

# Planning and Consultation Committee Meeting

to be held at the Council Chamber, 32 Civic Drive, Greensborough  
on Tuesday 8 April 2025 commencing at 7:00 PM.

## Agenda

**Carl Cowie**  
**Chief Executive Officer**

Thursday 3 April 2025

Distribution: Public

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# Council Chamber Planning and Consultation Committee Meeting seating plan

**Cr Kelly Joy**  
Edendale Ward

**Cr Naomi Joiner**  
Bunjil Ward  
**(Deputy Mayor)**

**Cr Grant  
Brooker**  
Blue Lake Ward  
**(Chairperson  
Consultation  
Matters)**

**Cr Kim Cope**  
Sugarloaf Ward

**Cr Kate McKay**  
Swipers Gully Ward

**Cr John Dumaresq  
(Mayor)**  
Wingrove Ward

**Katia Croce**  
Manager  
Governance and  
Property

**Blaga Naumoski**  
Director  
Governance,  
Communications  
and Community  
Safety

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

**Carl Cowie**  
Chief Executive  
Officer

**Nillumbik Shire Council**

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**Nillumbik Shire Council**

**Agenda of the Planning and Consultation Committee Meeting to be held  
Tuesday 8 April 2025 commencing at 7:00 PM.**

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**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.

Cr Naomi Joiner has requested a leave of absence for this Planning and Consultation Committee meeting.

**Recommendation**

**That** the Committee (acting under delegation from Council) grant Cr Naomi Joiner's leave of absence.

**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.001/25 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 11 March 2025**


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Confirmation of the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 11 March 2025.

**Recommendation**

**That** the Committee (acting under delegation from Council) confirms the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 11 March 2025 (**Attachment 1**).

**Attachments**

- 1  Minutes of the Planning and Consultation Committee Meeting held on Tuesday 11 March 2025

**5. Confirmation of Minutes**

**COM.001/25 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 11 March 2025**

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6. Officers' reports

PCC.002/25 Proposed sale of Council land at 311A Yan Yean Road, Plenty

**Item:** Planning Matter

**Distribution:** Public

**Manager:** Blaga Naumoski, Director Governance, Communications and Community Safety

**Author:** Natalie Campion, Coordinator Property

**Summary**

At its Council Meeting on 25 February 2025, Council endorsed to commence the statutory procedures in accordance with section 114 of the *Local Government Act 2020* (the Act), to give public notice and undertake a community engagement process in regard to the proposed sale of the land known as 311A Yan Yean Road, Plenty, being the land contained in Certificate of Title Volume 11371 Folio 358 and shown as Reserve 1 on Plan of Subdivision PS416599M on the plan in **Attachment 1 (Reserve)**, subject to terms outlined in this Report.

In accordance with the Act, Council also resolved to consider any submissions received on the proposed sale of the Reserve at a Planning and Consultation Committee Meeting following the conclusion of the community engagement period and prior to making any final decision on whether to proceed with the sale of the Reserve.

Community consultation occurred on the proposal to sell the Reserve between Friday 28 February to Friday 28 March 2025.

This report is to consider any submission received in respect of the proposed sale of the Reserve.

Council received no written submissions on the proposal to sell the Reserve known as 311A Yan Yean Road, Plenty.

**Recommendation**

**That** the Committee (acting under delegation from Council):

1. In accordance with section 114 of the *Local Government Act 1989* (the Act), notes that no written submissions were received in response to Council's public notice and community engagement process in regard to the proposed sale of the land known as 311A Yan Yean Road, Plenty, being the land contained in Certificate of Title Volume 11371 Folio 358 and shown as Reserve 1 on Plan of Subdivision PS416599M on the plan in **Attachment 1 (Reserve)**.

The Reserve is proposed to be sold by private treaty to the adjoining landowner of 311 Yan Yean Road, Plenty (**Adjoining Owner**) for the current market value of \$10,000 plus GST.

The proposed sale of the Reserve will be conditional on:

- a) Council removing the reserve status from the land under section 24A of the *Subdivision Act 1988*;
- b) the Adjoining Owner:



6. Consultation Matters

PCC.002/25 Proposed sale of Council land at 311A Yan Yean Road, Plenty

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- i) consolidating the Reserve with the balance of the land at 311 Yan Yean Road, Plenty; and
  - ii) constructing a new fence on the boundary of the Reserve and the adjoining road reserve, within 6 months after the Settlement Date; and
  - c) the Adjoining Owner paying all of Council's costs incurred in connection with the removal of the reserve status of the Reserve and the sale of land.
2. Requests a further report be presented to Council on 27 May 2025 to make a final decision on whether to proceed with the sale of the Reserve.

**Attachments**

- 1  Plan of Subdivision - 311A Yan Yean Road, Plenty
- 2  Plan of Land - Aerial View

**Discussion**

1. Council received a proposal from the owners of 311 Yan Yean Road, Plenty (Adjoining Owner), to purchase the adjoining Reserve, known as 311A Yan Yean Road, Plenty (Reserve). The owners are currently maintaining this area of Council land as it is concealed behind trees and the existing footpath, which was constructed as part of Stage 1 Yan Yean Road works.
2. Council can consider selling surplus minor parcels of land such as this by private treaty to the abutting landowners, if the land cannot be sold on the open market as an individual lot.
3. This land owned by Council is a Reserve No.1 on Plan of Subdivision 416599M for the use of Nillumbik Shire Council. The parcel of land is elongated irregular shaped site with an area of 221m<sup>2</sup> as shown in **Attachment 1 and 2**.
4. There are no easements within the Reserve, however the sale of land would not impact existing easements on the Plan of Subdivision.
5. The existing boundary alignment for 311 Yan Yean Road, Plenty does not align with adjoining properties to the north and south.
6. Council's surveyor believes this Reserve would have been required as a revenge strip (meaning a small parcel of land or reserve which has been created by a subdivision to stop access from one development to an adjacent development or road). In this case, it was likely created to prevent a secondary crossover when the two lot subdivision occurred for 311 Yan Yean Road, Plenty.
7. The Adjoining Owner currently accesses their property via 317A Yan Yean Road, Plenty. The title of 311 Yan Yean Road has a 173 agreement registered on title which includes vehicle access requirements currently via 317A Yan Yean Road.

