



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

MINUTES

OF THE MEETING HELD ON TUESDAY 11 AUGUST 2015

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

Councillors:

Malcolm Little (Chair)	(Hughes Creek Ward)
Colleen Furlanetto	(Seven Creeks Ward)
Patrick Storer	(Honeysuckle Creek Ward)
Debra Swan	(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 - Manager, Sustainable Development
Jennifer Boyle - Assistant Manager, Sustainable Development
Roy Hetherington - Director, Asset Services

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 Alister Purbrick	(Lake Nagambie Ward)
Kristina Murray - Planner	
David Woodhams – Director, Corporate and Community	

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 28 July 2015

45/15 **CRS FURLANETTO/SWAN** : *That the Minutes of the Planning Committee meeting held on Tuesday 28 July 2015 be confirmed.*

CARRIED

5. Disclosure of Interests

Nil.

6. Planning Reports

7. Other Business

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

7. OTHER BUSINESS

7.1 Strathbogie Planning Scheme Amendment C32

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:

Strathbogie Planning Scheme Amendment C32 was prepared by the Strathbogie Shire Council as the Planning Authority at the request of Euroa Developments Pty Ltd.

The amendment applies to approximately 67 hectares of land to the south west of Euroa, known as Lot 2 PS300732, 72 Golf Course Road, Euroa. It is generally bound by Euroa Main Road to the north west, Golf Course Road and the Euroa Golf Course to the east, the Hume Freeway to the south and the Euroa Arboretum to the west, as shown on the plan below.



Figure 1 – Subject Site

Strathbogie Planning Scheme Amendment C32 proposes to:

- Rezone the land from Farming Zone to Low Density Residential Zone.
- Apply the Development Plan Overlay with a new Schedule to the whole of the Site.
- Apply a Vegetation Protection Overlay to part of the site to enhance the protection of the remnant vegetation on the western boundary between the subject site and the Euroa Arboretum.

7.1 Strathbogrie Planning Scheme Amendment C32 (cont.)

- Apply a Environmental Significance Overlay to part of the land at the request of Goulburn Valley Water to ensure that land uses do not impact on the operation or expansion for sewerage and waste water treatment and disposal at 34 Euroa Tip Road, Euroa (Euroa Sewerage Ponds).

The Urban Floodway Zone and Floodway Overlay currently applying to the land will not be altered.

The amendment was placed on public exhibition between 18 September 2014 to the 20 October 2014. Eight (8) submissions were received including two that opposed the Amendment.

Council at its meeting of 10 March 2015 resolved to refer the submission to a Panel. As a result, a Panel was appointed under delegation from the Minister for Planning to consider the Amendment on the on 10 April 2015 and comprised Mr Tim Wimbush (Chair).

A Panel Hearing was held in Euroa on Wednesday 3 June 2015. The Panel undertook an unaccompanied inspection of the Amendment site and surrounding area prior to and during the Panel Hearing.

The following submissions were made at the hearing:

- Representing the Strathbogrie Shire Council – Emma Kubeil (Manager Sustainable Development) and Casey Collins (Contract Planner);
- Representing the Proponent, Euroa Developments, - Tim Radisich assisted by Bernie Koolstra; and
- Representing the Euroa Arboretum – Ms Shirley Saywell assisted by Kate Stothers and Charlie Brydon and called expert evidence from Lance Williams in landscape ecology.

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

The Panel Report, attachment 1, dealt with the following issues:

- Planning Context
- Flora and fauna
- Drainage and sewerage
- Other issues
 - VicRoads
 - The proposed zoning of the Waste Water Management Facility buffer
 - Landscape ~~Buffer~~ Buffer
 - Submissions not requiring a change to the Amendment

7.1 Strathbogie Planning Scheme Amendment C32 (cont.)

The Panel concluded:

“The Panel concludes that the Amendment is supported in State and local policy, and subject to the changes recommended in the DPO Schedule 4, that the Amendment should proceed generally as exhibited. There are a number of issues that will need to be addressed at the subdivision and development stage but the Panel is satisfied that they can be managed within the framework provided by the Amendment.”

The Panel recommended:

1. *Adopt Strathbogie Planning Scheme Amendment C32 as exhibited but applying the Development Plan Overlay Schedule 4 as shown in Appendix A.*

A copy of the Panel Report has previously been distributed to Councillors and is tabled for identification and information purposes.

