

Planning and Consultation Committee Meeting

held virtually on Tuesday 8 February 2022 commenced at 7:03pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 11 February 2022

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Planning and Consultation Committee Meeting held
Tuesday 8 February 2022. The meeting commenced at 7:03pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Eddie Cheng	Manager, Information Technology
Emma Christensen	Acting Governance Lead

1. Welcome by the Chair

Acknowledgement of 13th anniversary of Black Saturday bushfires

Yesterday, 7 February, marked the 13th anniversary of the awful events that became known as the Black Saturday bushfires that claimed 173 lives and thousands of homes in Victoria.

Tonight, on behalf of Council, I would like to acknowledge the significance of this day and also the fact that for so many in our community, the hurt and grief is ongoing. It is important therefore that this date be recognised with appropriate sensitivity and dignity.

We would like to take a moment tonight to remember all those affected as well as the bravery of our firefighters and all emergency services personnel.

2. Acknowledgement of Country

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

3 Apologies

Nil

4 Disclosure of conflicts of interest

Cr Natalie Duffy made the following statement:

Councillors and community, I wish to state that whilst I previously expressed a view on this matter and as a community member made a submission on both (Eltham and Diamond Creek Major Activity Centre) structure plans.

As an elected Councillor I recognise and accept that I have a statutory responsibility to represent and act in the best interests of the Nillumbik community when participating in decision making for the Council. Accordingly I will keep an open mind by considering all the information both in favour and against in the matter, before objectively casting my vote. So I look forward to listening to submitters at this PCC meeting.

5. Confirmation of Minutes

Confirmation of the minutes of the Planning and Consultation Committee Meeting held on Tuesday 16 November 2021.

Committee Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Peter Perkins

That the Committee (acting under delegation from Council) confirms the minutes of the Planning and Consultation Committee Meeting held on Tuesday 16 November 2021 (**Attachment 1**).

CARRIED

6. Officers' reports

PCC.001/22 Draft Climate Action Plan 2022 - 2032 - community feedback

Item: Planning Matter

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Author: Kirsten Reedy, Coordinator Environment

Lisa Pittle, Manager Environment

Laura Nix, Environment Project Officer

Summary

This report provides a summary of the community feedback that was received on the Draft Climate Action Plan 2022-2032 (Draft Climate Action Plan) (**Attachment 1**) during its five-week public exhibition period from 4 October to 7 November 2021.

Community members are invited to provide verbal submissions on the draft Plan at the PCC meeting on 8 February 2022.

This feedback will help to inform the further refinement of the Draft Climate Action Plan, which will be presented to Council at a future meeting for consideration for endorsement.

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

1. Elizabeth Doig – on behalf of Nillumbik Climate Emergency Action Team (Conveyor)
2. Gila Schnapp
3. Mitzi Tuke
4. Virginia Ruchel
5. Laurie Niven

Recommendation

That the Committee (acting under delegation from Council):

1. Acknowledges and considers the matters contained in the oral and written submissions during finalisation of the Draft Climate Action Plan 2022-2032 (**Attachment 1**).
2. Makes the 2021 Nillumbik Shire Climate Action Plan 2022-2032 - Consultation Findings Report (**Attachment 2**) available to the public on Council's website.
3. Requests a further report to be presented at the April 2022 Council Meeting to adopt the final version of the Climate Action Plan 2022-2032.
4. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the MPS Phase 2 consultation (at **Attachments 4 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
5. Thanks all submitters for providing Council with feedback on this important document.

6. Planning Matters

PCC.001/22 Draft Climate Action Plan 2022 - 2032 - community feedback

Motion

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 oral and written submissions during finalisation of the Draft Climate Action Plan 2022-2032 (**Attachment 1**).
2. Makes the 2021 Nillumbik Shire Climate Action Plan 2022-2032 - Consultation Findings Report (**Attachment 2**) available to the public on Council’s website.
3. Requests a further report to be presented at the April 2022 Council Meeting to adopt the final version of the Climate Action Plan 2022-2032.
4. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the **Climate Action Plan 2022-2032** consultation (at **Attachments 4 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
5. Thanks all submitters for providing Council with feedback on this important document.

