Special Meeting of Policy and Services Committee
held at the Civic Centre, Civic Drive, Greensborough on Wednesday 13 April 2016.

Minutes

Stuart Burdack
Chief Executive Officer
Thursday 14 April 2016

Distribution: Public
Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au
Nillumbik Shire Council

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Nillumbik Shire Council
Minutes of the Special Meeting of Policy and Services Committee held Wednesday 13 April 2016. The meeting commenced at 7pm.

Councillors present:
Cr Anika Van Hulsen   Bunjil Ward (Chairperson)
Cr Meralyn Klein      Blue Lake Ward
Cr Michael Young      Edendale Ward
Cr Peter Perkins      Ellis 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
Andrew Port           General Manager Corporate Services
Ransce Salan          General Manager Environment and Planning
Chad Griffiths        Manager Strategic and Economic Planning
Pat Vaughan            Executive Officer Sustainability and Environment
Alison Fowler          Senior Strategic Planner

1. Welcome and apologies
   Nil apologies

2. Disclosure of conflicts of interest
   Cr Van Hulsen declared a direct interest in Amendment C101 where a presentation or motion relates to land in the vicinity of Clarke Avenue, Wattle Glen as she lives in that location. The direct interest does not extend to the general application of Amendment C101 to 6,500 properties throughout the Shire.

3. Confirmation of minutes
   Nil.
This report considers submissions received in response to the public exhibition of Amendment C101 to the Nillumbik Planning Scheme, which proposes to amend the Environmental Significance Overlay to ensure it better identifies and protects the biodiversity values of the Shire.

The Environmental Significance Overlay is the principal planning provision in the Nillumbik Planning Scheme used to identify and protect environmental attributes in the Shire. The Overlay currently comprises four schedules, including:

- ESO1: Sites of Faunal and Habitat Significance
- ESO2: Yarra River Environs
- ESO3: Plenty River Environs
- ESO4: Waterways

The ESO1 is the most commonly applied schedule within the Shire. It affects approximately 61 per cent of land in the Shire and is applied to both urban and non-urban areas.

The amendment reflects the findings and recommendations of studies undertaken to review the ESOs by: updating mapping to reflect the current extent of vegetation coverage and observed biodiversity values, recognising and distinguishing between the different levels of biodiversity significance, by developing schedules, permit triggers and undertaking assessments that reflect the difference between ‘core areas’, ‘buffer areas’ and ‘urban areas’ and applying a more comprehensive approach to mapping significant waterways, to better protect water quality within the catchment.

Amendment C101 was publicly exhibited from 5 November 2015 to 21 January 2016. A total of 194 submissions were received, including 10 late submissions including:

- 24 submissions from landowners and community groups supporting the amendment.
- 130 submissions from landowners opposing the amendment.
- 39 submissions specifically seeking a review or changes to the ESO proposed to apply to their land.
- One submission neither stating support, or opposition to the amendment.

The report considers matters raised within submissions and queries made by the public during the exhibition period.
As not all the issues raised by submitters can be resolved to their satisfaction, it is recommended that Council write to the Minister for Planning to request the appointment of an independent Panel, and that Council refer all submissions to that Panel.

The independent Panel presents an opportunity for Council to seek an expert, third party opinion on the current proposal.

**Presenters**

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

1. Martin Verhoeven on behalf of Vivienne Axton, Anthony Kilner and Jane Miller.
2. Brian Murray
3. Brian Murray on behalf of Nillumbik Ratepayers Association
4. Mary McDonald
5. Max Parsons
6. Max Parsons on behalf Pat Floberg
7. Max Parsons on behalf Lea Vasilopoulos
8. David Sharpe
9. Ken Crompton
10. Greg Frantal
11. Gary Rogers
12. Laurel Arndt
13. Laurel Arndt on behalf of Robert Kilkenny
14. Fred Bauer
15. Fred Bauer on behalf Jan Bauer
16. Brian Murray on behalf of Anne Stoneman
17. Gail Daniel
18. Alex Sullivan
19. Simon Keeble
20. Rob Bassett-Smith
21. Rob Bassett-Smith on behalf of Bassett-Smith Farm
22. John Huitt
23. Tony Lee
24. David McKinnon
25. Elizabeth Parsons
26. Wayne Lascelles
27. Graham Clark
4. Policy and Services reports

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28. Len Renouf
29. Karen Eagan
30. David Nuttall
31. Greg Johnson on behalf of Friends of Nillumbik
32. Bill Mulchay
33. Esther Caspi
34. Esther Caspi on behalf of Adjungbilly Pty Ltd
35. Gila Schnapp
36. Gila Schnapp on behalf of D Schnapp
37. Hayden Richardson
38. Olive McIntosh
39. Narelle Law

Conflict of interest
The Chairperson, Cr Anika Van Hulsen left the Chamber at 9.17pm due to a conflict of interest, as the next submission pertained to land in the vicinity of Clarke Avenue, Wattle Glen where she resides.