RECOMMENDATION

That Council:

Having considered the Panel Report, adopt Strathbogie Planning Scheme Amendment C32 in accordance with Section 29(1) of the *Planning & Environment Act 1987*, with the following changes:

1. **Amend the Development Plan Overlay Schedule to reflect the changes recommended by Planning Panels Victoria.**
2. **Amend Schedule to Clause 66.04 to include Goulburn Valley Water as the relevant referral authority for any development in the Schedule 2 to the Environmental Significance Overlay and include as part of Planning Scheme Amendment C32.**
3. **Submit adopted Planning Scheme Amendment C32 to the Minister for Planning to approve and incorporate into the Strathbogie Planning Scheme, pursuant to Section 31(1) of the *Planning & Environment Act 1987*.**

46/15 CRS FURLANETTO/WEATHERALD : That the Recommendation be adopted, subject to correction to terminology in dot point 3 on page 2, and additional word in Recommendation 1, as shown by strikethrough, italics and underlining.

Background

The *Development Plan Report: Euroa and Avenel Rural Residential Development, April 2010*, identified the subject land as suitable future rural residential development. As the land is currently within the Farming Zone, the provisions of the Strathbogie Planning Scheme do not allow subdivision for residential allotments, an amendment to the planning scheme is required to facilitate the low density residential development of the land.

7.1 Strathbogrie Planning Scheme Amendment C32 (cont.)

In 2009, Council resolved to seek authorisation to commence the Planning Scheme Amendment and conditional authorisation was granted. Conditions relating to native vegetation on site needed to be addressed and the inclusion of a Vegetation Protection Overlay. Due to the complexity of the nature of completing an assessment of the site for Native Vegetation, the authorisation lapsed.

Having regard for the landowner, it was determined to continue with the rezoning of the land. Council officers reviewed the file and completed an assessment of the site. A Land Capability Assessment was carried out and consultation with Council's Environmental Health Officer and Goulburn Valley Region Water Corporation was undertaken. In addition consultation with the Department of Environment and Primary Industries occurred to resolve concerns in relation to native vegetation.

Council at its meeting of 10 December 2013 resolved:

1. That Strathbogrie Shire Council seek authorisation from the Minister for Planning to prepare Amendment C32.
2. That, upon receipt of the Minister's authorisation, Strathbogrie Shire Council prepare and exhibit Amendment C32 to the Strathbogrie Planning Scheme, formally exhibiting the amendment for a period of not less than one calendar month after the date that notice is published in the Government Gazette.

Formal exhibition of the amendment was undertaken from the 18 September 2014 to the 20 October 2014. Notice was given to; prescribed Ministers, Referral Authorities and adjoining landowners. Additionally a public notice was placed in the Government Gazette and Euroa Gazette.

Six (6) submissions were received from referral authorities, as detailed in the Panel Report, with the Goulburn Valley Water and APA Group providing no objection. VicRoads, Department of Environment and Primary Industries, Goulburn Murray Water and Goulburn Broken Catchment Management Authority requested minor changes to the proposed Schedule 4 to the Development Plan Overlay. The requested changes have been made to the proposed schedule.

Two (2) submissions were received from members of the public with both posing an objection to the proposed amendment, as detailed in the Panel Report. Council Officers provided an opportunity for mediation to resolve the concerns which included phone calls, letters and a mediation meeting held individually between submitters, Council Officers and the landowner.

Neither of the submitters withdraw their objection, therefore the amendment proceeded to an Independent Panel and allow all parties to be heard.

Alternative options

Council may wish to consider the request as not appropriate and not process the amendment any further.

Risk Management

There are no risk management issues associated with the submission.

7.1 Strathbogie Planning Scheme Amendment C32 (cont.)

Strategic links - policy implications and relevance to Council Plan

The proposed framework is consistent with the strategic intent of the Council Plan; in particular *Goal 7 An organisation that meets the community's needs and expectations with responsive, innovative customer service and management (Organisation)*.

This area is also identified in the Euroa Structure Plan within the Strathbogie Planning Scheme Municipal Strategic Statement for *"Future residential & rural living growth"*.

Best Value/National Competition Policy (NCP)/Trade Practices Act (TPA) Implications

The submission is consistent with NCP policy.

Financial/Budgetary implications

This is a proponent driven amendment, and thus Council's costs are contained within the existing operational budget. The cost of panel is to be worn by the applicant as it is a proponent driven amendment, not Council.

Economic implications

The amendment will assist in creating a variety of lot sizes which are currently unavailable within the Euroa Township. This amendment will have positive economic implications.

Environmental/Amenity implications

The application of the Vegetation Protection Overlay is required to protect significant vegetation along the northern and western boundaries of the site.

The inclusion of part of the site in the Environmental Significance Overlay has come at the request of Goulburn Valley Water (GVW) due to the location of the Euroa Wastewater Management Facility to the north of the site. GVW and Council recognise the need to provide a buffer around this facility to protect it and provide security for its long term operations.

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 rural residential use and development of the land.

The application of the Development Plan and Vegetation Protection Overlays seek to ensure the achieving of an orderly and integrated development which provides for the protection of natural resources and the maintenance of ecological processes while creating an efficient and pleasant environment for future residents and visitors.

