

# 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.

## Attachments

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

Thursday 8 August 2024

Distribution: Public

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone 9433 3111  
Facsimile 9433 3777  
Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)  
Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

Nillumbik Shire Council

---

Attachments

---

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

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

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

Attachment 1 Scheme area ..... 23

Attachment 2 Cost apportionment ..... 25

Attachment 4 Submissions - Redacted..... 27

- COM.001/24 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 16 July 2024
- Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 16 July 2024

# Planning and Consultation Committee Meeting

held at the Council Chamber, 32 Civic Drive, Greensborough on Tuesday 16 July 2024 commencing at 7:01pm.

## Minutes

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

Friday 19 July 2024

Distribution: Public

Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone 9433 3111  
Facsimile 9433 3777  
Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)  
Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)



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

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

Planning and Consultation Committee Meeting Minutes

16 July 2024

## Nillumbik Shire Council

---

### Contents

---

<b>1. Welcome by the Chair</b>	<b>1</b>
<b>2. Acknowledgement of Country</b>	<b>1</b>
<b>3. Apologies/Leave of Absence</b>	<b>1</b>
<b>4. Declarations of conflict of interest</b>	<b>1</b>
<b>5. Confirmation of Minutes</b>	<b>2</b>
COM.001/24 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 11 June 2024	2
<b>6. Officers' reports</b>	<b>3</b>
<b>Planning Matters</b>	
PCC.011/24 Draft Housing Strategy 2024 - Hear from submitters and outcomes of engagement	3
PCC.012/24 Nillumbik Integrated Transport Strategy	7
PCC.013/24 Wattle Glen Public Realm Framework Outcomes of Engagement	9
<b>Consultation Matters</b>	
PCC.014/24 Naming proposal for Civic Drive Precinct (Park)	13
PCC.015/24 Draft Reconciliation Action Plan - submissions	15
PCC.016/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills	17
<b>7. Supplementary and urgent business</b>	<b>19</b>
<b>8. Confidential reports</b>	<b>19</b>
<b>9. Close of Meeting</b>	<b>19</b>



**Nillumbik Shire Council**

**Minutes of the Planning and Consultation Committee Meeting held Tuesday 16 July 2024. The meeting commenced at 7:01pm.**

---

**Councillors present:**

Cr Ben Ramcharan	Sugarloaf Ward ( <b>Mayor</b> )
Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward ( <b>Deputy Mayor</b> ) (Virtually)
Cr Natalie Duffy	Edendale Ward ( <b>Chairperson Consultation Matters</b> )
Cr Peter Perkins	Ellis Ward ( <b>Chairperson Planning Matters</b> )
Cr Frances Eyre	Swipers Gully Ward

**Officers in attendance:**

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Operating Officer
Bлага Naumoski	Director Governance, Communications and Community Safety
Corrienne Nichols	Director Communities
Jeremy Livingston	Director Culture and Performance
Leigh Northwood	Manager Strategic Planning and Environment
Tracey Varley	Manager Communications and Engagement
Ayman William	Coordinator Transport and Development
Katia Croce	Manager Governance and Property
Sarah Shehata	Senior Strategic Planner

---

**1. Welcome by the Chair**

**2. Acknowledgement of Country**

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

**3. Apologies/Leave of Absence**

An apology for this meeting was received from Cr Geoff Paine.

**Committee Resolution**

**MOVED:** Cr Frances Eyre

**SECONDED:** Cr Karen Egan

**That** the Committee (acting under delegation from Council) notes the apology from Cr Geoff Paine.

**CARRIED UNANIMOUSLY**

**4. Declarations of conflict of interest**

Nil.

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

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

**Planning and Consultation Committee Minutes**

**16 July 2024**

**5. Confirmation of Minutes**

**COM.001/24 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 11 June 2024**

---

Confirmation of the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 11 June 2024.

**Committee Resolution**

**MOVED: Cr Natalie Duffy**

**SECONDED: Cr Karen Egan**

**That** the Committee (acting under delegation from Council) confirms the Minutes of the Planning and Consultation Committee Meeting held on Tuesday 11 June 2024 (**Attachment 1**).

**CARRIED UNANIMOUSLY**

**6. Officers' reports**

**PCC.011/24 Draft Housing Strategy 2024 - Hear from submitters and outcomes of engagement**

---

**Item: Planning Matter**

**Distribution: Public**

**Manager: Renae Ahern, Acting Director Planning, Environment and Strategy**

**Author: Leigh Northwood, Manager Strategic Planning and Environment**

**Summary**

The development of both a new Housing Strategy and a new Neighbourhood Character Strategy are priority actions in the current Council Plan.

At its April meeting, the Planning and Consultation Committee (acting under delegation), resolved to commence public consultation on the draft Housing Strategy 2024 (draft Strategy).

The draft Strategy was exhibited between 22 April and 27 May 2024 and was supported by a number of communications and engagement activities including drop in sessions.

A total of 103 submissions were received, 91 via Participate Nillumbik (80 surveys and 11 written submissions), and 12 submissions outside of Participate Nillumbik.

Feedback demonstrates that there is support for the draft Strategy's priority areas and goals, with the strongest support being for the continued protection of Nillumbik's unique neighbourhood character and environment in supporting housing outcomes. This is consistent with previous consultation on the adopted Neighbourhood Character Strategy, highlighting the importance of progressing this housing strategy which works in tandem with the Neighbourhood Character Strategy to achieve positive housing outcomes for the community.

Feedback also evidences tensions and competing views amongst the community regarding housing, which is not unexpected given people have different aspirations for housing depending on (predominantly) where they are on their housing journey. Community sentiments highlight the desire for more diverse housing that supports downsizing and ageing in place however at the same time, it was clear that the community is concerned that more diverse housing (including affordable housing) would place pressure on our road infrastructure, services and neighbourhood character.

A Community Reference Group (CRG) was specifically convened to provide input into development of the draft Strategy and these broader tensions were also demonstrable in deliberation and discussions with that group. The CRG deliberated on complex matters such as changing household composition, demographic changes and the impacts of cost of living on housing. There was at times a stark difference in views, particularly about priorities.

On Sunday 16 June, the State government released its housing targets as part of development of a new 'Plan for Victoria', in advancing the State government's Housing Statement to deliver 2.24 million homes in Victoria by 2051 (800,000 in the next decade). The targets are at this stage in draft form, and all Victorian Councils have been advised that submissions will be open on Plan for Victoria (and housing targets) on the 1<sup>st</sup> of July with a deadline for submission of 30 August.

The housing targets (current figure and potentially final figure) have implications for our adopted strategies.

6. Planning Matters

PCC.011/24 Draft Housing Strategy 2024 - Hear from submitters and outcomes of engagement

---

Council will be preparing a submission to the State government's draft Plan for Victoria and housing targets for councils in identifying our unique planning settings, and the challenges that come with that in provision of housing as the Green Wedge Shire.

For all councils no matter where they are in progress of their strategies, or amendments to their planning schemes to implement strategies into them, they will need to re-visit their strategies to plan for the final housing targets.

Given Nillumbik Shire has just completed a round of community engagement on the first draft of the Housing Strategy, Council will finalise this phase of engagement on the draft Housing Strategy inviting and hearing verbal submissions to this Planning and Consultation Committee meeting.

Once Council understands the final housing targets, and works through accommodation of those targets which will require further analysis, the draft Housing Strategy can be updated and another draft can be put out for community consultation next year subject to Council endorsement. Absolute dates cannot be confirmed at the moment as we will need to await the final housing targets from the State government (tentatively end of 2024 has been advised).

