



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

MINUTES

OF THE MEETING HELD ON TUESDAY 14 FEBRUARY 2017

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

Councillors:	Malcolm Little (Chair)	(Hughes Creek Ward)
	John Mason	(Seven Creeks Ward)
	Amanda McClaren	(Lake Nagambie Ward)
	Kate Stothers	(Honeysuckle Creek Ward)
	Debra Swan	(Lake Nagambie Ward)
	Alistair Thomson	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:	Steve Crawcour - Chief Executive Officer
	Phil Howard - Director, Sustainable Development
	Cameron Fraser – Principal Planner
	Roy Hetherington - Director, Asset Services
	David Roff – Acting Director, Corporate and Liveability
	Caroline Wallis - Group Manager, Corporate and Liveability

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

*'I acknowledge the Traditional Owners of the land on which we are meeting.
I pay my respects to their Elders, past and present, and the more recent
custodians of the land'*

3. Apologies

Emma Kubeil – Manager, Sustainable Development

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 24 January 2017

*08/17 **CRS WILLIAMS/MASON** : That the Minutes of the Planning Committee meeting held on Tuesday 24 January 2017 be confirmed*

CARRIED

5. Disclosure of Interests

Nil

6. Planning Reports

7. Other Business

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

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PLANNING COMMITTEE REPORT NO. 1 (MANAGER, SUSTAINABLE DEVELOPMENT - EMMA KUBEIL)

7. OTHER BUSINESS

7.1 Strathbogie Planning Scheme Amendment C04

Author & Department

Manager, Sustainable Development / Sustainable Development Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

Summary

The report seeks Council approval to adopt Planning Panels Victoria report as submitted for Amendment C04 part one and lodge with the Minister for Planning for approval and incorporation in the Strathbogie Planning Scheme.

At Council's Planning Committee held on Tuesday 23 August 2016, Council resolved to request the appointment of a Planning Panel to review Amendment C04 (Part one) and consider the unresolved submission. In addition, request the Planning Panel make a recommendation 'on the papers' rather than convene a hearing.

As a result, Planning Panels Victoria reviewed the one outstanding submission and gave the submitter the opportunity to provide additional information pertaining to their submission. Planning Panels Victoria reviewed the amendment and have made their findings. As outlined within the conclusion of the Panel report (see attached) the Panel does not believe that any of the issues raised in the submitter's submission warrant the Amendment being changed or abandoned. The Panel is satisfied that Amendment C4 Part 1 to the Strathbogie Planning Scheme should be adopted.

RECOMMENDATION

That Council:

- 1. Having considered the Panel Report, adopt Strathbogie Planning Scheme Amendment C04 in accordance with Section 29(1) of the *Planning and Environment Act 1987*; and**
- 2. Submit adopted Planning Scheme Amendment C04 to the Minister for Planning to approve and incorporate into the Strathbogie Planning Scheme, pursuant to Section 31 (1) of the *Planning and Environment Act 1987*.**

09/17 **CRS SWAN/WILLIAMS** : *That the Recommendation be adopted.*

CARRIED

7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

Background

The Strathbogie Heritage Study

The heritage study was prepared by RBA Architects and Conservation Consultants. It was funded by the Victorian State Government via the Victorian Heritage Fund, and supported by the Strathbogie Shire Council (Council).

The heritage study made a range of recommendations regarding the preservation of heritage sites throughout the shire. This was largely done by way of identification of individual sites and 'precincts'. These sites and precincts have been deemed, through site inspection and detailed research, to have a level of local heritage significance. Their inclusion in the planning scheme would allow for the conservation and enhancement of places of heritage significance within the shire.

Preparation of Amendment C04

At a Planning Committee Meeting on 27 May 2014, Council resolved to prepare planning scheme Amendment C04 to enact the recommendations of the heritage study, being:

- Amend Clause 21.03 Land Use Plan to delete the implementations of introducing the recommendations of the Heritage Study.
- Amend Clause 21.04 Sustainable Environment to delete the implementation of introducing the recommendations of the Heritage Study.
- Amend Clause 21.08 Reference Documents to include reference to the Strathbogie Shire Heritage Study Part Two (in full).
- Amend the Schedule to Clause 43.01 Heritage Overlay to add 57 individual sites and 9 precincts to the schedule.
- Amend and introduce various Planning Scheme Maps identifying the sites and precincts where the overlay is to be applied.

Subsequently, the amendment was authorised by the Department of Transport, Planning and Local Infrastructure (now the Department of Environment Land Water and Planning) and was put on public exhibition until 19 December 2014.

