

Planning and Consultation Committee Meeting

held virtually on Tuesday 10 August 2021 commenced at 7:02pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 13 August 2021

Distribution: Public

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Nillumbik Shire Council

Minutes of the Planning and Consultation Committee Meeting held
Tuesday 10 August 2021. The meeting commenced at 7:02pm.

Councillors present:

Cr Richard Stockman	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
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
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Communities
Rosa Zouzoulas	Executive Manager Planning and Community Safety
Eddie Cheng	Manager, Information Technology
Katia Croce	Governance Lead

1. Welcome by the Chair

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 13 July 2021.

Committee Resolution

MOVED: Cr Ben Ramcharan

SECONDED: Cr Frances Eyre

That the minutes of the Planning and Consultation Committee Meeting held on Tuesday 13 July 2021 be confirmed (**Attachment 1**).

CARRIED UNANIMOUSLY

5 Disclosure of conflicts of interest

Nil

6. Officers' reports

PCC.017/21 Nillumbik Planning Scheme Amendment C126nill Rezoning of Eastern Ends of Bridge and John Street Panel Submissions

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Bea Guevara, Senior Strategic Planner

Leigh Northwood, Strategic Planning Lead

Summary

The purpose of this report is to outline the key matters of consideration and recommendations raised at the C126nill Planning Panel Hearing.

This planning scheme Amendment C126nill is running parallel with the road discontinuance process to facilitate rezoning of the land from the Neighbourhood Residential Zone to the Public Park and Recreation Zone in acknowledgement of the future open space function of the area.

The road discontinuance is being undertaken pursuant to a formal statutory process as required under the *Local Government Act 1989*.

Formal exhibition of Amendment C126nill took place for 1 calendar month through January and February as required under Section 19 of the *Planning and Environment Act 1987*.

Council received three submissions during the public exhibition of the Amendment. One supporting submission and two objecting submissions.

Submissions to Amendment C126nill were considered on 9 March 2021 by Council's Planning and Consultative Committee.

Council resolved to request the Minister for Planning to appoint an independent Planning Panel to consider the Amendment, and refer all submissions to the panel appointed, in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.

The Panel Hearing took place virtually on 25 May 2021 where four parties made submissions. Council has since received the Panel Report containing recommendations from the Panel. The Panel report was made public on 28 June 2021.

Council's legal representatives on 5 July 2021 confirmed that the owners of 86 John Street have formally lodged a claim of 'adverse possession' pursuant to Section 60 of the *Transfer of Land Act 1958*.

Legal advice to Council (as of 5 July 2021) is that the mapping for the road discontinuance be amended to remove the area that is the subject of the formal adverse possession claim, before titles are lodged to complete the road discontinuance process. This is currently underway.

Council will consider the Panel Report at its August Council Meeting. The recommendations of the report to the August Council meeting where officers will recommend to:

- amend the mapping for Amendment C126nill to reflect the road discontinuance mapping, thereby removing that area of land subject to recent adverse possession from the amendment area given that Council's ownership would be in dispute.
- adopt the Amendment with changes outlined in the dot point above.

6. Planning Matters

PCC.017/21 Nillumbik Planning Scheme Amendment C126nill Rezoning of Eastern Ends of Bridge and John Street Panel Submissions

If Council resolves to adopt the amendment with changes it will be submitted to the Minister of Planning for approval and gazettal.

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

In Person:

- 1. Mr Kieren Mihaly, Barrister on behalf of Colin & Susanne Cook;*
- 2. Richard Schurmann; and*

Chairperson read on behalf of:

- 3. Barry Pearce.*

Committee Resolution

MOVED: Cr Peter Perkins

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

- Note any verbal submissions made at this Planning and Consultation Committee.
- Consider a further report at its 24 August 2021 Council Meeting to formally consider the Panel Report, officer recommendations and to make a decision as to whether to adopt the Amendment (potentially with changes), or to abandon it.

CARRIED UNANIMOUSLY

6. Officers' reports

PCC.018/21 Response to public exhibition of Planning Scheme Amendment C133

Item: Planning Matter

Distribution: Public

Manager: Rosa Zouzoulas, Executive Manager Planning and Community Safety

Author: Julie Paget, Strategic Planner

Summary

Council recently finished formal exhibition of Amendment C133 to the Nillumbik Planning Scheme, which seeks to amend Heritage Overlay (HO147) at 13 Park Road West, Eltham in order to protect a structure known as the Alan Marshall Bungalow and surrounds.

Amendment C133 was exhibited from 10 June to 12 July 2021 and Council received one submission. The single submission was in support of the amendment and whilst it was received late (after the formal exhibition period had concluded) it has been accepted and considered.

Where a submission raises an issue with a proposed amendment, the statutory amendment process provides for Council to request that the Minister for Planning appoint an independent planning panel to consider the amendment. In this instance, given the single submission is in support of the amendment and proposes no changes, it is recommended a planning panel is not required.

A report is being prepared, recommending adoption, for the August Council Meeting.

Should Council resolve to adopt Amendment C133, the amendment must then be submitted to the Minister for Planning within 10 business days for approval.

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

In Person

1. Mr Jim Connor on behalf of Eltham District Historical Society

Committee Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

1. Notes the supporting submission received to Amendment C133.
2. Considers a further report at the August Council Meeting to resolve to adopt Amendment C133 and seek approval from the Minister for Planning.

CARRIED UNANIMOUSLY

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 7:35pm.

Confirmed: _____

Cr Ben Ramcharan , Chairperson Consultation Matters