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

- 1 *Darren Zilic*
- 2 *Stuart Donald on behalf of Arthur Korfiatis and himself*
- 3 *Roma O'Callaghan on behalf of Julie Barrington*
- 4 *Roma O'Callaghan*
- 5 *Anne Nielsen on behalf of Kathy Armour*
- 6 *Anne Nielsen*
- 7 *Luke Davies*
- 8 *Don Vincent (President) on behalf of Friends of Nillumbik*
- 9 *Carlota Quinlan on behalf of Eltham Community Action Group*
- 10 *Carlota Quinlan*
- 11 *Sue Dyet*
- 12 *Andrew Lemon (Chair) on behalf of Downsizing in Nillumbik*
- 13 *Andrew Lemon*
- 14 *Graham Fildes*
- 15 *Jim Connor (President) on behalf of Eltham District Historical Society*
- 16 *A submission was tabled for Rosemary Aitken*

6. Planning Matters

PCC.011/24 Draft Housing Strategy 2024 - Hear from submitters and outcomes of engagement

---

**Recommendation**

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

1. Notes the community responses and feedback to the draft Housing Strategy 2024 (written and verbal).
2. Resolves that the confidential un-redacted copies of submissions to engagement on the draft Housing Strategy, as provided in **Attachment 3**, remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
3. Notes officers will bring a submission to a draft *Plan for Victoria* and housing targets to the August Council meeting for consideration of adoption to submit to State government by the 31<sup>st</sup> August submission deadline.
4. Makes copies of **Attachment 1** Draft Housing Strategy 2024 Outcomes of Community Engagement Report and **Attachment 4** Draft Housing Strategy 2024 Community Reference Group Outcomes Report\_WSP available on Participate Nillumbik.
5. Writes to all respondents to the community engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution and the next scheduled steps in the project.

**Motion**

**MOVED: Cr Natalie Duffy**

**SECONDED: Cr Ben Ramcharan**

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

1. Notes the community responses and feedback to the draft Housing Strategy 2024 (written and verbal).
2. Resolves that the confidential un-redacted copies of submissions to engagement on the draft Housing Strategy, as provided in **Attachment 3**, remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
3. Notes officers will bring a submission to a draft *Plan for Victoria* and housing targets to the August Council meeting for consideration of adoption to submit to State government by the 31<sup>st</sup> August submission deadline.
4. Makes copies of **Attachment 1** Draft Housing Strategy 2024 Outcomes of Community Engagement Report and **Attachment 4** Draft Housing Strategy 2024 Community Reference Group Outcomes Report\_WSP available on Participate Nillumbik.
5. Writes to all respondents to the community engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution and the next scheduled steps in the project.

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

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

Planning and Consultation Committee Minutes

16 July 2024

6. Planning Matters

PCC.011/24 Draft Housing Strategy 2024 - Hear from submitters and outcomes of engagement

- 
6. Notes the draft Housing Strategy will remain on hold pending the release of the Victorian State government's final housing targets, programmed for release in late 2024.

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

**Committee Resolution**

**MOVED:** Cr Natalie Duffy

**SECONDED:** Cr Ben Ramcharan

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

1. Notes the community responses and feedback to the draft Housing Strategy 2024 (written and verbal).
2. Resolves that the confidential un-redacted copies of submissions to engagement on the draft Housing Strategy, as provided in **Attachment 3**, remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
3. Notes officers will bring a submission to a draft *Plan for Victoria* and housing targets to the August Council meeting for consideration of adoption to submit to State government by the 31<sup>st</sup> August submission deadline.
4. Makes copies of **Attachment 1** Draft Housing Strategy 2024 Outcomes of Community Engagement Report and **Attachment 4** Draft Housing Strategy 2024 Community Reference Group Outcomes Report\_WSP available on Participate Nillumbik.
5. Writes to all respondents to the community engagement to express Council's gratitude for their contribution and to advise them of the Council's resolution and the next scheduled steps in the project.
6. Notes the draft Housing Strategy will remain on hold pending the release of the Victorian State government's final housing targets, programmed for release in late 2024.

**CARRIED**

For: Crs Natalie Duffy, Karen Egan, Frances Eyre, Peter Perkins and Ben Ramcharan

Against: Cr Richard Stockman

*Cr Karen Egan temporarily left the meeting during discussion of this item at 8:20pm and returned at 8:22pm.*

*Cr Karen Egan temporarily left the meeting during discussion of this item at 8:43pm and returned at 8:45pm.*

6. Officers' reports

PCC.012/24 Nillumbik Integrated Transport Strategy

---

**Item:** Planning Matter

**Distribution:** Public

**Manager:** Renae Ahern, Acting Director Planning, Environment and Strategy

**Author:** Ayman William, Coordinator Transport and Development

**Summary**

The development of a new Integrated Transport Strategy is a key action in the Council Plan.

At its meeting of 12 December 2023, Council resolved to commence public consultation to develop a new Integrated Transport Strategy (ITS) in 2024. An initial Integrated Transport Strategy Issues and Option Paper (**Attachment 1**) was developed for community consultation which highlights at a high level, the Strategy objectives Council proposes to guide the development of the final Integrated Transport Strategy.

Community consultation was undertaken for a total of six weeks from 15 April 2024 to 27 May 2024. Additional stakeholder engagement, internal workshops and workshops with other government agencies have occurred outside of this period.

The community consultation was conducted via the *Participate Nillumbik* webpage and provided comprehensive information, including a link to the Issues and Options Paper, an interactive/social map, key points, and a survey questionnaire designed to encourage and facilitate community feedback and submissions. Additional information was available at Council's Customer Service Centre. Community consultation also included a series of face-to-face 'pop-up' consultations, as well as online and in-person presentations and meetings with various stakeholders and community groups.

In total, Council received a total of 246 submissions, including 163 issues/opportunities highlighted on the social maps and 83 submissions to the written survey. It is also noted that there were over 1000 visits to the Integrated Transport Strategy consultation page via Participate Nillumbik.

The community feedback has resulted in the identification of a number of themes that will inform the final draft of the Nillumbik Integrated Transport Strategy and associated short, medium and long term actions Action Plan, to be presented at a later Councillor briefing session.

The key themes raised by the community consultation include Road Safety, Pedestrian crossings, missing active travel links, lack of bus networks and footpath amenity concerns.

Given Nillumbik Shire has just completed a round of community engagement on the Integrated Transport Strategy Issues and Options paper to assist the development of the Integrated Transport Strategy, Council will finalise this phase of engagement on the Integrated Transport Strategy Issues and Options Paper inviting and hearing verbal submissions to this Planning and Consultation Committee meeting.

Once officers have analysed any additional feedback received at this Planning and Consultation Committee meeting, the draft Integrated Transport Strategy can be updated and presented to Council for consideration for endorsement at the August 2024 Council Meeting.

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

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

Planning and Consultation Committee Minutes

16 July 2024

6. Planning Matters

PCC.012/24 Nillumbik Integrated Transport Strategy

---

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

- 1 Rosie Morgan
- 2 Alexander Jamieson

**Committee Resolution**

**MOVED: Cr Ben Ramcharan**

**SECONDED: Cr Natalie Duffy**

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

1. Acknowledges and considers the matters contained in the verbal and written submissions to the Integrated Transport Strategy Issues and Options Paper, which will inform the draft Integrated Transport Strategy.
2. Requests a further report be presented at the August 2024 Council meeting in consideration of adoption of the Integrated Transport Strategy.
3. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the Integrated Transport Strategy Issues and Options Paper consultation (at **Attachment 3**) and the confidential un-redacted Integrated Transport Strategy Issues and Options Paper Consultation Summary 2024 (**Attachment 5**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Thanks all respondents to this community engagement and expresses Council's gratitude for their contribution to this project.

