



## STRATHBOGRIE SHIRE COUNCIL

### PLANNING COMMITTEE

# MINUTES

OF THE MEETING HELD ON TUESDAY 28 JUNE 2016

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

**Councillors:** Malcolm Little (Chair) (Hughes Creek Ward)  
Colleen Furlanetto (Seven Creeks Ward)  
Alister Purbrick (Lake Nagambie Ward)  
Robin Weatherald (Mount Wombat Ward)  
Graeme (Mick) Williams (Seven Creeks Ward)

**Officers:** Steve Crawcour - Chief Executive Officer  
Phil Howard - Director, Sustainable Development  
Emma Kubeil – Executive Manager, Sustainable Development  
Kathryn Pound – Manager, Planning  
Cameron Fraser – Senior Planner  
Roy Hetherington - Director, Asset Services  
David Woodhams – Director, Corporate and Community

#### **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

Councillor Patrick Storer (Honeysuckle Creek Ward)  
Councillor Debra Swan (Lake Nagambie Ward)

4. Confirmation of Minutes of the Planning Committee meeting held on 14 June 2016

27/17 **CRS FURLANETTO/WILLIAMS** : *That the Minutes of the Planning Committee meeting held on 14 June 2016 be confirmed.*

**CARRIED**

**Cr Weatherald called for a division**

For the Motion

Cr Furlanetto  
Cr Williams  
Cr Purbrick  
Cr Little

Against the Motion

Cr Weatherald

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, PLANNING – KATHRYN POUND)**

**7. OTHER BUSINESS**

**7.1 Strathbogie Planning Scheme Amendment C04**

**Report Description**

The report recommends that Council abandon part two of Amendment C04, and proceed with part one.

To proceed with part one of the amendment, it is recommended that Council adopt Amendment C04 (Part one), contact nine submitters whose submissions require further resolution, then submit Amendment C04 (Part one) to the Minister for Planning for approval.

**Author & Department**

Manager, Planning / 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**

At a Planning Committee Meeting on 27 May 2014, Council resolved to prepare planning scheme Amendment C04 to enact the recommendations of the Strathbogie Heritage Study September 2013 (the heritage study).

The amendment was subsequently put on public exhibition until 19 December 2014. A total of 63 submissions were received in relation to the amendment, including 60 submissions of objection made by owners of properties throughout the Shire.

At a Planning Committee Meeting on 14 July 2015, Council considered the submissions 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 Strathbogie 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 Strathbogie Planning Scheme of HO18 to HO19, to reflect to correct property (Mrs Kissocks Grave, Tames Road, Strathbogie)*
  - b. *Authorise the Manager Sustainable Development, to investigate outstanding submissions further by:*
    - i. *Engaging a Heritage Advisor to review selected properties.*

7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

- ii. Developing an incorporated document.*
- c. Seek review of amendment (part two) if required by an independent panel i.e. Planning Panels Victoria.*

Council Officers subsequently sought the Minister for Planning's approval of part one of the amendment as per part 1a) of the resolution. However the Department of Environment, Land, Water and Planning subsequently advised Council Officers that the amendment could not be processed until some outstanding matters were addressed. Specifically this was the resolution of some of the objections which could be interpreted as relating to the individual places as well as to the precincts and the formal adoption by Council of part one of the amendment.

Council Officers recently wrote to (and subsequently contacted by phone) nine submitters whose submissions raised general issues with the heritage overlay and/ or could be interpreted as relating to the individual places as well as to the precincts. The responses received to date have generally been that there are on-going concerns with all aspects of the amendment. Notwithstanding this, Council Officers are of the view that there is still an opportunity for these submitters to change and/ or clarify their position, once Council has formally abandoned part two of the amendment. This is because all nine submitters own properties within the precincts, as well as being based on anecdotal feedback.

If Council resolves on the recommendations put forward in this report, Council Officers will contact the nine submitters and again ask them to clarify their position, prior to lodging part one of the amendment with the Minister for Planning for approval.

In summary, in order to be able to proceed with part one of the amendment, it is now recommended that part two of the amendment be abandoned. It is also recommended to await further budget and/ or resource allocations before pursuing part two of the amendment again (as a new and separate planning scheme amendment), at some point in the future.

**RECOMMENDATION**

**That Council:**

- 1. Abandon part two of Amendment C04.**
- 2. Adopt part one of Amendment C04 as set out in this report.**
- 3. Contact the submitters who raised general issues with the heritage overlay and/ or could be interpreted as relating to the individual places as well as to the precincts to resolve their submissions as set out in this report.**

7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

RECOMMENDATION (cont.)

4. **Submit Amendment C04 (Part one) to the Minister for Planning for approval.**
5. **Direct the Executive Manager Sustainable Development to investigate funding options for C04 (Part two) for future Council consideration.**

28/16 **CRS FURLANETTO/WILLIAMS** : *That the Recommendation be adopted.*

**CARRIED**

**Cr Weatherald voted against the Recommendation.**

### **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.

## 7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

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)

### 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:

2. *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 Strathbogie 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 Strathbogie Planning Scheme of HO18 to HO19, to reflect to correct property (Mrs Kissocks Grave, Tames Road, Strathbogie)*
  - 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 as per part 1a) of the resolution.

## 7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

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 seeks to address the second issue, by having Council formally adopt the amendment.