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

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 oral and written submissions during finalisation of the Draft Climate Action Plan 2022-2032 (**Attachment 1**).
2. Makes the 2021 Nillumbik Shire Climate Action Plan 2022-2032 - Consultation Findings Report (**Attachment 2**) available to the public on Council’s website.
3. Requests a further report to be presented at the April 2022 Council Meeting to adopt the final version of the Climate Action Plan 2022-2032.
4. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the Climate Action Plan 2022-2032 consultation (at **Attachments 4 and 6**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
5. Thanks all submitters for providing Council with feedback on this important document.

CARRIED

6. Planning Matters

PCC.001/22 Draft Climate Action Plan 2022 - 2032 - community feedback

The Chairperson Consultation Matters, Cr Geoff Paine vacated the chair at 7:52pm.

The Chairperson Planning Matters, Cr Peter Perkins assumed the chair at 7:52pm.

6. Officers' reports

PCC.002/22 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Paul Fyffe, Senior Strategic Planner

Julie Paget, Strategic Planner

Leigh Northwood, Strategic Planning Lead

Summary

This report presents the Committee with an item, deferred to it by the Council Meeting of 14 December 2021, which proposes draft planning scheme amendments to give statutory weight to, and to implement the Eltham and Diamond Creek Major Activity Centre Structure Plans adopted by Council in 2020.

The report will explain how notification of Council's resolution of 14 December 2021 has been conducted.

Members of the community who have registered to speak to the Planning and Consultation Committee (PCC) will have the opportunity to speak to the Committee regarding the item.

The recommended next step is that the Committee, having heard and considered presentations to it, presents the item for consideration to the March 2022 Council Meeting.

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

Read by the Chairperson:

1. *Adjungbilly PTY LTD - Gila Schnapp (Director)*

In person:

2. *Carlota Quinlan – on behalf of Eltham Community Action Group (President)*

3. *Carlota Quinlan*

4. *Jim Connor – on behalf of Eltham District Historical Society (President)*

5. *Jim Connor*

6. *Nicholas Brown*

Read by the Chairperson:

7. *Anthony Young*

8. *Justine Knight*

6. Planning Matters

PCC.002/22 Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)

Committee Resolution

MOVED: Cr Geoff Paine

SECONDED: Cr Frances Eyre

That the Committee (acting under delegation from Council):

1. Notes the verbal presentations to the Committee on the item; and
2. Presents the item to the March 2022 Council Meeting for further consideration.

CARRIED

6. Officers' reports

PCC.003/22 Municipal Planning Strategy - Phase 2 Consultation

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Leigh Northwood, Strategic Planning Lead

Summary

The purpose of this briefing is to update Council in regards to submissions received to Phase 2 consultation for the Municipal Planning Strategy (MPS) project. Phase 2 consultation reviewed the existing MPS and identified key 'themes' that will guide comprehensive content updates/changes in drafting a new MPS.

There are specific requirements and format that the MPS must follow. The MPS must succinctly explain the context for a municipality and provide the overarching strategic directions for the major land use and development matters that affect it.

Through the months of September and October 2021, officers conducted an extensive program of consultation across MPS themes. Officers conducted four (4) virtual community workshops, created an online survey on Participate Nillumbik, attended seven (7) advisory committee meetings (including the Wurundjeri Cultural Committee), conducted nine (9) internal team workshops, conducted two (2) Youth Council workshops and two (2) Councillor workshops. In total 88 people registered to attend the virtual community workshops and 50 people attended (excluding staff, facilitators and Councillors).

A total of 458 submissions were received, with 424 survey responses to themes to the MPS through Participate Nillumbik and 34 written submissions.

Submitters have been invited to attend the February 2022 Planning and Consultation Committee Meeting (PCC) to speak to their submission.

Responses provided will assist officers to prepare a draft MPS. The draft MPS is expected to be presented to the May Council meeting with a recommendation that it be endorsed for another round of community engagement.

Subject to consideration of submissions, further changes can be made to the draft MPS prior to seeking Council's approval to seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Planning Scheme to implement the new MPS, noting the amendment process represents another round of consultation including the ability for the community to make submissions to such.