**CARRIED UNANIMOUSLY**

*Cr Frances Eyre temporarily left the meeting during discussion of this item at 8:47pm and returned at 8:49pm.*

*Katia Croce Manager Governance and Property temporarily left the meeting during discussion of this item at 8:55pm and returned at 8:57pm.*

*Corrienne Nichols Director Communities temporarily left the meeting during discussion of this item at 9:03pm and returned at 9:05pm.*



**6. Officers' reports**

**PCC.013/24 Wattle Glen Public Realm Framework Outcomes of Engagement**

---

**Item: Planning Matter**

**Distribution: Public**

**Manager: Renae Ahern, Acting Director Planning, Environment and Strategy**

**Author: Leigh Northwood, Manager Strategic Planning and Environment**

**Summary**

The Wattle Glen Public Realm Framework project is a priority action of the Place and Space theme of the Council Plan 2021-2025.

At its May Council Meeting, Council endorsed the Draft Wattle Glen Public Realm Framework for exhibition, for three weeks during May and June 2024.

Engagement ran from the 29<sup>th</sup> May to 18<sup>th</sup> June, and was supported by a number of communications and engagement activities, including notifications and invitations to attend community information sessions to land owners and occupiers within Wattle Glen and to all submitters to the project's first round of engagement (2021). Social media posts, a Participate Nillumbik project webpage with relevant documents and survey, and two face-to-face community information sessions were held at the Wattle Glen Primary School on the evenings of the 6<sup>th</sup> and the 11<sup>th</sup> of June, which enabled the community to engage with officers and ask questions. In total 50 interested community members attended these sessions.

In total 127 submissions were received to this recent consultation including 120 survey submissions, and seven written submissions.

Involvement and in-principle support for the draft Framework was provided by the Department of Transport and Planning (DTP) with a specific requirement that the draft Framework could not identify any specific solutions to arterial road reserve land and assets as yet, as there has been no technical exploration or validation of any solutions, nor is there currently any budgetary support within the Department of Transport and Planning and VicTrack for the development of solutions. There is only an in-principle support from the Department of Transport and Planning that something needs to be done, and the Department of Transport and Planning will partner with Council to advance those objectives.

In broader terms, the Department of Transport and Planning's support for the draft Framework will assist on-going collaboration with VicTrack regarding key initiatives concerning rail land and assets. Together, these arterial road and rail initiatives will serve as catalysts for broader integrated public realm improvements in Wattle Glen – essential to the overall safety and connectivity, whilst retaining Wattle Glen's unique rural character.

On adoption of the Framework, a framework implementation plan would be developed by officers which would outline the timeline and stages for the implementation of the Framework, including progressing funding and design of key improvements to State infrastructure, future community engagement on developing designs to allow for iterative feedback by the community, and the identification of any opportunities for advancement of work that may be facilitated through recent grant funding awarded to Council.

The final Wattle Glen Public Realm Framework will be presented to the August Council meeting for consideration of endorsement.

6. Planning Matters

PCC.013/24 Wattle Glen Public Realm Framework Outcomes of Engagement

---

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

- 1 Neale Woods on behalf of Wattle Glen Tennis Club
  - 2 Anika Van Hulsen
  - 3 Sue Rosenhain
- Virtually*
- 4 Lindsay Donahoo

**Recommendation**

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

1. Acknowledges and considers the matters contained in the verbal and written submissions to the draft Wattle Glen Public Realm Framework (**Attachment 1**).
2. Requests a further report to be presented at the August 2024 Council meeting in consideration of adoption of the final Wattle Glen Public Realm Framework.
3. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the Draft Wattle Glen Public Realm Framework consultation (at **Attachments 2, 4 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Thanks all respondents to this community engagement and expresses Council's gratitude for their contribution to this project.

**Motion**

**MOVED:** Cr Karen Egan  
**SECONDED:** Cr Natalie Duffy

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

1. Acknowledges and considers the matters contained in the verbal and written submissions to the draft Wattle Glen Public Realm Framework (**Attachment 1**).
2. Requests a further report to be presented at the August 2024 Council meeting in consideration of adoption of the final Wattle Glen Public Realm Framework.
3. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the Draft Wattle Glen Public Realm Framework consultation (at **Attachments 2, 4 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Thanks all respondents to this community engagement and expresses Council's gratitude for their contribution to this project.

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

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

Planning and Consultation Committee Minutes

16 July 2024

6. Planning Matters

PCC.013/24 Wattle Glen Public Realm Framework Outcomes of Engagement

- 
5. Notes the level of detail identified in the Wattle Glen Public Realm Framework is high level and strategic to enable partnership with State agencies on their assets identified in the Framework. Further detailed plans will be developed in consultation with the community for future individual projects leading on from an adopted Framework Plan.

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

**Committee Resolution**

**MOVED:** Cr Karen Egan

**SECONDED:** Cr Natalie Duffy

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

1. Acknowledges and considers the matters contained in the verbal and written submissions to the draft Wattle Glen Public Realm Framework (**Attachment 1**).
2. Requests a further report to be presented at the August 2024 Council meeting in consideration of adoption of the final Wattle Glen Public Realm Framework.
3. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the Draft Wattle Glen Public Realm Framework consultation (at **Attachments 2, 4 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.
4. Thanks all respondents to this community engagement and expresses Council's gratitude for their contribution to this project.
5. Notes the level of detail identified in the Wattle Glen Public Realm Framework is high level and strategic to enable partnership with State agencies on their assets identified in the Framework. Further detailed plans will be developed in consultation with the community for future individual projects leading on from an adopted Framework Plan.

**CARRIED UNANIMOUSLY**

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

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

**Planning and Consultation Committee Minutes**

**16 July 2024**

**6. Planning Matters**

**PCC.013/24 Wattle Glen Public Realm Framework Outcomes of Engagement**

---

THIS PAGE WAS LEFT INTENTIONALLY BLANK

6. Officers' reports

*Cr Natalie Duffy, Chairperson for Consultation Matters assumed the Chair at 9:54pm.*

**PCC.014/24 Naming proposal for Civic Drive Precinct (Park)**

---

**Item: Consultation Matter**

**Distribution: Public**

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

**Author: Natalie Campion, Coordinator Property**

**Summary**

At its Council Meeting on 30 April 2024, Council endorsed the commencement of the public consultation process on the following naming proposals as required under Section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council's Community Engagement Policy:

- a) The entire Civic Drive Precinct (Park) to be named 'Kirrip Park';
- b) The Building within the Civic Drive Precinct (Park) area to be named 'Kirrip Pavilion';
- c) The Outdoor Performance Area within the Civic Drive Precinct (Park) area to be named 'Kirrip Outdoor Performance Space';
- d) The Playground within the Civic Drive Precinct (Park) area to be named 'Kirrip Playspace'; and
- e) The Exercise / Flat Open Space Area within the Civic Drive Precinct (Park) area to be named 'Kirrip Recreation Space'.

Community consultation occurred on the above name proposals between 3 May 2024 to 2 June 2024.

204 submissions were received via Participate Nillumbik, four written submissions and one submission from Apollo Parkways Primary School with feedback from 32 children. All submissions are included in **Attachment 2 (redacted)** and **Attachment 3 (unredacted)**.

This report provides a summary of the feedback received from the community consultation process in response to the proposed naming of Civic Drive Precinct (Park) and other areas in the Park.

