

Future Nillumbik Committee

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 13 February 2018.

Minutes

Mark Stoermer
Chief Executive Officer

Wednesday 14 February 2018

Distribution: Public

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Womin je ka

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Future Nillumbik Committee Meeting held Tuesday 13 February 2018.
The meeting commenced at 7.30pm.

Councillors present:

Cr Peter Clarke	Wingrove Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward

Officers in attendance:

Mark Stoermer	Chief Executive Officer
Adrian Cully	Director Business and Strategy
Matt Kelleher	Director Services and Planning
Hjalmar Philipp	Director Sustainability and Place
Jon Miller	Manager Assets and Property
Naomi Paton	Manager Integrated Strategy
Justin Murray	Acting Manager Governance
James Martin	Corporate Affairs Lead
Naomi Ellis	Corporate Planner

1. Welcome and apologies

Cr Karen Egan was an apology to the meeting.

Motion

Cr Bruce Ranken
Cr Peter Perkins

That Cr Karen Egan's apology be accepted.

CARRIED

2. Disclosure of conflicts of interest

Nil

3. Confirmation of minutes

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 12 December 2017.

Motion

Cr Jane Ashton
Cr Peter Perkins

That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 12 December 2017 be confirmed.

CARRIED

4. Officers' reports

FN.001/18 Diamond Valley Railway Lease Agreement at Eltham Lower Park

Portfolio: Governance and Finance

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Jon Miller, Manager Assets and Property

Cr Peter Clarke, as the Councillor responsible for the Governance and Finance Portfolio, chaired the meeting for this report.

Summary

The purpose of this report is analysis of the submissions received in relation to the proposed new lease agreement between Council and the Diamond Valley Railway Inc.

The Diamond Valley Railway Inc. (the Association) leases a portion of Eltham Lower Park from Council to conduct its miniature railway operations. The current 21 year lease agreement expired on 30 November 2017. The Association has requested Council enter into a new 21 year lease agreement, to ensure ongoing management and operation of the miniature railway.

In discussions with Council officers, the Association has requested the new lease include an additional parcel of land and a realignment of the existing fence to the south of the railway workshop, to allow for better access to the site. The original lease area (lease area A) and proposed minor additions (lease area B) as well as the area included in the proposed fence realignment are depicted in Attachment 1.

At its Ordinary Meeting held on 28 November 2017, Council resolved to:

- Undertake public consultation in accordance with section 190 of the *Local Government Act 1989* (the Act) and give public notice of its intention to enter into a new lease agreement with the Association.
- Invite public submissions on the matter, in accordance with section 223 of the Act.

At that meeting, Council further resolved to investigate with the Association the future management of a larger parcel of Council managed land located between Main Road and the existing creek, with the intention of adding this area to the lease agreement, or entering into a separate licence agreement, on condition that public access is maintained. This parcel of land is depicted as 'Council Managed Land' in Attachment 1.

In response to publicly advertising its intention to enter into a new lease agreement with the Association, Council received 159 public submissions. Councillors have been provided with a copy of all those submissions.

In order for Council to make a decision to proceed (or otherwise) with a new lease agreement, it must consider the contents of all public submissions received. This report provides a summary of public submissions received (Attachment 2) in relation to the proposed lease with the Association, an analysis of key themes raised in those submissions and, where appropriate, an officer response.

Speakers

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

1. Henry Haszler

4. Officers' reports

FN.001/18 Diamond Valley Railway Lease Agreement at Eltham Lower Park

2. Sue Ormerod on behalf of Friends of Eltham Lower Park
3. Sue Gordon
4. Sam Daly, President of the Diamond Valley Railway Committee
5. Ted Brierley, Secretary of the Diamond Valley Railway Committee
6. Sue Dyet
7. Sue Dyet on behalf of Friends of the Diamond Creek (Eltham Lower Park)
8. Jill Chan on behalf of Eltham Community Action Group
9. Jim Connor
10. John Graves
11. Helen Coleman

Motion

Cr Peter Clarke
Cr Peter Perkins

That the Committee (acting under delegation from Council):

1. **In accordance with section 223 of the *Local Government Act 1989* (the Act) receives and notes the contents of public submissions received in response to the proposed lease agreement for Diamond Valley Railway Inc. at Eltham Lower Park under section 190 of the Act.**
2. **Presents a report to the Ordinary Meeting of Council on 27 February 2018 regarding the consideration of submissions in accordance with section 223(i)(c) of the Act.**

CARRIED

4. Officers' reports**FN.002/18 Diamond Creek Trail extension - proposed next steps**

Portfolio: Social Infrastructure**Distribution: Public****Manager: Adrian Cully, Director Business and Strategy****Author: Naomi Paton, Manager Integrated Strategy****Joanne Massoud, Recreation and Open Space Planner**

Cr Bruce Ranken, as the Councillor responsible for the Social Infrastructure Portfolio, chaired the meeting for this report.

Summary

This report presents the proposed program of key milestones and timeframes to deliver the Diamond Creek Trail's eight kilometre extension from Diamond Creek to Hurstbridge.