The application of the Environmental Significance Overlay to part of the site also implements the objectives of planning in Victoria as it recognises an established and important land use and seeks to protect the continued operations of this facility into the future.

7.1 Strathbogie Planning Scheme Amendment C32 (cont.)

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 Planning Scheme Amendments is governed by the *Planning and Environment Act 1987*.

Consultation

Full formal exhibition was undertaken and submissions were sought and those unresolved were referred to the independent panel hearing.

Attachments

1. Amended Schedule to Development Plan Overlay
2. Amended Schedule to Clause 66.04

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DDMMYYYY
C32 **SCHEDULE 4 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as DPO4

EASTERN GATEWAY, EUROA

1.0 Requirement before a permit is granted

DDMMYYYY
C32

Before any new use, development or subdivision commences, a development plan must be prepared and approved by the Responsible Authority.

A permit may be granted before a development plan has been prepared for the purpose of:

- subdividing land into two allotments or re-subdividing existing allotments so as to not increase the number of lots;
- a single dwelling on a lot; or
- any buildings and works associated with the ongoing maintenance or operation of the subject site.

2.0 Conditions and requirements for permits

DDMMYYYY
C32

An application for planning permit must include, a stormwater management plan detailing how stormwater will be collected and treated within the development. The plan must be prepared in accordance with the Infrastructure Design Manual and consider ongoing maintenance of the stormwater management measures.

Conditions, as appropriate, must be included on any planning permit issued to subdivide or develop land with regard to recommendations made by the assessments and specialist reports submitted in support of the Development Plan.

3.0 Requirements for development plan

DDMMYYYY
C32

A Development Plan must be prepared to the satisfaction of the Responsible Authority to guide the future subdivision, use and development of land known as Eastern Gateway Euroa.

The Development Plan may be amended to the satisfaction of the Responsible Authority.

The Development Plan must demonstrate, as appropriate:

- General consistency with the *Euroa & Avenel Rural Residential Development – Development Plan Report April 2010*.
- The proposed subdivision layout or the proposed development of the land, including roads, lot size, areas of open space and recreation, pedestrian and bicycle links, equestrian trails, drainage retention areas, and any staging of the development.
- That each lot will be connected to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.
- Where accessways cross the 1% AEP floodplain area, they must be designed to ensure no adverse impacts occur to adjoining areas, and to be designed to ensure that the depth of flooding is less than 0.3metres to the satisfaction of the floodplain management authority.
- Building envelope/exclusions area concept plan complying with the following:

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- Building envelopes must not be placed in areas where the water will be greater than 0.3 metres deep in a 1% AEP flood event.
- Natural overland flow paths should be retained in principle.
- Appropriate building/infrastructure setbacks (a minimum of 30 metres) to water features.
- Exclusion areas within the Urban Floodway Zone.
- Building and development exclusion areas within remnant vegetation on the western boundary.
- Appropriate setbacks for buildings and infrastructure (a minimum of 30 metres) should be considered in the design layout for the development.
- Responsiveness to the site's constraints and opportunities and adjoining land uses and neighbouring buildings and works.
- The location of any significant environmental, cultural, heritage and/or ecological (faunal and/or floral) features including remnant vegetation, habitat corridors, wetlands, watercourses, fire or flood prone and saline areas, and historic sites.
- Stormwater management methods to ensure no increase in runoff from the site, including the location of any on-site drainage retention facilities.
- Arrangements for the provision of all physical infrastructure to the land including vehicle access arrangements.
- The protection and enhancement of the existing Euroa Arboretum on the western boundary of the site.
- Provision of a landscape buffer along the Euroa Main Road frontage to help define the Eastern Gateway role of the site.

The Development Plan must include, where required by the Responsible Authority:

- An environmental assessment of the land, involving a flora and fauna survey, which, among other things, identifies the health and habitat value of all native vegetation and prepared in accordance with current Biodiversity Assessment Guidelines.
- A vegetation management plan for the remnant vegetation along the western and southern boundaries of the site including consultation with the Euroa Arboretum Committee of Management.
- A drainage and flood investigation report to determine the requirements for mitigating works to manage the retaining and redirecting of flows from the designated water way of the western side of the development plan area. The investigation report will also need to incorporate the Castle Creek anabranch and the minor waterway in the northern portion of the subject site.
- A preliminary survey of the area for aboriginal archaeological sites and preliminary cultural heritage assessment to determine whether a Cultural Heritage Management Plan, in terms of the Aboriginal Heritage Act 2006, is required.
- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land and, if detected, a more detailed assessment outlining the location of the contaminated soil, the type of contaminants detected, and the strategies required to be undertaken to decontaminate the affected areas in accordance with the Minister's Direction No. 1 – Potentially Contaminated Land.
- A traffic impact assessment report to the satisfaction of the Roads Corporation (VicRoads), that identifies:
 - Appropriate access and circulation of vehicles on the existing and future road network.
 - The works necessary to accommodate traffic generated by the development and to mitigate any adverse impacts of the development.

