo Ground - Hearing of submissions

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