Planning for the Trail's extension has been a long-term priority of Council and the community. Significant progress has been made with the State Planning Minister's recent gazettal of an amendment to the Nillumbik Planning Scheme for Council to acquire land in private ownership to extend the Trail alongside a creek-side alignment. Acquiring the 19.5 hectares of land is proposed to commence in April 2018.

Council has maintained it necessary that government funding and proceeds from the Shire's proposed land sales program will be necessary for the project to be delivered without placing an additional financial burden on ratepayers.

Subject to securing additional funds, the Trail's extension could be delivered by mid-2020.

Speakers

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

1. Helen Legg
2. Mary McDonald
3. Brian Murray on behalf of the Nillumbik Ratepayers Association

Motion**Cr Bruce Ranken****Cr Peter Perkins****That the Committee (acting under delegation from Council):**

1. **Notes the proposed program to deliver the Diamond Creek Trail extension from Diamond Creek to Hurstbridge.**
2. **Considers community feedback on the proposed program, and instructs officers to make any adjustments on the Committee's direction.**
3. **Commences the public acquisition process of land in private ownership.**
4. **Commences implementing an advocacy strategy to secure the necessary external funding to deliver the Trail's extension.**
5. **Requests officers to continue to pursue grant funding opportunities.**

CARRIED

4. Officers' reports

FN.003/18 New State Government aged care draft 'Particular Provision' planning control

Portfolio: Planning

Distribution: Public

Manager: Adrian Cully, Director Business and Strategy

Author: Anthony Calthorpe, Strategic Planning Coordinator

Cr Peter Perkins, as the Councillor responsible for the Planning Portfolio, chaired the meeting for this report.

Summary

The Minister for Planning, as part of ongoing reforms to the *Victorian Planning Provisions* (VPPs), has released a new Victoria-wide draft planning control (known as a '*Particular Provision*') for consultation in respect of Residential Aged Care Development Facilities (RACF). A copy is included at Attachment 1. The consultation period closed on 16 February 2018.

The draft RACF Particular Provision has been prepared to help implement the State Government's *Homes for Victoria* housing strategy, which is aimed at creating certainty in planning and housing supply.

It is accompanied by an information sheet prepared by the Department of Environment, Land, Water and Environment (DELWP); see Attachment 2, which provides additional context about why the new Particular Provision is required.

The draft Particular Provision is intended to apply in the following residential zones and would sit within the Nillumbik Planning Scheme (the Planning Scheme):

- Neighbourhood Residential Zone
- General Residential Zone
- Residential Growth Zone
- Mixed Use Zone
- Township Zone

The draft Particular Provision encourages greater bulk and mass (building form) for RACF developments than the current planning controls in the Planning Scheme otherwise allow for. Generally, the draft Particular Provision proposes to:

- Allow RACF buildings to be up to 13.5 metres in height (five storeys generally) and to exceed it with a permit (where the zones currently have lower mandatory maximum heights and no ability to exceed them)
- Remove notice or review rights to any proposal for a building up to 13.5 metres.
- Site coverage will be able to extend to 80 per cent site area which will vary from the 'minimum garden area' requirements (60 per cent) recently introduced by State Government for residential zones.

4. Officers' reports**FN.003/18 New State Government aged care draft 'Particular Provision' planning control**

The most immediate potential impacts of the draft Particular Provision for Nillumbik will be the possible height and mass of buildings it might enable (via planning permit applications) in our residential zones and whether the control appropriately balances the need to contemplate local characteristics and conditions, particularly in the more sensitive Neighbourhood Residential Zone (NRZ). The draft Submission also questions why the proposed control does not provide any requirement or test for aged care housing to be located in accessible locations well served by public transport, services and community facilities i.e. to avoid occupiers being socially isolated. Another question raised by the draft Particular Provision is whether it could facilitate regular market housing through 'as of right' change of use provisions within the planning scheme.

Relevant to Nillumbik, the draft control would not apply to the green wedge zones that cover the majority of the municipality.

The purpose of this report is to consider the potential impacts of the draft Particular Provision, as summarised above, and to set out Council's formal position in response. The report does this by:

- a) Providing background context to Council about the State Government's reasoning for the draft Particular Provision for RACF
- b) Outlines the key strategic and statutory issues raised by the draft Particular Provision
- c) Seek Council's endorsement of the draft submission (Attachment 3) that outlines Council's position and recommendations in response to the draft Particular Provision.

Recommendation

That the Committee (acting under delegation from Council) endorses Attachment 3 as its submission in response to the State Government's draft Residential Aged Care Particular Provision.

Motion

**Cr Grant Brooker
Cr Peter Clarke**

That the Committee (acting under delegation from Council) adopts the Officer Recommendation subject to:

1. **Amending the draft submission at Attachment 3 at Recommendation 7 to include the following additional bullet point:**
 - **To ensure transparency, fairness and accountability in the planning permit process, Clause 52.XX-6 should not provide any exemption from third party notice and review rights.**
2. **Attachment 3 being amended as above, endorses it as its submission in response to the State Government's draft Residential Aged Care Particular Provision.**

CARRIED

5. Supplementary and urgent business

Nil

6. Confidential reports

Nil

The meeting closed at 9.17pm.

Confirmed: _____
Cr Peter Clarke, Mayor