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8. The site is in the Low Density Residential Zone and affected by the Bushfire Management Overlay, Development Contributions Plan Overlay – Schedule 4 and the Development Plan Overlay – Schedule 4. The minimum subdivision size is 4,000m<sup>2</sup>, so if the Reserve (221m<sup>2</sup>) is consolidated with 311 Yan Yean Road (4,541m<sup>2</sup>) the land would not be large enough to subdivide under the LDRZ.
9. The Development Plan Overlay 4 (DPO4) of which the site is affected identifies site access constraints off Yan Yean Road for this parcel of land.
10. As a requirement prior to the consideration of the sale of land, referral is made to the internal departments to determine if there is a strategic or operational need for the land to be retained in Council ownership. These needs may involve, for example, retention of the land for drainage easement, environmental purposes or public open space.
11. Following internal assessment of the Reserve, the Adjoining Owner was informed that Council can consider selling the land subject to complying with section 114 of the Act.
12. The Adjoining Owner has agreed to the conditions of sale as outlined above and for Council to proceed with the sale of land process.

**Related Council decisions**

13. Council resolved at the 25 February 2025 Council Meeting to commence the statutory procedures in accordance with section 114 of the *Local Government Act 2020* (the Act), to give public notice and undertake a community engagement process on the proposed sale of the Reserve; and consider any submissions following the conclusion of the community engagement period and prior to making any final decision on whether to proceed with the sale of the Reserve.

**Options**

14. The Planning and Consultation Committee notes that no written submissions have been received in response to the public notice and community engagement process on the proposed sale of the Reserve.
15. Officers will provide a further report to the 27 May 2025 Council Meeting for Council to consider and make a final decision on whether to proceed with the sale of the Reserve.

**Council plans and policies**

16. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
  - We continue to exercise sustainable and responsible financial management.

**Access, Equity and Inclusion**

17. Not applicable.

**Sustainability implications**

18. Native vegetation protection in the planning scheme does carry an exemption for the operation of fencing and therefore could result in some vegetation removal. It does however specify that any vegetation that is to be removed, destroyed or lopped is to the minimum extent necessary.

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**Community engagement**

19. The sale of Council land is subject to the requirements of Section 114 of the *Local Government Act 2020*, which requires Council before selling or exchanging the land, to give 4 weeks public notice of its intention to sell land on Council's website and undertake a community engagement process in accordance with Council's Community Engagement Policy.
20. A public notice was published on Council's website on Friday 28 February. Reference was also made to the public notice on Participate Nillumbik website.
21. Submissions were open for a four week period, between Friday 28 February to Friday 28 March 2025.
22. Letters were sent to the adjoining properties of the Reserve to be sold, notifying residents of the proposal and community engagement process.
23. Council will need to consider any public submissions received on the matter before making a final decision on whether to sell the Reserve or otherwise.

**Innovation and continuous improvement**

24. Not applicable.

**Collaboration**

25. The proposal was referred to the relevant internal business areas to establish if there is a strategic or operational need for the Reserve to be retained in Council ownership.
26. All areas including Environment, Strategic Planning, Traffic and Transport, Planning, Open Space and Infrastructure, advised that this Reserve has no operational or strategic need to be retained by Council, therefore could be considered for sale to the Adjoining Owner.

**Budget considerations**

27. Costs associated with selling this Reserve will be paid by the purchaser, in accordance with Council's sale of minor parcels of land fact sheet.
28. The Adjoining Owner has been provided with the estimated cost to purchase this Reserve from Council, before Council proceeds with the process under the Act. The Adjoining Owner has already reimbursed Council for the market valuation completed.
29. The Reserve has been valued at \$10,000 plus GST by Council's Valuer.
30. If sold, funds raised by the sale of public open space (POS) will be allocated to the Open Space Reserve and utilised to fund projects that are consistent with the requirements of section 20 and section 24A of the *Subdivision Act 1988*.

**Relevant law**

31. Section 20 and section 24A (8) of the Subdivision Act 1988 includes specific obligations on Council if it proposes to sell POS, including; replacement POS and applying proceeds from the sale to acquire or improving Council land for public purposes.
32. The procedures relating to the sale of Council land are governed by the requirements of the *Local Government Act 2020 (the Act)*.

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- 33. The Act requires Council to publicly advertise its intentions to sell land; undertake a community engagement process in accordance with its community engagement policy; and obtain from a suitably qualified person a valuation of the land which is made not more than 6 months prior to the sale or exchange.
- 34. Council is also obliged to adhere to the Local Government Best Practice Guidelines for the sale, exchange & transfer of land (Department Planning and Community Development - June 2009). These Guidelines refer to circumstances where it may be more appropriate to sell/exchange land by private treaty.

**Regional, state and national plans and policies**

- 35. Not applicable.

**Conflicts of interest**

- 36. 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 of this report.

**6. Consultation Matters**

**PCC.002/25 Proposed sale of Council land at 311A Yan Yean Road, Plenty**

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