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

In person:

1. Gila Schnapp
2. Esther Caspi
3. Gila Schnapp of behalf of Adjungbilly PTY LTD (Director)

6. Planning Matters

PCC.003/22 Municipal Planning Strategy - Phase 2 Consultation

Committee Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That the Committee (acting under delegation from Council):

1. Notes the public response, as outlined in this report, to the second phase of consultation for the Municipal Planning Strategy (MPS) Project.
2. Resolves that the confidential un-redacted copies of written submissions and survey responses to the exhibition of the public engagement for the MPS Phase 2 consultation (at **Attachments 3 and 4**) remain confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
3. Notes that a first draft of the new MPS is scheduled to be presented to the May Council meeting with a recommendation for Council to endorse it for public engagement.
4. Writes to all respondents to the community engagement to express Council's gratitude for their contribution and to advise them of the Committee's resolution and the next steps in the project.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.004/22 Planning Scheme Amendment C140nill - Exhibition Submissions

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Bea Guevara, Senior Strategic Planner

Sean Diffey, Strategic Planner

Leigh Northwood, Strategic Planning Lead

Summary

The purpose of this report is to update Council in regards to the exhibition of Amendment C140nill (the Amendment), which seeks to apply a Heritage Overlay (HO) on a permanent basis to 1080 Heidelberg-Kinglake Road, Hurstbridge (also known as 'Fermanagh'). The property is subject to a current planning permit application (604/2021/05P), which proposes additions to the dwelling that make substantial changes to the façade of the building.

The property is included in Council's Stage A Heritage Review, which was adopted at Council's June 2021 Council Meeting. The Heritage Review recommended the application of the Heritage Overlay to the property given it is of local historic, aesthetic and associative significance to the Shire of Nillumbik; noting the subsequent amendment to apply the Heritage Overlay (to all places identified in Heritage Review Stages A and B) is not programmed until the Stage B Heritage Review is completed in mid-2022.

Given the implication of the planning permit application, officers have sought approval (under delegation) from the Minister for Planning for Amendment C139nill (now C145nill) to introduce the Heritage Overlay to 1080 Heidelberg-Kinglake Road on an interim basis pursuant to Section 20(4) of the *Planning & Environment Act 1987*. This provides temporary heritage protection for the property allowing Council time to seek approval and progress a further planning scheme amendment (C140nill) to introduce the Heritage Overlay permanently as per the recommendations of the Stage A Heritage Review.

Amendment C140nill was placed on exhibition pursuant to the requirements of the Act, from 25 November 2021 to 14 January 2022 and notifications were sent out to relevant stakeholders as well as being advertised in local media. Council received one supporting submission in total during the exhibition period. The submitter has been invited to attend this Planning and Consultation Committee Meeting (PCC) to speak to their submission. Should any further submission(s) be received after the exhibition close date and prior to the upcoming PCC, officers will still accept these submissions, and invite those submitters to speak to their submission at the PCC. Officers will update Council verbally at the PCC as to the details of any late submissions received (if necessary).

Recommendations in regard to the Amendment will be brought to Council's February Meeting. As no objections have been received, the report will recommend that Council resolve to adopt the amendment and seek approval from the Minister for Planning. Should any late objections be received it may be recommended to Council to resolve to convene an independent planning panel. Council may also at this time choose to abandon the Amendment.

6. Planning Matters

PCC.004/22 Planning Scheme Amendment C140nill - Exhibition Submissions

Committee Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Geoff Paine

That the Committee (acting under delegation from Council):

1. Notes the submission (and any late submissions that may be received) to Amendment C140nill to the Nillumbik Planning Scheme.
2. Resolves that the confidential un-redacted copy of the written submission to the exhibition of the Amendment (at **Attachment 2**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(g)(ii) of the *Local Government Act 2020*.
3. Considers a further report at the February Council Meeting to resolve to either:
 - a. Request the Minister for Planning approve the Amendment; or
 - b. Appoint an independent planning panel to consider Amendment C140nill; or
 - c. Abandon the Amendment.
4. Requests that officers notify submitters to Amendment C140nill of the Committee's resolution.
5. Requests that officers provide an update onto Participate Nillumbik in regard to next stages for Amendment C140nill.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Lisa Zhao, Senior Statutory Planner