Submitters have been invited to attend this meeting of the Planning and Consultation Committee to speak to their submission.

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

1 Svetlana Ryzhikh

2 Grant Brooker

6. Consultation Matters

PCC.014/24 Naming proposal for Civic Drive Precinct (Park)

---

**Committee Resolution**

**MOVED:** Cr Peter Perkins

**SECONDED:** Cr Karen Egan

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

1. Acknowledges and notes the submissions received on the following naming proposals as required under Section 7 of the Naming Rules for Places in Victoria – 2022 (Naming Rules) and Council’s Community Engagement Policy:
  - a) The entire Civic Drive Precinct (Park) to be named ‘Kirrip Park’;
  - b) The Building within the Civic Drive Precinct (Park) area to be named ‘Kirrip Pavilion’;
  - c) The Outdoor Performance Area within the Civic Drive Precinct (Park) area to be named ‘Kirrip Outdoor Performance Space’;
  - d) The Playground within the Civic Drive Precinct (Park) area to be named ‘Kirrip Playspace’; and
  - e) The Exercise / Flat Open Space Area within the Civic Drive Precinct (Park) to be named ‘Kirrip Recreation Space’  
as shown in **Attachment 1**.
2. Acknowledges and notes the submissions received from the community in **Attachment 2 and Attachment 3** and any verbal presentations made to the Committee on the naming proposal for Civic Drive Precinct and other assets in the Park.
3. Requests a further report be presented to Council on 27 August 2024 Council meeting to consider naming Civic Drive Precinct ‘Kirrip Park’ and the other areas within the park.
4. Thanks submitters for providing Council with feedback on the naming proposal.
5. Resolves the confidential un-redacted copy of the written submissions to the naming proposal (**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*.

**CARRIED UNANIMOUSLY**

6. Officers' reports

PCC.015/24 Draft Reconciliation Action Plan - submissions

---

Item: Consultation Matter

Distribution: Public

Manager: Corrienne Nichols, Director Communities

Author: Nichole Johnson, Manager Community Partnerships

**Summary**

This report notes the public submissions received from the community regarding the Draft Reconciliation Action Plan (*the draft RAP*) (**Attachment 1**).

The draft RAP was released for the purpose of public consultation at the Council meeting on 30 May 2024. Public consultation was undertaken from the 2 – 26 May 2024, seeking feedback on the draft RAP and RAP Vision Statement (**Attachment 1**).

The findings from this consultation are presented in the Community Engagement Findings Report (**Attachment 2**). Sixteen formal submissions were received on the draft RAP along with one email response. These are provided in the Public Submissions Report (**Attachment 3**) and in the confidential Un-redacted Public Submissions Report (**Attachment 4**).

An artwork titled Kulin Nation Dreaming (**Attachment 5**) created by Kinya Lerrk Kulin Nation Artists Emma Bamblett and Megan Van Den Berg will be the final designed version of the RAP. This artwork has been approved for use by Wurundjeri Elders.

**Committee Resolution**

**MOVED:** Cr Frances Eyre

**SECONDED:** Cr Ben Ramcharan

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

1. Acknowledges and notes the submissions received on the draft RAP presented in the Community Engagement Findings Report (**Attachment 2**) and in the Public Submissions Report (**Attachment 3**).
2. Resolves that the confidential un-redacted public submissions on the Draft RAP (**Attachment 4**) remains confidential in accordance with section 3(1) of the *Local Government Act 2020*.
3. Acknowledges any presentations to the Committee.
4. Considers the matters contained in the submissions and this report during finalisation of the Draft RAP.
5. Requests a further report to be presented at the 27 August 2024 Council Meeting to adopt the final version of the Reconciliation Action Plan for submission to Reconciliation Australia.
6. Thanks the submitters for providing Council with feedback on this important document.

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

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

Planning and Consultation Committee Minutes

16 July 2024

**6. Consultation Matters**

**PCC.015/24 Draft Reconciliation Action Plan - submissions**

---

7. Notes the artwork (**Attachment 5**) that will be incorporated into the final designed version of the RAP.

**CARRIED UNANIMOUSLY**

**Committee Resolution**

**MOVED: Cr Frances Eyre**

**SECONDED: Cr Peter Perkins**

**That** the Committee (acting under delegation from Council) resolves to continue the meeting after 10.30pm.

**CARRIED UNANIMOUSLY**

Note: The continuance of the council meeting resolution occurred during discussions of the above council resolution at 10.24pm.



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

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

Planning and Consultation Committee Minutes

16 July 2024

6. Officers' reports

PCC.016/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills

---

Item: Consultation Matter

Distribution: Public

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

Author: Natalie Campion, Coordinator Property

**Summary**

At the Council meeting on 30 April 2024, Council considered Melbourne Water Corporations (MWC) request to complete a road deviation for part of Simpsons Road and Ridge Road in Christmas Hills so that the titles are consistent with the location of Simpson Road and Ridge Road as constructed, refer to **Attachment 1** and **Attachment 2**.

Council resolved to give public notice of the proposed Road Deviation pursuant to section 207A and 223 of the 1989 Act on 20 May 2024, inviting submissions in accordance with section 223 of the 1989 Act. Submissions closed on 16 June 2024.

This report is to consider any submissions received in respect of the proposed Road Deviation and Land Transfer of part of Ridge Road and Simpson Road, Christmas Hills (Road).

Council received no written submissions on the proposed road deviation.

**Committee Resolution**

**MOVED:** Cr Ben Ramcharan

**SECONDED:** Cr Karen Egan

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

1. acknowledges and notes that no written submissions have been received in respect of the proposed road deviation of part of Simpson Road and Ridge Road, Christmas Hills and subsequent transfer of the former road to Melbourne Water Corporation as shown on the plan contained in **Attachment 3** to this report.
2. receives a further report at the 27 August 2024 Council Meeting following the completion of the procedures required under clause 2 of Schedule 10 and 207A and 223 of the *Local Government Act 1989*, prior to making a final decision on whether to proceed with the proposed road deviation and land transfers to Melbourne Water Corporation (MWC).

**CARRIED UNANIMOUSLY**

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

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

**Planning and Consultation Committee Minutes**

**16 July 2024**

**6. Consultation Matters**

**PCC.016/24 Proposed Road Deviation - Part of Simpson Road and Ridge Road, Christmas Hills**

---

THIS PAGE WAS LEFT INTENTIONALLY BLANK

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

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

**Planning and Consultation Committee Meeting Minutes**

**16 July 2024**

**7. Supplementary and urgent business**

Nil.

**8. Confidential reports**

Nil.

**9. Close of Meeting**

The meeting closed at 10.30pm.