Submissions received

A total of 63 submissions were received in relation to the amendment. Three submissions of support were received from the public in relation to four properties. Goulburn Valley Water and EPA Victoria responded to say they had no objections to the proposed amendment.

A total of 60 submissions of objection were made by owners of properties throughout the shire, by either individual letter or signature to the petition. These objections comprised:

- 17 made in relation to properties which were not directly affected by the amendment (ie: the Heritage Overlay is not proposed to be imposed on these properties).
- 41 located within one of the proposed precincts
- Two related to individual sites (of the 57 identified individual sites)

7.1 Strathbogrie Planning Scheme Amendment C04 (cont.)

Consideration of submissions by Council

At a Planning Committee Meeting on 14 July 2015, Council considered the submissions that had been received and resolved to:

1. *Approve Amendment C04 be split into two parts, to be undertaken in three anticipated stages:*
 - a. *Seek approval of the amendment (part one) of non-contentious items to:*
 - i. *Amend Clause 21.08 Reference Documents to include reference to Strathbogrie Heritage Study Part Two: Volume 1 - 4.*
 - ii. *Amend the Schedule to Clause 43.01 Heritage Overlay to add 55 individual sites to the schedule.*
 - iii. *Amend and introduce various Planning Scheme Maps identifying the site where the overlay is to be applied.*
 - iv. *Amend the existing Heritage Overlay Map within the Strathbogrie Planning Scheme of HO18 to HO19, to reflect to correct property (Mrs Kissocks Grave, Tames Road, Strathbogrie)*
 - b. *Authorise the Manager Sustainable Development, to investigate outstanding submissions further by:*
 - i. *Engaging a Heritage Advisor to review selected properties.*
 - ii. *Developing an incorporated document.*
 - c. *Seek review of amendment (part two) if required by an independent panel i.e. Planning Panels Victoria.*

Actions following the July 2015 Planning Committee Meeting

Following Council's decision at the meeting on 14 July 2015, Council Officers sought the Minister for Planning's approval of part one of the amendment.

The Department of Environment, Land, Water and Planning subsequently advised Council Officers late last year that the amendment could not be processed until the following matters were addressed:

1. Some of the submissions raise general issues which could be interpreted as relating to the individual places as well as to the precincts. These need to be considered before part one of the amendment is adopted, in accordance with the requirements of the *Planning and Environment Act 1987*.
2. Once the submissions have been considered, the amendment must be adopted by Council, and resubmitted to the Minister for Planning for approval.

This Planning Committee Meeting report and recommendation addresses the second issue, by having Council formally adopt the amendment having had appointed an Independent Panel to consider the one outstanding submission unable to be resolved as part of this process.

7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

Alternative Options

The following alternatives have been identified for the consideration of Council:

- Abandon Amendment C04 part 1.

Risk Management

The author of this report considers that there are no significant risk management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The amendment implements the Strathbogie Shire Council Plan 2013-2017, specifically the objective of Goal 2 which is “*to continue to protect and enhance the natural and built environment for current and future generations*”.

The amendment undertakes Council’s statutory obligation under the *Planning and Environment Act 1987* to “*conserve and enhance those buildings, areas and other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*”.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

This report is consistent with Best Value, National Competition Policy and *Competition and Consumer Act* requirements.

Financial / Budgetary Implications

There are no further financial/ budget implications as a result of adopting the Planning Panel Report.

Economic Implications

The amendment will provide greater certainty for Council, community members and developers. It is not expected to have any negative economic effects on affected properties.

Environmental / Amenity Implications

In seeking to protect individually significant heritage sites, the amendment will lead to positive amenity and built environment outcomes across the municipality.

Community Implications

The proposed amendment implements the objectives of the *Planning and Environment Act 1987* as it will facilitate the fair, orderly, economic and sustainable residential development.

Victorian Charter of Human Rights and Responsibilities Act 2006

The report content is consistent with Council’s responsibilities under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal / Statutory Implications

The process to amend the planning scheme is governed by the *Planning and Environment Act 1987*. Final approval of any planning scheme amendment is given by the Minister for Planning.

7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

Consultation

Full public exhibition and notification of the amendment was undertaken in late 2014 in accordance with the requirements of the *Planning and Environment Act 1987*. All individual landowners were consulted as part of the Amendment process.

Attachments

Amendment C04 Planning Panel Report.