Kamal Hasanoff, Statutory Planning Coordinator

Application summary

Address of the land	56 Catani Boulevard, Bend of Islands
Site area	6.14 hectares
Proposal	Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks
Application number	684/2020/05P
Date lodged	29 October 2020
Applicant	N J White
Zoning	Special Use Zone (Schedule 2)
Overlay(s)	Environmental Significant Overlay (Schedule 1) Bushfire Management Overlay
Reason for being reported	Called in by Ward Councillor
Number of objections	Seven (7)
Key issues	<ul style="list-style-type: none"> • Siting and design of the outbuilding • Vegetation impacts and extent of vegetation to be removed • Extent and appropriateness of the gates.

6. Planning Matters

PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands

In person:

1. Michael Dempsey – on behalf of BICA (President)
2. Sally Dinan

Read by the Chairperson:

3. Julie Martindale
4. Ross and Christine Henry
5. D Lucas

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 56 Catani Boulevard, Bend of Islands, for Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks, in accordance with the submitted plans and subject to the following conditions

1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 7th September 2021 but modified to show:
 - a) Amended site plan showing the following:
 - i. Location of the existing septic system and effluent field.
 - ii. The length and dimension of the driveway extension.
 - iii. The location of tree protection fencing.
 - b) Amended elevation plan showing the following:
 - i. A notation specifying that the external walls and roof of the outbuilding are to be finished in “Colorbond Woodland Grey”.
 - c) Evidence that an offset has been secured as per Condition 12 of this permit.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. The tree removal as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
4. No vegetation on-site (unless specified on the endorsed plans) shall be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged except with the prior written consent of the Responsible Authority.
5. The access to the outbuilding must be constructed above grade, with any imported gravel surface being free of contaminants or impurities, to the satisfaction of the Responsible Authority.

6. Planning Matters

PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands

6. Upon completion of excavation works, the site must be inspected by the project arborist. Any roots that are exposed and require removal must be pruned in accordance with AS4373-2007 Pruning of amenity trees by a qualified arborist (minimum level 3 certification) using clean, sharp hand tools to the satisfaction of the Responsible Authority.
7. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone to the satisfaction of the Responsible Authority. The fencing associated with this tree protection zone must meet the following requirements:
 - a) Extent

The tree protection fencing is to be provided to the extent of the identified tree protection zone. If works are shown on any endorsed plan of this permit within the confines of the calculated tree protection zone, then the tree protection fencing must be taken in to only the minimum amount necessary to allow the works to be completed.
 - b) Fencing

All tree protection fencing required by this permit must be erected in accordance with the approved tree protection zone. The tree protection fencing must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence with 1.8 metre support posts every 3-4 metres, including a top line of high visibility plastic hazard tape erected around the perimeter of the fence.
 - c) Signage

Fixed signs are to be provided on all visible sides of the tree protection fencing clearly stating “Tree Protection Zone – No Entry”, to the satisfaction of the Responsible Authority.
 - d) Irrigation

The area within the tree protection zone and tree protection fencing must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
 - e) Provision of Services

All services (including water, electricity, gas and telephone) should be installed underground, and located outside of any tree protection zone, wherever practically possible. If underground services are to be routed within an established tree protection zone, they must be installed by directional boring with the top of the bore to be a minimum depth of 600mm below the existing grade, to the satisfaction of the Responsible Authority.

6. Planning Matters

PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands

Bore pits must be located outside of the tree protection zone or manually excavated without damage to roots, to the satisfaction of the Responsible Authority.

f) Access to Tree Protection Zone

Should temporary access be necessary within the tree protection zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

g) Mulching

The area within the tree protection zone and tree protection fencing must be mulched to a minimum depth of 75mm with an organic and composted mulch.

h) Supervision of works

All works within tree protection zones must be supervised by a suitably qualified arborist. Any roots uncovered are pruned with sharp/sterile hand tools and wrapped in damp hessian by a qualified arborist.

8. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:

- a) Materials or equipment stored within the zone;
- b) Servicing and refuelling of equipment and vehicles;
- c) Storage of fuel, oil dumps or chemicals;
- d) Attachment of any device to any tree (including temporary service wires, nails, screws
- e) or any other fixing device);
- f) Open cut trenching or excavation works (whether or not for laying of services);
- g) Changes to the soil grade level;
- h) Temporary buildings and works; and
- i) Unauthorised entry by any person, vehicle or machinery.

9. Prior to the commencement of the approved works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the erected tree protection fences must be inspected and approved by the Responsible Authority.

10. Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.

6. Planning Matters

PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands

11. To offset the removal of 0.028 hectares of native vegetation as shown in the approved native vegetation removal report (report 356-20210902-018) the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

A general offset of 0.024 general habitat units:

- located within the Port Phillip & Westernport Catchment Management Authority boundary or Shire of Nillumbik municipal district
- With a minimum strategic biodiversity value of at least 0.632.

The offset provided must be to the satisfaction of the Responsible Authority.

12. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of Council. This evidence is one or both of the following:
- a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
 - b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

13. In the event that a security agreement is entered into, the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of the Responsible Authority.
14. The vehicular driveway must be properly formed and constructed to such levels to ensure that it can be utilised at all times. The maximum allowable unsealed driveway grade is to be 1 in 5. The stormwater from the driveway must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of stormwater. All works are to be carried out to the satisfaction of the Responsible Authority.
15. The development, including any new paved areas, must be drained so as to prevent the uncontrolled discharge of stormwater from the subject site across any road or footpath or onto any adjoining land. Stormwater must not cause any nuisance or loss of amenity in any adjacent or nearby land.

Stormwater from the roof of the development must be directed to the existing stormwater drainage system for the dwelling to the satisfaction of the Responsible Authority. This may be an existing soakage system on site.

6. Planning Matters

PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands

16. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within 2 years of the date of this permit.
- b) The development is not completed within 4 years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

Motion

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That the Committee (acting under delegation from Council) issue a Notice of Decision to Refuse to Grant a permit to the land located at 56 Catani Boulevard, Bend of Islands for *'Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks'* on the following grounds:

1. The development is not responsive to the Special Use Zone (Schedule 2) of the Nillumbik Planning Scheme with respect to the following:
 - The siting of the outbuilding;
 - The overall size of the outbuilding;
 - The increase in site coverage as a result of the proposed outbuilding and additional driveway area;
 - The proposed gates being a visual barrier along the frontage of the site; and
 - The extent of native vegetation removal to facilitate the construction of the outbuilding.
2. The development is not responsive to the Environmental Significance Overlay (Schedule 1) of the Nillumbik Planning Scheme with respect to the following:
 - The extent of native vegetation removal to facilitate the construction of the outbuilding.

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

6. Planning Matters

PCC.005/22 Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks at 56 Catani Boulevard, Bend of Islands

Committee Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Geoff Paine

That Council:

That the Committee (acting under delegation from Council) issue a Notice of Decision to Refuse to Grant a permit to the land located at 56 Catani Boulevard, Bend of Islands for ‘*Buildings and works to construct an outbuilding, gates, removal of vegetation and associated earthworks*’ on the following grounds:

1. The development is not responsive to the Special Use Zone (Schedule 2) of the Nillumbik Planning Scheme with respect to the following:
 - The siting of the outbuilding;
 - The overall size of the outbuilding;
 - The increase in site coverage as a result of the proposed outbuilding and additional driveway area;
 - The proposed gates being a visual barrier along the frontage of the site; and
 - The extent of native vegetation removal to facilitate the construction of the outbuilding.
2. The development is not responsive to the Environmental Significance Overlay (Schedule 1) of the Nillumbik Planning Scheme with respect to the following:
 - The extent of native vegetation removal to facilitate the construction of the outbuilding.

CARRIED

Cr Karen Egan called for a division

For: Crs Frances Eyre, Geoff Paine, Peter Perkins and Ben Ramcharan

Against: Crs Natalie Duffy, Karen Egan and Richard Stockman

CARRIED

7. Supplementary and urgent business

Nil

8. Confidential reports

9. Close of Meeting

The meeting closed at 10:20pm.

Confirmed: _____

Cr Peter Perkins, Chairperson Planning Matters