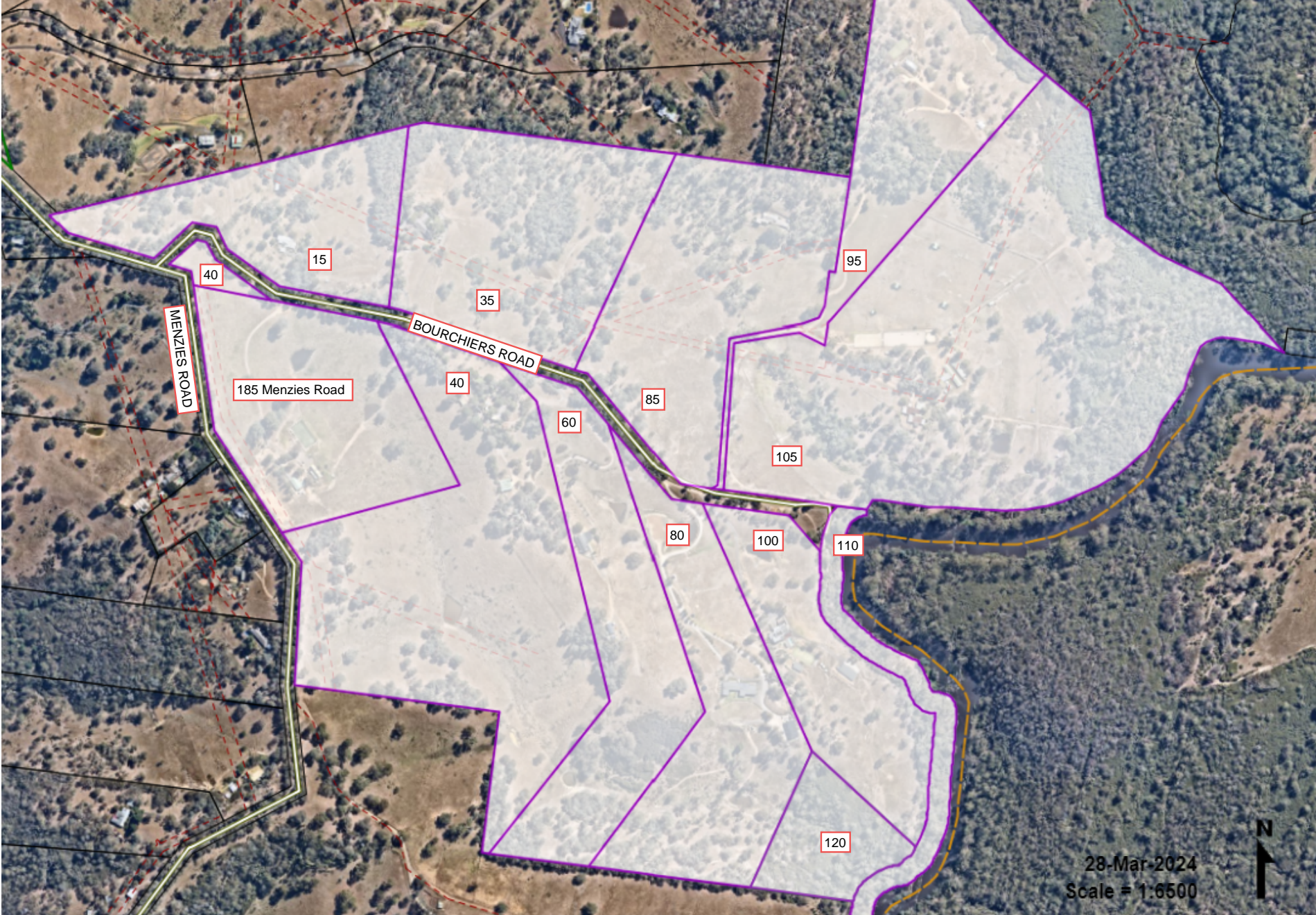
Confirmed:

\_\_\_\_\_

Cr Peter Perkins Chairperson Planning Matters

**COM.001/24 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 16 July 2024**  
**Attachment 1. Minutes of the Planning and Consultation Committee Meeting held on Tuesday 16 July 2024**

THIS PAGE WAS LEFT INTENTIONALLY BLANK



THIS PAGE WAS LEFT INTENTIONALLY BLANK



**APPORTIONMENT - BOURCHIERS ROAD SPECIAL CHARGE SCHEME, KANGAROO GROUND**

Property Address	Frontage	Sideage/ Rearage	Abuttal Unit	Abuttal Cost	Access Benefit Unit	Access Benefit Cost	Total Cost
20 Bouchiers Road	153.13	0.00	153.13	\$7,606.93	1.00	\$26,875.00	\$34,481.93
40 Bouchiers Road	376.83	0.00	376.83	\$18,719.14	1.00	\$26,875.00	\$45,594.14
60 Bouchiers Road	183.00	0.00	183.00	\$9,090.69	1.00	\$26,875.00	\$35,965.69
80 Bouchiers Road	183.00	0.00	183.00	\$9,090.69	1.00	\$26,875.00	\$35,965.69
100 Bouchiers Road	134.00	0.00	134.00	\$6,656.57	1.00	\$26,875.00	\$33,531.57
110 Bouchiers Road	70.50	0.00	70.50	\$3,502.15	1.00	\$26,875.00	\$30,377.15
120 Bouchiers Road	0.00	0.00	0.00	\$0.00	1.00	\$26,875.00	\$26,875.00
15 Bouchiers Road	390.89	0.00	390.89	\$19,417.82	1.00	\$26,875.00	\$46,292.82
35 Bouchiers Road	279.70	0.00	279.70	\$13,894.35	1.00	\$26,875.00	\$40,769.35
85 Bouchiers Road	267.98	0.00	267.98	\$13,312.15	1.00	\$26,875.00	\$40,187.15
95 Bouchiers Road	15.00	0.00	15.00	\$745.14	1.00	\$26,875.00	\$27,620.14
105 Bouchiers Road	110.00	0.00	110.00	\$5,464.35	1.00	\$26,875.00	\$32,339.35
			<b>2164.03</b>		<b>12.00</b>		<b>\$430,000.00</b>

TOTAL SCHEME COST	\$430,000.00
<b>COUNCIL CONTRIBUTION</b>	<b>\$57,252.15</b>
AMOUNT TO BE LEVIED	\$372,747.85

ABUTTAL RATE PER METER	\$49.68
BENEFIT RATE PER UNIT	\$26,875.00

ABUTTAL PERCENTAGE	25%
ACCESS BENEFIT PERCENTAGE	75%

TOTAL ABUTTAL COST	\$107,500.00
TOTAL ACCESS BENEFIT COST	\$322,500.00

THIS PAGE WAS LEFT INTENTIONALLY BLANK



[Redacted]

---

**From:** [Redacted]  
**Sent:** Saturday, 20 July 2024 5:02 PM  
**To:** Nillumbik  
**Subject:** Proposed works at Burchiers Rd, Kangaroo Ground

Dear Mr Cowie

I support the proposed works at Burchiers Road, Kangaroo Ground.

I am informed that the works include: sealing the road, construction of several passing points and improvements to two blind corners along the road. In my view, these improvements will increase the utility of Burchiers Road as an access point for firefighting appliances to refill from the Yarra river.

I am not aware whether the view of the Country Fire Authority itself has officially been requested and this email should not be taken to reflect that view.

Regards

[Redacted]

[Redacted]



**Nillumbik Pro Active Landowners (PALS)**

SUBMISSION ON SPECIAL CHARGE SCHEME

---

*Bourchiers Road, Kangaroo Ground*  
Submission in Support

1 August 2024

**Attention:**  
**Chief Executive Officer**  
**Nillumbik Shire Council**  
**BY EMAIL: [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)**  
**1 August 2024**

## **Nillumbik Pro Active Landowners (PALS)**

### **SUBMISSION ON SPECIAL CHARGE SCHEME** ***Burchiers Road, Kangaroo Ground*** ***Submission in Support***

#### **BACKGROUND INFORMATION**

**Nillumbik Pro Active Landowners (“PALS”)** is a group of approximately 2,000 landowners, residents and ratepayers, the majority of which live in the peri urban and rural parts of the Nillumbik Shire. It is comprised of well intentioned, not politically aligned landowners from all walks of life, with a diverse range of skill sets and talent. As a result of PALS legal (and electoral) actions, the group has since been tasked with representing its constituents on a range of issues considered of vital importance to their lives, families, properties and interests.