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- o The trigger points for any additional traffic infrastructure such as upgrades to existing intersections.
 - o Considers the broader arterial road network
- An acoustic report to consider the noise impact and mitigation measures for the Hume Freeway.
- An infrastructure plan approved by the Responsible Authority, which identifies the anticipated staging and timing of the provision of infrastructure. The infrastructure plan should address, as appropriate:
 - o The provision, staging and timing of stormwater drainage works.
 - o The provision, staging and timing of roadworks, both internal and external in accordance with the approved traffic management plan.
 - o The provision, staging and timing of landscaping works for local parks, stormwater drainage reserves and regional landscaping works.
 - o The securing of the infrastructure and utility services as may be necessary by way of an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* or by other means acceptable to the Responsible Authority.
 - o Any other infrastructure related matter reasonably requested by the Responsible Authority associated with the subdivision of land.
 - o Identification of any agency or person responsible for provision of particular items of infrastructure.

Before approving the Development Plan, the Responsible Authority must consider the following, and may include conditions where appropriate:

- The environmental, ecological, landscape, archaeological, cultural heritage and historical values and features of the site.
- The provision of at least 100,000 litres of static water storage where reticulated water is not available and at least 20,000 litres where reticulated water is available for fire fighting purposes and onsite use.
- The need for any agreement to be made pursuant to the provisions of Section 173 of the *Planning and Environment Act 1987* with respect to matters arising from the proposed use and development.
- Any requirements and/or views of the Strathbogie Shire Council and referral authorities regarding urban design and landscaping, traffic works, stormwater disposal, engineering works, environmental protections and enhancement, sewerage, drainage, fire or flood mitigation works required to properly service the proposed use and development of the land.

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XXXXXXXXXX
C32 SCHEDULE TO CLAUSE 66.04

Referral of permit applications under local provisions

Clause	Kind of application	Referral authority	Type of referral authority
Schedule 2 to Clause 45.02 (AEO)	Applications for uses listed in Schedule 2.	Airport owner	Determining referral authority
Schedule 2 to Clause 42.01 (ESO)	An application for any development.	Goulburn Valley Region Water Authority	Determining referral authority

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

**7.2 Planning Applications Received
- 23 July to 5 August 2015**

Following are listings of Planning Applications Received for the period 23 July to 5 August 2015.

RECOMMENDATION

That the report be noted.

47/15 **CRS SWAN/STORER** : *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, 22 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
10 Sevens Avenue, Euroa VIC 3666	P2015-081	Use of land for a Medical Centre and reduction of car parking	Kate Reid	\$0.00*

Thursday, 23 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
341 Galls Gap Road, Gooram VIC 3666	P2015-082	Development of land for a dwelling, two outbuildings, and a verandah for a studio	T & C Developments	\$340,000.00

Friday, 24 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
140 Euroa-Shepparton Road, Euroa VIC 3666	P2015-084	Use and Development of land for a single dwelling	Graeme Schneider	\$300,000.00
2135 Euroa-Mansfield Road, Gooram VIC 3666	P2015-085	Development of land for an extension to a dwelling	Troy Spencer	\$17,500.00
67 Tames Road, Strathbogie VIC 3666	P2015-083	Development of land for an extension to an existing dwelling	PENNY, Kylie Anne	\$75,000.00

Monday, 27 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
140 Vearings Road, Avenel VIC 3664	P2015-086	Ninety Two (92) Lot Staged Subdivision	Troy Spencer	\$0.00*
24 Brock Street, Euroa VIC 3666	P2015-087	Two (2) Lot Subdivision, creation of a Road Reserve & Use & Development of Land for a Dwelling	Strathbogie Shire Council	\$0.00*
259-261 High Street, Nagambie VIC 3608	P2015-088	Use of land for a liquor licence	Alan Weir	\$0.00*

Tuesday, 28 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
33 Penrose Street, Nagambie VIC 3608	P2015-089	Two (2) lot subdivision	DEW, Steven Peter	\$0.00*

Wednesday, 29 July 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
5 Railway Street, Violet Town VIC 3669	P2015-090	Development of land for an extension to a dwelling	Neal Cartledge	\$12,000.00

Tuesday, 4 August 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
16 Goulburn Street, Nagambie VIC 3608	P2015-091	Subdivide land into three (3) lots and development of three (3) dwellings	CBA Building Designers	\$700,000.00

*NB – ‘Not applicable’ 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- PC 1	Plans to comply with a condition on the permit
P2014-001-1	Proposed amendment to a planning permit