Planning and Environment Act 1987

Panel Report

Strathbogie Planning Scheme Amendment C4 Part 1

28 October 2016

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Strathbogrie Planning Scheme Amendment C4 Part 1

28 October 2016

A handwritten signature in black ink, appearing to read 'M. Kirsch', with a long horizontal flourish extending to the right.

Michael Kirsch, Chair

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List of Abbreviations

HO	Heritage Overlay
the Act	<i>the Planning and Environment Act 1987</i>

Executive Summary

(i) Summary

Strathbogie Planning Scheme Amendment C4 Part 1 (the Amendment) seeks to apply the Heritage Overlay to 55 individual places and is based on the recommendations of the Strathbogie Shire Heritage Study Stage 2, 2013.

Council referred one unresolved submission to the Panel. This submission opposed the Amendment and raised general concerns about applying planning scheme heritage controls.

The Panel supports the Amendment and is satisfied that it is consistent with Council's obligations under the *Planning and Environment Act 1987* and the Strathbogie Planning Scheme to protect the Shire's heritage. It is also consistent with Council's commitment in its Municipal Strategic Statement to implement the Heritage Study.

The Panel commends Council for preparing the Amendment and encourages it to pursue the implementation of the precinct-based Heritage Overlays recommended in the Heritage Study.

(ii) Recommendations

For the reasons set out in this Report, the Panel recommends that Strathbogie Planning Scheme Amendment C4 Part 1 be adopted as described in the Strathbogie Shire Council minutes dated 28 June 2016.

1 Introduction

1.1 The Amendment

Amendment C4 to the Strathbogie Planning Scheme proposed to implement the recommendations of the Strathbogie Shire Heritage Study Stage 2 2013, including the application of the Heritage Overlay (HO) to 57 individual sites and nine precincts.

The Amendment was exhibited between 22 October and 19 December 2014 and attracted 63 submissions. On 14 July 2015, Council resolved to split the Amendment into two parts.

Part 1 (the subject of this report) proposes to:

- apply the HO to 55 individual places
- include the Strathbogie Heritage Study Part Two, 2013 (Volumes 1 – 4) as a reference document at Clause 21.08
- correct a mapping error related to HO18 and HO19.

Part 2 proposed to apply the HO to nine precincts but was abandoned by Council, which resolved to investigate funding options for implementing this element of the Amendment in the future.

Following discussions with the Department of Environment, Land, Water and Planning, Council officers contacted nine submitters whose submissions had raised general issues about the Amendment, including Part 1. Following those discussions, seven of these submitters clarified that they did not object to the application of the HO to the 55 individual places (Part 1).

The two unresolved submissions were from Helen Taylor (since deceased), and Thomas and Noel Maher.

1.2 Panel process

At its meeting of 14 July 2015, Council's Planning Committee resolved to refer the Maher submission to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 9 September 2016 and comprised Michael Kirsch (Chair).

Council also requested that the Panel consider the Amendment 'on the papers' rather than convene a hearing.

The Panel determined that a Directions Hearing was not required and advised the parties of this in a letter dated 20 September 2016. The Panel also advised that it proposed to consider the Amendment 'on the papers' and invited comments on this approach.

There were no objections and the Panel subsequently confirmed in a letter dated 7 October that the Amendment would be considered 'on the papers'. The Panel also directed that Council provide a written submission addressing various matters by 21 October 2016, including a response to the Maher's submission. The Panel also invited the Mahers to provide written material in support of their initial submission by 21 October 2016.

The Panel received Council's submission on 20 October 2016. No further material was received from the Mahers.

1.3 Background to the Amendment

The Amendment is based on the recommendations of the Strathbogie Shire Heritage Study Stage 2, 2013 (Volumes 1-4). This study was funded by the State Government through the Victorian Heritage Fund and supported by Council.

Stage 1 was completed in 2009 and included a draft thematic environmental history and a database of 750 places of potential heritage significance.

Stage 2 included a detailed assessment of some of the 750 places identified in Stage 1 and recommended that the HO be applied 60 individual sites and nine precincts.

The Stage 2 report provides the basis for the Amendment.

2 Discussion of issues

The submission from the Mahers opposed the Amendment and raised general issues about the application of heritage controls. These issues are discussed below.

2.1 Heritage values

2.1.1 Submissions

The Mahers submitted:

*Some of the property's (sic) that have been listed have had renovations done to them and there is nothing of 'Heritage' value remaining in some areas of the original building and others have **NO Heritage Significance** such as the 20 year old fibro homes/sheds etc.*

Council submitted:

All properties were identified and assessed by professional and respected Heritage consultants who were appointed by Council and recommended by Heritage Victoria.