Since 2016, PALS have been in discussions with various landowners in Burchiers Road and the surrounding area. Representations have also been received from landowners and residents across the Shire in relation to the issues in and around Burchiers Road.

On 1 March 2018, PALS Working Group resolved unanimously to formally support the landowners of Burchiers Road in their representations to Nillumbik Shire Council (NSC) in relation to the extension of the temporary road closure and associated works in and around Burchiers Road Kangaroo Ground. PALS made formal presentations to NSC as well as holding direct and extensive discussions with then NSC CEO, [REDACTED] which included productive discussions in relation to NSC contributing to upgrading (and in particular) and sealing Burchiers Road.

#### **SUPPORT OF SPECIAL CHARGE SCHEME FOR BOURCHIER ROAD WORKS**

The purpose of this document is to provide PALS support to the majority of Burchiers Road residents and ratepayers who are wanting the long awaiting works to be commenced and completed as soon as possible. It is included so that NSC understands and appreciates the extensive support of those landowners and residents supporting the recent NSC resolution of 25 June 2024, with the understanding that 60% support in favour is in line with NSC’s relevant policy. It is also intended to provide NSC and landowners with the confidence that a large cohort of NSC landowners are determined to have this matter finalised.

Commencing in early 2017 and following detailed representations from Residents, consultation was undertaken between the Residents and NSC in relation to the issues associated with Burchiers Road (BR) and the area surrounding the Yarra River (“River”) at the end of BR. Following this period of consultation, NSC approved the temporary installation of a locked gate which restricted vehicular access to BR to Residents, their visitors and other authorised vehicles. PALS involvement in that initiative was significant and contributed to the rapid action by NSC given the seriousness of the well known issues. At the time, NSC’s stated objective was to install the gate on a temporary basis to assess

its impact on reducing the anti- social, lewd and illegal behaviour (“Behaviour”) which represented both a risk to Residents’ and the general public’s safety. In conjunction with the installation of the gate, NSC undertook to improve and make safe the public land along the River (30m at the end of BR and 2.5h reserves), remove weeds (blackberry, bracken, burgan etc) and develop short/long term plans to address the issues. It was agreed the Residents would be fully consulted, kept informed and engaged in any key decisions.

Since that time, discussions have been ongoing which have resulted in the current proposed Special Charge Scheme. PALs support for this initiative is based on the detailed feedback it has received over time from residents in the immediate area (including most of the current landowners and BR residents) as well as many from throughout the local community who are active PALs constituents.

Examples of the feedback which PALs is able to report is below

- Residents have reported a high level of relief and a feeling of “not being prisoners in our own home” when significant changes were apparent in the level of anti-social elements BR and River visitation.
- Residents have reported that they have been visiting the River for the first time in many years without the threat of being confronted as frequently as had been the case before PALs involvement in advocating to NSC.
- Most residents are of the view that with the proposed works done BR would be a much safer and more pleasant place to live, reflective of what should be expected living in an area like Kangaroo Ground.
- There is strong evidence that traffic volumes have increased in recent years and this is a strong point for advocating in favour of the current upgrade proposal and Special Charge Scheme.
- The gate’s installation in 2017/8 and the associated issues galvanized the Residents and created a greater sense of community as they have banded together to support each other, their support being significantly amplified by PALs.
- The Residents appreciate NSC’s (and related authorities) active consultation to develop long-term solutions for BR and look forward to an upgraded and sealed BR being open to the community to enjoy the amenity of such a beautiful place. With strong PALs support, residents remain happy and willing to work cooperatively with NSC and related Authorities to see this initiative to completion.
- PALs are serious about addressing issues across the Shire, not just at BR but the issues at BR have been such a longterm blight that this submission in support was deemed urgent.
- PALs encourages NSC to review all similar public spaces in Nillumbik as there is no place for anti-social and lewd behaviour such as has been the case over years in BR.
- PALs also encourages NSC to announce that in partnership with the residents and following extensive consultation, BR upgrade works are to be undertaken, jointly funded.

PALs commends this submission in support of the BR landowners and residents [REDACTED]  
[REDACTED] Kangaroo Ground.

If NSC would like further discussions please contact the writer via email or telephone:  
[REDACTED]@crockgroup.com.au or [REDACTED]

[REDACTED]  
[REDACTED]  
**Working Group**  
**Nillumbik PALs**  
**1 August 2024**

[REDACTED]  
[REDACTED]  
Kangaroo Ground 3097

1 August, 2024

Chief Executive Officer,  
Nillumbik Shire Council,  
[nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

Objection to Special Charge Scheme Bouchiers Road

We, [REDACTED] Bouchiers Rd Kangaroo Ground are opposed to the Special Charge Scheme intended for the sealing of Bouchiers Rd.

In its current form we consider the Proposal to have been badly under scoped and unfairly evaluated. Consequently, it is deeply flawed. We consider the Proposal should be abandoned and reconsidered only after all relevant issues have been fairly addressed.

It does not address the problems in three important areas. These include the engineering of the road, including the traffic and safety of the road, the environmental consequences, and the in-equitability of the costing.

The current engineering is under scoped because it does not consider:

1. The effect that road sealing of Burchiers will have in relation to speeding and unsafe driving. Increased speed and dangerous driving can already be seen on other roads in the vicinity such as Menzies Rd.
2. Three very sharp corners require re-engineering because they are blind, narrow, dangerous and one is steep.
3. The narrowness of the road in several places is dangerous. This is fraught with risk for visitors, emergency vehicles, fire trucks and the like.
4. The existence and maintenance of an unsealed road is consistent with the character of our Green Wedge environment. Indeed, where dust is concerned, we have recently learned that there is a polymer dust suppressant road surfacing process which negates the need for bitumen sealing. This should surely be investigated.

Traffic will increase and safety will be compromised:

5. Large numbers of visitors visit the iconic bend in the Yarra River and if the road is sealed these numbers will increase. To assert, as Council has (Special Rate and Special Charge Policy, June 2024) that, “All traffic using these roads will be assumed to be local traffic” is plainly ridiculous. Council has responsibility for the Recreation Reserve at the lower end of Burchiers Rd. It has erected Parking Restriction notices and created a Disabled Parking area. The intended turning area planned by Council at the lower end of Burchiers Rd is in no way the responsibility of the residents. It has nothing to do with the residents – it is for visitors. It is obvious that Council expects extensive public use of this area.
6. In addition, there are no amenities for numbers of people. None of these considerations seem to have been adequately assessed. Council cannot assume that sealing the road will not cause

increased traffic with the associated parking, safety, and facility problems.

In-equitability of Costing:

7. Council has applied a Model which, in short, provides for a base cost affecting residents equally after which individual costs are increased by a factor derived from road frontage. We regard the resultant cost apportionment as extremely unfair in two ways. Some property addresses are costed at a much lower rate such as 105, 100, 80, 60. In addition this modelling results in Council not bearing its fair share of overall financial responsibility because Bouchiers Rd. is an access road to a community recreation area, and is used extensively by non-residents.
8. There are only 9 residents in Bouchiers Rd. which creates a high ratio of cost to the size of the project. Each of the objectors are required to pay more than \$40,000. Indeed, one resident has a double cost. This is inequitable.
9. The cost to us, as self-funded retirees is very high. It is unfair to assume that retirees [REDACTED] [REDACTED] would have allocated this money to road building. Repayment plans are of no assistance to us as they result in being more expensive due to interest.
10. The turning area planned by Council seen in the map showing "Limit of Works", asphalt turning (area 147m<sup>2</sup>) at the lower end of Bouchiers Rd. is not the responsibility of the residents. It is clearly planned for visitor use as public access to the Yarra and is an unjust expense if incurred by residents.
11. [REDACTED]  
[REDACTED] It is a large property and an outcome/vote from this position should wait until ownership is clarified.

