

Policy and Services Committee

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 6 September 2016.

Minutes

Stuart Burdack
Chief Executive Officer

Wednesday 7 September 2016

Distribution: Public

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Domin je ka

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Policy and Services Committee Meeting held Tuesday 6 September 2016. The meeting commenced at 7pm.

Councillors present:

Cr Anika Van Hulsen	Bunjil Ward (Chairperson)
Cr Michael Young	Edendale Ward
Cr Ken King	Sugarloaf Ward
Cr Bronnie Hattam	Swipers Gully Ward (Mayor)
Cr Helen Coleman	Wingrove Ward

Officers in attendance:

Stuart Burdack	Chief Executive Officer
Pauline Gordon	General Manager Community and Leisure
Andrew Port	General Manager Corporate Services
Ransce Salan	General Manager Environment and Planning
Conal Creedon	General Manager Infrastructure Services
Chad Griffiths	Manager Strategic and Economic Planning
Paul Fyffe	Senior Strategic Planner

1. Welcome and apologies

Cr Meralyn Klein and Cr Peter Perkins were absent from the meeting.

Motion

Cr Michael Young
Cr Helen Coleman

That the Committee notes that Cr Meralyn Klein and Cr Peter Perkins are absent from tonight's meeting.

CARRIED

2. Disclosure of conflicts of interest

Nil

3. Confirmation of minutes

Confirmation of minutes of the Policy and Services Committee Meeting held on Tuesday 9 August 2016.

Motion

Cr Bronnie Hattam
Cr Ken King

That the minutes of the Policy and Services Committee Meeting held on Tuesday 9 August 2016 be confirmed.

CARRIED

4. Policy and Services reports

PS.031/16 Amendment C108 'Extension of the Diamond Creek Trail to Hurstbridge': Consideration of submissions

File: 40/11/106

Distribution: Public

Manager: Chad Griffiths, Manager Strategic and Economic Planning

Author: Paul Fyffe, Senior Strategic Planner

Nadine Wooldridge, Coordinator Community Leisure

Summary

This report considers submissions received in response to exhibition of Amendment C108 to the Nillumbik Planning Scheme, which proposes to facilitate the extension of the Diamond Creek Trail to Hurstbridge.

Council has been working for over ten years to find a feasible route to extend the Diamond Creek Trail from Diamond Creek to Hurstbridge. Council's 2011 Recreational Trails Strategy confirmed the intention to provide the trail extension and noted that critical sections of land are in private ownership. Work has continued on assessing trail alignment options and in 2013 Council adopted a preferred alignment along the creek corridor. A detailed assessment of this option has led to the current stage with Council endorsing an alignment in February 2016 and resolving in April 2016 to commence a Planning Scheme Amendment (C108) which will reserve the required land.

Amendment C108 proposes to:

- Apply the Public Acquisition Overlay to sections of 12 private properties.
- Insert an incorporated plan into the Nillumbik Planning Scheme, which will provide Council with the necessary planning approval to construct and use the trail (subject to conditions).

Amendment C108 was placed on exhibition from 28 July to 29 August during which time 33 submissions were received. Of these, 12 submissions oppose the amendment, 20 support it and 1 states no objection.

Given the continuing community support for the trail extension, and the net benefit to the community that will accrue from the construction and use of the trail, the project has merit and should be pursued. A key consideration is that the extent of public acquisition of private land has been minimised as far as possible, and does not require the acquisition of any dwellings, or land in close proximity to a dwelling. Accordingly, it is recommended that Council continue to support Amendment C108 in its exhibited form.

As the submissions opposing the amendment disagree with the fundamental alignment of the trail and the acquisition of private land to facilitate its construction, Council can not alter the amendment to the satisfaction of the submitters. Accordingly, it is recommended that Council write to the Minister for Planning and request the appointment of an independent Planning Panel, and refer all submissions received during exhibition to the Panel. Further, it is recommended that Council also refer any late submissions - those received after the end of the exhibition period, but five days before the date of any Directions Hearing - to the Panel.

4. Policy and Services reports

PS.031/16 Amendment C108 'Extension of the Diamond Creek Trail to Hurstbridge': Consideration of submissions

Following the receipt of the report and recommendations of the independent Panel, Council will have the opportunity to determine whether to adopt, change or abandon Amendment C108 in early 2017.