2.1.2 Discussion and conclusion

The Mahers did not identify any specific sites that do not warrant the HO, nor did they challenge any of the citations in the Strathbogie Shire Heritage Study on which the Amendment is based and the sites nominated. For these reasons, it is difficult to respond to this element of the submission.

The Panel relies on Council's submissions about the competence and thoroughness of the Strathbogie Shire Heritage Study and is satisfied that, in the absence of any material or evidence to the contrary, it provides a sound basis for the Amendment.

2.2 Lack of community support

2.2.1 Submissions

The Mahers submitted:

*As a ratepayer, why was this done? The people in the houses did not ask for this to happen. If they wanted their house to be listed a heritage building, then that would be different. But there was **NO Consultation** from the Council regarding the Amendment.*

The people who live in these houses, it is THEIR HOMES and it should stay as Residential. It is not cultural or heritage to them and if they want this they will come and seek Heritage listed (sic) themselves.

Council submitted:

Council has a requirement under the Planning and Environment Act to identify, assess and protect properties of Heritage significance.

In addition as part of the consultation phase, all landowners were notified.

2.2.2 Discussion

The Panel agrees with Council that it has an obligation to protect the Shire's heritage values.

Section 1 of the Act establishes that one of the "objectives of planning in Victoria" is:

to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

The need to protect the Shire's heritage is also explicit throughout the Strathbogie Planning Scheme, including the following clauses:

- 11.10 - Hume regional growth
- 15.03-1 - Heritage conservation
- 21.04-8 – Heritage.

Clause 21.04-8 (Heritage) also foreshadows that Council will "Complete and implement relevant recommendations in the Heritage Study".

The Panel is satisfied that the Amendment is consistent with and implements Council's obligations to protect heritage under the Act and the Planning Scheme.

In terms of community consultation, the Panel notes that the Strathbogie Shire Heritage Study involved community consultation with affected landowners and through a broad based steering committee. Property owners were also notified of the Amendment and there were no site-specific objections to any of the 55 individual properties proposed for the HO.

2.3 Devaluation of properties

2.3.1 Submissions

The Mahers submitted:

The Amendment will devalue the properties. Heritage listed property's (sic) are harder to sell and receive lower buyer interest due to planning restrictions.

Council submitted:

Valuations cannot or should not be considered as planning grounds. In addition, there is no evidence submitted that Heritage identification or controls devalues properties.

2.3.2 Discussion

The Panel agrees with Council's submission that impacts on property values are not typically a planning consideration. In any event, the Mahers did not provide any evidence or material in support of their contention that the Amendment will "devalue" properties.

2.4 Conclusion

The Panel does not believe that any of the issues raised in the Maher's submission warrant the Amendment being changed or abandoned. The Panel is satisfied that Amendment C4 Part 1 to the Strathbogie Planning Scheme should be adopted.

PLANNING COMMITTEE REPORT NO. 2 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)

**7.2 Planning Applications Received
- 18 January to 8 February 2017**

Following are listings of Planning Applications Received for the period 18 January to 8 February 2017.

RECOMMENDATION

That the report be noted.

10/17 CRS WILLIAMS/MASON : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.04 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

PLANNING APPLICATIONS RECEIVED

Friday, 20 January 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1195 Euroa-Strathbogie Road, KELVIN VIEW VIC 3666	P2017-003	Development of Land for an Agricultural Shed	Goulburn Valley Buildings	\$14,763.00

Monday, 23 January 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
145 Drysdale Road, Euroa VIC 3666	P2017-004	Two (2) Lot Subdivision	T & C Developments-Troy Spencer	\$0.00

Tuesday, 24 January 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
284 Galls Gap Road, Gooram VIC 3666	P2017-002	Development of land for an Agricultural Shed	Phil Lacey	\$40,000.00

Friday, 27 January 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
4 Main Street, Strathbogie VIC 3666	P2017-006	Development of land for a carport	MATHEWS, Mary Ruth	\$4,474.00

Monday, 6 February 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
18 Grandview Road, Kirwans Bridge VIC 3608	P2017-007	Use and development of land for a Dwelling	GODFREY, Patrick John	\$500,000.00
554 Creightons Creek Road, Creightons Creek VIC 3666	P2016-061 - 1	Re-subdivision of the land into two (2) lots	Graeme Schneider - Monger & Tomkinson	\$0.00

*NB – '\$0.00 in Cost of Works means either no development, endorsement of plans or amendment to the original permit

Example Legend	Description
P2014-001	Planning permit application
P2014-001-1	Proposed amendment to a planning permit