Burchiers Road presents a very complex set of circumstances which have not been adequately addressed. The current Proposal is flawed in many of its parts including non-recognition of the complexities and substantial inequities amongst participants which includes a completely inadequate financial contribution from Council. We believe that the Scheme in its present form should be abandoned in favour of a review where ALL issues are placed on the table.

[REDACTED]

[REDACTED]








  
**Kangaroo Ground 3097**

1 August 2024

Chief Executive Officer  
Nillumbik Shire Council

**Objection to Special Charge Scheme for Burchiers Road CM. 059/24**

We have been residents of broad acre properties in the Shire since October 1962.   
 Burchiers Road  has provided satisfactory access to our property for all these years. We are objecting to the Scheme for a number of reasons.

At its Meeting on 25 June, 2024, we observed the Council unanimously pass Agenda Item CM.059/24 without detailed discussion. CM. 059/24 includes the statement 'There is no special benefit to the broader community'.

As Council's position is that 'there is no special benefit to the broader community':

Why is it proposing to seal Burchiers Road as access to the Yarra River and to Council's Recreation Reserve?

Why is Council committing \$57,252 for 110 and 120 Burchiers Road for access to the River and the Council Reserve (Council Reserve, Intention to Declare a Special Charge Scheme, 4 July 2024)?

Why are the owners funding an Asphalt Turning Area of 147 square metres at the end of Burchiers Road when there is no benefit to them but instead to the broader community?

In accordance with Council's notice 4 July 2024, the plans for the proposal were inspected at the Council Office on Monday 8 July; the plans were dated 4 July 2024 and not fully signed. A number of issues were noted:

At the final information session for property owners held 28 February 2024 where general design features were discussed, we were told that the CFA required passing widths at certain intervals to ensure their tankers were not impeded when using the road for access to river

water. There did not appear to be any provision made for this important function particularly during bush fires ( [REDACTED] was CFA Community Fireguard Coordinator for Menzies/Bouchiers Roads [REDACTED] ).

There are a number of trees shown with red crosses, about which the legend states: 'Trees subject to arborist assessment and potential removal'. The proposal cannot be properly considered with the future of these numerous trees unknown. This is an important aspect in respect of the neighbourhood character in the green wedge environment. When is this to be known? Council at the Meeting on the 25 June approved a reference to 'consideration of neighbourhood character when sealing roads'.

The proposed sealing appears to match the existing formation with no improvement to sight distances or widths, and no sealed passing places for vehicles going in opposite directions. This is exacerbated by the number of blind corners.

We can expect more and faster traffic with resulting accidents and injuries in the future. There is no provision in the plan for speed restriction, such as speed humps. This is a safety issue and Council should consider seriously its responsibility for Community Safety (Council Duty of Care).

There are two places in particular on the road where there are blind corners and the road is very steep. For example, cars travelling fast downhill towards the river could quite easily make an error of judgement and go straight on instead of round the blind corner, through a fence and down the steep slope into a large tree in line with the road prior to the bend (Property at 85).

We are fortunate to have abundant native wildlife but kangaroos and wombats regularly cross the road and will be more at risk, as will drivers. Similarly, crimson and eastern rosellas and magpies regularly feed right at the edge of the road. Horse riders have no existing access to the verges and thus regularly ride along the sides of the road. Can you imagine their fate with more and faster traffic? Apart from local riders, 105 Bouchiers Road is a horse agistment property with young riders who use the road.

The Nillumbik Special Charge Scheme for Road and Drainage Works, Policy & Guidelines (Final August 2018) has in its Objectives to ensure fairness and equity. The Bouchiers Road Scheme is unfair and inequitable in two ways.

First, it is inequitable between those who are paying for the sealing, that is the 'owners'.

Nine owners, repeat 9, are paying for the sealing of a road which is 1055 metres long at a total estimated cost of \$430,000. Except for one owner, all of the owners in favour (6) are each paying less, in one case substantially less, than those against (3 owners, 1 of whom owns 2 properties), thus reaching the Council requirement of 'at least 60 per cent support among these owners' (1.3 Scope, Policy and Guidelines). This is a very small number of



people to be paying for a scheme which costs each of the objectors in excess of \$40,000, and in one case more than double this amount. How can Council justify this inequity and imposition on ratepayers?

The 'guidelines for apportionment costs' (1.3 Scope) are totally inappropriate in rural electorates where final apportionment is based on frontage where 'each property may have a different length of frontage' (Letter to owner 30 April 2024), and in the case of Burchiers Road there are considerable differences in length of frontage and therefore in costs. The frontage at 95 is the width of the drive. This same drive provides access to two other properties, 85 and 105. While the owners of 95 are paying \$27,620, and 105 are to pay \$32,339, the owners of 85, with the same access and amenity are paying \$40,187 nearly double the amount of 95. How can this be equitable?

Second, it is inequitable on the basis that 9 owners (10 properties) are paying for access by the community to the River Yarra. Burchiers Road is a government road and a public highway, and, most important, a public highway to the River Yarra and used extensively by the public for access to the River.

The Yarra is a public resource and Council refers to its six acres at the end of the road as a Recreation Reserve. We are questioning as inequitable that while Council says it has 'no special benefit to the broader community' (CM 059/24), it provides access to the River Yarra to schools and individuals for launching kayaks and canoes, for walkers, for fishermen, for horse riders and for swimming and picnics. The view from the River path when the wattles are in bloom is magnificent.

Usage occurs mostly, except for kayaking, fishing, riding and walking, in the warmer months when parked cars exceed the marked areas and are parked along the sides of the narrow road and sometimes down adjacent drives. There have been as many as 70 cars there in one day.

Council has full details of how important the River is to the Community at large from the subsequent protests and outrage when Burchiers Road was temporarily closed to non-residential users (cf Herald Article and internet entries for Burchiers Road, trial closure 2018).

Council is not contributing to the Scheme as a whole but only to provide 'benefit to the properties at 110 and 120 Burchiers Road' (Intention to Declare 4 July 2024) with \$57,252.15. Funding should have been sought from the State Government and particularly from relevant areas, such as Melbourne Water, DELWP, and Tourism. This had been pointed out to council representatives at the initial zoom meeting and it has not been followed up.

The proposal to construct Burchiers Road prior to the rectification by Council of the junction with Menzies Road is not logical or practical as there will be a significant length between the two. Also, there is already a problem as the bitumen at the junction is badly deteriorated.

In conclusion, how can as few as 9 people/owners be expected to pay so much for something which provides access for the public to the River Yarra, when currently the owners have perfectly good access to their homes? In addition, 105, Burchiers Road is under administration, and in theory a 'yes' vote. Should this decision at the very least wait until ownership is fully resolved?

It would appear that at great individual expense, we will have a road that will encourage even more traffic and faster speed without any improvement in width, speed control or reduction in blind corners. Decisions to seal the road should not be made on the basis of those who speak the loudest.

There is no improved access and /or amenity to or for the properties involved, instead we consider the road will be far less safe. Any 'amenity' achieved by an improved surface is compromised by the increased danger from unimproved road safety and the lack of speed restrictions. The Scheme should not proceed until the structure of the road is reviewed and safety and equity problems are addressed.

Moreover, with numerous issues still to be resolved, the Scheme should not be rushed through at the last Council Meeting on 27 August before Council goes into Caretaker Mode for the election of a new Council. The Scheme should be aborted.