Speakers

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

1. Hubert Algie on behalf of Ray Maino
2. Cath Giles
3. Colleen Hackett
4. Mary McDonald
5. Brian Murray
6. Brian Murray on behalf of Nillumbik Ratepayers Association
7. Brian Murray on behalf of Ann Stoneman
8. Mary McDonald on behalf of RJ and KB Stoneman
9. Mary McDonald on behalf of Andrew Bean
10. Greg Johnson on behalf of Friends of Nillumbik
11. Helen Legg
12. Nicky Bourne
13. Nathan Aly
14. Maxine Fowler
15. Carolyn Johnston
16. Oriana Halliwell
17. Oriana Halliwell on behalf of Anselmo and Caterina Borgolotto

Motion

**Cr Michael Young
Cr Bronnie Hattam**

That the Committee (acting under delegation from Council):

- 1. Receives and notes the issues raised by submitters.**
- 2. Requests the Minister for Planning appoint an independent Planning Panel to hear submissions relating to Amendment C108 to the Nillumbik Planning Scheme.**
- 3. Refers all current submissions, and any late submissions received up until five days before the date of the Directions Hearing, to the Panel.**
- 4. Provides a submission to the Panel which generally supports the amendment as exhibited.**

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5. Receives a further report on the amendment, following the consideration of the Panel and the issuing of its recommendations.
6. Advises the following parties of this resolution:
 - a) All submitters to Amendment C108
 - b) All owners of land to which Amendment C108 proposes to apply the PAO.

CARRIED

Cr Michael Young called for a division:

For: Crs King, Coleman, Van Hulsen, Young and Hattam.

Against: Nil.

4. Policy and Services reports

PS.032/16 Hillmartin Lane Area Special Charge Scheme, Diamond Creek

File: H/062**Distribution:** Public**Manager:** Conal Creedon, General Manager Infrastructure Services**Author:** Anita Devi, Project Engineer**Summary**

Council at its July 2016 Ordinary meeting (Item OCM.123/16) resolved to commence the statutory process by issuing a notice of intention to declare a Special Charge Scheme for the Hillmartin Lane area, Diamond Creek following the completion of the consultation process.

Council's notice of the intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 3 August 2015. A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has received two submissions from the property owners of 13-27 Hillmartin Lane and 97-107 Hillmartin Lane and two objections (and submissions) to the scheme from property owners of 29-47 Hillmartin Lane and 139-151 Ironbark Road. This represents four submissions and two objections from 4 of the 38 affected properties.

This report proposes that the Committee recommends to Council that it formally declares the Hillmartin Lane Area Special Charge Scheme.

Speaker

Bernard Evans addressed the Committee with respect to this item.

Motion

Cr Michael Young**Cr Ken King****That the Committee recommends to Council that:**

1. **Notes that four submissions and two objections were received for this scheme.**
2. **Having considered these submissions and objections at the Committee meeting of 6 September 2016, gives notice under section 163(4) of the *Local Government Act 1989* of the declaration of a Special Charge for the purpose of constructing Larch Crescent, Sutherland Road (between Larch Crescent and Diamond Creek Road), Hillmartin Lane, Fielding Road and Starling Road.**
3. **It incorporates the following outline of declaration:**
 - a) **The Special Charge in (2) above shall apply to the properties in Hillmartin Lane area, Diamond Creek as detailed in Attachment 1.**
 - b) **The apportionment of costs to each property is based on the formulae outlined in the report and shown in Attachment 3.**
 - c) **The total estimated cost to each property is outlined in Attachment 2 and may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by section 163(1)(b) of the *Local Government Act 1989*.**

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PS.032/16 Hillmartin Lane Area Special Charge Scheme, Diamond Creek

- d) The interest rate applicable to instalments paid by each due date is to be one per cent greater than the rate applying to Council in relation to funds borrowed for this project.
 - e) The Special Charge for the Hillmartin Lane area, Diamond Creek Special Charge Scheme shall remain in force for 10 years.
 - f) The total estimated project cost is \$773,303.31 with a benefit ratio of 'one' (100 per cent). The total amount of \$773,303.31 is to be levied under this Special Charge.
 - g) Within 12 months of the completion of works a final cost statement will be issued to all of the property owners in the Hillmartin Lane Area Special Charge Scheme and any adjustments to liabilities will be made at that time.
4. The submitters and objectors be advised of Council's decision and the reason for the decision.

CARRIED

5. Supplementary and urgent business

Nil

6. Confidential reports

Nil

The meeting closed at 8.34pm.

Confirmed: _____

Cr Anika Van Hulsen, Chairperson