

Planning and Consultation Committee Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 13 July 2021 commencing at 7:19pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 16 July 2021

Distribution: Public

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Contents

1. Welcome by the Chair	1
2. Acknowledgement of Country	1
3 Apologies	1
4 Confirmation of minutes	2
5 Disclosure of conflicts of interest	2
6. Officers' reports	3
Consultation Matters	
PCC.016/21 Nillumbik Planning Scheme Amendment C131 - Earthworks in the Green Wedge	3
7. Supplementary and urgent business	5
8. Confidential reports	5
9. Close of Meeting	5

Nillumbik Shire Council

**Minutes of the Planning and Consultation Committee Meeting held
Tuesday 13 July 2021. The meeting commenced at 7:19pm.**

Councillors present:

Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward (electronically)
Cr Peter Perkins	Ellis Ward (Mayor)
Cr Ben Ramcharan	Sugarloaf Ward (Chairperson Consultation Matters)
Cr Frances Eyre	Swipers Gully Ward (Deputy Mayor)
Cr Geoff Paine	Wingrove Ward (Chairperson Planning Matters)

Officers in attendance:

Carl Cowie	Chief Executive Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Jeremy Livingston	Executive Manager Business Transformation and Performance
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Leigh Northwood	Strategic Planning Lead
Katia Croce	Governance Lead

1. Welcome by the Chair

Cr Geoff Paine Chairperson Consultation Matters welcomed members of the public to Council’s Planning and Consultation Committee meeting and advised that the meeting would be livestreamed and recorded with the livestream and video recording being made public available on YouTube and Council’s website.

The chairperson apologised for the late start – we have had a lot of technical issues tonight because tonight is a first for Nillumbik Council. One of our Councillors, Cr Duffy is currently not able to attend Council Meetings in person due to health reasons, she is undergoing chemotherapy and cannot compromise her treatment and nor should we. So while virtual meetings have been conducted for the past 18 months, a hybrid system – such as the one we are using tonight is a much more complex technical upgrade.

We have received legal advice that we can in fact conduct a hybrid meeting so long as we can see and hear Cr Duffy. I am going to ask Cr Duffy to raise her hand, there she is on the screen. I am pleased to say as a result of the legal advice, Cr Duffy is joining tonight’s meeting electronically as a full Councillor participant. Viewers at home will not be able to see Cr Duffy, you will be able to hear her, and I as chairperson of the meeting, I can see and hear Cr Duffy and in accordance with the legal advice we have received, this satisfies our legal obligations.

2. Acknowledgement of Country

Acknowledgement of Country was read by the Chairperson, Cr Geoff Paine.

3 Apologies

Nil

4 Confirmation of minutes

Confirmation of minutes of the Planning and Consultation Committee Meeting held on Tuesday 8 June 2021.

Committee Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Peter Perkins

That the minutes of the Planning and Consultation Committee Meeting held on Tuesday 8 June 2021 be confirmed (**Attachment 1**).

CARRIED UNANIMOUSLY

5 Disclosure of conflicts of interest

Nil

6. Officers' reports

PCC.016/21 Nillumbik Planning Scheme Amendment C131 - Earthworks in the Green Wedge

Item: Consultation Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

Council recently exhibited Amendment C131 (the Amendment) to the Nillumbik Planning Scheme, which seeks to amend the schedule(s) to the Green Wedge Zone and Rural Conservation Zone to require a planning permit trigger for earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill on land within those specified zones.

The Amendment is intended to assist Council to manage large earthworks and the placement of fill within the Green Wedge and Rural Conservation Zones, by allowing Council to assess and mitigate future risks and fill activities that have the potential to create significant environmental and amenity impacts in the Shire.

This report outlines the exhibition undertaken for this Amendment and summarises the submissions received to the exhibition of the Amendment.

The Amendment was placed on exhibition pursuant to the requirements of the *Planning and Environment Act 1987* (the Act), from 22 April to 3 June 2021. Council received ten (10) submissions in total.

Submitters have been invited to attend the 13 July 2021 Planning & Consultative Committee Meeting (PCC) to speak to their submissions.

Where a submission raises an issue regarding the proposed amendment that cannot be resolved, the Act sets out the process for the Amendment. In accordance with Section 22 of the Act, Council must consider all submissions received. Section 23 of the Act, requires that Council after considering the submissions which request a change to the Amendment, that the planning authority, (Council), must—

- (a) change the amendment in the manner requested; or
- (b) refer the submission to an independent planning panel be appointed under Part 8 by the Minister for Planning; or
- (c) abandon the amendment or part of the amendment.

A report will be prepared for Council's consideration at the 27 July 2021 Council Meeting. This report will recommend that Council resolve to either refer unresolved submissions to an independent planning panel and ask the Minister for Planning to appoint the Panel in accordance with Part 8 of the Act or abandon the Amendment.

6. Consultation Matters

PCC.016/21 Nillumbik Planning Scheme Amendment C131 - Earthworks in the Green Wedge

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

Mr Douglas Seymour on behalf of Warrandyte Community Association – in support

Committee Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Richard Stockman

That the Committee (acting under delegation from Council):

1. Notes the submissions to Amendment C131 to the Nillumbik Planning Scheme.
2. Considers a further report at the July Council Meeting to resolve to either request the Minister for Planning appoint an independent planning panel to consider Amendment C131 pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*, or abandon the amendment.
3. Requests that Officers notifies submitters to the proposed Amendment C131 of the Committee's resolution.
4. Requests that Officers provide an update onto Participate Nillumbik in regard to next stages for Amendment C131.

CARRIED UNANIMOUSLY

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 7:38pm.

Confirmed: _____

Cr Geoff Paine, Chairperson Planning Matters