[REDACTED]

Level 5, 114 William Street, Melbourne VIC 3000  
GPO Box 1533, Melbourne VIC 3001  
T +61 3 8602 9200 | F +61 3 8602 9299



2 August 2024

The Chief Executive Officer  
Nillumbik Shire Council  
PO Box 476  
GREENSBOROUGH VIC 3088

Our ref: [REDACTED]  
Matter no: [REDACTED]

By email: [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)  
[REDACTED]@nillumbik.vic.gov.au

Dear Sir/Madam

**Proposed Special Charge Scheme (SCS) for Burchiers Road, Kangaroo Ground**

We refer to the letter signed by [REDACTED], Infrastructure Design Coordinator to our clients [REDACTED] dated 3 July 2024 regarding the above proposal by Council (CM.059/24), together with its enclosed notice dated 4 July 2024 (the day following the date of the letter enclosing the notice; the letter referred to a different notice, dated 4 June 2024, which was **not** enclosed).

[REDACTED] They wish to make a submission under sections 163A and 223 of the *Local Government Act 1989 (LG Act 1989)* in relation to Council's proposal under section 163 of the LG Act 1989, and additionally to lodge an objection under section 163B of the LG Act 1989. We do so by this letter on their behalf.

We also note that the 3 July 2024 letter states that Council gave public notice of the proposed SCS on 4 June 2024, in advance of the Council resolution of 25 June 2024 purporting to authorise it. We make these submissions and lodge objection on our clients' behalf to the proposed SCS whether or not the Council resolution in relation to the proposed SCS is valid at law, and in that regard our clients reserve their rights.

Our clients' concerns and objection to the proposed SCS fall into 3 categories:

- the SCS is for works that are in a large part not necessary, and for which there are suitable lower cost alternatives;
- the proposal does not adhere to the principles underpinning the SCS provisions of the LG Act 1989, or Council's SCS Guidelines of 2018 and 2024;
- the proposed apportioning of the burden of the SCS has been erroneously developed, and is a departure from the principles of fairness and of benefit encapsulated in the SCS provisions of the LG Act 1989 and the 2018 and 2024 Guidelines.

[REDACTED]  
Sydney (City and North Ryde) | Griffith | Melbourne | Brisbane | Perth | Darwin  
ABN 29 944 936 306 | [www.hunthunt.com.au](http://www.hunthunt.com.au)  
Liability limited by a scheme approved under Professional Standards Legislation



Page 2  
The Chief Executive Officer  
Nillumbik Shire Council

#### **Scope of the proposed works to be funded**

The proposed works are to include a sprayed seal of the surface of Burchiers Road for a length of 1.05 kilometres, with sealed turning area, and upgraded drains and crossovers.

It appears the extent of the proposal is (at the least) premature. Council ought to consider the adoption of a regime to spray the unsealed surface (on an annual or biannual maintenance basis) to stabilise it and reduce dust, at a considerably lesser cost. This would be sufficient for current traffic demand and emergency vehicles' safe use.

Of greater need, from a safety perspective, is the reconfiguration of the intersection of Burchiers and Menzies Roads from a "Y" to a "T". That should, logically, precede sealing works to Burchiers Road, as also should all arborist investigation relevant to the proposed works (given that such costs would necessarily form part of the total costs).

Additionally, this is not the economic environment in which to be bringing forward discretionary capital expenditure such as the sealing of Burchiers Road.

#### **Departure from SCS principles**

We note from Council's notice dated 4 July 2024 notice that Council would determine apportionment of cost based on its *Special Charge Schemes for Road and Drainage Works Policy and Guidelines (2018)* despite Council having resolved at its June 2024 meeting to adopt a new policy and guidelines.

Additionally, public notice given prior to the June 2024 Council meeting appears to have been given while the 2018 policy and guidelines were still in effect, whereas the 4 July 2024 notice and 3 July letter have been issued following the adoption by Council of the 2024 policy and guidelines.

Please let us know as soon as practicable whether Council continues to apply the 2018 policy and guidelines despite the adoption of the 2024 policy and guidelines in June 2024.

Our clients reserve the right to make supplementary submissions and/or lodge further objection in that regard, once Council's intended position is clarified.

#### **– in apportioning the burden of the proposed SCS to properties**

Burchiers Road is both a public road for the purposes of the LG Act 1989 and the *Road Management Act 2004 (RM Act)*, being on Council's register of public roads. It is also a public highway at common law, having been laid out in parish plans as a road since before 1900, and accepted by the public as such for many decades since.

Burchiers Road leads from Menzies Road to another public highway, the Yarra River. The Yarra River itself is riparian Crown land of state significance. General reliance by the public on this means of access to the River and public land abutting the banks of the River has been insufficiently considered in determining the proportion of the cost of the proposed SCS works that ought to be funded from general Council revenue and/or the relevant state departments or agencies (including emergency service agencies whose access needs relate to the protection of properties and human life not only abutting Burchiers Road, but more broadly, and in more significant cases, regionally).

Therefore it is excessive that Burchiers Road owners are proposed to bear \$372,000 (plus GST), or approximately \$410,000, of the total estimated cost of the SCS works, Council general

██████████



Page 3  
The Chief Executive Officer  
Nillumbik Shire Council



revenue the modest balance, and state departments and agencies none. Council has not correctly estimated the benefit ratio in accordance with section 163(2B) of the LG Act 1989.

The proposed SCS as it currently stands is therefore in breach of the formula set out in section 163(2A) of the LG Act 1989.

**– in apportioning the burden of the proposed SCS between properties**

[Redacted]

- [Redacted]
- [Redacted]

The proportion that our clients are proposed to bear of the cost to be borne by the ten private properties listed in the notice dated 4 July 2024 (leaving aside the extent and the total cost of the proposed works, and the proportion of the total cost proposed to be borne by the ten property owners collectively, all discussed above) is also excessive:

- [Redacted]
- [Redacted]
- being (considered as a whole) corner properties, [Redacted] have long road frontages relative to their area, whereas "battle-axe" properties (which are equally capable of supporting dwellings and farming use where area requirements in the Nillumbik Planning Scheme are met, and are therefore just as prone to generate traffic demand of Burchiers Road) are in the opposite position;
- any default-application by Council of apportionment formulae that does not, or does not adequately, take the above factors into account, is incompatible with the principles required of special charge schemes under the LG Act, and should be either abandoned, or varied and renotified for public and owners' submissions.

**Objection under section 163B of the LG Act 1989**

As a consequence of the errors in applying the benefit ratio (referred to above), on its face it appears the Council has failed to comply with section 163B(1) of the LG Act 1989, as the likely amount properly able to be raised in compliance with section 163(2A) and (2B) is less than the two-thirds of total cost that is required to comply with section 163B(1).

It appears also that the proposed SCS does not fall within the exemptions to that requirement set out in section 163B(2).

**Generally**

Our clients wish to be heard regarding their submission and objection at the Council's meeting or committee meeting originally scheduled (in the notice dated 4 July 2024) to be held on 27 August 2024 but subsequently rescheduled (by email rather than amended notice) to the committee meeting of 13 August 2024 (whether the rescheduling is legally effective or not; our clients also reserve their rights in that regard).

[Redacted]

Page 4  
The Chief Executive Officer  
Nillumbik Shire Council



We look forward to hearing from you prior to the Council committee meeting of 13 August 2024.

Yours faithfully  
**Hunt & Hunt**



Special Counsel

Contact:

 [\[redacted\]@huntvic.com.au](mailto: [redacted]@huntvic.com.au)