In order to respond to the first issue, Council Officers recently wrote to (and subsequently contacted by phone) nine submitters whose submissions raised general issues with the heritage overlay and/ or could be interpreted as relating to the individual places as well as to the precincts. The responses received to date have generally been that there are on-going concerns with all aspects of the amendment.

Notwithstanding this, Council Officers are of the view that there is still an opportunity for these submitters to change and/ or clarify their position, once Council has formally abandoned part two of the amendment. This is because all nine submitters own properties within the precincts, as well as being based on anecdotal feedback.

If Council resolves on the recommendations put forward in this report, Council Officers will contact the nine submitters and again ask them to clarify their position, prior to lodging part one of the amendment with the Minister for Planning for approval.

Overall, in order to be able to proceed with part one of the amendment, it is now recommended that part two of the amendment be completely abandoned. It is also recommended to await further budget and/ or resource allocations before pursuing part two of the amendment (as a new and separate planning scheme amendment), at some point in the future.

If budget/ resource allocations do become available, the process to pursue part two of the amendment would most likely involve engaging a Heritage Advisor to review the precincts, with particular regard to the concerns raised by the community. The heritage study may then need to be revised or updated to incorporate the findings of the Heritage Advisor. A new planning scheme amendment would then have to be undertaken, including full public exhibition and panel hearing (in the event that submissions are received and are not able to be involved).

### Adoption of part one of the amendment

As outlined in the report to the 14 July 2015 Planning Committee Meeting, part one of the amendment recommended for adoption involves the inclusion of the 55 individual sites into the Heritage Overlay as per the exhibited amendment.

## 7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

Specifically, this involves the following changes to the Strathbogie Planning Scheme:

- i. Amend Clause 21.08 Reference Documents to include reference to Strathbogie 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 Strathbogie Planning Scheme of HO18 to HO19, to reflect to correct property (Mrs Kissocks Grave, Tames Road, Strathbogie)

### **Alternative Options**

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

- Not abandon part two of Amendment C04, but further investigate the submissions received, in accordance with the previous Council resolution parts 1 b) and c) (made at the Planning Committee Meeting on 14 July 2015).
- Abandon both parts of Amendment C04.

### **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”*.

While part two of the amendment is proposed to be abandoned at this stage in time, it is recommended to be pursued in the future when additional budget/ resources are available.

### **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**

As recommended, Council Officers will be able to undertake the work necessary to finalise part one of the amendment without any financial/ budget implications.

However, a further budget/ resource allocation is required in the future to pursue the recommendations of the heritage study that are not being implemented by Amendment C04 (Part one).

## 7.1 Strathbogie Planning Scheme Amendment C04 (cont.)

### **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.

In recommending to abandon part two of the amendment, community concerns about the heritage precincts are sought to be allayed. This is by deferring their consideration and potential implementation until a time when sufficient budget/resource allocation is available to properly investigate and respond to the submissions.

### **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.

### **Consultation**

Full public exhibition and notification of both parts of the amendment was undertaken in late 2014 in accordance with the requirements of the *Planning and Environment Act 1987*.

If the recommendation put forward is resolved on, Council Officers will contact the nine submitters previously discussed and again ask them to clarify their position, prior to submitting the amendment to the Minister for Planning for approval.

### **Attachments**

Nil.

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

**7.2 Planning Applications Received  
- 8 to 22 June 2016**

Following are listings of Planning Applications Received for the period 8 to 22 June 2016.

**RECOMMENDATION**

**That the report be noted.**

29/16 **CRS WILLIAMS/PURBRICK** : *That the Recommendation be adopted.*

**CARRIED**

**THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.12 P.M.**

Confirmed as being a true and accurate record of the Meeting

.....  
Chair

.....  
Date

## Planning Applications Received

Wednesday, 8 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
47 Young Street, Nagambie VIC 3608	P2016-081	Use & Development of land for a jetty	Kevin Phelan	\$3,500.00

Thursday, 9 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
21 Grenada Road, Mangalore VIC 3663	P2016-079	Development of land for a dwelling	Patrick O'Connor	\$450,000.00
3712 Heathcote-Nagambie Road, Bailieston VIC 3608	P2015-054 - 4	Subdivision of three (3) parcels into five (5) lots	Denise Verrocchi	\$0.00
48-52 Graham Street, 12-14 Boundary Road North, Euroa VIC 3666	P2016-080	Development of land for a Rural industry (egg sorting facility), removal of native vegetation (2 trees) and creation of an access easement	Bruce Mitchell	\$300,000.00

Tuesday, 14 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
84-102 Livingstone Street, Avenel VIC 3664	P2016-082	Two (2) lot subdivision and creation of a sewer easement	Troy Spencer	\$0.00 *

Thursday, 16 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
706 Euroa-Strathbogie Road, Euroa VIC 3666	P2016-083	Development of land for an extension to an existing dwelling and construction of a machinery shed	Jennifer Vidler	\$180,000.00

Wednesday, 22 June 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
27 Kettels Road, Kirwans Bridge VIC 3608	P2016-085	Development of land for a boat ramp and retaining wall	Anthony Carrigg	\$7,000.00

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

### Planning Applications Received Legend

<b>Example Legend</b>	<b>Description</b>
P2014-001	Planning permit application
P2014-001- <b>PC 1</b>	Plans to comply with a condition on the permit
P2014-001-1	Proposed amendment to a planning permit