The Mayor, Cr Bronnie Hattam took the Chair pursuant to Clause 14.3 of Meeting Procedure Local Law.

40. John Gedye

After the submission was completed, Cr Anika Van Hulsen returned to the Chamber at 9.21pm and resumed the Chair.

41. Darren Metcalf
42. Jethro Still
43. Bob Mayes
44. Kaye Coghlan
45. Glen Law
46. Jethro Still on behalf of Bill Filipou
47. Brian Murray on behalf of Michelle Spencer
48. John Withers
49. Gerald Acquaviva

Conflict of interest
The Chairperson, Cr Anika Van Hulsen left the Chamber at 9.52pm due to a conflict of interest, as the next submission pertained to land in the vicinity of Clarke Avenue, Wattle Glen where she resides.
4. Policy and Services reports

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Presenters continued

The Mayor, Cr Bronnie Hattam took the Chair pursuant to Clause 14.3 of Meeting Procedure Local Law.

50. Bill Lord on behalf of the Wattle Glen Residents Association.

After the submission was completed, Cr Anika Van Hulsens returned to the Chamber at 9.57pm and resumed the Chair.

Recommendation

That the Committee (acting under delegation from Council):

1. Receives and notes the issues raised by submitters.
2. Requests that the Minister for Planning appoint a Planning Panel to hear submissions relating to Amendment C101.
3. Provides a submission to the Panel which generally supports the amendment as exhibited, but considers variations to the Amendment documentation to:
   - Refine the mapping of the ESO boundaries in accordance with the recommendations within Attachment 2 and 3.
   - Refine the mapping of the ESO boundaries to address minor mapping anomalies identified within Attachment 4.
   - Make amendments to the ESO schedules in accordance with Attachments 5, 6, 7 and 8.
4. Receives a further report on the amendment, following the consideration of the Panel and the issuing of its recommendations.

Motion

Cr Bronnie Hattam
Cr Helen Coleman

That the Committee (acting under delegation from Council):

1. Receives and notes the issues raised by submitters.
2. Requests that the Minister for Planning appoint a Planning Panel to hear submissions relating to Amendment C101.
3. Provides a submission to the Panel which generally supports the amendment as exhibited, but considers variations to the Amendment documentation to:
   - Refine the mapping of the ESO boundaries in accordance with the recommendations within Attachment 2 and 3, except for the area known as Review Site 5 in Attachment 3 - generally in the vicinity of Wombat Drive, Leane Drive, Artists Hill, Marion Way and Narida Court – which should be retained within the ESO and included within schedule 3.
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- Refine the mapping of the ESO boundaries to address minor mapping anomalies identified within Attachment 4.
- Make amendments to the ESO schedules in accordance with Attachments 5, 6, 7 and 8.
- Retains the area zoned Low Density Residential Zone south of the Windy Mile within the ESO, and applies schedule 3.

4. Receives a further report on the amendment, following the consideration of the Panel and the issuing of its recommendations.

LOST

Cr Bronnie Hattam called for a division:
For: Crs Van Hulsen and Hattam.
Against: Crs King, Coleman, Klein, Perkins and Young.

Motion

Cr Meralyn Klein
Cr Ken King

That the Committee (acting under delegation from Council):

1. Receives and notes the issues raised by submitters.
2. Abandons Amendment C101 in its entirety.

CARRIED

Cr Meralyn Klein called for a division:
For: Crs King, Coleman, Klein, Perkins and Young.
Against: Crs Van Hulsen and Hattam.
5. Supplementary and urgent business
   Nil

6. Confidential reports
   Nil

The meeting closed at 10.30pm.

Confirmed: ________________________________

Cr Anika Van Hulsen, Chairperson